



**FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, MARCH 6, 2017
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA**

The City Council convened at 7:00 p.m. on the above date, following a 5:30 p.m. Work Session on City Snow Removal and a 6:10 p.m. Work Session with the Fairbanks North Star Borough VISTA Volunteers, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Jim Matherly presiding and with the following Council Members in attendance:

Council Members Present: Joy Huntington, Seat A
 June Rogers, Seat B
 Valerie Therrien, Seat C
 Jerry Norum, Seat D
 Jerry Cleworth, Seat E
 David Pruhs, Seat F

Absent: None

Also Present: Margarita Bell, Controller
 Paul Ewers, City Attorney
 D. Danyielle Snider, City Clerk
 Jeff Jacobson, Public Works Director
 Mike Meeks, Chief of Staff
 Jim Styers, Fire Chief
 Angela Foster-Snow, HR Director
 Christina Rowlett, HR Admin
 Mike Sanders, Housing & Homeless Coordinator

At Mayor Matherly's request, City Clerk Danyielle Snider read aloud the Mission Statement of the City of Fairbanks.

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Matherly led the Flag Salutation.

CITIZEN'S COMMENTS

Brittany Smart, 809 Pioneer Way, Fairbanks – Ms. Smart spoke to how nice the Iditarod restart was and what a nice day it was. She thanked all of those who volunteered to help at the event.

Mayor Matherly thanked the Fairbanks North Star Borough (FNSB) for all their efforts in spreading the word about event logistics.

Charity Gadapee, 1576 Madeline Street, North Pole – Ms. Gadapee stated she is the Director of Visitor Services at Explore Fairbanks. She spoke to the many events in 2016 that brought visitors to the City. She thanked all the volunteers who helped make the events successful.

Meagan Scheer, 1845 Caribou Way, Fairbanks – Ms. Scheer thanked the Council for holding the Work Session on the VISTA program. She thanked the Public Works department for plowing the roads, making it safer for students to get to and from school. She stated she is an Independent Living Advocate working with high school students who are getting ready to transition into the work force. Ms. Scheer stated she met some students at Chinook Charter School, and she spoke to the community engagement projects that they are working on.

Mr. Cleworth asked about the ages of the students she works with. Ms. Scheer stated they must be in high school and must be between 16 and 22 years old to qualify for the program.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that he hopes Public Works Director Jeff Jacobson gets the funding to have his crews remove all the snow from City streets. Mr. Turney thanked Mr. Cleworth for the pocket Constitution he gave to him. He asked the Council to support the state legislation to give back Permanent Fund Dividends to those who have been wrongfully convicted.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger complimented the Public Works Department for their efforts to get the snow removed from the streets. He stated the sidewalks need to get cleared too because he almost hit someone who was walking on the road in the dark. He spoke to the need for public restrooms in the City of Fairbanks. He stated the City has money for all sorts of other things and that the Council needs to look under rocks to find money to build a public restroom.

Darlene Herbert, 906 Woodlawn Road, Fairbanks – Ms. Herbert spoke to a recent incident where the police raided a drug house. She stated she got her granddaughter off of heroin, and she is still clean today. She stated the police need to have compassion and understanding when dealing with addicts.

Mary Mitchell, P.O. Box 35053, Fairbanks – Ms. Mitchell stated she is in attendance to speak to the Bojangles liquor license because one of her family members was injured at the establishment. She stated she has not received any kind of an update from the police department about the case. Ms. Mitchell stated the owner of Bojangles should be held responsible for not providing proper security and preventative measures at his bar. Ms. Mitchell requested that the Fairbanks Police Department (FPD) contact her family with a case update.

Mr. Cleworth explained that when the City Council protests a license to the Alcohol and Marijuana Control Board they usually uphold the protest, but it is not a guarantee.

Nikita Kelly, 328 Wedgewood Drive, #E18, Fairbanks – Ms. Kelly thanked Chief of Police Eric Jewkes for addressing the issue with the Bojangles bar. She stated that Michael Hodges was taken too soon, and he left behind a nine-month-old baby boy. Ms. Kelly stated the same person owned Rock-N-Rodeo where another young father was gunned down. She stated that stricter regulations need to be in place for liquor licenses, and those regulations need to be enforced.

Ms. Therrien apologized for Ms. Kelly's loss and asked if she sought legal action against the bar owner. Ms. Kelly replied that she did not seek legal action; she stated she was advised that it would be pointless because the owner did not carry liability insurance. She stated the owner carried only property insurance, and she did not need the items that were inside the bar.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

Ms. Therrien, seconded by **Ms. Rogers**, moved to APPROVE the Agenda and Consent Agenda.

Ms. Therrien pulled Resolution No. 4781 from the Consent Agenda.

Mayor Matherly 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 January 9, 2017.

APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

a) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the following Appeal of Denied Application for New Chauffeur License:

Applicant: Stephen R Hunt

Ms. Huntington, seconded by **Mr. Cleworth**, moved to GRANT the Chauffeur Appeal.

Stephen Hunt, 1209 Warren Street, Fairbanks – Mr. Hunt stated he was in attendance to appeal the decision of the Clerk's Office to deny him a chauffeurs license. He explained that he lost his driver's license in Arizona because he forgot to pay a traffic citation before moving to Alaska; he stated that in Arizona, that is grounds for license revocation. Mr. Hunt stated he would like the opportunity to be a hard-working, law-abiding citizen and get a job driving a cab. He stated he is looking for compassion and understanding.

Ms. Huntington asked Mr. Hunt if he has participated in any rehabilitation programs since 2007. Mr. Hunt replied that he was sitting on the side of the road when he received his DUI, even though he passed the field sobriety tests. **Ms. Huntington** asked Mr. Hunt about the charges of child abuse that were on his record. Mr. Hunt stated he left his sleeping son in the car

while he ran into the store to grab something; he stated a police officer cited him for child abuse. He stated he completed probation and took the classes required by the State of Arizona.

Ms. Therrien asked City Attorney Paul Ewers if the charge of possession of drug paraphernalia would be reason for denying the license. Mr. Ewers replied that it is not a reason for denial. **Ms. Therrien** asked Mr. Hunt about the possession of burglary tools conviction. Mr. Hunt stated that he shoplifted and drove away in his car; he stated that his vehicle was considered a burglary tool.

Ms. Rogers asked Mr. Hunt what it was that brought him to Fairbanks. Mr. Hunt stated he has a good support system in Fairbanks.

Victor Buberger – Mr. Buberger spoke against the Council being the judge and jury on chauffeur appeals.

Kara Carlson, 782 7th Avenue, Fairbanks – Ms. Carlson stated she would be concerned about Mr. Hunt driving a cab because of all the other charges on his record. She expressed her concern as a citizen for him being able to pick up fares.

Darlene Herbert – Ms. Herbert stated Mr. Hunt sounds like he sincerely wants to make a fresh start, and the Council should give him a chance.

Meagan Scheer – Ms. Scheer stated she believes in fresh starts, but as a citizen of the City she did not think Mr. Hunt should be driving a cab based on his past.

Frank Turney – Mr. Turney echoed Mr. Buberger's comments about the Council being the judge and jury on chauffeur license appeals.

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

Ms. Therrien voiced her concern for the safety of citizens; she stated that she wants people to feel safe when they get into a cab.

Ms. Huntington agreed with Ms. Therrien and stated that Mr. Hunt's criminal history puts the public's safety at risk. She spoke against granting the appeal.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO GRANT THE CHAUFFEUR LICENSE APPEAL AS FOLLOWS:

YEAS: None
NAYS: Therrien, Rogers, Pruhs, Norum, Huntington, Cleworth
Mayor Matherly declared the MOTION FAILED.

b) Memorandum to Clarify the Council's Protest of Liquor License No. 2847.

Lic #	DBA	License Type	Licensee	Premises Address
2847	Bojangles	Beverage Dispensary	Scruff-N-Pork's, Inc.	1351 Cushman Street

Ms. Therrien, seconded by **Mr. Pruhs**, moved to APPROVE the Memorandum.

Mr. Pruhs spoke against approving the memo stating that Mr. Hatcher should not be able to sell his license, take the money and run.

Mr. Cleworth stated he hopes that the State upholds the City's protest and does not overturn it.

Chief of Staff Mike Meeks stated he spoke to Mr. Hatcher. He stated that Mr. Hatcher is leaving town and not coming back because he believes his name is mud in Fairbanks. Mr. Meeks stated Mr. Hatcher provided him with the unsigned contract for the sale of the liquor license.

Ms. Therrien stated she does not think that Mr. Hatcher should be allowed to have a continuation of his liquor license and that she would like to hear if others feel the same way. She disclosed that (as an attorney) she represents Grizzli's.

Ms. Huntington stated that she agrees with Ms. Therrien. She stated that while it is good to give someone a second chance, this business owner has a history of putting the public at risk. She stated Mr. Hatcher should not profit from selling his license; she stated that the sale could be to someone he knows who may follow the same business model.

Ms. Rogers stated that she shares the same concerns as Ms. Huntington and Ms. Therrien. She stated that the most serious concern for her would be with Mr. Hatcher selling his license to someone he is close to who would operate a business much like he did.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE BOJANGLES MEMO AS FOLLOWS:

YEAS: None
NAYS: Norum, Cleworth, Rogers, Huntington, Therrien, Pruhs
Mayor Matherly declared the MOTION FAILED.

c) 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	Premises Address
4458	Iris Café and Saloon	Beverage Dispensary – Tourism	J & Y Enterprises, Inc.	900 Noble Street
4464	Fred Meyer #224	Package Store	Fred Meyer Stores, Inc.	930 Old Steese Hwy

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

James Evans, 900 Noble Street, Fairbanks – Mr. Evans stated he has owned the restaurant and hotel for over ten years and that he is attendance in case the Council has any questions.

Ms. Huntington asked Mr. Evans to speak to his policy on dealing with chronic inebriates at his business. Mr. Evans stated the hotel employees do the best that they can, and sometimes they

have to call the police due to an intoxicated patron. **Ms. Huntington** asked how many calls stem from the café; Mr. Evans replied that it is less than one percent of the total calls to the location.

Mr. Pruhs stated that Fred Meyer has way more police calls than the Iris Café and that Mr. Evans is a reputable owner.

Frank Turney – Mr. Turney stated the Iris Café has wonderful food, and he tells visitors to check it out. He stated the owner does a good job managing the hotel and that the Council should approve the license renewal.

Megan Scheer – Ms. Scheer stated she was attacked at the Golden Nugget Hotel; she stated that the police officer told her it is not a safe area and that she should stay out of the area. Ms. Scheer stated she did not think that was an acceptable response.

Victor Buberger – Mr. Buberger stated the restaurant is great but that the hotel is not a safe place to be. He stated he has been to the Iris Café many times, and the food is excellent.

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

Ms. Therrien asked if there are more calls to the hotel or to the café. **Mayor Matherly** stated the Chief of Police Eric Jewkes was not in attendance to respond to Ms. Therrien's question.

Mr. Cleworth stated that the site has an officer call out every three days, and it shows how much the FPD is needed. He spoke to the problems that alcohol causes in families and with citizens.

Mayor Matherly pointed out that the FPD did not recommend a protest on the license.

Ms. Rogers stated she has tremendous respect for Chief Jewkes, but that there was no recommendation to protest the Bojangles license either.

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

YEAS: Rogers, Norum, Therrien, Pruhs, Cleworth, Huntington

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Matherly stated that one of his biggest priorities is to work on opening the sobering center because it will save lives. He stated the facility will have 18-25 beds and is located on Airport Way. He stated the facility would be grant-funded for the first three years and that he hopes it will be sustainable even after the grant funds are gone. He shared that the center will open by June 30. **Mayor Matherly** spoke to the change to the Council Chambers entrance for Council meetings, and he asked everyone to enter through the back door to avoid distraction. He

commended HR Director Angela Foster-Snow for her work at the City and asked her to come forward to introduce someone.

HR Director Angela Foster-Snow thanked the Council for approving the hiring of the Housing and Homeless Coordinator, and she introduced Mike Sanders. She stated Mr. Sanders has a PhD in public administration and a Master's Degree in management.

Mr. Sanders thanked the Council for approving his position. He stated his family has lived here for two months, and they like it so much they may stay permanently. Mr. Sanders stated the sobering center is a wonderful thing and that he would like to start visiting homeless camps as soon as possible.

Mayor Matherly called for a five minute recess.

NEW BUSINESS

- a) Resolution No. 4781 – A Resolution Amending the Schedule of Fees and Charges for Services by Adjusting Garbage Collection Rates. Introduced by Mayor Matherly.

Mr. Pruhs, seconded by **Mr. Cleworth**, moved to APPROVE Resolution No. 4781.

Ms. Therrien asked for a staff report. City Controller Margarita Bell stated that 62% of the garbage collection rate increase is due to the Borough's increase to tipping fees.

Mr. Cleworth stated that the City is required to pass on rate increases to citizens, but that garbage collection fees have not been raised in two years. He explained the reasoning behind the tipping fee increase.

Brittney Smart – Ms. Smart stated that tipping fee increases are proposed every year to ensure sustainability. She spoke to other issues that may drive rates up in the future.

Mr. Cleworth asked Ms. Smart if she would do some research on the history of tonnage that is received the landfill. He stated that he suspects the tonnage has been decreasing.

Ms. Rogers asked whether any consideration has been given to decreasing garbage pickup to less than once per week.

Mr. Cleworth stated that since garbage collection is essentially a tax, it needs to be tended to weekly. He added that trash would become a problem if collection occurred less than weekly.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4781 AS FOLLOWS:

YEAS: Huntington, Cleworth, Rogers, Matherly

NAYS: Norum, Therrien, Pruhs

Mayor Matherly declared the MOTION CARRIED and Resolution No. 4781 APPROVED.

DISCUSSION ITEMS

a) Committee Reports

Polaris Work Group – **Mr. Pruhs** spoke to the progress happening with the Polaris Building and stated that things are looking favorably for the project.

Sobering Center Group – **Mayor Matherly** stated the group is very active and is meeting every other week.

COMMUNICATIONS TO COUNCIL

a) Clay Street Cemetery Commission Meeting Minutes of January 4, 2017

ACCEPTED on the CONSENT AGENDA.

b) Clay Street Cemetery Commission Meeting Minutes of February 1, 2017

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Norum stated that he has a medical issue that needs to be addressed, and he requested to be excused from the Regular City Council Meeting of March 20, 2017.

Mayor Matherly called for objection to Mr. Norum's request to be excused on March 20, 2017, and, hearing none, so ORDERED.

Mr. Cleworth asked the Finance Department to put a statement on garbage bills to help explain the increase. He spoke to the issue of the City plowing sidewalks and stated it is not the City's responsibility to clear sidewalks for businesses or residences. **Mr. Cleworth** spoke in support of an up-to-date snow removal schedule on the City's website so that citizens know when plow trucks are going to be in their neighborhood.

Mr. Pruhs stated he would like to see insurance policies for bars when they are up for renewal. He spoke to the importance of having the proper insurance in that line of business.

Ms. Therrien stated that she has set a meeting with the City's lobbyist to get updated on what is happening in the State Legislature. She agreed with Mr. Pruhs that bar owners should carry liability insurance. She stated she would not be physically present for the March 20, 2017 Council meeting, and she asked for the Clerk to make arrangements for her to call in.

Ms. Rogers stated she would like to participate in the legislative update meetings. She stated she would be calling in to the first Council meeting in April. She asked whether there is any limit on the number of times a Council Member may attend meetings telephonically.

City Attorney Ewers stated that there are limitations outlined in the Fairbanks General Code in regard to teleconferencing and physical absences; he stated, however, that it is a very complicated issue. He stated that the short answer is that there is not a concern unless a member is not physically present for more than two consecutive meetings.

Ms. Rogers spoke in favor of Representative Scott Kawasaki's bill to pay PFDs to those who have been wrongfully incarcerated. She stated that she would like to see the Council introduce a resolution to support the legislation.

Ms. Huntington congratulated FPD Sergeant Greg Foster on his recent promotion to Lieutenant. She acknowledged how well the department handled the release of footage of the Richard's shooting to the public. She wished Mr. Norum well on his upcoming surgery. She requested that legislative meeting information be sent to all Council Members.

Mr. Cleworth stated he would like to discuss insurance requirements for liquor license establishments at the next Finance Committee meeting. He stated he believes the State should have some regulations regarding insurance.

Mr. Pruhs explained that the legislative committee was formed as a collaborative effort between him and the City lobbyists to keep the Council more informed as to what is going on in Juneau.

ADJOURNMENT

Mr. Pruhs, seconded by **Mr. Norum**, moved to ADJOURN the meeting.

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

Mayor Matherly declared the meeting adjourned at 9:22 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB