



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JUNE 11, 2018
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, following a 6:00 p.m. Work Session on City Snow Removal, 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: June Rogers, Seat B
 Valerie Therrien, Seat C
 Jonathan Bagwill, Seat D
 Jerry Cleworth, Seat E
 David Pruhs, Seat F

Absent: Joy Huntington, Seat A (Excused)

Also Present Paul Ewers, City Attorney
 D. Danyielle Snider, City Clerk
 Jeff Jacobson, Public Works Director
 Stephanie Johnson, Dispatch Center Manager
 Carmen Randle, Chief Financial Officer
 Carrie Peterson, Grants Administrator
 Margarita Bell, Controller
 Angela Foster-Snow, HR Director
 Christina Rowlett, Risk Manager/Purchasing Agent
 Eric Jewkes, Police Chief
 Jim Styers, Fire Chief

City Clerk Danyielle Snider read the Mission Statement of the City of Fairbanks.

Ms. Rogers, seconded by **Mr. Bagwill**, moved to EXCUSE Ms. Huntington from the meeting.

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

INVOCATION

The Invocation was given by City Clerk Snider.

FLAG SALUTATION

Mayor Matherly asked **Mr. Bagwill** to lead the Flag Salutation.

CEREMONIAL MATTERS

Mayor Matherly asked Grants Administrator Carrie Peterson to come forward; he announced that she received her CPA Certification from the State of Alaska. He read aloud a letter written

by Chief Financial Officer (CFO) Carmen Randle detailing the requirements of Ms. Peterson's position. **Mayor Matherly** stated Ms. Peterson is a pleasure to work with and congratulated her on her accomplishment.

CITIZENS' COMMENTS ON CONSENT AGENDA ITEMS

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney, in reference to the ordinance to change the time limits for citizens' comments, stated that 90% of the speakers at the recent Work Session on cannabis could have used five minutes to speak. He criticized the effort to reduce the time limit after moving the open public comment period to the end of the meeting.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger questioned whether a member of the public brought forward the idea of reducing public comment time or whether the elected officials came up with. He stated the Council is supposed to work for the people not for themselves. Mr. Buberger stated that the City of Fairbanks needs to build public restrooms; he read aloud a letter he received from someone in Tokyo, Japan who also supports public restrooms in Fairbanks. He stated that Mayor Matherly has been trying to limit free speech since taking office. Mr. Buberger suggested that the City Council limit their comments to match the limitations on citizens' comments. He stated he would like the City to have open Executive Sessions so citizens can know what goes on behind closed doors.

Shoshanna Kun, 326 Wedgewood Drive, Fairbanks – Ms. Kun thanked the Council for regularly broadcasting meetings over the radio and internet. She requested that citizens' comments remain at five minutes because the two-minute time limit at the recent Work Session was too short.

Ms. Rogers asked Ms. Kun if she believed giving extra minutes makes up for reducing the comment time; Ms. Kun stated she thinks there should be a five minute limit with no extra time.

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. Rogers pulled The Hotel/Motel Discretionary Fund Committee Meeting Minutes of January 10, 2018 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 April 23, 2018

APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

- a) The Fairbanks City Council heard interested citizens concerned with the following application for a New Retail Marijuana Store License:

Type: Retail Marijuana Store, License #13949
DBA: Wishful Things, LLC
Licensee/Applicant: Wishful Things, LLC
Physical Location: 3505 Airport Way, Fairbanks, Alaska

Ms. Therrien, seconded by **Mr. Pruhs**, moved to WAIVE PROTEST on the New Retail Marijuana Store License.

Gary Evans, 3505 Airport Way, Fairbanks – Mr. Evans stated he could answer questions.

Victor Buberger – Mr. Buberger stated it is good that another retail store is opening because the City needs the tax revenue.

Frank Turney – Mr. Turney asked the Council to approve the retail cannabis license.

Pearson Crosby, 801 Pelican Way, Fairbanks – Mr. Crosby spoke in support of having a retail store on that side of town.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE NEW RETAIL MARIJUANA STORE LICENSE AS FOLLOWS:

YEAS: Cleworth, Rogers, Therrien, Pruhs
NAYS: Bagwill
ABSENT: Huntington
Mayor Matherly declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Matherly stated that he participated in several events over the Memorial Day weekend. He spoke to the generosity and compassion of the Fairbanks community. He thanked Julie Jones with Festival Fairbanks for changing the flags on the bridges downtown.

UNFINISHED BUSINESS

- a) Ordinance No. 6074 – An Ordinance Repealing Fairbanks General Code Section 1-19. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to ADOPT Ordinance No. 6074.

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

City Attorney Paul Ewers asked Rosalee Bertram to come forward and report on the research project she started during her internship in the City Attorney's Office. Ms. Bertram stated she was tasked with looking into the legislative history of Chapter 1 of the Fairbanks General Code. She spoke about the history of Section 1-19 and stated that both cases cited in the editor's notes of Section 1-19 had been overturned. She stated that she and Mr. Ewers discussed whether the section should be amended or repealed; she stated they decided to repeal it because of the court ruling and because unwarranted searches in emergency situations are covered in other code sections.

Mayor Matherly thanked Ms. Bertram for her work in the City Attorney's Office.

Mr. Cleworth asked what the compelling reason was for the U.S. Supreme Court to overturn the law. Mr. Ewers replied that the cases were overturned based on the Bill of Rights search and seizure law. He stated that there were criminal penalties for not allowing warrantless administrative searches.

Ms. Rogers commended Ms. Bertram for the work she has done; she expressed appreciation for Ms. Bertram's follow-through in presenting to the Council after her internship had ended.

Mr. Pruhs stated he would like Mr. Ewers to write Ms. Bertram a letter of recommendation to include the City Council for when she applies for college.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6074 AS FOLLOWS:

YEAS: Rogers, Bagwill, Therrien, Pruhs, Cleworth

NAYS: None

ABSENT: Huntington

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6074 ADOPTED.

- b) Ordinance No. 6075 – An Ordinance Authorizing and Directing Retention of the Property Known as the Polaris Building for Public Purpose Upon Tax Foreclosure. Introduced by Mayor Matherly and Council Members Pruhs and Rogers. SECOND READING AND PUBLIC HEARING.

Mr. Bagwill, seconded by **Mr. Bagwill**, moved to ADOPT Ordinance No. 6075.

Shoshanna Kun – Ms. Kun stated she is concerned with what the City is planning to do with the building after taking ownership of it.

Frank Turney – Mr. Turney stated he was asked by a business owner to relay the message to please demolish the building.

Victor Buberger – Mr. Buberger stated the Polaris Building has been talked about for years, and he questioned why it is the only neglected building that gets the Council’s attention.

Arlette Eagle-Lavelle, 828 8th Avenue, Fairbanks – Ms. Eagle-Lavelle stated she is the closest neighbor to the Polaris Building and shared that any efforts by the City to clean it up would be welcomed. She stated she is surprised someone has not been hurt by entering the building.

David van den Berg, 332 Slater Drive, Fairbanks – Mr. Van den Berg stated he represents the Downtown Association and spoke to the opportunity the City has to take control of the Polaris Building. He stated that Mr. Marlow had great ideas for the building, but none of the ideas worked out. He stated there are other nuisance properties that should also get attention. He stated the Polaris Group has been fundraising in an effort to help pay for the building.

Deb Hickok, 101 Dunkel Street, Fairbanks – Ms. Hickok stated the Polaris Building is an eyesore and an embarrassment to the hotel industry. She stated that Explore Fairbanks is in the tenth year of exploring future uses for the property once the building is demolished. She stated many buildings require a public subsidy, and everyone should be able to come together and put a proposal together for a better use of the property.

Mike Farrell, P.O. Box 83327, Fairbanks – Mr. Farrell stated that a concrete business plan needs to be made before committing public funds to the Polaris Building. He stated if it is to become a convention center, there is evidence that it would need to be connected to a hotel; he added that a convention center is doomed to fail if that does not happen. He stated he supports the City doing something with the Polaris Building but asked that they not commit to any one plan before it is well thought out.

Helen Renfrew, 101 Dunkel Street, Fairbanks – Ms. Renfrew stated Explore Fairbanks has been studying the feasibility of a convention center for over ten years, and it will not be a subsidy as large as that of the Dena’ina Center in Anchorage. She stated they would be happy to hold a work session with the Council to review all the planning from the past decade. She stated the building is dangerous and needs to be demolished for public safety reasons. She stated the property owner has not paid taxes in over three years, and it is time for the City to act.

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

Mr. Pruhs distributed photos of the old Tiki Cove and spoke to the City taking ownership of the property. He talked about the history of the Polaris Building and the City’s relationship with Marc Marlow. **Mr. Pruhs** stated the Polaris Group was formed specifically to discuss the demolition of the building. He stated he is working to get the funding to demolish the building because neither the City nor the Borough have the funds to tackle the project on their own. He stated the City of Fairbanks has been working on shutting the Polaris Building down for over a decade, and the owner has finally abandoned the property. He stated the Polaris Group is committed to demolishing the building, and they have gotten further than any other group has.

Ms. Rogers thanked Mr. Pruhs for the history of the Polaris Building. She stated she has heard time and time again that the City needs to consider the owner's wishes but that this is not one of those situations; she stated that the owner has abandoned the property. She spoke in support of the ordinance and asked that her name be added to it as a sponsor.

Mayor Matherly stated that he has spoken with Mr. Marlow many times and that Mr. Marlow could still choose to pay the back taxes on the building. **Mayor Matherly** stated the Polaris Building has become an issue of public safety that needs to be taken care of. He stated the management of the property has been a joke, and the building is not secure in any way.

Mr. Pruhs stated he received an email from Police Chief Eric Jewkes relating to how citizens are managing to break into the building. **Mr. Pruhs** stated the Polaris Group will raise the money for the City of Fairbanks to be able to tear the building down.

Mr. Cleworth thanked Mr. Pruhs for all of the work he has done in regard to the Polaris Building. **Mr. Cleworth** asked City Attorney Paul Ewers if the building would go up for public auction in the fall. Mr. Ewers stated the Fairbanks North Star Borough (FNSB) now owns the building, and if the City pays the back taxes the City would get the deed. **Mr. Cleworth** asked what would happen if it went to public sale and nobody purchased it; Mr. Ewers replied that the FNSB would remain the owner. **Mr. Cleworth** stated the Borough is on board with waving tipping fees and asked how the demolition project would be funded. **Mr. Pruhs** stated that a federal grant is the most likely way to get the abatement of the Polaris Building completed. He explained that he is working with Senator Murkowski's office to determine the best route to take.

Mr. Cleworth stated he takes pause when he hears the term "subsidize" because it causes a liability to the City. He stated he was the City Mayor at the time the Polaris Building was condemned, and he wishes the demolition process could have begun at that time.

Mr. Bagwill asked about the effects of Ordinance No. 6075. Mr. Ewers clarified that the record should reflect that the exact amount owed is \$36,332.67, and interest will accrue at a daily rate of \$6.31. He stated that the ordinance and fiscal note should reflect the correct amount.

Ms. Therrien, seconded by **Mr. Bagwill**, moved to AMEND Ordinance No. 6075 by changing the dollar amount in the fiscal note and in Section 2 from \$49,000 to \$36,332.67.

Mayor Matherly called for objection to the motion to AMEND and, hearing none, so ORDERED.

Ms. Therrien spoke in support of the ordinance and thanked Mr. Pruhs for all his hard work with the Polaris Group.

Mr. Cleworth asked why the Borough is not willing to waive their share of the taxes due since they are working as a partner on the project. **Mr. Pruhs** stated he did not think the Borough could waive their fees for the disposition of the building. He pointed out that the City of Fairbanks will not be footing the bill, but the donations of many will be used instead.

Ms. Rogers stated the Borough was asked over a year ago about waiving tax fees, and they stated they could not.

Mayor Matherly stated that having the tipping fees waived makes up for the amount that has to be paid in taxes in order to take ownership of the building.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6075, AS AMENDED, AS FOLLOWS:

YEAS: Bagwill, Therrien, Pruhs, Cleworth, Rogers
NAYS: None
ABSENT: Huntington
Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6075, as Amended, ADOPTED.

NEW BUSINESS

- a) Resolution No. 4837 – A Resolution Fixing the Rate of Tax Levy for Municipal Purposes for the 2018 Real Property Tax of the City of Fairbanks, Alaska. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4838 – A Resolution to Apply for the Alaska Department of Public Safety FFY2017 Edward Byrne Memorial Justice Grant (JAG). Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Ordinance No. 6076 – An Ordinance Amending Fairbanks General Code Section 2-119 Order of Business, to Change the Time Limits for Citizens' Comments. Introduced by Mayor Matherly and Council Members Pruhs, Bagwill, Therrien, Rogers, and Huntington.

ADVANCED on the CONSENT AGENDA.

- d) Ordinance No. 6077 – An Ordinance Amending Fairbanks General Code Chapter 22, Elections. Introduced by Council Member Cleworth.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

- a) Committee Reports

Fairbanks Diversity Council – **Mayor Matherly** reported the Diversity Council would be holding a work session the following evening; he stated that they will not have any public comment period at the meeting because they are breaking out into work groups.

Housing & Homeless Coalition – Ms. Rogers stated she continues to attend the meetings and praised Mike Sanders for his work in the community. She stated she is happy to see Fairbanks being looked at as an example around the State as to how to deal with homelessness.

WRITTEN COMMUNICATIONS TO COUNCIL

a) Hotel/Motel Discretionary Fund Committee Meeting Minutes of January 10, 2018

Ms. Rogers explained that some corrections and clarifications need to be made before they are approved. She requested that the minutes be revised by the Clerk's Office and go back before the Committee for approval.

Ms. Therrien, seconded by Mr. Bagwill, moved to NOT ACCEPT the Hotel/Motel Discretionary Fund Committee Meeting Minutes of January 10, 2018.

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

b) Reappointments to the Board of Plumber Examiners

APPROVED on the CONSENT AGENDA.

CITIZENS' COMMENTS

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney thanked the Administration for the transparency in checking out “Cardboard John.” He thanked the Public Works crew for cleaning up the Clay Street Cemetery for Memorial Day. He reported he would be offering another cemetery tour to students of the Catholic Schools of Fairbanks. He stated he did not support the Council in allowing alcohol consumption on public property.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated he could see whose thumb was in the pie relating to the Polaris Building. He stated the Polaris Group wants to purchase the property so they can tear down the building and replace it with a tax-free convention center. He stated he was at the pharmacy earlier, and the pharmacist was talking about how many potholes there are in the City. Mr. Buberger suggested renaming Fairbanks “Pothole City” and complained about the lack of public restrooms inside the City. He stated the Council gives big raises to the employees every year and recommended that they build public restrooms instead of giving employee raises. Mr. Buberger spoke of the beautiful roads in Singapore and how many public restrooms there are in the malls there.

Arlette Eagle-Lavelle, 828 8th Avenue, Fairbanks – Ms. Eagle-Lavelle stated the first of the Third Thursday events took place a few weeks back, and she set up her business according to the approved extension of premises. She stated she did not block the sidewalk and was careful not to hinder wheelchair access. She stated one of her employees was harassed by Larry Hackenmiller who was chain smoking at the border of her premises. Ms. Eagle-Lavelle stated she wants all local bar owners to be successful, and if anyone would like to review her application she would

be happy to share it with them. Ms. Eagle-Lavelle spoke to the community support of events that have been put on by the Taphouse benefiting nonprofit organizations around Fairbanks.

Ms. Rogers thanked Ms. Eagle-Lavelle for attending the meeting and for speaking so eloquently.

Mr. Pruhs asked Ms. Eagle-Lavelle if she intended to continue with the Third Thursday events throughout the summer. Ms. Eagle-Lavelle stated she has met with Chief Jewkes and a few other Department Heads, and she plans to operate her business a little differently at future events.

Mr. Pruhs asked Ms. Eagle-Lavelle if she feels she is being harassed because of the success of the Taphouse; Ms. Eagle-Lavelle stated she did believe that to be the case.

Shoshanna Kun, 326 Wedgewood Drive, #E-27, Fairbanks – Ms. Kun commended Ms. Eagle-Lavelle for her hard work and for her success. Ms. Kun stated she did not support drinking in the street and that her 12-year-old daughter did not want to attend the event because there would be people drinking. She stated if it were fenced in like the Big I outdoor area she would not have a problem with it. She stated the Polaris Building is not something that tourists ask her about; she stated that tourists are concerned about safety because of people who are fighting in the streets as a result of alcohol. She stated she admires Ms. Eagle-Lavelle’s ingenuity but that the City Council should not condone alcohol consumption in the streets.

David Van den Berg, 332 Slater Drive, Fairbanks – Mr. Van den Berg stated the next Third Thursday event is scheduled for June 21; he added that 23 vendors are scheduled to attend. He stated that feedback suggested adding more food trucks, but the Downtown Association has decided to lend its support to the “brick and mortar” vendors along Second Avenue. He explained that people could join the festivities along Second Avenue and stop to dine along the way. He spoke to other events that would be taking place in the coming weeks within the City.

Mr. Cleworth asked about parking for the event. Mr. Van den Berg stated all exiting will be off of Third Avenue and that according to the traffic control plan, drivers would only be able to exit from a south-facing exit.

COUNCIL MEMBERS’ COMMENTS

Mr. Bagwill wished everyone a happy summer and stated that Ms. Huntington and her family are in his thoughts and prayers. He stated he took part in an active shooter drill and encouraged everyone to get the same kind of training. He stated he would be attending the next Regular Council meeting telephonically because he would be travelling.

Mr. Cleworth asked whether the woman who complained about the old dairy had filed a public nuisance complaint at the Police Department. **Mayor Matherly** stated he has not seen a formal complaint; he stated that he has recently walked the property, and it is a mess.

Mr. Cleworth thanked Julie Jones for all her efforts to beautify City Hall and the downtown area. He asked Chief Jewkes to pass on thanks from the Council to Officer Dave Elzey who is retiring; **Mr. Cleworth** stated he would be missed. **Mr. Cleworth** spoke to the increased call volume for emergency services and suggested that there be a study done to identify what is causing the increase.

Mr. Pruhs thanked the Council for their action on Ordinance No. 6075, and he thanked those who have been working on the Polaris Group. He stated he foresees success in having the Polaris Building torn down.

Ms. Therrien wished everyone a happy summer. She shared her hope that it would not be a heavy snow year after learning more in the earlier Work Session on City Snow Removal.

Ms. Rogers echoed Ms. Therrien's thoughts and expressed thanks for the Work Session on Snow Removal; she stated it is important to begin the discussion early in the year so costs can be properly budgeted. She spoke to the history of snow removal within the City and was grateful to have the old task force information from 1993. **Ms. Rogers** spoke to the importance of sharing with the community the special gifts Fairbanks has to offer, and she thanked Rosalee Bertram for the work she did in the Attorney's Office.

CITY CLERK'S REPORT

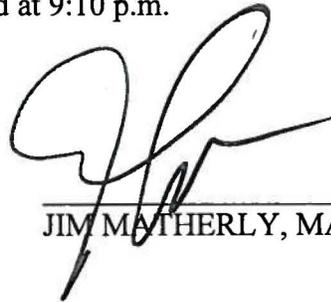
City Clerk Snider stated the City of Fairbanks Clerk's Office, the North Pole Clerk's Office, and the Borough Clerk's Office would host a Candidate Open House at 10:00 am, July 7, at the Borough Assembly Chambers. She reported that candidate filing would open July 16 at 8:00 am.

ADJOURNMENT

Ms. Therrien, seconded by **Mr. Bagwill**, moved to ADJOURN the meeting.

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

Mayor Matherly declared the meeting adjourned at 9:10 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB