

AS CORRECTED



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, MARCH 23, 2015
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, following a Work Session related to Helmericks Avenue, 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: Renee Staley, Seat A
 Perry Walley, Seat B
 Bernard Gatewood, Seat C
 Jim Matherly, Seat D
 Jerry Cleworth, Seat E
 David Pruhs, Seat F

Absent: None

Also Present: Warren Cummings, Fire Chief
 Ernie Misewicz, Assistant Fire Chief
 Paul Ewers, City Attorney
 D. Danyielle Snider, City Clerk
 Jim Williams, Chief of Staff
 Michael J. Schmetzer, City Engineer
 Jill King, HR Administrative Assistant
 Pat Smith, Development Manager
 Randall Aragon, Police Chief

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

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

City Clerk Snider read the Consent Agenda into the record.

CITIZEN'S COMMENTS

Karen Parr, 949 McGown Street, Fairbanks – Ms. Parr stated she was available to answer questions regarding the property tax exemption for the Raven Landing ordinance.

Frank Turney, 329 Sixth Avenue, Fairbanks – Mr. Turney stated that Officer Dupee has harassed Lance Ostnes and students at Lathrop High School. Mr. Turney stated Victor Buberger was also harassed by Officer Dupee. He also stated that the FPD needs to have an internal affairs department. He stated that the marijuana Ordinance No. 5970 relating to disturbing the peace was unfounded because there is no evidence that marijuana smoke is at all harmful to the health. He stated that barbeque smoke is actually proven more harmful per the National Institute of Health. He proposed barbeques should be regulated as disturbing the peace since there is evidence that barbeque smoke can cause cancer.

Scott McCrae, 2965 Westgate Place, Fairbanks – Mr. McCrae stated that he was in attendance to give an update regarding the tourism industry in Fairbanks. He stated that he was fortunate to have a contractor out of Germany to help with European travel and trade. Mr. McCrae gave an update of many of the events he has been attending to aid with tourism in Fairbanks. He gave an update about cruise packages to Alaska and stated that Fairbanks is the best place to see the Northern Lights in Alaska.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated that he has brought up issues with Officer Dupee several times over the years. He stated that the former City Attorney said that the FPD was as clean as the driven snow but stated that police can lie too and that officers are trained to lie. Mr. Buberger stated that police departments in other states have had major scandals in the past few years relating to lying police officers. He accused Officer Dupee of altering a CD and said he took the last 13 seconds off and added erroneous information to the conversation that was recorded. Mr. Buberger accused the police of making phony arrests for drunken driving charges designed to bring on fines and fees and that the police should be punished for falsely making arrests. He stated that Fairbanks needs an internal affairs department and that Officer Dupee is the first officer that should be investigated.

June Rogers, P.O. Box 74044, Fairbanks – Ms. Rogers spoke to support the resolution on HB 42. Ms. Rogers stated that she was proud of the Council for adopting HB 42. She stated that she is very happy that the Council is in favor of having an umbrella that supports everyone as equals. She stated that she is honored to serve on the Fairbanks Diversity Council.

Jeff Walters, 2454 Killarney Way, Fairbanks – Mr. Walters stated that he would like to echo Ms. Rogers' support of HB 42. He stated that he is very happy that the Council has adopted HB 42. He stated that he is a counselor at West Valley High School and that he believes the younger generation is much more accepting of sexual orientation and sexual identity issues. He stated that he appreciates having the opportunity to serve on the Fairbanks Diversity Council and the Council's support of the resolution.

Daphne Coen, 1300 Ninth Avenue, Fairbanks – Ms. Coen stated that she is very happy the Council is supporting HB 42. She stated that she does not identify as having either a male or female gender and that she identifies as gender neutral. Ms. Coen stated that she works at the

hospital and that she should not be discriminated against from her job or from a place to live because she fundamentally does not identify with a gender. Ms. Coen thanked the Council for supporting HB 42.

Jo Ann Borges, 1130 Vicki Lane, North Pole – Ms. Borges stated that she does not have any issues with HB 42 but that she does have an issue with the wording of the document. She stated that the wording is extremely confusing and needs to be re-addressed. She stated that the bill needs to be easier to read and should follow a better format.

Julie Jones, 516 Second Avenue, Ste 318, Fairbanks – Ms. Jones stated that she came to the meeting to speak on behalf of Festival Fairbanks and to speak in support of the land owner agreement ordinance. She invited everyone to attend the Vietnam Veteran’s Day event at Randy Smith Middle School on Sunday, March 29 from 1-3 PM. She stated that live music, food, a ceremony, a keynote speaker and a panel discussion is on the agenda. Ms. Jones also echoed Ms. Rogers’ comments on HB 42.

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

SPECIAL ORDERS

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, considered the following Liquor License Application for Renewal, POSTPONED from the Regular Meeting of March 9, 2015 (Public Hearing was held on March 9, 2015).

NOTE: Because the Liquor License Application for Renewal was POSTPONED, the motion to PROTEST was already on the floor (the motion to PROTEST was made by Mr. Pruhs, seconded by Mr. Gatewood, at the Regular Meeting of March 9, 2015).

Lic #	Establishment Name	License Type	Premise Location	Owner Name
3336	Soapy Smith's Pioneer Restaurant	Restaurant / Eating Place	543 2nd Ave	Nicholas V. Stepovich

Mr. Cleworth requested that Fire Chief Cummings come forward to provide a staff report.

Mayor Eberhart called for Fire Chief Cummings and Assistant Fire Chief Misewicz to report the findings of their inspection of the restaurant. Misewicz gave a report on his inspection and stated that Mr. Stepovich is working to get the issues resolved.

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

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

YEAS: None
NAYS: Gatewood, Walley, Pruhs, Matherly, Staley, Cleworth
Mayor Eberhart declared the Motion to MOTION FAILED.

- b) The Fairbanks City Council, Sitting as a Committee of the Whole, considered the following Liquor License Application for Transfer of Ownership:

Type: Package Store, License #2512
To: 2 Go Mart #114 / AK, Inc.
2110 Peger Road, Fairbanks, Alaska
From: 2 Go Mart #114 / Tesoro Northstore Company
Same Location

Mr. Pruhs, seconded by **Mr. Matherly**, moved to WAIVE PROTEST of the transfer.

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 THE LIQUOR LICENSE APPLICATION FOR RENEWAL AS FOLLOWS:

YEAS: Walley, Matherly, Gatewood, Pruhs, Cleworth, Staley
NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

- c) The Fairbanks City Council, Sitting as a Committee of the Whole, considered the following Liquor License Application for Transfer of Ownership:

Type: Package Store, License #4216
To: 2 Go Mart #115 / AK, Inc.
99 College Road, Fairbanks, Alaska
From: 2 Go Mart #115 / Tesoro Northstore Company
Same Location

Mr. Pruhs, seconded by **Mr. Matherly**, moved to WAIVE PROTEST of the transfer.

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 THE LIQUOR LICENSE APPLICATION FOR RENEWAL AS FOLLOWS:

YEAS: Walley, Matherly, Gatewood, Pruhs, Cleworth, Staley
NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

- d) The Fairbanks City Council, Sitting as a Committee of the Whole, considered the following Liquor License Application for Transfer of Ownership:

Type: Package Store, License #4565
To: 2 Go Tesoro / AK, Inc.
3569 S Cushman Street, Fairbanks
From: 2 Go Tesoro / Tesoro Northstore Company
Same Location

Mr. Pruhs, seconded by **Mr. Matherly**, moved to WAIVE PROTEST of the transfer.

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 THE LIQUOR LICENSE APPLICATION FOR RENEWAL AS FOLLOWS:

YEAS: Walley, Matherly, Gatewood, Pruhs, Cleworth, Staley

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart stated that March is Women's History Month and is a time to highlight the contributions to society by women. He stated that in February 1980, President Carter issued a Presidential Proclamation that men and women worked together to build our country and often times the impact the women had went unnoticed. He stated that since 1995, U.S. Presidents issue Annual Proclamations designating the month of March to be Women's History Month. **Mayor Eberhart** stated that he recently read an article about pay inequality of U.S. women and that women will not meet pay parity of U.S. men until 2058.

Mayor Eberhart stated that since the last meeting there have been interviews for the Human Resource Director position and that a selection has now been made. He stated that Angela Foster-Snow will take the position, starting April 1, 2015. He stated that Jill King is the new HR Admin who recently joined the City from the Fairbanks North Star Borough (FNSB) School District.

Mayor Eberhart stated that he has met with several department heads to discuss issues, to take a look at their budgets, to discuss ideas for improving efficiency, and to identify ways to generate revenue. He stated he met at the Dispatch Center to discuss an updated business plan. **Mayor Eberhart** stated he met with the Arts Association regarding beautification and other projects and the possibility of a Performing Arts Center for the Fairbanks community. He stated he met with FNSB Mayor Luke Hopkins to discuss some issues. **Mayor Eberhart** stated that the Fairbanks Diversity Council met and passed its first resolution since forming last year. He stated he appeared on the Charlie O'Toole Show. **Mayor Eberhart** stated he met with a resident that had concerns regarding sewer backup issues and that the resident has been having issues for a long time with Golden Heart Utilities (GHU). He stated that the resident has come to the City to try and get some help. He stated he attended an Unum presentation regarding employee insurance and other benefits.

Mayor Eberhart stated that progress is being made on the collective bargaining agreement with the Fire Department and that issues will be discussed in Executive Session. He stated he attended a Chamber of Commerce Board Meeting, the Tanana Chiefs Conference Annual Convention and the Doyon Annual Shareholders Meeting. **Mayor Eberhart** stated that he attended the F-35's planning session at the Borough, and he also attended the Community Oriented Policing Leadership meeting that was put on by Chief Aragon.

Mayor Eberhart stated that the F-35 scoping meetings are coming up this week and that there will be one meeting in Fairbanks, one in North Pole and one in Delta. He stated that he plans to attend all three meetings along with Chief of Staff Jim Williams. **Mayor Eberhart** stated that a lot of work has been focused on keeping the F-16's and getting the F-35's as it would add 8,000-10,000 people to the Fairbanks community.

UNFINISHED BUSINESS

- a) Ordinance No. 5966 – An Ordinance Approving the Partners for Fish and Wildlife Program Landowner Agreement Between the City, Festival Fairbanks, and the U.S. Fish and Wildlife Service. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Pruhs, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5966.

Mayor Eberhart called for Public Testimony.

Julie Jones, 516 Second Avenue Ste., #318, Fairbanks – Ms. Jones expressed her appreciation for the support the Council has provided regarding getting a City Dock launched. She shared that in the original Golden Heart Plaza Plan, a dock was included. She stated that due to a silt buildup in 2006, it was not possible to bring the plan to fruition.

Pat Smith, City Development Manager – Mr. Smith extended his appreciation to Festival Fairbanks for taking the initiative on the dock, and he recommended favor upon it.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5966 AS FOLLOWS:

YEAS: Walley, Matherly, Gatewood, Pruhs, Cleworth, Staley

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 5966 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4662 – A Resolution Supporting House Bill 42 Relating to and Prohibiting Discrimination Based on Sexual Orientation or Gender Identity or Expression. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Ordinance No. 5967 – An Ordinance Amending the 2015 Operating and Capital Budgets for the Second Time. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- c) Ordinance No. 5968 – An Ordinance Repealing Fairbanks General Code Chapter 14, Article VII Massage Practitioners Effective July 1, 2015. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- d) Ordinance No. 5969 – An Ordinance Amending Fairbanks General Code Section 54-102 Change Orders by Increasing the Amounts Allowed for Change Orders by Administration. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- e) Ordinance No. 5970 – An Ordinance Amending Fairbanks General Code Section 46-42 Disturbing the Peace by Adding a New Subsection Relating to Marijuana Smoke. Introduced by Council Member Pruhs.

ADVANCED on the CONSENT AGENDA.

- f) Ordinance No. 5971 – An Ordinance Authorizing a Limited Real Property Tax Exemption for the Retirement Community of Fairbanks – Raven Landing Expansion Project and Setting an Effective Date. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

Committee Reports

Fairbanks Diversity Council – **Mr. Gatewood** reported the Diversity Council met after the last City Council Meeting to discuss the Strategic Plan with the Chief of Staff Jim Williams and Communications Director Amber Courtney. **Mr. Gatewood** shared the main goal of the Diversity Council is to get all Council members on the same page and working from the same sheet of music. **Mr. Gatewood** discussed diversity and that it means something different to each person. He stated that the goal is to be inclusive of everyone, making sure everyone is at the table sharing opinions. He stated the very nature of a diversity committee is to compel people to

act. He stated that Resolution No. 4662 was the first official act of the Diversity Council and that it was an easy resolution to work on because no one wants to be discriminated against or to admit that they discriminate. **Mr. Gatewood** reported that the Diversity Council will continue to meet and will come together to become a cohesive group who will benefit the City by bringing citizens together to be a voice for the voiceless.

FMATS Policy Committee – **Mr. Wally** stated FMATS met for a short meeting but that there was not a lot to report. He reported that the Policy Committee did approve additional monies for the Cushman Complete Street Project (SB160, FY2013 Funding). **Mr. Wally** mentioned that on April 18 at Hutchison School is the Super Saturday Open House. He spoke about the Bentley Trust Traffic Revision and encouraged people to check it out and make comments online prior to March 31.

Golden Heart Parking Services (GHPS) – **Ms. Staley** provided an update on the GHPS parking garage. She shared that the new Executive Director is Kelly Dent who will be tasked with getting the books cleaned up. She stated that a Work Session may be needed to go over the financials of the Parking Garage. **Ms. Staley** stated she would like to get together as a team to go over the future of the garage.

Leadership Council for the Community Policing Program – **Mr. Cleworth** thanked Chief Aragon for inviting him to be an advisor on the Leadership Council for Community Oriented Policing. **Mr. Cleworth** stated he has been reading about Community Policing and that he is learning a lot. He stated some communities are critical but others embrace it. He stated he would like to learn from other communities' mistakes to avoid any of those issues and what problems could possibly arise. **Mr. Cleworth** reported on the openness of the Parking Garage and that it is being well utilized by the community.

COMMUNICATIONS TO COUNCIL

- a) Fairbanks Diversity Council Resolution No. 2015-01

APPROVED on the CONSENT AGENDA.

- b) Clay Street Cemetery Commission Meeting Minutes of February 4, 2015

ACCEPTED on the CONSENT AGENDA

- c) Fairbanks Diversity Council Meeting Minutes of January 13, 2015

ACCEPTED on the CONSENT AGENDA

- d) Chena Riverfront Commission Meeting Minutes of February 11, 2015

ACCEPTED on the CONSENT AGENDA

COUNCIL MEMBERS' COMMENTS

Mr. Pruhs thanked Mr. Walley for sitting on the FMATS Policy Committee; he stated the importance of his presence on the Committee. **Mr. Pruhs** reported that he met with the Borough Director and Deputy Director of Community Planning regarding marijuana zoning issues and shared his concern on the zoning issues. He reported he is pleased that the Council is the Board of Appeals and that the City will be able to have some control on marijuana zoning issues.

Mr. Cleworth addressed Lance Ostnes's letter to the editor that Frank Turney brought to the attention of the Council. He stated he did not know if the letter was absolutely factual but stated he is going to assume it is. He stated that the matter needs to be looked into and indicated that if the letter is in fact true, the City owes Mr. Ostnes an apology. **Mr. Cleworth** implored Mayor Eberhart to look into the issue and make an apology if one is deemed appropriate. **Mr. Cleworth** thanked Ms. Jones for her work on the agreement between Festival Fairbanks and Fish & Game on securing the new City Dock Grant. He reported on the exciting new plan to complete Cushman Street that will help with City beautification, sidewalks and drainage. He stated he balked at Vision Fairbanks' plan to make Cushman Street a simple two-way street and stated it was not a practical plan.

Mr. Matherly thanked Ms. Rogers and the others who spoke on diversity and HB 42. He discussed seeing a lot of information online regarding the school board making budget cuts; he stated his heart goes out to the people making those decisions. **Mr. Matherly** addressed Lance Ostnes' letter to the editor and stated the story is tragic if true. He thanked Chief Aragon for stirring up some pots around town by getting out and meeting people. **Mr. Matherly** asked Mayor Eberhart about the Finance Committee applicants and if there was another applicant.

Mayor Eberhart replied that the City is advertising the position in the paper but that there have been no additional applicants.

Mr. Matherly reported on the road meeting he and Mr. Cleworth attended regarding the Helmricks/Merhar Drive area and indicated that he would like to have a work session on the issue. He stated it is an honor to serve with the Council and that he appreciates having a full body at work.

Ms. Staley responded to Mr. Matherly's comment and stated she is honored to serve with him as well. She apologized for taking ill the week before. **Ms. Staley** thanked Mr. Cleworth for his attention to the Lance Ostnes letter to the editor, stating she was also shocked by the letter. She also requested the Council and Mayor Eberhart look into the issue further. **Ms. Staley** expressed her excitement about the new roundabout and stated she is amazed at how fast the City is growing. She expressed her excitement about the new ULTA store opening and she reported that the coming weekend would be the Women's Show.

Mayor Eberhart addressed the discussions of setting up an Office of Personal Responsibility at FPD. He explained that a person would take citizen's complaints and report directly to the Chief of Police on the need to investigate those complaints. He shared that the position has been filled and the officer will attend training in May. He stated that it will be a while until the office is completely up and running but that he wanted to report this fact as a way to address Lance

Ostnes letter. **Mayor Eberhart** reported that there are some South Central legislators that are trying to get in the way of bringing natural gas to Fairbanks. He stated that he and Mayor Hopkins will be going to Juneau on April 7th to see what can be done to push back against the attempt to defeat the project. He stated that if Fairbanks had natural gas, Mr. Cook believes Fairbanks could attract a minimum of 40 million dollars in major retailers. **Mayor Eberhart** stated that the Air Force is a strong proponent of bringing natural gas to Fairbanks as a back-up or a substitute to their coal fire boilers. He stated that it is a huge issue and that the City needs to do everything it can to bring Natural Gas to Fairbanks.

Mr. Walley stated he had no comments.

Mr. Gatewood expressed interest in seeing the original agreement on roundabouts in the Wal-Mart area. He stated he was not as involved as Mr. Cleworth but that he recalled the City did not originally own those two roads. He stated he would like to get a better understanding of what the City needs to be doing in that area. **Mr. Gatewood** stated he wanted to discuss high school basketball and that the season just ended the past weekend. He mentioned that the Fairbanks area sent several teams to a tournament and that those teams represented the City well. **Mr. Gatewood** commended the coaches for coordination, tracking kids, coaching, developing young minds and setting youth on a path to success. He stated his appreciation and wanted to call attention to them as they do not get adequate recognition for the work that they do.

CITY ATTORNEY'S REPORT

City Attorney Ewers had nothing to report.

CITY CLERK'S REPORT

City Clerk Snider advised that it was time to go into Executive Session.

Mr. Matherly seconded by **Ms. Staley**, moved to go into Executive Session for the purpose of discussing Labor Negotiations for the Fairbanks Fire Fighters Union (FFU) and the International Brotherhood of Electrical Workers (IBEW).

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

Mayor Eberhart called for a five minute recess.

EXECUTIVE SESSION

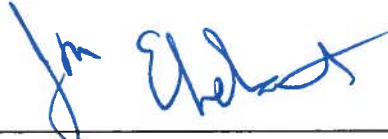
Mr. Gatewood reported that the Fairbanks City Council met in Executive Session to discuss the collective bargaining agreements for the IBEW and the FFU. He stated that the Council received information from the negotiating team on the IBEW contract. He stated that the Council gave direction to negotiating team on the FFU labor contract and that no action was taken.

ADJOURNMENT

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

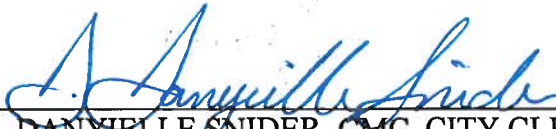
Mayor Eberhart called for objection and, hearing none, so ORDERED.

Mayor Eberhart declared the Meeting adjourned at 9:46 P.M.



JOHN EBERHART, MAYOR

ATTEST:



D. DANYELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB