



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, APRIL 26, 2021
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 6:30 p.m. on the above date, following a 5:30 p.m. Work Session for a presentation of the 2020 City Audit, to conduct a Regular Meeting of the Fairbanks City Council via Zoom webinar and at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Jim Matherly presiding and the following Council Members in attendance:

Council Members Present: Shoshana Kun, Seat A
June Rogers, Seat B (remotely)
Valerie Therrien, Seat C
Aaron Gibson, Seat D
Lonny Marney, Seat E
Jim Clark, Seat F

Absent: None

Also Present: Margarita Bell, Chief Financial Officer (remotely)
Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Jeff Jacobson, Public Works Director (remotely)
Mike Meeks, Chief of Staff
Tod Chambers, Fire Chief
Geoff Coon, Assistant Fire Chief
Ron Dupee, Police Chief
Kristi Merideth, Dispatch Manager (remotely)
Teal Sodden, Communications Director (remotely)
Michael Sanders, Crisis Now Director (remotely)
Tim Zinza, Engineer III

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

INVOCATION

The Invocation was given by City Clerk Snider.

FLAG SALUTATION

Mayor Matherly asked Ms. Kun to lead the Flag Salutation.

CITIZENS' COMMENTS

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Ms. Kun pulled Resolutions Nos. 4967 and 4968 and Ordinance No. 6167 from the Consent Agenda.

Mr. Gibson pulled Ordinance No. 6166 from the Consent Agenda.

Mayor Matherly requested that the Executive Session be removed from the agenda due to a lack of an update. No Council member objected.

Mayor Matherly called for objection to the APPROVAL of the Agenda, as Amended and, hearing none, so ORDERED.

City Clerk Snider read the Consent Agenda, as Amended, into the record.

SPECIAL ORDERS

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

Lic. #	DBA	License Type	Licensee	Address
4504	Venue Fairbanks	Beverage Dispensary	Go Alaska Media, LLC	514 2nd Avenue
4862	Southern Glazer's of AK	Wholesale – General	Southern Glazer's Wine and Spirits of Alaska, LLC	3101 Peger Road, Bay 2
4464	Fred Meyer #224	Package Store	Fred Meyer Stores, Inc.	93 Old Steese Highway

Ms. Therrien, seconded by **Mr. Gibson**, moved to WAIVE PROTEST on the Liquor License Applications for Renewal.

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

Ms. Rogers understood there were no department-recommended protests but believed the Council should be aware of and concerned about the number of calls being made to Dispatch from one of the addresses. She added that the issues may not have originated from the licensed business but still indicate a general problem.

Mr. Gibson disagreed with Ms. Rogers, stating that of the 342 incidents listed in the Fred Meyer vicinity, none of them pertained to the liquor license. He continued that the list provided in the agenda packet has the potential to hurt the business through bad perception. He added that Fred Meyer is a great business in the City.

Ms. Kun stated that the reports are very clear when they pertain to the licensed portion of the business and asked Police Chief Dupee for comments or concerns.

Chief Dupee stated had no issues with the Fred Meyer liquor license renewal.

Mayor Matherly suggested scheduling a Work Session for the Council to discuss what they would like to see as documentation for liquor license renewals in the future.

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

YEAS: Therrien, Rogers, Clark, Gibson, Kun, Marney

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

a) Special Reports

Jerry Evans, Public Relations Manager, Explore Fairbanks – Mr. Evans shared that Explore Fairbanks had been offering virtual tours during the time when travel was prohibited, including a virtual dog sled ride that was discussed and published in multiple magazines and newspapers. He added that Fairbanks was recently listed as one of the 25 coolest towns to visit and as Alaska's best winter travel destination. Mr. Evans stated that there have been eight media tours for travel writers this year and that he anticipates a healthy tourism season. He noted some of the fundraising and tourism-based employment opportunities that were upcoming and thanked the Council for continuing to invest hotel/motel funds into destination tourism activities.

Ms. Therrien asked about the plan to utilize the tourism funds being allocated by the Governor. Mr. Evans clarified that his role is primarily working with journalists and promoting Explore Fairbanks within the community. He added that Governor Dunleavy will be making COVID-19 vaccines available to anyone who wants them starting June 1, 2021.

Mayor Matherly recognized the City Finance Department for their wonderful audit presentation. He added that he will be working with the Governor and the other local mayors to provide the opportunity for citizens to receive vaccines at no cost. He recognized the hard work of the City Public Works Department in their ability to contend with a very drastic change in weather and added that the department will begin cleaning up gravel on the roads in the coming week. **Mayor Matherly** reported that he spoke with the Alaska Association of Fire and Arson Investigators and attended a remembrance gathering at the foot bridge downtown, where missing people or unsolved murder victims were publicly recognized. **Mayor Matherly** asked citizens to slow down, stating that he received many phone calls regarding complaints of speeding. He asked citizens continue to respect the requests of business owners regarding masking and social distancing and to also keep it in mind throughout the City, as COVID-19 is still spreading. He stated he is honored to work with the City Council, noting that many other cities do not have the same professional relationship as the City of Fairbanks does amongst their elected officials.

COUNCIL MEMBERS' COMMENTS

Ms. Rogers gave her appreciation of the Chief Financial Officer, Margarita Bell and her staff, adding that the City is very fortunate to have such a great team working with the City's finances. She added her support of the work done by Mr. Evans and Explore Fairbanks and expressed appreciation for the creativity used in providing tourism programs during the pandemic.

Ms. Kun stated she had no comments.

Ms. Therrien agreed with Ms. Rogers about the Finance Department and thanked the staff for their hard work.

Mr. Clark stated he had no comments.

Mr. Marney stated his desire to streamline the reporting on liquor and marijuana licenses. He added that he had also witnessed a lot of speeding in City neighborhoods.

Mr. Gibson stated he had no comments.

UNFINISHED BUSINESS

- a) Ordinance No. 6163 – An Ordinance Authorizing a Lease of Space in City Hall to the Interior Alaska Center for Non-Violent Living to House the Fairbanks Reentry Coalition. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Ms. Kun, seconded by **Mr. Gibson**, moved to ADOPT Ordinance No. 6163.

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

Mr. Marney asked whether the City would lose money on the lease. Mr. Meeks stated that the City would not be charging for the lease. **Mayor Matherly** added that while there is no charge at this time, it could be reviewed in the future. He added that the organization will be providing a service that is an asset to the community.

Ms. Kun had concerns about the cost of the lease but was excited to see the team come into City Hall. She stated that it may alleviate some work of the Fairbanks Emergency Communications Center (FECC) and the Fairbanks Police Department (FPD).

Mr. Gibson expressed concern with housing an outside organization as it has the potential to cause issues, but he recognized the net positive effects for the community. He asked City Attorney Paul Ewers when the lease would be able to be reevaluated. Attorney Ewers stated that the Council could terminate the lease in one year to renegotiate terms, if necessary.

Ms. Therrien noted that the space was only 334 square feet and not likely useful to many other organizations. She added that the City would be helping the citizens of Fairbanks by offering the space as well as possibly lightening the workload on other departments.

Mr. Clark expressed support for the lease to house the Reentry Coalition but felt that the Council had a responsibility to protect the City’s assets. He stated that just because the group is a non-profit, the City should not necessarily provide the space for free. He stated that he would be willing to adopt the current lease with the intent to revisit it next year.

Mayor Matherly pointed out that this non-profit is directly aimed at the Crisis Now program that the City signed on to support. He added that for now it is a good collaboration, and if the Council would like to revisit the issue in the future they may do so.

Ms. Rogers agreed with many of the positive comments made but stated she had a hard time seeing the negative aspects. She added that by supporting this group, the City would be investing in the well-being of the community; she stated it would likely become a useful program to FPD also.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6163 AS FOLLOWS:

YEAS: Gibson, Marney, Rogers, Kun, Therrien, Clark

NAYS: None

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6163 ADOPTED.

- b) Ordinance No. 6164 – An Ordinance Authorizing Conveyance of an Easement Over a Portion of the Right-of-Way Bordering 410 Cushman Street. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Ms. Kun, seconded by **Mr. Gibson**, moved to ADOPT Ordinance No. 6164.

David Pruhs, Fairbanks – Mr. Pruhs stated that represented Mr. Levy, the owner of Fairbanks Distilling Company, and had represented Mr. Levy during the original purchase of the property from the City of Fairbanks. Mr. Pruhs stated that the warranty deed given to Mr. Levy essentially guaranteed that the City would work to fix any title issues that were discovered after the purchase of the property. He added that through conversations with the City Attorney, it was decided that granting an easement to the property would be the best and simplest course of action to rectify the issue. Mr. Pruhs asked the Council to consider any conflicts of interest that might exist and requested that the ordinance be passed as presented.

Ms. Therrien asked Mr. Pruhs for the definition of “visual impairment,” to which he was unable to find. **Ms. Therrien** asked if there had been any resolution between the two property owners. Mr. Pruhs stated that one party is asking the other to do something that would be a detriment to their property, which he has no right to request. **Ms. Therrien** stated that this easement was to be temporary, spanning only two years. Mr. Pruhs acknowledged that it was temporary but added

that during that time Mr. Levy would be attempting to purchase the property. **Ms. Therrien** asked how the proposed concrete platform would be considered temporary; Mr. Pruhs indicated that there was not a plan to create a concrete platform unless Mr. Levy owned the easement.

Mr. Gibson asked for clarification about the concrete platform because it had been revealed at the last meeting that Mr. Levy would be installing a concrete platform. Mr. Pruhs stated that if it did not get in the way of the sidewalk or utility access it should not be an issue. He implied that the only reason this was an issue before the Council was because the adjoining owners are employed by the City and sit on the Council.

Lori Neufeld, Fairbanks – Thanked the Mayor and Council for their dedication to the people, places, and businesses of Fairbanks. She added that she understood Mr. Levy and Mr. and Mrs. Rogers to have a good relationship and spoke to Mr. Levy's plans to improve the corner lot that was previously City Hall. She added that Mr. Levy's plans would not impair the access or the Rogers' property.

William Rogers, Fairbanks – Mr. Rogers stated that he is an employee of the City of Fairbanks and that his wife is Council Member June Rogers. He spoke in favor of the easement, with the addition of some buffers to protect his property interests going forward. He added that the current easement would allow the owner of the neighboring property to build within five inches of his property which would inhibit his ability to maintain the building. Mr. Rogers stated that the buffers he is suggesting do not restrict any of the plans that Mr. Levy has discussed.

Mayor Matherly asked for clarification on the restrictions Mr. Rogers is requesting. Mr. Rogers asked that 1) no construction be done within the 1.65' which included conduits in the ground, and 2) that any installation up to 5' in the front of the building have a height restriction.

Ms. Kun asked for clarification on the historical ownership of McCafferty's. Mr. Rogers stated that the Urban Renewal Plat of 1959 took Lot 66 and divided it into smaller lots.

Patrick Levy, Fairbanks – Mr. Levy stated that he is the owner of Fairbanks Distilling Company. He discussed the issues surrounding the complicated history of the lots that necessitated the easement. He added that he had already worked with the Rogers' to correct one issue with original property lines. He noted that the easement he is requesting is simply to clear up the issue of right-of-way and allow him to fully utilize the property he thought was his when he purchased the property.

Mr. Clark asked Mr. Levy if he had looked at the plat when he purchased the property. Mr. Levy responded that he had, but he did not understand the property lines and how they would affect his use of the property.

Ms. Kun asked about the width of the alley between the structures. Mr. Levy stated that it is approximately 2' wide and contained conduits for power, making it prohibitive to build anything in that area. He added that the distance between the proposed outdoor area and the Rogers' building is adequate space for maintenance issues and would restrict the view from the Rogers' front window only minimally.

Mr. Marney noted that he was familiar with the location and asked why Mr. Levy is planning to build on the shaded side of the building. Mr. Levy stated that he also plans to improve the southern side of the property in the future. **Mr. Marney** asked how tall the fence would be. Mr. Levy stated it would be 40" tall and would match many of the wrought iron fences in the City.

Ms. Therrien asked Mr. Levy if he objected to the height restriction. Mr. Levy stated that he did due to the negative effect it would have on his property value. **Ms. Therrien** asked Mr. Levy if he objected to the 5-foot setback; Mr. Levy confirmed, stating that it would prevent him from completing his proposed project. **Ms. Therrien** asked Mr. Levy whether he agreed that the 1.65' portion of the property is unusable; Mr. Levy stated that he did and that he was only in opposition to the additional 3.5' restriction.

Mayor Matherly confirmed that Mr. Levy was in favor of the ordinance as presented and spoke to the concerns regarding future ownership of the building.

Mr. Gibson asked Mr. Levy to confirm that he would be amenable to the 1.6' restriction but not agreeable with the full 5' restriction; Mr. Levy confirmed.

Mr. Marney asked how many tables Mr. Levy planned to use in the area; Mr. Levy stated that he was unsure but most likely 4.

Mayor Matherly asked the City Attorney if the ordinance already contained language pertaining to the 1.65' alleyway. Attorney Ewers stated that it did not.

Mr. Gibson asked how a vacation of the City's easement in the future might affect the 1.65' space. Attorney Ewers gave a condensed version of how the easement would most likely be divided between the adjacent properties. He stated that it could affect the space at some point, but he is not certain.

Ms. Therrien asked if the issue creates an ethical problem as Mr. Rogers is a City employee. Attorney Ewers stated that Mr. Rogers' rights as a citizen and property owner are not negated based on his employer; he clarified, however, that Ms. Rogers cannot take part in the discussion or vote on the issue, and that is why she has excused herself from the discussion.

Mr. Gibson, seconded by **Ms. Therrien**, moved to AMEND Ordinance No. 6164 by adding the language, "No permanent structure shall be placed in this easement" before the last sentence in Exhibit B.

Mr. Gibson stated that in the event of a vacation, part of the easement may not belong solely to the property owned by Mr. Levy, therefore there should not be any permanent improvements made in the area during the life of the proposed easement.

Mr. Clark asked for clarification on the reason why a 2-year easement was being proposed. Attorney Ewers stated that the intent of the easement is to facilitate Mr. Levy making improvements to the property he thought he owned while the process to complete the vacation of the City right-of-way is being worked on.

Ms. Therrien spoke in favor of the amendment, adding that it would be difficult to remove any permanent structures in the future.

Ms. Kun spoke against the amendment as she understood the platform was to facilitate alcoholic beverages being taken out on the deck and provide handicap access from inside the building.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6164 BY ADDING THE LANGUAGE, "NO PERMANENT STRUCTURE SHALL BE PLACED IN THIS EASEMENT" BEFORE THE LAST SENTENCE IN EXHIBIT B AS FOLLOWS:

YEAS: Gibson, Therrien, Marney
NAYS: Kun, Clark
ABSTAIN: Rogers
Mayor Matherly declared the MOTION CARRIED.

Ms. Therrien, seconded by **Mr. Gibson**, moved to AMEND Exhibit B to Ordinance No. 6164 to state that there will be no improvements made by either property owner within 1.65' of the easement.

Mr. Clark spoke against the amendment, stating he felt it would simply add more restrictions to an easement that will have to be addressed again in the future.

Ms. Therrien clarified that condition for the 1.65' area has already been agreed upon by both parties and should be considered in the easement.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND EXHIBIT B TO ORDINANCE NO. 6164 TO STATE THAT THERE WILL BE NO IMPROVEMENTS MADE BY EITHER PROPERTY OWNER WITHIN 1.65' OF THE EASEMENT AS FOLLOWS:

YEAS: Marney, Gibson, Therrien
NAYS: Clark, Kun
ABSTAIN: Rogers
Mayor Matherly declared the MOTION CARRIED.

Mr. Gibson, seconded by **Ms. Kun**, moved to POSTPONE Ordinance No. 6164 until the May 10, 2021 Regular Council Meeting.

Mayor Matherly expressed his desire to find a resolution to the issue as soon as possible for the sake of the two business owners.

Mr. Gibson stated that his intent is to give time for the City to verify what the plat lines will look like when the vacancy occurs and deal with any other issues that arise.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE ORDINANCE NO. 6164 UNTIL THE MAY 10, 2021 REGULAR COUNCIL MEETING AS FOLLOWS:

YEAS: Clark, Therrien, Kun, Marney, Gibson
NAYS: None
ABSTAIN: Rogers
Mayor Matherly declared the MOTION CARRIED.

Mayor Matherly called for a brief recess. The meeting reconvened with New Business following the brief recess.

NEW BUSINESS

- a) Resolution No. 4965 – A Resolution Authorizing the City of Fairbanks to Apply for Funds from the Alaska Highway Safety Office for the FFY22 DUI Traffic Enforcement Unit. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4966 – A Resolution Awarding a Contract to Callahan Construction for the Parking Garage Repairs Project in the Amount of \$268,260. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4967 – A Resolution Approving a Maintenance Agreement with the State of Alaska Department of Transportation and Public Facilities for the Growden Area Accessibility Improvements. Introduced by Mayor Matherly.

Ms. Kun, seconded by **Mr. Gibson**, moved to APPROVE Resolution No. 4967.

Ms. Kun shared concerns for pedestrian safety and liability to the City, adding that the cost was reasonable.

Tim Zinza, Engineer III, shared that the FNSB approved plans to construct a walkway through Growden Park which would include two, mid-block crossings on Wilbur Street and Second Avenue. He added that to deal with the dangers of mid-block crossings, they would install pedestrian-controlled flashing beacons to alert traffic. He clarified that the agreement is necessary because, while the pathway is on Borough property, the crosswalks would be on City-owned streets. He added that the beacons are necessary to provide for pedestrian traffic, and the only financial responsibility of the City will be for the maintenance of the beacons.

Mr. Gibson clarified that the mid-block crossing was only for the two locations listed on Wilbur Street and Second Avenue; Mr. Zinza confirmed.

Ms. Therrien asked if the project had been vetted through FAST Planning. Mr. Zinza stated that it is a project that the Borough had applied for through a grant process and was therefore independent from FAST Planning. He added that when the review came to the City, there had not been any plan to include beacons at the crossways, which the City Engineering Department recommended. **Ms. Therrien** asked if there were concerns for pedestrians even with the beacon

treatments. Mr. Zinza said he did have personal concerns, and he believes the beacons are the best solution.

Mayor Matherly noted that Wilbur Street is crossed mid-block frequently, and the beacons would be an improvement to pedestrian safety.

Mr. Clark stated that he felt the entire project was unnecessary.

Mr. Gibson spoke against the resolution stating that it seemed to be a Borough-imposed expense for maintenance on the City.

Ms. Rogers shared her concern regarding parked cars obstructing the view of the flashing beacons, adding that crosswalks give a sense of safety that may not be guaranteed in such areas.

Mayor Matherly added that the Borough project includes improvements to the skate park and walking path regardless of the City's approval. He stated that the City has recommended to have the beacons installed to keep pedestrians safe, even if it means maintaining the beacons once they are installed.

Mr. Meeks clarified that the plan was brought to the City, and the Engineers suggested that if there was going to be a crossing in those locations it needed to be done in the safest manner possible. He added that by not approving the maintenance agreement, the City runs the risk of a crossing that is less safe. He stated that the City's disapproval would not likely dissuade the entire project. He stated that the City's obligation for maintenance is due to the crossing being on City property.

Ms. Kun asked for clarification on the project. Mr. Zinza stated that the project has already reached approval through the grant process and at the borough. He explained that the resolution is for the maintenance only of the flashing beacons, which the City asked the Borough to include in their construction plans to ensure pedestrian safety. He added that the City is not responsible for any purchasing or construction involved in completing this project.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4967 AS FOLLOWS:

YEAS: Therrien, Rogers, Clark, Matherly

NAYS: Gibson, Kun, Marney

Mayor Matherly declared the MOTION CARRIED and Resolution No. 4967 APPROVED.

- d) Resolution No. 4968 – A Resolution Opposing the Proposed Changes to Title 13 of the Alaska Administrative Code to Allow Use of ATVs and Snowmobiles on Public Roadways. Introduced by Council Members Gibson and Therrien.

Ms. Therrien, seconded by **Mr. Gibson**, moved to APPROVE Resolution No. 4968.

Ms. Kun asked if the intent was to allow snowmachines on designated routes to have access to local businesses. **Mr. Gibson** stated that the intent of the resolution is to ensure the City can make its own decisions regarding this matter rather than being dictated to by the State.

Ms. Therrien stated that the legislation regarding ATVs and snowmachines on public routes will not likely pass at the State level this year; however, because it has been proposed it would be good for the City to have its position made clear to the Governor. She clarified that the resolution is to oppose the changes for Title 13 and to allow the City to retain local control over these decisions in the future.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4968 AS FOLLOWS:

YEAS: Gibson, Marney, Rogers, Kun, Therrien, Clark

NAYS: None

Mayor Matherly declared the MOTION CARRIED and Resolution No. 4968 APPROVED.

- e) Ordinance No. 6165 – An Ordinance Amending the 2021 Operating and Capital Budgets for the Second Time. Introduced by Mayor Matherly.

ADVANCED on the CONSENT AGENDA.

- f) Ordinance No. 6166 – An Ordinance Adopting an Electronic Communication Device Use Policy During City Council Meetings. Introduced by Council Member Rogers.

Ms. Therrien, seconded by **Ms. Rogers**, moved to ADVANCE Ordinance No. 6166.

Mr. Gibson spoke against the ordinance stating that being adults with a general understanding of professionalism should be sufficient. He stated he does not feel that codifying an ordinance on this topic is appropriate.

Ms. Therrien stated that this policy has come about due to rising transparency concerns and the potential for violations of the Open Meetings Act (OMA). She asked to be added as a sponsor.

Mr. Marney asked about procedural applications of the ordinance.

Ms. Rogers stated that policies and procedures would be addressed with input after the ordinance is passed. She added that the ordinance came about following concerns by the City Clerk of public perception and potential violations to the OMA. She added that the language was written in a way to be respectful of elected officials and to allow for emergency situations. She stated that the ordinance is to keep the City in compliance with the OMA.

Mr. Clark asked for a list of cities that had adopted a similar ordinance. City Clerk Snider stated that the research done by the Clerk's Office was not limited to Alaska, but it had been implemented in various ways for different public organizations.

Mr. Clark stated he felt the ordinance sets a precedent of mistrust amongst Council members.

Mr. Meeks added perspective about the OMA, stating that the challenge is not only to maintain the letter of the law but also the spirit of the OMA. He added that cell phones are only one part of a bigger issue.

Mr. Clark asked at what point the Council cancels technology to stay compliant.

Mr. Gibson stated that the felt the issue was being addressed prematurely.

Ms. Therrien shared that there is a bill going before the legislature that would fine individuals who violate the OMA \$1,000. She added that by receiving a message or information during a meeting, regardless of a request, you could be found in violation. She added that it is not a matter of mutual trust between Council Members but a matter of protecting the Council from the perception of violating the OMA.

Mayor Matherly stated that he would like to see more research on the topic.

Ms. Therrien, seconded by **Mr. Gibson**, moved to POSTPONE Ordinance No. 6166 to the June 14, 2021 Regular Council meeting so that a work session could be held on the topic.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE ORDINANCE NO. 6166 TO THE JUNE 14, 2021 REGULAR COUNCIL MEETING SO THAT A WORK SESSION COULD BE HELD ON THE TOPIC AS FOLLOWS:

YEAS: Kun, Gibson, Therrien, Clark, Marney, Rogers

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

- g) Ordinance No. 6167 – An Ordinance Amending Fairbanks General Code Sec. 46-80 Drinking in Public to Exempt Certain Outdoor Recreational Facilities. Introduced by Council Member Gibson.

Mr. Gibson, seconded by **Mr. Clark**, moved to ADVANCE Ordinance No. 6167.

Ms. Kun asked for clarification on which parks would be affected. **Mr. Gibson** stated that it would be any of the parks under Borough authority and stated that the prohibition of alcohol consumption on Borough property should remain with the Borough.

Ms. Rogers asked for clarification on the Borough's ability to allow or disallow the public consumption of alcohol with or without permits. **Mr. Gibson** stated that Attorney Ewers may have more information in direct response to that question; however, as he understood the ordinance recently adopted by the Council, it would be a crime to consume alcohol in public, regardless of the Borough's regulations. Attorney Ewers confirmed, adding that the Borough keeps a comprehensive list of parks where public consumption is allowed, and the list is reviewed annually.

Ms. Rogers spoke against the ordinance stating that it was a double standard to require some parties to obtain permits while others were not required to do so.

Mr. Clark asked for specific examples about a double standard. **Ms. Rogers** stated that there are people drinking in public on a regular basis and asked how the City should determine when, how much, and who should be able to consume alcohol in public.

Mr. Gibson asked Attorney Ewers if private individuals were able to obtain permits to serve alcohol within City limits. Attorney Ewers stated that permits are obtained through the Alcohol and Marijuana Control Office (AMCO), adding that citizens are not required to have a permit on their private property. He stated that the ordinance prohibiting the public consumption of alcohol extended the existing limits to encompass the City as a whole, which included some of the Borough properties that had allowed the consumption of alcohol in the past.

Ms. Rogers asked if the FPD reviewed permits for alcohol consumption and if there was a fee associated. Attorney Ewers confirmed that the FPD does review permits for events, and Clerk Snider confirmed that there is a minimal fee of \$25, which is increased depending on how close to the event the permit is being requested.

Ms. Therrien requested a copy of the Borough parks list.

Mr. Gibson stated that he did not believe the softball fields were an issue as it pertained to alcohol and asked Chief Dupee for his opinion. Chief Dupee explained that any situation involving a large group of people consuming alcohol who must then drive to get home creates a problem for the FPD. He stated, however, that there has not been a notable number of dispatch calls to that particular sports complex.

Ms. Kun asked if the ordinance was necessary being that the Borough would typically supersede the City. Attorney Ewers stated that in this case it would not. He explained that the City's ban on drinking in public would be enforceable at Borough parks within city limits.

Ms. Therrien spoke to the implied favoritism for allowing some people to drink alcohol in public while prohibiting others. She added that the original ordinance to ban public consumption of alcohol in City limits was passed, and this is in opposition of that ordinance.

Mr. Clark spoke in support of Ordinance No. 6167 stating that it meets the idea of banning public intoxication but allows alcohol where the Borough should have jurisdiction.

Mr. Marney asked how the law was enforced. Chief Dupee said the offenders must be caught in the act of drinking alcohol in prohibited areas in order for it to be enforced.

Ms. Kun stated that businesses follow the protocol to obtain permits and serve responsibly, whereas it is a concern when individuals are allowed to regulate themselves on public property, then drive home under the influence.

Ms. Rogers stated that the Council has a responsibility, not only to the citizens but to the FPD to not make their job harder. She stated that allowing people to drink in public is increasing the possibility of impaired drivers being on City streets.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6167 AS FOLLOWS:

YEAS: Marney, Clark, Gibson, Matherly

NAYS: Rogers, Kun, Therrien

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6167 ADVANCED.

DISCUSSION ITEMS AND COUNCIL MEMBERS' COMMENTS

a) Committee Reports

Ms. Rogers shared that the Diversity Council meeting had provided a great presentation honoring women who work for the City. She added that she had started a two-day virtual conference with the Interior Transition Council and would be attending an opioid meeting later in the week. **Ms. Rogers** shared her disappointment regarding earlier comments questioning her ethics. She clarified that she had removed herself from all discussion regarding the property easement, both during Council business and in her home.

Ms. Kun thanked the Council for working so well together and for having the ability to have good discussion. She gave a land acknowledgment. She added that she had taken a tour of an onsite consumption café and expressed her admiration for the way the cannabis industry has progressed. **Ms. Kun** shared the new suicide prevention number, 988. She thanked the City Finance Department for their hard work and thanked Mr. Evans for his Explore Fairbanks report.

Ms. Therrien shared her appreciation for the Council discussion and shared highlights from the legislative committee meetings. She offered her notes to any Council member who might be interested.

Mr. Clark shared his appreciation for being placed on the legislative committee and thanked the Council for being able to work together so well.

Mr. Marney thanked the Finance Committee for their hard work.

Mr. Gibson thanked the Council for a good meeting.

WRITTEN COMMUNICATIONS TO COUNCIL

a) Fairbanks Diversity Council Meeting Minutes of January 12, 2021

ACCEPTED on the CONSENT AGENDA

b) Clay Street Cemetery Commission Meeting Minutes of March 3, 2021

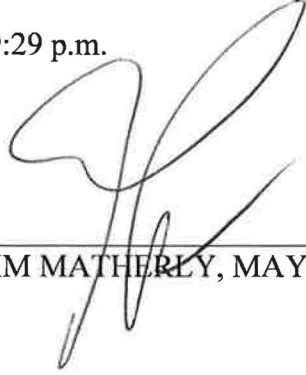
ACCEPTED on the CONSENT AGENDA

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 9:29 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYIELLE SNIDER, MMC, CITY CLERK

Transcribed by: RR