



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, FEBRUARY 27, 2023
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 David Pruhs presiding and with the following Council Members in attendance:

Council Members Present: Jerry Cleworth, Seat A
 June Rogers, Seat B
 Sue Sprinkle, Seat C
 Crystal Tidwell, Seat D
 Lonny Marney, Seat E
 John Ringstad, Seat F

Absent: None

Also Present: Margarita Bell, Chief Financial Officer
 D. Danyielle Snider, City Clerk
 Paul Ewers, City Attorney
 Thomas Chard, Deputy City Attorney
 Michael Sanders, Chief of Staff
 Kristi Merideth, FECC Manager (remotely)
 Angela Foster-Snow, HR Director
 Rick Sweet, Deputy Police Chief
 Nathan Werner, FPD
 Scott Raygor, Fire Chief
 Clem Clooten, Building Official (remotely)
 Brenda McFarlane, Crisis Now Coordinator

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

At the request of Mayor Pruhs, **Mr. Ringstad** lead the Pledge of Allegiance.

CITIZENS' COMMENTS

David van den Berg, Fairbanks Downtown Association – D. van den Berg spoke about the Finance Committee's discussion on barricade packages, adding that his organization has relied on Exclusive Paving to provide traffic control plans for events in the downtown area. He also spoke

in response to a request from Public Works Director Jeff Jacobson to provide a letter of support regarding the purchase of equipment that will help keep the sidewalks free of ice and snow.

Mr. Cleworth asked D. van den Berg to also provide the letter to FAST Planning.

Ms. Rogers asked D. van den Berg if it would be difficult to recuperate increases in traffic planning and barricade costs. D. van den Berg stated he felt that the events would be able to absorb the increases in the first year before increasing vendor fees in subsequent years.

Ms. Sprinkle asked D. van den Berg how many vendors typically participate and if each is required to have a City business license. D. van den Berg confirmed that a City business license is required and that there were over 100 vendors at the 2022 Midnight Sun Festival.

Mr. Marney asked about the services provided by Exclusive Paving. D. van den Berg gave details regarding the traffic control plan and barricade packages, adding that Exclusive Paving had been donating its services for the downtown festivals.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

Ms. Sprinkle, seconded by **Mr. Ringstad**, moved to APPROVE the Agenda and Consent Agenda.

Ms. Sprinkle pulled item 12(a), Resolution No. 5050, from the Consent Agenda.

Mr. Marney pulled item 12(b), Ordinance No. 6237, from the Consent Agenda.

Mayor Pruhs 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 FROM PREVIOUS MEETINGS

a) Regular Meeting Minutes of January 9, 2023

APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of January 23, 2023

APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of February 13, 2023

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
5877	Lat 65 Brewing Company	Brewery	Latitude 65 Brewing Company, LLC	150 Eagle Avenue
5878	Lat 65 Ciderhouse	Winery	Latitude 65 Brewing Company, LLC	150 Eagle Avenue

Mr. Marney, seconded by **Mr. Ringstad**, moved to WAIVE PROTEST on the Liquor License applications for renewal.

Mayor Pruhs 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 APPLICATIONS FOR RENEWAL AS FOLLOWS:

YEAS: Cleworth, Marney, Tidwell, Ringstad, Sprinkle, Rogers
NAYS: None

Mayor Pruhs declared the MOTION CARRIED.

- b) The Fairbanks City Council heard interested citizens concerned with the following Liquor License application for transfer of ownership, location, and name change and Restaurant Designation Permit:

Type/License: Beverage Dispensary, License #4530
DBA: Blue Flame Bar and Grill
Applicant: Midnight Sun Catering Services, LLC
Location: 95 10th Avenue, Fairbanks
From Owner: Pacific Rim Associates 1, LLC
From DBA: The Event Center & Lounge
From Location: 1288 Sadler Way, Fairbanks

Mr. Ringstad, seconded by **Mr. Marney**, moved to WAIVE PROTEST on the Liquor License application for transfer of ownership, location, and name change and Restaurant Designation Permit.

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

Ms. Sprinkle asked about the lengthy list of trespass violations. Fairbanks Emergency Communications Center (FECC) Manager Kristi Meredith explained that the call list includes all incidents from the reported address, which may include incidents that are unrelated to the business.

Mayor Pruhs explained that both businesses had recently changed ownership, and the liquor license was being transferred to the new location. He added that it would not be operating as a restaurant and bar until the transfer is complete.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATION FOR TRANSFER OF OWNERSHIP, LOCATION, AND NAME CHANGE AND RESTAURANT DESIGNATION PERMIT AS FOLLOWS:

YEAS: Marney, Ringstad, Cleworth, Sprinkle, Rogers, Tidwell

NAYS: None

Mayor Pruhs declared the MOTION CARRIED.

- c) The Fairbanks City Council heard interested citizens concerned with the following Marijuana License application for transfer of ownership.

Type/License: Retail Marijuana Store, License #30593

DBA: Pipe and Leaf: Premium Alaskan Cannabis

Applicant: Pipe and Leaf, LLC (transfer of controlling interest only)

Location: 899 Old Steese Highway, Fairbanks

Ms. Sprinkle, seconded by **Ms. Tidwell**, moved to WAIVE PROTEST on the Marijuana License application for transfer of ownership.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE MARIJUANA LICENSE APPLICATION FOR TRANSFER OF OWNERSHIP AS FOLLOWS:

YEAS: Tidwell, Sprinkle, Ringstad, Marney, Rogers, Cleworth

NAYS: None

Mayor Pruhs declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Pruhs congratulated FECC Manager K. Meredith on filling one of the vacant dispatch positions. He went on to share information about the upcoming Citizen Engagement Academy, including details regarding eligibility and registration. **Mayor Pruhs** welcomed City Attorney appointee Thomas Chard and thanked City Attorney Paul Ewers for his service and dedication to the City of Fairbanks. He added that Mr. Ewers had been an integral part of his understanding of municipal law and that he would be greatly missed by many – perhaps most of all by the City Clerk. **Mayor Pruhs** shared that he recently traveled to Juneau to request funding from the State of Alaska for the demolition of the Polaris Building, adding that the Polaris Working Group would be meeting with adjacent property owners in the following week. He happily announced that an agreement was finally reached with the Environmental Protection Agency (EPA) regarding the demolition of the Polaris Building Annex.

COUNCIL MEMBERS' COMMENTS

Mr. Ringstad referenced Fairbanks City Council meeting minutes from April 26, 1965, where his grandmother, Sylvia Ringstad, made a motion, unanimously approved by the Council, expressing appreciation of the then-retiring City Attorney.

Mr. Ringstad, seconded by **Ms. Rogers**, moved to show unanimous appreciation for City Attorney Paul Ewers.

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

Mr. Marney stated he had no comments.

Ms. Tidwell wished Attorney Ewers the greatest retirement and thanked him for his service.

Ms. Sprinkle stated she was happy to have been invited to the Housing and Homeless Coalition meeting, adding that she had been impressed with the number of organizations working together to make the City of Fairbanks better for all its citizens.

Ms. Rogers expressed her admiration for Attorney Ewers, adding her hope that he would use his free time in retirement to join some of the committees where she served. She warned Deputy City Attorney Chard that she would be calling him often for assistance. **Ms. Rogers** shared that she had also attended the Housing and Homeless Coalition meeting and that Brenda McFarlane played a central role in keeping the various local organizations working together. She shared some updates regarding the Opioid Work Group and efforts in the community to address the various issues facing less fortunate people.

Mr. Cleworth shared that he had spoken with former City Engineering Department employee, Jerry Colp, who informed him that the current City Engineer, Bob Pristash, had been awarded Engineer of the Year. He congratulated Mr. Pristash for his accomplishments.

UNFINISHED BUSINESS

- a) Ordinance No. 6234 – An Ordinance Amending the 2023 Operating and Capital Budgets for the First Time. Introduced by Mayor Pruhs. SECOND READING AND PUBLIC HEARING.

Mr. Ringstad, seconded by **Ms. Sprinkle**, moved to ADOPT Ordinance No. 6234.

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

Mr. Cleworth recommended the Council consider transferring more funds to Capital in the future. He noted that the State no longer contributes to the Capital Projects Fund, and it may be wise to add to it while the General Fund balance is healthy. He stated he mentioned the idea to the Chief Financial Officer, who recommended waiting until the completion of the annual audit.

Ms. Sprinkle asked about the budget line item with \$250,000 for snow removal. **Mayor Pruhs** explained that the funds may be needed soon and approving the item now will ensure funds are available when needed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6234 AS FOLLOWS:

YEAS: Tidwell, Cleworth, Marney, Ringstad, Sprinkle, Rogers

NAYS: None

Mayor Pruhs declared the MOTION CARRIED and Ordinance No. 6234 ADOPTED.

- b) Ordinance No. 6235 – An Ordinance Amending Fairbanks General Code Chapter 2, Article II, Section 2-118 Work Sessions and Council Committees and Section 2-118.1 Council Finance Committee. Introduced by Council Member Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Marney, seconded by **Mr. Ringstad**, moved to ADOPT Ordinance No. 6235.

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

Mr. Cleworth explained the history behind the proposed changes to the Finance Committee, adding that it was important to clarify the difference between Finance Committee meetings and Work Sessions. He added that the public members appointed to the Finance Committee would remain the same.

Mayor Pruhs stated that he would appoint Ms. Sprinkle and Mr. Ringstad to serve on the Finance Committee.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6235 AS FOLLOWS:

YEAS: Cleworth, Marney, Ringstad, Sprinkle, Rogers, Tidwell

NAYS: None

Mayor Pruhs declared the MOTION CARRIED and Ordinance No. 6235 ADOPTED.

- c) Ordinance No. 6236 – An Ordinance Amending Fairbanks General Code Chapter 54 Procurement. Introduced by Mayor Pruhs. SECOND READING AND PUBLIC HEARING.

Ms. Sprinkle, seconded by **Mr. Ringstad**, moved to ADOPT Ordinance No. 6236.

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

Ms. Sprinkle asked about the use of the terms *must*, *may*, and *shall*. **Mr. Cleworth** stated that he was not convinced the best choices had been used. He added that he had reviewed the document with the Attorney Ewers and stated that if there were issues in the future, the language could be changed; he asked Attorney Ewers for confirmation. Attorney Ewers stated that the Council could change any of the verbiage at any time.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6236 AS FOLLOWS:

YEAS: Ringstad, Tidwell, Rogers, Sprinkle, Marney, Cleworth

NAYS: None

Mayor Pruhs declared the MOTION CARRIED and Ordinance No. 6236 ADOPTED.

NEW BUSINESS

- a) Resolution No. 5050 – A Resolution Authorizing The City of Fairbanks to Submit Project Questionnaires On Behalf Of Golden Heart Utilities For The Alaska Department Of Environmental Conservation Clean Water State Revolving Fund. Introduced by Mayor Pruhs.

Ms. Sprinkle, seconded by **Mr. Ringstad**, moved to APPROVE Resolution No. 5050.

Mayor Pruhs asked the representatives from Golden Heart Utilities to come forward.

Steve Offenborn and Marc Harmon, Golden Heart Utilities (GHU) Representatives – S. Offenborn spoke in favor of Resolution No. 5050, explaining that the Wastewater Treatment Plant is leased from the City of Fairbanks. He stated that its status as a publicly owned facility provides an opportunity to obtain funding for necessary upcoming projects at a low interest rate. He added that the lower interest rate would allow the Utility to complete the upgrade with a minimal increase in user fees. He clarified that the City would not be obligated to provide any funding for the project.

Mr. Ringstad, seconded by **Ms. Tidwell**, moved to AMEND Resolution No. 5050 by changing the cost of ultraviolet disinfection from \$4,000,000 to \$5,000,000.

Ms. Sprinkle asked for more information regarding the questionnaire. S. Offenborn stated that the questionnaire is a requirement for the GHU to be ranked on the list of project priorities throughout the State of Alaska.

Mr. Cleworth asked why GHU had stopped the sale of used woodchips as compost. S. Offenborn replied that the Polyfluoroalkyl (PFAS) levels in the wood chips exceeded the allowable limit for public sale, adding that they were considering ways of incinerating them. **Mr. Cleworth** spoke about historical issues with the woodchips and asked if the groundwater was still being monitored. M. Harmon stated that it was. **Mr. Cleworth** stated he felt it was shameful to waste a valuable compost by burning it up. M. Harmon shared that they planned to offset the cost of heating the facility by utilizing some of the heat generated from burning the chips.

Ms. Rogers asked if the relationship between the City and GHU would ultimately help keep the cost of water services down for the citizens of Fairbanks; M. Harmon agreed that it would.

Mr. Marney asked that the Council be kept informed on the progress of the various projects.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESOLUTION NO. 5050 BY CHANGING THE COST OF ULTRAVIOLET DISINFECTION FROM \$4,000,000 TO \$5,000,000 AS FOLLOWS:

YEAS: Marney, Cleworth, Ringstad, Tidwell, Rogers, Sprinkle

NAYS: None

Mayor Pruhs declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 5050, AS AMENDED, AS FOLLOWS:

YEAS: Sprinkle, Rogers, Cleworth, Marney, Ringstad, Tidwell

NAYS: None

Mayor Pruhs declared the MOTION CARRIED and Resolution No. 5050, as Amended, APPROVED.

- c) Ordinance No. 6237 – An Ordinance Authorizing Lease of City-Owned Real Property to Yukon Quest International Ltd. Introduced by Mayor Pruhs.

Mr. Marney, seconded by **Ms. Sprinkle**, moved to ADVANCE Ordinance No. 6237.

Mr. Marney expressed concerns about the past due amounts owed by Yukon Quest and asked if that had been considered. CFO Margarita Bell stated that the new lease incorporated the past due amounts, adding that the organization would be current within the year.

Mayor Pruhs stated that both parties were aware of the delinquencies, and the new lease addresses the outstanding debt. He added that he would be checking for compliance each month.

Ms. Rogers recognized the difficulties experienced by the Yukon Quest but stated that she felt they were the best tenant for the location.

Ms. Sprinkle stated that the organization has new management, and she is hopeful there will be positive changes.

Mr. Marney agreed that the organization is a good fit for the property but added his concern about the history of delinquent payments.

Mr. Cleworth expressed concerns regarding the responsibility of operational expenses, adding that it would help to have a definitions for “major mechanical” and “extraordinary replacements,” language used in the lease. He noted that a new roof could cost more than the rental income,

questioning whether the City should be a landlord. He asked if it might be more appropriate to sell the property.

Mayor Pruhs stated that the City would be responsible for mechanical system failure, or log repair or replacement, but broken windows and minor repairs would fall under the responsibility of the tenant. He added that he would like to see the organization have at least two years in good standing before transferring ownership, adding that he would like to avoid having the property deteriorate and become an issue for the Council in the future.

Ms. Rogers agreed with Mayor Pruhs' assessment of the situation.

Ms. Sprinkle added that the Yukon Quest organization provides an asset to the City and should be supported.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6237 AS FOLLOWS:

YEAS: Sprinkle, Cleworth, Ringstad, Marney, Tidwell, Rogers

NAYS: None

Mayor Pruhs declared the MOTION CARRIED and Ordinance No. 6237 ADVANCED.

DISCUSSION ITEMS (INFORMATION AND REPORTS)

a) Committee Reports

Ms. Sprinkle shared her excitement about the progress on the Polaris Building demolition project. She stated she attended the Chena Riverfront Commission meeting and had been asked to provide a report from the engineers explaining what the City was doing regarding drainage.

Ms. Rogers stated that she had reported on committees earlier in the meeting.

Mr. Cleworth shared updates from FAST Planning, adding that many local entities had submitted project plans to be completed with the congestion, mitigation, and air quality (CMAQ) funding. He added that the Technical Committee will evaluate the proposals prior to giving a recommendation to the Policy Board.

Ms. Tidwell stated she had no committee reports.

Mr. Marney stated that he attended the Explore Fairbanks Board of Directors meeting and that they had been experiencing some security issues at the Morris Thompson Cultural and Visitors Center.

Mr. Ringstad stated he had no committee reports.

WRITTEN COMMUNICATIONS TO THE CITY COUNCIL

a) Memorandum Regarding Appointment of the City Attorney

Ms. Sprinkle, seconded by **Mr. Ringstad**, moved APPROVE the appointment of Thomas Chard to the position of City Attorney.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE APPOINTMENT OF THOMAS CHARD TO THE POSITION OF CITY ATTORNEY AS FOLLOWS:

YEAS: Marney, Cleworth, Rogers, Sprinkle, Ringstad, Tidwell

NAYS: None

Mayor Pruhs declared the MOTION CARRIED.

COUNCIL MEMBERS' COMMENTS

Mr. Cleworth mentioned that there has been a very strong smell of marijuana in the downtown area, adding that it seemed to originate from the Philips Field Road area near the power plant. **Mayor Pruhs** indicated that he would contact the cultivators in that area. **Mr. Cleworth** went on to recognize City Attorney Ewers, adding that he has only worked with two City Attorneys in his time with the City. He acknowledged the amount of institutional knowledge that is lost when someone retires after so many years. He remembered some of the difficult situations that Attorney Ewers had dealt with, adding that he had handled them admirably. **Mr. Cleworth** stated that Attorney Ewers also had a great sense of humor and had been a great sounding board for ideas. He wished him the best in his retirement and congratulated Attorney Chard on his new appointment.

Ms. Rogers recognized Attorney Ewers for being a wonderful person to work with and expressed her excitement to work with Attorney Chard going forward. She spoke to Attorney Ewers' leadership in the community. **Ms. Rogers** stated she had recently attended a birthday party for CB Bettisworth where she presented a proclamation drafted by the Mayor, and she thanked the Mayor for taking the time to honor Mr. Bettisworth. She recognized February as Black History Month and spoke about the many events that had been held throughout the community to celebrate, and she referenced two different performing arts programs that honored Black History Month. She thanked Chief of Staff Mike Sanders and Crisis Now Coordinator Brenda McFarlane for their efforts to improve the community.

Ms. Sprinkle thanked Public Works for its snow removal efforts in the downtown area. She expressed excitement for Attorney Ewers in his retirement and commented that he would accomplish wonderful things. She stated she looks forward to working with City Attorney Chard.

Ms. Tidwell stated she had no comments.

Mr. Marney shared his experience in shadowing Public Works foremen Jeremiah Cotter, Jeremiah Record, and Sean Rice. He stated he had the opportunity to work with and observe crews removing snow, observe the mechanics in the shop, and ride around with S. Rice. He stated that S. Rice showed him some of the houses where persons with limited abilities lived and explained

the extra service that the Public Works crew provides, such as picking up garbage from the house instead of the curb and clearing snow from ramps. **Mr. Marney** recognized Attorney Ewers and his incredible talent for wordsmithing as well as for his dry sense of humor and added his wishes for good and safe travels.

Mr. Ringstad stated he had no comments.

CITY CLERK'S REPORT

City Clerk Snider shared some parting words for Attorney Ewers. She noted that the City was very fortunate to have had him for nearly 30 years and that she had been glad to work with him for nearly half of that time. She added that she would miss him dearly and wished him the best retirement possible.

CITY ATTORNEY'S REPORT

City Attorney Ewers shared that he started at the City of Fairbanks in February of 1991 as a Deputy City Attorney where he was reunited with Patrick Cole; he noted that the two of them had worked together previously. He shared that his position had been unexpectedly cut by the City Council in 2000, although a Council Member asked for him at the office by name only months after they had effectively fired him. Attorney Ewers spoke to the newly appointed City Attorney, Thomas Chard, stating that the job of City Attorney would not be easy, but he had full belief that Mr. Chard would succeed. He went on to share the pride he felt when the City moved into the old Main School building and the way they were able to restore and repurpose a historic building before it fell to ruins. He gave a lot of credit to Mr. Cleworth for the efforts to restore City Hall, adding that it was done out of pocket with hard work by employees. Attorney Ewers stated that he was glad to have worked with a great group of people and shared about the time he came up with his own way of calculating the tax cap and compared it with CFO Bell's formula. He went on to thank his family, mostly for not attending Council meetings, adding that the one meeting his wife attended there was a crowd of citizens chanting "fire his [expletive]," referring to him. He stated that his time with the City has been both challenging and fun. Attorney Ewers recognized City Clerk Snider, adding that the Council was very fortunate to have her. He stated she is a good clerk and would be a big part of the new City Attorney's success.

Mr. Cleworth, seconded by **Mr. Marney**, moved to ENTER Executive Session to discuss Malloy v. City of Fairbanks Settlement Negotiations.

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

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

Mr. Ringstad left prior to the start of the Executive Session at 7:55 p.m.

EXECUTIVE SESSION

a) Malloy v. City of Fairbanks Settlement Negotiations

The City Council met in Executive Session to discuss Malloy v. City of Fairbanks Settlement Negotiations. Directions were given to the City Attorney, and no action was taken.

ADJOURNMENT

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

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

Mayor Pruhs declared the meeting adjourned at 8:36 p.m.



DAVID PRUHS, MAYOR

ATTEST:



D. DANYELLE SKIDER, MMC, CITY CLERK

Transcribed by: RR