



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, FEBRUARY 22, 2016
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor John Eberhart presiding and with the following Council Members in attendance:

Council Members Present: Joy Huntington, Seat A
Jim Matherly, Seat D
Jerry Cleworth, Seat E
David Pruhs, Seat F

Absent: Perry Walley, Seat B (out sick)
Bernard Gatewood, Seat C (excused)

Also Present: Clem Clooten, Building Official
Ernie Misewicz, Assistant Fire Chief
Margarita Bell, Controller
Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Stephanie Johnson, Dispatch Center Manager
Angela Foster-Snow, HR Director
Verg Scott, Public Works General Foreman
Bob Pristash, City Engineer IV
Jeff Jacobson, Chief of Staff
Jim Styers, Fire Chief
Eric Jewkes, Deputy Police Chief
Phil Sanders, Facilities Manager
JB Brainerd, Deputy City Attorney

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation..

CITIZEN'S COMMENTS

Helen Renfrew, 1915 Central Avenue, Fairbanks – Ms. Renfrew stated she was in attendance on behalf of Explore Fairbanks. She stated that the mission of Explore Fairbanks is to be an economic driver in the Fairbanks region by marketing to potential visitors and by optimizing the visitors' experience. She spoke to awarding volunteers and ambassadors and to the Spring Gala

that was held to recognize their volunteer efforts. Ms. Renfrew thanked the City of Fairbanks for reinvesting bed tax dollars into destination marketing.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated he would like to know what changes were made to the Citizen Participation Pamphlet that was revised and reposted. He asked why he has to address the body as a whole when he has a specific question for a specific Council Member. He stated that Supreme Court Justice Sonja Sotomayor has come out in support of jury nullification and that he wanted to be sure Mr. Cleworth was aware of it. Mr. Turney stated he would like to see a resolution relating to industrial hemp farming when the time comes. He stated he was happy that there was not a shooting at The Higher Calling like there was at Bojangles recently. He stated The Higher Calling has excellent ventilation and that nobody fights in the streets after leaving the club.

Mr. Cleworth asked Mr. Turney if he had an opportunity to read the revised Citizen Participation Pamphlet. Mr. Turney replied that he did not have his glasses but that he will read over it and let Mr. Cleworth know if he had any other comments.

Mr. Pruhs asked if the City Council had passed a resolution in support of industrial hemp. Mr. Turney stated that former Council Member Lloyd Hilling sponsored a resolution encouraging the use of industrial hemp; he stated that it is something that should be revisited.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated that he looked through his old Council Meeting notes and that he has been asking about public restrooms since 2013. He stated that the City wants to turn the South Side into the “Shangri-La” and questioned the purpose of all the upgrades. He questioned whether the purpose for the improvements is to drive up property taxes so people could no longer afford to live in the area. Mr. Buberger stated he wants to know which realtors are driving the upgrades and requested that executive sessions be made public. He stated Fairbanks Police Department (FPD) employees get a hiring incentive bonus and commented that he should get the same bonus if he finds someone hireable. He stated that the City will improve an entire City block but refuses to build a public restroom.

Hearing no more requests for public comment, **Mayor Eberhart** declared Public Testimony closed.

APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Matherly, seconded by **Mr. Pruhs**, moved to APPROVE the Agenda and Consent Agenda.

Mr. Cleworth pulled Resolution No. 4720 from the Consent Agenda.

Mayor Eberhart requested that Employee Awards be moved up on the Agenda to be taken care of before special orders.

Mr. Cleworth, seconded by **Mr. Matherly**, moved to AMEND the Agenda to have Employee Annual Awards moved ahead of Special Orders.

Mayor Eberhart called for objection and, hearing none, so ORDERED.

City Clerk Snider read the Consent Agenda, as Amended, into the record.

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of November 23, 2015.

APPROVED on the CONSENT AGENDA.

EMPLOYEE ANNUAL AWARDS

Mayor Eberhart gave a brief history of employee awards; he stated that employees are awarded for performance, community service, cooperation, safety, outstanding public service and unique contributions to improve City services. He presented the following 2015 Employee of the Year Certificates to employees along with a certificate for 25,000 Alaska Airlines miles:

- Professional Achievement – Controller Margarita Bell, Finance
- Customer Service – Officer Doug Welborn, FPD
- Community Service – Captain Mike Gho, Fire Department
- Safety – Phil Pettman, Public Works

SPECIAL ORDERS

a) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the following Liquor License Applications for Renewal:

Lic. #	DBA	License Type	Licensee	Premise Location
104	Red Lantern Steak & Spirits	Beverage Dispensary	Westmark Hotels, Inc.	813 Noble St
252	Club Alaskan	Beverage Dispensary	Jerwater, Inc.	901 Old Steese Hwy.
884	Pizza Hut #4	Restaurant/Eating Place	Kurani, Inc.	1990 Airport Way
995	Oaken Keg #2754	Package Store	Safeway, Inc.	3627 Airport Way
999	Oaken Keg #3410	Package Store	Safeway, Inc.	30 College Rd
1475	Pizza Hut #5	Restaurant/Eating Place	Kurani, Inc.	89 College Rd
1920	Gambardella's Pasta Bella	Package Store	Gambardella's II Inc.	706 2nd Ave
2424	Sophie Station Hotel	Beverage Dispensary-Tourism	Fountainhead Development, Inc.	1717 University Ave
3074	Wedgewood Resort	Beverage Dispensary-Tourism	Fountainhead Development, Inc.	212 Wedgewood Dr
3170	The Odom Corporation	Wholesale-General	The Odom Corporation	3101 Peger Rd – Bay 1
3381	Food Factory	Restaurant/Eating Place	CNR Enterprise, LLC	44 College Rd
3489	Arctic Fox Bar	Beverage Dispensary	Arctic Fox Bar, LLC	623 Old Steese Hwy
3616	Wedgewood Resort-Bear Lodge	Beverage Dispensary-Tourism-Duplicate	Fountainhead Development, Inc.	212 Wedgewood Dr
3969	Boom Town Grill and Bar	Beverage Dispensary	JSR, Inc.	537 Gaffney Rd
4156	Holiday#622	Package Store	Holiday Alaska, Inc.	2300 S Cushman St
4174	Big Daddy's Bar B-Q & Banquet Hall	Beverage Dispensary	RTG, LLC	107 Wickersham St
4232	Kodiak Jack's	Beverage Dispensary	JSR, Inc.	537 Gaffney Rd

Lic. #	DBA	License Type	Licensee	Premise Location
4344	Siam Dishes	Restaurant/Eating Place	Air Choummittaphanh & Southsakone	338 Old Steese Hwy.
4247	Brewster's	Beverage Dispensary	Restaurant Concepts, LLC	3578 Airport Way
4395	The Banks Alehouse	Beverage Dispensary	Goethe, LLC	1243 Old Steese Hwy
4772	Ajimi Restaurant	Restaurant/Eating Place	J & BY, Inc.	550 Third Avenue
4831	Wasabi Bay Restaurant	Restaurant/Eating Place	Soon Teack Park	1448 S Cushman St
5266	Fushimi	Restaurant/Eating Place	Fushimi, LLC	607 Old Steese Hwy
5291	The Attic	Beverage Dispensary-Duplicate	The Last Roundup, LLC	2701 S Cushman St (upstairs)
5344	Raven Landing Center	Restaurant/Eating Place	Retirement Community of Fairbanks	1222 Cowles St

Mr. Matherly, seconded by **Mr. Pruhs**, moved to WAIVE PROTEST on all the Liquor License Applications for Renewal.

Mayor Eberhart called for Public Testimony and, hearing none, declared Public Testimony closed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON ALL THE LIQUOR LICENSE APPLICATIONS FOR RENEWAL AS FOLLOWS:

YEAS: Pruhs, Matherly, Huntington, Cleworth

NAYS: None

ABSENT: Gatewood, Walley

Mayor Eberhart declared the MOTION CARRIED.

- b) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the following Abatement Issue:

Determination of clean-up costs and method of recovery for the property located at 833 23rd Avenue, (Lot 7, Block 33, Bjerremark Subdivision), Fairbanks, Alaska.

NOTE: The purpose of the hearing was to:

- 1) Hear and pass upon the clean-up report of expenses;
- 2) Hear any objections or protests to the proposed report;
- 3) Make such revision, correction or modification to the report or the charges as the City Council may deem just, and;
- 4) Determine whether to assign a personal obligation of the property owner or to create a lien against the property.

Mr. Pruhs, seconded by **Mr. Matherly**, moved to ACCEPT the Abatement cost summary.

Mayor Eberhart called for Public Testimony and, hearing none, declared Public Testimony closed.

Mr. Cleworth requested a staff report from Building Official Clem Clooten.

Mr. Clooten stated the property had a fire in 2010 and the Building Department sent a letter in May of 2011 calling for abatement of the property. He stated he that gave the executor of the estate several extensions over the years but that there has been little improvement to the property. He explained that the City cleaned up the property and that the Building Department has not heard from the owner since that time.

Ms. Huntington asked Mr. Clooten if there were something unusual or out of the ordinary with the abatement of 833 23rd Avenue.

Mr. Clooten stated that there was a fire and that the unsound structure presented a hazard to the public. Mr. Clooten stated that it was a typical abatement and clean-up process.

Mr. Pruhs questioned why the bill came in at two times the estimate provided prior to teardown.

Mr. Clooten stated that the demolition of the structure went according to plan but after the building was removed there was a deep depression in the ground that required backfill. He stated that the hole in the ground created a safety concern and had to be filled with additional gravel to make the ground level.

Mr. Cleworth asked why Public Works did not perform the abatement work.

Mr. Clooten stated that in order to expedite the demolition and ensure completion before snowfall, the project went out for RFP.

Mr. Cleworth asked if Public Works was unable to do the abatement.

Mr. Clooten stated that Central Environmental, Inc. (CEI) responded with such a reasonable quote that the City chose to go with a contractor.

Mr. Pruhs asked if there were other abatement projects similar to 833 23rd Avenue going out for public bid.

Mr. Clooten stated that there are upcoming abatement projects that would be going out to bid. He stated that for future abatements, he could request a bid from Public Works.

Mr. Pruhs asked if the property owner was aware of what the abatement would cost.

Mr. Clooten replied that he sent at least five letters to the executor of the estate over three or four years, but that there was not much response.

Ms. Huntington asked if the letters are sent with a return receipt in order to prove that the letters were received.

Mr. Clooten stated that the letters were sent with a return receipt and that the last letter was served personally by an FPD officer.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ACCEPT THE ABATEMENT COST SUMMARY AS FOLLOWS:

YEAS: Matherly, Cleworth, Huntington, Pruhs

NAYS: None

ABSENT: Gatewood, Walley

Mayor Eberhart declared the MOTION CARRIED.

Mr. Pruhs, seconded by **Mr. Matherly**, moved to PLACE A LIEN AGAINST THE PROPERTY located at 833 23rd Avenue.

Mr. Cleworth stated that placing a lien on the property is the correct action to take but that he still did not understand why such a small job was put out for bid. He stated that the issue should be brought up in a Finance Committee meeting for discussion because he did not recall small abatements being put out for public bid.

Mr. Pruhs requested a staff report from Development Manager Patrick Smith; **Mr. Pruhs** asked Mr. Smith whether the City would be in second position to receive funds from the estate if the property went into tax foreclosure.

Mr. Smith stated that the City's lien would be extinguished if the property went into foreclosure.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PLACE A LIEN AGAINST THE PROPERTY LOCATED AT 833 23RD AVENUE AS FOLLOWS:

YEAS: Matherly, Pruhs, Cleworth, Huntington

NAYS: None

ABSENT: Gatewood, Walley

Mayor Eberhart declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart stated that February is African American History month and explained that it is an annual observance within the United States. He spoke to the Bjerremark Subdivision Neighborhood Improvement Plan and addressed why the project is important. **Mayor Eberhart** spoke to Mr. Buberger's question regarding the Bjerremark improvements and explained that 20% of FPD call outs are in that neighborhood. He stated that he requested the neighborhood improvements because the area has been neglected. **Mayor Eberhart** gave Chief of Staff Jeff Jacobson the floor for a report.

Mr. Jacobson stated that the Iron Dog would be taking place in the coming weekend and encouraged everyone to attend. He stated that the Yukon Quest was moved to the Griffin Park area because the river ice was too thin for safe racing. He stated that the Yukon Quest start was such a success that now the Iron Dog will begin at the same location. He spoke the splitting of the PM_{2.5} non-attainment area into two sections and stated that he attended the Borough Assembly meeting where he testified on behalf of the City of Fairbanks. Mr. Jacobson stated

that Fairbanks has serious air quality issues because of PM_{2.5} levels; he shared that the air quality in the City causes serious health issues, aggravates asthma and can increase hospital visits. He summarized the PowerPoint presentation that was given at the Assembly Meeting and explained why the City of Fairbanks must share the responsibility of dropping PM_{2.5} levels.

Mr. Cleworth asked if the Governor or if the Department of Environmental Conservation (DEC) is handling the request to split the non-attainment area.

Mr. Jacobson stated that the Environmental Protection Agency (EPA) has been given the request to split the non-attainment area.

Mayor Eberhart stated that he has requested an Engineering Department employee to research the possibility of vandal-proof public restrooms. He stated that in the summer of 2015 there was a porta-potty placed in Golden Heart Plaza, and it was well received by many of the tourists. He spoke to the Fanano, Italy visitors and stated that he hopes they will come back for the Golden Days celebration. **Mayor Eberhart** spoke to the many activities the Mayor's Office has been involved with since the last Regular City Council Meeting. He spoke to revenue sharing and the impact it has on small, rural communities that do not have any form of tax income. He spoke to the need for a sleep-off center in the City of Fairbanks and stated that incapacitated people will no longer be taken in by the correctional facility.

UNFINISHED BUSINESS

- a) Ordinance No. 6006 – An Ordinance Ratifying a Labor Agreement Between the City of Fairbanks and the AFL-CIO Crafts Council. Introduced by Council Member Pruhs.
SECOND READING AND PUBLIC HEARING.

Mr. Pruhs, seconded by **Mr. Cleworth**, moved to ADOPT Ordinance No. 6006.

Lake Williams, 945 Senate Loop, Fairbanks – Mr. Williams stated that he is the District Representative for the Operating Engineers and the President of the AFL-CIO Crafts Council. He stated that the City employees have ratified the offer that was on the table although many were not pleased with it. Mr. Williams explained that the employees understand that the City and State are in a tough financial position. He stated that it was an interesting negotiation year due to the switch in the City's lead negotiator midway through negotiations. He stated that he appreciates the Council; he stated that City employees take a lot of pride in the jobs that they do.

Mr. Pruhs thanked Mr. Williams for his comments and stated he wished that the City could do more. He commented that only so much could be done due to the increase in healthcare costs.

Hearing no more requests for public comment, **Mayor Eberhart** declared Public Testimony closed.

Mr. Cleworth echoed Mr. Pruhs' comments; he thanked Mr. Williams for his work and cooperation in labor negotiations.

Ms. Huntington echoed Mr. Cleworth's comments and stated that labor negotiations have been a learning curve for her. She thanked Mr. Williams for his hard work on the negotiating team.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6006 AS FOLLOWS:

YEAS: Huntington, Matherly, Pruhs, Cleworth

NAYS: None

ABSENT: Gatewood, Walley

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 6006 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4719 – A Resolution Authorizing the City of Fairbanks to Accept the FFY2015 Community Development Block Grant (CDBG). Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4720 – A Resolution Urging the State of Alaska to Honor its Commitment to Cap Past and Present PERS Service Costs for Municipal Employers at 22 Percent. Introduced by Council Member Cleworth.

Mr. Pruhs, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4720.

Mr. Cleworth stated that he pulled Resolution No. 4720 because he would like all Council Members to co-sponsor it before sending it to Juneau. He asked City Attorney Ewers if he had any comments on the issue.

Mr. Ewers stated that it is the appropriate time to make amendments to the resolution.

Mr. Cleworth suggested adding specific language at the end of the last paragraph that begins, "NOW, THEREFORE, BE IT RESOLVED..."

Mr. Pruhs, seconded by **Mr. Matherly**, moved to AMEND Resolution No. 4720 by adding the language, "...and that the City Council supports Alaska Municipal League (AML) Resolution No. 2016-03."

Mayor Eberhart called for objection to the motion to AMEND Resolution No. 4720 and, hearing none, so ORDERED.

Mr. Cleworth asked Clerk Snider to contact Mr. Gatewood and Mr. Walley to see if they would be willing to co-sponsor Resolution No. 4720. Mayor Eberhart and all Council Members present agreed to have their names added as co-sponsors to the resolution.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4720, AS AMENDED, AS FOLLOWS:

YEAS: Cleworth, Pruhs, Huntington, Matherly
NAYS: None
ABSENT: Gatewood, Walley
Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4720, as Amended, APPROVED.

COMMUNICATIONS TO COUNCIL

a) Fairbanks Diversity Council Meeting Minutes of January 12, 2016.

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Ms. Huntington thanked Ms. Snider, Mr. Pruhs, Mr. Cleworth and Mr. Matherly for their support while she was ill. She congratulated the employees who received awards. She asked if there was anything that the Council could share about Executive Sessions since it keeps coming up as an issue during Public Testimony. **Ms. Huntington** thanked the Mayor for looking into possibilities for a sleep-off center and shared her hopes that one would be built. She thanked the Community Service Patrol (CSP) for the service they provide to the community.

Mr. Matherly stated that he is sad to see the obituaries in the paper because he knows so many of the people listed. He encouraged everyone to go to the Pioneer Home to visit residents. He stated that he is honored to serve with everyone on the City Council.

Mr. Cleworth stated that the idea of a sleep-off center has been thrown around for decades but that there is too much liability involved for it to succeed and commented that the hospital has land for a facility. He congratulated Margarita Bell for her award and for her recent promotion to the position of Controller in the Finance Department. **Mr. Cleworth** spoke to the restoration of the downstairs hallway in City Hall.

Mr. Pruhs spoke to the air quality in the Fairbanks North Star Borough and stated that they issued a ticket to a resident of the City of Fairbanks who participated in the exchange program. He stated that Council Executive Sessions are for discussion and direction only; he stated that no money is spent, no action is taken and no ordinances are written. **Mr. Pruhs** stated he was happy to see Ms. Huntington back and that he was glad to see she brought her family. He congratulated each of the employees who received awards. He stated that Monroe beat Lathrop in basketball and that he was happy his school won.

Mr. Pruhs, seconded by **Mr. Cleworth**, moved to go into Executive Session for the purpose of discussing Negotiations on Purchasing the Note for the Polaris Building.

Mayor Eberhart called for objection and, hearing none, so ORDERED.

Mayor Eberhart called for a five minute recess.

EXECUTIVE SESSION

a) Polaris Building – Negotiations on Purchasing the Note


The City Council met in Executive Session to discuss Negotiations on Purchasing the Note for the Polaris Building. Direction was given to staff and no action was taken.

ADJOURNMENT

Ms. Huntington, seconded by Mr. Pruhs, moved to ADJOURN the meeting.

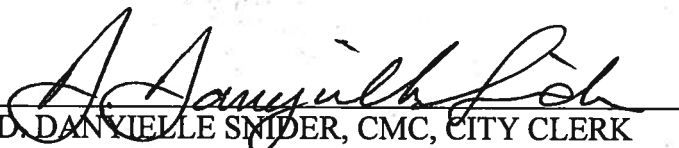
Mayor Eberhart called for objection and, hearing none, so ORDERED.

Mayor Eberhart declared the meeting adjourned at 9:43 p.m.



JOHN EBERHART, MAYOR

ATTEST:



D. DANIELLE SMIDER, CMC, CITY CLERK

Transcribed by: EB