



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, MAY 10, 2021  
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 5:30 p.m. Work Session to discuss Emergency Response Standards, 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 with 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 (remotely)  
Lonny Marney, Seat E  
Jim Clark, Seat F

Absent: None

Also Present: Margarita Bell, Chief Financial Officer  
Paul Ewers, City Attorney  
D. Danyielle Snider, City Clerk  
Mike Meeks, Chief of Staff  
Kristi Merideth, FECC Manager  
Angela Foster-Snow, HR Director (remotely)  
Tod Chambers, Fire Chief  
Geoff Coon, Assistant Fire Chief  
Ron Dupee, Chief of Police  
Nick Clark, FFD  
Dominic Lozano, FFD

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. Therrien to lead the Flag Salutation.

**CEREMONIAL MATTERS**

**Mayor Matherly** recognized Stephen Anderson for his upcoming retirement from the Building Department after his many years of service to the City of Fairbanks.

**CITIZENS' COMMENTS**

Victor Buberger, Fairbanks – Mr. Buberger expressed his disappointment in the snow removal over the past winter and noted the many potholes that need attention, including one that damaged his vehicle.. He went on state that the City would do better by spending money on the streets rather than on union employee wages. He added that money would also be better spent providing a public restroom rather than the destruction of the Polaris building.

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

**APPROVAL OF AGENDA AND CONSENT AGENDA**

**Ms. Kun**, seconded by **Ms. Therrien**, 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.

**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
2847	Goldie's AK	Beverage Dispensary	Nash Holland, LLC	659 5th Avenue
2982	Carlson Community Center	Recreational Site	SMG of Alaska, Inc.	2010 Second Avenue
5585	Jazz Bistro on 4th	Restaurant/ Eating Place	Bluenote Create, Inc.	527 4th Avenue, Suite B

**Mr. Clark**, seconded by **Mr. Marney**, 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. Kun** asked the owner of Goldies AK to come forward. She asked about the process for setting up service outside of the licensed premises for outdoor functions. Mr. Ryan Holland started to explain the permitting process for catered events. **Mayor Matherly** stated that the

topic was up for discussion under Ordinance No. 6167, and comments should be regarding only the liquor license renewal applications at this time.

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

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

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

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

**Mayor Matherly** provided an update on the “Sleeves Up for Summer” vaccination campaign, sharing that there had been three pop-events throughout the City. He noted that the City-wide cleanup day would be happening on Saturday, and he expressed excitement about getting ready for summer tourism. He spoke to a protest that occurred outside of the Fairbanks Police Department (FPD) over the weekend and mentioned that he contacted the protest organizer and had a very meaningful conversation. He mentioned the upcoming runoff campaign happening in Anchorage. He added that COVID Cares Funds would be coming in, but it had not been determined what would be done with those funds at this time. **Mayor Matherly** reminded citizens to continue to wear masks and social distance, especially when visiting businesses that request such. He spoke about the interview done by KTVF with the Public Works department regarding the many needles that are found every spring, and he asked that people use appropriate containers and keep each other safe. **Mayor Matherly**, in reference to earlier comments, stated that contractors made some of the street repairs and that Public Works would be addressing the pothole repairs and putting signage in place until repairs can be made.

### **COUNCIL MEMBERS' COMMENTS**

**Ms. Rogers** thanked the Mayor for his update and the work he has done on the “Sleeves Up” campaign. She thanked Mr. Meeks, Chief Chambers, and Ms. Meredith for their presentation during the work session.

**Mr. Gibson** stated he had no comments.

**Ms. Kun** stated she had no comments.

**Ms. Therrien** wished Mr. Anderson good luck in his retirement and thanked him for his service.

**Mr. Clark** stated he had no comments.

**Mr. Marney** stated he had no comments.

**Mayor Matherly** expressed his condolences to the Wallace family.

## UNFINISHED BUSINESS

- a) 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. POSTPONED from the Regular Meeting of April 26, 2021; public hearing was held at that time.

*The motion to ADOPT was made by Ms. Kun and seconded by Mr. Gibson on April 26, 2021; motion is on the floor.*

**Ms. Therrien** asked to hear from the property owners.

Patrick Levy, Fairbanks – Mr. Levy stated he believed he and Mr. Rogers were in agreement. He added that he would like to begin construction of his project on Memorial Day weekend and expressed his disappointment that the issue had become so contentious. He thanked the Council for their service to the community.

William Rogers, Fairbanks – Mr. Rogers stated that he is a City employee and that his wife is Council Member June Rogers. He noted the mess that had been created by the Urban Renewal plat and made it clear that, in the event of the vacation of the easement, he would not be requesting any additional land. He added that he was not in favor of restricting permanent structures from being built and felt that he and Mr. Levy were very close to an agreement.

**Mayor Matherly** asked Mr. Rogers if he agreed with the easement as described by Mr. Levy.

**Ms. Kun** asked Mr. Rogers if he was in favor of a permanent structure. Mr. Rogers reiterated that he has not ever objected to the permanent structure – only that he would like to ensure a buffer between the buildings.

**Mayor Matherly** asked for clarification on the amendments made to the motion at the previous meeting. City Attorney Paul Ewers explained that one amendment restricted the construction of permanent structures, and a second amendment prohibited any improvements within the 1.65' of the lot line. Attorney Ewers added that if the Council agrees with the requests made in this meeting they would need to present new amendments.

**Ms. Therrien** asked Mr. Levy if he approved of the request not to build within 5' of the lot line. Mr. Levy clarified that the restriction is to not build anything higher than 6' within 5' of the building, and he agreed with that.

**Mr. Gibson** asked for an updated amended version. Mr. Ewers explained that the current version contains the amendments from the previous meeting and would be of little use with the changes suggested currently. He further explained the process.

**Mr. Marney** asked for an explanation of the 5-year timeline. Mr. Levy explained that the 5 years is to allow him time to have the property officially surveyed prior to the vacation of the easement, but he would prefer to have it done much sooner. Attorney Ewers clarified that it

would require a change of the timeline from 2 years to 5 years to deal with the process of the replat, which can take considerable amount of time. He added that the agreement between the owners stating that the Rogers' will not claim any portion of the right-of-way easement should be done outside of the ordinance. He stated it could be recorded to protect the property owners' interests.

**Ms. Kun**, seconded by **Ms. Therrien**, moved to AMEND Exhibit B of Ordinance No. 6164 by: adding that no improvement within 5-feet of Lot 3A will be higher than 6-feet; increasing the term of the easement to 5 years; by adding that the owners agree that the Rogers' will waive any rights to a portion of the easement at the time of vacation; striking the language prohibiting permanent structures; and retaining the condition that no improvements will be made in the 1.65' alley between the buildings.

**Mr. Clark** asked Mr. Levy to clarify whether he was in favor of the 6' height restriction; Mr. Levy confirmed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6164 AS STATED ABOVE AS FOLLOWS:

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6164, AS AMENDED, AS FOLLOWS:

YEAS: Marney, Clark, Therrien, Gibson, Kun  
NAYS: None  
ABSTAIN: Rogers  
**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6164, as Amended, ADOPTED.

- b) Ordinance No. 6165 – An Ordinance Amending the 2021 Operating and Capital Budgets for the Second Time. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

**Ms. Therrien**, seconded by **Mr. Clark**, moved to ADOPT Ordinance No. 6165.

**Ms. Kun**, seconded by **Ms. Therrien**, moved to AMEND Ordinance No. 6165 by substituting for Ordinance No. 6165, as Amended.

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

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6165, AS AMENDED, AS FOLLOWS:

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

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6165, as Amended, ADOPTED.

- c) 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. SECOND READING AND PUBLIC HEARING.

**Ms. Clark**, seconded by **Mr. Marney**, moved to ADOPT Ordinance No. 6167.

James Berglin, Fairbanks – Mr. Berglin spoke in favor of Ordinance No. 6167, adding that he enjoys playing softball at Borough parks and feels that the restrictions on public drinking would hurt the softball league.

**Ms. Therrien** asked if there was alcohol consumed at the softball games. Mr. Berglin stated that alcohol is allowed in non-glass containers in the dugout or in the stands but not on the field.

**Ms. Rogers** asked if a permit was obtained for those events. Mr. Berglin stated he was not aware of any permits required or obtained.

**Mr. Marney** spoke in favor of the ordinance and about his own experience with the softball league.

**Mayor Matherly** clarified that there are no sales of alcohol during the games.

Hearing no further requests for public comment, in person or via Zoom, **Mayor Matherly** asked Clerk Snider to read written comments into the record.

Garrett Savory, Fairbanks – Mr. Savory commented in favor of the ordinance, stating that he had been involved with the Golden Heart Softball Association since 2014. He asked that the Council not prohibit responsible adults from consuming alcohol on Borough properties that currently allow it.

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

**Mr. Gibson** spoke in favor of the ordinance and asked for support by the Council.

**Ms. Rogers** asked if there was a State law prohibiting the consumption of alcohol in public. She stated that this ordinance creates a double standard within the City.

Attorney Ewers stated that he was not certain that there was a state law banning drinking in public. He added that because there are no alcohol sales, no permit is required. He went on to

state that the jurisdiction would fall under the Borough, which maintains and reviews the list of parks in regard to the public consumption of alcohol.

**Ms. Rogers** asked for input from Police Chief Ron Dupee.

Chief Dupee stated that if calls are made in complaint to drinking in public, FPD would respond accordingly. He stated that in the past two years there had only been one call made from the Hez Ray Sports Complex where the softball association games are played.

**Ms. Rogers** asked for specific information regarding the protocol for individuals observed drinking in public. Chief Dupee explained that when staffing is available, FPD will respond to the call, and it is an arrestable offense. **Ms. Rogers** asked if there were circumstances where public facilities overflowed into public spaces. Chief Dupee stated that it happens regularly; however, the facility staff typically take care of the issue. **Ms. Rogers** clarified that she felt there still would be a double standard where one part of the population is approached for their offense, while other individuals are essentially allowed to get away with it.

**Ms. Kun** stated that there are businesses that follow a strict process to be allowed to serve alcohol, and they are monitored by the State Alcohol Control (ABC) Board. She added that permits should be obtained for these types of events.

**Ms. Therrien** asked for clarification on how the City would work with the Borough on this matter if Ordinance No. 6167 failed. Attorney Ewers stated that the Borough would comply with the City law that public consumption of alcohol within City limits is prohibited.

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

YEAS: Clark, Gibson, Marney, Matherly

NAYS: Rogers, Therrien, Kun

**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6167 ADOPTED.

### **NEW BUSINESS**

- a) Resolution No. 4969 – A Resolution Awarding a Contract to Richard Stanton Construction for the Fire Training Center Stairwells Replacement Project in the Amount of \$315,040. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Ordinance No. 6168 – An Ordinance to Amend FGC Sec. 74-151 to Include E-Cigarettes and Vaping Devices in the Definition of Tobacco Products Subject to Taxation Under Article V of Chapter 74. Introduced by Council Members Gibson, Therrien, and Rogers.

ADVANCED on the CONSENT AGENDA.

## COUNCIL MEMBERS' COMMENTS & COMMITTEE REPORTS

**Ms. Rogers** stated that she did not have any committee reports. She thanked Mr. Mensik for his communication to the Council.

**Mr. Gibson** noted that he would be meeting with the FAST Planning Board the following week.

**Ms. Kun** shared that the Explore Fairbanks Board would be meeting before the next Council meeting. She gave a land acknowledgement. She thanked the Mayor and provided the suicide prevention hotline number, 9-8-8. **Ms. Kun** expressed hope that individuals consuming alcohol in public places would do so in moderation; she expressed her concern that the City is not being very clear in its message regarding public drinking. She concluded by thanking the Laborers Union Local #942 for the "Women in the Trades" calendar.

**Ms. Therrien** shared updates from the Permanent Fund Review Board meeting. She added that Alaska Permanent Capital Management (APCM) would like the Council to consider restructuring some of the investments and suggested a work session with APCM to discuss it further. She went on to give updates about activities in the State legislature, adding that the Alaska Municipal League (AML) will be holding a legislative conference in Fairbanks this summer. **Ms. Therrien** asked that Council Members consider taking advantage of the local venue and attend. She added that the AML Conference happening in Anchorage during November would include newly elected training.

**Mr. Clark** shared his appreciation for the discussion brought forward during the meeting and thanked the Council for sharing their concerns.

**Mr. Marney** noted that May is "No Child Goes Hungry" month and encouraged people to donate or volunteer.

**Mayor Matherly** shared that the Fairbanks Diversity Council (FDC) would be holding a work session in place of their regular meeting the following evening.

Clerk Snider added that AML will be offering Newly Elected Official training online only this year; however, the rest of the conference is planned to be in person.

**Ms. Kun**, seconded by **Mr. Marney**, moved to ENTER Executive Session to discuss Labor Negotiation Strategies for the Fairbanks Firefighters Union (FFU) and the Fairbanks Police Command Unit (FPCU).

**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) Fairbanks Firefighters Union Labor Negotiation Strategy
- b) Fairbanks Police Command Unit Labor Negotiation Strategy

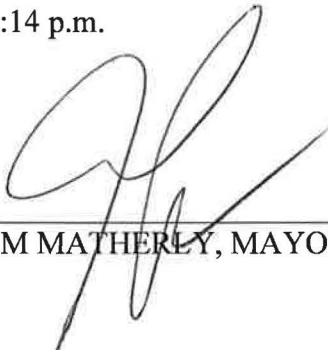
The City Council met in Executive Session to discuss the Labor Negotiation Strategies for the FFU and the FPCU. Direction was given to the negotiating teams, and no action was taken.

**ADJOURNMENT**

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

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

**Mayor Matherly** declared the meeting adjourned at 9:14 p.m.



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JIM MATHERLY, MAYOR

ATTEST:



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D. DANYIELLE SNIDER, MMC, CITY CLERK

Transcribed by: RR