



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, AUGUST 23, 2021
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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 (remotely) 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 (remotely)
Lonny Marney, Seat E
Jim Clark, Seat F

Absent: None

Also Present: Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Mike Meeks, Chief of Staff
Kristi Merideth, FECC Manager (remotely)
Angela Foster-Snow, HR Director (remotely)
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 Ms. Kun to lead the Flag Salutation.

CITIZENS' COMMENTS

Dennis Kelley, Fairbanks – Mr. Kelley stated the Building Department had only given him 45 days to obtain an engineer's report and that he had needed 60 days. He noted that the COVID situation has made things difficult and asked for additional time to obtain the engineer's report prior to action being taken by the City. He concluded by asking for an injunction on the demolition of the property at 530 Front Street.

Robert Shields, Fairbanks – Mr. Shields asked that the City convene the Polaris Working Group as soon as possible to discuss an opportunity to apply for the U.S. Economic Development

Administration Build Back Better Regional Challenge. He gave details on the phases that would be included and furnished ideas regarding the future of the Polaris Building.

Ms. Therrien asked if Mr. Shields had been inside the Polaris Building. Mr. Shields stated that he has not physically entered the property, but he has read multiple reports and has watched videos showing its current condition. He added that his goal is to deconstruct the building to make better use of the materials rather than to simply demolish the building for storage in a landfill.

Ms. Rogers asked if Mr. Shields had any further comments. Mr. Shields explained that his interest is in asking the City Council if they would like to have the conversation around those options; he reminded them that the program application deadline is October 19, 2021.

Mr. Clark asked for current examples of multi-floor, profitable indoor farms. Mr. Shields stated that they are becoming quite popular worldwide, and there is a decent example in Anchorage with the “Seeds of Change” program. **Mr. Clark** asked about the ownership/responsibility of the future project. Mr. Shields stated that currently there are too many variables to consider, but he hopes to build interest in the eco-districts and urban planning tools.

Ms. Therrien suggested that Mr. Shields contact Explore Fairbanks and the Polaris Working Group to present the information. **Ms. Rogers** noted that a new meeting had just been scheduled for Tuesday of the following week.

Mr. Marney asked if the proposed project would be a for- or non-profit organization; Mr. Shields stated it would be a non-profit.

Randy Griffin, Fairbanks – Mr. Griffin shared that the special session being held by the State Legislature is to consider adding the Permanent Fund Dividend to the State Constitution. He shared his fear that such action would lead to a State income tax and invited the Council to visit his website, pfdbudget.com, to learn more about his ideas.

City Clerk Snider stated that there were no more comments to be heard in person or over Zoom and read the following written comment into the record:

Kunaan Julie Smyth, Fairbanks – Ms. Smyth spoke in favor of Resolution No. 4981 regarding the reading of a land acknowledgment and asked the Council to vote in favor of the resolution.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Clark pulled Resolution Nos. 4980 and 4981 from the Consent Agenda.

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

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

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

- a) Regular Meeting Minutes of July 26, 2021

PASSED and APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

- a) The Fairbanks City Council heard interested citizens concerned with the following Liquor License Application for Transfer of Ownership and Location and DBA Change:

Type/License: Beverage Dispensary/License #4720
DBA: Lefty's
Applicant: Michael Rasmussen
Location: 1107 College Road, Fairbanks
From Owner: Gallantino's, Inc.
From DBA: Gallantino's Italian Restaurant
From Location: 1446 S. Cushman Street

Ms. Therrien, seconded by **Ms. Rogers**, moved to WAIVE PROTEST on the Liquor License Application for Transfer contingent upon the issuance of a Certificate of Occupancy.

Mayor Matherly called for Public Testimony.

Erica Hawkins, Fairbanks – Ms. Hawkins stated she lives nearby the proposed establishment, and she had many concerns with the liquor license. She gave a description of the property location and expressed her apprehensions regarding the safety of pedestrians visiting Creamer's Field and the safety of the neighborhood where there are already incidents requiring police intervention. She concluded by stating that there are many locations where alcohol can be purchased within one mile of the proposed establishment.

Ms. Therrien asked about Ms. Hawkins' proximity to the proposed location; Ms. Hawkins replied that there are three houses between her property and the proposed location.

Deborah Mersh, Fairbanks – Ms. Mersh stated that she lives two houses from the proposed business and noted that the traffic and congestion is already problematic. She confirmed Ms. Hawkins' claim about the nuisance problems already occurring and stated that she felt the proposed location was not appropriate for a bar.

Ms. Therrien asked whether the owners of the proposed establishment had visited any of the local property owners. Ms. Mersh stated that Mr. Rasmussen had inquired about opening a family restaurant several years ago but not in regard to this recent application.

Mr. Marney asked if there was a current neighborhood watch in place. Ms. Mersh stated that there was not but that there was a need for one. She recounted an incident where she witnessed the local coffee stand being robbed at gunpoint while she was working in her yard.

Betsy Roger, Fairbanks – Ms. Roger stated that she is a veterinarian at the emergency clinic near the proposed establishment. She added that she has witnessed inebriated individuals coming to the veterinary clinic, sometimes damaging the clinic's property. She added that due to the clinic's extended hours, it is already concern for clients who are waiting in the parking lot. She noted that the medications on-hand can be attractive to those seeking drugs. She stated that the proximity to the neighborhood and other alcohol establishments makes for a poor fit for the proposed location.

City Clerk Snider stated that there were no more comments to be heard in person or over Zoom and read the following comment into the record:

Tina Laird, Fairbanks – Ms. Laird spoke against the liquor license application, adding that her home is close enough to the proposed location that her home can be seen in the pictures provided in the application. She spoke to the devaluation of the neighboring properties and the added nuisance the establishment would create. She noted the increased crime and vandalism in the neighborhood and asked that the Council not approve the application.

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

Ms. Therrien expressed her displeasure at Mr. Rasmussen's absence and stated that she is not in favor of the transfer application based on the concerns of the neighboring property owners.

Ms. Rogers expressed agreement with Ms. Therrien and stated she would not be voting in favor of the transfer.

Ms. Kun thanked those who commented regarding the application and added her concern about the proximity to the elementary school. She expressed disappointment that Mr. Rasmussen did not attend the meeting, stating that she would not be supporting the motion.

Mr. Marney asked for Police Chief Dupee's insight on the matter. Chief Dupee added that there is a nuisance property located very near the proposed location, and the Fairbanks Police Department (FPD) has had to respond to incidents there many times, including shooting incidents. He added that he would not be in favor of a bar in that location unless there was a clear mitigation plan in place to address concerns.

Mr. Clark stated that this did not seem like an appropriate location for a bar and that he would not be in favor of approving the transfer.

Mr. Gibson stated that he was also not in support of the license transfer and asked about the requirements for the Council to officially protest the application.

City Attorney Paul Ewers stated that if the Council were to object to the issuance of the license by the Alcohol and Marijuana Control Office (AMCO), City ordinance requires that the Mayor prepare and lodge the protest. He added that the comments made could be summarized. He noted that the current motion would have to fail or be withdrawn in order to proceed in that direction.

Ms. Therrien, with the concurrence of the Second, WITHDREW the motion to waive protest contingent upon issuance of a Certificate of Occupancy.

Ms. Therrien, seconded by **Ms. Rogers**, moved to PROTEST the Liquor License Application for Transfer based on comments received from the neighboring property owners and Council Members.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE LIQUOR LICENSE APPLICATION FOR TRANSFER BASED ON COMMENTS RECEIVED FROM THE NEIGHBORING PROPERTY OWNERS AND COUNCIL MEMBERS AS FOLLOWS:

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

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Matherly shared his heartbreak in learning about the State Trooper in Anchor Point who had been shot, adding that the man is currently in stable condition; he shared concerns for the man's family. He went on to speak about the Two Rivers Lodge which had recently burned down. He noted that the incident had not been officially determined to have been caused by an arson and added that it was a not a City investigation. He expressed hope that the culprit would be caught soon and shared his thoughts and prayers with the affected community. **Mayor Matherly** added that he had attended the 75th anniversary of the UAF Geophysical Institute where they heard from leaders of the Institute and learned a great deal about the program. He added that he had also attended a major concert at the Carlson Center and was excited to see how well it went with the COVID protocols in place. **Mayor Matherly** noted that school was back in session and that his children reported that some individuals are wearing masks while others are not, and the school district has left the choice up to parents. He offered his support to businesses that require masking and asked that the community be respectful of those decisions. He added that businesses are having a difficult time with the labor shortage, and he asked that people be patient with those establishments that have had to limit hours and days of service. **Mayor Matherly** concluded that the American Rescue Plan Act (ARPA) fund distribution at the City had been finalized and that the City had put approximately \$17,000,000 back into the community over the past year.

COUNCIL MEMBERS' COMMENTS

Ms. Kun recognized the written comments provided by Ms. Smyth and thanked Mr. Shields for his continued interest in the Polaris Work Group, noting that in 2011 he had approached her with the vertical garden idea. She spoke about the 530 Front Street property and stated that she had made a concerted effort to pay attention to look for progress being made. She stated she has

compassion for the property owner, but she is very disappointed that there appears to have been no attempt to clean up the property.

Ms. Rogers shared that she had also attended the anniversary event for the Geophysical Institute and spoke about the great benefit it brings to the University. She commended the work done by Crisis Now and shared her appreciation for its collaboration with the City's Fire and Police Departments. **Ms. Rogers** shared that the Fairbanks Diversity Council (FDC) had met, but there were not enough members for a quorum; she expressed hope that with the new appointees obtaining a quorum would not be an issue going forward. She thanked Ms. Kun for her comments regarding the Front Street property, adding that she too had concerns about the lack of progress. **Ms. Rogers** shared that she had attended a funeral for Babe Stevens, a longtime family friend and Fairbanks resident. She went on to share that she had also attended a Celebration of Life for the Alaskan aviation legend, Holger Jorgensen. She shared her pride in being part of such a compassionate and special community.

Ms. Therrien shared her disappointment in the lack of progress at the 530 Front Street property. She acknowledged the difficulty Mr. Kelley has had in obtaining an engineer's report but stated that he could have made other efforts to show that he truly had a desire to comply with the City's requests. She encouraged Mr. Shields and shared her hope that he would be able to talk to the Polaris Work Group regarding his ideas.

Mr. Clark thanked the Mayor for his comments.

Mr. Marney shared his agreement with Mr. Clark regarding the liquor license issue, adding that he appreciated the neighbors coming forth with their concerns. He stated that those are the people who know the climate of the area best.

Mr. Gibson stated that he had no comments.

UNFINISHED BUSINESS

- a) 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. POSTPONED from the Regular Meeting of August 9, 2021; Public Hearing was held at that time.

The motion to ADOPT Ordinance No. 6178, made by Mr. Gibson and seconded by Mr. Clark, was on the floor from the August 9 Regular Meeting.

Mr. Gibson shared that Council Members had before them a written amendment and asked for input or questions.

Mr. Clark, seconded by **Mr. Marney**, moved to AMEND Ordinance No. 6178 Section 78-961, Definitions, by changing the definition of "Previously convicted" by deleting the words "two or more times."

Mr. Clark spoke in favor of the amendment, stating that the Fairbanks community has an obvious issue with repeat offenders of DWI laws. He stated he feels it is the responsibility of the Council to make decisions that will help limit those offenses.

Mr. Marney spoke in favor the amendment, adding that it is too often that you will read about repeat offenders in the Fairbanks Daily News-Miner police blotter.

Ms. Rogers stated that it was a community concern that originally encouraged the discussion to change the ordinance, adding that she agreed with the amendment.

Ms. Therrien requested to hear from Mr. Gibson regarding the proposed amendment.

Mr. Gibson shared that he understood the concerns of Mr. Clark and Ms. Rogers and would support this amendment.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6178 SECTION 78-961, DEFINITIONS, BY CHANGING THE DEFINITION OF "PREVIOUSLY CONVICTED" BY DELETING THE WORDS "TWO OR MORE TIMES" AS FOLLOWS:

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

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

Ms. Kun, seconded by **Mr. Clark**, moved to AMEND Ordinance No. 6178, as Amended, to change the length of impoundment in Section 78-963(b) from 30 days to 7 days.

City Attorney Ewers clarified that for consistency throughout the ordinance, subsections (c) and (d) of Sec. 78-973 would also need to be amended to change the 30-day impoundment to 7 days if the amendment were approved.

Mr. Clark asked clarification on the Alaska Statutes referenced in Sec. 78-963. Attorney Ewers stated that AS 28.35.030 addresses DUIs and AS 28.35.032 addresses the refusal to submit. He stated that those offenses have identical penalties under State law. He clarified that changes to the ordinance would address only those two offenses.

Ms. Therrien spoke in favor of the amendment, adding that often times the car is not owned by the offender and that this would help an owner retrieve their vehicle sooner and at a lower cost.

Mr. Gibson asked the City Attorney if there was another method to provide relief to the owner if the owner was not the operator of the vehicle. Mr. Ewers stated that a non-operator owner is currently able to avoid impound or forfeiture. He added that this section would not affect non-operator owners but would allow the offending drivers to get their vehicle sooner.

Ms. Kun clarified that this would allow first-time offenders to obtain their car after 7 days instead of 30 days. She added that it would also lower the City's liability.

Mr. Clark spoke against the amendment, adding that consequences should be strict for offenses that include drinking and driving.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6178, AS AMENDED, TO CHANGE THE LENGTH OF IMPOUNDMENT IN SECTION 78-963(b) FROM 30 DAYS TO 7 DAYS AS FOLLOWS:

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

Chief of Staff Mike Meeks suggested that the ordinance be postponed and a Work Session be held in the meantime so the Council could gain a better understanding of the proposed changes.

Ms. Rogers spoke in favor of postponement.

Ms. Rogers, seconded by **Mr. Clark**, moved to POSTPONE Ordinance No. 6178, as Amended, to the Regular City Council Meeting of September 27, 2021 so that a Work Session could be held on September 13, 2021 at 5:15 p.m.

Mr. Gibson spoke in favor of holding the Work Session and the vote on the same date.

Mayor Matherly suggested an earlier start time for the work session.

Ms. Therrien spoke in favor of holding the Work Session and the vote on separate dates.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE ORDINANCE NO. 6178, AS AMENDED, TO THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 27, 2021 SO THAT A WORK SESSION COULD BE HELD ON SEPTEMBER 13, 2021 AT 5:15 P.M. AS FOLLOWS:

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

NEW BUSINESS

- a) Resolution No. 4980 – A Resolution Amending the City Schedule of Fees and Charges for Services by Reducing the Administrative Fee for City Impounds. Introduced by Council Member Therrien.

Ms. Therrien, seconded by **Ms. Kun**, moved to APPROVE Resolution No. 4980.

Mr. Clark stated that he had pulled the resolution due to his understanding that it was attached to Ordinance No. 6178.

Attorney Ewers stated that it could be decided this evening or postponed to September 27, 2021 with Ordinance No. 6178, as Amended.

Ms. Therrien spoke in favor of continuing the discussion and voting to reduce the administrative fee independently of Ordinance No. 6178, as Amended.

Mayor Matherly stated that he had been asked for his opinion regarding the reduction in the administrative fee from \$1000 to \$500. He stated he felt that keeping the fee at \$1000 was important to help discourage DWI offenders.

Mr. Gibson, seconded by **Mr. Clark**, moved to POSTPONE Resolution No. 4980 until the Regular City Council Meeting of September 27, 2021.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE RESOLUTION NO. 4980 UNTIL THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 27, 2021 AS FOLLOWS:

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

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

b) Resolution No. 4981 – A Resolution Approving the Reading of a Land Acknowledgement at the Beginning of Regular City Council Meetings. Introduced by Council Members Kun, Therrien, and Rogers.

Ms. Kun, seconded by **Ms. Therrien**, moved to APPROVE Resolution No. 4981.

Mr. Clark stated that while he understood the intention behind the resolution, he felt that it could be the beginning of a trend to single out groups, and it may potentially lead to division in the community. He added that he has no objection to Ms. Kun's personal acknowledgment during the meetings but that the resolution would set an example that could cause future issues.

Ms. Rogers spoke in favor of the land acknowledgement and felt that it was long overdue. She added that recognizing ancestors is a way to strengthen the community rather than divide it.

Mr. Gibson asked if the resolution had been reviewed by the FDC.

Ms. Kun stated that she had spoken with FDC members in the past, but because the FDC has been having difficulty holding meetings due to a lack of a quorum, she had decided to take the encouragement of Ms. Geiger and bring it forward to the City Council.

Mr. Gibson stated that the Council had previously expressed the importance of the FDC and their role in matters of this nature. He added that it was important to gain their advice on this resolution prior to a vote by the City Council.

Mr. Marney read Psalms 24:1. He shared his admiration for the Native culture but added that no one owns the land; it is God's.

Ms. Kun shared that her beliefs are centered around giving thanks to the ancestors, and that is the intent of the proposed resolution.

Ms. Therrien shared that the Borough Assembly provides a land acknowledgment at the beginning of each of their meetings; however, she added that she approves of involving the FDC prior to the vote on the resolution.

Ms. Therrien, seconded by **Ms. Rogers**, moved to POSTPONE Resolution No. 4981 until the Regular City Council Meeting on September 27, 2021 so that it could be considered by the FDC.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE RESOLUTION NO. 4981 UNTIL THE REGULAR CITY COUNCIL MEETING ON SEPTEMBER 27, 2021 SO THAT IT COULD BE CONSIDERED BY THE FDC AS FOLLOWS:

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

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

WRITTEN COMMUNICATIONS TO COUNCIL

- a) Permanent Fund Review Board Meeting Minutes of July 21, 2021

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBER COMMENTS & COMMITTEE REPORTS

Mr. Gibson shared that the FAST Planning Policy Board had met to discuss the Chena Riverwalk issue.

Mr. Marney shared that the Discretionary Fund Committee would be meeting on November 9, 2021. He added that he respected Ms. Kun's point of view and expressed appreciation that Council Members can sometimes agree to disagree.

Mr. Clark shared his appreciation for the previous comments. He stated that local restaurants are turning away customers due to a lack of staffing, which appears to be part of a nationwide trend. He added that there seems to be more division within the community regarding COVID and vaccinations. He encouraged people to be kind, and he invited citizens to be involved by coming and speaking at City Council meetings.

Ms. Kun gave a land acknowledgment. She stated that she drives for a living and asked that people to be patient regarding road construction. She asked that people also show patience with hospitality workers. She conveyed her heartbreak to hear of the fire at Two Rivers Lodge. **Ms. Kun** mentioned the reward currently being offered for information regarding the arsonist in the Two Rivers area. She requested a Work Session on employee retention, and she gave the CARE line number for anyone who might be struggling with thoughts of depression or suicide. She concluded by added that the Explore Fairbanks Board would be meeting in the following week.

Mr. Meeks shared that the Administration would be scheduling a Special Work Session to discuss employee retention.

Ms. Rogers shared that she would be attending the Borough Assembly meeting on Thursday as the City representative. She spoke of her frustration with speeding drivers, particularly those speeding through parking lots. She encouraged the support of local businesses and asked that people remain respectful of their employees. **Ms. Rogers** concluded by expressing her gratitude for the Council's ability to understand each other's viewpoints.

Ms. Therrien shared that there has not been much information on the Special Legislative Session but that the Legislative Committee was looking into it. She shared that the AML conference is mid-November, and if there are any resolutions that the City or Council Members would like to put forward, they would need to be submitted by mid-October. **Ms. Therrien** thanked the Council for their vote regarding the liquor license application and shared her appreciation for the public comments. She stated that the Permanent Fund Review Board had met on August 18, 2021 to discuss investments. She reported that the City Attorney mentioned that an amendment, which would require a Council approval and a vote by the citizens, may be necessary to make some changes recommended by the Board. She concluded by wishing her dad a happy 104th birthday.

CITY CLERK'S REPORT

City Clerk Snider shared that there was a need for more election workers and encouraged those interested to call the City Clerk's Office.

Ms. Therrien, seconded by **Mr. Clark**, moved to ENTER Executive Session to discuss 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 convened in Executive Session following the brief recess.

EXECUTIVE SESSION

a) Fairbanks Firefighters Union Labor Negotiation Strategy

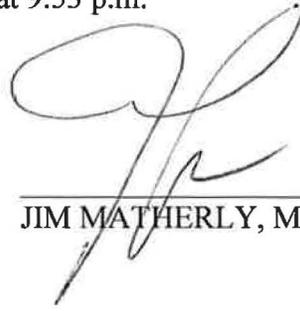
The City Council met in Executive Session to discuss Fairbanks Firefighters Union Labor Negotiation Strategy. Direction was given to the negotiating team, and no action was taken.

ADJOURNMENT

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

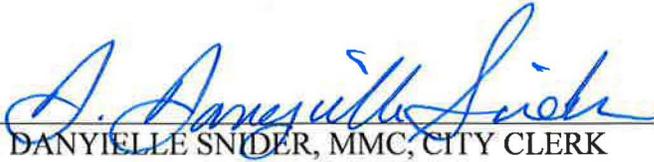
Mayor Matherly called for objection and, hearing none, so ORDERED.

Mayor Matherly declared the meeting adjourned at 9:53 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANIELLE SNIDER, MMC, CITY CLERK

Transcribed by: RR