



FAIRBANKS CITY COUNCIL
AGENDA NO. 2018-04
REGULAR MEETING FEBRUARY 26, 2018
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

WORK SESSION

6:00 p.m. – Extension of Business Premises into Second Avenue

It is the mission of the City of Fairbanks to provide essential services to the residents of the City that increase the desirability of the City as a place to live, work, and visit. Essential services include not just the visible activities of police, fire, and public works employees, but also the creation and maintenance of community infrastructure, promotion of safe housing and construction standards, and the sound management of community assets.

REGULAR MEETING

7:00 p.m.

1. ROLL CALL
2. INVOCATION
3. FLAG SALUTATION
4. CEREMONIAL MATTERS (Proclamations, Introductions, Recognitions, Awards)
5. CITIZENS' COMMENTS on consent agenda items indicated by an asterisk (*). Testimony is limited to five minutes. Any person wishing to speak needs to complete the register located in the hallway. Normal 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.
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 December 11, 2017

*b) Regular Meeting Minutes of January 8, 2018

8. SPECIAL ORDERS

a) The Fairbanks City Council will hear interested citizens concerned with the following Liquor License Applications for Renewal. Public Testimony will be taken and limited to five minutes.

Lic. #	DBA	License Type	Licensee	Address
4819	The Antler Room	Beverage Dispensary	The Antler Room, Inc.	1003 Pioneer Road, A
3997	BPO Elks Lodge #1551	Club	BPO Elks Lodge #1551	1003 Pioneer Road
5353	Fairbanks Distilling Company	Distillery	Patrick Wayne Levy	410 Cushman Street

b) The Fairbanks City Council will determine the costs and method of recovery of costs for a demolition on a property located at 252 Minnie Street (Lot 3, Block 13, Charles Slater Subdivision), Fairbanks, Alaska.

NOTE: The purpose of this hearing is to:

- 1) Hear and pass upon the demolition report of expenses;
- 2) Consider written objections or protests to the proposed report;
- 3) Make such revision, correction or modification to the report or the charges as the City Council may deem just; and
- 4) Determine whether to assign a personal obligation of the property owner and/or create a lien against the property.

9. MAYOR'S COMMENTS AND REPORT

a) Special Reports

10. UNFINISHED BUSINESS

a) The Fairbanks City Council will consider the following request by Lavelle's Taphouse, LLC (Arlette Eagle-Lavelle) for an extension of premises of alcohol service area. *(This item was POSTPONED from the Regular Meeting of January 8, 2018; the motion to APPROVE is on the floor (made by Mr. Pruhs, seconded by Mr. Bagwill))*

- b) Ordinance No. 6070 – An Ordinance to Amend Fairbanks General Code Chapter 14, Businesses, by Adding Article VI Regulating Marijuana Establishments. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

11. NEW BUSINESS

- *a) Resolution No. 4828 – A Resolution Amending the City Schedule of Fees and Charges for Services by Adjusting Garbage Collection Rates. Introduced by Mayor Matherly.
- *b) Ordinance No. 6071 – An Ordinance Amending the 2018 Operating and Capital Budgets for the First Time. Introduced by Mayor Matherly.
- *c) Ordinance No. 6072 – An Ordinance Authorizing the Public Sale of Surplus City-Owned Property. Introduced by Mayor Matherly.

12. DISCUSSION ITEMS (Information and Reports)

- a) Committee Reports

13. WRITTEN COMMUNICATIONS TO THE CITY COUNCIL

- *a) Permanent Fund Review Board Meeting Minutes of October 18, 2017
- *b) Clay Street Cemetery Commission Meeting Minutes of December 6, 2017
- *c) Chena Riverfront Commission Meeting Minutes of December 13, 2017

14. CITIZENS' COMMENTS, oral communications to the City Council on any item not up for public hearing. Testimony is limited to five minutes.

15. COUNCIL MEMBERS' COMMENTS

16. CITY CLERK'S REPORT

17. CITY ATTORNEY'S REPORT

18. EXECUTIVE SESSION

- a) FFU Labor Negotiations
- b) IBEW Labor Negotiations

19. ADJOURNMENT



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, DECEMBER 11, 2017
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date to conduct a Regular Meeting of the Fairbanks City Council 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: Joy Huntington, Seat A (telephonic)
June Rogers, Seat B
Valerie Therrien, Seat C
Jonathan Bagwill, Seat D
Jerry Cleworth, Seat E
David Pruhs, Seat F

Absent: None

Also Present: Clem Clooten, Building Official
Margarita Bell, Controller
Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Jeff Jacobson, Public Works Director
Mike Meeks, Chief of Staff
Stephanie Johnson, Dispatch Center Manager
Carmen Randle, Chief Financial Officer
Angela Foster-Snow, HR Director
Christina Rowlett, HR Admin
Jim Styers, Fire Chief
Eric Jewkes, Police Chief
Scott Raygor, Battalion Chief

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

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

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

CEREMONIAL MATTERS

a) Reading of the Bill of Rights by Boy Scout Troop 92

Mayor Matherly reported that Bill of Right's Day is celebrated each year on December 15 and that Frank Turney brings a cake to the Council meeting and arranges for a group of young people

to read the Bill of Rights aloud. **Mayor Matherly** called Boy Scout Troop 92 forward to read the Bill of Rights. After the reading, he thanked the young men and called for a brief recess so everyone could have some cake. The meeting resumed at 7:15 p.m.

CITIZENS' COMMENTS ON CONSENT AGENDA ITEMS

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

APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Bagwill, seconded by **Mr. Pruhs**, moved to APPROVE the Agenda and Consent Agenda.

Mr. Cleworth pulled the Memo Regarding Change Orders for the Rickert Project from the Consent Agenda.

Mayor Matherly called for objection 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 Transfer of Controlling Interest:

Type: Package Store, License #995
DBA: Oaken Keg #2754
Applicant: Safeway, Inc.
3627 Airport Way, Fairbanks
From: Oaken Keg #2754/Safeway, Inc.
3627 Airport Way, Fairbanks

Ms. Therrien, seconded by **Mr. Pruhs**, moved to WAIVE PROTEST on the Liquor License Application for Transfer of Controlling Interest.

Mayor Matherly called for Public 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 TRANSFER OF CONTROLLING INTEREST AS FOLLOWS:

YEAS: Bagwill, Cleworth, Rogers, Huntington, Therrien, Pruhs
NAYS: None

Mayor Matherly declared the MOTION CARRIED.

- b) The Fairbanks City Council heard interested citizens concerned with the following Liquor License Application for Transfer of Controlling Interest:

Type: Package Store, License #999
DBA: Oaken Keg #3410
Applicant: Safeway, Inc.
30 College Road, Fairbanks
From: Oaken Keg #3410/Safeway, Inc.
30 College Road, Fairbanks

Mr. Bagwill, seconded by **Ms. Therrien**, moved to WAIVE PROTEST on the Liquor License Application for Transfer of Controlling Interest.

Mayor Matherly called for Public 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 TRANSFER OF CONTROLLING INTEREST AS FOLLOWS:

YEAS: Rogers, Bagwill, Therrien, Pruhs, Cleworth, Huntington
NAYS: None
Mayor Matherly declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Matherly stated that City employees have been working hard all year; he stated he is honored to serve as Mayor. He wished everyone a Merry Christmas and a Happy New Year, and he wished a happy birthday to Poldine Carlo who turned 97 years old. He asked everyone to remember their grandparents and great grandparents during the holidays and wished his grandmother Angela Geraghty a happy 99th birthday. **Mayor Matherly** thanked the Council and City departments for working so hard together. He thanked the media for covering the Council meetings and thanked each department for the job they do for the City.

UNFINISHED BUSINESS

- a) The Fairbanks City Council considered the following Liquor License Application for Transfer of Ownership. This item was POSTPONED from the Regular Meeting of December 4, 2017; the motion to PROTEST is on the floor (made by Ms. Therrien, seconded by Mr. Pruhs)

Type: Beverage Dispensary, License #725
DBA: Midnight Mine
Applicant: Midnight Mine, LLC
308 Wendell Avenue, Fairbanks
From: Midnight Mine/Borealis Investments, Inc.
308 Wendell Avenue, Fairbanks

Mr. Pruhs spoke to the combined experience as bar owners of Rick Mensik, Robert Maloney, and Sharon Mensik. He read aloud the Fairbanks Police Department's reasons for recommending protest of the Midnight Mine license.

Robert Maloney, 1050 Kellum Street, Fairbanks – Mr. Maloney stated he welcomes bar checks by the Fairbanks Police Department (FPD) and stated there are only a few calls per month. He stated that many of the calls on the list are random bar checks. He stated the call of shots fired discussed at the last Council meeting had nothing to do with the Midnight Mine. He stated there are often incidents in Griffin Park which is adjoining land, but those should not reflect poorly on the bar.

Mr. Pruhs asked Mr. Maloney how long he owned the Midnight Mine; Mr. Maloney stated he has owned it for 46 years. **Mr. Pruhs** asked Mr. Maloney whether he would continue to operate the bar in the same manner he has been operating if he did not sell the license. Mr. Maloney stated he has worked very closely with Ms. Mensik and that he would like sell the license because she is interested in a small neighborhood bar environment. **Mr. Pruhs** asked Ms. Mensik if the application was hers alone or if she intended to be part owner with Mr. Mensik.

Sharon Mensik, 2701 Chief Alexander, Fairbanks – Ms. Mensik stated she has been divorced from Mr. Mensik since 1989 and that they are good friends who work well together. **Mr. Pruhs** asked Ms. Mensik if she has any share of ownership in Kodiak Jack's; Ms. Mensik replied that she has had no form of ownership of Kodiak Jack's in over two years. **Mr. Pruhs** asked Ms. Mensik if she intended to put a microbrewery in the Midnight Mine; she replied affirmatively. She indicated that a taproom may be another option.

Mr. Pruhs asked Mr. Mensik about the high volume of police calls to at Kodiak Jacks.

Rick Mensik, 115 Chief Evan Drive, Fairbanks – Mr. Mensik stated he looked through the list of calls and that only 107 of the 139 incidents occurred during Kodiak Jacks' business hours. He stated he should not be penalized for calls that occur on the property when the business is not open. He stated that of the 107 calls, 53 were bar checks that occur when the police stop by to do a walk-through. Mr. Mensik reported that he is happy when the police stop by at random, and he encourages his security staff to help officers in any way they can. He stated some of the calls were field contacts and flag downs that occurred in the parking lot; he clarified that very few of the calls were instigated by a call for help from the bar. Mr. Mensik stated there is a very young clientele at Kodiak Jack's. He explained that it is different from any other bar he owns because it has a huge dance floor, a dunk tank, several pool tables, a mechanical bull, and a rock climbing wall. He stated it is an entertainment establishment and that 80% of the patrons are young, military folks. Mr. Mensik stated that on the weekends when they open BoomTown Grill they are able to occupy 450 patrons; he stated that the Midnight Mine occupancy is only 85. He stated he and his father were military and that he is proud of the military. He stated that he meets with military officials to try and mitigate issues that arise with enlisted personnel. Mr. Mensik stated many of the soldiers have been overseas in combat situations and have a difficult time reintegrating into society but that he tries his best to handle situations on a case-by-case basis. He stated that the issues have no bearing on the license transfer of the Midnight Mine.

Ms. Therrien stated there have been many calls to Kodiak Jack's within the last year. Mr. Mensik stated there are five times more people frequenting Kodiak Jack's than the Midnight Mine; he stated they should not be compared. He stated he owns a bar called The Marlin that brings in a live music crowd, and he also owns the Arctic Fox Bar that brings in an older crowd; he added that both bars have a different vibe than Kodiak Jack's. He stated he employs many former military members and that there is only so much that can be done about the young crowd that frequents Kodiak Jack's; he added that they take every preventative measure they can.

Ms. Therrien asked Ms. Mensik what type of management would be at the Midnight Mine if the transfer is approved. Ms. Mensik stated that she does not understand why her ex-husband's bar would affect the application for transfer of the Midnight Mine. She stated it is offensive that the Council thinks a woman cannot run a business without the help of her ex-husband. She stated that the transfer is her plan with her grandson to help him learn how to run a successful business in the hopes he will purchase it in the future. Ms. Mensik stated her grandson is a brew master and a college student and that he works for the Borough Parks and Recreation Department. She asked about the relevancy of Mr. Mensik and Kodiak Jack's to her independent business venture. She stated it has been over two years since she has had any ownership in Kodiak Jack's and that her only role in that business is bookkeeping.

Mayor Matherly assured Ms. Mensik that the Council does not believe that a woman cannot run a bar; he stated that there was confusion on the Council's part because she did not come to testify at the prior hearing. Ms. Mensik stated she had a death in the family, and that is why she missed the last meeting. She explained that her plan is to keep the Midnight Mine downstairs and renovate the upstairs into a taproom. She spoke to her plans for the building and to how she could possibly boost tourism in the downtown area. Ms. Mensik stated she will be selling pull tabs at the Midnight Mine which would directly help many local non-profit organizations.

Ms. Therrien, with the concurrence of the second, withdrew the motion to PROTEST.

Mr. Pruhs, seconded by **Mr. Bagwill**, moved to WAIVE PROTEST on the Liquor License Application for Transfer of Ownership.

Mr. Cleworth stated Ms. Mensik will be the 100% owner of the new establishment once the sale goes through, and she will be the person entirely responsible for it. He stated that is all the consideration of the transfer should be based upon.

Mr. Bagwill echoed Mr. Cleworth's thoughts and thanked everyone for coming down to speak.

Ms. Rogers thanked the parties involved for coming to speak to the Council about the transfer.

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

YEAS: Cleworth, Pruhs, Rogers, Huntington, Bagwill, Therrien

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

Chief Financial Officer Carmen Randle requested that the order of items (b) and (c) on the agenda be swapped, because item (c) may impact the outcome of item (b).

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

- c) Ordinance No. 6068 – An Ordinance Amending the 2017 Operating Budget for the Sixth Time. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Mr. Pruhs, seconded by **Mr. Bagwill**, moved to ADOPT Ordinance No. 6068.

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

Mr. Cleworth stated he would like to hear from Public Works Director Jeff Jacobson because of the memo he provided to the Council. **Mayor Matherly** asked Mr. Jacobson to come forward for a staff report.

Mr. Jacobson requested that more funds be added to the 2017 budget to provide City-wide snow removal before the year's end. He stated he spoke with his staff about the shortage of funds, and residents are becoming impatient with the process. He stated keeping the sidewalks and streets clear of snow is a safety feature that his department is expected to provide. He stated that, barring more significant snow fall, he would like to allow for overtime crews to get the City streets cleared before the end of the year.

Mayor Matherly thanked the public for calling in and letting the City know where the streets need attention; he expressed appreciation for citizens' patience. He stated there was record snowfall in November, and it has hit the Public Works Department particularly hard.

Mr. Cleworth asked Mr. Jacobson if Island Homes, Slaterville and Arctic Park had been cleared of snow. Mr. Jacobson stated he brought on three operators who helped remove the snow; he stated those neighborhoods are difficult to clear because of the amount of on-street parking. He stated Walden Estates has also been cleared, and he reported other areas that have been addressed. He spoke to Public Works' next plan for snow removal.

Ms. Rogers stated she received thanks from a resident in the Aurora area; she thanked Mr. Jacobson for his direction of the Public Works Department.

Ms. Therrien asked Ms. Randle if there were any available funds to pay the additional \$174,000 for snow removal. Ms. Randle asked if the money would be in addition to the \$150,000 increase already in the budget amendment. Mr. Jacobson reported that the \$174,000 would be in addition to the \$150,000 to add 30 temporary employees working six days of overtime to clear City streets before the end of 2017. Ms. Randle asked whether the total snow removal request would be \$324,000; Mr. Jacobson suggested the Public Works Department could absorb some of the surplus from the FPD budget.

Ms. Randle stated she has not vetted Mr. Jacobson's request, but she believes it would leave the City with only \$10,000 remaining in the 2017 budget.

Mr. Cleworth spoke in support of providing the Public Works Department budget with \$87,000 rather than \$174,000. Mr. Jacobson stated that would be the minimum he would need.

Mr. Cleworth, seconded by **Ms. Therrien**, moved to AMEND Ordinance No. 6068 by increasing the Public Works budget by \$87,000.

Mr. Cleworth stated snow removal is one of the most important services that the City provides, because it impacts the elderly; he added there are lots of calls about it. He stated the budget was short for snow removal at the beginning of the year and that the City needs to do its best to clear the streets.

Ms. Therrien asked if Weeks Field, Moreland Acres, and Memorial Park could be prioritized at for snow removal. Mr. Jacobson stated there is a rotating schedule, and each year a different subdivision gets placed at the top of the list to make it fair.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6068 BY INCREASING THE PUBLIC WORKS BUDGET BY \$87,000 AS FOLLOWS:

YEAS: Huntington, Therrien, Pruhs, Cleworth, Rogers
NAYS: Bagwill
Mayor Matherly declared the MOTION CARRIED.

Ms. Huntington thanked Mr. Jacobson for the update and for the work his crews do in the City.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6068, AS AMENDED, AS FOLLOWS:

YEAS: Therrien, Rogers, Pruhs, Bagwill, Huntington, Cleworth
NAYS: None
Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6068, as Amended, ADOPTED.

b) Ordinance No. 6065 – An Ordinance Adopting the 2018 Operating and Capital Budgets. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Mr. Therrien, seconded by **Mr. Bagwill**, moved to ADOPT Ordinance No. 6065.

Ms. Therrien, seconded by **Mr. Bagwill**, moved to SUBSTITUTE Ordinance No. 6065, as Amended, for Ordinance No. 6065.

Ms. Therrien stated the change in the substitute would add \$5,000 to the Mayor’s travel budget for Council Members to advocate for the City’s legislative priorities in Juneau, and it may allow for more than one Council member to attend the AML Conference in Anchorage.

Mayor Matherly called for objection to the SUBSTITUTION.
Mr. Cleworth objected.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUBSTITUTE ORDINANCE NO. 6065, AS AMENDED, FOR ORDINANCE NO. 6065 AS FOLLOWS:

YEAS: Therrien, Bagwill, Rogers
NAYS: Pruhs, Huntington, Cleworth, Matherly
Mayor Matherly declared the MOTION FAILED.

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

Ms. Therrien, seconded by **Mr. Pruhs**, moved to AMEND Ordinance No. 6065 to retain one of the firefighter positions through January 31, 2018 instead of January 1, 2018.

Ms. Therrien stated that the budget calls for two firefighter positions to be eliminated effective January 1, 2018. She stated that one firefighter will retire on January 1 and the other on January 31. She explained that her amendment would help to avoid a firefighter having to have multiple physicals done due to the timing of the position elimination.

Mr. Pruhs stated it is the right thing to do, and it affects the budget very little. **Ms. Rogers** and **Ms. Huntington** expressed support for Ms. Therrien's amendment.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6065 TO RETAIN ONE OF THE FIREFIGHTER POSITIONS THROUGH JANUARY 31, 2018 INSTEAD OF JANUARY 1, 2018 AS FOLLOWS:

YEAS: Therrien, Rogers, Pruhs, Bagwill, Huntington, Cleworth
NAYS: None
Mayor Matherly declared the MOTION CARRIED.

Mr. Cleworth stated he sees a problem coming. He stated that there are no proposed pay increases for the other unions, but the Firefighters Union is greatly benefiting with pay increases. He stated their insurance benefits and pay increases are like that of no other union, which goes against the City's labor Code. **Mr. Cleworth** stated there is only \$400,000 left on the table in the 2018 budget, and if every employee at the City got a 1% increase it would use all the remaining funds. He stated the firefighters got a 4.1% increase the previous year and are now asking for another 3.5% increase. He stated there is no room in the budget for that increase.

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to AMEND Ordinance No. 6065, as Amended, by retaining one firefighter position facing a lay off and to non-fund the firefighter pay increases for 2018.

Mr. Cleworth clarified that the amendment would not affect the increases the firefighters saw in 2017. He stated it would put the firefighters on even footing with the other unions at the City.

Ms. Therrien asked City Attorney Paul Ewers if the Council would encounter problems if they non-funded the arbitrator's award. Mr. Ewers stated the award is subject to annual funding.

Ms. Huntington stated she supported funding the arbitrator's award earlier in the year and that she would like to continue honoring the commitment. She stated she would not be supporting the amendment to non-fund.

Ms. Rogers asked Mr. Ewers if the Council would be going against the City's labor Code. Mr. Ewers replied that the Code sets goals for labor negotiations but that, historically, union contracts have not been identical to one another.

Ms. Therrien stated she would not support the amendment because there is money in the budget to fund the increase with the elimination of two positions. She spoke in favor of continued funding of the arbitrator's award for the firefighters.

Mr. Pruhs stated he would rather keep a firefighter in a position than lay off two in order to give increases to the department. He read aloud AS 23.40.215 regarding legislative approval for agreements with monetary terms.

Mr. Cleworth stated that revenue sharing disappeared weeks after the arbitrator's award. He stated the arbitrator's award was one of the worst he has ever had to deal with. He questioned how consistency amongst bargaining units would be achieved if the firefighters are awarded an increase while other unions are not.

Ms. Therrien stated she feels that Mr. Cleworth is ambushing the Council with the proposed motion. She stated there have been numerous budget meetings where the issue was never raised.

Mr. Cleworth stated he spoke about the issue at the Finance Committee meeting and that no consensus was reached; he stated that, per the process, it has to be discussed on the floor.

Mr. Bagwill stated he is having difficulty with his decision on the issue. He stated he has heard other bargaining units talk about holding out like the firefighters in order to get what they want.

Ms. Therrien stated young firefighters may choose not to stay with the City because of the low wages, causing an attrition issue. She stated the Council gave the PSEA a bonus two years in a row, and the firefighters should be treated similarly.

Mr. Pruhs stated the firefighters are being treated better than other bargaining units, and that it is not right.

Mr. Cleworth stated the IBEW sees what the firefighters are getting, and now they want similar compensation in their package. He stated he has never seen negotiations with the IBEW drag on this long, and he indicated that it is because they want the same thing as the firefighters. He indicated the firefighter's contract has set the benchmark so high that the City cannot afford similar increases for other unions. **Mr. Cleworth** asked Chief Financial Officer Carmen Randle to come forward. He stated that if every City employee got a 1% package increase it would cost approximately \$250,000. He stated that if the City tried to mirror the firefighters' increase with other unions, it would cost more than \$800,000. **Mr. Cleworth** stated the City does not have difficulty filling positions at the Fire Department, and City firefighter wages are good. He stated that he does not believe the Fire Department has a difficult time retaining employees. He

commented that Anchorage may pay better, but at some point they are going to hit a wall and not be able to provide such compensation.

Ms. Randle reported that the cost for all City employees to receive 80/20 health coverage and a 4% increase would be \$831,000; she clarified that the estimate does not include a 4% increase for PSEA employees, because they already received a 4% increase during the year. She also clarified that the number includes an adjusted increase for AFL-CIO and non-represented employees since they received a 1.4% increase during the year. She stated that without pay increases (only the 80/20 health coverage) for all other employees besides the firefighters, the estimate would be approximately \$630,000.

Mr. Pruhs stated that in the last three years the City has gone from a \$36 million to a \$33 million dollar budget; he stated that sustaining raises such as that is not possible.

Ms. Huntington stated she is having a hard time reaching a decision, because she would like to give everyone a raise to show appreciation. She stated she feels the same way as Mr. Bagwill, because it is such a struggle to make the right decision for the City and its employees.

Mr. Cleworth stated arbitrators are not City Council members, and they do not get to make final decisions with the City's bottom line. He stated arbitrators typically do not live in the City and do not understand the uniqueness of Fairbanks. He stated the Council gets to make the final decision and does not have to blindly accept an arbitrator's award.

Mr. Bagwill asked how the numbers would change if Mr. Cleworth's amendment was approved.

Ms. Huntington stated that when the Council funded the contract they had hoped the ballot measure to raise property taxes would pass and generate more revenue. She stated she recently brought up a discussion on the bed tax but did not receive support.

Ms. Rogers stated the Council made a commitment, and she does not want to go back on her word. She stated that she respects Mr. Cleworth, but she cannot support the amendment.

Mr. Bagwill stated the firefighters received a 4.3% raise prior, and if the Council does not fund the current raise he does not view it as going backwards. He quoted Spock by stating, "The needs of the many outweigh the needs of the few." He stated he is leaning toward supporting the amendment, and he indicated that it is a very difficult decision to make.

Mayor Matherly called for a brief recess. The meeting recessed for about five minutes.

Ms. Randle stated that by non-funding the 1% wage increase, non-funding the 5% healthcare increase, and by retaining one firefighter position, it would increase the budget by \$30,329.

Mr. Cleworth asked what the estimated cost of the contract would be over 2017 if the firefighter was not added back in. Ms. Randle explained that 2018 Fire Department personnel costs without Mr. Cleworth's amendment would be \$5,952,992; she stated the 2017 cost is \$5,610,499. She stated that the difference includes step increases for some employees moving up in the ranks.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6065, AS AMENDED, BY RETAINING ONE FIREFIGHTER POSITION FACING A LAY OFF AND TO NON-FUND THE FIREFIGHTER PAY INCREASES FOR 2018 AS FOLLOWS:

YEAS: Bagwill, Cleworth, Huntington, Pruhs

NAYS: Rogers, Therrien

Mayor Matherly declared the MOTION CARRIED.

Mr. Cleworth thanked Mayor Matherly for getting his proposed budget out early so there was extra time to work on it. He shared his concern for some of the pending lawsuits against the City and expressed frustration that the PSEA is suing the City again. He stated he is also concerned about the water contamination issues and the possible lawsuits that may come in the future.

Mayor Matherly agreed with Mr. Cleworth; he stated that he did not budget any revenue sharing funds for 2018. He stated the Council owes it to the City residents and employees to come up with new revenue sources. He stated everyone should spend some time over the Christmas holiday thinking about new forms of revenue for the City.

Ms. Huntington thanked everyone for all the hard work they put into the City's budget.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6065, AS AMENDED, AS FOLLOWS:

YEAS: Cleworth, Pruhs, Rogers, Huntington, Bagwill

NAYS: Therrien

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6065, as Amended, ADOPTED.

NEW BUSINESS

- a) Resolution No. 4818 – A Resolution Stating the City of Fairbanks Legislative and Capital Priorities for 2018. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

DISCUSSION ITEMS

- a) Committee Reports

Hotel/Motel Discretionary Fund Committee – **Ms. Rogers** reported that the Committee met and voted to allocate funds to 23 organizations. She stated it was an exhilarating meeting, because so many people have great ideas about how to make Fairbanks a better place.

Fairbanks Diversity Council – **Mayor Matherly** reported the Fairbanks Diversity Council will meet on Tuesday, December 12, 2017.

WRITTEN COMMUNICATIONS TO COUNCIL

- a) Memo Regarding Change Orders for the Rickert Project

Mr. Pruhs, seconded by **Mr. Bagwill**, moved to ACCEPT the Memo Regarding Change Orders for the Rickert Project.

Mr. Cleworth asked for an update on the memo. Ms. Randle explained the items included in the memo and stated that they had been previously approved.

Mayor Matherly called for objection on the motion to ACCEPT, and hearing none, declared the Memo ACCEPTED.

- b) Reappointment to the Chena Riverfront Commission

APPROVED on the CONSENT AGENDA.

- c) Clay Street Cemetery Commission Meeting Minutes of November 1, 2017

ACCEPTED on the CONSENT AGENDA.

- d) Hotel/Motel Discretionary Fund Committee Meeting Minutes of November 6, 2017

ACCEPTED on the CONSENT AGENDA.

CITIZENS' COMMENTS

David Berrey, 3174 Davis Road, Fairbanks – Mr. Berrey asked Mr. Ewers what the legal definition of being “made whole” is. Mr. Ewers stated he is not at liberty to answer questions during public comment. **Mayor Matherly** informed Mr. Berrey that he could ask questions, and Council Members may address the questions during their comments. Mr. Berrey stated that he was told by Mayor Matherly that he would be made whole over the summer. He stated that residents of the contaminated area were told their water would be free, and that is not the case; he stated that the City should honor its word. He stated that he is currently looking at a disconnection notice for water service. He referenced AS 44.62.310 and questioned why a pending litigation discussion is being held during an Executive Session closed to the public. He requested that the Council work with the Interior Delegation on the contamination issue.

Ms. Rogers asked Mr. Berrey what being “made whole” means to him. Mr. Berrey stated that because of the City’s gross negligence, his water has been taken away; he stated that he should not have to pay for water. He indicated that connecting a pipe to his house does not make him whole, and he wants water in exchange for water. Mr. Berrey again spoke to being made whole. He stated he believes the City is in violation of Alaska Statutes pertaining to closed meetings.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated he saw graders downtown clearing snow and expressed concern that sidewalks are not being cleared. He suggested that the

funds used to give PSEA members a bonus could have gone towards clearing sidewalks. He commented that the Cowles Street sidewalk is a mess. He wished everyone a merry Christmas.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney thanked the boy scouts for coming to read the Bill of Rights. He wished everyone a merry Christmas; he explained the origins of the term “holiday.”

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

COUNCIL MEMBERS' COMMENTS

Ms. Huntington thanked Council Members and City staff for working together with mutual respect. She thanked Mr. Berrey for attending Council meetings and for advocating for himself. She stated that focusing only on being made whole is like saying something is fair or unfair. **Ms. Huntington** stated that the City has been very proactive in dealing with the water contamination situation. She wished everyone a merry Christmas and safe travels over the holiday season.

Mr. Bagwill thanked Mayor Matherly for bringing the budget for the Council to dissect, and he thanked the Council for tireless work on it. He thanked citizens for providing their opinions on what should be in the 2018 budget. He thanked Boy Scout Troop 92 for coming to the meeting and reading the Bill of Rights. **Mr. Bagwill** stated he would like to see the meeting minutes that Mr. Berrey spoke of where he claims that the Council promised to make him whole. He wished everyone a merry Christmas.

Mr. Cleworth stated that being made whole means different things to different people. He asked Mr. Ewers to speak to the grounds the Council has to discuss potential claims in an Executive Session. Mr. Ewers stated that the wording in AS 44.62.310(c)(1), in reference to items that may be considered in an Executive Session, includes “matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity.” He stated that it is clear that a discussion on potential litigation relating to the contamination would fit under that subject. He further clarified that “potential claims” may include claims against the City and claims by the City. **Mr. Cleworth** thanked Mr. Turney for having the boy scouts read the Bill of Rights and for bringing the cake to share. He expressed concern that the Bill of Rights is continually being watered down. He wished everyone a merry Christmas.

Mr. Pruhs offered his condolences in the recent loss of Cliff Everts; he acknowledged all that Mr. Everts has done for the Interior and for Fairbanks. **Mr. Pruhs** recognized Chief of Staff Mike Meeks for the work he has done on the Interior Gas Utility (IGU) Board. He thanked Mr. Turney and the Boy Scouts for coming to the meeting and reading the Bill of Rights. He wished everyone a merry Christmas and a happy New Year.

Ms. Therrien stated the Homeless Symposium was a well-attended and organized event. She requested to be excused from the Regular Council Meeting of January 8, 2018.

Mayor Matherly called for objection to Ms. Therrien’s request to be excused on January 8, 2018 and, hearing none, so ORDERED.

Ms. Therrien thanked Mr. Turney and the Boy Scouts for coming to the meeting and reading the Bill of Rights. She stated she does not think Mr. Berrey should let his water get disconnected.

Ms. Rogers thanked Mr. Berrey for continuing to come to meetings and for keeping the dialogue going. She stated that she joined Mr. Pruhs in introducing a resolution to help make restitution to residents who are affected by the water contamination. She thanked Mr. Turney for coordinating with the boy scouts to have the Bill of Rights read at the meeting. **Ms. Rogers** echoed Ms. Therrien's comments about the Homeless Symposium being a success, and she thanked Mike Sanders and Scott Wisner for all their efforts in planning the event. She thanked City staff for being a pleasure to work with and for always being efficient and professional. She stated she attended the tree lighting ceremony at City Hall and shared her hope that the event grows next year. She wished everyone a merry Christmas.

Mr. Pruhs, seconded by **Mr. Bagwill**, moved to enter an Executive Session for the purpose of discussing potential claims relating to the Regional Fire Training Center.

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

Mayor Matherly called for a brief recess.

EXECUTIVE SESSION

a) Regional Fire Training Center - Potential Claims

The City Council met in Executive Session to discuss potential claims relating to the Regional Fire Training Center, and no action was taken.

ADJOURNMENT

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

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

Mayor Matherly declared the meeting adjourned at 10:57 p.m.

JIM MATHERLY, MAYOR

ATTEST:

D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JANUARY 8, 2018
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, following a 6:00 p.m. Work Session on City Marijuana Regulations, to conduct a Regular Meeting of the Fairbanks City Council 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: Joy Huntington, Seat A
June Rogers, Seat B
Jonathan Bagwill, Seat D
Jerry Cleworth, Seat E
David Pruhs, Seat F

Absent: Valerie Therrien, Seat C (excused)

Also Present: Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Jeff Jacobson, Public Works Director
Mike Meeks, Chief of Staff
Christina Rowlett, HR Admin
Eric Jewkes, Police Chief
Jim Styers, Fire Chief

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

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Matherly asked Chief of Staff Mike Meeks to lead the Flag Salutation.

CITIZENS' COMMENTS ON CONSENT AGENDA ITEMS

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated there should be a public process for appealing the denial of a hotel/motel discretionary grant award, because the Clay Street Cemetery Commission was disqualified from the process this year.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Bagwill, seconded by **Ms. Huntington**, moved to APPROVE the Agenda and Consent Agenda.

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

City Clerk Snider read the Consent Agenda into the record.

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of September 25, 2017.

APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of October 9, 2017.

APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

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

Lic. #	DBA	License Type	Licensee	Premises Address
3489	Arctic Fox Bar	Beverage Dispensary	Arctic Fox Bar, LLC	623 Old Steese Hwy

Mr. Pruhs, seconded by **Ms. Huntington**, moved to WAIVE PROTEST of the Liquor License Application for Renewal.

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

Ms. Rogers stated there is a long list of police calls to the establishment, and she questioned why there were no owners present to speak. **Mayor Matherly** stated Mr. Mensik was present, and he asked the Council if they would like him to come forward to speak.

Rick Mensik, 1115 Chief Evan Drive, Fairbanks – Mr. Mensik stated he was unaware of a protest on his property, and he did not have a copy of what Ms. Rogers was speaking to.

Mayor Matherly explained that there was no recommendation for protest; he stated that Ms. Rogers was speaking about the police callout log for the property. Mr. Mensik stated the Arctic Fox Bar hosts an older crowd that loves karaoke. He reported that sometimes incidents with incapacitated persons occur on his property outside of business hours, and he has no control.

Mayor Matherly asked Chief of Police Eric Jewkes to come forward for a staff report. Chief Jewkes stated that an “incapacitated person” means someone who is not conscious. He stated that sometimes they are on the property outside of operational business hours.

Mr. Pruhs asked Mr. Mensik to speak to his recent purchase of the property and to his efforts to improve the location. Mr. Mensik stated it is now a non-smoking bar, and they have instituted a

\$4 cover charge. He stated he has professional staff, many of whom have background in the military.

Chief Jewkes stated many of the callouts listed are outside of the bar's regular business hours.

Mr. Mensik stated he has tried to work hand-in-hand with law enforcement and has provided video footage to police. He stated he has good video equipment on the property and that the combination of the cover charge and the non-smoking atmosphere has deterred patrons who are just looking for trouble. Mr. Mensik reported he also raised the price of beverages in order to keep out an undesirable element. He stated he has brought all taxes current on the property and that he is doing all he can do to improve the location.

Mr. Pruhs asked Chief Jewkes if he finds Mr. Mensik and his staff amenable to work with; Chief Jewkes stated he has no problems working with Mr. Mensik or his staff.

Ms. Huntington thanked Mr. Mensik for improving the surveillance at the Arctic Fox Bar and for coming to speak to the Council. She asked Mr. Mensik if he has done anything to improve lighting on the outside of the business. Mr. Mensik replied that he has upgraded the outdoor lighting to LED bulbs and that there are big lights all around the front; he stated that one needs replaced behind the bar.

Mr. Bagwill asked Chief Jewkes how the Arctic Bar compares to other beverage dispensary locations. Chief Jewkes stated some of the incidents are indicative of and related to the establishment, but others are not.

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

YEAS: Rogers, Pruhs, Bagwill, Huntington, Cleworth
NAYS: None
ABSENT: Therrien

Mayor Matherly declared the MOTION CARRIED.

b) The Fairbanks City Council heard interested citizens concerned with the following application for a New Standard Marijuana Cultivation Facility License:

Type: Marijuana Cultivation Facility, License #14467
DBA: Tanana Herb Company, LLC
Licensee/Applicant: Tanana Herb Company, LLC
Physical Location: 1200 Well Street, Fairbanks, Alaska

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to PROTEST the Application for a New Standard Marijuana Cultivation Facility License until a Certificate of Occupancy is issued.

Sam Perkins, 2008 Perkins Drive, Fairbanks – Mr. Perkins stated he understands that people have questions and concerns about the marijuana industry and that he is present to answer those questions. He stated he has been working on getting the building ready for over a year and that

every day that it sits closed it costs a lot of money. He stated he is doing the remodel is being paid for out-of-pocket in the landmark Alaska Distributors warehouse.

Mr. Pruhs asked Mr. Perkins if he is buying a building that has been vacant since 2010; Mr. Perkins stated he bought the building and has a lease agreement with the Alaska Railroad. He spoke to their efforts to mitigate the smell of marijuana in the air surrounding the establishment. **Mr. Pruhs** asked Mr. Perkins how many people he is employing; Mr. Perkins stated that he employs eight people for the cultivation business; he indicated that if he received a retail license, he would employ 12-15 individuals.

Mr. Bagwill asked what Mr. Perkins is planning to do with the rest of the building since he is only using a small portion of it for cultivation. Mr. Perkins reported the whole building would be approved by the Alcohol and Marijuana Control Board (AMCB) for marijuana purposes. **Mr. Bagwill** asked if the cameras are already in place in his facility; Mr. Perkins replied that State law requires all areas of a marijuana business to be covered by cameras. **Mr. Bagwill** asked if there were cameras on the exterior of the facility; Mr. Perkins stated the entire facility is covered with excess lighting and cameras, both inside and out.

Leslea Nunley, 2008 Perkins Drive, Fairbanks – Ms. Nunley stated she is the owner of the company and that she has been growing at a licensed facility outside of City limits since August 2016. She reported she has not had any problems or issues at the facility and that she is familiar with laws regulating the industry. She stated she understands the importance of smell mitigation and that some people are offended by the smell of cultivation facilities.

Ms. Huntington asked Ms. Nunley how amenable she would be in working with Chief Jewkes to address public safety concerns. Ms. Nunley stated being preemptive is a great thing, and her business has an open door policy with law enforcement.

Mason Evans, 8141 Goldmine Trail, Fairbanks – Mr. Evans stated he is familiar with Mr. Perkins and Ms. Nunley; he stated they are both great people. He stated he is the owner of the Grass Station 49 and that he started with only two employees. He shared that he now has 15 employees and is about to hire two more. He stated that he only has a retail facility and that the growers are who keep him in business. He stated that many of the marijuana businesses operate in previously abandoned buildings, and it is good for the City to not have vacant properties.

Mr. Pruhs asked Mr. Evans if his business would benefit from Tanana Herb Company getting their cultivation license; Mr. Evans stated he would.

Ms. Huntington asked Mr. Evans if his business ran out of product during his eight months of operation. Mr. Evans stated they have run out several times. He stated he is still battling the black market and that people are still consuming non-tested, unsafe marijuana.

Christopher Konopka, 405 Ream Lane, Fairbanks – Mr. Konopka stated he is the owner of Herbal Instincts, an establishment outside City limits. He spoke well of Tanana Herb Company and its owners and stated that he looks forward to them being a Fairbanks asset.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated he uses cannabis for medicinal purposes and that he thinks the State regulation of 5 milligrams per serving is too low. He spoke in support of Tanana Herb Company.

Tyler Settlemoir, 1770 Alder Street, Fairbanks – Mr. Settlemoir stated that he is a disabled military veteran and an employee of the Tanana Herb Company; he added that they are professional business operators.

John Banister, 4089 Kallenberg Road, Fairbanks – Mr. Banister stated he is not part of the cultivation facility but that he outsources trained staff to work at cultivation facilities. He reported that he currently has 17 employees, ranging from moms to veterans, and that Tanana Herb Company is one of his customers. He spoke well of the company and its owners.

Christian Hood, P.O. Box 83091, Fairbanks – Ms. Hood shared her excitement for Tanana Herb Company operating a local cultivation facility and asked the Council to approve their license.

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

Mr. Bagwill stated he has been opposed to the industry and that he will be voting the same way he has in the past. He stated, however, that he appreciates all the good things he has heard about the company; he added that his vote against the license is not personal.

Ms. Huntington commended the Tanana Herb Company for finding a good location for their facility; she shared that it is easier to approve licenses when they are not in populated areas.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE APPLICATION FOR A NEW STANDARD MARIJUANA CULTIVATION FACILITY LICENSE UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED AS FOLLOWS:

YEAS: Cleworth, Rogers, Huntington, Pruhs
NAYS: Bagwill
ABSENT: Therrien

Mayor Matherly declared the MOTION CARRIED.

c) The Fairbanks City Council considered the following request by Lavelle’s Taphouse, LLC (Arlette Eagle-Lavelle) for an extension of premises of alcohol service area:

Type: Beverage Dispensary, License #270
DBA: Lavelle’s Taphouse
Licensee/Applicant: Lavelle’s Taphouse, LLC
Physical Location: 414 2nd Avenue, Fairbanks, Alaska

Mr. Pruhs, seconded by **Mr. Bagwill**, moved to APPROVE the request by Lavelle’s Taphouse, LLC for an extension of premises of alcohol service area.

Arlette Eagle-Lavelle, 912 Kellum Street, Fairbanks – Ms. Eagle-Lavelle distributed photos to the Council pertaining to her request. She stated she had a successful summer when the street was shut down, because she was able to utilize the space outside of the Taphouse. She stated she understands that there are some concerns because 2nd Avenue will be open to traffic this summer. Ms. Eagle-Lavelle reported she has spoken with Chief Jewkes, and he stated if the Council approves the request, the base of the jersey barrier could not be directly adjacent to the edge of the parking space. She stated she is trying very hard to rejuvenate the downtown area, and all of the foot traffic that came to her business last summer helped cause greatly. She stated she has a good relationship with former City Engineer Jackson Fox who was excited about the idea and offered his department's help. Ms. Eagle-Lavelle reported that Mr. Fox and Mr. Pristash have differing opinions on the issue. She stated City Engineer Bob Pristash has concerns with the outside serving area; she stated that she shares his concern and that she wants the public and her patrons to be safe. She spoke to the photos she distributed and explained why the extension of premises would be good for her business and the downtown area.

Kathryn Dodge, 665 8th Avenue, Fairbanks – Ms. Dodge spoke in support of the Taphouse extension of premises, because it brings so much business to the downtown core area. She stated that using the parking areas as lounge/walking spaces has created a vibrancy downtown that has been missing.

Chris Miller, 413 Cowles Street, Fairbanks – Mr. Miller spoke in favor of the extension of premises; he stated he owns the Elbow Room, property adjacent to the Taphouse. He reported he has had no issues with the Taphouse and that the outdoor activity that took place the past summer was very enjoyable; he added that the community seemed to embrace it. He stated he appreciates the seasonal aspect of the outdoor space because it helped bring tourists to the area during summer months. In regard to public safety along the roadway, Mr. Miller pointed out that there is only a fragile, chain-link fence along Airport Way, and vehicles traveling 45 miles per hour (mph) or more will not be stopped if they crash into the fence. He stated that jersey barriers will stop vehicles travelling 55 mph; he added that 2nd Avenue has a speed limit of 25 mph.

Bill Rogers, 408 Cushman Street, Fairbanks – Mr. Rogers reported that he owns a downtown business. He stated that he is a City of Fairbanks employee in the Engineering Department, and he shared his concern about the pictures provided by Ms. Eagle-Lavelle. Mr. Rogers stated he does not see clearly where pedestrians would walk if the sidewalk is blocked for use by the Taphouse. He stated the street was closed the previous summer, and the traffic hazard was not an issue. He reported that when he purchased his business he did not buy with the idea that he would be able to operate his business on a neighboring property. Mr. Rogers stated there is a shortage of parking in the downtown area, and the Taphouse extension would not just consume one parking spot, but likely three. He stated there are a lot of concerns relating to safety, blocked pedestrian routes, and the can of worms that the issue will open amongst other businesses.

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

Mr. Pruhs stated sometimes it takes an exceptional person with an exceptional vision to lead the Council into a good, new direction. He reported Ms. Eagle-Lavelle has not disappointed. He stated he did not see any reason for there to be an issue approving the extension, because she has

already proven it to work. **Mr. Pruhs** stated her outdoor space brought a much-needed vibrancy to the downtown area; he expressed hope that the Council approves her request.

Mayor Matherly stated the extension is not comparable to the one the previous summer, because the road outside the Taphouse was closed down entirely to vehicle traffic in 2017. He stated the events that were held in the summer were great and extended all the way across the street. He reported that he attended some of the events, and they were great fundraisers. **Mayor Matherly** stated he has mixed feelings about the issue and spoke to safety concerns with traveling vehicles. He stated he can see both sides of the issue, and he appreciates everyone who came out to speak on the extension.

Mr. Bagwill asked if increasing the service area would affect the building occupancy or the classification of the location; Fire Chief Jim Styers stated he has spoken with his department and the Building Department, and they have pulled the recommended protest regarding occupancy. He clarified that the barrier portion of the recommended protest is to remain in effect. **Mr. Bagwill** stated he liked everything that Ms. Eagle-Lavelle had to say but that he cannot ignore the safety concerns, because he thinks it will become an issue.

Mr. Cleworth stated that having the Engineering, Fire, and Police Departments all protesting the extension of premises speaks to significant liability question it raises. He stated if something were to happen to someone at the location, the City would be on the hook for approving such an extension. He stated eliminating parking spaces in the downtown area is ironic, because the Council has spent a lot of time and money coming up with ways to add parking downtown. **Mr. Cleworth** stated people are very protective of the spaces on 2nd Avenue because they are hard to come by. He indicated that allowing one business to use the street area for their business activities may be a slippery slope. He spoke to the lot the City owns behind the Taphouse and suggested that Ms. Eagle-Lavelle look into using that area for her outdoor space.

Ms. Rogers stated she is a cheerleader for all the young, entrepreneurial ventures Ms. Eagle-Lavelle has shared with the community. She reported her concern for the liability created by using the outdoor space while 2nd Avenue is open for through traffic. She stated she loves all the things Ms. Eagle-Lavelle does for the community but that she is finding it very difficult to approve the extension of premises because of the possible danger to citizens.

Mayor Matherly reported he often receives complaints about the lack of parking, and he shared his concern for using those spaces for business. He also expressed public safety concerns.

Ms. Huntington stated she understands the public safety concerns and the struggle with exposing the City to liability. She stated she takes the concerns of the City departments to heart. She stated the Council's responsibility is the safety of the public, but the draw that the Taphouse creates to the downtown area is hard to ignore. **Ms. Huntington** stated she does not agree with other Council Members' concern about parking, because there is a parking garage directly across the street from the Taphouse. She stated she does not want to undermine anyone, but the risk would benefit the entire community; she indicated that she would like to see if it would work.

Mr. Rogers, seconded by **Mr. Pruhs**, moved to POSTPONE the request by Lavelle's Taphouse, LLC for an extension of premises of alcohol service area to the Regular Meeting of February 26.

Ms. Rogers stated she would like to have a better understanding of the safety risks associated with the application and more information brought to the Council before voting.

Mr. Pruhs stated he agreed with Ms. Rogers. He stated he would like to know whether it would be for one summer or indefinitely; he expressed hope that the issue could be discussed at a Finance Committee meeting.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE THE REQUEST BY LAVELLE'S TAPHOUSE, LLC FOR AN EXTENSION OF PREMISES OF ALCOHOL SERVICE AREA TO THE REGULAR MEETING OF FEBRUARY 26, 2018 AS FOLLOWS:

YEAS: Huntington, Bagwill, Pruhs, Cleworth, Rogers

NAYS: None

ABSENT: Therrien

Mayor Matherly declared the MOTION CARRIED.

Mayor Matherly called for a brief recess.

MAYOR'S COMMENTS AND REPORT

Mayor Matherly stated it was the warmest December on record and that he had a wonderful holiday season with his family. He tipped his hat to Public Works Director Jeff Jacobson for tackling snow removal for and for taking citizens' concerns so seriously. He reminded the Council of the importance of coming up with new revenues in 2018 and warned of the need to cut spending. He thanked everyone who came down to testify and share their voice with the Council and the public.

a) Special Reports

Brittney Smart, 907 Terminal Street, Fairbanks – Ms. Smart wished everyone a happy New Year and spoke to several public meetings coming up on the Borough calendar. She spoke to the telephonic survey that will be taking place over the next few weeks to help identify which services residents find essential and non-essential.

NEW BUSINESS

- a) Resolution No. 4819 – A Resolution Allocating Discretionary Funds From Hotel/Motel Tax in the Amount of Two Hundred Seventy Thousand Dollars (\$270,000). Introduced by Council Member Rogers.

PASSED and APPROVED on the CONSENT AGENDA.

DISCUSSION ITEMS

a) Committee Reports

Polaris Group – **Mr. Pruhs** reported that the group is looking for the Downtown Association’s help with fundraising ideas for the demolition of the Polaris Building.

Opioid Task Force – **Ms. Rogers** stated there were about 30 people present at the last Opioid Task Force meeting, including Senator Dan Sullivan. She encouraged everyone to attend the meetings which are held on the last Wednesday of every month. She reported that the Task Force is strong enough that they are able to start discussing sub-committees, so they can take on more specific tasks.

Hotel/Motel Discretionary Fund Committee – **Ms. Rogers** thanked Mr. Turney for voicing his concern that the Clay Street Cemetery Commission was not awarded grant funds. She encouraged him to attend the wrap-up meeting. She stated she has also been attending the Polaris Group meetings and that she is excited about the wonderful things that are happening.

Mr. Cleworth asked whether some of the entities who were typically funded in the past were denied grant funds this year. **Ms. Rogers** reported the application process is very stringent, and some of the applications were incomplete. She stated it is difficult to turn down organizations that do so much for the community but that everyone has to be on the same playing field. She stated that some applications were missing required information.

Mr. Cleworth asked about the Legislative Priorities Group that meets, because he has not heard an update on it. **Mr. Pruhs** reported the group keeps an eye on legislation that could affect the City but that he, Ms. Therrien, and Ms. Rogers would bring any issues to the Council before taking action.

WRITTEN COMMUNICATIONS TO COUNCIL

- a) Public Safety Commission Meeting Minutes of October 11, 2016

ACCEPTED on the CONSENT AGENDA.

- b) Public Safety Commission Meeting Minutes of January 10, 2017

ACCEPTED on the CONSENT AGENDA.

- c) Public Safety Commission Meeting Minutes of April 11, 2017

ACCEPTED on the CONSENT AGENDA.

- d) Public Safety Commission Meeting Minutes of July 11, 2017

ACCEPTED on the CONSENT AGENDA.

- e) Board of Plumber Examiner Meeting Minutes of September 12, 2017

ACCEPTED on the CONSENT AGENDA.

- f) Fairbanks Diversity Council Meeting Minutes of October 10, 2017

ACCEPTED on the CONSENT AGENDA.

- g) Chena Riverfront Commission Meeting Minutes of November 8, 2017

ACCEPTED on the CONSENT AGENDA.

- h) Reappointments to the Public Safety Commission

APPROVED on the CONSENT AGENDA.

CITIZENS' COMMENTS

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney reported that Marvin Roberts of the Fairbanks Four has filed a lawsuit against the City of Fairbanks. He stated it is important to understand why they were all released after 18 years in prison. He requested that Mayor Matherly open an investigation to see whether the Fairbanks Police Department (FPD) followed the proper policies and procedures when investigating the Hartman murder. He stated there are some Council Members who do not believe the Four gave false confessions. Mr. Turney stated the Council should allow for onsite consumption at marijuana establishments. He reported that when he went to The Higher Calling, he could not smell cannabis inside even when people were smoking. He stated he would be attending the Fairbanks Diversity Council (FDC) meeting the following night and that he wanted to get an answer on what “transgender” means.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated he was happy that money was finally identified in the budget for snow removal. He spoke of the recent murder where a son decapitated his mother. He asked whether FPD would have been able to prevent the crime if they had 50, 100 or 500 additional officers. He commented that whoever had to clean up that crime scene should get some kind of hero award; he stated that he knows police officers do not have to clean up crime scenes. Mr. Buberger stated that many criminals are ending up dead because police officers shoot them in the face instead of the arm or leg. He stated the police just shot a man five times in the face, and that was not how things were when he was raised; he stated that police used to fire warning shots before opening fire. He stated that he does not see an increase in local crime, but he does see an increase in the use of lethal force by police officers. He asked the Council to call upon Chief Jewkes to speak to the reasons why FPD is using deadly force when dealing with suspects; he questioned whether the use of excessive force was brought about by the death of an FPD officer the year before.

Darlene Herbert, 906 Woodlawn Road, Fairbanks – Ms. Herbert stated she is happy to be back at the meetings, but it is under sad circumstances because the police have shot another boy. She stated that when a kid is 20 years old, they are not very grown up; she indicated that the boy may not have known what he was doing. She stated her heart breaks for the family who has had their young son ripped away from them. She stated that she has spoken with some people who have told her that boy was planning to kill himself, but the cops did the job for him. She stated the police department needs to better train their staff, so they are not killing 20 year old boys. Ms. Herbert stated all of the bars are the same, and it does not matter who frequents them. She stated

the City wants too much money to get vehicles out of impound and that there are daily storage fees. Ms. Herbert questioned the City's high impound fees while giving FPD employees a bonus. She stated the City is greedy, and it should give people a break on impound costs. She stated the City could make Fairbanks safer by providing 100 beds for people with addiction issues; she stated that people should be allowed to stay with no questions asked. Ms. Herbert stated it is hard for people to get off drugs because they do not have a safe place to go and they are hurting. She stated that medical beds are needed – not more cops – because the police will just kill more people. She clarified she does not have anything against the police.

Nick Clark, 249 Brighton Drive, Fairbanks – Mr. Clark stated he is disappointed in the decision of the City Council to non-fund the Fairbanks Firefighters Union (FFU) contract. He stated that during the years without a contract the employees did not receive any pay increase. He reported that morale improved greatly after the Council agreed to fund the department's insurance at 80/20, and they thought they were making progress. Mr. Clark asked the City to go over the numbers again. He reported that when the Council was funding the FFU contract, employees quit looking for jobs elsewhere. He stated that they are now looking for work at other, more competitive departments again. Mr. Clark stated a member of the City Council previously stated that Tier 4 employees need to start taking their retirement into their own hands, but now there is less money for each employee to do so because of the non-funding.

Christian Hood, P.O. Box 83901, Fairbanks – Ms. Hood stated she is the owner of GOOD, LLC; she reported that her business has been open for two months and is actively investing money back into the community. She reported there are now 27 employees working for GOOD, LLC. She stated the most recent First Friday event was held at her business, and a percentage of the proceeds went to Paws for Purple Hearts. She stated her business has donated both time and money to non-profits, and she thanked the Council for allowing her the opportunity to better serve the community.

Michael Farrell, P.O. Box 83327, Fairbanks – Mr. Ferrell thanked the City Council for allowing the group of boy scouts to read the Bill of Rights at a previous meeting. He thanked Ms. Huntington for bringing up ideas to increase City revenue, and he shared his discouragement that no other Council member wanted to look into the ideas. He stated the executive salaries being paid in non-profit organizations should be looked at, because some are paid too much. He shared his concern about the increased violence in the City of Fairbanks. Mr. Farrell spoke to the importance of understanding the impacts that certain industries have on safety. He congratulated the cannabis industry for operating responsibly and for generating revenue for the community.

COUNCIL MEMBERS' COMMENTS

Mr. Pruhs stated he would like to see marijuana paper applications reduced because Council members also receive them electronically. He stated he would like to see a side-by-side comparison of the alternative health care package that was introduced to City unions. He asked Chief Jewkes to come forward, and he spoke to some of the comments that were directed toward the Chief during citizens' comments. **Mr. Pruhs** stated he believes Chief Jewkes to be a fine professional and stated that the City is lucky to have him as Chief of Police. He stated Chief Jewkes has advocated well for his department to get a 4% wage increase and two separate bonuses. He asked Chief Jewkes to try to get them to work with the Council on a future contract.

Mr. Cleworth asked Chief Jewkes if he would like an opportunity to respond to any of the public comments that were made. Chief Jewkes stated he had no comments. **Mr. Cleworth** stated the police are given rigorous training on firearms and the use lethal force. He spoke to some of the recent officer-involved shootings. He asked that marijuana application packets be reduced. He spoke to the high cost of healthcare and stated that comparable options are hard to find. **Mr. Cleworth** asked what is fair when it comes to City healthcare contributions, and he asked if every union member should receive an equal amount. He stated employees should be allowed to opt out of their health insurance if they have other coverage. He stated that Finance has a side-by-side comparison of the different healthcare options.

Mr. Bagwill wished everyone a happy New Year, and he wished Mayor Matherly a happy birthday. He thanked the citizens for allowing him to sit on the Council. He asked Ms. Rogers if the Opioid Task Force is a resource for families or only for organizations. **Ms. Rogers** stated she would like to see more friends and families attend, because the professionals bring good information to each meeting. **Mr. Bagwill** stated that serving as a chaplain to the FPD, having gone through the Citizen's Police Academy, and having several years' experience as a weapons courier in the military has taught him how much is on the line when it comes down to a split second decision. He stated the FPD is going to put on another Citizens Police Academy in the fall, and he encouraged people to sign up for it.

Ms. Huntington wished Mayor Matherly a happy birthday and stated that Mr. Bagwill and Mr. Pruhs also had birthdays recently. She thanked Mr. Bagwill for his optimistic spin on the New Year. She agreed with other Council members about reducing the size of marijuana application packets. She spoke in support of holding press conferences after officer-involved shootings, because it helps to have that openness with the public. **Ms. Huntington** thanked Nick Clark for coming to the Council meeting and discussing the impacts of the Council's decision. She stated she would like sign up for the Citizen's Police Academy and requested to be notified when it is scheduled. She spoke to Ms. Herbert's request to reduce DUI impound fees for first-time offenders and stated that teaching the severity of the offense the first time is important.

Ms. Rogers thanked Chief Jewkes for clarifying some things to the FDC at a prior meeting, and she asked him to speak to his camaraderie with the community. She spoke highly of the Chief.

Police Chief Jewkes reported that it was a very violent year in the City of Fairbanks. He stated it is a police officer's job to carry a gun and make life and death decisions. He spoke to the significance of the thin blue line; he stated that officers are not perfect, but they work hard to make the public proud.

Ms. Rogers asked Chief Jewkes to speak to the priorities of life he spoke about to the FDC.

Chief Jewkes stated it is difficult to make life-and-death decisions, and often there is no time to think through all the variables. He stated that police officers sometimes have to prioritize life. He stated that the priorities of life in law enforcement situations are: 1) hostages/involved civilians, 2) uninvolved civilians, 3) law enforcement officers, 4) criminal suspects, and 5) physical property. Chief Jewkes stated that officers are trained to deal with the trauma that comes with being a police officer, and they are trained to function through it.

Mr. Bagwill, seconded by **Mr. Pruhs**, moved to ENTER an Executive Session for the purpose of discussing AFL-CIO, FFU, and IBEW Labor Negotiations.

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

EXECUTIVE SESSION

- a) AFL-CIO Labor Negotiations
- b) FFU Labor Negotiations
- c) IBEW Labor Negotiations

The City Council met in Executive Session to discuss AFL-CIO, FFU, and IBEW Labor Negotiations. Direction was given to the negotiating team, and no action was taken.

ADJOURNMENT

Mr. Bagwill, seconded by **Mr. Pruhs**, moved to ADJOURN the meeting.

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

Mayor Matherly declared the meeting adjourned at 10:39 p.m.

JIM MATHERLY, MAYOR

ATTEST:

D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715

Fax (907)459-6710

MEMORANDUM

TO: Mayor Jim Matherly and City Council Members

FROM: D. Danyielle Snider, CMC, City Clerk



SUBJECT: Liquor License Renewals

DATE: February 21, 2018

Notice has been received from the State Alcohol & Marijuana Control Office (AMCO) for the following liquor license renewals:

Lic. #	DBA	License Type	Licensee	Premises Address
4819	The Antler Room	Beverage Dispensary	The Antler Room, Inc.	1003 Pioneer Road, A
3997	BPO Elks Lodge #1551	Club	BPO Elks Lodge #1551	1003 Pioneer Road
5353	Fairbanks Distilling Company	Distillery	Patrick Wayne Levy	410 Cushman Street

Pursuant to FGC Sec. 14-178 the Council must determine whether or not to protest liquor license renewals after holding a public hearing.

Per the Council's request, the Police Department has included a call report for each location (attached).

There are no departmental protests to the above-listed applications for renewal. Please contact me if you need any further information.

CITY OF FAIRBANKS PUBLIC SAFETY

Elks Lodge 1003 Pioneer Rd

01/07/2017 - 01/07/2018

Report #	Call Time	Nature	Location	Prime Unit	Disp.	Close Time
	11/11/2017 18:12	PAST HIT & RUN -	1003 PIONEER RD	DESK	NRP	11/11/2017 18:58:16
	09/20/2017 11:18	CIVIL PROBLEM	1003 PIONEER RD	O6	NRP	09/20/2017 11:48:19
	08/22/2017 02:22	SUSP	1003 PIONEER RD	O3	NRP	08/22/2017 03:12:05
	08/21/2017 02:42	SUSP	1003 PIONEER RD	O16	SUBL	08/21/2017 02:50:26
	06/25/2017 04:26	ALARM BURGLARY -	1003 PIONEER RD	O16	NRP	06/25/2017 04:54:44
	03/31/2017 20:49	SI - SECURITY CHECK	1003 PIONEER RD	O9	NRP	03/31/2017 21:02:37
	01/14/2017 09:18	ALARM BURGLARY -	1003 PIONEER RD	O25	FAB	01/14/2017 09:31:23

Total Number of Events Listed: 7

Incident / Event (Search)

Link Event-ID Call recy AVL Prnt Report

Event Info Notes Times R/E Log Other Log Entry An/AI Patients Employee Names Vehicles

Rpt # Source PU EMS Fire Law Resc Oth

Loc 410 CUSHMAN ST FAIR

X-ST Jur Service Agency FPD

Stat/Beat District RA

Busi FBKS DISTILLING COMPANY Ph= () - Call group

Nature QA

Caller A Hist Alarm

Address


Veh # Status Send To RMS

Include delayed events Include cancelled events

View Text Re-Open

Prev Next Add Duplicate Delete Search View Exit Srch

ONESolution CAD


 No match found.

Ok

MEMORANDUM

City Clerk's Office

D. Danyielle Snider, City Clerk

TO: Mayor Jim Matherly and City Council Members
FROM: D. Danyielle Snider, CMC, City Clerk 
SUBJECT: Hearing of Demolition Costs, 252 Minnie Street
DATE: February 20, 2018

Attached is a copy of a notice from Building Official Clem Clooten regarding the costs associated with the demolition of the structure located at 252 Minnie Street (Tax Lot 3, Block 13, Charles Slater Subdivision), Fairbanks, Alaska, owned by Mr. Robert Nesbitt. The demolition was completed on December 18, 2017.

Notice of the hearing has been sent by certified mail to the owner of the property and has been posted on the property by the City Building Official in accordance Section 902 of the 2015 City Abatement Code. Also pursuant to the Code, an advertisement of the public hearing was published in the Fairbanks Daily News Miner on February 16, 2018. As of this date, no written objections or protests have been filed with the City Clerk's Office.

The City Council is required to hold a public hearing for the purpose of:

- 1) Hearing and passing upon the demolition expense report;
- 2) Considering any written objections or protests to the proposed report;
- 3) Making such revision, correction or modification to the report or to the charges as the City Council may deem just; and
- 4) Determining whether to assign a personal obligation of the property owner and/or to create a lien against the property.

If you have any questions, please contact me at 459-6774.

Thank you.



800 Cushman Street
Fairbanks, AK 99701

Telephone (907) 459-6720
Fax (907) 459-6719

MEMORANDUM

To: Danyielle Snider, City Clerk
From: Clem Clooten, Building Official
Subject: Recovery of Abatement Costs
Site Address 252 Minnie Street
Lot 13, Block 3, Charles Slater Subdivision
Mailing Address: Robert Nesbitt, 129 1st Ave, Fairbanks AK 99701

Date: February 5, 2018

In December 2017, the Building Department completed the abatement of the dangerous structure noted above and known as the east 1/2 of the Tamarack Inn. Final Notice and Order to Abate was previously posted to the property and issued to the owner, who agreed to the demolition. This portion of the structure has been demolished and the site secured; work was completed December 18, 2017.

The current Abatement Code was approved by Council under Ordinance No. 6020 in 2016. Section 901 requires that an itemized list of the expenses incurred in the demolition be created and filed with the City Clerk. I have enclosed a report showing the total costs incurred by the City for this demolition. Section 902 states that the City Clerk shall present the expense report to the City Council. Please set a date at which you will present the attached report to the City Council. This presentation shall include a public hearing, which may be held under Special Orders.

In addition to advertising the public hearing, Section 902 also requires the City Clerk to send notice of the hearing to the property owner by certified mail (see address, above). Please issue this notice. Further, this Section requires the Building Official to post a hearing notice upon the property involved. I will do this as soon you are able to prepare the notice.

Finally, the Code states that the City Council will confirm or reject the report and may declare the cost to be a lien against the property, and/or a personal obligation of the property owner. A lien against the property is recommended. Upon Council approval, a lien will be recorded against the property.

Please contact me if I can be of further assistance, Ext. 6727.



800 Cushman Street
Fairbanks, AK 99701

Telephone (907) 459-6720
Fax (907) 459-6719

MEMORANDUM

To: Danyielle Snider, City Clerk
From: Clem Clooten, Building Official
Subject: SPECIAL ORDERS Recovery of Abatement Costs
Site Address 252 Minnie Street
Lot 3, Block 13, Charles Slater Subdivision
Mailing Address: Robert Nesbitt 129 1st Ave, Fairbanks AK 99701

Date: February 5, 2018

ABATEMENT COST EXPENSE SUMMARY

1. Hazardous Material Testing, Abatement & Demolition:	\$24,675.00
2. Foundation gravel fill and site finishing:	\$9,048.00
3. Total Abatement Expenses:	<u>\$33,723.00</u>

See attached, Invoices from Central Environmental, with Purchase Orders.

INVOICE NO. **12079R1**



Environmental Services

311 N. Sitka Street, Anchorage, AK 99501
(907) 561-0125 ? FAX (907) 561-0178

SOLD TO:

City of Fairbanks
800 Cushman Street
Fairbanks, AK 99701

PROJECT DESCRIPTION/LOCATION:

Tamarac Inn Debris pile removal

INVOICE DATE	INVOICE NO.	PROJECT NO.	CONTRACT NO.	PROGRESS BILLING
01/03/2018	12079R1	13955	PO20174323	01

CONTRACT INVOICE

ORIGINAL CONTRACT AMOUNT:	\$24,675.00
CHANGES OR AMENDMENTS:	\$-
	<u>\$24,675.00</u>
ADJUSTED CONTRACT AMOUNT	
CONTRACT COMPLETE TO DATE	\$24,675.00
LESS PREVIOUS INVOICE	\$-0-
TOTAL DUE THIS INVOICE	<u>\$24,675.00</u>

**TERMS: NET CASH DUE AND PAYABLE 10TH OF FOLLOWING MONTH
NET 30 DAYS, FINANCIAL CHARGES OF 1-1/2% PER MONTH
WILL BE CHARGED ON ALL PAST DUE ACCOUNTS.**

Thank You

INVOICE NO. 12080

CEI CENTRAL ENVIRONMENTAL, INC.

Environmental Services

311 N. Sitka Street, Anchorage, AK 99501
(907) 561-0125 & FAX (907) 561-0178

SOLD TO:

City of Fairbanks
800 Cushman Street
Fairbanks, AK 99701

PROJECT DESCRIPTION/LOCATION:

Tamarac Inn Backfill Basement

INVOICE DATE	INVOICE NO.	PROJECT NO.	CONTRACT NO.	PROGRESS BILLING
12/22/2017	12080	13955	PO 20174546	01

CONTRACT INVOICE

ORIGINAL CONTRACT AMOUNT: \$9,048.00

CHANGES OR AMENDMENTS: \$-

ADJUSTED CONTRACT AMOUNT \$9,048.00

CONTRACT COMPLETE TO DATE \$9,048.00

LESS PREVIOUS INVOICE \$-0-

TOTAL DUE THIS INVOICE \$9,048.00

**TERMS: NET CASH DUE AND PAYABLE 10TH OF FOLLOWING MONTH
NET 30 DAYS, FINANCIAL CHARGES OF 1-1/2% PER MONTH
WILL BE CHARGED ON ALL PAST DUE ACCOUNTS.**

Thank You



CITY OF FAIRBANKS

Office of the City Clerk
800 CUSHMAN STREET
FAIRBANKS, ALASKA 99701-4615
OFFICE: 907-459-6702
FAX: 907-459-6710
dsnider@fairbanks.us

February 7, 2018

Robert D. Nesbitt
129 1st Avenue
Fairbanks, AK 99701

Certified Letter No. 7013 2250 0000 8607 5756

Re: 252 Minnie Street
Tax Lot 3, Block 13, Charles Slater Subdivision
Notice of Hearing
Determination of Demolition Costs and Method of Recovery

Dear Mr. Nesbitt:

In accordance with the City of Fairbanks Code for the Abatement of Dangerous Buildings, a public hearing will be held on Monday, February 26, 2018, at 7:00 p.m. at the City Council Chambers located at City Hall, 800 Cushman Street, Fairbanks, regarding the demolition costs for the property located at 252 Minnie Street.

The purpose of the hearing is for the City Council to hear and pass upon the report of demolition costs, along with any objections or protests filed with the City Clerk's Office. The City Council may make corrections or modifications to the report or to the charges before confirming or rejecting. The Council's decision on the matter will be final and conclusive.

The City Council may order that the charge be made a personal obligation of you, the property owner, and/or be made a lien against the property.

If you have any questions regarding this notice of hearing you may contact me at 459-6774.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Danyielle Snider".

D. Danyielle Snider
Fairbanks City Clerk

Cc: Jim Matherly, City Mayor
Clem Clooten, Building Official
Patrick Smith, Development Manager
Paul Ewers, City Attorney
Abatement file

Encl: City of Fairbanks Abatement Code Chapters 8 and 9

or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

CHAPTER 8
PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

SECTION 801 – GENERAL

801.1 Procedure. When any work of repair or demolition is to be done pursuant to Section 701.3, Item 3, of this code, the building official shall issue an order to the director of public works, and the work will be accomplished by city personnel or by private contract under the direction of the director. Plans and specifications may be prepared by the director, or the director may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures will be followed.

801.2 Costs. The cost of such work will be paid from the general fund and may be made from a special assessment against the property involved and/or a personal obligation of the property owner, as the city council shall determine appropriate.

CHAPTER 9
RECOVERY OF COST OF REPAIR OR DEMOLITION

SECTION 901 - ACCOUNT OF EXPENSE, FILING OF REPORT

The director of public works shall keep an itemized account of the expense incurred in the repair or demolition of any building done pursuant to the provisions of Section 701.3, Item 3, of this code. Upon the completion of the work of repair or demolition, the director shall prepare and file with the city clerk a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 401.3.

SECTION 902 - NOTICE OF HEARING

Upon receipt of the report, the city clerk shall present it to the city council for consideration. The council shall fix a time, date and place for hearing the report and any protests or objections thereto. The clerk shall publish notice of the hearing once in a newspaper of general circulation in this jurisdiction and shall mail a copy of the notice by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appears on the borough's property tax records, if it appears, or as known to the clerk. In addition, the building official shall cause notice of the hearing to be posted upon the property involved. Such notice will be given at least 10 days prior to the date set for the hearing and will specify the day, hour and place when the council will hear and pass upon the director's report, together with any

objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

SECTION 903 - PROTESTS AND OBJECTIONS

Any person interested in or affected by the proposed charge may file written protests or objections with the clerk at any time prior to the time set for the hearing on the report of the director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of the protest or objection. The clerk shall endorse on every such protest or objection the date of receipt. The clerk shall present such protests or objections to the council at the time set for the hearing, and no other protests or objections will be considered.

SECTION 904 - HEARING OF PROTESTS

Upon the day and hour fixed for the hearing, the council shall hear and pass upon the report of the director, together with any objections or protests. The council may make such revision, correction or modification in the report or the charge as it may deem just; and when the council is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, will be confirmed or rejected. The decision of the council on the report and the charge, and on all protests or objections, will be final and conclusive.

SECTION 905 - PERSONAL OBLIGATION AND PROPERTY LIEN

905.1 General. The council may order that the charge be made a personal obligation of the property owner and/or a lien against the property.

905.2 Personal Obligation. If the council orders that the charge be a personal obligation of the property owner, it shall direct the city attorney to collect the charge on behalf of the city by use of all appropriate legal remedies.

905.3 Property Lien. If the council orders that the charge be made a lien against the property, it shall direct that the lien be recorded. The lien will be paramount to all other liens except for state and borough property taxes with which it will be upon a parity. The lien will continue until paid in full.

905.4 Interest. All charges imposed by the council remaining unpaid after 30 days from the date of recording will become delinquent and will bear interest at the legal rate from and after that date.

SECTION 906 – CONTEST

Any action to contest the council's action under Sections 904 or 905 must be commenced within 30 days.

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL US

Postage	\$	Postmark Here FEB - 8 2018 clerks
Certified Fee		
Return Receipt Fee <small>(Endorsement Required)</small>		
Restricted Delivery Fee <small>(Endorsement Required)</small>		
Total Postage & Fees	\$	

Sent To **ROBERT D. NESBITT**

Street, Apt. No.; or PO Box No. **129 1st AVENUE**

City, State, ZIP+4 **FAIRBANKS, AK 99701**

PS Form 3800, August 2006 See Reverse for Instructions

7013 2250 0000 8607 5756

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____</p> <p>C. Date of Delivery 2-10</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="font-size: 1.2em; color: blue;">ROBERT D. NESBITT 129 1st AVENUE FAIRBANKS, AK 99701</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>
<p>2. Article Number <i>(Transfer from service label)</i></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7013 2250 0000 8607 5756</p>	
<p>PS Form 3811, July 2013 Domestic Return Receipt</p>	



CITY OF FAIRBANKS
Notice of Public Hearing

The Fairbanks City Council will hold a hearing on Monday, February 26, 2018 beginning at 7:00 p.m. in City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, to determine demolition costs incurred by the City of Fairbanks for the following property:

252 Minnie Street, Fairbanks, Alaska
Lot 3, Block 13, Charles Slater Subdivision

Protests or objections may be submitted for consideration by the City Council to the City Clerk; protests or objections must contain a property description and the grounds of the protest or objection. If you have any questions please call the Office of the City Clerk at 459-6774.


D. Danyielle Snider, CMC, City Clerk

MEMORANDUM

City of Fairbanks Clerk's Office

D. Danyielle Snider, CMC, City Clerk

TO: Mayor Jim Matherly and City Council Members

FROM: D. Danyielle Snider, CMC, City Clerk 

SUBJECT: Request for Seasonal Extension of Premises, Lavelle's Taphouse

DATE: January 3, 2018

A request has been received from the State Alcohol and Marijuana Control Office (AMCO) for an extension of premises for the following liquor license:

License Type: Beverage Dispensary, License #270
 D.B.A.: Lavelle's Taphouse
 Licensee/Applicant: Lavelle's Taphouse, LLC
 Physical Location: 414 2nd Avenue, Fairbanks, Alaska

Requests such as this are not very common, and our Code does not outline a specific process for Council consideration of premises extensions. I have followed a similar procedure as I would for a liquor license transfer. Below are the respective recommendations and comments from City departments, including three recommendations for protest:

Department	Recommendation	Comments
Building	NO PROTEST	None
Engineering	PROTEST	Public ROW is at times allowed for private use, but on a very short term basis, like a loading zone. This request is for a24 hours a day for 6 months. The area requested will reduce available public parking. The temporary use granted last year was for the construction on Noble Street with the understanding it was temporary. While the responsibility for maintaining the barricades will be the applicant's, the liability for an accident will still be with the City. The red outlined area would require a tapered barrier on the side facing oncoming traffic and therefore encumber more existing parking than shown. ROW management would be compromised by setting this precedence. The activity in the parking lane will be an additional distraction for drivers already in the roadway and those pulling out of parking further to the east.
Finance	NO PROTEST	None
Fire	PROTEST	Safety concerns with traffic on 2nd Avenue passing through this area being unprotected (barriers/barricades). This is different than this summer. Extension of the building is expanding the building itself, thus increasing the occupant load above 49. This moved it from a "B" occupancy into an "A" occupancy.
Police	PROTEST	Ms. Lavelle has done an admirable job developing and managing the Taphouse from a public safety standpoint. Despite that, extending a licensed premise across a public sideway and into the roadway is not recommended.

This portion of the protest was withdrawn by Chief Styers at the 01/08/18 meeting.

Attached you will find Ms. Eagle-Lavelle's extension request packet to AMCO.



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-14: Licensed Premises Diagram Change

What is this form?

This licensed premises diagram change form is required for all liquor licensees seeking to alter the functional floor plan or reduce or expand the area of the establishment's existing licensed premises, under 3 AAC 304.185.

Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, and consumption. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is **not required**. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form, as long as it meets the requirements listed on this form. The first and third pages must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office prior to altering the existing floor plan. The licensed premises may not be altered unless and until the AMCO Director has given written approval on this form. Please note that licensees seeking to change licensed premises diagrams for multiple licenses must submit a separate completed copy of this form for each license.

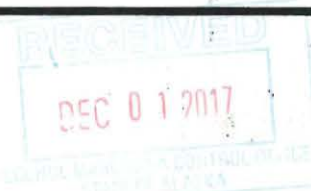
Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

Section 1 - Establishment Information

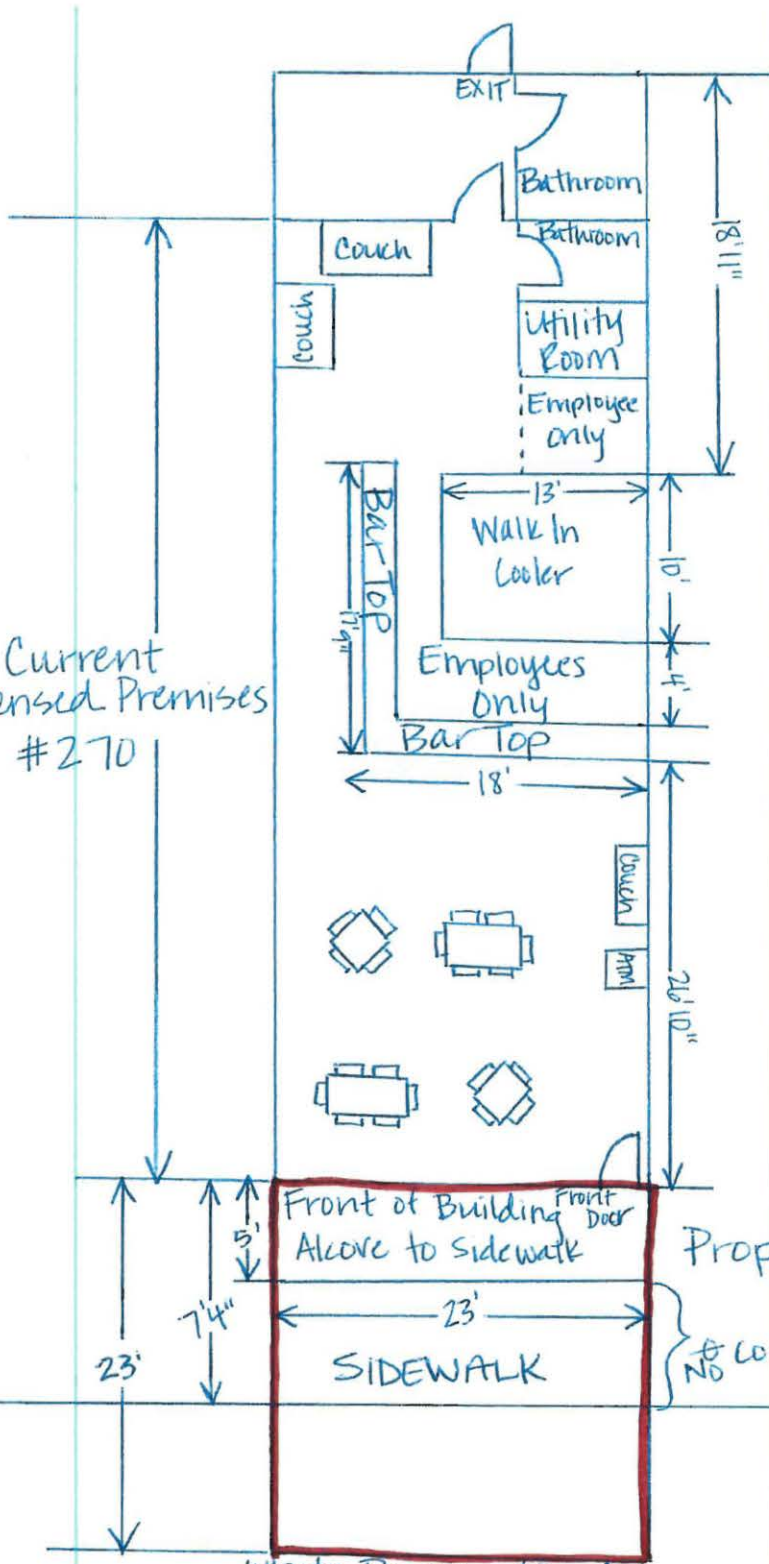
Enter information for the licensed establishment.

Licensee:	Lavelle's Taphouse, LLC	License Number:	270
License Type:	Beverage Dispensary License		
Doing Business As:	Lavelle's Taphouse		
Premises Address:	414 2nd AVE		
City:	Fairbanks	State:	AK
		ZIP:	99701



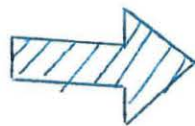
LACEY STREET

Current
Licensed Premises
#270



Proposed extension
in Red
NO consumption on
sidewalk

2ND
Avenue

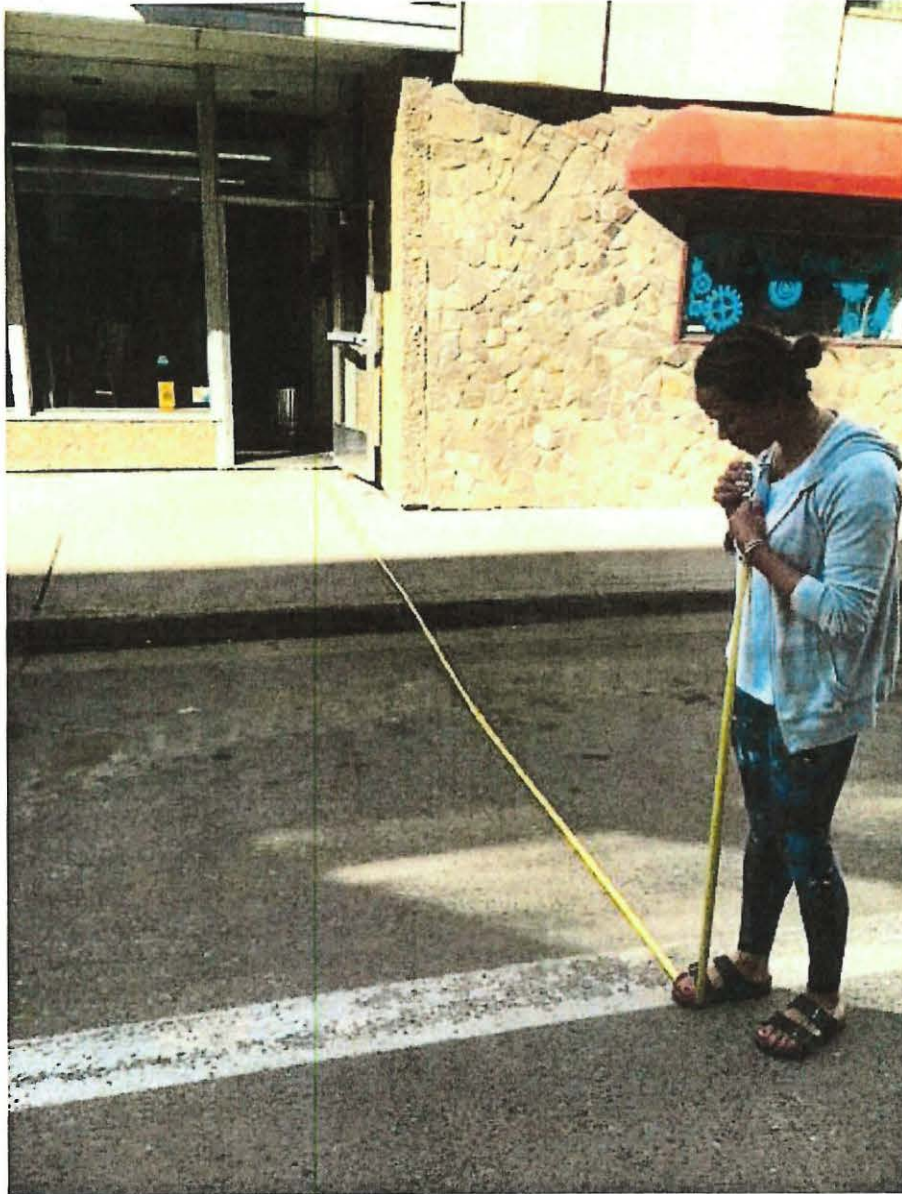


ONE WAY





RECORDED
DEC 01 2017



RECEIVED
DEC 01 2017



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-14: Licensed Premises Diagram Change

Section 3 – Declarations and Approvals

As a liquor licensee, I declare under penalty of unsworn falsification that I have examined this form, including all attachments, and to the best of my knowledge and belief find the provided information to be true, correct, and complete.

Ariette Eagle-Lavelle
 Signature of licensee

Ariette Eagle-Lavelle
 Printed name of licensee

Valentina Kurilchenko
 State of Alaska
 NOTARY PUBLIC
 Valentina Kurilchenko

My Commission Expires 03-29-21 My commission expires: 03/29/2021

Subscribed and sworn to before me this 30th day of November, 2017.

Local Government Review (to be completed by an appropriate local government official):

Yes No

The proposed changes shown on this form conform to all local restrictions and laws.

 Signature of local government official

 Date

 Printed name of local government official

 Title

AMCO Review:

Approved Disapproved

 Signature of AMCO Enforcement Supervisor

 Signature of Director

 Printed name of AMCO Enforcement Supervisor

 Printed name of Director

 Date

AMCO Comments:



November 30, 2017

To Whom it May Concern,

Attached is my completed AB-14: Licensed Premises Diagram Change. This extension of licensed premises would be seasonal, from approximately May 1st-October 1st weather dependent. I have brought this concept to the Fairbanks City Council. I'm also in contact with department heads to devise the best plan to make this work safely and efficiently. Please contact me with any questions, comments, or concerns.

Thank you for your time,

Arlette Eagle-Lavelle

Lavelle's Taphouse

(907)378-2233

DEC 01 2017



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715
Fax (907)459-6710

ALCOHOL BEVERAGE CONTROL BOARD LIQUOR LICENSE RESPONSE FORM

- TO: Engineering Department
 Fire Department
 Police Department
 Building Department
 Finance Department

DATE: 12/01/2017

FROM: City Clerk's Office

RE: Liquor License Action-Request for Seasonal Extension of Premises

Date Notice Received At Clerks Office: 12/01/2017

DATE RESPONSE DUE: **01/02/2018** for City Council Meeting of 01/08/2018

License #: 270
 License Type: Beverage Dispensary
 D.B.A.: Lavelle's Taphouse
 Licensee/Applicant: Lavelle's Taphouse, LLC
 Physical Location: 414 2nd Avenue

Mail Address: 414 2nd Avenue, Fairbanks, AK 99701
 Telephone #: 907-378-2233

ADDITIONAL COMMENTS:

NO PROTEST:

PROTEST

COMMENTS

REASONS:

DEPARTMENT SIGNEE: Carmen Randell
 (Signature)

Carmen Randell
 (Printed Name)



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715
Fax (907)459-6710

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 Finance Department

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Physical Location: 414 2nd Avenue

Mail Address: 414 2nd Avenue, Fairbanks, AK 99701
Telephone #: 907-378-2233


ADDITIONAL COMMENTS:

- NO PROTEST: PROTEST

COMMENTS

REASONS:

DEPARTMENT SIGNEE:

 CLEMENS M. CLOOTEN
(Signature) (Printed Name)



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715
Fax (907)459-6710

ALCOHOL BEVERAGE CONTROL BOARD LIQUOR LICENSE RESPONSE FORM

TO: Engineering Department
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 Building Department
 Finance Department

DATE: 12/01/2017

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 Telephone #: 907-378-2233

ADDITIONAL COMMENTS:

NO PROTEST:

PROTEST

COMMENTS

THE ACTIVITY IN THE PARKING LANE
 WILL BE AN ADDITIONAL DISTRACTION
 FOR DRIVERS ALREADY IN THE
 'DAWAY AND THOSE PULLING OUT
 F PARKING FURTHER TO THE
 EAST.

REASONS: Public ROW is at times allowed for private use, but on a very short term basis, like a loading zone. This request is for 24 hours a day for 6 months. The area requested will reduce available public parking. The temporary use granted last year was for the construction Noble street with the understanding it was temporary. While the responsibility for maintaining the barricades will be the Applicant, the liability for an accident will still be with the City. The red outlined area would require a tapered barrier on the side facing oncoming traffic and therefore encumber more existing parking than shown. ROW management would be compromised by setting this precedence.

DEPARTMENT SIGNEE:

Robert H Prustash
 (Signature)

ROBERT H PRUSTASH
 (Printed Name)



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715
Fax (907)459-6710

ALCOHOL BEVERAGE CONTROL BOARD LIQUOR LICENSE RESPONSE FORM

- TO: Engineering Department
 Fire Department
 Police Department
 Building Department
 Finance Department

DATE: 12/01/2017

FROM: City Clerk's Office

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 Licensee/Applicant: Lavelle's Taphouse, LLC
 Physical Location: 414 2nd Avenue

Mail Address: 414 2nd Avenue, Fairbanks, AK 99701
 Telephone #: 907-378-2233

ADDITIONAL COMMENTS:

NO PROTEST:

PROTEST

COMMENTSSafety concerns with traffic on 2nd avenue passing through this area being unprotected (barriers/barricades). This is different than this summer. ~~Extension of the building is expanding the building itself, thus increasing the occupant load above 49. This moved it from a "B" occupancy into an "A" occupancy.~~

REASONS:

This portion of the protest was withdrawn by Chief Styers at the 01/08/18 meeting.

DEPARTMENT SIGNEE:

James M. Styers
 (Signature)

1 *James M. Styers*
 (Printed Name)



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715
Fax (907)459-6710

ALCOHOL BEVERAGE CONTROL BOARD LIQUOR LICENSE RESPONSE FORM

- TO: Engineering Department
 Fire Department
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 Building Department
 Finance Department

DATE: 12/01/2017

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Physical Location: 414 2nd Avenue

Mail Address: 414 2nd Avenue, Fairbanks, AK 99701
Telephone #: 907-378-2233

ADDITIONAL COMMENTS:

NO PROTEST:

PROTEST

COMMENTS

REASONS: Ms. Lavelle has done a admirable job developing and managing the Taphouse from a public safety standpoint. Despite that, extending a licensed premise across a public sideway and into the roadway is not recommended.

DEPARTMENT SIGNEE: _____

(Signature)

1 Eric Jewkus
(Printed Name)

CITY OF FAIRBANKS PUBLIC SAFETY

Lavelle`s Taphouse 414 2nd Ave

12/06/2016 - 12/06/2017

Report #	Call Time	Nature	Location	Prime Unit	Disp.	Close Time
	09/24/2017 00:34	WELFARE CHECK -	414 SECOND AVE	O39	UTC	09/24/2017 01:36:14
17002378	07/15/2017 17:15	PAST THEFT - BRAVO	414 SECOND AVE	DESK	RPT	07/15/2017 17:19:38

Total Number of Events Listed: 2

ORDINANCE NO. 6070

AN ORDINANCE TO AMEND FAIRBANKS GENERAL CODE CHAPTER 14, BUSINESSES, BY ADDING ARTICLE VI REGULATING MARIJUANA ESTABLISHMENTS

WHEREAS, the Fairbanks City Council is the local regulatory authority for licensing marijuana establishments in the corporate limits of the City of Fairbanks, per state law and City Council Resolution No. 4740; and

WHEREAS, guidelines are needed for the review and approval of applications for marijuana establishment licenses within the city.

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

Section 1. Fairbanks General Code Chapter 14 is hereby amended by adding a new Article VI. Marijuana Establishments as follows:

CHAPTER 14. BUSINESSES

ARTICLE VI. MARIJUANA ESTABLISHMENTS

Sec. 14-211. Local Control.

The city council may exercise local control of marijuana establishments to the fullest extent allowed by state law.

Sec. 14-212. Number of licenses authorized.

(a) The number of marijuana establishment licenses authorized within the city limits is the number authorized by state law or as set forth below:

- (1) Retail marijuana store: 12 allowed within the city limits.
- (2) Marijuana cultivation facility: as authorized by state law.
- (3) Marijuana testing facility: as authorized by state law.
- (4) Marijuana product manufacturing facility: as authorized by state law.

Sec. 14-213. Restrictions on marijuana establishments.

(a) No onsite consumption of marijuana at any marijuana establishment is allowed in the city, even if authorized by state law.

(b) No marijuana cultivation facility may be located within 1,000 feet of a dwelling. As used in this section, “dwelling” means a building or portion thereof designed or used exclusively for residential purposes, but not including hotels, motels, guest rooms, boarding homes, group homes, or nursing homes.

(c) No retail marijuana store may be located within 1,000 feet of a school or within 1,000 feet of a drug or alcohol rehabilitation facility. As used in this section, “school” means a building whose primary use is for instruction, on a daily basis, of students grades K through 12, and “drug or alcohol rehabilitation facility” means a building whose primary use is for treatment of persons seeking rehabilitation and recovery from drug or alcohol abuse or addiction.

(d) Any distance requirement in this section shall be measured by using a straight line from the closest points of the primary structure of the referenced marijuana establishment and the primary structure of the dwelling, school, or rehabilitation facility.

(e) Marijuana establishment licenses approved by the state Alcohol and Marijuana Control Office (AMCO) or previously considered by the City Council and pending before AMCO prior to the effective date of this ordinance shall not be subject to the restrictions in subsections (b), (c), and (d) above.

Sec. 14-214. Procedure for review of licenses.

(a) Upon receipt of notice from AMCO that it is considering an application for a transfer, renewal, or new marijuana establishment license of any type, the city clerk will direct the fire and police chiefs, the building official, and the chief financial officer to make appropriate investigations within their respective areas of responsibility and to forward written statements to the clerk’s office of any reasons why the city should object to the approval of the application.

(b) The city clerk will report to the city council any objections to approval of an application which have been submitted.

(c) For all new marijuana establishment licenses and license transfers referred to the city by AMCO:

- (1) The city clerk will duly advertise in a newspaper of general circulation in the Fairbanks area the date, time, and place where the city council will consider the proposed application and in addition, for all new marijuana establishment licenses,

will send copies of such advertisement by mail to all owners of record of land within 1,000 feet of where the marijuana establishment will be located under the proposed new-license; and

- (2) On the date and time set for consideration of the proposed application, the city council will hear all interested citizens who may wish to express their opinions on the application.

(d) The city council will determine by motion whether or not to object to the approval by AMCO of the application for the transfer, renewal, or new marijuana establishment license. The city council will consider any written objection, protest, suggested condition, petition, and any testimony received at the public hearing when it considers the application. If the city council objects to approval of the application, the city clerk will prepare and lodge an appropriate protest with AMCO within 60 days of receipt of the proposed application.

Sec. 14-215. City council review of license issuance, renewal or transfer.

(a) Upon receipt of notification from AMCO that it has before it an application for the issuance, renewal, or transfer of a marijuana establishment license, the city council will determine whether to protest approval of the application. The city council may protest the issuance, transfer, or renewal of a license if it determines any of the following conditions exist:

- (1) Noncompliance with any of the restrictions set forth in Sec. 14-213.
- (2) The business operated under the license is, on the date the city council considers the application, delinquent in the payment of any sales tax or penalty or interest on such taxes arising out of the operation of the licensed premises.
- (3) There are delinquent property taxes or local improvement district assessments or penalty or interest arising out of real or personal property owned in whole or in part by any person named in the application as an applicant where such property is used, or is to be used, in whole or in part, in the business conducted or to be conducted under the licenses.
- (4) There is a delinquent charge or assessment owing the city by licensee for a municipal service provided for the benefit of the business conducted under the license or for a service or an activity provided or conducted by the city at the request of or arising out of an activity of the business conducted under the license.

- (5) The business to be operated under the license would violate the zoning code of the borough.

(b) The city council will also consider the following factors in determining whether to protest the approval of the application:

- (1) The character of the surrounding neighborhood and whether the issuance of the license would adversely impact the health, welfare, or public safety of the neighborhood in which the marijuana establishment is proposed to be located, or otherwise would not be in the best interest of the public.
- (2) Actual and potential law enforcement problems, including the proximity of the premises to law enforcement stations and patrols.
- (3) The concentration of other marijuana licenses in the same vicinity.
- (4) Whether the surrounding area experiences an unacceptable rate of crime.
- (5) The adequacy of parking facilities.
- (6) The safety of ingress to and egress from the premises.
- (7) Compliance with state and local fire, building, and health and safety codes.
- (8) The degree of control the licensee has or proposes to have over the conduct of the licensed business.
- (9) The history of convictions of the applicants and affiliates of the applicants for:
 - a. Any felony involving moral turpitude;
 - b. Any violation of AS 11.71 (Controlled Substances) or AS 17.38 (Regulation of Marijuana); and
 - c. Any violation of the marijuana laws of another state as a licensee of that state.
- (10) Whether the applicant or the applicant's affiliates are untrustworthy, unfit to conduct a licensed business, or constitute a potential source of harm to the public.

- (11) Any other factor the city council determines is relevant to a particular application.

Sec. 14-216. Access for enforcement; penalties.

(a) All marijuana establishments must provide the Chief of Police with their current hours of operation.

(b) Owners of marijuana establishments, their employees, and all patrons in such establishments must permit and aid the entry of any law enforcement officer during all hours of operation and at any other time when there are two or more persons in the licensed establishment.

(c) Any person who violates or fails to comply with the provisions of subsection (b) of this section will be guilty of a misdemeanor and upon conviction will be fined as provided in FGC Sec. 1-15.

(d) Lack of knowledge, lack of intent, or absence from the premises is not a defense to any criminal action brought under this section against any employee in charge of a marijuana establishment.

(e) The following evidence will constitute a prima facie case of violation of this section in any criminal action against any employee in charge of the establishment or against any owner:

- (1) A law enforcement officer knocked heavily at the public entrance of the establishment and the entrance was not opened within one minute thereafter to permit entry; and
- (2) The officer heard sound emanating from within the establishment that was consistent with the sound of two or more persons in the establishment.

Sec. 14-216. State law incorporated.

(a) The city hereby incorporates by reference Alaska Statute 17.38 inclusive as if set forth fully in this chapter.

(b) If a conflict should arise or exist between the provisions of AS 17.38 and this Article, the requirements of this Article will take precedence and will be deemed the applicable law within the City of Fairbanks.

Section 2. That the effective date of this Ordinance is the ___ day of February 2018.

Jim Matherly, Mayor

AYES:
NAYS:
ABSTAIN:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul Ewers, City Attorney

**ORDINANCE NO. 6070, AS AMENDED
(PROPOSED SUBSTITUTE)**

**AN ORDINANCE TO AMEND FAIRBANKS GENERAL CODE CHAPTER 14,
BUSINESSES, BY ADDING ARTICLE VI REGULATING MARIJUANA
ESTABLISHMENTS**

WHEREAS, the Fairbanks City Council is the local regulatory authority for licensing marijuana establishments in the corporate limits of the City of Fairbanks, per state law and City Council Resolution No. 4740; and

WHEREAS, guidelines are needed for the review and approval of applications for marijuana establishment licenses within the city.

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

Section 1. Fairbanks General Code Chapter 14 is hereby amended by adding a new Article VI. Marijuana Establishments as follows:

CHAPTER 14. BUSINESSES

ARTICLE VI. MARIJUANA ESTABLISHMENTS

Sec. 14-211. Local Control.

The city council may exercise local control of marijuana establishments to the fullest extent allowed by state law.

Sec. 14-212. Number of licenses authorized.

(a) The number of marijuana establishment licenses authorized within the city limits is the number authorized by state law or as set forth below:

- (1) Retail marijuana store: 12 allowed within the city limits.
- (2) Marijuana cultivation facility: as authorized by state law.
- (3) Marijuana testing facility: as authorized by state law.
- (4) Marijuana product manufacturing facility: as authorized by state law.

Sec. 14-213. Restrictions on marijuana establishments.

(a) No onsite consumption of marijuana at any marijuana establishment is allowed in the city, even if authorized by state law.

(b) No marijuana cultivation facility may be located within ~~750~~⁷⁵⁰~~1,000~~ feet of areas zoned as Multiple Family (MF), Multiple Family Residential/Professional Office District (MFO), Two-Family Residential (TF), and all Single-Family (SF) zoned areas. ~~a dwelling. As used in this section, "dwelling" means a building or portion thereof designed or used exclusively for residential purposes, but not including hotels, motels, guest rooms, boarding homes, group homes, or nursing homes.~~

(c) No retail marijuana store may be located within ~~750~~⁷⁵⁰~~1,000~~ feet of a school or within ~~750~~⁷⁵⁰~~1,000~~ feet of a drug or alcohol rehabilitation facility. As used in this section, "school" means a building whose primary use is for instruction, on a daily basis, of students grades K through 12, and "drug or alcohol rehabilitation facility" means a building whose primary use is for treatment of persons seeking rehabilitation and recovery from drug or alcohol abuse or addiction.

(d) Any distance requirement in this section shall be measured ~~by using a straight line from the closest points of the primary structure of the referenced marijuana establishment and the primary structure of the dwelling, school, or rehabilitation facility~~ as follows:

(1) For subsection (b), the distance shall be measured by using a straight line from the closest point of the primary structure of the referenced marijuana establishment to the nearest border of the zone.

(2) For subsection (c), the distance shall be measured by using a straight line from the closest points of the primary structure of the referenced marijuana establishment and the primary structure of the school or rehabilitation facility.

(e) The restrictions in subsections (b), (c) and (d) above do not apply to Mmarijuana establishments licenses approved by the state Alcohol and Marijuana Control Office (AMCO) or previously considered by the City Council and pending before AMCO prior to the effective date of this ordinance ~~shall not be subject to the restrictions in subsections (b), (c), and (d) above.~~

Sec. 14-214. Procedure for review of licenses.

(a) Upon receipt of notice from AMCO that it is considering an application for a transfer, renewal, or new marijuana establishment license of any type, the city

clerk will direct the fire and police chiefs, the building official, and the chief financial officer to make appropriate investigations within their respective areas of responsibility and to forward written statements to the clerk's office of any reasons why the city should object to the approval of the application.

(b) The city clerk will report to the city council any objections to approval of an application which have been submitted.

(c) For all new marijuana establishment licenses and license transfers referred to the city by AMCO:

- (1) The city clerk will duly advertise in a newspaper of general circulation in the Fairbanks area the date, time, and place where the city council will consider the proposed application and in addition, for all new marijuana establishment licenses, will send copies of such advertisement by mail to all owners of record of land within 1,000 feet of where the marijuana establishment will be located under the proposed new-license; and
- (2) On the date and time set for consideration of the proposed application, the city council will hear all interested citizens who may wish to express their opinions on the application.

(d) The city council will determine by motion whether or not to object to the approval by AMCO of the application for the transfer, renewal, or new marijuana establishment license. The city council will consider any written objection, protest, suggested condition, petition, and any testimony received at the public hearing when it considers the application. If the city council objects to approval of the application, the city clerk will prepare and lodge an appropriate protest with AMCO within 60 days of receipt of the proposed application.

Sec. 14-215. City council review of license issuance, renewal or transfer.

(a) Upon receipt of notification from AMCO that it has before it an application for the issuance, renewal, or transfer of a marijuana establishment license, the city council will determine whether to protest approval of the application. The city council may protest the issuance, transfer, or renewal of a license if it determines any of the following conditions exist:

- (1) Noncompliance with any of the restrictions set forth in Sec. 14-213.
- (2) The business operated under the license is, on the date the city council considers the application, delinquent in the

payment of any sales tax or penalty or interest on such taxes arising out of the operation of the licensed premises.

- (3) There are delinquent property taxes or local improvement district assessments or penalty or interest arising out of real or personal property owned in whole or in part by any person named in the application as an applicant where such property is used, or is to be used, in whole or in part, in the business conducted or to be conducted under the licenses.
- (4) There is a delinquent charge or assessment owing the city by licensee for a municipal service provided for the benefit of the business conducted under the license or for a service or an activity provided or conducted by the city at the request of or arising out of an activity of the business conducted under the license.
- (5) The business to be operated under the license would violate the zoning code of the borough.

(b) The city council will also consider the following factors in determining whether to protest the approval of the application:

- (1) The character of the surrounding neighborhood and whether the issuance of the license would adversely impact the health, welfare, or public safety of the neighborhood in which the marijuana establishment is proposed to be located, or otherwise would not be in the best interest of the public.
- (2) Actual and potential law enforcement problems, including the proximity of the premises to law enforcement stations and patrols.
- (3) The concentration of other marijuana licenses in the same vicinity.
- (4) Whether the surrounding area experiences an unacceptable rate of crime.
- (5) The adequacy of parking facilities.
- (6) The safety of ingress to and egress from the premises.
- (7) Compliance with state and local fire, building, and health and safety codes.

- (8) The degree of control the licensee has or proposes to have over the conduct of the licensed business.
- (9) The history of convictions of the applicants and affiliates of the applicants for:
 - a. Any felony involving moral turpitude;
 - b. Any violation of AS 11.71 (Controlled Substances) or AS 17.38 (Regulation of Marijuana); and
 - c. Any violation of the marijuana laws of another state as a licensee of that state.
- (10) Whether the applicant or the applicant's affiliates are untrustworthy, unfit to conduct a licensed business, or constitute a potential source of harm to the public.
- (11) Any other factor the city council determines is relevant to a particular application.

Sec. 14-216. Access for enforcement; penalties.

(a) All marijuana establishments must provide the Chief of Police with their current hours of operation.

(b) Owners of marijuana establishments, their employees, and all patrons in such establishments must permit and aid the entry of any law enforcement officer during all hours of operation and at any other time when there are two or more persons in the licensed establishment.

(c) Any person who violates or fails to comply with the provisions of subsection (b) of this section will be guilty of a misdemeanor and upon conviction will be fined as provided in FGC Sec. 1-15.

(d) Lack of knowledge, lack of intent, or absence from the premises is not a defense to any criminal action brought under this section against any employee in charge of a marijuana establishment.

(e) The following evidence will constitute a prima facie case of violation of this section in any criminal action against any employee in charge of the establishment or against any owner:

- (1) A law enforcement officer knocked heavily at the public entrance of the establishment and the entrance was not opened within one minute thereafter to permit entry; and

- (2) The officer heard sound emanating from within the establishment that was consistent with the sound of two or more persons in the establishment.

Sec. 14-216. State law incorporated.

(a) The city hereby incorporates by reference Alaska Statute 17.38 inclusive as if set forth fully in this chapter.

(b) If a conflict should arise or exist between the provisions of AS 17.38 and this Article, the requirements of this Article will take precedence and will be deemed the applicable law within the City of Fairbanks.

Section 2. That the effective date of this Ordinance is the ____ day of February 2018.

Jim Matherly, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul Ewers, City Attorney

Introduced by: Mayor Matherly
Finance Committee Meeting: February 20, 2018
Introduced: February 26, 2018

RESOLUTION NO. 4828

**A RESOLUTION AMENDING THE SCHEDULE OF FEES AND
CHARGES FOR SERVICES BY ADJUSTING GARBAGE
COLLECTION RATES**

WHEREAS, Section 66-22 of Fairbanks Municipal Code provides that garbage collection rates be adjusted each year to reflect the annual change in the Anchorage Consumer Price Index (CPI) as well as changes in the cost of fuel and tipping fees charged by the Fairbanks North Star Borough landfill; and

WHEREAS, the change in the annual CPI was 0.5 percent for 2017; and

WHEREAS, the Fairbanks North Star Borough landfill tipping fees increased by \$6.00/ton in 2017 and is proposing an increase of \$2.00/ton in 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, to approve the attached version of the *Schedule of Fees and Charges for Services* amending the refuse collection rates, effective April 1, 2018.

PASSED and **APPROVED** this 26th day of February 2018.

Jim Matherly, Mayor

YEAS:
NAYS:
ABSENT
APPROVED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

City of Fairbanks Schedule of Fees and Charges for Services

As of Resolution 4828 - Effective April 1, 2018

Category	Code Sec.	Topic	Current Fee	Proposed Fee	Unit Description
Garbage Collection	66-22	Single Family Dwelling	\$ 81.00	\$ 83.00	Per quarter (rounded from \$83.09)
		Duplex	\$ 162.00	\$ 166.00	
		Triplex	\$ 243.00	\$ 249.00	
		Fourplex	\$ 324.00	\$ 332.00	
	66-23	Senior Rate	\$ 61.00	\$ 63.00	Per quarter (rounded from \$62.99)

Introduced By: Mayor Matherly
Finance Committee Meeting: February 20, 2018
Introduced: February 26, 2018

ORDINANCE NO. 6071

**AN ORDINANCE AMENDING THE 2018 OPERATING
AND CAPITAL BUDGETS FOR THE FIRST TIME**

WHEREAS, this ordinance incorporates the changes outlined on the attached fiscal note to amend the 2018 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 2018 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, 2018 and ending December 31, 2018 (see pages 2 and 3): [changes shown in **bold** font]. [amendments shown in **bold underlined** font; deleted text or amounts in ~~font~~]:

GENERAL FUND

REVENUE	COUNCIL APPROPRIATION	REVIEW PERIOD INCREASE (DECREASE)	AMENDED APPROPRIATION
Taxes, (all sources)	\$ 20,933,871	\$ -	\$ 20,933,871
Charges for Services	5,218,780	-	5,218,780
Intergovernmental Revenues	860,646	-	860,646
Licenses & Permits	1,386,190	-	1,386,190
Fines, Forfeitures & Penalties	510,000	-	510,000
Interest & Penalties	163,000	-	163,000
Rental & Lease Income	136,234	-	136,234
Other Revenues	221,000	-	221,000
Other Financing Sources	4,442,401	(945,360)	3,497,041
Total revenue appropriation	<u>\$ 33,872,122</u>	<u>\$ (945,360)</u>	<u>\$ 32,926,762</u>
EXPENDITURES			
Mayor and Council	\$ 620,539	\$ 5,252	\$ 625,791
Office of the City Attorney	181,904	465	182,369
Office of the City Clerk	359,192	-	359,192
Finance Department	929,749	-	929,749
Information Technology	1,881,376	79,292	1,960,668
General Account	4,542,000	54,608	4,596,608
Police Department	6,951,196	81,697	7,032,893
Dispatch Center	2,344,335	31,951	2,376,286
Fire Department	6,684,262	25,746	6,710,008
Public Works Department	7,718,372	129,064	7,847,436
Engineering Department	565,896	-	565,896
Building Department	699,406	500	699,906
Total expenditure appropriation	<u>\$ 33,478,227</u>	<u>\$ 408,575</u>	<u>\$ 33,886,802</u>
Estimated general fund balance	\$ 9,654,606	\$ 1,869,934	\$ 11,524,540
Prior year encumbrance	(588,031)	236,294	(351,737)
Increase (Decrease) to fund balance	393,895	(2,198)	391,697
Transfer to Other Funds	-	(1,000,000)	(1,000,000)
12/31/18 unassigned balance	<u>\$ 9,460,470</u>	<u>\$ 1,104,030</u>	<u>\$ 10,564,500</u>

Minimum unassigned fund balance requirement is 20% of budgeted annual expenditures but not less than \$4,000,000.

\$ 6,777,360

CAPITAL FUND

<u>REVENUE</u>	COUNCIL APPROPRIATION	INCREASE (DECREASE)	AMENDED APPROPRIATION
Transfer from Permanent Fund	\$ 595,106	\$ 6,830	\$ 601,936
Transfer from General Fund	-	1,000,000	1,000,000
Public Works Department	250,000	-	250,000
Garbage Equipment Reserve	253,480	-	253,480
Building Department	10,000	-	10,000
Engineering Department	-	-	-
Police Department	180,000	-	180,000
Dispatch Department	140,000	-	140,000
Fire Department	324,966	-	324,966
IT Department	102,000	-	102,000
Property Repair & Replacement	145,000	-	145,000
Total revenue appropriation	<u>\$ 2,000,552</u>	<u>\$ 1,006,830</u>	<u>\$ 3,007,382</u>
<u>EXPENDITURES</u>			
Public Works Department	\$ 422,000	\$ 24,895	\$ 446,895
Garbage Equipment Reserve	680,000	-	680,000
Engineering Department	-	67,500	67,500
Building Department	70,000	-	70,000
Police Department	180,000	33,136	213,136
Fire Department	400,000	142,900	542,900
IT Department	127,000	66,245	193,245
Road Maintenance	481,738	335,742	817,480
Property Repair & Replacement	370,000	317,271	687,271
Total expenditure appropriation	<u>\$ 2,730,738</u>	<u>\$ 987,689</u>	<u>\$ 3,718,427</u>
Estimated capital fund balance	\$ 6,267,886	\$ 1,001,859	\$ 7,269,745
Prior year encumbrance	-	(668,689)	(668,689)
Increase (Decrease) to fund balance	(730,186)	(319,000)	(1,049,186)
Transfer from other funds	-	1,006,830	1,006,830
12/31/18 assigned fund balance	<u>\$ 5,537,700</u>	<u>\$ 1,021,000</u>	<u>\$ 6,558,700</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, 2018 and ending December 31, 2018.

SECTION 3. The effective date of this ordinance shall be the ____ day of March 2018.

Jim Matherly, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

FISCAL NOTE
ORDINANCE NO. 6071
AMENDING THE 2018 OPERATING AND CAPITAL FUND
BUDGETS FOR THE FIRST TIME

General Fund
\$945,360 Decrease in Revenue
\$408,575 Increase in Expenditures

Revenue– \$945,360 Decrease

Other Financing Sources

- \$54,640 increase in transfer from the permanent fund
- (\$1,000,000) decrease in transfer to other funds

Expenditures– \$408,575 Increase

1. Mayor & Council \$5,252 Increase
 - \$688 increase to reimburse the Mayor's 2017 health costs
 - \$1,623 increase acting salaries and benefits
 - \$2,941 increase to Purchasing/Risk salaries & benefits (adjusting wage to \$72,500)
2. City Attorney's Office \$465 Increase
 - \$465 increase for encumbrance carryforward
3. City Clerk's Office
4. Finance Department
5. Information Technology \$79,292 Increase
 - \$79,292 increase for encumbrance carryforward
6. General Account \$54,608 increase
 - \$54,608 increase for encumbrance carryforward
7. Police Department \$81,697 Increase
 - \$81,697 increase for encumbrance carryforward
 - Increase the number of Lieutenant positions to six and decrease the number of Sargeant positions to six. The cost of this change is expected to be absorbed in the 2018 salaries and benefits budget.

8. Dispatch \$31,951 Increase

- \$29,951 increase for encumbrance carryforward
- \$2,000 increase to Dispatch Employees 2017 Bonus
- Add an Administrative Assitant position and reduce one Dispatch position.
Both positions receive the same pay.

9. Fire Department \$25,746 Increase

- \$25,746 increase for encumbrance carryforward

10. Public Works \$129,064 Increase

- \$79,478 increase for encumbrance carryforward
- \$49,586 increase in salaries and benefits due to ratifying the AFLCIO Labor Agreement in Ordinance 6069

11. Engineering

12. Building Department \$500 Increase

- \$500 increase for encumbrance carryforward

Capital Fund
\$1,006,830 Increase in Revenue
\$987,689 Increase in Expenditures

REVENUE - \$1,006,830 Increase

Other Financing Sources

- \$6,830 increase in transfer from the permanent fund
- \$1,000,000 increase in transfer from other funds

EXPENDITURES - \$987,689

1. Public Works \$24,895 Increase
 - \$24,895 increase for encumbrance carryforward
2. Engineering Department \$67,500 Increase
 - \$67,500 increase for encumbrance carryforward
3. Police Department \$33,136 Increase
 - \$33,136 increase for encumbrance carryforward
4. Fire Department \$142,900 Increase
 - \$58,900 increase for encumbrance carryforward
 - \$55,000 increase for new Assistant Fire Chief vehicle
 - \$19,000 increase for a new Battalion Chief vehicle (F-16)
 - \$10,000 increase for a Pyxis Medication dispensing machine at Fairbanks Memorial Hospital
5. IT Department \$66,245 Increase
 - \$66,245 increase for encumbrance carryforward
6. Road Maintenance \$335,742 Increase
 - \$335,742 increase for encumbrance carryforward
7. Property Repair & Replacement \$317,271 Increase
 - \$82,271 increase for encumbrance carryforward
 - \$235,000 increase for snow storage site

ORDINANCE NO. 6072

**AN ORDINANCE AUTHORIZING THE PUBLIC SALE OF SURPLUS
CITY-OWNED PROPERTY**

WHEREAS, the City is vested with title to a parcel of residential land, known as Lot 119, USS 3148, located east of Lathrop Street, and as shown on attached "Exhibit A"; and

WHEREAS, the City administration has reviewed said property and determined that it is no longer needed for municipal purposes and should be sold; and

WHEREAS, the City administration has assigned a sale price based on the Fairbanks North Star Borough assessed value of \$30,800.00, which shall constitute the minimum bid price for the purpose of public sale;

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

Section 1. Rescission: That all acts or actions of prior City Councils or Administrations affecting the sale of said property are hereby rescinded.

Section 2. Determination: That said property is excess to the present and future needs of the City and should be sold as herein provided.

Section 3. Permissive Referendum: Any conveyance of real property is subject to the right of the voters, within thirty-days of sale, to reject a sale by permissive referendum under FGC Sec. 70-42, and the City Charter.

Section 4. Terms Of Sale: That said property is for sale on a sealed bid, cash basis, as-is, where is, for any bids received by the published date of sale. The City shall provide Notice of Public Sale as provided under FGC Section 70-52.

Section 5. Sale At Public Auction: That the provisions of FGC Sections 70-52 through 70-54 shall be complied with in this sale. Successful bidders shall be required to provide a ten percent cash deposit at the bid award with the balance due in cash at the time of conveyance, which shall occur not more than ten business days from the date of the bid award.

Section 6. Counter Sale: That after the property is offered for sale at public auction but remains unsold, it may be sold "over the counter" at a negotiated offering price, subject to approval by the City Administration.

Section 7. Mayor's Authorization: That the Mayor is hereby authorized and empowered to execute a quitclaim deed and such instruments as necessary to complete the sale of said property after Council approval.

Section 8: That the effective date of this ordinance shall be the 10th day of March 2018.

JIM MATHERLY, Mayor

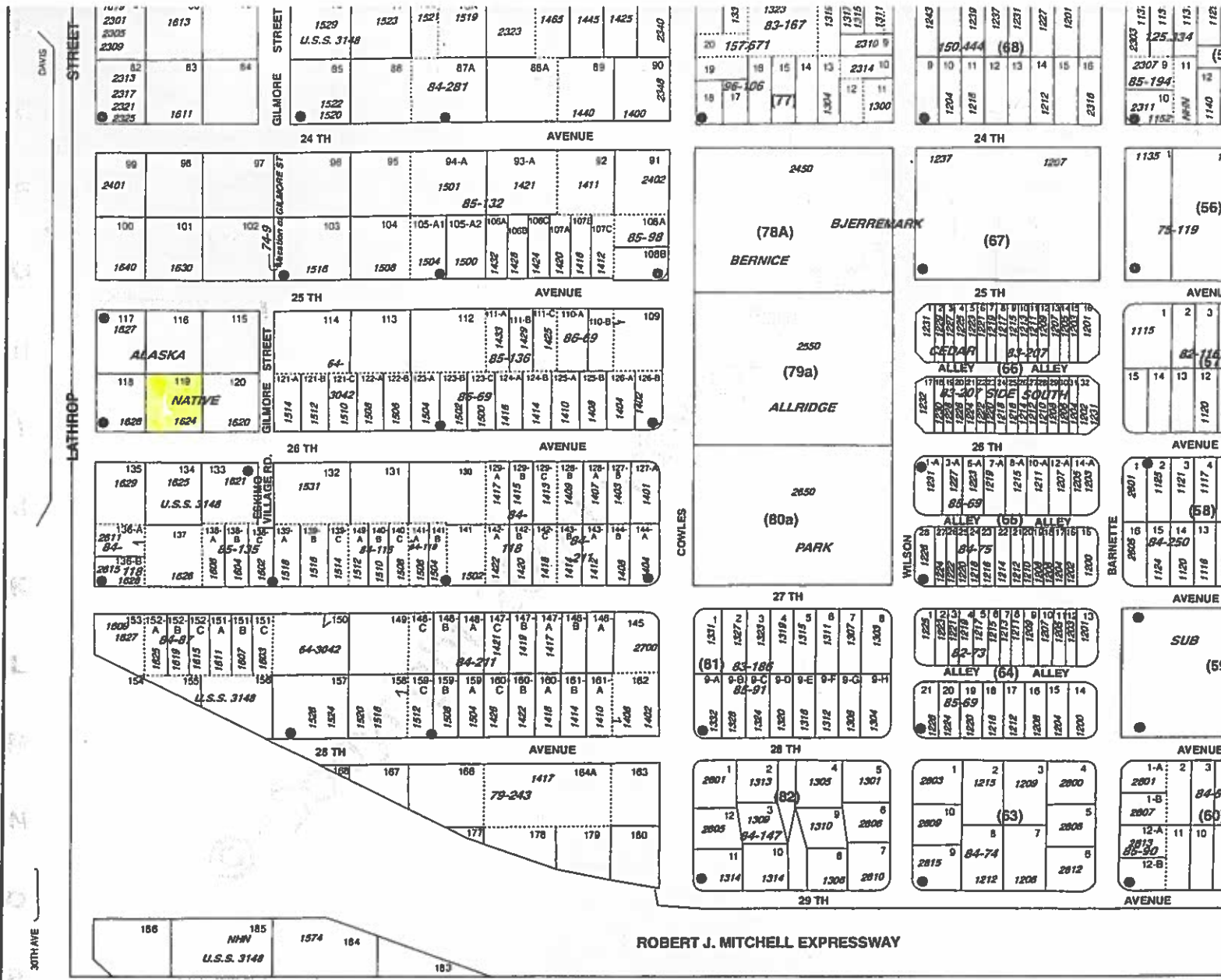
AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

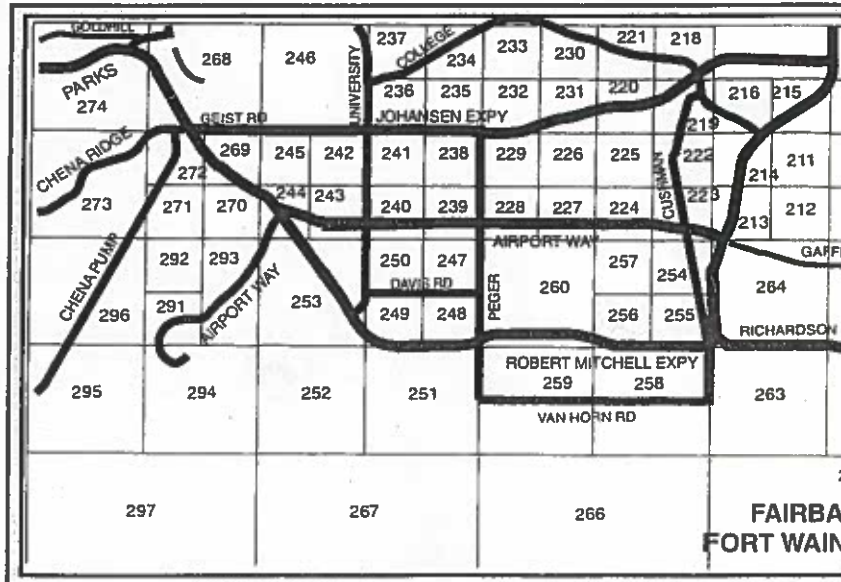
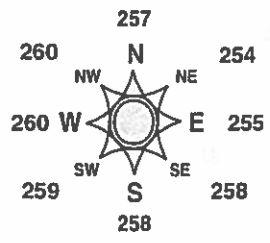
APPROVED AS TO FORM:

DANYIELLE SNIDER, CMC, City Clerk

PAUL EWERS, City Attorney



NEIGHBORHOOD INFORMATION	
REF MAP	REF 12
INTERNET	http://interlormapping.com/256.asp
LEGAL	SW 1/4 SEC 15, TWN - 1S, RNG - 1W



311E13
256

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P.O. Box 1121 Delta Jct, Ak 99737, (907)895-5129

EXHIBIT "A" TO ORDINANCE NO. 6072

City of Fairbanks
Permanent Fund Review Board
(Quarterly Meeting Minutes)
October 18, 2017

The Permanent Fund Review Board (PFRB) convened at 1:30 P.M. on the above date in the Council Chambers to conduct a quarterly meeting with the following board members in attendance.

Board Members Present: Council Member Valerie Therrien
Patty Mongold
Jennifer Imus
Jeff Johnson
Dave Owen

Also Present: Carmen Randle, Chief Financial Officer
Paul Ewers, City Attorney
Brandy Nicoli, Chief Investment Officer-APCM
Blake Phillips, Director of Institutional Sales-APCM

The Jeff motioned and Valerie seconded to approve the July 19, 2017 minutes, the PFRB unanimously agreed.

Carmen reviewed the account's performance through September 30, 2017:

- \$130,904,986 - September 30, 2017 balance including accrued income
- \$ 2,261,865 - Dividend and interest earnings
- \$ 4,252,754 - Realized gain
- \$ 4,666,959 - Unrealized gains
- \$ 70,667 - Management and custodial fees
- \$ 11,275,484 - 2017 Earnings - net of expenses

The 2017 draw is expected to be made in December 2017. The budgeted appropriations to the general and capital funds are shown below, respectively:

- 2017 \$4,625,478 and \$578,185

Jeff motioned to reaffirm the \$396,900 lease payment from Golden Heart Utilities belong in the permanent fund. Dave seconded the motion and the PFRB agreed. Carmen will draft write a Resolution for Chairwoman Patty Mongold to sign. This resolution will be included in the October 23, 2017 Council agenda.

Reported Performance							
3rd Quarter		Year to Date		Last 12 Months		Inception to Date	
Account	Benchmark	Account	Benchmark	Account	Benchmark	Account	Benchmark
3.10%	3.08%	9.22%	9.14%	8.57%	8.53%	5.52%	5.18%
	0.13% ¹		0.38% ²		0.50% ²		
<u>3.10%</u>	<u>3.21%</u>	<u>9.22%</u>	<u>9.52%</u>	<u>8.57%</u>	<u>9.03%</u>	<u>5.52%</u>	<u>5.18%</u>

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 reviewed the account summary and market outlooks with the PFRB. She noted that consumer confidence is increasing due to employment gains, high stock prices, high home prices, low gas prices, restrained inflation, low mortgage rates and cities doing well. Earnings per share should continue to grow, and global economic growth has picked up.

Brandy reported the fund value was \$131.67 million on October 17, 2017. The portfolio performance resulted in a 9.22% year-to-date return and a 3.1% third quarter return. The combined equity allocation returned 4.59% while the fixed income allocation returned .64%

The PFRB set the next quarterly meetings for Monday January 22nd at 3:30 P.M. The annual meeting with the Council will be held in a work session or during the Council meeting on the same night.

The PFRB meeting adjourned at approximately 2:45 P.M.

Minutes will be placed on the January 22, 2018 agenda for approval.



CLAY STREET CEMETERY COMMISSION
REGULAR MEETING MINUTES, DECEMBER 6, 2017
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA



The **Clay Street Cemetery Commission** convened at 5:00 p.m. on the above date to conduct a Regular Meeting at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Chair Aldean Kilbourn presiding and with the following members in attendance:

Members Present: Julie Jones, Seat E
George Dalton, Seat A
Frank Turney, Seat D
Michael Gibson, Seat B
Karen Erickson, Seat F

Absent: David Erickson, Seat G

Also Present: Emily Braniff, Deputy City Clerk

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of November 1, 2017.

Ms. Jones, seconded by **Mr. Gibson**, moved to APPROVE the Regular Meeting Minutes of November 1, 2017.

Chair Kilbourn called for objection and, hearing none, so ORDERED.

APPROVAL OF AGENDA

Mr. Gibson, seconded by **Ms. Jones**, moved to APPROVE the Agenda.

Chair Kilbourn added an update to David Inman's Eagle Scout Project under Unfinished Business.

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

CITIZEN'S COMMENTS

Chair Kilbourn called for Public Testimony and, hearing none, declared Public Testimony closed.

UNFINISHED BUSINESS

a) Bed Tax Grant Application

Ms. Jones reported that the Clay Street Cemetery Commission would not receive funds from the 2017 Hotel/Motel Discretionary Grant.

b) Clay Street Cemetery Commission Balance Sheet

Commission members discussed the funds remaining on the balance sheet, and they discussed projects that could still be completed within the budget.

c) David Inman Eagle Scout Project Update

Chair Kilbourn gave an update to the status of Mr. Inman's Eagle Scout project; she expressed excitement about the work he completed.

NEW BUSINESS

a) Discussion on holding a January 2018 Clay Street Cemetery Commission Meeting

Mr. Gibson, seconded by **Ms. Jones**, moved to cancel the January 3, 2018 meeting and hold the next regular meeting on February 7, 2018.

Chair Kilbourn called for objection and, hearing none, so ORDERED.

OPEN AGENDA

Ms. Erickson asked if there was any response from the letter to the Pioneers; **Ms. Braniff** reported she had not received any response. No other Commission members reported hearing anything from the Pioneers.

Ms. Jones requested Memorial Day clean-up at the cemetery be discussed at the next meeting.

NEXT MEETING DATE

The next Regular Meeting of the Clay Street Cemetery Commission is scheduled for Wednesday, February 7, 2018.

ADJOURNMENT

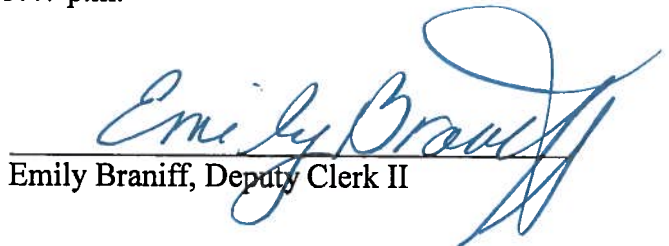
Mr. Gibson, seconded by **Ms. Erickson**, moved to ADJOURN the meeting.

Chair Kilbourn called for objection and, hearing none, so ORDERED.

Chair Kilbourn declared the meeting adjourned at 5:47 p.m.



Aldean Kilbourn, Chair



Emily Braniff, Deputy Clerk II

Transcribed by: EB

**FAIRBANKS NORTH STAR BOROUGH/CITY OF FAIRBANKS
CHENA RIVERFRONT COMMISSION**

**MINUTES
December 13, 2017**

A regular meeting of the Fairbanks North Star Borough/City of Fairbanks Chena Riverfront Commission was held in the Ester Conference Room, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 12:03 p.m. by Buki Wright, Vice-Chairperson.

A. ROLL CALL

MEMBERS PRESENT:	Bob Henszey	Kelley Hegarty Lammers
	Buki Wright	Carrie McEnteer
	Anna Plager	Susan Rainey
	Gordon Schlosser	

MEMBERS ABSENT & EXCUSED:	Julie Jones	Lee Wood
	Ian Olson	Ben Jaffa

OTHERS PRESENT:	Bryn McElroy, Executive Director, TVWA
	Jimmy Fox, Deputy Field Supervisor, USF&W
	Bill Rogers, Engineer, City of Fairbanks
	Joe Kemp, Engineer, ADOT&PF
	Russ Johnson, Engineer, ADOT&PF
	Tim Woster, Design Group Chief, ADOT&PF
	Phoebe Bredlie, Kinney Engineering, LLC
	Brian Charlton, FNSB Parks & Recreation
	Don Galligan, FNSB Transportation Planner
	Nancy Durham, FNSB Floodplain Administrator
	Kellen Spillman, FNSB CP Deputy Director
	Nicole Nordstrand, FNSB Recording Clerk

B. COMMUNICATIONS TO THE COMMISSION

1. Chair's Comments

Mr. Wright thanked Ms. Plager for chairing the meeting last month.

2. Communications to Chena Riverfront Commission

Mr. Spillman provided an overview of the "F-35's bed down" – The Eielson Growth Management Plan and updated the Commission on the trending numbers of population growth and housing needs being seen by the consultants. **Mr. Spillman** informed the Commission of a separate area plan being conducted by the Community Planning Department for the Badger Road to Salcha area.

Mr. Spillman noted the updated Chena Riverfront Commission Rules and Procedures approved at the November meeting. Ms. Plager requested that they be sent out to Commissioners, and the Clerk indicated she would email Commissioners and Liaisons.

3. Citizen's Comments

No citizens were present.

(The Chairperson noted Bill Rogers with the City of Fairbanks' Engineering Department joined the meeting)

C. APPROVAL OF AGENDA

MOTION: To approve the Agenda by Ms. Hegarty Lammers and seconded by Mr. Henszey.

PASSED WITHOUT OBJECTION

D. APPROVAL OF MINUTES

1. Minutes from the November 8, 2017 Chena Riverfront Commission Meeting.

MOTION: To approve the minutes by Ms. Hegarty Lammers and seconded by Ms. Plager.

PASSED WITHOUT OBJECTION

E. NEW BUSINESS

1. Presentation by DOT&PF on Fairbanks Cushman Street Bridge Project (Russ Johnson, DOT&PF and Phoebe Bredlie, Kinney Consulting, LLC)

Mr. Johnson presented an overview of the Fairbanks Cushman Street Project beginning at First Avenue to the Terminal/Doyon Street Intersection.

Discussion amongst the Commissioners and others present ensued with Commissioners stating their concerns and emphasizing aspects of the project they were in favor of having included and others they would like to see included or removed. Questions and areas discussed included viewshed (barrier/railing), landscaping, meandering path, purpose of greenspace, structural, seismic, run off, safety, and lighting. Mr. Johnson and Ms. Bredlie answered questions and offered additional information and aspects of the project.

Ms. Plager suggested that the Commission draft a letter to DOT&PF with the Commissioners' suggested changes, inclusions, and highlighting aspects already suggested which they would like to see remain. **Ms. Plager and Ms. Hegarty Lammers** agreed to work with Community Planning Staff to draft a letter for inclusion in the January 2018 meeting packet for further discussion and finalization.

2. Educating Property Owners along Chena River (Kellen Spillman)
 - a. Anadromous Fish Waters Catalog
 - b. Continued discussion on printing of riparian zone brochure: "Living alongside Salmon Homes".

Mr. Spillman reported he was able to secure some funding from the Borough and City of Fairbanks for printing of the Brochures, updated Commission on the number of anadromous streams within the Borough and potential number of properties. **Mr. Spillman** proposed adding two additional pages to the Brochure and introduced a publication that TVWS (page 33 and 34 of the meeting packet) authored to include as examples in the “Living alongside Salmon Homes”. **Ms. McEnteer** asked if there could be an advisory overlay, and Mr. Spillman indicated it would require an ordinance change. Discussion ensued about potential distribution methods and educating property owners. **Ms. Plager** commended Mr. Spillman for his leadership and perseverance in moving forward on this matter. **Mr. Wright** expressed concern with utilizing photographs of private property owners’ homes in the brochure.

3. Watershed Resource Action Plan Executive Summary (Bryn McElroy, TVWA)

Ms. Bryn McElroy provided a presentation on the Chena River Watershed Resource Action Plan (WRAP).

Ms. Plager and Mr. Henszey thanked Ms. McElroy on her presentation and expressed pleasure in seeing that the WRAP priorities align with the CRFC priority projects.

Mr. Henszey inquired if anyone from the CRFC attended the session last week, and Ms. McElroy indicated they were invited. **Mr. Spillman** stated that he attended the meeting and expressed its benefits to the Commission.

Mr. Wright commented on the simplistic layout of the presentation and encouraged presenting it to other audiences.

4. Letter to Governor on “unpausing” of Wendall Avenue Bridge Project (Commissioner Plager)

Mr. Don Galligan reported on the background of the bridge, its life span, weight load issues, use, the history of the construction project, and Governor Walker’s decision to “pause” the project. **Mr. Spillman** commented that this project came before the Commission previously and the Commission voted unanimously to approve it. **Mr. Russ Johnson** communicated that he is the project manager for DOT&PF on this project, and reported that it is a State-funded project and was at approximately 95% preliminary design and due to it being State-funded, it went through a less stringent environmental analysis, and indicated if federal funds are earmarked, the project would have to go back to the environmental phase and comply with federal requirements.

Discussion ensued about the project background, the pausing of the project, potential funding issues to be mindful of and potential project schedule.

MOTION: To extend the meeting by seven (7) minutes by Ms. Hegarty Lammers and seconded by Mr. Henszey.

PASSED WITHOUT OBJECTION

Continued discussion ensued on potential minor changes to the letter.

MOTION: To approve letter as discussed by Mr. Henszey and seconded by Ms. Hegarty Lammers.

PASSED WITHOUT OBJECTION

F. UNFINISHED BUSINESS

1. Review of CRFC Project List

Discussion of this item was postponed to the January meeting.

2. Downtown Fairbanks Plan Updates (Commissioner Wright/Kellen Spillman)

Mr. Spillman reported that the deadline for public comment and taking of the survey would end January 1, 2018. The Clerk reported she would send the link out to Commissioners and Liaisons.

G. EXCUSE FUTURE ABSENCES

Mr. Wright excused Mr. Olson from the next Meeting. **Ms. Plager** reported she would be absent from Fairbanks for the next three (3) months, but would attend telephonically if able. **Mr. Schlosser** reported he would be out of state until the March meeting. **Ms. Rainey** reported she would be out of State for the next meeting.

H. COMMISSIONER'S COMMENTS/COMMUNICATIONS

1. January 10th Agenda Setting

- a. CRFC letter to DOT&PF on its recommendations on the Fairbanks Cushman Street Bridge Project.
- b. Badger Road / Salcha Area Plan (postpone to later).
- c. Flood Plan Management for Chena Badger Slough and Tanana and Salcha Rivers.
- d. Elodea Update (for a future date)
- e. Presentation by DOT&PF on Fairbanks Cushman Street Bridge.

2. Commissioner's/Liaisons' Comments

Mr. Henszey wished everyone a happy holidays and safe travels.

Mr. Schlosser wished everyone a merry Christmas.

Ms. McEnteer reported that in November, Fort Wainwright had a planning charrette for replacement of the Bailey bridge on the Chena River and stated that it is the number one project from Fort Wainwright's perspective to replace the bridge, and if funded, it could begin in January of 2023 and completed in 2024.

Ms. Plager thanked Mr. Wright for running the meeting.

Ms. Rainey wished everyone a happy holiday.

Mr. Wright commented that it is a great season, enjoy it, and do something nice for someone.

Mr. Bill Rogers reported that the City is looking at the Chena River Walk project again and reported that they are investigating a tunnel. He indicated once DOT&PF has reviewed and approved it, the City will bring it before the CRFC.

K. ADJOURNMENT

There being no further business, the meeting was adjourned at 1:38 p.m.