



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, MARCH 21, 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: Perry Walley, Seat B
 Bernard Gatewood, Seat C
 Jim Matherly, Seat D
 Jerry Cleworth, Seat E
 David Pruhs, Seat F

Absent: Joy Huntington, Seat A (Excused)

Also Present: Ben Barrio, IT Director
 JB Brainerd, Deputy City Attorney
 Ernie Misewicz, Assistant Fire Chief
 Clem Clooten, Building Official
 Verg Scott, Public Works General Foreman
 Eric Jewkes, Deputy Police Chief
 Carmen Randle, Chief Financial Officer
 D. Danyielle Snider, City Clerk
 Paul Ewers, City Attorney

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

CITIZEN'S COMMENTS

Susan Dale, 5912 Standard Creek, Fairbanks – Ms. Dale stated that she works for Family Centered Services of Alaska (FCSA) and asked the City Council to support the organization's move to 3401 Lathrop Street. She explained that Alaska Industrial Development and Export Authority (AIDEA) requires bond approval from both the City and the Borough because it is over \$10 million. Ms. Dale stated that FCSA helps local children and families affected by mental illness. She stated that they currently have a 48-bed facility and that they want to expand to 70 beds in the future.

Mr. Cleworth asked who currently operates the facility.

Ms. Dale stated that the Boys and Girls Home of Alaska is currently in bankruptcy, and they no longer own the facility. Ms. Dale stated that FCSA owes it to the families to keep the facility open with the current staff on hand.

Mr. Cleworth asked if the bond request would go toward paying off the owner of the facility.

Ms. Dale replied that the bond would pay off the owners.

Mr. Gatewood spoke in support of Resolution No. 4726, and he asked if all 46 of the beds are currently occupied.

Ms. Dale stated that at any given time there are 44 to 46 kids onsite needing guidance and care.

Mr. Gatewood asked what level of care FCSA provides to the residents of the facility.

Ms. Dale stated that the staff provides level three and four care; that they do not provide hospital-type care; she stated that if they expand, they may be able to provide that higher level of service.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that Gene Redden was a voice for the Boys and Girls Home and that it is too bad that the organization went downhill. He thanked the City Council for kick-starting the resolution on industrial hemp. He stated that he read about the dangers of smoking cannabis grown with pesticides. Mr. Turney stated that he spoke with his attorney and has learned that stalking is a felony; he stated that Mr. Pruhs made untrue statements on KFAR claiming that he is a stalker. He stated that he may subpoena Mr. Pruhs to testify in court because he has slandered his character. Mr. Turney suggested the City Council put on a boxing match to raise funds and have Council Members throw punches publicly.

Jerry Evans, 1641 Kassi Court, Fairbanks – Mr. Evans stated that he is representing Explore Fairbanks and that he is the Public Relations (PR) Manager for the organization. He stated that he directs visiting press when they come to Fairbanks, and he helps show them around the City. Mr. Evans spoke to some of the magazines that have written articles featuring Fairbanks. He stated that January is the perfect “golden light” opportunity for photographers, because the sunrise and sunset are so close together. He read excerpts from a couple of articles that spoke to travellers’ experiences in Fairbanks.

Mr. Gatewood asked if the “golden light” is unique to Fairbanks.

Mr. Evans stated that the “golden light” is the term used to describe the soft hues in a sunrise or sunset anywhere in the world.

Mr. Cleworth stated that he has been seeing many students travelling to Fairbanks; he asked if they were coming independently or if it was organized by Explore Fairbanks.

Mr. Evans stated many of them are college students in groups of five, and they use social network to find travel companions.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated that at the last City Council meeting a man testified about the roundabouts in Hamilton Acres; he wanted to know if any Council Members drove through the area to investigate. He stated the roundabouts are a big waste of money for the City. He stated that he would like to know how much money was spent on the design of the traffic circles. Mr. Buberger stated it is a joke that there is so much tax payer money spent on design but that there are no public restrooms for people to use. Mr. Buberger offered to go to the Home Depot and buy orange buckets and a stick to mark it as a public restroom. He stated that the Council throws all sorts of money away on anything under the sun but that they refuse to build public restrooms. He thanked Police Chief Randall Aragon for being the best Chief he has seen in his 40 years of living in Fairbanks. He stated that he would be absent for the next two City Council Meetings.

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. Gatewood pulled Resolution No. 4723 and Resolution No. 4725 from the Consent Agenda.

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 December 14, 2015.

APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of January 11, 2016.

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 Liquor License Application for Transfer and Restaurant Designation Permit:

Type: Beverage Dispensary, License #1912

To: Eastern Treats / Bulgar Corp.
535 2nd Avenue, Fairbanks, Alaska

From: Gold Rush Saloon / Downriver, Inc.
3399 Peger Road, Fairbanks, Alaska

Mr. Pruhs, seconded by **Mr. Matherly**, moved to WAIVE PROTEST on the Liquor License Application for Transfer and Restaurant Designation Permit.

Ivan Gyaurski, 535 2nd Avenue, Fairbanks – Mr. Gyaurski spoke to the supporting documentation he provided to the City Council in the agenda packets. He stated that he went up and down 2nd and 3rd Avenue and gathered signatures of all the business owners in support of his restaurant, Eastern Treats. Mr. Gyaurski spoke to the favorable rating of his restaurant on TripAdvisor.com. He stated that his business would help revitalize the downtown core area. He stated that he intends to offer some Eastern European beers at his restaurant that people would not be able to get anywhere else in town.

Mr. Gatewood asked if the beer would be bottled or on tap.

Mr. Gyaurski stated he could only get bottled beer from Eastern Europe.

Mr. Gatewood asked if he would sell other types of beer or just stick to exotic beers.

Mr. Gyaurski stated he would have some domestic beers but that he would try to keep exotic beers in stock as well.

Mr. Pruhs asked the intended hours of operation.

Mr. Gyaurski stated that each business in the Co-Op Plaza keeps its own operating hours. He stated the Crepery, his other restaurant, is open from 7 a.m. till 7 p.m. He stated that Eastern Treats is currently open from 11 a.m. to 8 p.m.

Mr. Pruhs spoke in support of Mr. Gyaurski's business and thanked him for gathering signatures of support from the surrounding business owners.

Frank Turney – Mr. Turney stated he has lived downtown for 20 years and questioned how Mr. Gyaurski would run two restaurants. He asked if the restroom that he built inside Eastern Treats would be open to the public. He stated that he is afraid that having more drinking establishments downtown will create problems.

Victor Buberger – Mr. Buberger stated that Eastern Treats is an open-ended restaurant and that he sees problems with it. He stated that finding a key in order to use the restroom at the Co-Op is nearly impossible. He expressed his concern with the downtown area having another drinking establishment.

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

Mr. Cleworth stated that on the plans provided by Mr. Gyaurski, there is a bathroom located in the back of the restaurant and that people are welcome to speak to Mr. Gyaurski after the meeting in regard to whether it will be a public restroom or not. He reiterated the importance that food services be provided by liquor establishments coming into the downtown core area.

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to AMEND the motion to WAIVE PROTEST by ADDING a provision that food service must be provided during hours of operation.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE MOTION TO WAIVE PROTEST BY ADDING A PROVISION THAT FOOD SERVICE MUST BE PROVIDED DURING HOURS OF OPERATION AS FOLLOWS:

YEAS: Gatewood, Walley, Pruhs, Matherly, Cleworth

NAYS: None

ABSENT: Huntington

Mayor Eberhart declared the MOTION CARRIED.

Mr. Pruhs commended Mr. Gyaurski on his growth in the food service industry. He stated that he will be voting in favor of the approval of the liquor license.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATION FOR TRANSFER AND RESTAURANT DESIGNATION PERMIT WITH THE PROVISION THAT FOOD SERVICE MUST BE PROVIDED DURING HOURS OF OPERATION AS FOLLOWS:

YEAS: Pruhs, Gatewood, Cleworth, Matherly, Walley

NAYS: None

ABSENT: Huntington

Mayor Eberhart declared the MOTION CARRIED.

- b) The Fairbanks City Council convened as a Board of Adjustment to consider whether to appoint a hearing officer for the appeal in the matter of the following decision of the Fairbanks North Star Borough Department of Community Planning (GR2016-082):

An administrative determination regarding grandfather rights for the property located at 1041 Pedro Street (Lot 16, Block 139, Weeks Field), owned by Dale and Marie Nielsen.

Mr. Pruhs, seconded by **Mr. Cleworth**, moved that the City Council HEAR THE APPEAL.

Mr. Pruhs stated that he has applied for Grandfather Rights many times in his career and that he is very familiar with the process.

Mr. Gatewood asked when the hearing should be scheduled.

Mr. Matherly asked if they should hold both Board of Adjustment hearings at the same Council Meeting or split them out.

Mr. Walley suggested that the hearings be held on separate dates due to the volume of information to consider.

Mr. Gatewood stated that he is not advocating having the hearings on the same night but that he would like all Council Members to be present for the hearings.

City Attorney Paul Ewers explained that the grandfather rights hearing will be a *de novo* hearing and that it may take more time than the other upcoming appeal.

Mr. Pruhs, seconded by **Mr. Gatewood**, moved to AMEND the motion for the Council to hear the appeal by ADDING that the hearing date be set for the Regular City Council Meeting of May 9, 2016.

Mayor Eberhart stated that he would be absent from the May 9, 2016 City Council Meeting.

Council Members discussed other possible dates to hear the appeal.

Mr. Pruhs, with the concurrence of the Second, WITHDREW the motion AMEND.

The Council directed Clerk Snider to place the scheduling of the hearing date on the next Council Agenda.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION THAT THE CITY COUNCIL HEAR THE APPEAL AS FOLLOWS:

YEAS: Matherly, Gatewood, Pruhs, Cleworth, Walley

NAYS: None

ABSENT: Huntington

Mayor Eberhart declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart noted that at the last meeting derogatory remarks were made towards Mexicans and that an individual was hurt and offended by the comments. He stated that citizens need to be culturally sensitive when giving public testimony. He spoke to how much immigrants have helped the local economy. **Mayor Eberhart** commended Chief Aragon on his attendance at the FBI Training in Quantico, Virginia. He spoke to the Office of Professional Responsibility (OPR) and stated that complaints for the OPR may be made at the Mayor's Office or at the Fairbanks Police Department (FPD). He stated that Detective Alana Malloy will be in charge of the OPR, but that the Mayor's Office needs to be involved in all complaints to ensure the complaint is followed up with. **Mayor Eberhart** spoke to the many activities the Mayor's Office has been involved with since the last Regular Council Meeting. He spoke to the need for a sleep-off center in the City of Fairbanks.

UNFINISHED BUSINESS

- a) Resolution No. 4689 – A Resolution Honoring Warren B. Cummings by Dedicating and Renaming Fire Station One in His Honor. Introduced by Mayor Eberhart. POSTPONED from the Regular Meeting of January 11, 2016.

Mr. Pruhs, seconded by **Mr. Matherly**, moved to POSTPONE Resolution No. 4689 until the July 11, 2016 Regular Council Meeting.

Mr. Walley requested a Staff Report from Mr. Ewers.

Mr. Ewers stated that the matter is still not finalized.

Mr. Cleworth spoke against postponement and in favor of tabling the resolution.

Mr. Gatewood asked Mr. Ewers if he had an idea as to when the matter would be resolved.

Mr. Ewers stated that he did not know when the issue would be settled.

Mr. Matherly asked Mr. Ewers if setting a date would be better than tabling the issue.

Mr. Ewers stated that it would make no difference. He stated that he would be notified as soon as the issue was resolved, and he would report to the Council at that time.

Mr. Matherly spoke in favor of tabling the issue.

Mr. Pruhs, with the concurrence of the Second, WITHDREW the motion POSTPONE.

Mr. Pruhs, seconded by **Mr. Matherly**, moved that Resolution No. 4689 be LAID ON THE TABLE.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION THAT RESOLUTION NO. 4689 BE LAID ON THE TABLE AS FOLLOWS:

YEAS: Pruhs, Gatewood, Cleworth, Matherly, Walley

NAYS: None

ABSENT: Huntington

Mayor Eberhart declared the MOTION CARRIED.

NEW BUSINESS

- a) Resolution No. 4723 – A Resolution in Support of Senate Bill 91 Relating to Comprehensive Criminal Justice Reform. Introduced by Mayor Eberhart.

Mr. Cleworth, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4723.

Mr. Gatewood asked if Senate Bill (SB) 91 spoke to adult corrections or only juvenile corrections.

Mr. Pruhs stated SB 91 includes all boundaries of corrections, both youth and adult.

Mr. Gatewood stated the third whereas is incorrect; he suggested the word “unchecked” be struck from the resolution.

Mr. Pruhs, seconded by **Mr. Cleworth**, moved to AMEND Resolution No. 4723 by striking the word “unchecked” from the third whereas.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESOLUTION NO. 4723 BY STRIKING THE WORD “UNCHECKED” FROM THE THIRD WHEREAS AS FOLLOWS:

YEAS: Matherly, Gatewood, Pruhs, Cleworth, Walley

NAYS: None

ABSENT: Huntington

Mayor Eberhart declared the MOTION CARRIED.

Mayor Eberhart stated that he had spoken to Deputy Police Chief Eric Jewkes prior to the meeting and requested that he come forward to address his concerns with SB 91.

Deputy Chief Jewkes spoke to the changes in SB 91 and shared his concerns with some parts of the bill. He stated that considerable work needs to be done on the bill prior to it becoming law. He stated that 2.5 grams of cocaine is not a lot but 2.5 grams of heroin is a great danger and stated that all the substances should not be covered under the same amount. Deputy Chief Jewkes stated that his office has been communicating concerns to Senator John Coghill’s office. He stated there is also concern relating to property crimes and crime limits and suggested the bill be reworked prior to approval.

Mr. Gatewood asked Deputy Chief Jewkes if he supports the spirit of the bill with some content tweaking; he also asked if other agencies share the FPD’s concerns.

Deputy Chief Jewkes stated he has met with the Police Chiefs of North Pole and the University, and they share the same concerns with the broad language. He stated that many of the bigger agencies have spoken out in opposition of SB 91.

Mr. Cleworth asked Deputy Chief Jewkes if Senator Coghill was receptive when he spoke with him.

Deputy Chief Jewkes stated that he was receptive and that he asked the department to come up with suggested changes.

Mr. Cleworth asked if passing the resolution would hinder the changes that Deputy Chief Jewkes is working on.

Deputy Chief Jewkes stated he did not know if passing the resolution would hinder the proposed changes; he stated that he just wanted to share his concerns with the Council.

Mr. Matherly thanked Deputy Chief Jewkes for coming to the meeting to share his concerns.

Mr. Matherly, seconded by **Mr. Pruhs**, moved to AMEND Resolution No. 4723 by adding the two whereases suggested by Jewkes and by replacing the “Now Therefore...” language with his suggested language.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESOLUTION NO. 4723 BY ADDING THE TWO WHEREASES SUGGESTED BY JEWKES AND BY REPLACING THE “NOW THEREFORE...” LANGUAGE WITH HIS SUGGESTED LANGUAGE AS FOLLOWS:

YEAS: Cleworth, Pruhs, Walley, Matherly, Gatewood

NAYS: None

ABSENT: Huntington

Mayor Eberhart declared the MOTION CARRIED.

Mr. Gatewood stated that he understands Deputy Chief Jewkes’ concerns but encouraged him to have conversations with other law enforcement agencies and the Village Public Safety Officers (VPSOs) to see if they had any comments on SB 91.

Deputy Chief Jewkes stated that FPD has talked with the VPSOs; he stated that since they are State employees they are not allowed to take a side or a stand on the issue.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4726, AS AMENDED, AS FOLLOWS:

YEAS: Gatewood, Walley, Pruhs, Matherly, Cleworth

NAYS: None

ABSENT: Huntington

Mayor Eberhart declared Resolution No. 4723, as Amended, APPROVED.

b) Resolution No. 4724 – A Resolution Adopting a City of Fairbanks Records Retention Schedule. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

c) Resolution No. 4725 – A Resolution to Apply for Funding from the United States Department of Transportation for a Transportation Investment Generating Economic Recovery (TIGER) Grant. Introduced by Mayor Eberhart.

Mr. Cleworth, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4725.

Mr. Gatewood stated that he would like to see more clarity in the fiscal note regarding the cost of Public Works employee’s wages spent on sweeping and plowing City sidewalks. He stated that there should also be some kind of equipment cost included in the fiscal note.

Mayor Eberhart called General Foreman Verg Scott forward for a staff report.

Mr. Scott stated that the Public Works department has a Memorandum of Agreement (MOA) with the State that includes the Cushman Street Bridge sidewalk and surface maintenance. He stated that the State still owns the bridge but that the City has taken over minor maintenance.

Mr. Cleworth asked for clarification as to the meaning of “minor maintenance.”

Mr. Scott stated that Public Works would fill potholes and sweep the sidewalks; he stated Public Works would only do cosmetic repairs to the Cushman Street Bridge. He stated that Wendell Street Bridge maintenance responsibilities are vague because it is unclear where the City street ends.

Mr. Cleworth stated he has a problem with the Department of Transportation (DOT) since revenue sharing is dwindling away and City costs are no longer offset. He stated that the City needs to honor the original MOA on Illinois in regard to snow removal but that it should not include pothole repair.

Mr. Walley stated that the MOAs get drawn up very quickly just so things can move forward on the various projects. He stated that there is no harm in applying for the TIGER grant because there is no guarantee that the City will receive the funds. He stated that the City has been among the finalists for grant funds before and has not received the money.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4725 AS FOLLOWS:

YEAS: Matherly, Cleworth, Walley, Gatewood, Pruhs
NAYS: None
ABSENT: Huntington
Mayor Eberhart declared the MOTION CARRIED and
Resolution No. 4725 APPROVED.

- d) Resolution No. 4726 – A Resolution Consenting to and Supporting the Location of the Family Centered Services of Alaska Residential Psychiatric Treatment Center to be Funded by Proceeds of Bonds to be Issued by the Alaska Industrial Development and Export Authority. Introduced by Council Member Pruhs.

PASSED and APPROVED on the CONSENT AGENDA.

- e) Ordinance No. 6007 – An Ordinance Amending Fairbanks General Code Chapter 14 Article IX Commercial Refuse Collector. Introduced by Council Members Cleworth and Matherly.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

FMATS Policy Committee – **Mr. Walley** stated that the Committee recently met and approved the resolution to pursue the TIGER grant. He stated that the grant application is due April 29, so

there was a rush to get Council approval to apply for the funds. He stated the Committee approved a \$246,000.00 Phase 4 increase to the Cushman Complete Streets Project. **Mr. Walley** stated that City Engineer Bob Pristash sat in for the Mayor at the meeting and answered many questions. **Mr. Walley** stated that the change orders for the project totaled 6.3%, and the standard overages on a project of that magnitude are typically over 10%. He stated there were issues with some of the utility companies during the project but that the City Council held firm on resolving the issues while remaining frugal. **Mr. Walley** stated that MPO Coordinator Donna Gardino narrowed down the list of City construction projects that are scheduled to move forward in 2016, 2017, and 2018.

Mr. Cleworth asked when the Noble Street project would be going out for bid.

Mr. Walley stated that construction will not take place on Noble Street until the summer of 2017 but that it will go out for bid in July of 2016.

COMMUNICATIONS TO COUNCIL

- a) Board of Plumber Examiner Meeting Minutes of December 15, 2015.

ACCEPTED on the CONSENT AGENDA.

- b) Fairbanks Diversity Council Meeting Minutes of February 9, 2016.

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Gatewood stated that he is glad the Council approved Resolution No. 4726 because FCSEA is a worthwhile organization; he thanked Mr. Pruhs for introducing the resolution. He spoke to the history of the Boys and Girls Home of Alaska and the plan to bring kids in from remote places for treatment. **Mr. Gatewood** thanked Deputy Chief Jewkes for his input on Resolution No. 4723. He stated that criminal justice reform is needed in the State but that it needs to be done correctly. He stated that the second half of March Madness in Alaska will be starting soon and wished all of the teams good luck. **Mr. Gatewood** stated that he will be travelling to Anchorage to watch and announce a few of the games and shared his hopes that Fairbanks brings home a state championship.

Mr. Walley spoke to the FMATS City-sponsored projects that he did not mention in his committee report. He stated that he enjoyed attending the Open North American Sled Dog Races; he stated there was a lack of snow but the races went off without any issues. He wished everyone a happy Easter.

Mr. Matherly wished everyone a happy Easter; he had no other comments.

Mr. Cleworth asked Mayor Eberhart to clarify the procedure for citizens to make complaints to the OPR. He stated that the Code may be redundant because complaints can also be heard at Public Safety Commission (PSC) meetings.

Mayor Eberhart stated that he would review the Code and clarify if there are any redundancies.

Mr. Cleworth spoke to the past practice of DOT to enter into Transfer of Rights Agreements (TORAs) for roads within the City. He stated that it was later discovered that the state cannot transfer the roads to the City, so those agreements are in somewhat of a legal limbo. **Mr. Cleworth** stated that if revenue sharing dries up, the City should address the issue and look into giving maintenance responsibility of certain roads back to the State.

Mr. Pruhs stated that he is happy the Council approved the liquor license for Eastern Treats and stated that the Council should look at re-writing the liquor license Code. He thanked the Council for approving Resolution No. 4726. **Mr. Pruhs** spoke to the resolution regarding SB 91 and thanked everyone for all their work in improving the resolution.

ADJOURNMENT

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

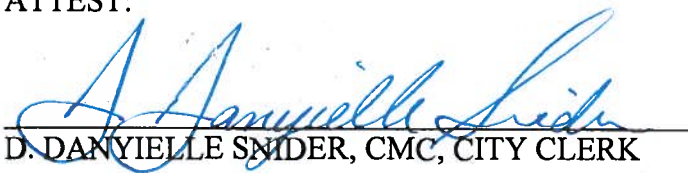
Mayor Eberhart called for objection and, hearing none, so ORDERED.

Mayor Eberhart declared the meeting adjourned at 9:08 p.m.



JOHN EBERHART, MAYOR

ATTEST:



D. DANVILLE SMIDER, CMC, CITY CLERK

Transcribed by: EB