



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, SEPTEMBER 21, 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 on Strategic Planning, 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
 Margarita Bell, Grants Administrator
 Paul Ewers, City Attorney
 D. Danyielle Snider, City Clerk
 Jim Williams, Chief of Staff
 Carmen Randle, Controller
 Angela Foster-Snow, HR Director
 Jim Soileau, Chief Financial Officer
 Randall Aragon, Police Chief
 Verg Scott, Public Works General Foreman
 Bob Pristash, Engineer IV
 Sean Rice, Refuse Supervisor
 Denise Kendrick, Payroll Specialist
 Amber Courtney, Communications Director/PIO
 Shannon Kumpula, Purchasing Agent/Risk Manager

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

CITIZEN'S COMMENTS

Lance Roberts, P.O. Box 83449, Fairbanks – Mr. Roberts stated that he wanted to make sure the City is aware that there are many residential neighborhoods zoned as general use (GU) by the Borough. Mr. Roberts stated that Shannon Park is a GU zoned area and that someone could set up a marijuana establishment right next to a home or a church. Mr. Roberts stated that this issue will be discussed at the next Borough Assembly and that he would like to propose an amendment that marijuana establishments cannot be opened next to churches, schools, addiction centers or next to a dwelling. Mr. Roberts requested that the City Council Members come to the Assembly meeting to testify on the issue.

Mr. Cleworth asked if he would be able to open a marijuana establishment on private land purchased in Shannon Park. Mr. Roberts stated that based on the current zoning laws, he could do so.

Mr. Pruhs pointed out that Shannon Park is zoned GU but has covenants.

Mr. Matherly asked if Mr. Roberts had any confidence that the Assembly Members would approve the change to not allow marijuana establishments to be opened near churches. Mr. Roberts stated that he was not confident and that he has been calling all churches to raise awareness of the loophole in the marijuana law.

Mr. Pruhs stated the church boundary buffer was initially in the proposed zoning plan and that it has been removed. Mr. Roberts stated he did not know all the history about how the ordinance was drafted but that the buffer for churches is not in the proposal at this time.

Charity Gadapee, 1576 Madeline Street, Fairbanks – Ms. Gadapee stated she is speaking on behalf of Explore Fairbanks. Ms. Gadapee gave a summary of the Visitors Center summer activities and spoke to upcoming events at the center.

Frank Eagle, 912 Kellum Street, Fairbanks – Mr. Eagle stated that he went to Healy to check out the dedication of the new power plant and stated that they will be able to provide Fairbanks with reliable and affordable energy. Mr. Eagle commented that affordable energy will be a draw to new businesses and may help fill vacancies in the downtown area.

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

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.

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 of Ownership, Location and Name Change.

Type: Beverage Dispensary
To: Lavelle's Taphouse / Arlette Eagle-Lavelle
414 2nd Avenue, Fairbanks, Alaska
From: No DBA / Franklin B Eagle
No Premises

Mr. Matherly, seconded by **Mr. Gatewood**, moved to PROTEST the Liquor License Application for Transfer until a Certificate of Occupancy is issued.

Mayor Eberhart called for Public Testimony.

Arlette Eagle-Lavelle, 912 Kellum Street, Fairbanks – Ms. Eagle-Lavelle spoke to the niche market of craft beer, wine and cider at the new location and stated that she wants to create a space where people can come and experience craft brews.

Mr. Cleworth asked Ms. Eagle-Lavelle to explain how her business would be different than a bar. Ms. Eagle-Lavelle stated that she does not intend to serve liquor, shots or martinis—only fresh, cold craft brews. Ms. Eagle-Lavelle stated the hours of operation would be 3 p.m. until about 10 p.m. and that people could bring their own food. She stated that the establishment will not have a food service.

Mr. Pruhs asked if there were issues with the space being next to the condemned Polaris Building. Ms. Eagle-Lavelle stated there are challenges with the nearby courtyard that is unmonitored but that the owner plans to build a large fence that will be unclimbable. Ms. Eagle-Lavelle stated that the Taphouse would be a top-shelf type of establishment; she stated it would be an extension of Lavelle's and that it would be a classy tasting room. **Mr. Pruhs** asked how long the lease would be. Ms. Eagle-Lavelle replied that she has signed a two year lease but that there are more options.

Mr. Matherly stated that the tap room has no kitchen but that people could bring their own food. He then asked if Ms. Eagle-Lavelle planned to add a kitchen in the future. Ms. Eagle-Lavelle stated that she did not have plans to have an in-house kitchen but that she would like to help other local businesses by encouraging patrons to bring food from other local restaurants. **Mr. Matherly** thanked Ms. Eagle-Lavelle for considering Downtown Fairbanks for the location of her Taphouse.

Frank Eagle, 912 Kellum Street, Fairbanks – Mr. Eagle stated that over the years he has learned one thing: if you build a nice fun place, nice fun people will come. Mr. Eagle stated that Ms. Eagle-Lavelle has a solid business plan and that her establishment would help class up the downtown area.

Kathy Lavelle, 912 Kellum Street, Fairbanks – Ms. Lavelle stated that she is in attendance to support her daughter, Ms. Eagle-Lavelle. Ms. Lavelle stated that she encouraged Ms. Eagle-Lavelle to avoid food at her Taphouse because of all the regulation that comes with food service. Ms.

Lavelle asked the Council to support the Taphouse; she added that the space (formerly the Pomegranate) has been empty for four years.

Mr. Pruhs stated that Ms. Eagle-Lavelle has worked in all aspects of Lavelle's Bistro and that now it is her turn to strike out on her own. Ms. Lavelle stated she is a well-rounded restaurant worker and that she is ready to start her own operation.

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

Mr. Cleworth asked whether the license would have to come back before the Council if it is ever sold or transferred. City Attorney Paul Ewers stated that before the license can sell or transfer it would have to come back before the Council. **Mr. Cleworth** read into the record section 14-178(b)(6) relating to the City Council putting conditions on a liquor license. **Mr. Cleworth** stated he would like to put a condition on the license that they could only sell beer and wine, no liquor. **Mr. Cleworth** stated that he would like the Council to discuss the issue because new, stand-alone bars are not typically approved within the core downtown area.

Mr. Matherly asked Ms. Eagle-Lavelle to come back up and further explain her business plan. No Members objected to Ms. Eagle-Lavelle's return. Ms. Eagle-Lavelle stated that she does not want to sell liquor at this time but that she does not agree that if she pays for the full liquor license that she should be barred from ever selling liquor. Ms. Eagle-Lavelle stated a beer and wine license requires her to sell food and that she does not want to sell food. Ms. Eagle-Lavelle stated that she wants to support local restaurants and that she would encourage patrons to bring in food from other establishments to enjoy with one of her craft beers.

Mr. Pruhs explained the history of the downtown area relating to bars and stated that the City Council's rules were intended to clean up the core area of downtown. **Mr. Pruhs** stated that he was an appraiser back in the 70's and 80's and that the downtown area was more run down than it is today. He stated that the City approved and helped build the parking garage in an effort to revitalize Downtown. **Mr. Pruhs** stated that Ms. Eagle-Lavelle's license would be up for review every two years. He stated that he believes Ms. Eagle-Lavelle has brought a new concept to the table and that he is willing to take a gamble and approve her liquor license.

Mr. Cleworth stated that he agreed with a lot of what Mr. Pruhs had to say but that he is still concerned with what will come in the future if her full license is approved. He stated that it is an awkward position for the Council to be in because it would be difficult to deny other applicants the same opportunity in the future. **Mr. Cleworth** stated he has spent his whole life on Second Avenue in his business and that he is concerned about another bar in the downtown core area. **Mr. Cleworth** stated he could support Ms. Eagle-Lavelle's concept but that he would like to put stipulations on the license that would not allow the sale of liquor.

Mayor Eberhart stated that Ms. Eagle-Lavelle's business would be located within a unique block and that he has no doubt that her model would help to revitalize Downtown. **Mayor Eberhart** stated that Mr. Eagle and Ms. Lavelle have done a wonderful job with their businesses and that he believes that Ms. Eagle-Lavelle will follow in their footsteps.

Mr. Gatewood stated the he appreciated Ms. Eagle-Lavelle's business concept and that he also understands Mr. Cleworth's concerns. **Mr. Gatewood** stated that he is swayed by Mr. Eagle-Lavelles presentation and that he would support her liquor license because she has convinced him that her business will revitalize the downtown area.

Mr. Walley asked Ms. Eagle-Lavelle how many signatures she had gathered and pointed out that one of the signatures was from the Fairbanks Downtown Association. Ms. Eagle-Lavelle stated that she had received a few hundred signatures from people all around Fairbanks.

Mr. Cleworth stated that he is struggling with granting the liquor license without conditions. He suggested that the Council take a look at the Code and make changes according to what they are trying to accomplish in the downtown core area. **Mr. Cleworth** stated that he would support the liquor license and that he is counting on Ms. Eagle-Lavelle to make it work.

Mr. Matherly stated that he thinks the world of the Eagle-Lavelle family and that he does see room for Mr. Cleworth's concern. He stated that he will vote to allow the liquor license. **Mr. Matherly** stated he liked Ms. Eagle-Lavelle's presentation and that he has no doubt that she will follow successfully in her parent's footsteps.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE LIQUOR LICENSE APPLICATION FOR TRANSFER UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED AS FOLLOWS:

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

NAYS: None

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 Liquor License Application for Transfer of Ownership, Location and Name Change and Restaurant Designation Permit:

Type: Beverage Dispensary
To: Pagoda Chinese Restaurant / First Security Investments, Inc.
431 Santa Claus Lane, North Pole, Alaska
From: Shenanigan's / Tiffany Park West, Inc.
2406 S. Cushman Street, Fairbanks, Alaska

Mr. Walley, seconded by **Mr. Matherly**, moved to WAIVE PROTEST on the Liquor License 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 TRANSFER AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart stated that Purchasing Agent/Risk Manager Shannon Kumplua is being presented with the Employee Quarterly Award for Safety. **Mayor Eberhart** recognized Refuse Supervisor Sean Rice for earning the Customer Service Award for the quarter. **Mayor Eberhart** awarded Payroll Specialist Denise Kendrick the Professional Services Award for the quarter and that Officer Rick Sweet received the award for Community Service. **Mayor Eberhart** recognized Information Technologies (IT) Director Ben Barrio and IT Network Engineer John Antonuk for their help in Anchorage Police Department's (APD) investigation of a Child Pornography case.

Mayor Eberhart listed the many activities of his office since the last meeting. He requested that Engineer IV Bob Pristash come forward to give a staff report on the Cushman Street project.

Mr. Pristash stated that the Cushman project was supposed to be completed on September 18, 2015; he stated it is only a week behind but that it is moving forward. Mr. Pristash reported that he has paved in snow before and that, while it is not preferred, it can be done. Mr. Pristash stated the weather forecast looks good and that he is hoping for the best. Mr. Pristash stated that the Exclusive Paving crew has only had four days off all summer and that the electrical contractor is working 12 hour days in order to complete the project. Mr. Pristash divulged that he is getting nervous but that he believes it will be paved before winter hits.

Mayor Eberhart thanked Mr. Pristash for the update. **Mayor Eberhart** encouraged everyone in the community and on the Council to attend the upcoming F-35 meetings; he stated that the next meeting will take place in Delta Junction, then another at West Valley High School. He spoke to the importance of the F-35's coming to the area.

NEW BUSINESS

- a) Resolution No. 4690 – A Resolution Amending the City Schedule of Fees and Charges for Services, Effective January 1, 2016. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

DISCUSSION ITEMS

FMATS Policy Committee – **Mr. Walley** stated that there was not much on the agenda at the last meeting. He stated that the Season Mobility Task Force met and discussed maintenance issues for the upcoming winter and spring. **Mr. Walley** stated with the upcoming state budget cuts the Department of Transportation (DOT) will only run 13 plow trucks this winter and that they have assigned street priority levels. **Mr. Walley** expressed concern that Airport Way has been downgraded to a level two road. He explained that if there is a year with heavy snowfall DOT will plow and re-plow level one roads before they ever plow a level two road. **Mr. Walley** stated that the 2015-2018 Statewide Transportation Improvement Program (TIP) was amended and that there will be less revenue sharing in the future.

COMMUNICATIONS TO COUNCIL

- a) Chena Riverfront Commission Meeting Minutes of July 8, 2015

ACCEPTED on the CONSENT AGENDA.

- b) Appointment to the Fairbanks Diversity Council

APPROVED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Ms. Staley stated she appreciates that the Mayor recognizes City Employees and that she is glad that employee awards program has been implemented.

Mr. Walley stated that he forgot to ask Mr. Roberts about marijuana zoning in Downtown Fairbanks. He stated that the FNSB School District Building is a school building and that it should be zoned accordingly; he added that at this time, it is not zoned as a school. **Mr. Walley** stated that he hopes another Council Member could address the issue. He stated that he remembered the bars downtown being a big problem when his dad was City Mayor. **Mr. Walley** stated that times have changed and that Ms. Eagle-Lavelle's proposed business seems like a classy operation—not a bar.

Mr. Gatewood stated that he had no comments.

Mr. Matherly expressed appreciation for Ms. Eagle-Lavelle's presentation and stated that he thinks the Council should revisit the Code on stand-alone bars. He shared his support for having a Borough Representative in attendance at City Council meetings. **Mr. Matherly** stated he is excited for the large 2015 Permanent Fund Dividend (PFD) amount. He thanked Mayor Eberhart for awarding employees and stated it is good for quality employees to be recognized.

Mr. Cleworth stated that he was asked by the League of Women Voters to attend a panel discussion regarding budget issue; he stated he was asked specifically to discuss how the state's budget problems affect the City. **Mr. Cleworth** stated that he focused on revenue sharing, loss of Capital Funds, PERS and the termination studies. **Mr. Cleworth** stated that some villages rely entirely on revenue sharing and that there would be a detrimental impact to those villages if revenue sharing is completely dropped. **Mr. Cleworth** urged the City Representative assigned to the next Borough Assembly meeting to share the concern for having marijuana establishments too close to schools and churches. **Mr. Cleworth** stated that the power plant in Healy is now up and running and that it is tremendous for Golden Valley Electric Association (GVEA) to be able to use it.

Mr. Pruhs stated that he appreciates Mr. Pristash's efforts in getting the Cushman Street project done. **Mr. Pristash** stated he looks forward to its completion but that he is also going to miss walking through the downtown area and talking to all the workers. **Mr. Pruhs** spoke to the Clay Street Cemetery and thanked City Clerk Danyielle Snider, Attorney Paul Ewers and FPD for allowing an officer to escort the remains back to their resting place. **Mr. Pruhs** thanked all City employees for being quality, hardworking people and stated that he appreciates them all.

Mr. Matherly, seconded by **Mr. Walley**, moved to go into Executive Session for the purpose of discussing: Workers' Comp Case (W. Cummings), AFL-CIO Labor Negotiations, International Brotherhood of Electrical Workers (IBEW) Labor Negotiations, and Fairbanks Firefighters Union (FFU) Labor Negotiations.

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

Mayor Eberhart called for a five minute recess.

EXECUTIVE SESSION

- a) Workers' Comp Case (W. Cummings)
- b) AFL-CIO Labor Negotiations
- c) International Brotherhood of Electrical Workers (IBEW) Labor Negotiations
- d) Fairbanks Firefighters Union (FFU) Labor Negotiations

The City Council met in Executive Session to discuss the W. Cummings Workers' Comp Case and AFL-CIO, IBEW and FFU Labor Negotiations. Direction was given to staff and no action was taken.

ADJOURNMENT

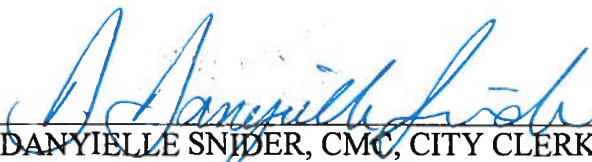
Mayor Eberhart called for objection to ADJOURNING the meeting and, hearing none, so ORDERED.

Mayor Eberhart declared the meeting ADJOURNED at 10:12 p.m.



JOHN EBERHART, MAYOR

ATTEST:



D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB