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FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, FEBRUARY 10, 2020  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 6:30 p.m. on the above date, following a 5:00 p.m. Work Session for Strategic Planning on City Services & Revenues, 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:        Shoshana Kun, Seat A  
   June Rogers, Seat B  
   Valerie Therrien, Seat C  
   Aaron Gibson, Seat D  
   Jerry Cleworth, Seat E  
   David Pruhs, Seat F

Absent:                                        None

Also Present:                                Paul Ewers, City Attorney  
   D. Danyielle Snider, City Clerk  
   Jeff Jacobson, Public Works Director  
   Mike Meeks, Chief of Staff  
   Angela Foster-Snow, HR Director  
   Nancy Reeder, Police Chief  
   Jim Styers, Fire Chief  
   Tod Chambers, Assistant Fire Chief

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

**INVOCATION**

The Invocation was given by City Clerk Snider.

**FLAG SALUTATION**

Mayor Matherly asked everyone to join him in the Pledge of Allegiance.

**CITIZENS' COMMENTS**

Sue Sprinkle, 211 5th Avenue, Fairbanks -- Ms. Sprinkle provided the Council with an update on a couple of properties in her neighborhood. She stated that a local business was robbed, and it is likely related to the property in her neighborhood. She shared that there was another break-in at the abandoned house near her property. She asked what would happen to the dilapidated house that recently burned down and expressed concern that it may become a problem property if it remains until the following summer. She stated she is excited about the idea of a nuisance property committee, and she would like to hear from the Council about what they would like to see happen.

**Mr. Cleworth** asked when the property Ms. Sprinkle referred to burned. Ms. Sprinkle stated that she believes the house burned down in January.

Max Plichta, 1763 Iniakuk Road, Fairbanks – Mr. Plichta addressed the Council about the issue of climate change. He urged the City Council to study the effects of global warming on Earth's climate and gave suggestions as to how to go about addressing issues.

Julie Jones, 1442 Luke Street, Fairbanks – Ms. Jones stated she is speaking on behalf of the non-profit organization, Festival Fairbanks, and she spoke about Festival Fairbanks' shared interest in nuisance properties. She expressed support for the renewal of the Mecca Bar liquor license. She stated that the Golden Heart Plaza has had many police calls recently, and it is not simply one particular area of downtown that is the problem. She stated it is up to all citizens to put their heads together to come up with a solution to these kinds of chronic problems.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated he is sad about the recent deaths in the downtown area due to exposure; he shared that one of the men was a friend of his. He asked the Council to address what is really going on with the Polaris Building and how they intend to profit off the property. He suggested that the City is in with Explore Fairbanks and that it is a backdoor deal to acquire the building. Mr. Buberger stated he read that a \$200 million project was under consideration to put a performing arts center in that location; he commented that a certain Council member would be happy to chair that committee. He stated the City levies alcohol and bed tax but is keeping a secret as to what is going on with the Polaris project. He stated the building has been there for years and insinuated that Explore Fairbanks has something to hide. He stated that someone is going to make a lot of money.

David van den Berg, 332 Slater Drive, Fairbanks – Mr. van den Berg stated he is attending as the Director of the Downtown Association (DTA). He stated that the Borough has stalled completely in what could be done to help the downtown core area. He stated the City has the power to regulate on- and off-street parking, and he spoke to the importance of parking services. He stated Ordinance No. 5723 gave the authority over parking services to the Parking Authority and asked what kind of authority they actually have.

Michael Farrell, P.O. Box 61004, Fairbanks – Mr. Farrell stated he listened to the last meeting, and he thought it was inappropriate for the Mayor to tell citizens at a Council Meeting what is or is not appropriate be discussed; he stated that he would like a list of items that are not allowed to be spoken about. He stated the Mayor met someone with hostility at the last Council Meeting, and it was not appropriate. Mr. Farrell explained to the Mayor that if he intends to move up in politics he has to allow people to speak. He stated citizens should be allowed to ask any questions they wish about a huge project like the Polaris Building. He stated the public is asking about the plan, and they should be heard. He stated he saw a 300-page document relating to the project; he stated if that much has been invested in planning, there is likely something going on behind the scenes.

David Hayden, 147 3rd Avenue, Fairbanks – Mr. Hayden stated he lives in the neighborhood near American Tire and Auto and the Clay Street Cemetery; he expressed support for rewriting the local nuisance ordinance. He stated he has read Anchorage's ordinance, and the City could adopt something similar. Mr. Hayden stated there is a house that was a nuisance all summer, but it never came up on the City's radar until it recently burned down. He stated it should not take a crisis in

order for the City to pay attention to the area, and he mentioned the local business that was recently robbed. He stated he calls the police, makes reports, and has been talking about the problems since October, but nothing has been done to fix the problem.

**Mr. Cleworth** asked Mr. Hayden if he read the whole Anchorage ordinance and whether their ordinance is codified or just a policy. Mr. Hayden stated that the Anchorage ordinance is codified.

Hearing no more requests for comment, **Mayor Matherly** declared Citizens' Comments closed.

### APPROVAL OF AGENDA AND CONSENT AGENDA

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

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

City Clerk Snider read the Consent Agenda into the record.

### APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of December 2, 2019.

APPROVED on the CONSENT AGENDA

### SPECIAL ORDERS

a) The Fairbanks City Council heard interested citizens concerned with the following Liquor License Applications for Renewal:

Lic. #	DBA	License Type	Licensee	Premises Address
710	Mecca Bar	Beverage Dispensary	JRB, Inc.	549 2nd Avenue
104	Red Lantern Steak & Spirits	Beverage Dispensary	Westmark Hotels, Inc.	813 Noble Street
4247	Brewster's	Beverage Dispensary	Restaurant Concepts, LLC	3578 Airport Way
4819	The Antler Room	Beverage Dispensary	The Antler Room, Inc.	1003 Pioneer Road, #A
5169	HooDoo Brewing Company	Brewery	Fairbanks Fermentation, LLC	1951 Fox Avenue
4168	Food Factory	Beverage Dispensary	CNR Enterprise, LLC	275 Bentley Trust Road

**Ms. Kun**, seconded by **Mr. Gibson**, moved to consider the Mecca Bar Liquor License Application for Renewal separately from other renewal applications.

**Mayor Matherly** called for objection to considering the Mecca Bar Liquor License Application for renewal separately from other renewal applications, and hearing none, so ORDERED.

**Mr. Pruhs**, seconded by **Ms. Kun**, moved to consider The Antler Room Liquor License Application for renewal separately from other renewal applications.

**Mr. Pruhs** declared a conflict of interest as a member of the Elk's Lodge and stated he would like to abstain from voting on The Antler Room liquor license renewal application. **Ms. Therrien** stated she is also an Elks Lodge member and may have a conflict.

City Attorney Paul Ewers advised that if Council Members are only general members of the Elks Lodge, it would not preclude them from voting on the liquor license renewal.

**Mr. Pruhs** stated he would be abstaining from the vote. **Mayor Matherly** advised Mr. Pruhs that there was no conflict and that he could vote. **Mr. Gibson** stated that he is also an Elks member.

**Mayor Matherly** stated that Attorney Ewers' advice stands, and if Council Members are only general members of the organization and are not benefiting monetarily, there is no conflict.

**Mayor Matherly** called for objection to considering The Antler Room Liquor License Application for renewal separately from other renewal applications, and hearing none, so ORDERED.

**Mr. Pruhs**, seconded by **Ms. Therrien**, moved to WAIVE PROTEST on the HooDoo Brewing Company, Food Factory, Brewster's, and Red Lantern Steak & Spirits Liquor License Applications for Renewal.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE HOODOO BREWING COMPANY, FOOD FACTORY, BREWSTER'S, AND RED LANTERN STEAK & SPIRITS LIQUOR LICENSE APPLICATIONS FOR RENEWAL AS FOLLOWS:

YEAS: Cleworth, Pruhs, Rogers, Kun, Gibson, Therrien  
NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

**Ms. Kun**, seconded by **Mr. Pruhs**, moved to WAIVE PROTEST on The Antler Room Liquor License Application for Renewal.

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

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

YEAS: Pruhs, Therrien, Kun, Cleworth, Gibson, Rogers  
NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

**Ms. Therrien**, seconded by **Mr. Pruhs**, moved to WAIVE PROTEST on the Mecca Bar Liquor License Application for Renewal.

Serena McCormick, P.O. Box 753171, Fairbanks – Ms. McCormick stated she is a bartender at the Mecca Bar; she stated she attends college classes during the day and works mostly at night. She stated she attended a Council Meeting two years ago for the liquor license renewal, and she invited Council Members to visit the bar for a tour; she stated that only two members have come in. She stated there is a problem in Fairbanks, but it is a community issue – not a license issue. Ms. McCormick stated there are times when a person is drunk and instead of leaving them lying half naked outside in subzero temperatures waiting for the service patrol to arrive, she allows them to warm up inside until help arrives. She stated two people have recently frozen to death, and she does not want that to continue to happen. She stated the Mecca Bar is the oldest bar in Fairbanks, and it has been at its original location for 74 years. She stated she is happy to be part of Fairbanks history.

Julie Jones – Ms. Jones stated the Mecca Bar is a great, downtown historic place to visit and is also a gaming location for Festival Fairbanks. She stated the Mecca Bar generates nearly \$70,000 for Festival Fairbanks, and they are hoping to use those funds to purchase cameras with recording capability at the Golden Heart Plaza. She stated that cameras should help the Fairbanks Police Department (FPD) and Public Works identify who is doing the damage at the Golden Heart Plaza. She stated they used to have webcams downtown that the police had access to, and it would be nice to have tools like that to combat the community problem that is only getting worse.

Tiffany Ayers, 2576 Linda Lane, Fairbanks – Ms. Ayers stated she is the owner of River City Café in the Co-op Plaza and shared that, including the Mecca Bar, there are nine establishments that serve alcohol on 2nd Avenue. She stated people who stumble out of the Mecca Bar come to her shop and disrupt her patrons, and she caters to tourists. She stated she employs young people who are still in high school, and her employees should not have to deal with drunk patrons from the Mecca Bar. Ms. Ayers stated a 17-year-old employee had to deal with a drunk individual who came into her establishment and took off all his clothes before passing out in the middle of the restaurant. She stated it is worse for people whose businesses within close proximity to the Mecca Bar, and she feels badly for them. She stated it was not as bad when her shop was just a little further down the street at 523 2nd Avenue. Ms. Ayers stated her boyfriend will not even come down to visit at her business because the people outside the Mecca Bar ask for rides, and when he has refused, they have told him they would steal his car. She stated she deals with the problems, but she is tired of dealing with the harassment of Mecca Bar patrons.

Larry Hackenmiller, 518 Farmers Loop Road, Fairbanks – Mr. Hackenmiller stated he sees people getting kicked out of the Mecca Bar and stated it is illegal to serve alcohol to an intoxicated person. He stated the employees at the Mecca Bar are diligent about kicking out people who come into the establishment already intoxicated. He stated Jodi has worked tirelessly and in harmony with the FPD to keep her business on the up-and-up. Mr. Hackenmiller stated that when the City came up with the alcohol tax it was intended to help deal with the community problem, but the revenue is not being used for that purpose. He spoke in support of the Mecca Bar liquor license.

Aly Rasley, 1161 Shypoke Drive, Fairbanks – Ms. Rasley stated she was a magistrate for 28 years. She stated she is familiar with the alcohol problem in the community because she was the

arraignment officer for many cases involving alcohol. She stated that cameras in the downtown core area will help combat the issue better than shutting down the Mecca Bar. She stated cameras would aid a short-staffed police department. Ms. Rasley stated the problem is with people buying alcohol at liquor stores and drinking it in the GHP, the Catholic parking lot, and other areas. She stated this is a community issue that is not caused by the Mecca Bar liquor license.

**Ms. Therrien** asked about a task force that Ms. Rasley was a part of. Ms. Rasley stated that when the City and mental health professionals work together, a lot can be done. She stated the program was successful because there was a lot of cooperation between entities; she indicated that is not how things are working anymore.

Kelly Locker, 129 1st Avenue, Fairbanks – Ms. Locker spoke in support of the Mecca Bar. She stated it has been a great place to work for 15 years, and she has never felt unsafe there. She stated people who get kicked out are intoxicated upon arrival, but when it is -40 degrees, it is wrong to put an intoxicated person who cannot stand onto the street. She questioned what they are supposed to do when the Emergency Service Patrol (ESP) will not take them and 9-1-1 will not respond.

Robert Fox, 843 5th Avenue, Fairbanks – Mr. Fox stated he works on 2nd Avenue, and he will not blame the Mecca Bar for the problems; he stated, however, that the business is a magnet for problems downtown. He stated often times he escorts people down the street who do not feel comfortable walking past the establishment alone. Mr. Fox stated there is often vomit and urine along the street that is not cleaned up. He stated that his business takes care of their little area, but they do not clean up other areas down the street. He stated the police will not respond because there is no money in it for the City. He stated he has had to get face-to-face with patrons from the Mecca Bar. He commented that the City should either shut the bar down or do what is needed to deal with the problems. He stated that patrons sometimes scare tourists, and the problem should be addressed by having a police presence downtown.

Kemp Lankford, 929 Cranberry Ridge, Fairbanks – Mr. Lankford stated he owns Aurora Apothecary next to the Mecca Bar. He stated alcoholism is a real problem, and it would be wrong for him to blame one bar for all of the problems. He reaffirmed that it is a community issue and that the City of Fairbanks is too good for this. He commented that revoking the liquor license will not solve the problem. He stated he does not believe the camera project is ever going to come to fruition and suggested that a mental health court might be a better way to combat the problem.

Rina Kowalski, Fairbanks – Ms. Kowalski stated the Mecca Bar has a terrible reputation for overserving people and a terrible staff. She spoke to a situation that occurred at the Mecca Bar when Ms. Locker was working that made her and her partner so uncomfortable they had to leave. She stated she has seen Ms. Locker overserve patrons to the point that they cannot walk, and that is wrong. She stated that the business is a nuisance to the community and asked the Council not to support renewal of the liquor license.

Victor Buberger – Mr. Buberger stated people confront him outside the Mecca Bar and in front of the Co-op Plaza, but in the old days there were always officers on patrol. He stated there used to be better control, and it is wrong to fault business owners for a problem much bigger than themselves.

Jodi Blakley, 2000 Patricia Court, Fairbanks – Ms. Blakley stated she has worked very hard to follow rules and make the Mecca Bar a welcoming place. She stated they do not allow intoxicated individuals in, and the only exception is when it is freezing outside, and a person is passing out on the street. She stated they had a customer who died from exposure. She stated the cameras are paid for and will be installed in the near future.

**Mr. Gibson** asked Ms. Blakley how long she had owned the bar; Ms. Blakley stated 13 years.

**Ms. Therrien** asked Ms. Blakley for her thoughts about the accusation that her bartenders overserve patrons. Ms. Blakley stated that if it happens, it happens rarely. She stated her staff takes care of Mecca Bar customers. **Ms. Therrien** asked whether the list of those who are not allowed in the bar grows each year. Ms. Blakley stated that once a person is on the list, their name does not come off. She stated, however, that once a year they go through the list and cross off names of those who have passed away.

**Ms. Kun** asked Ms. Blakley if she could hire a security guard. Ms. Blakley stated that a security guard would not be able to enforce anything outside, so their only function would be to do ID checks; she stated that would be redundant because the bartenders already do that.

**Ms. Rogers** asked Ms. Blakley what she meant when she said police officers do not come to 2nd Avenue anymore. Ms. Blakley stated that the police used to do regular walk-throughs at the bar, but they have gotten away from that. She stated she would be happy to have officers park in front of her bar while they do paperwork, just to establish a presence.

Travis Davis, P.O. Box 58265, Fairbanks – Mr. Davis stated that in all his years in Fairbanks he has never heard of a major shooting or stabbing at the Mecca Bar. He spoke in support of the liquor license renewal.

David van den Berg – Mr. van den Berg stated the Mecca Bar puts the DTA in an awkward spot because there is definitely a social problem, but there are also problems with the establishment. He stated it negatively affects the businesses downtown.

Debra Babcock, P.O. Box 55764, North Pole – Ms. Babcock stated her son was a chronically inebriated person who was a Mecca Bar customer; she shared that he passed away. She stated she has heard about downtown Fairbanks accepting money from the Mecca Bar, and money talks. She stated it hurt to hear Ms. Blakley say they go through their list and cross off those who have died.

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

**Mayor Matherly** pointed out that there were no department-recommended protests for the license.

**Mr. Cleworth** stated he owns the building next to the Mecca Bar, and he has a conflict of interest. He stated he would abstain from discussion and the vote on the Mecca Bar liquor license renewal.

**Ms. Rogers** asked Police Chief Reeder to provide a staff report on callouts. Chief Reeder stated a lot of calls on the list are not related to the license, but the address was used to direct police to the incident location. She stated that sometimes incidents are on the street or in parking lots.

**Mayor Matherly** spoke to the limited resources at the City – especially at FPD. Chief Reeder stated there are now eight vacancies in her department, and five officers intend to retire soon. She stated they have been trying to hire officers, but it is difficult to find qualified applicants. She stated FPD officers are call-driven and have no unobligated time.

**Mr. Gibson** asked about the 16 calls for service referenced by Chief Reeder. Chief Reeder stated she went through the entire list for the Mecca Bar, but only 14 of the calls were cause for concern. She stated the location is often used as a reference point for calls for service, but calls may not be related to the license.

**Ms. Therrien** asked if it would be possible to have a bigger police presence downtown. Chief Reeder stated there are a lot of neighborhoods that would like to have more police presence, but it is not feasible at this time. She stated that she would like to have a couple officers on bicycle patrol downtown in the summer, but with staffing levels as they are now, it is not feasible.

**Ms. Rogers** stated it is going to take everyone working together to find solution to the problems facing the community. She stated a lot of light has been shone on community issues throughout the meeting, and they are problems that are not easily fixed. She stated she was encouraged to hear people agree that it is a community issue; she stated she will be voting to support the liquor license renewal, and she thanked all those who attended and spoke about the issue.

**Ms. Therrien** stated that the chronic inebriate issue needs to be addressed in the goals of the City and that taking away the Mecca Bar is not going to solve the problem. She stated that the problem would just shift to another establishment. She stated she would like to see more of a police presence in the downtown area during the summer, but the bigger topic that needs to be addressed is the issue of chronic inebriates.

**Mayor Matherly** stated he has been working with the Chief of Staff on public inebriation and loitering issues because he does not want the problem to deter tourism. He stated his heart goes out to Ms. Babcock; he stated it is a sad statistic that Alaskans are not proud of. He stated alcohol is a major problem in Alaska, and he is working on a few different solutions at the ground level. He stated he will work with Chief Reeder on regulation and enforcement.

**Ms. Kun** stated she is a substance abuse counselor, and there is a need for the City to admit there is a problem. She stated she used to patronize the Mecca Bar when she was a care worker because one of her clients liked to go to the bar. She stated overserving is a very real issue, and she has received calls from citizens who want the Mecca Bar to be shut down. She stated that when she was running for office, a gentleman asked her to have the bar shut down. She stated that the man said he is a relapsing drug addict, and he can go to the Mecca Bar anytime and pick up any drug of his choice. She stated she would not vote in support of the liquor license renewal.

**Mr. Pruhs** stated there were some disparaging comments made about a fine person who works at the Mecca Bar, and he does not appreciate hearing such things about a good person.

**Mr. Gibson** stated he understands the downtown has issues, but it is the Council's job to address those issues – not the license holder's job.



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

YEAS: Therrien, Rogers, Pruhs, Gibson  
NAYS: Kun  
ABSTAIN: Cleworth  
**Mayor Matherly** declared the MOTION CARRIED.

**Mayor Matherly** called for a brief recess. The meeting resumed following the short recess.

b) The Fairbanks City Council heard interested citizens concerned with the following Application for a New Marijuana Product Manufacturing Facility License:

Type/License: Marijuana Product Manufacturing Facility, License #14874  
DBA: GoodSinse, LLC  
Applicant: GoodSinse, LLC  
Location: 2604 Davis Road, Fairbanks

**Ms. Therrien**, seconded by **Ms. Kun**, moved to PROTEST the New Marijuana Product Manufacturing Facility License until a Certificate of Occupancy is issued by the Building Department.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE NEW MARIJUANA PRODUCT MANUFACTURING FACILITY LICENSE UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED BY THE BUILDING DEPARTMENT AS FOLLOWS:

YEAS: Rogers, Gibson, Therrien, Pruhs, Cleworth, Kun  
NAYS: None  
**Mayor Matherly** declared the MOTION CARRIED.

### **MAYOR'S COMMENTS AND REPORT**

**Mayor Matherly** stated that Jo Scott has been in his thoughts because her husband Dick passed away recently. He spoke to the events he attended since the last City Council Meeting.

### **COUNCIL MEMBERS' COMMENTS**

**Ms. Therrien** stated she looks forward to working on the nuisance property ordinance and shared that it is time for the Council to find a resolution to that issue.

**Mr. Gibson** thanked Mr. Plichta for attending and speaking to the Council about climate change, and he encouraged him to continue his work. He shared some things the City is doing to reduce its carbon footprint and energy usage.

**Mr. Pruhs** encouraged Mr. Buberger and Mr. Farrell to stay so he could address their comments later on in the meeting when he provides an update on the Polaris Work Group.

**Ms. Rogers** echoed Mr. Gibson's comments and stated the City could put climate change information on the City website.

**Mr. Cleworth** stated that LED lighting has saved the City 50% on their light bill; he stated the City does its best to use as few resources as possible. He addressed Mr. Buberger's earlier comments and shared that the Council approved a resolution within the past six months addressing what might happen with the Polaris Building property.

**Ms. Rogers** applauded Mr. Cleworth his efforts in the historical restoration of City Hall.

### **UNFINISHED BUSINESS**

- a) The Fairbanks City Council addressed the following Liquor License Application for Renewal. POSTPONED from the Regular Meeting of January 27, 2020; public hearing was held at that time.

Lic. #	DBA	License Type	Licensee	Premises Address
1134	Thrifty Liquors	Package Store	Market Basket, Inc.	1410 Cushman Street

*At the Regular Meeting of January 27, 2020, Ms. Kun, seconded by Mr. Gibson, moved to PROTEST the Thrifty Liquors liquor license application for renewal. The motion to protest remained on the floor.*

The Council requested to hear from the liquor license applicant.

Rudy Gavora, P.O. Box 70021, Fairbanks -- Mr. Gavora stated he has never had to come before the Council for an existing liquor license – only when there was a new license or the transfer of a license. He stated he is somewhat offended. He stated the City has no problem taking millions of dollars in tax revenue from the location. He stated that they have been operating in Alaska for 60 years, and they have had package store and beverage dispensary licenses throughout the state. He stated they have always been a responsible retailer and have never lost the ability to sell at any of their stores, putting their record above any other chain in the State of Alaska. Mr. Gavora stated they have never gone through these kinds of proceedings with any other municipality. He stated his employees are trained through the Training for Alcohol Professionals (TAPS) Program. He stated that the Council is asking \$15-an-hour clerks to do law enforcement work. He explained that their job is to control liquor sales at the point of sale under the regulations of the State of Alaska Alcoholic Beverage Control (ABC) Board. He stated his employees do a great job, but they cannot control consumptions once a person leaves the business. He stated they sell to mostly sober people, and they have internal incident reports and “no-sell” lists. Mr. Gavora stated the 95 calls reported to the Council cannot be quantified as having direct correlation with the liquor store; he stated he spoke with City Dispatch. He explained that the majority of the calls were during summer months. He spoke about his service on former Mayor Strle's Chronic Inebriate Task Force

and to how things were done at that time. He stated that people are trying to blame everything on alcohol, but there are much bigger problems. He stated the City is happy to embrace its new revenue partner “with the leaves”. He asked whether anyone has looked at the “zombie culture” at night when liquor establishments are closed; he stated they are the ones out at night causing trouble.

**Mr. Pruhs** asked for confirmation that the Gavora family had been in the liquor business since the 1960’s; Mr. Gavora confirmed. **Mr. Pruhs** asked whether they ever had a license pulled, and Mr. Gavora replied that they have not. **Mr. Pruhs** stated that there are many less liquor stores and bars in Fairbanks than there used to be, so there is a condensed group of people patronizing a smaller number of locations. Mr. Gavora stated the DTA has done a great job of pushing it out to other locations; he mentioned that Bentley Mall, Gavora Mall, and Fred Meyer East are affected by the same issues. **Mr. Pruhs** asked Mr. Gavora about the stores he currently owns and operates. Mr. Gavora stated they six stores in the Borough, three of which are in the City.

**Ms. Therrien** stated that when she drives near the location, she sees people loitering and drinking in the parking lot. She asked Mr. Gavora if he could offer any solutions. Mr. Gavora stated that he disagrees with Ms. Therrien and that he is there sometimes three times in one day. He stated that security guards and employees chase people off the property and that it is not necessarily his property where the people are congregating. Mr. Gavora stated that people also hang out on property near Stacia Street and that the liquor store is in close proximity to chronic inebriate housing. He stated the liquor store was there long before the facility. He indicated that alcohol problems are less now than they used to be and that there are about 60 chronically inebriated people causing the problem. He stated that his business pays millions of dollars to the City in alcohol and property taxes, and he asked what the funds were being spent on.

**Mr. Gibson** asked Mr. Gavora if he knew his liquor license renewal would be considered by the Council at the last meeting. Mr. Gavora stated that he was not aware and that he has never had to deal with an issue like this before.

**Ms. Kun** asked whether the TV at the location is ever turned off; she stated it is very bright. Mr. Gavora stated that he was unsure how that was pertinent to the liquor license. **Mayor Matherly** asked Council Members to stay on topic. **Ms. Kun** asked about theft procedures at the location. Mr. Gavora stated they try to stop theft unless it may cause harm to employees and that chronic inebriates are chronic thieves. He stated they try to prevent risk to employees as much as possible.

Hearing no more Council Member questions for Mr. Gavora, **Mayor Matherly** stated it was time for Council discussion.

**Mr. Pruhs** stated he has been told that the problem is not Thrifty Liquors – it is “First Housing”. He stated the subdivision has deteriorated because of the facility. He commented that Mr. Gavora should not be crucified because of that.

**Mr. Cleworth** corrected Mr. Pruhs; he stated that it is called “Housing First”. He stated that the problems near Stacia Street were there long before Housing First. He stated that area was a big problem area when he was Mayor. He stated that he agrees with Ms. Therrien that there are folks loitering outside the liquor store before it opens early in the morning, and he knows the individuals

by name because he has to deal with them at his business downtown. **Mr. Cleworth** stated he was asked recently by Borough officials if the Council would protest the Thrifty Liquors license; he stated the Borough is having problems at the transit station. He stated there is no legal tool to deal with the chronic inebriate issue, and he does not expect police to deal with those issues all the time. He acknowledged the bigger community problem. He spoke to his own experiences in dealing with the alcohol problem at his downtown business, and he stated he is tired of it.

**Ms. Therrien** disagreed with Mr. Pruhs' statement that the Council was crucifying Mr. Gavora; she stated they were only asking questions. She pointed out that the Council postponed the issue from the last meeting to give Mr. Gavora the courtesy of being able to speak about the license. She stated she is unsure what to do about the problem, and she suggested that perhaps the City should buy out some liquor licenses.

**Mayor Matherly** stated that it was not the intent to insult Mr. Gavora; he stated that the Council wanted to have more information before acting. He stated it is the Council's right to ask questions.

**Mr. Gibson** stated he did not want a repeat of the situation that occurred with The Spur's liquor license, so that is why he supported postponing the item.

**Ms. Therrien** stated the Council postponed the issue also because they wanted more information on police calls. **Mayor Matherly** asked FECC Manager Kristi Merideth for a staff report.

Ms. Merideth stated that there were 169 calls to Thrifty Liquors from January 1 – December 31, 2019. She explained that the calls include incidents near the store. She explained the process by which FECC stacks call location.

Clerk Snider was asked to call the roll on the motion. She clarified that the motion was on the floor from the last Council Meeting, but no details were provided in the motion to protest. She asked the maker of the motion if they wished to provide additional information.

**Ms. Kun** indicated that it would be great if Thrifty Liquors could post someone at the door to help with theft problems.

**Mr. Pruhs** moved to AMEND the motion to PROTEST by changing it to a motion to WAIVE PROTEST.

Clerk Snider stated that if the motion to protest fails, the Council essentially waives protest.

**Ms. Kun** stated she would like to stipulate that the Council protests until a theft safety plan is implemented. She stated she is not sure that the Council could do that.

**Mayor Matherly** stated he is not sure how the Council could quantify such a stipulation.

**Ms. Kun**, with the concurrence of the second, moved to WITHDRAW the motion to protest.

**Mr. Pruhs**, seconded by **Ms. Rogers**, moved to WAIVE PROTEST on the Thrifty Liquors Liquor License Application for Renewal.

**Mr. Cleworth** stated that he recalls that the Council has placed restrictions and stipulations on liquor licenses in the past. He asked Attorney Ewers whether the Council has the authority to do that. Attorney Ewers stated that the Council may place conditions on the waiver of a protest.

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

YEAS: Pruhs, Rogers  
NAYS: Cleworth, Kun, Gibson, Therrien  
**Mayor Matherly** declared the MOTION FAILED.

**Mayor Matherly** asked Clerk Snider what a failed motion to waive protest means. Clerk Snider stated that the failed motion to waive protest means that the Council protests the license renewal.

**Mr. Pruhs** stated he hopes everyone realizes what just happened.

Clerk Snider asked Attorney Ewers to confirm the effect of the failed motion to waive protest. Attorney Ewers confirmed that the failed motion to waive protest means that the Council protests.

**Mayor Matherly** asked Attorney Ewers whether the ABC Board makes the ultimate decision on the license renewal. Attorney Ewers explained that the ABC Board is the authority on liquor license renewals, but they are to give weight to the Council's protest.

**Ms. Therrien** suggested that some findings be included with the protest; she stated that one of the findings should be the number of incidents and ESP calls to the location.

Attorney Ewers stated it would be helpful to the Clerk in forwarding the protest if reasons were provided for the protest. He stated the Council would need to agree on findings.

**Mr. Cleworth** stated that there were a number of comments made during deliberations. He stated that, normally, the City Attorney would take all the comments to create findings of fact.

Attorney Ewers explained that when findings are needed, the Attorney prepares them and brings them back to the Council at the next meeting for approval. He stated that he could do that in this case, but, depending on the deadline for the City's response on the liquor license renewal, the protest may need to be sent to the state before findings are approved. Clerk Snider stated that the 60-day deadline is before the next Regular City Council Meeting. Attorney Ewers stated the response could go forward before the findings.

Attorney Ewers was directed to prepare findings of fact based on the Council's discussion to be presented for approval at the next meeting.

## **NEW BUSINESS**

- a) Resolution No. 4902 – A Resolution Requesting the Alaska Legislature to Fund the Recapitalization of the Community Assistance Fund. Introduced by Council Member Therrien.

PASSED and APPROVED on the CONSENT AGENDA

- b) Resolution No. 4903 – A Resolution Requesting the Borough Assembly to Reestablish the City Council as the Board of Adjustment for Appeals Involving Property Located within the City of Fairbanks. Introduced by Mayor Matherly and All City Council Members.

PASSED and APPROVED on the CONSENT AGENDA

- c) Ordinance No. 6123 – An Ordinance to Amend Fairbanks General Code Chapter 78 by Repealing Art. XIV, Sec. 507 Bicycle Licenses and Sec. 508 Bicycle License Fee. Introduced by Council Member Kun.

ADVANCED on the CONSENT AGENDA.

### DISCUSSION ITEMS

- a) Committee Reports

Explore Fairbanks – **Ms. Kun** shared that the new Board of Directors just took effect.

Polaris Work Group – **Mr. Pruhs** stated he was not in attendance at the last Work Group meeting. He stated that the group has discussed many options for future property development and that the City currently owns the property. He stated there is a great need in the community for senior housing. He spoke to the many different ideas that are on the table and clarified that none of them have been approved or are being funded by the City.

### WRITTEN COMMUNICATIONS TO COUNCIL

- a) Permanent Fund Review Board Meeting Minutes of October 30, 2019

ACCEPTED on the CONSENT AGENDA.

### COUNCIL MEMBERS' COMMENTS

**Mr. Gibson** stated the Fairbanks Children's Museum is a wonderful facility. He spoke to the recent retirement of Dr. Bergeson, a well-respected pediatrician in Fairbanks. **Mr. Gibson** commented on the amount of time Chief Reeder spent researching the call reports for liquor establishments and questioned whether the reports were doing more harm than good. He stated he is new to the Council and does not know how the reports came about, but perhaps the Council should reconsider the need for the reports. He suggested that the Chief's time may be better spent elsewhere. **Mr. Gibson** suggested that putting that kind of information on the record could be hurting a business since all of the calls may not have relevance to the business.

**Mr. Cleworth** asked whether staff could find a better way to prepare reports so that the Council has more clear and concise information. He thanked Attorney Ewers for taking the initiative to clarify the City's appointment of a representative to the Golden Heart Parking Service (GHPS)

Board; he stated he wished that information had been codified. He stated there is work being done to make the City Code match the agreements with the Parking Authority. **Mr. Cleworth** stated that he will bring Resolution No. 4903 to the Borough Assembly as he is the City representative for the next meeting. He expressed disappointment that the Borough does not allow the City to serve as the Board of Adjustment on appeals involving property within the City of Fairbanks. He thanked Public Works Director Jeff Jacobson for the restoration work he is doing in the downstairs hallway.

**Mr. Pruhs** stated he would like GHPS to provide the Council with a policy manual for the violations they have the authority to cite. He stated it is time for the City Council to look into the role it has in GHPS operations.

**Ms. Therrien** stated she is happy the Council has held its first goal-setting meeting. She encouraged the Council to schedule a second session so they stay on track.

Mr. Meeks asked when the Council would like to hold another session and what topics they would like to discuss. **Ms. Therrien** stated they need to continue with the earlier discussion.

**Mayor Matherly** stated a Work Session before the next Regular Council meeting was available.

**Ms. Rogers** asked Mr. Cleworth if he would like for her to attend the next Borough Assembly meeting with him; Mr. Cleworth stated that would be nice.

**Ms. Kun** thanked everyone for contributing to the difficult conversations about alcohol and the community. She gave a land acknowledgement and encouraged people who are struggling to reach out and ask for help.

**Ms. Therrien**, seconded by **Mr. Gibson**, moved to ENTER Executive Session for the purpose of discussing AFL-CIO, FFU, and IBEW Labor Negotiation Strategies.

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

**Mayor Matherly** called for a brief recess. The Council reconvened in Executive Session following the brief recess.

### **EXECUTIVE SESSION**

- a) AFL-CIO Labor Negotiation Strategy
- b) FFU Labor Negotiation Strategy
- c) IBEW Labor Negotiation Strategy

The City Council met in Executive Session to discuss AFL-CIO, FFU, and IBEW Labor Negotiation Strategies. Direction was given to the negotiating teams, and no action was taken.

**ADJOURNMENT**

**Ms. Kun**, seconded by **Mr. Gibson**, moved to ADJOURN the meeting.

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

**Mayor Matherly** declared the meeting adjourned at 11:00 p.m.



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JIM MATHERLY, MAYOR

ATTEST:



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D. DANYELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB