



FAIRBANKS CITY COUNCIL  
AGENDA NO. 2021-16  
**REGULAR MEETING – JULY 26, 2021**  
MEETING WILL BE HELD VIA ZOOM WEBINAR AND AT  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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WORK SESSION

5:30 p.m. – Evolving Workforce

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*It is the mission of the City of Fairbanks to provide quality essential services to all City residents to ensure Fairbanks is a vibrant place to live, work, thrive, and visit.*

REGULAR MEETING

6:30 p.m.

1. ROLL CALL
2. INVOCATION
3. FLAG SALUTATION
4. CEREMONIAL MATTERS (Proclamations, Introductions, Recognitions, Awards)
5. CITIZENS' COMMENTS, oral communications to the City Council on any item not up for public hearing. Testimony is limited to three minutes, and the comment period will end no later than 7:30 p.m. Any person wishing to speak needs to complete the register located in the hallway. Respectful standards of decorum and courtesy should be observed by all speakers. Remarks should be directed to the City Council as a body rather than to any particular Council Member or member of the staff. In consideration of others, please silence all cell phones and electronic devices.

NOTE: Due to concerns over the COVID-19 pandemic, special procedures are being implemented for City Council Meetings. The Mayor, Council Members, and the public may participate remotely during this time. Citizens may have written comments read into the record if submitted to the City Clerk in advance, or citizens may provide testimony via Zoom webinar if registered to do so in advance of the meeting (the three-minute time limit applies to all forms of public testimony). To help achieve social distancing, the seating in Council Chambers is spread out and limited. No more than 30 individuals will be allowed in the Chambers at the same time. Citizens arriving after the maximum number has been reached will be directed to wait in another area until it is their turn to speak to the Council. Meeting attendees are asked to wear a mask or face covering unless they have been fully vaccinated (masks will be provided to those who do not have one). We thank you for your understanding and cooperation during this time.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of Consent Agenda passes all routine items indicated by an asterisk (\*). Consent Agenda items are not considered separately unless a Council Member so requests. In the event of such a request, the item is returned to the General Agenda.

7. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

\*a) Regular Meeting Minutes of June 14, 2021

\*b) Regular Meeting Minutes of June 28, 2021

\*c) Regular Meeting Minutes of July 12, 2021

\*d) Special Meeting Minutes of July 19, 2021

8. SPECIAL ORDERS

9. MAYOR'S COMMENTS AND REPORT

a) Special Reports

10. COUNCIL MEMBERS' COMMENTS

11. UNFINISHED BUSINESS

12. NEW BUSINESS

\*a) Ordinance No. 6174 – An Ordinance Amending the 2021 Operating and Capital Budgets for the Third Time. Introduced by Mayor Matherly.

\*b) Ordinance No. 6175 – An Ordinance Authorizing Conveyance of a Temporary Easement to the State of Alaska for the Fairbanks Cushman Street Bridge Project. Introduced by Mayor Matherly.

\*c) Ordinance No. 6176 – An Ordinance to Amend Fairbanks General Code Sec. 2-233(a) to Allow the Mayor to Designate an Alternate Chairperson of the Fairbanks Diversity Council. Introduced by Council Member Therrien.

- \*d) Ordinance No. 6177 – An Ordinance Amending Fairbanks General Code Sec. 14-178(a)11 Regarding Council Review of License Issuance, Renewal, or Transfer. Introduced by Council Member Gibson.
- \*e) Ordinance No. 6178 – An Ordinance to Amend FGC Chapter 78, Article XXII Motor Vehicle Impoundment and Forfeiture, to Remove Driving While License Suspended and No Insurance Convictions. Introduced by Council Member Gibson.

13. DISCUSSION ITEMS (Information and Reports)

- a) Committee Reports

14. WRITTEN COMMUNICATIONS TO THE CITY COUNCIL

- \*a) Permanent Fund Review Board Meeting Minutes of January 25, 2021
- \*b) Permanent Fund Review Board Meeting Minutes of April 28, 2021
- \*c) Clay Street Cemetery Commission Meeting Minutes of May 5, 2021

15. COUNCIL MEMBERS' COMMENTS

16. CITY CLERK'S REPORT

17. CITY ATTORNEY'S REPORT

18. EXECUTIVE SESSION

19. ADJOURNMENT



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, JUNE 14, 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 for a legislative update with City Lobbyist Yuri Morgan, 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  
Lonny Marney, Seat E  
Jim Clark, Seat F (remotely)

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 (remotely)  
Angela Foster-Snow, HR Director  
Geoff Coon, Assistant Fire Chief  
Sean Rice, Public Works Laborer Foreman

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

**INVOCATION**

The Invocation was given by City Clerk Danyielle Snider.

**FLAG SALUTATION**

Mayor Matherly asked Mr. Marney to lead the Flag Salutation.

**CEREMONIAL MATTERS**

Mayor Matherly read into the record a Proclamation recognizing the week of June 14-18 as Waste and Recycling Workers Week. He continued by recognizing Sean Rice, Laborers Foreman at Public Works, for his work as a supervisor.

## CITIZENS' COMMENTS

Wendell Zesiger, Fairbanks – Mr. Zesiger thanked the Council for the opportunity to speak and spoke to his belief in the U.S. Constitution. He read the Oath of Office for the Governor of Alaska, adding that by taking the Oath, elected officials swear to protect and uphold the Constitution of Alaska and the United States. Mr. Zesiger went on to add his opinion that many man-made laws, while their intentions may be good and true, violate the Constitution. He implored the administration to come together to protect common law and preserve the God-given rights of the people. He concluded by stating that the rights given by people can be stripped away but his rights, as given by God, cannot.

**Mr. Clark** asked if there had been a specific issue that brought Mr. Zesiger to testify. Mr. Zesiger stated that he had been arrested under the unconstitutional law requiring a driver's license. He added that his vehicle has been taken away and is not likely to be returned. He stated he was a farmer and a father of six and asked the Council to look carefully at the Constitution.

Tim Staton, Fairbanks – Mr. Staton thanked the Council for the opportunity to complain about the Downtown Association (DTA). He stated that the DTA has been putting on the Midnight Sun Festival each year without consulting the local business owners. Mr. Staton added that when the festival first began, he saw a big increase in sales due to the increased foot traffic; however, once the booths were moved to the curb instead of the center of the closed road, foot traffic has been directed away from the local businesses, and sales have suffered dramatically. He added that he has spoken to the DTA director and has also heard similar opinions from other business owners downtown. He asked the Council to support his efforts as his requests have been ignored.

**Ms. Therrien** asked about the response from the DTA director. Mr. Staton stated that he has not received a response. **Ms. Therrien** asked if Mr. Staton was a DTA member, and he replied that he was not. Mr. Staton stated that the only thing he has heard is that placing the booths in the center of the street creates a fire hazard by preventing emergency vehicle access. Mr. Staton stated that is a moot point as many other streets are blocked, used, or closed off.

Victor Buberger, Fairbanks – Mr. Buberger chided the Mayor for his interruption of his testimony at the previous meeting, which caused him to lose his train of thought. He added that Robert's Rules of Order likely addresses the issue. He commented on the Mayor's accomplishment with limiting testimony to only three minutes. Mr. Buberger went on to speak about the large number of potholes and asked the Council to consider putting in some public restrooms.

Sean Rice, Fairbanks – Mr. Rice stated that it had been an honor working for the City of Fairbanks. He stated that he began working at the City as a temporary hire in 1999 before becoming a permanent employee in 2003. He went on to share some highlights of his career and thanked the Council for allowing him the opportunity to be part of a great organization.

**Mr. Marney** thanked Mr. Rice and his crew for their hard work.

**Ms. Rogers** stated that Mr. Rice's crew deserves the Council's accolades as they are hard workers who do their best to serve the community.

Louis Detucci, Fairbanks – Mr. Detucci thanked the Council members for their service to the Fairbanks community.

Hearing no more requests for in-person comments, **Mayor Matherly** turned to Council Member Kun who had a written comment from a citizen to read into the record:

Diane Preston, Fairbanks – Ms. Preston provided information on tax credits and grant discounts for individuals who install solar panels on their homes in certain areas of the City. She provided a web address, <https://akcenter.org/climatecleanenergy/solarizefairbanks>, where citizens can sign up for a free assessment until June 18, 2021.

City Clerk Danyielle Snider stated that there were no more written comments to be read into the record and called on those who wish to testify over Zoom.

Shaun D’Sylva, Fairbanks – Mr. D’Sylva spoke regarding Ordinance No. 6172 regarding the proposed change to City Code to include vaping devices under the tobacco tax. He added that his business helps adult smokers stop smoking cigarettes, and he hoped to work with the Council to clarify the difference between nicotine and non-nicotine products within the ordinance.

**Ms. Therrien** asked Mr. D’Sylva to provide his contact information when he submits his documentation.

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.

**Mr. Clark** pulled Ordinance No. 6166 from the Consent Agenda.

**Mayor Matherly** called for objection to APPROVING 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 Application for Renewal.

Lic. #	DBA	License Type	Licensee	Address
4678	Fairbanks Junior Ice Dogs	Recreational Site	Fairbanks Junior Ice Dogs, Inc.	1920 Lathrop Street

**Mr. Marney**, seconded by **Mr. Gibson**, moved to WAIVE PROTEST on the Liquor License Application for Renewal.

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

**Mr. Gibson** noted that there were only two items on the report provided by the Fairbanks Police Department (FPD) and asked if the calls were related to the license. Deputy Chief Sweet stated that the items marked were not related to the license – only the location.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATION 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** thanked Yuri Morgan for the legislative update. He welcomed the new business, Arby's, to Fairbanks and shared that there are already plans for a second location on the east side of town. He went on to share his consideration for the issues presented by Mr. Staton regarding the Midnight Sun Festival, stating that he was unsure of his influence on the placement of booths but added that he would look into it. **Mayor Matherly** expressed his appreciation for the hard work provided by the Public Works, Police, and Fire Departments, noting the very high number of sirens that have been heard lately. He spoke to the many complaints he has received about road construction; he asked people to be patient and stated that things will be better once construction is completed. **Mayor Matherly** asked that people be aware of the potential spread of COVID-19 when attending large gatherings, such as the upcoming festival. He added that many people have been not wearing masks but encouraged everyone to respect the business owners who request that masks be worn. He added that, while not required, vaccinations are being made more easily available through multiple venues. **Mayor Matherly** shared his experience in recently attending a celebration of life and spoke about the cathartic effect of being able to mourn with friends and family.

### **COUNCIL MEMBERS' COMMENTS**

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

**Ms. Rogers** thanked the Mayor for his commitment to follow through with the issues presented by Mr. Staton. She added that she too believes the new roads will be an asset to the community. She went on to share her appreciation for Waste and Recycling Workers week, stating that she is a big advocate for recycling; she noted that her Council agenda packet had been provided in a recycled file folder.

**Mr. Gibson** addressed the construction on the 3rd Street extension, stating that the City had the opportunity to pay matching dollars or take over maintenance of the street. He added that he was glad the City chose to pay the match and thought the benefit of maintenance far outweighed the initial cost to the City.

**Mr. Marney** shared that he had been asked about the lack of street sweeping. He reported that he contacted Jeremiah at Public Works where he learned that two of the three sweepers had been out of commission for repairs. He thanked the Public Works department for their communication and hard work.

**Ms. Kun** thanked Mr. Rice for the many years he has worked for the City. She expressed hope that there would be an amicable resolution to the situation presented by Mr. Staton and thanked Mr. D'Sylva for his close attention to Article VI of Ordinance No. 6172. She concluded by acknowledging Mr. Zesiger's testimony and confirmed that Council Members take an oath upon entering public office.

**Ms. Therrien** thanked the Public Works Department and added her support of the Proclamation presented by the Mayor.

### **UNFINISHED BUSINESS**

- a) Ordinance No. 6166 – An Ordinance Adopting an Electronic Communication Device Use Policy During City Council Meetings. Introduced by Council Members Rogers and Therrien. First reading was postponed from the Regular Meeting of April 26, 2021.

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

**Mr. Clark** asked for clarification on why the Ordinance was placed under Unfinished Business on the Consent Agenda.

Clerk Snider explained that the first reading had been postponed, removing it from New Business; however, advancement to a second reading is typically done on the Consent Agenda.

**Mr. Clark** spoke to possible future amendments to the ordinance.

**Mr. Gibson** spoke against the ordinance.

**Ms. Therrien** asked Mr. Clark to circulate his amendments before the next meeting, if possible.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6166 AS FOLLOWS:

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

**Mayor Matherly** declared the MOTION CARRIED.

- b) Ordinance No. 6169 – An Ordinance Ratifying a Collective Bargaining Agreement Between the City of Fairbanks and the Public Safety Employees Association Fairbanks Police Command Unit. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

**Ms. Therrien**, seconded by **Ms. Kun**, moved to ADOPT Ordinance No. 6169.



Jerry Cleworth, Fairbanks – Mr. Cleworth spoke against the ordinance. He stated that the current version had still not received a legal review, which was evident with the typos present in section 4.3. He went on to express his concerns with having two bargaining agreements underneath the same union, specifically regarding the concept of acting up from one unit to the other. Mr. Cleworth addressed the issue of memorializing overtime costs within salaries and noted that, while the staff report emphasized the overtime cost, he wished the issue had been discussed at the Finance Committee. He concluded by adding another concern that by creating this contract, the City may be looking at similar contracts in other departments in the future.

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

**Mayor Matherly** asked for a staff report.

Police Chief Dupee stated that he felt he has good insight on the contract as he has sat on both sides of the negotiating table in his time at the City. He addressed the assumption that the current budget has removed officers from patrol, and he clarified in what ways that was not the case. He added that 14 out of 21 officers are performing patrol duties; he explained the overtime and compensatory time calculations and how that factored into the salaries listed within the contract. Chief Dupee stated that he felt this contract was the best way to move forward with the department and asked that the Council, who confirmed his appointment to Chief of Police, trust him in this matter. He stated he believed it to be the best option for the City and for the FPD.

Chief of Staff Meeks pointed out the changes made in response to the questions brought up at the last Council Meeting regarding the qualifications of the Deputy Chief, Captain, and Lieutenant positions as well as the conflicting language regarding promotions from Sergeant to Lieutenant.

HR Director Foster-Snow addressed the issue of employees acting between two unions, and she noted that it commonly happens in Public Works and in other City departments. She added that in many organizations, managers and employees are not permitted to be part of the same union as it can cause authority, HR, and morale issues.

Mr. Meeks shared his disappointment that the corporate representative was unable to be present and stated that the City's current Public Safety Employees Association (PSEA) contract is the only one the representative has worked with that represents both employees and their supervisors. He addressed many of the questions brought up at the previous meeting and discussed the PowerPoint presentation regarding salaries, overtime, and other differences between the existing PSEA contract and the proposed one.

**Mayor Matherly** thanked staff for the report, emphasizing that the FPD is the only department under a PSEA contract where supervisors and employees are part of the same bargaining unit.

**Mr. Gibson** asked for clarification on officers acting up from a Sergeant position to a Lieutenant position and the cost the City would incur. Mr. Meeks explained that the existing contract for the officers will not be changing, and the cost will remain the same. Chief Dupee noted that "acting up" is not something he anticipates will be common moving forward. **Mr. Gibson** ask about

leave accrual and why it is not addressed in the fiscal note. CFO Bell explained that it does not affect the City financially and would not require a budget amendment, but it would increase the leave liability. **Mr. Gibson** asked for clarification on the idea of promotions and demotions, and Mr. Meeks indicated that the current contract reflects the same process as the new one; Ms. Foster-Snow confirmed.

**Ms. Rogers** asked for clarification on the legal review process. City Attorney Ewers stated that he did review legal portions of the contract, but he did not review it for grammar and spelling.

**Mr. Gibson** asked how Attorney Ewers determined which portions are legal. Mr. Ewers stated that most of the contract relates to policy, not legal issues.

**Mr. Gibson** asked for clarification on whether he heard staff say that FPD is the only department in the state that has management and employees in the same union. Mr. Meeks clarified that he stated that FPD is the only department in the state working under a PSEA contract that has management and employees in the same bargaining unit. **Mr. Gibson** asked about Anchorage's situation, and Chief Dupee stated that the supervisors in Anchorage are non-bargaining.

**Mayor Matherly** noted the amount of time and effort that went into the contract and the support from different departments. He pled with the Council to vote in favor of the ordinance, stating that it is good for the City, the FPD, and the employees.

**Ms. Rogers** stated that she had expected a work session to discuss the issues that were raised by the FPD sensing session. She reported that she had not received any public comment or any requests by the public for her to vote in favor of the contract. Mr. Meeks stated that there was an effort to not actively request public support; he stated that the negotiating team felt it was disingenuous to ask people to express support for something that they may not fully understand.

**Ms. Therrien** stated that she had spoken with former Police Chief Hoffman who expressed support for the contract and who indicated that it was long overdue.

**Mr. Marney** asked who had generated the sensing session report. Mr. Meeks stated that the original purpose of the sensing session was to discover areas within FPD that needed work. He stated that the information was intended to be kept confidential, but, unfortunately, the report had been used as a weapon. He stated that now he does not think that some staff would feel comfortable giving their honest opinion about issues within the department. He spoke in more detail about the original objectives for the sensing session and gave more details about how the session was facilitated.

**Ms. Kun** asked whether it was requested that the contract be brought back before the Finance Committee. Mr. Meeks stated that the contract had been brought before the Finance Committee, but it was not brought back before the second reading because there were no fiscal changes.

**Ms. Rogers** expressed appreciation for the information and all the hard questions, stating that an ordinance of this magnitude deserves much discussion and effort.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6169 AS FOLLOWS:

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

**Mayor Matherly** called for a brief recess. The Council reconvened at Item (c) of New Business following the brief recess.

- c) Ordinance No. 6170 – An Ordinance to Repeal and Reenact Fairbanks General Code Chapter 2, Article VI. Public Records. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

**Ms. Kun**, seconded by **Mr. Marney**, moved to ADOPT Ordinance No. 6170.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6170 AS FOLLOWS:

YEAS: Gibson, Kun, Marney, Clark, Therrien, Rogers  
NAYS: None  
**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6170 ADOPTED.

- d) Ordinance No. 6171 – An Ordinance Authorizing Conveyance of an Easement Requested by GVEA for Location of Electrical Facilities in Golden Heart Plaza. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

**Ms. Therrien**, seconded by **Mr. Gibson**, moved to ADOPT Ordinance No. 6171.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6171 AS FOLLOWS:

YEAS: Kun, Marney, Clark, Therrien, Rogers, Gibson  
NAYS: None  
**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6171 ADOPTED.

### **NEW BUSINESS**

- a) Resolution No. 4972 – A Resolution Establishing the Rate of Levy of 2021 Real Property Taxes for the City of Fairbanks. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4973 – A Resolution Reviewing the Charges for Garbage Collection and Amending the City Schedule of Fees and Charges for Services by Adjusting the Public Record Request Fees. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4974 – A Resolution Extending the Mayor's Declaration of a Disaster Emergency and Extending the Temporary Provisions of Ordinance No. 6126 Regarding Telephonic Participation of Council Members and Conduct of Council Meetings. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Resolution No. 4975 – A Resolution to Apply for and Accept Funds from the Alaska Division of Homeland Security for the FFY2021 Emergency Management Performance Grant. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- e) Ordinance No. 6172 – An Ordinance to Repeal and Reenact Fairbanks General Code Chapter 74 Taxation. Introduced by Mayor Matherly.

ADVANCED on the CONSENT AGENDA.

- f) Ordinance No. 6173 – An Ordinance Amending Fairbanks General Code Chapter 46 by Adding Theft as a Minor Offense. Introduced by Council Member Clark.

ADVANCED on the CONSENT AGENDA.

### **WRITTEN COMMUNICATIONS TO COUNCIL**

- a) Reappointment to the Fairbanks Diversity Council

APPROVED on the CONSENT AGENDA.

### **COUNCIL MEMBERS' COMMENTS AND COMMITTEE REPORTS**

**Mr. Clark** stated he had no committee reports. He shared that he had been helping his mother move and that it is important to reach out to loved ones.

**Ms. Rogers** stated that the Fairbanks Diversity Council (FDC) did not have a quorum at their last meeting. She reported she attended the Crisis Now meeting on June 11, which was very well attended. She shared that she met with the Polaris Work Group earlier in the day and shared information on the resolution the City planned to introduce regarding the Polaris Building. She also gave information on the VISTA group and the communications available from them.

**Ms. Kun** stated she had no committee reports. She gave a land acknowledgment and wished everyone a happy LGBTQIA+ Pride Month. She went on to express her thanks to all City staff for the hard work they do. She encouraged everyone to check in on their friends and family, and she gave the CARE line for listeners. She concluded by wishing everyone a good Summer Solstice.

**Ms. Therrien** thanked Yuri Morgan for his hard work with the legislature and for speaking to the Council. She shared that it might be better to forego a formal legislative meeting the following week and, instead, speak with legislators individually. She reminded Council Members to register for the August AML Summer Conference through the Clerk's Office. She expressed concern regarding the resignation of the FFD Battalion Chief and suggested an Executive Session to discuss the situation. **Mayor Matherly** stated that he would look into the issue.

**Mr. Marney** thanked City staff for the hard work on the PSEA ordinance and expressed that it was a difficult decision to make.

**Mr. Gibson** wished a Happy Father's Day to all the dads. He stated he had no committee reports.

**Ms. Rogers** added that she had recently attended the celebration of life for Frank Turney. She stated that many of the people who attended spoke fondly and shared memories of Mr. Turney.

### **CITY CLERK'S REPORT**

City Clerk Snider reminded everyone of the Special Finance Committee meeting the following morning.

**Ms. Kun**, seconded by **Ms. Therrien**, moved to ENTER Executive Session to discuss the Malloy v. City of Fairbanks Litigation Strategy and the Fairbanks Firefighters Union Labor Negotiation Strategy.

**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) Malloy v. City of Fairbanks Litigation Strategy
- b) Fairbanks Firefighters Union Labor Negotiation Strategy

The City Council met in separate Executive Sessions to discuss Malloy v. City of Fairbanks Litigation Strategy and the Fairbanks Firefighters Union Labor Negotiations Strategy. Direction was given to legal counsel and the negotiating team, respectively, and no action was taken.

**ADJOURNMENT**

Mayor Matherly left the meeting during Executive Session; Mayor pro tem Valerie Therrien presided for the remainder of the meeting.

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

**Mayor pro tem Therrien** called for objection and, hearing none, so ORDERED.

**Mayor pro tem Therrien** declared the meeting adjourned at 10:24 p.m.

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JIM MATHERLY, MAYOR

ATTEST:

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D. DANYIELLE SNIDER, MMC, CITY CLERK

Transcribed by: RR



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, JUNE 28, 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 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 (remotely)  
Paul Ewers, City Attorney  
D. Danyielle Snider, City Clerk  
Kristi Merideth, FECC Manager (remotely)  
Angela Foster-Snow, HR Director  
Ron Dupee, Police Chief  
Rick Sweet, Deputy Police Chief  
Travis Koerner, FPD Officer

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.

**CEREMONIAL MATTERS**

**Mayor Matherly** welcomed new officer Travis Koerner and his family. He stated that Ofc. Koerner is a local and went on to provide a brief bio about him. Chief Dupee and Deputy Chief Sweet administered the Oath of Office, and Ms. Koerner pinned Ofc. Koerner's badge on him.

## CITIZENS' COMMENTS

David Pruhs, Fairbanks – Mr. Pruhs thanked the Council for its sponsorship of Resolution No. 4978 and spoke to the time and effort that has gone into solving the Polaris Building issue.

Scott McCrea, President/CEO of Explore Fairbanks – Mr. McCrea spoke in favor of Resolution No. 4977, regarding the distribution of the City's Coronavirus Funds. He added that tourism is at 40%, and Alaska is lacking visitors that typically arrive by driving or cruise ships; he stated that international travel is also down. He noted that there is some growth, and they are optimistic for the future. Mr. McCrea added his support of Resolution No. 4978 regarding the Polaris Building, adding that it will be a great moment for the City when that building is demolished.

**Ms. Therrien** asked if Mr. McCrea knew the current needs of small businesses. Mr. McCrea stated that the criteria and amount offered by the City is a fair amount to provide to small businesses and commended the City for allocating the other portion of the Coronavirus funds to infrastructure, which is also important to the success of the City.

**Mr. Marney** thanked Mr. McCrea for the work done on behalf of small businesses. Mr. McCrea stated that tourism is on the right track and improving, but challenges still exist that are making it difficult for small businesses.

**Ms. Kun** asked about Explore Fairbanks' projections for 2022. Mr. McCrea stated that they hope cruise-land tours are available again, adding that the organization is still trying to determine the expected difference between next year and pre-COVID tourism. **Ms. Kun** asked if he had any ideas behind the current shortage of employees, to which Mr. McCrea responded that any ideas are purely speculation with many causations, including J-1 student working visas.

Victor Buberger, Fairbanks – Mr. Buberger asked that the Council and the Mayor make clear what infrastructure the COVID funds would be used for; he asked that they consider repairing the roads and installing a public restroom. He asked that none of the COVID funds be used in the demolition of the Polaris Building, but he wished the City luck with its request of the federal funds for the same purpose.

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

## APPROVAL OF AGENDA AND CONSENT AGENDA

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

**Mayor Matherly** called for objection to APPROVING the Agenda, and hearing none, so ORDERED.

City Clerk Snider read the Consent Agenda into the record.



## **APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

- a) Regular Meeting Minutes of April 26, 2021

PASSED and APPROVED on the CONSENT AGENDA.

- b) Regular Meeting Minutes of May 10, 2021

PASSED and APPROVED on the CONSENT AGENDA.

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

**Mayor Matherly** stated that there was no intent by the City to put COVID funds towards the demolition of the Polaris Building and that any future development of that property will be done by the private sector, not the City. He went on to remind the public that City Hall would be closed on Monday, July 5, 2021, in observance Independence Day. **Mayor Matherly** offered a reminder that fireworks are not legal within City limits, adding that the hot and dry weather conditions make fireworks dangerous; he asked that people refrain from any fireworks in or around the City. He also asked that citizens watch the Fire Department and City Facebook page for burn ban information, as it changes often. **Mayor Matherly** noted the high number of missing people and the social media posts that are circulated to help locate them; he asked that everyone keep their eyes open for those individuals. He went on to share the large attendance at his grandmother's celebration of life, who passed away at 101 years old, and shared a brief history about her. He added that his entire family had come to town for the celebration, and they had a nice time remembering her. **Mayor Matherly** thanked those who are still wearing masks in public and asked that people respect businesses that request masking. He also thanked those who commented in support of the resolutions presented on the agenda. He spoke about the feverish attempts the road crews are making to finish construction and thanked citizens for their patience while it is being completed. He added that the improvements will be worth it in the end.

## **COUNCIL MEMBERS' COMMENTS**

**Mr. Gibson** expressed his appreciation for patience during road construction. He stated that he lives off of Trainor Gate Road, which has seen a lot of extra traffic lately.

**Ms. Rogers** thanked Mr. Buberger for his recommendation to install a public restroom, and she mentioned that this may be a great opportunity for that to happen. She went on to speak about the road construction and the advantages the improved arterials will provide for businesses and growth in the City. She asked citizens to be thankful for the improvements and mindful of the workers who are facing multiple hazards and weather conditions. **Ms. Rogers** went on to share some memories of the Mayor's grandmother and the positive impact she had on the community.

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

**Mr. Clark** apologized for his outbursts in previous meetings. He shared his appreciation of Mr. Pruhs and his support for Resolution No. 4978. He added that there are multiple ways to take

care of the issue and that it is important that progress continues. He expressed concerns about the safety of homeless people, including youth, who are spending time in the Polaris Building.

**Ms. Therrien** congratulated Ofc. Koerner and welcomed his family. She thanked Mr. Pruhs and Mr. McCrea for their support of the resolutions pertaining to the Polaris Building and expressed hope that Mr. Clark might consider adding his name as a sponsor. She passed on her condolences to the Mayor for the loss of his grandmother.

**Mayor Matherly** welcomed Ms. Therrien's brother, Allen, to Council Chambers.

**Ms. Kun** thanked Mr. Pruhs for his work on the Polaris Building and Mr. McCrea for his comments. She also thanked Mr. Buberger for his continued participation in Council meetings.

### **UNFINISHED BUSINESS**

- a) Ordinance No. 6166 – An Ordinance Adopting an Electronic Communication Device Use Policy During City Council Meetings. Introduced by Council Members Rogers and Therrien. SECOND READING AND PUBLIC HEARING.

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

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

**Ms. Rogers** acknowledge the conflicted opinions regarding the Ordinance but stated that the intent is to remain compliant with the Open Meetings Act (OMA).

**Mr. Gibson** stated that he would not support the ordinance and that it needed more work.

**Ms. Therrien** spoke in favor of the ordinance, stating that it is important for the Council to not be perceived as violating the OMA. She added that penalties for violating the OMA are severe, and the Council has an obligation to the public.

**Ms. Rogers** added that it would be wise for the Council to take action on this issue prior to any State mandate.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6166 AS FOLLOWS:

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

- b) Ordinance No. 6172 – An Ordinance to Repeal and Reenact Fairbanks General Code Chapter 74 Taxation. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

**Ms. Therrien**, seconded by **Ms. Kun**, moved to ADOPT Ordinance No. 6172.

**Mayor Matherly** called for Public Testimony. Clerk Snider stated that there were no comments to be heard in person or over Zoom and proceeded to read the following written comment into record:

Alex McDonald, Fairbanks – Mr. McDonald stated that he is the owner of Ice Fog Vapor, located in downtown Fairbanks. He apologized for his inability to attend the meeting. He stated that the current language regarding vaping products would include many everyday items that are not related to taxable substances. He added that other sections of the taxation code are very clear on the taxable items and asked that the Council use his suggested language as an amendment to the tax code.

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

**Ms. Therrien**, seconded by **Mr. Marney**, moved to AMEND Ordinance No. 6172 by striking the existing language under item 10 on page 21 and replacing it with, “Any nonrefillable closed system device that is either disposable and contains nicotine, or any closed pod system that contains nicotine when sold. Any nicotine containing liquid intended to be used in a refillable open system device.”

**Mr. Gibson** clarified that the ordinance is similar to that of other Alaska municipalities.

**Mr. Clark** stated that he believed the intent of the ordinance was to help deter youth from using vaping products, with or without nicotine, and this amendment would effectively kill that intent.

**Mr. Gibson** asked the City Attorney if this language provides for the same intent as the City Attorney’s draft of an amendment.

City Attorney Ewers stated that it was similar. He asked that the Council allow staff some leeway in cleaning up the language in the proposed amendment in regard to style and typos.

**Mr. Gibson** stated that he would like to substitute the City Attorney’s draft language for the current amendment.

**Ms. Therrien** stated that she is content with the motion on the floor and assumed the City Attorney and City Clerk would perform any necessary cleanup.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6172 BY STRIKING THE EXISTING LANGUAGE UNDER ITEM 10 ON PAGE 21 AND REPLACING IT WITH, “ANY NONREFILLABLE CLOSED SYSTEM DEVICE THAT IS EITHER DISPOSABLE AND CONTAINS NICOTINE, OR ANY CLOSED POD SYSTEM THAT CONTAINS NICOTINE WHEN SOLD. ANY NICOTINE CONTAINING LIQUID INTENDED TO BE USED IN A REFILLABLE OPEN SYSTEM DEVICE.”, AS FOLLOWS:

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6172, AS AMENDED, AS FOLLOWS:

YEAS: Therrien, Rogers, Gibson, Kun, Marney, Clark  
NAYS: None  
**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6172, as Amended, ADOPTED.

- c) Ordinance No. 6173 – An Ordinance Amending Fairbanks General Code Chapter 46 by Adding Theft as a Minor Offense. Introduced by Council Member Clark. SECOND READING AND PUBLIC HEARING.

**Ms. Marney**, seconded by **Ms. Clark**, moved to ADOPT Ordinance No. 6173.

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

**Ms. Kun** spoke against the ordinance, stating that an individual who is stealing an item would not have the means to pay for an additional fine. She added that the ordinance would punish those who are already in compromised situations.

**Mayor Matherly** added that not everyone who steals lacks the means to purchase the item(s).

**Mr. Gibson** asked for clarification on the changes the ordinance would make to the current process. Attorney Ewers stated that, under the new ordinance, individuals would have the ability to pay the minor offense fee with the City Clerk's Office or exercise their option to have a court trial, rather than be arrested. **Mr. Gibson** asked to be added as a sponsor of the ordinance. **Mr. Marney** and **Ms. Therrien** indicated they would like to be added as sponsors also.

**Ms. Rogers** asked to hear from Police Chief Dupee. **Mayor Matherly** stated that Chief Dupee was not present but had expressed his support of the ordinance.

**Mr. Clark** stated that the ordinance came about from a conversation he had with Chief Dupee. He stated that the Chief related officers' frustration in arresting individuals for theft only to have their charges later dropped by the District Attorney. He went on to state that he also spoke with loss prevention departments in the box stores, who indicated that shoplifting is a big problem, but nothing is being done to deter repeat offenders.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6173 AS FOLLOWS:

YEAS: Rogers, Therrien, Clark, Marney, Gibson

NAYS: Kun  
**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6173 ADOPTED.

## **NEW BUSINESS**

- a) Resolution No. 4976 – A Resolution Authorizing the City of Fairbanks to Accept Funding from the Bureau of Justice Assistance for the FFY2021 Edward Byrne Memorial Justice Assistance Grant. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4977 – A Resolution Authorizing the City of Fairbanks to Distribute Coronavirus Local Fiscal Recovery Funds. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4978 – A Resolution Requesting Funds for Demolition of the Polaris Building from Federal Infrastructure Appropriations. Introduced by Council Members Therrien, Kun, Marney, and Rogers.

PASSED and APPROVED on the CONSENT AGENDA.

## **DISCUSSION ITEMS AND COUNCIL MEMBERS' COMMENTS**

**Ms. Kun** stated she had no committee reports. She went on to give a land acknowledgment and thanked the Firefighters and Dispatchers. She provided the Care Line for those who might need it and reminded people to reach out to their friends and family.

**Ms. Rogers** shared that she had attended a community outreach social at Fort Wainwright, where she learned that the General would be leaving his post in the coming month. She added that there was a large turnout of people and that there has been a concerted effort to build community outreach through cultural and social events.

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

**Mr. Marney** wished everyone a happy and safe Fourth of July with their families and friends, and he added that he is honored to be an American.

**Mr. Clark** concurred with Mr. Marney's statements.

**Ms. Therrien** shared that there is a very large pothole on Barnette Street between 7th and 8th Avenues; **Mayor Matherly** stated that he had spoken to Public Works the day before about that pothole. **Ms. Therrien** added that she had also attended the social event at Fort Wainwright and emphasized their desire to have more communication with the local community. She stated that she expects a message from City Lobbyist Yuri Morgan the following day regarding the State

budget and was hopeful for more information in August. **Ms. Therrien** wished everyone happy Fourth of July and added that she and her brother would be travelling to Valdez with family.

**Mayor Matherly** stated that the heat wave in the Pacific Northwest has caused rolling blackouts in the Portland and Seattle area and that Mr. Meeks' flight had been delayed.

### **CITY CLERK'S REPORT**

City Clerk Snider acknowledged all the of work done by staff and the Council on the taxation code rewrite, especially the work done by the City Attorney Ewers and Chief Financial Officer (CFO) Bell.

### **ADJOURNMENT**

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

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

**Mayor Matherly** declared the meeting adjourned at 7:37 p.m.

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JIM MATHERLY, MAYOR

ATTEST:

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D. DANYIELLE SNIDER, MMC, CITY CLERK

Transcribed by: RR



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, JULY 12, 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 the City Council's Review of Liquor and Marijuana License Applications, 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  
   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  
   Kristi Merideth, FECC Manager (remotely)  
   Angela Foster-Snow, HR Director  
   Ron Dupee, Police Chief  
   Tod Chambers, Fire Chief

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 Mr. Clark to lead the Flag Salutation.

**CITIZENS' COMMENTS**

Victor Buberger, Fairbanks – Mr. Buberger spoke about the history of the Polaris Building ownership, adding that many citizens do not mind it sitting vacant. He suggested that the City dress it up and develop the first floor into a rest center with public restrooms. He went on to suggest that the City consider a riverboat casino to provide a new revenue stream, adding that the City may be able to provide better maintenance with the extra revenue.

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 to APPROVING the Agenda and, hearing none, so ORDERED.

City Clerk Snider read the Consent Agenda into the record.

**APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

a) Regular Meeting Minutes of May 24, 2021

PASSED and 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	Address
4548	Brewsters	Beverage Dispensary	Restaurant Concepts, LLC	354 Old Steese Highway

Ms. Kun, seconded by Mr. Marney, moved to WAIVE PROTEST on the Liquor License Application for Renewal.

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

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

YEAS: Rogers, Marney, Therrien, Clark, Gibson, Kun  
NAYS: None

Mayor Matherly declared the MOTION CARRIED.

Clerk Snider pointed out to the Mayor that Ms. Lisa McEnulty, who had signed up for Citizens’ Comments over Zoom, had joined the Zoom meeting. Mayor Matherly, with the concurrence of the Council, reopened Citizens Comments to hear testimony from Ms. McEnulty.

Lisa McEnulty, Fairbanks – Ms. McEnulty stated that she has been hosting a protest in Fairbanks and is interested in hearing updates made to Fairbanks Police Department (FPD) policies, outside of the implementation of Crisis Now. She went on to list several policies she would like to see implemented, including a prohibition of the use of chokeholds.



**Mr. Gibson** asked if Ms. McEnulty has had the opportunity to speak with the Chief of Police or the Mayor regarding current policies and procedures. Ms. McEnulty stated that she had met with the Mayor and would like the opportunity to meet with the Chief.

**Ms. Kun** asked Ms. McEnulty to email the Council a list of the policies she is interested in.

**Ms. Rogers** asked if Ms. McEnulty was aware that some of the policies she mentioned already exist at the FPD. Ms. McEnulty stated that she was not aware.

**Mayor Matherly** declared Public Testimony closed.

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

**Mayor Matherly** offered his support for the firefighters working on the Munson Creek fire, emphasizing the dangerous conditions. He cautioned individuals on throwing out cigarette butts and lighting fireworks, adding that the Fairbanks Fire Department (FFD) has been responding to these types of incidents. **Mayor Matherly** shared that he has had good conversations with Ms. McEnulty multiple times over the past eight weeks, adding that the request for the prohibition of chokeholds is currently a national campaign. He stated that he would send Ms. McEnulty a link to email the Council, and he would have Chief Dupee contact her.

### **COUNCIL MEMBERS' COMMENTS AND COMMITTEE REPORTS**

**Mr. Clark** stated he had no comments or committee reports.

**Mr. Marney** shared that he had attended the Fourth of July parade, and he hoped the City could be involved next year. He commented that there had been a very large turnout.

**Mr. Gibson** shared that FAST Planning would be meeting the following week.

**Ms. Kun** provided a land acknowledgment and asked that the Council provide a land acknowledgment at future meetings. She went on to share that tourism is increasing, but businesses are having a hard time finding employees. She provided the Care Line.

**Ms. Rogers** shared updates from various committee meetings, including the Opioid Work Group. She shared that opioid use is starting a significant downward trend in the community. She stated she also attended meetings of the following groups: Suicide Prevention Committee, Reentry Coalition, Stars of Gold Readers, Crisis Now, and Housing and Homeless. **Ms. Rogers** expressed her appreciation for Ms. Kun's land acknowledgement suggestion and thanked the Mayor for arranging a meeting with Ms. McEnulty and Chief Dupee. She commented on the good conversation from the Work Session and expressed her gratitude for being able to attend the meeting in person. She shared that, as a member of the most vulnerable population, she was thankful for the ability to meet remotely.

**Ms. Therrien** shared that the Permanent Fund Review Board would be meeting on July 21, 2021, at 1:30 p.m. She added that she had been traveling with family and was sorry to have missed the parade. She expressed curiosity regarding the option for using the Polaris Building for

public restrooms and offered her hopes that Chief of Staff Mike Meeks recovers quickly from his surgery.

**WRITTEN COMMUNICATIONS TO COUNCIL**

- a) Reappointments to the Clay Street Cemetery Commission

APPROVED on the CONSENT AGENDA.

- b) Reappointment to the Hotel/Motel Discretionary Fund Committee

APPROVED on the CONSENT AGENDA.

- c) Appointment to the Fairbanks Diversity Council

APPROVED on the CONSENT AGENDA.

**CITY CLERK'S REPORT**

City Clerk Snider reported that candidate filing would open on Thursday, July 15, 2021, and continue through Thursday, July 29, 2021, for the City of Fairbanks, Fairbanks North Star Borough, and the City of North Pole elections. She added that the local Clerks will be hosting a booth at the Golden Days Street Fair on July 24, 2021.

**ADJOURNMENT**

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

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

**Mayor Matherly** declared the meeting adjourned at 6:57 p.m.

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JIM MATHERLY, MAYOR

ATTEST:

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D. DANYIELLE SNIDER, MMC, CITY CLERK  
Transcribed by: RR



FAIRBANKS CITY COUNCIL  
SPECIAL MEETING MINUTES, JULY 19, 2021  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 5:30 p.m. on the above date to conduct a Special Meeting of the Fairbanks City Council via Zoom webinar and at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor pro tem Therrien (Seat C) presiding and with the following Council Members in attendance:

Council Members Present:        Shoshana Kun, Seat A  
   June Rogers, Seat B  
   Aaron Gibson, Seat D  
   Lonny Marney, Seat E  
   Jim Clark, Seat F

Absent:                                    Mayor Matherly

Also Present:                            D. Danyielle Snider, City Clerk  
   Clem Clooten, Building Official  
   Angela Foster-Snow, HR Director  
   Mike Meeks, Chief of Staff  
   Christina Rowlett, Risk Manager/Purchasing Agent  
   Margarita Bell, Chief Financial Officer  
   Teal Soden, Communication Director/Executive Assistant  
   Robert Pristash, City Engineer  
   Kristi Merideth, FECC Manager (remotely)

**Mayor pro tem Therrien** called the Special Meeting to order and stated that the purpose is to hold an Executive Session to discuss City of Fairbanks IT vulnerabilities and strategies.

**CITIZENS' COMMENTS**

**Mayor pro tem Therrien** called for Public Testimony and, hearing none, declared Public Testimony closed.

**Mr. Gibson**, seconded by **Ms. Kun**, moved to ENTER into Executive Session for the purpose of discussing City of Fairbanks IT vulnerabilities and strategies.

**Mayor pro tem Therrien** called for objection and, hearing none,  
so ORDERED.

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

**EXECUTIVE SESSION**

- a) City of Fairbanks IT Vulnerabilities and Strategies.

The City Council met in Executive Session with City Department Heads and AlasConnect representatives to discuss and review a presentation on City of Fairbanks IT Vulnerabilities and Strategies. No action was taken.

**Mayor pro tem Therrien** asked Clerk Snider to read into the record the names of those who attended the Executive Session. Clerk Snider stated that all six members of the City Council were present, and the following City Department Heads and AlasConnect staff members were present:

D. Danyielle Snider, City Clerk	Kristi Merideth, FECC Manager (remotely)
Paul Ewers, City Attorney (remotely)	Jeff Jacobson, Public Works Director (remotely)
Clem Clooten, Building Official	Ron Dupee, Chief of Police (remotely)
Angela Foster-Snow, HR Director	Christina Rowlett, Risk Mgr./Purch. Agent
Mike Meeks, Chief of Staff	Keith Z., AlasConnect (remotely)
Tod Chambers, Fire Chief	Jeff Tittle, AlasConnect (remotely)
Margarita Bell, Chief Financial Officer	Rob Thurston, AlasConnect
Robert Pristash, City Engineer	

### **ADJOURNMENT**

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

**Mayor pro tem Therrien** called for objection and, hearing none, so ORDERED.

**Mayor pro tem Therrien** declared the meeting adjourned at 6:37 p.m.

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JIM MATHERLY, MAYOR

ATTEST:

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D. DANYIELLE SNIDER, MMC, CITY CLERK

Transcribed by: RR

**ORDINANCE NO. 6174**

**AN ORDINANCE AMENDING THE 2021 OPERATING  
AND CAPITAL BUDGETS FOR THE THIRD TIME**

**WHEREAS**, this ordinance incorporates the changes outlined on the attached fiscal note to amend the 2021 operating and capital budget.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows** [amendments shown in **bold** font; deleted text in ~~font~~]:

**SECTION 1.** There is hereby appropriated to the 2021 General Fund and Capital Fund budgets the following sources of revenue and expenditures in the amounts indicated to the departments named for the purpose of conducting the business of the City of Fairbanks, Alaska, for the fiscal year commencing on January 1, 2021 and ending December 31, 2021 (see pages 2 and 3):

## GENERAL FUND

<u>REVENUE</u>	COUNCIL APPROPRIATION	INCREASE (DECREASE)	AMENDED APPROPRIATION
Taxes (all sources)	\$ 21,266,773	\$ 197,805	\$ 21,464,578
Charges for Services	5,566,800	(175,000)	5,391,800
Intergovernmental Revenues	1,646,150	396,000	2,042,150
Licenses and Permits	1,759,950	378,000	2,137,950
Fines and Forfeitures	486,500	(50,000)	436,500
Interest and Penalties	185,500	(55,000)	130,500
Rental and Lease Income	145,762	(9,000)	136,762
Other Revenues	221,000	(1,000)	220,000
Other Financing Sources	2,989,364	-	2,989,364
Total revenue appropriation	<u>\$ 34,267,799</u>	<u>\$ 681,805</u>	<u>\$ 34,949,604</u>
 <u>EXPENDITURES</u>			
Mayor Department	\$ 695,554	\$ -	\$ 695,554
Legal Department	204,993	15,500	220,493
Office of the City Clerk	427,465	6,000	433,465
Finance Department	1,009,811	-	1,009,811
Information Technology	2,323,802	-	2,323,802
General Account	3,865,387	299,123	4,164,510
Police Department	7,410,915	-	7,410,915
Communications Center	2,572,479	-	2,572,479
Fire Department	7,453,687	20,000	7,473,687
Public Works Department	8,809,140	250,000	9,059,140
Engineering Department	826,268	100,000	926,268
Building Department	675,889	4,500	680,389
Total expenditure appropriation	<u>\$ 36,275,390</u>	<u>\$ 695,123</u>	<u>\$ 36,970,513</u>
Estimated general fund balance	\$ 13,297,941	\$ -	\$ 13,297,941
Prior year encumbrances	(518,563)	-	(518,563)
Transfers to other funds	(1,900,000)	-	(1,900,000)
Increase (Decrease) to fund balance	410,972	(13,318)	397,654
2021 estimated unassigned balance	<u>\$ 11,290,350</u>	<u>\$ (13,318)</u>	<u>\$ 11,277,032</u>
Minimum unassigned fund balance requirement is 20% of budgeted annual			<u>\$ 7,394,103</u>

## CAPITAL FUND

<u>REVENUE</u>	COUNCIL APPROPRIATION	INCREASE (DECREASE)	AMENDED APPROPRIATION
Transfer from Permanent Fund	\$ 648,139	\$ -	\$ 648,139
Transfer from General Fund	1,500,000	-	1,500,000
Property Repair & Replacement	145,000	-	145,000
Public Works	250,000	-	250,000
Garbage Equipment Reserve	255,750	-	255,750
IT	70,000	-	70,000
Police	180,000	-	180,000
Communications Center	140,000	-	140,000
Fire	290,000	-	290,000
Building	10,000	-	10,000
Total revenue appropriation	<u>\$ 3,488,889</u>	<u>\$ -</u>	<u>\$ 3,488,889</u>
 <u>EXPENDITURES</u>			
Property Repair & Replacement	\$ 2,156,055	\$ 100,000	\$ 2,256,055
Public Works Department	1,146,837	-	1,146,837
IT Department	240,305	-	240,305
Police Department	463,078	-	463,078
Fire Department	761,878	-	761,878
Road Maintenance	567,776	-	567,776
Total expenditure appropriation	<u>\$ 5,335,929</u>	<u>\$ 100,000</u>	<u>\$ 5,435,929</u>
Estimated capital fund balance	\$ 13,895,485	\$ -	\$ 13,895,485
Prior year encumbrances	(1,547,570)	-	(1,547,570)
Increase (Decrease) to fund balance	(299,470)	(100,000)	(399,470)
2021 estimated assigned fund balance	<u>\$ 12,048,445</u>	<u>\$ (100,000)</u>	<u>\$ 11,948,445</u>

**SECTION 2.** All appropriations made by this ordinance lapse at the end of the fiscal year to the extent they have not been expended or contractually committed to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing on January 1, 2021 and ending December 31, 2021.

**SECTION 3.** The effective date of this ordinance shall be the 9th day of August 2021.

\_\_\_\_\_  
**Jim Matherly, Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, MMC, City Clerk

\_\_\_\_\_  
Paul J. Ewers, City Attorney



**FISCAL NOTE**  
ORDINANCE NO. 6174  
AMENDING THE 2021 OPERATING AND CAPITAL BUDGETS  
FOR THE THIRD TIME

**GENERAL FUND**  
**\$681,805 Increase in Revenue**  
**\$695,123 Increase in Expenditures**

**Revenue**

1. Taxes
  - \$197,805 increase to real property taxes
2. Charges for Services
  - (\$200,000) decrease to ambulance services
  - \$25,000 increase to engineering stormwater services
3. Intergovernmental Revenues
  - \$396,000 increase to State of Alaska PERS on behalf payments
4. License and Permits
  - \$100,000 increase to fire code inspections
  - \$2,000 increase to engineering plat zoning services
  - \$10,000 increase to right of way permits
  - \$264,000 increase to commercial building permits
  - \$2,000 increase to sign permits
5. Fines and Forfeitures
  - (\$50,000) decrease to moving traffic violations
6. Interest and Penalties
  - (\$75,000) decrease to interest income
  - \$20,000 increase to sales tax interest and penalties
7. Rental and Lease Income
  - (\$9,000) decrease for Sprint lease
8. Other Revenues
  - (\$1,000) decrease to special assessment principal

## 9. Other Financing Sources

### **Expenditures**

1. Mayor Department
2. Legal Department
  - \$500 increase to office supplies
  - \$15,000 increase to court costs for legal costs
3. City Clerk's Office
  - \$6,000 increase to salaries and benefits to retain the deputy city clerk
4. Finance Department
  - \$84,000 increase to salaries and benefits to hire two temporary full-time accounting specialists in preparation of staff retirements
  - (\$84,000) decrease to other outside contracts
5. Information Technology
6. General Account
  - \$396,000 increase to State of Alaska PERS on behalf payments
  - (\$96,877) decrease for encumbrance carryover
7. Police Department
8. Communications Center
9. Fire Department
  - \$20,000 increase to salaries and benefits to hire an assistant fire chief
10. Public Works Department
  - \$250,000 increase to salaries and benefits for temporary workers in preparation for snow removal
11. Engineering Department
  - \$100,000 increase to salaries and benefits for managing general city projects
12. Building Department
  - \$4,500 increase to salaries and benefits to hire a plans examiner

**CAPITAL FUND**  
**\$0 Increase in Revenue**  
**\$100,000 Increase in Expenditures**

**Revenue**

1. Other Financing Sources

**Expenditures**

1. Property Repair & Replacement
2. Public Works
  - \$100,000 increase to replace the mechanic bay overhead crane
3. Garbage Equipment Reserve
4. IT Department
5. Police Department
6. Communications Center
7. Fire Department
8. Road Maintenance

**ORDINANCE NO. 6175**

**AN ORDINANCE AUTHORIZING CONVEYANCE OF A TEMPORARY  
EASEMENT TO THE STATE OF ALASKA FOR THE FAIRBANKS  
CUSHMAN STREET BRIDGE PROJECT**

**WHEREAS**, the Alaska Department of Transportation & Public Facilities (ADOT&PF) has funding for the Fairbanks Cushman Street Bridge Project, State Project Number Z622070000; and

**WHEREAS**, the Project will provide for improvements and upgrades to the Cushman Street Bridge; and

**WHEREAS**, the Project will require the State of Alaska to acquire a temporary construction easement on a parcel of City property described as Parcel No. TCP 90, containing approximately 538 square feet, as more fully described and shown in Attachment, page 5; and

**WHEREAS**, it is the sense of the Council that conveyance of this temporary easement to ADOT&PF is in the best interest of the public and of mutual benefit to the State and the City.

**NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA**, as follows:

**SECTION 1.** That the Mayor is hereby authorized to execute the easement document (Attachment A), and the City Clerk is authorized and directed to attest and affix the City Seal to the easement document.

**SECTION 2.** That the conveyance of the easement is subject to the 30-day permissive referendum period as required under FGC Sec. 70-42 and in accordance with the Fairbanks City Charter.

**SECTION 3.** That the effective date of this ordinance will be the \_\_\_\_ day of August 2021.

---

**Jim Matherly, Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:


ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, MMC, City Clerk

\_\_\_\_\_  
Paul Ewers, City Attorney

Attachment A to Ordinance No. 6175

 <p>STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES</p> <p><b>TEMPORARY CONSTRUCTION PERMIT</b> (Standard/Partial Property)</p>	<p><b>PROJECT NAME: FAIRBANKS CUSHMAN BRIDGE</b></p> <p><b>STATE PROJECT #: Z622070000</b></p> <p><b>FEDERAL-AID PROJECT #: 0663012</b></p> <p><b>PARCEL #: TCP-90</b></p>
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The GRANTOR, City of Fairbanks, whose mailing address is 800 Cushman Street, for and in consideration of MUTUAL BENEFITS and other valuable consideration, in hand paid, grants unto the GRANTEE, STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES, whose mailing address is 2301 Peger Road, Fairbanks, Alaska 99709, its agents or contractors, during the period of construction of Alaska Project No. Z622070000, permission to enter upon all that portion of the following-described tract of land:

Situated within Section 10, Township 1 South, Range 1 West, Fairbanks Meridian, Fairbanks Recording District, Fourth Judicial District, State of Alaska, and being more particularly described as follows:

That parcel of land, for use as a Temporary Construction Permit, as required for the Fairbanks Cushman Street Bridge, State of Alaska DOT&PF Project No. Z622070000, as depicted on the attached plat as Parcel No. TCP 90; said parcel being a portion of that property delineated in the conveyance document recorded October 25, 1991, filed for record in Book 730 Page 713, Fairbanks Recording District.

Excepting therefrom all portions of existing buildings and appurtenances thereof, if any; all existing public and private utilities and appurtenances thereof, inclusive of surface and subsurface utilities; signs, bollards, parking structures, if any, and all corporeal hereditaments of said property not appurtenant to existing sidewalks, existing disabled ramps, existing driveways, and those improvements specific to said State of Alaska DOT&PF Project No. Z622070000.

Said described parcel contains 538 square feet, more or less.

which lies within the boundaries of the parcel of land designated as Parcel No. TCP-90 of Alaska Project No. Z622070000, delineated as to said parcel of land on the plat attached hereto and made a part hereof as pages 4 & 5 of this instrument and containing 538 square feet, more or less, for the purpose of making the following alterations and changes:

To provide a construction workspace for path modifications

Other provisions:

The Grantee shall remove the hedgerow, the area will be grubbed, and replaced with 4" of topsoil and seed.

The Grantee shall protect an existing sign structure in place within the permit area.

The Grantee shall leave said premises in a clean and presentable condition when said construction has been completed.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2\_\_\_\_\_.

Grantor  
City of Fairbanks

\_\_\_\_\_  
By:  
Title:

**CERTIFICATE OF ACCEPTANCE**

The State of Alaska, Department of Transportation and Public Facilities, hereby accepts this permit on this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

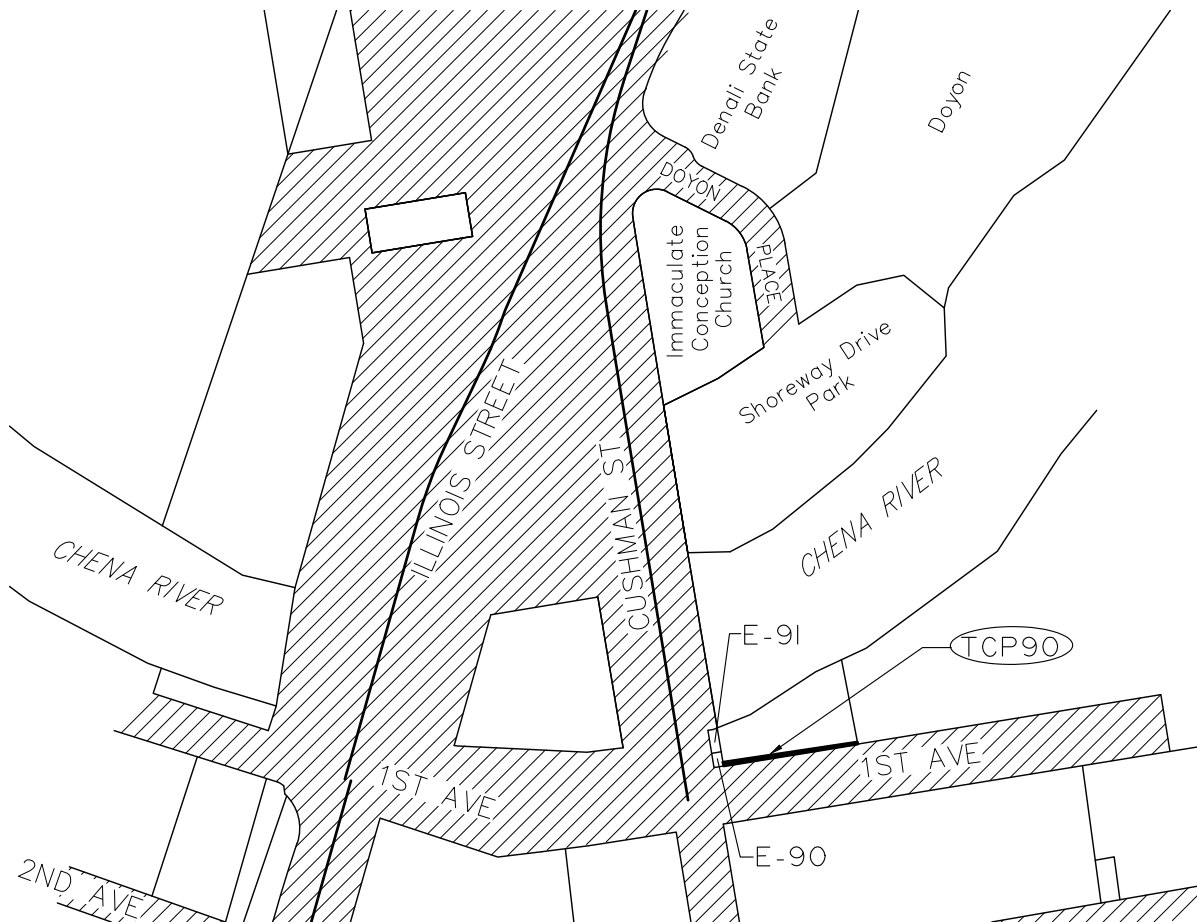
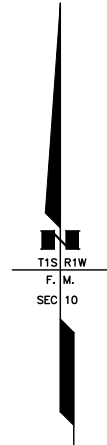
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

By: \_\_\_\_\_  
For the Commissioner



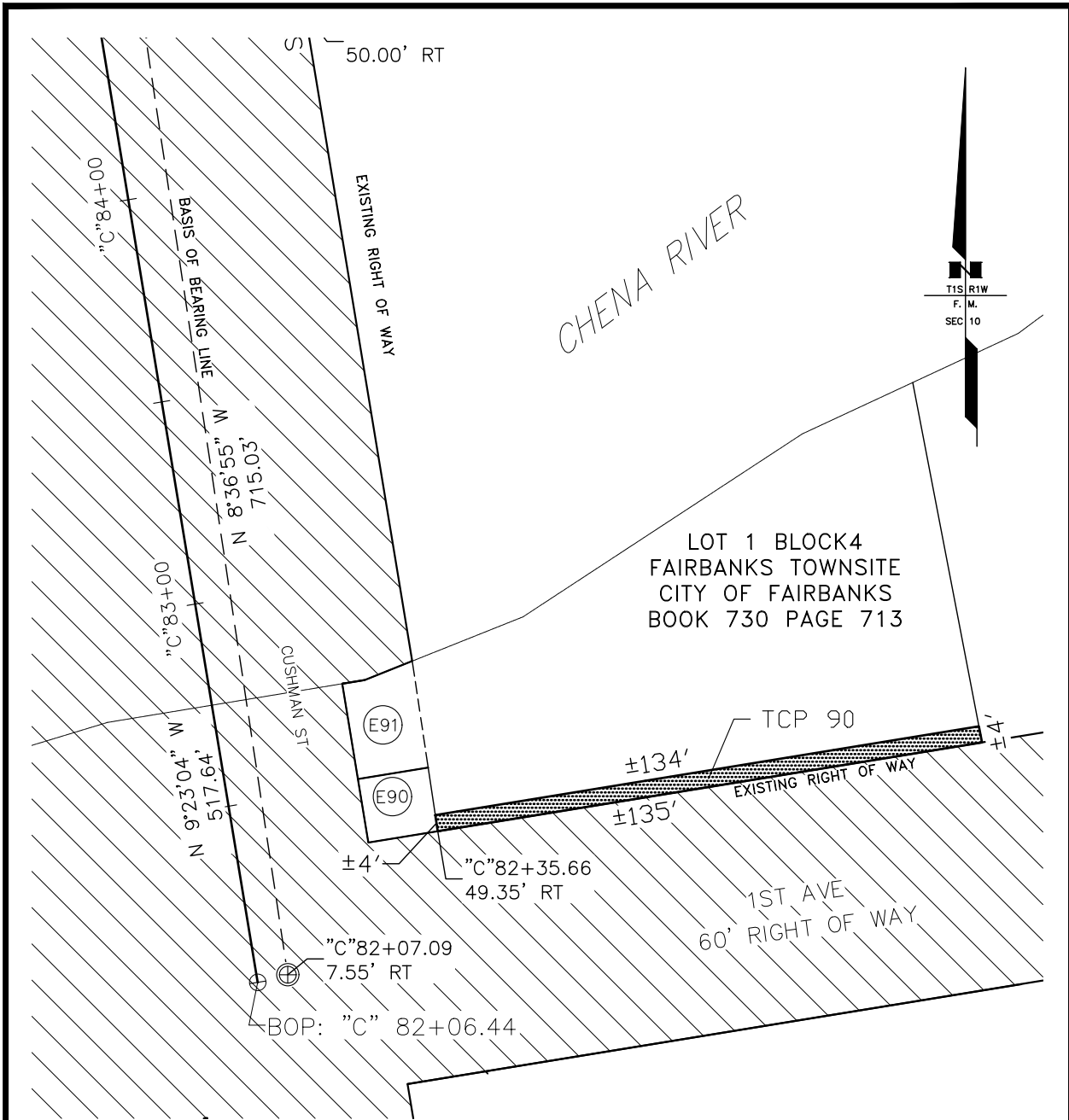
STATE OF ALASKA  
 DEPARTMENT OF TRANSPORTATION  
 &  
 PUBLIC FACILITIES

TEMPORARY CONSTRUCTION PERMIT  
 REQUIRED FOR  
 FAIRBANKS CUSHMAN STREET BRIDGE  
 0663012/Z622070000

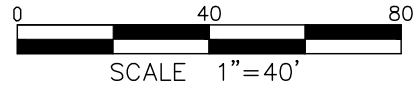


STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES		TEMPORARY CONSTRUCTION PERMIT REQUIRED FOR FAIRBANKS CUSHMAN STREET BRIDGE	
SCHEDULE B	DRAWING	PROJECT NO. 0663012/Z62207000	
INITIAL	DATE	AREA 538 S.F.	PARCEL NO. TCP 90
		SCALE 1" = 200'	DATE 06/22/2021
	1 OF 2		

H:\R0\WB\Eng\Hwys\62207-Cushman St. Bridge replacement\2019 TCE & TCP\62207 CUSHMAN ST BRIDGE ROW TCE & TCP.dwg, Jun 22, 2021 - 6:45am



NOTE: THIS SURVEY DOES NOT PURPORT TO DEPICT SURVEY LOCATIONS AND IS NOT A LEGAL SURVEY. LINES AND DIMENSIONS ARE APPROXIMATE TO ILLUSTRATE PERMIT AREA.



OWNER--CITY OF FAIRBANKS

STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
AND PUBLIC FACILITIES

TEMPORARY CONSTRUCTION PERMIT  
REQUIRED FOR  
FAIRBANKS CUSHMAN STREET BRIDGE

SCHEDULE B		DRAWING	PROJECT NO. 0663012/Z622070000
INITIAL		2 OF 2	AREA 538 S.F. PARCEL NO. TCP 90
DATE		SCALE 1" = 20'	DATE 06/22/21

**ORDINANCE NO. 6176**

**AN ORDINANCE TO AMEND FGC SEC. 2-233(a) TO ALLOW THE  
MAYOR TO DESIGNATE AN ALTERNATE CHAIRPERSON OF THE  
FAIRBANKS DIVERSITY COUNCIL**

**WHEREAS**, to aid in the conduct of the business of the Fairbanks Diversity Council, the following amendment to FGC Sec. 2-233(a) is proposed.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**Section 1.** That Fairbanks General Code Section 2-233(a) is amended as follows [new text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

**Sec. 2-233. Chairperson; committees; quorum; meetings.**

(a) The city mayor shall serve as **the** non-voting chairperson **of the FDC. The mayor may appoint a chairperson from the membership of the FDC. If the Mayor appoints a chairperson, the person chosen will remain a voting member of the FDC and will serve a one-year term as chairperson. The FDC will choose a vice chairperson from among its members. The person so chosen will serve a one-year term as vice chairperson. When the term of the chairperson expires, the vice chairperson will become the chairperson, and the FDC will choose a new vice chairperson from among its members. If the mayor chooses to serve as the chairperson, the vice chairperson will not progress to the chairperson position. The mayor will remain a non-voting member of the FDC even if not serving as chairperson.** ~~A first vice chairperson and a second vice chairperson shall initially be appointed by the city mayor from the membership, subject to the approval of the FDC. Following initial appointments, vice chairpersons will serve one year in each position progressively: second vice chairperson, first vice chairperson, then past vice chairperson. A new second vice chairperson will be appointed by the city mayor every July, with approval of the membership. Upon approval of the appointment, the progression of vice chairpersons will take place. If a vice chairperson vacates their position before the progression is complete, the city mayor will appoint a replacement, subject to the approval of the membership.~~

**Section 2.** That the effective date of this Ordinance shall be the \_\_\_ day of August 2021.

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**Jim Matherly, City Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, MMC, City Clerk

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Paul J. Ewers, City Attorney

**ORDINANCE NO. 6177**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE  
SEC. 14-178(a)(11) REGARDING COUNCIL REVIEW OF  
LIQUOR LICENSE ISSUANCE, RENEWAL, OR TRANSFER**

**WHEREAS**, subsection 14-178(a)(11) currently requires the City Council to protest an application for a new tourism alcohol license if the application is based on construction of a new tourist facility with less than 30 rooms; and

**WHEREAS**, that subsection also requires protest if the application is for an improvement to an existing tourist facility of at least 30 rooms unless the improvements will result in at least a 50 percent increase in the assessed or appraised valuation; and

**WHEREAS**, these restrictions unnecessarily limit the prospects for smaller, boutique hotels within the city.

**NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA**, as follows:

**SECTION 1.** That FGC Section 14-178(a)(11) is hereby amended as follows [next text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

**Sec. 14-178. City council review of license issuance, renewal or transfer.**

(a) Upon receipt of notification from the alcoholic beverage control board that it has before it an application for the issuance, renew or transfer of an alcoholic beverage license, the city council shall determine whether to pretest the action and shall consider the following factors it believes are pertinent:

(11) If an application is for a tourism license under AS 04.11.400(d), then:

~~a. The city will protest any application based on construction of a new tourist facility unless the construction will include at least 30 rooms.~~

~~b. The city council will protest any application for a new tourism beverage dispensary license based on an improvement to an existing tourist facility of at least 30 rooms unless the improvements will result in at least a 50 percent increase in the assessed or~~

~~appraised valuation compared to the value of the original tourist facility.~~

- e. ~~The city council, in addition to the requirements of subsection (a)(11)a. and b. of this section as applicable,~~ will require the applicant to show ~~by convincing evidence~~ that the issuance of an additional beverage dispensary license to a tourist facility will, in fact, encourage tourism in the city. The applicant must prove that tourism will constitute a majority of the business of the beverage dispensary license.

**SECTION 2.** That the effective date of this ordinance will be the \_\_\_\_ day of August 2021.

---

**Jim Matherly, Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, MMC, City Clerk

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Paul Ewers, City Attorney

**ORDINANCE NO. 6178**

**AN ORDINANCE TO AMEND FGC CHAPTER 78, ARTICLE XXII, MOTOR VEHICLE IMPOUNDMENT AND FORFEITURE, TO REMOVE DRIVING WHILE LICENSE SUSPENDED AND NO INSURANCE CONVICTIONS**

**WHEREAS**, Article XXII of Chapter 78 of the Fairbanks General Code, Motor Vehicle Impoundment and Forfeiture, was originally enacted in 1998 pursuant to the authority of AS 28.35.038; and

**WHEREAS**, Article XXII was amended in 2002 to add Driving While License Suspended and No Insurance to the offenses that would subject a vehicle to impoundment or forfeiture; and

**WHEREAS**, it is the sense of the Council that impoundment and forfeiture of vehicles under Article XXII should be limited to vehicles used in the commission of the crimes of driving while intoxicated and refusal, as originally enacted.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA**, as follows:

**Section 1.** That Fairbanks General Code Chapter 78, Article XXII, Motor Vehicle Impoundment and Forfeiture is amended as follows [new text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

**ARTICLE XXII. - MOTOR VEHICLE IMPOUNDMENT AND FORFEITURE**

**Sec. 78-961. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Assessed or appraised value* of a motor vehicle shall be based upon the **Kelley Blue** ~~Automobile Dealers Association Book (KBB Blue Book)~~ for the same or similar make and model and accessorized motor vehicle. Should there be no **KBB Blue Book** value, the value shall be \$500.00.

*Driver* means a person who drives or is in actual physical control of a vehicle.

*Motor vehicle* means a vehicle which is self-propelled except a vehicle moved by human or animal power.

*Previously convicted* means having been convicted in this or another jurisdiction **two or more times** within ten years preceding the date of the present offense, of operating a motor vehicle, aircraft or watercraft while intoxicated under AS 28.35.030 or another law or

ordinance with substantially similar elements, or a refusal to submit to a chemical test under AS 28.35.032 or another law or ordinance with substantial similar elements, ~~or driving a motor vehicle while license suspended, canceled, revoked, or limited under AS 28.15.291 or another law or ordinance with substantially similar elements, or driving a motor vehicle without insurance or other security under FGC section 78-929 or another law or ordinance with substantially similar elements.~~

*Registered owner* refers to the owner of the vehicle at the time of the offense as shown in the vehicle ownership records of the state division of motor vehicles or another agency with similar responsibilities in another state but may include subsequent good-faith purchases.

*Regulated lienholder* means an entity whose lien on the vehicle is a result of lending activities that are subject to regulation by any federal or state agency, commission or department.

*Vehicle* means a device in, upon or by which a person or property may be transported or driven upon immediately over a highway, road or other public right-of-way.

**Sec. 78-962. Purpose; public nuisance.**

A motor vehicle that is operated, driven or in actual physical control of an individual arrested for or charged with a violation of AS 28.35.030, pertaining to driving while intoxicated, ~~or; a violation of AS 28.35.032, pertaining to refusal to submit to chemical tests; or a violation of AS 28.15.291, pertaining to driving while license canceled, suspended, revoked, or limited; or a violation of FGC section 78-929, pertaining to insurance or other security requirements,~~ may be impounded and may be forfeited to the city in accordance with this article. The purpose of this article is to protect the public by removing public nuisances and deterring driving while intoxicated. A vehicle operated in violation of the afore-stated statutes is declared to be a public nuisance for which the registered owners shall be legally responsible subject only to defenses set forth by law.

**Sec. 78-963. Presumptions; vehicle seizure.**

(a) It shall be presumed that a vehicle operated by or driven by or in the actual physical control of an individual arrested for or charged with a violation of AS 28.35.030 or AS 28.35.032, ~~or AS 28.15.291, or FGC section 78-929~~ has been so operated by the registered owner or has been operated by another person with the knowledge and consent of the registered owner.

(b) A vehicle used in the alleged violation of AS 28.35.030 or AS 28.35.032, ~~or AS 28.15.291, or FGC section 78-929~~ shall be impounded for 30 days if the person driving, operating, or in the actual physical control of the vehicle has not been previously convicted, and shall be forfeited to the city if the person **driving, operating, or in the actual physical control of the vehicle** has been previously convicted.



(c) Impoundment may occur through a seizure of the vehicle incident to an arrest at the discretion of the arresting officer or **by** a court order.

**Sec. 78-964. Jurisdiction; hearings; costs.**

(a) Civil impoundment or forfeiture cases may be heard and decided by ~~either the district court, an administrative hearing officer, or the parking authority,~~ which throughout this article may be referred to as "the court" or "a court." ~~Hearings before an administrative hearing officer shall take place no less than seven days and no more than 30 days after the registered owner or lienholder requests a hearing.~~ At the request of the city or a claimant, a civil proceeding under this section **may** ~~shall~~ be postponed until the conclusion of any pending criminal charges arising out of the incident giving rise to the proceeding under AS 28.35.030 **or** AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929.~~

(b) The court shall award the prevailing party in an impoundment or forfeiture case its reasonable attorney's fees and costs **pursuant to Rule 82, Alaska Rules of Civil Procedure.** ~~Costs shall include but are not limited to filing costs, advertising costs, police officer time required for testimony, prosecution costs, and other costs incurred in processing the case.~~

**Sec. 78-965. Notice to lienholders and parties of record; service by publication; failure to appear.**

(a) A lienholder and any party having an interest in the vehicle as shown by the vehicle ownership records **of** ~~by~~ the division of motor vehicles or any agency in any state where the vehicle is registered shall be served with notice of the civil action by certified mail sent to the address of record as shown in the ownership records. In a forfeiture action, the city may serve a party of record personally or by publication if mail service is unsuccessful.

(b) Service by publication in a forfeiture proceeding shall describe the vehicle, the date and place of impoundment and a contact person and shall be published once per week for two consecutive weeks in a newspaper of general circulation.

(c) Any party who fails to appear within 30 days of service of notice of an impoundment or forfeiture waives the right to object to impoundment or forfeiture. Any party who requests a hearing in a civil action shall be deemed served. For actions filed in district court, district court civil rules ~~shall~~ apply. Requests for release of a vehicle made by a person or entity not charged with a violation of AS 28.35.030 **or** AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929~~ must be brought in the forum of the civil action.

**Sec. 78-966. Avoidance of impoundment or forfeiture by owners and lienholders; defenses.**

(a) An owner or lienholder of record may avoid impoundment or forfeiture of that person's interest if **they** ~~the claimant~~ can establish by a preponderance of the evidence that:

- (1) The owner or lienholder claimant had an interest in the motor vehicle at the time of the alleged violation or which was acquired in good faith after the violation and not to avoid impoundment or forfeiture;
- (2) A person other than the owner or lienholder claimant was in possession of the vehicle and was responsible for the act which resulted in impoundment or forfeiture; and
- (3) Before permitting the operator to gain custody or control of the vehicle, the owner or lienholder claimant did not know or have reasonable cause to believe that the vehicle would be operated in violation of AS 28.35.030 or AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929.~~

(b) A regulated lienholder may meet the requirements of this section by filing with the court a copy of the vehicle's certificate of title or other security instrument reflecting the lien, with an affidavit stating the amount of the lien, ~~and~~ that the lienholder is a regulated lienholder, and that the lienholder was not in possession of the vehicle at the time of the act which resulted in the seizure of the vehicle.

(c) A regulated lienholder ~~has~~ shall have no duty to inquire into the driving record of any loan applicant or any member of the loan applicant's family or household, and failure to do so ~~may~~ shall not be used ~~as~~ is evidence against the regulated lienholder in any forfeiture proceeding or other civil action.

(d) A regulated lienholder's interest in a vehicle ~~is~~ shall not be subject to forfeiture in any case where:

- (1) The individual who allegedly used the vehicle in violation of AS 28.35.030 or AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929~~ is not the person whose dealings with the lienholder gave rise to the lien; or
- (2) The vehicle which the individual was driving, operating or was in actual physical control of at the time of the violation was not the vehicle involved in a prior conviction.

(e) An acquittal in a criminal proceeding under AS 28.35.030 or AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929~~ shall constitute a defense against impoundment or forfeiture of a vehicle if the civil proceeding is based on the same conduct that forms the basis for the criminal charge.

~~(f) A person convicted under FGC section 78-929(b) for the first time may avoid the 30-day impoundment under this article: (1) by presenting proof of insurance in effect no later than 30 days after the date of the offense; (2) by paying the applicable fine under section 78-929; (3) by paying the applicable charges for towing and storage; and (4) by paying an administrative fee of \$140.00.~~

**Sec. 78-967. Presumptions; knowledge of violation.**

~~(a) When a person other than the claimant was in possession of the vehicle and was driving with a suspended, revoked or canceled license, or without a valid driver's license, or in violation of a limited license, it shall be presumed that the claimant had reasonable cause to believe that the vehicle would be used in violation of AS 28.35.030, AS 28.35.032, AS 28.15.291 or FGC section 78-929. This subsection shall not apply to regulated lienholders.~~

~~-(b) When the owner claimant and driver are not the same person but ~~and~~ have a familial relationship, such as husband/wife, father/daughter, mother/stepson, etc., it shall be presumed that the owner claimant is responsible and that the vehicle was operated by the driver with the knowledge and consent of the owner claimant.~~

**Sec. 78-968. Hearing notification.**

Upon notification from the court of the time and place for a hearing in a civil action, the city shall provide to every person, unless such person was notified by the court, who has an ascertainable ownership or security interest in the vehicle written notice that includes:

- (1) A description of the motor vehicle;
- (2) The time and place of the forfeiture or impound hearing;
- (3) The legal authority under which the vehicle may be impounded or forfeited; and
- (4) Notice of the right to intervene to protect the interest in the motor vehicle.

**Sec. 78-969. Seizure; evidence; burden of proof.**

(a) A seizure of a vehicle under this Article is legally unjustified only if there was:

- (1) No reasonable suspicion for the stop of the vehicle leading to an arrest for driving while intoxicated based on the operation, driving, or actual physical control of the vehicle; or
- (2) No probable cause for the arrest of an individual for driving while intoxicated based on the individual's operation, driving, or actual physical control of the vehicle.

(b) For purposes of proceedings in an administrative forum, the police report, which may include the narrative, accompanying documents, computer printouts from data bases operated by police agencies and/or government agencies regulating motor vehicles showing the ownership of the vehicle, the driver's license status, and the record of criminal convictions of the driver, and/or tape recordings, is admissible evidence so long as it is

signed with either the name, initials, badge number, or other identifying mark of an employee of the city in a statement made under oath.

(c) The burden of proof for an action under this article is preponderance of the evidence.

**Sec. 78-970. Resolution agreement between city and owner/lienholder.**

(a) The city may enter into an agreement with the registered owner or lienholder of the vehicle to resolve a civil impound or forfeiture action and permit release of the vehicle. Any such agreement shall include:

- (1) Acceptance by the owner or lienholder of responsibility for meeting the requirements of this section;
- (2) Agreement that the owner or lienholder will take reasonable steps to prevent the person arrested for or charged with a violation of AS 28.35.030; **or** AS 28.35.032, ~~or AS 28.15.291 or FGC section 78-929~~ from operating the vehicle until properly licensed; and
- (3) Agreement by the owner or lienholder that failure to fulfill the obligations under the agreement may result in forfeiture of the vehicle at the option of the city unless the lienholder is regulated and is required by law or the terms of the security agreement to relinquish possession of the vehicle upon payment of the lien or cure of any default.

**Sec. 78-971. Release of motor vehicle.**

A person seeking to redeem a vehicle must obtain an order **from the court** authorizing release of the vehicle, unless the release is made under an agreement with the city **or if the underlying criminal case is dismissed or resolved in a manner whereby the defendant is not convicted under AS 28.35.030 or 28.35.032.** A release **will** ~~shall~~ not be granted unless the person can:

- (1) Provide proof of ownership or, if a lienholder, a legal right to repossess the vehicle; and
- (2) Pay or provide proof of payment of any costs imposed, including the impound fees, storage fees, and any court costs imposed. The impound fee ~~is shall be~~ the actual cost of impound plus an administrative charge to offset the city's processing costs. If the city agrees or the court finds that seizure of a vehicle was **not** legally ~~un~~justified, **or if the underlying criminal case is dismissed or resolved in a manner whereby the defendant is not convicted under AS 28.35.030 or 28.35.032,** the vehicle **will** ~~shall~~ be released at no cost. ~~If the person seeking to reclaim the vehicle does so within five days after the court's finding. A vehicle not claimed **it** within **ten** five days after the court's decision, **the vehicle** is subject to the **daily**~~

**storage fee, as provided in the City's Schedule of Fees and Charges for Services, for every day thereafter until the vehicle is reclaimed**  
~~provisions of AS 28.10.502, relating to towing and storage liens.~~

**Sec. 78-972. Bail release of motor vehicle; vehicle bond; amount of bond; costs; retrieval of personal items.**

(a) ~~A person not charged with a violation of AS 28.35.030, AS 28.35.032, AS 28.15.291 or FGC section 78-929 may petition the court for a bail release of a motor vehicle before a civil action is filed.~~

(b) A vehicle return bond ~~will shall~~ be set for each vehicle alleged in the complaint to have been used in an alleged violation of AS 28.35.030 ~~or~~ AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929.~~ The bond ~~must may~~ be posted in cash ~~only~~. The purpose of this bond is to secure the presence of the vehicle and to provide security to be forfeited if the vehicle is sold, transferred, or encumbered after the vehicle has been released pending hearing. If a vehicle is not returned on a return bond, the city may forfeit the bond funds and seize the vehicle to implement the impoundment or forfeiture ordered by the court. The court may not modify the bond requirement or release a posted bond for a vehicle which has been impounded for a period less than the vehicle would have been impounded for if the person was convicted.

(c) ~~If a person charged with a violation of AS 28.35.030 or AS 28.35.032, AS 28.15.291 or FGC section 78-929 has no previous convictions for those statutes, the minimum vehicle return bond is shall be \$500.00. Where the person charged has been previously convicted of either any of the offenses above, the minimum vehicle bond will shall be specified in the City's Sschedule of Ffees and Ccharges for Sservices, which may be amended by city council resolution. A vehicle return bond may be set above the minimum if the vehicle appears to have unusually high value for its age but not to exceed twice the minimum amount.~~

(d) ~~A vehicle under this section may be released pending hearing upon proof of ownership of the vehicle, payment of the vehicle return bond, and payment of towing and storage fees, including the administrative fee as set forth in the City's Sschedule of Ffees and Ccharges for Sservices, to offset the city's processing costs.~~

(e) ~~The court may order all or any part of the vehicle return bond to be forfeited to the city and may also order that the proceeds of any sale, transfer, or encumbrance be forfeited if the vehicle has been sold, transferred, or encumbered while subject to a vehicle return bond, if the vehicle is not returned in accordance with an order entered in the case requiring impoundment or forfeiture.~~

**(e) The vehicle owner, or a person with the owner's written permission, may retrieve personal items from the impounded vehicle upon payment of the access fee as set forth in the City's Schedule of Fees and Charges for Services.**

**Sec. 78-973. Impoundment; seizure incident to arrest; impoundment period; abandoned vehicle disposal; personal property in vehicles.**

(a) A motor vehicle that is operated, driven, or in the actual physical control of a person arrested for or charged with a violation of AS 28.35.030 or AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929~~ may be ordered impounded either upon conviction of the person for the offense or upon the decision of the court in a separate civil proceeding. To obtain an order for the impoundment in a contested proceeding, the city must establish by a preponderance of the evidence that the vehicle was operated, driven, or in the actual physical control of a person who was acting in violation of AS 28.35.030 or AS 28.35.032; ~~AS 28.15.291 or FGC section 78-929.~~

(b) If the motor vehicle is seized incident to an arrest or otherwise prior to a conviction or court-ordered impoundment, the vehicle may not be held more than two days without a court order obtained to continue its detention. For purpose of computing the two-day period, Saturdays, Sundays and city legal holidays are not ~~to be~~ included.

(c) A vehicle which is ordered impounded under this section will ~~shall~~ be held for a period of 30 days. An impoundment order may be made either upon conviction of the person of a violation of AS 28.35.030 or AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929~~, or upon decision of a court in a separate civil action.

(d) The owner of a y Vehicles ordered impounded under this section must pay any fees owed and must retrieve the vehicle within 30 days after the completion of the 30-day impoundment., which are not claimed at the end of the 30-day court ordered period of impoundment may be disposed of pursuant to the provisions of AS 28.10.502. Daily impound fees will cease accruing after the completion of the 30-day impoundment but will start accruing if the vehicle has not been retrieved within 30 days after the completion of the impoundment. Vehicles not retrieved within 90 days of the completion of the 30-day impoundment will be considered abandoned and may be disposed of without further notice to the owner. If the contents of the vehicle have not been recovered before such disposal, the contents may be disposed of with the vehicle. ~~Charges for towing, access to the impounded vehicle and storage fees are as set forth in the city's schedule of fees and charges for services.~~

**Sec. 78-974. Forfeiture process.**

(a) A motor vehicle that is operated, driven, or in the actual physical control of a person arrested or charged with a violation of AS 28.35.030 or AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929~~ may be forfeited to the city either upon conviction of either any of the offenses listed above or upon decision of a court in a separate civil proceeding. To obtain an order of forfeiture in a contested proceeding, the city must establish by a preponderance of the evidence that the vehicle was operated, driven, or in the physical control of the person acting in violation of either offense and that the individual has been previously convicted.

(b) A motor vehicle may be seized and towed to a secure location by a police officer or a police officer's designee upon an order issued by a court having jurisdiction over the motor vehicle upon a showing of probable cause that the motor vehicle may be forfeited or impounded under this section. Seizure without a court order may be made if:

- (1) The impoundment is incident to an arrest;
- (2) The motor vehicle has been ordered impounded or forfeited and that order has not yet been executed; or
- (3) There is probable cause to believe that the motor vehicle was operated, driven or in the actual physical control of a person in violation of AS 28.35.030 or AS 28.35.032, ~~AS 28.15.291 or FGC section 78-929.~~

~~(c) A court may order impoundment of a motor vehicle subject to forfeiture in a civil action for a minimum of 30 consecutive days.~~

**Sec. 78-975. Custody of vehicle; police department; inventory; retrieval of ignition interlock devices.**

(a) A motor vehicle seized for the purpose of forfeiture or impoundment will ~~should~~ be held in the custody of the city or a private impound yard authorized by the city to retain custody of the vehicle, subject only to the orders and decrees of the court having jurisdiction over any forfeiture or impoundment proceedings. When a motor vehicle is seized, the city ~~police chief or an authorized designee~~ may:

- (1) Remove the motor vehicle and any contents in the vehicle to a place designated by the court; or
- (2) Take custody of the motor vehicle and any contents of the vehicle and remove it to an appropriate location for disposition; and
- (3) Allow the owner of an ignition interlock device installed in a vehicle held pending forfeiture to retrieve the device upon a showing of proof of ownership and execution of a written agreement to assume liability for damage caused during retrieval. The city will cross check impounded vehicles against a data base provided by ignition interlock owners and notify device owners of vehicle impound. The fee for this service and access shall be as provided in the Ccity's Schedule of Fees and Charges for Services.

(b) Following a forfeiture, the police department shall make an inventory of the contents of any motor vehicle seized. Personal property can be recovered from the vehicle in the same manner as set forth in section 78-9723(e).

(c) A person in a forfeiture action claiming an interest in the property shall file, within 30 days after service or completion of publication, a notice of claim setting out the nature of the interest, the date it was acquired, the consideration paid, and an answer to the city's allegations. If a claim and answer is not filed within the required time, the motor vehicle ~~may~~ **must** be forfeited to the city without further proceedings. For a regulated lienholder, the notice of claim and answer is met by the filing of information required in section 78-966 and by adding to the affidavit a statement of the original amount of the loan giving rise to the lien and the current balance due on that loan.

(d) A claimant may petition the court for sale of a motor vehicle before final disposition of court proceedings. The court shall grant a petition for sale upon a finding that the sale is in the best interest of the city. Proceeds from the sale plus interest to the date of final disposition of the court proceedings become the subject of the forfeiture action.

**Sec. 78-976. Disposition of forfeited property; return to claimant.**

(a) Property forfeited under this article ~~will~~ **shall** be disposed of by the ~~city police department~~ **city** in accordance with this section. Property forfeited includes both the vehicle and its contents if those contents have not been recovered before the date of disposal. The ~~city police department~~ **city** may:

- (1) Sell the property in a manner that will yield the best price and use the proceeds for payment of all expenses of seizure, custody, court costs, and attorney's fees;
- (2) Take custody of the property and use it in the enforcement of city and state criminal codes **or for other public purpose**; or
- (3) Destroy the property.

(b) When a claimant to a motor vehicle is entitled to its possession, the court shall order that:

- (1) The vehicle be delivered to the claimant immediately subject to costs as described in section 78-971; or
- (2) If the claimant is entitled to some value less than the total value of the motor vehicle, the claimant is entitled to receive either the value of the claimant's interest after the sale of the vehicle or upon request and payment of the difference in value by the claimant, the motor vehicle itself.

(c) When a vehicle is sold and lienholder interest exceeds the sale price, the owner may be held responsible for the difference and the city's cost.



**Sec. 78-977. - Multiple ownership on certificate of title.**

In a contested forfeiture proceeding concerning a vehicle titled in the names of more than one owner on the certificate of title, the court shall proceed as follows:

- (1) If one owner does not avoid forfeiture, the court may order the forfeiture of the entire interest of all the owners in a vehicle which is titled in the names of more than one owner in the disjunctive, which is signified by the word "or."
- (2) If **one** ~~such~~ owner does not avoid forfeiture, the court shall order the forfeiture of the interest of any owner in a vehicle which is titled in the names of more than one owner in the conjunctive which is signified by the word "and." Owners of a vehicle titled in the names of more than one owner in the conjunctive are presumed to own the vehicle in equal shares. Under this subsection, the court shall order that the vehicle be sold at public auction and further order that the proceeds from the sale of the vehicle be held by the city's department of finance. After deduction of the reasonable costs of the auction, the amount of the proceeds of the auction for the sale of that vehicle which is equal to the interests of the owners whose interests have not been forfeited **will** ~~shall~~ be returned to those owners if those owners apply to the department of finance within 60 days of the auction. If the owners whose interests have not been forfeited do not apply within that period, those funds become the property of the city subject to the rights of any other claimant to those funds.

**Section 2.** That the effective date of this ordinance is the \_\_\_\_\_ day of August 2021.

\_\_\_\_\_  
**Jim Matherly, Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, MMC, City Clerk

\_\_\_\_\_  
Paul Ewers, City Attorney

City of Fairbanks  
Permanent Fund Review Board  
Quarterly Meeting Minutes  
January 25, 2021

The Permanent Fund Review Board (PFRB) convened at 4:07 p.m. in the City Council Chambers to conduct a quarterly meeting with the following board members in attendance.

Board Members Present: Council Member Valerie Therrien  
Patty Mongold  
Bernard Gatewood  
Dave Owen  
Jennifer Imus

Also Present: Margarita Bell, Chief Financial Officer  
Brandy Niclai, Chief Investment Officer – APCM  
Blake Phillips, Director of Institutional Solutions – APCM

Bernard Gatewood moved, and Dave Owen seconded to approve the minutes from the October 21, 2020 meeting. The PFRB unanimously agreed.

Margarita Bell reviewed the account's performance through December 31, 2020:

- \$144,120,957 - Balance including accrued income
- \$ 2,610,885 - Dividend and interest earnings
- \$ 2,141,473 - Realized gain
- \$ 10,065,048 - Unrealized gain
- \$ (104,805) - Management and custodial fees
- \$ 14,712,602 - Earnings, net of expenses

The 2020 draw was made on December 22, 2020 in the amount of \$5,586,013 to the general fund (\$4,965,345) and capital fund (\$620,668).

Brandy Niclai reported that the balance of the fund was \$147,723,000 on January 22, 2021.

Brandy Niclai presented a 2021 market outlook. The outlook included early stages of a new economic cycle of growth due to widespread distribution of highly effective vaccines; stocks continuing to offer superior relative returns favoring U.S. mid and small companies; and changing return expectations due to long-term implications of collapsing interest rates.

Brandy Niclai presented a portfolio review for the fourth quarter. She stated that the underweight to fixed income provided positive allocation effects over the quarter, partially offset by profits in equities in November. She also reported that the underweight to corporate securities and

continued upward bias to high quality securities detracted from fixed income performance. The combined equity allocation returned 16.78% and the combined fixed income allocation returned 0.42% for the quarter.

Portfolio Summary							
4th Quarter		Year to Date		Last 12 Months		Inception to Date	
Account	Benchmark	Account	Benchmark	Account	Benchmark	Account	Benchmark
10.15%	10.31%	11.02%	11.57%	11.02%	11.57%	5.86%	5.68%
	0.13% <sup>1</sup>		0.50% <sup>2</sup>		0.50% <sup>3</sup>		
10.15%	10.44%	11.02%	12.07%	11.02%	12.07%	5.86%	5.68%

1 - 12.5 bps - per quarter rounded  
2 - 50 bps hurdle -annual (YTD = 12.5 basis pts X # quarters)  
3 - 50 bps hurdle codified in March 2009. Inception performance begins January 31, 1998.

Brandy Niclai reviewed the compliance requirements with committee members. There were no compliance issues identified in the presentation.

Brandy Niclai reviewed the annual report that would be presented to Council. She stated that the annual return averaged 5.86% since inception and that the fund has evolved from two asset classes to thirteen asset classes which improved the risk adjusted return of the portfolio and increased the likelihood of meeting long-term return objectives.

Committee members requested a presentation about Private Equity and discussed Council expectations of the Permanent Fund. Mr. Gatewood stated that in the past the Council maintained a conservative stance and did not expect the portfolio to be inflation proofed. Brandy Niclai stated that APCM will provide information about Private Equity at the next committee meeting.

The next quarterly meeting will be April 28, 2021 in the City Council Chambers.

The meeting adjourned at 5:15 p.m.

City of Fairbanks  
Permanent Fund Review Board  
Quarterly Meeting Minutes  
April 28, 2021

The Permanent Fund Review Board (PFRB) convened at 1:40 p.m. in the City Council Chambers to conduct a quarterly meeting with the following board members in attendance.

Board Members Present: Council Member Valerie Therrien  
Bernard Gatewood  
Dave Owen  
Jennifer Imus

Also Present: Margarita Bell, Chief Financial Officer  
Brandy Niclai, Chief Investment Officer – APCM  
Blake Phillips, Director of Institutional Solutions – APCM  
Richard Cochinos, Senior Portfolio Manager - APCM  
Allison Capp, Client Relationship Manager - APCM

Jennifer Imus moved, and Valarie Therrien seconded to approve the minutes from the January 25, 2021 meeting. The PFRB unanimously agreed.

Margarita Bell reviewed the account's performance through March 31, 2021:

- \$150,296,714 - Balance including accrued income
- \$ 296,710 - Dividend and interest earnings
- \$ 2,404,764 - Realized gain
- \$ 3,097,942 - Unrealized gain
- \$ (26,689) - Management and custodial fees
- \$ 5,772,728 - Earnings, net of expenses

The 2021 draw is scheduled for December 2021 in the amount of \$5,833,254 to the general fund (\$5,185,115) and capital fund (\$648,139).

Brandy Niclai reported that the balance of the fund was \$155,196,158 on April 27, 2021.

Brandy Niclai presented the market outlook. The outlook continues to include early stages of a new economic cycle of growth due to widespread distribution of highly effective vaccines; stocks continue to offer superior relative returns; and long-term implications of collapsing interest rates continue to impact investment strategies.

Brandy Niclai presented a portfolio review for the first quarter. She stated that the underweight to fixed income with an overweight to equities provided positive allocation effects over the quarter. She also reported that the underweight to fixed income and upward bias to high quality securities continue to detract from performance. The combined equity allocation returned 8.03% and the combined fixed income allocation returned -2.54% for the quarter.

Portfolio Summary							
1st Quarter		Year to Date		Last 12 Months		Inception to Date	
Account	Benchmark	Account	Benchmark	Account	Benchmark	Account	Benchmark
4.11%	3.49%	4.11%	3.49%	33.54%	33.89%	5.98%	5.77%
	0.13% <sup>1</sup>		0.13% <sup>2</sup>		0.50% <sup>3</sup>		
4.11%	3.62%	4.11%	3.62%	33.54%	34.39%	5.98%	5.77%

1 - 12.5 bps - per quarter rounded  
2 - 50 bps hurdle -annual (YTD = 12.5 basis pts X # quarters)  
3 - 50 bps hurdle codified in March 2009. Inception performance begins January 31, 1998.

Richard Cochinos presented information about Private Equity. He stated that Private Equity is an opportunity to address the current return environment when clients require higher returns while balancing asset preservation and budgetary needs. He also stated that Private Equity invests in companies with different sector/geography exposure than public markets and in companies earlier in their lifecycle; therefore, Private Equity returns tend to be less correlated to public equity markets leading to lower overall portfolio volatility and more growth potential. Richard Cochinos also presented the risks associated with this type of investment such as uncertainty of the return (market risk), no control when capital will be returned (funding risk), poorly performing assets (illiquidity risk), and not recovering the value of the investment (realization risk).

Margarita Bell provided committee members with the permanent fund investment policy, procedure, and governance section of the Fairbanks General Code. She stated the code implies that the permanent fund should be inflation proofed since the purpose is to maximize income with a goal of preserving the principal while maintaining purchasing power.

Committee members inquired about the length of time of the investment (10 years) and the minimum amount of investment (\$2 million). Committee members wanted more information about Private Equity to include a portfolio analysis, impact to other municipalities, the percentage of asset class, the minimum amount of investment, the required duration of the investment, explanation of new terminology, and listing of Private Equity assets. Brandy Niclai stated that APCM would research other municipalities and review GFOA guidelines regarding this type of investment.

Brandy Niclai provided a report that there were no compliance issues.

The next quarterly meeting will be July 21, 2021 in the City Council Chambers.

The meeting adjourned at 3:10 p.m.



CLAY STREET CEMETERY COMMISSION  
REGULAR MEETING MINUTES – MAY 5, 2021  
HELD AT THE CLAY STREET CEMETERY  
199 5TH AVENUE, FAIRBANKS, ALASKA



The **Clay Street Cemetery Commission** convened at 5:00 p.m. on the above date to conduct a Regular Meeting at the Clay Street Cemetery, 199 5th Avenue, Fairbanks, Alaska with **Chair Aldean Kilbourn (Seat C)** presiding and with the following members in attendance:

Members Present:                   George Dalton, Seat A  
  Michael Gibson, Seat B  
  Janet Richardson, Seat D  
  Julie Jones, Seat E (5:07 p.m.)  
  Karen Erickson, Seat F  
  Victoria Dowling, Seat G  
  Jeff Jacobson, PW Director & Ex-Officio Member

Absent:                               None

Also Present:                       Rochelle Rodak, Deputy City Clerk

**APPROVAL OF MEETING MINUTES**

a)     Regular Meeting Minutes of April 7, 2021

**Mr. Gibson**, seconded by **Ms. Erickson**, moved to APPROVE the Regular Meeting Minutes of April 7, 2021.

**Chair Kilbourn** took a voice vote on the motion to APPROVE the Meeting Minutes, and all members voted in favor.

**APPROVAL OF AGENDA**

Mr. Jacobson requested the placement of a concrete bench to be added to New Business.

**Ms. Erickson** asked that an update regarding the digitization of early records and contact for the local Masons be added to Unfinished Business.

**Ms. Erickson**, seconded by **Mr. Gibson**, moved to APPROVE the Agenda, as Amended.

**Chair Kilbourn** took a voice vote on the motion to APPROVE the Agenda, as Amended, and all members voted in favor.

## EVENTS AND PUBLIC RELATIONS

**Chair Kilbourn** inquired about the plans for cleaning up the cemetery prior to the Memorial Day weekend. Mr. Jacobson stated that he had a crew scheduled to do general clean up in the next couple of days. **Mr. Gibson** indicated that he had compiled a list of individuals who would help complete the edging around the headstones and other miscellaneous clean up.

**Chair Kilbourn** asked that Deputy Clerk Rodak investigate the planned Memorial Day services scheduled locally and report back to the Commission with that information.

## UNFINISHED BUSINESS

### a) Frank Turney Memorial for June 2, 2021

Mr. Jacobson led the discussion on where to place Frank Turney's memorial plaque, and it was decided that the plaque should be placed underneath the light, centered above the shed door.

**Chair Kilbourn** indicated the desire to hold a memorial for Mr. Turney in lieu of the next regularly scheduled meeting on June 2, 2021. Plans were discussed for Public Works to provide two tents in case of bad weather and the other members of the Commission to provide refreshments. **Ms. Jones** stated that she would bring a sound system, and the group collectively decided that it would be an informal gathering for Frank's friends and family to share their condolences and memories.

**Chair Kilbourn** inquired about advertising opportunities, and Deputy Clerk Rodak stated that it would be advertised in the place of the regularly scheduled meeting. Mr. Jacobson also shared that Teal Soden, the City's Public Information Officer, may be able to post something on the website and on the City's Facebook page.

### b) Pioneer Foundation Markers

**Chair Kilbourn** requested that Public Works stack the new markers in numerical order when they arrive, if possible, to help in the organization of placement.

### c) Concrete Bench Placement

Mr. Jacobson stated that there was a bench from the previous year that had been removed and repaired and asked the Commission where they would prefer the bench to be placed. It was decided that the bench should be set near the center of the Cemetery under the large spruce trees.

### d) Masons Update for Digitizing Early Records

**Ms. Erickson** provided a list of names of current Mason contacts, stating that the lodge is not open often, and it would be easier to contact someone via a letter. Mr. Jacobson indicated that he recognized one of the names and would reach out casually, while **Chair Kilbourn** stated that she would work with **Ms. Erickson** to draft a letter inquiring about their desire to work with the Commission to digitize their early records.

## NEW BUSINESS

### a) Markers Received and Placement Schedule

**Chair Kilbourn** led a discussion regarding who would be available for the placement of the markers, and the Commission decided that the end of June would be the best time to perform the work.

### b) Edging of Graves

**Ms. Richardson** stated that many of the markers are overgrown with the grass at the edges and that it would be helpful if they could be maintained more frequently. Mr. Jacobson indicated that he would add that to the scheduled work provided by his department.

**Mr. Gibson** added that the volunteer crew would focus on that task prior to the Memorial Day Services.

### c) Garrett Speeter Bid on Ground Penetrating Radar (GPR) Services to Locate Graves in the S.E. and S.W. Quadrants

**Chair Kilbourn** explained that this process had been discussed in previous years, and she was able to reach out to Mr. Speeter for a quote recently. The group discussed the need for the location services, especially in the Catholic Section where many markers were missing and graves may have shifted due to historical flooding. Mr. Jacobson explained the City's purchasing process, and **Chair Kilbourn** stated that she would try and locate two other sources for this service so that a proper bid can take place. Mr. Jacobson added that if there are no other providers of the service, there is a process in place to account for that situation.

**Ms. Jones**, seconded by **Mr. Gibson**, moved to allow the Commission to obtain the Ground Penetrating Radar to locate graves in the S.E. and S.W. Quadrants.

**Ms. Erickson**, seconded by **Ms. Dowling**, moved to amend the main motion to add that the services would be obtained at a cost not to exceed \$3,000.

**Chair Kilbourn** took a voice vote on the motion to APPROVE the motion to obtain Ground Penetrating Radar services in order to locate graves in the S.E. and S.W. Sections of the Cemetery at a cost not to exceed \$3,000, and all members voted in favor.

### d) Cost of Signs at all Entrances for Public to Address Alterations, Removals, or Additions to the Cemetery.

**Ms. Richardson** provided an example of signage from another historical cemetery and indicated that it may be pertinent to have them installed at the Clay Street Cemetery.



**Chair Kilbourn** shared that she had recently learned of one family moving members into the Cemetery, presumably by cremains, without contacting the Commission; she stated she would like to have some recourse in contacting them. Deputy Clerk Rodak shared that the Commission's policy on additions, including the application, would be sufficient evidence to back up any correspondence that the Chair felt necessary to send.

Mr. Jacobson added that he would have his sign shop draw up a similar sign to add to the entrances to help support the Commission's current policy regarding additions and changes to the Cemetery.

- e) New Committee of Commitment of Members to Research Grant and/or Other Revenue Gathering Opportunities.

**Chair Kilbourn** indicated the need for funds to provide more kiosks and other projects that the Hotel/Motel tax grant would not cover. Deputy Clerk Rodak stated that any grant opportunities would need to be pursued with the coordination of the City Finance Department and that if the Commission were interested in this process, Chief Financial Officer Margarita Bell would be available for a future meeting to discuss how that would proceed.

**Ms. Jones** stated that she had some donation information regarding pull tabs and businesses wanting to donate funds in order to reduce their tax liability. The group discussed possible projects that could be included in a letter requesting donations, and it was decided that the GPR services and a new kiosk would be good projects.

Mr. Jacobson stated that he would provide a cost estimate for materials needed for a new kiosk, and **Ms. Jones** stated that she would assist in finding the organizations possibly willing to donate. **Chair Kilbourn** stated that she would draft the donation request letter.

### NEXT MEETING DATE

The next Regular Meeting of the Clay Street Cemetery Commission on Wednesday, June 2, 2021 will be used for a Frank Turney memorial service. The next Regular Meeting will occur on July 7, 2021 at 5:00 p.m. and will be held in telephonically and in City Council Chambers.

### ADJOURNMENT

**Chair Kilbourn** declared the meeting ADJOURNED at 6:12 p.m.



Aldean Kilbourn, Chair



Rochelle Rodak, Deputy Clerk II

Transcribed by: RR