



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, SEPTEMBER 25, 2017
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, following a 5:30 p.m. Work Session for an Interior Gas Utility Report and a 6:10 p.m. Work Session on the Arcadis Team, FNSB/EAFB Regional Growth Plan, 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: June Rogers, Seat B
 Valerie Therrien, Seat C
 Jonathan Bagwill, Seat D (telephonic)
 Jerry Cleworth, Seat E
 David Pruhs, Seat F

Absent: Joy Huntington, Seat A (excused)

Also Present: Jeff Jacobson, Public Works Director
 Christina Rowlett, HR Admin
 Mike Meeks, Chief of Staff
 Paul Ewers, City Attorney
 D. Danyielle Snider, City Clerk
 Carmen Randle, Chief Financial Officer
 Angela Foster-Snow, HR Director
 Jim Styers, Fire Chief
 Stephanie Johnson, Dispatch Center Manager

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 Ms. Rogers to lead the Flag Salutation.

CITIZEN'S COMMENTS

Krista Major, 907 Terminal Street, Fairbanks – Ms. Major reported that Ms. Smart had her baby and that both mom and daughter are doing great. She thanked Mayor Matherly and Chief of Staff Mike Meeks for attending the air quality conference. She stated that, since its opening, the Recycling Center has processed 17 tons of recyclables. She invited everyone to attend Mayor Kassel's community sand box group to discuss a vision for the Fairbanks North Star Borough (FNSB).

Heather Cavanaugh, 6611 Crooked Tree Drive, Anchorage – Ms. Cavanaugh stated she is the Director of External Affairs at Alaska Communications, and she spoke to the new high-speed broadband internet service they are installing in the Fairbanks area. She stated that Alaska Communications will bring high-speed internet to 12,000 new locations in the Fairbanks North Star Borough between now and 2025. She referenced a packet she provided to the Council.

Vivian Tanner, 3527 Hoonah Drive, North Pole – Ms. Tanner was introduced by Ms. Cavanaugh as the Director of District Operations. She stated the technology is fixed wireless which is similar to wireless but requires an antenna to be put on each home. She reported they are testing in the Chena Hot Springs area and that it is working well.

Ms. Cavanaugh stated the funds for the project come from the Federal Communications Commission (FCC). She stated that the network must be completed by 2025 but that they are hoping to have it done as soon as possible. She stated that getting help from the City by way of permitting and land leases would help in project development.

Maria Patricia, Fairbanks (address not provided) – Ms. Patricia spoke to the role of government in society. She spoke in favor of the NFL players kneeling because of racial inequality in the country. She spoke in favor of the stand Rosa Parks took on the bus many years ago. Ms. Patricia asked the Council what constitutes a legal arrest and stated that an arrest needs to be preceded by a warrant. She stated the FPD is not following proper practice because people should be taken to a magistrate or judge before going to jail.

Mr. Cleworth stated he does not follow the “sovereign citizen” movement, but he asked Ms. Patricia if she thought people did not need to have driver’s licenses. Ms. Patricia stated she rejects the sovereign citizen philosophy and that she does not accept that as an identity. She stated she was falsely taken into custody and imprisoned.

Mr. Bagwill asked Ms. Patricia asked if she had spoken with the Chief of Police about the incident. Ms. Patricia stated she spoke to former Chief Aragon, and he commented that her problem was above his pay grade. She stated she has not yet contacted the current Police Chief.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney spoke to a resolution introduced by former Council Member Lloyd Hilling in 2006 relating to medicating children. He stated he is voting no on the cannabis issue on the ballot; he added that he stands against tyranny and oppression and that the Council should too. Mr. Turney stated cannabis should not go back to a “black market” industry and told everyone to “not be a dope and to get out and vote.” He reported that he ate cannabis cookies before the City Council meeting.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger thanked Ms. Patricia for her intelligent message and requested that she attend meetings more often. He spoke to the need for potholes to be filled before the snow falls. He reported that he drives by Council Members’ homes and notices that they are not affected by the large number of potholes in other neighborhoods. Mr. Buberger stated the snow removal was so bad last year that it caused one girl to walk on the street, and she was killed. He stated the City needs to take care of the whole community, not just Council Members’ neighborhoods and the core downtown area. He stated the City needs to be safe for everyone.

Amy Geiger, 4400 Stanford Drive, Fairbanks – Ms. Geiger stated she is representing Explore Fairbanks, and she reported on the 2017-2018 Winter Travel Guide. She spoke to the effectiveness of the Guide and to how it helps grow tourism in the Interior. She thanked the City for reinvesting bed tax dollars into destination marketing.

Michael Farrell, P.O. Box 83327, Fairbanks – Mr. Ferrell recommended various books to the Council relating to morality and law. He spoke to the handouts he provided and questioned the wages of the Explore Fairbanks director. He stated the Council should look at the industry standard, and he indicated that the wages are beyond the industry standard.

Randy Griffin, P.O. Box 73653, Fairbanks – Mr. Griffin spoke to the issues he has with Obamacare; he stated the individual mandate forces people to buy a product they may or may not want. He stated the government has no right to dictate that everyone must carry health insurance. He stated that the NFL players should not kneel for the Pledge of Allegiance. He stated that the country is under attack, and if Obamacare survives the country will go into a downward spiral.

Darlene Herbert, 906 Woodlawn Road, Fairbanks – Ms. Herbert stated she did not have anything to say but that she had not been to a meeting in a while. She stated she does not smoke marijuana but that she is going to vote no on the ballot issue. She stated she will not vote to raise property taxes just because City employees want more money. Ms. Herbert stated if City employees want more money they need to find employment elsewhere, because the people already pay them enough. She stated if property taxes are raised, it will put hardships on City residents.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Ms. Therrien pulled Resolution No. 4808 from the Consent Agenda.

Mr. Cleworth pulled Resolution No. 4811 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 Marijuana License Application for Renewal:

Lic. #	DBA	License Type	Licensee	Premises Address
10958	Green Life Supply, LLC	Standard Marijuana Cultivation Facility	Green Life Supply, LLC	511 30th Avenue

Mr. Pruhs, seconded by **Ms. Therrien**, moved to WAIVE PROTEST on the Marijuana License Application for Renewal.

Manish Singh, 907 Terminal Street, Fairbanks – Mr. Singh stated he works for the FNSB in the Community Planning Department. He reported that Green Life Supply, LLC is not within any sensitive use buffer zones.

Scott Eickholt, 3321 Chetana Drive, Fairbanks – Mr. Eickholt stated he is the Business Manager for the Laborers' Union Local 942 and that the GoodSense owners have been good neighbors and wonderful to work with. He stated they have followed all the rules and have substantially improved the curb appeal of the property. He stated that he believes the same of the Green Life Supply owners and that he will be touring their facility soon. He spoke in support of the marijuana industry.

Frank Turney – Mr. Turney spoke in favor of the Green Life Supply license. He stated that he would like to see marijuana tax revenue dedicated to something specific, not just put into the General Fund.

Melissa Charlie, 150 Rhubarb Drive, Fairbanks – Ms. Charlie spoke on behalf of the Fairbanks Native Association (FNA) Board of Directors; she stated they oppose the renewal of the Green Life Supply cultivation license as well as the new retail store license. She stated the facility is too close to the Ralph Perdue Center, a treatment facility for Alaskans. She asked the Council to oppose the license.

Ms. Therrien asked if an FNA representative attended the Planning Commission meeting when the license was discussed. Ms. Charlie stated she did not know when a hearing took place or if there was a representative present at the time of the meeting. **Ms. Therrien** asked Ms. Charlie if she understood that the facility is outside of the required buffer zone. Ms. Charlie stated she understood but that a retail marijuana facility so close to the treatment facility would be detrimental to patients' sobriety.

Darlene Herbert – Ms. Herbert spoke against the renewal of the cultivation license for Green Life Supply and stated it is too close to a youth facility.

Nathan Davis, 511 30th Avenue, Fairbanks – Mr. Davis stated the Alcohol and Marijuana Control Office (AMCO) verified his buffer zones; he stated he has done nothing wrong and has invested his life savings into his marijuana facilities.

Ms. Therrien asked if any youth have tried to enter the facility; Mr. Davis replied that none had. He stated that neighbors have come to check his facility out, but folks from FNA have not.

Ms. Rogers asked Mr. Davis if anyone from the FNA Board had spoken with him about their concerns; Mr. Davis stated they had not.

Victor Buberger – Mr. Buberger stated his surprise that there is a cultivation facility in the old Chaz building. He stated he has dropped people off at the Perdue Center over the years and that alcohol is worse than marijuana.

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

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

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

b) The Fairbanks City Council heard interested citizens concerned with the following Application for a New Retail Marijuana Store License:

Type: Retail Marijuana Store, License #11927
DBA: Green Life Supply, LLC
Licensee/Applicant: Green Life Supply, LLC
Physical Location: 511 30th Avenue, Fairbanks, Alaska

Mr. Pruhs, seconded by **Ms. Therrien**, moved to WAIVE PROTEST on the New Retail Marijuana Store License.

Manish Singh – Mr. Singh stated the retail marijuana store is not within any sensitive use areas for the FNSB and that he would be happy to answer any questions.

Ms. Therrien asked Mr. Singh if AMCO communicates with the Borough about sensitive use zones. Mr. Singh stated the State determines buffer zone distances by pedestrian path, not as the crow flies.

Frank Turney – Mr. Turney spoke in favor of the new retail license.

Darlene Herbert – Ms. Herbert stated that drugs being so close to the youth facility is wrong, and she encouraged the Council to vote against the license.

Scott Eickholt – Mr. Eickholt again stated that GoodSinse, LLC has been a good neighbor to the Laborers' Union and that they have increased neighborhood security. He encouraged the Council to approve the Green Life Supply retail license because it is a much-needed revenue stream. He stated the microbreweries and other liquor establishments are not targeted like marijuana businesses are and that Green Life Supply should be allowed to operate.

Mr. Cleworth asked Mr. Eickholt if he was speaking on behalf of the Union or for himself. Mr. Eickholt stated that he has taken a position of support for the employees that the marijuana businesses have employed.

Charles Lincoln, 612 30th Avenue, Fairbanks – Mr. Lincoln stated he works at Advanced Printing Company, and he shared his concern about marijuana marketing being geared toward children. He asked whether edibles would be sold at the location.

Melissa Charlie – Ms. Charlie stated FNA opposes the retail location because it is too close to the treatment facility.

Nathan Davis – Mr. Davis stated his logo does not have a cannabis leaf on it and that he has been listed by AMCO to be one of the safest facilities in the state. He stated he has 100 security cameras monitoring the premises and accountability software that tracks exactly who things are sold to. He stated there would be no way for a minor to get their hands on his products.

Ms. Therrien asked Mr. Davis if he intends to sell edibles at his location. Mr. Davis reported he would sell baked goods.

Ms. Rogers asked if he would be selling gummy worms and other types of candy. Mr. Davis stated gummies worms and lollipops are not currently available in the State.

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

Ms. Therrien reported she has no concern that children would enter the location and try to buy candy; she indicated that she would support the license.

Ms. Rogers thanked Mr. Davis for giving his word that he would speak with his neighbor.

Mr. Cleworth stated he is concerned with the buffer zone issue because the State and the Borough have differing definitions for buffer zones.

Mr. Pruhs stated the business complies with all Borough and State regulations. He stated he went to Pakalolo earlier in the day to speak to the owner, and he had to show his identification in order to enter the facility. He reported Mr. Davis has been in business for a year with no incidents and that he does not think children will try to enter the building.

Mr. Bagwill stated there had been incidents at the establishment which are shown on the police call report, and he asked Chief Jewkes to speak to them. Chief Jewkes stated he did not bring his list but that he would look into it.

Mr. Davis stated he could speak to the two incidents. He stated that when he first bought the building they had to run off some people who were squatting in it. He stated that that someone broke into one of his employee's cars and stole some personal items, so it was reported as a theft. Chief Jewkes confirmed that was correct and that the other incident involved two males harassing a female in a wheelchair, but it was not related to the business.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE NEW RETAIL MARIJUANA STORE LICENSE AS FOLLOWS:

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

MAYOR'S COMMENTS AND REPORT

Mayor Matherly encouraged everyone to get out and vote in the upcoming Municipal Election. He reported he spoke with Marc Marlow about the Polaris Building and that he intends to have a Colorado-based company come in and remove all hazardous material from the building so he can restore it. **Mayor Matherly** introduced Mike Sanders and Scott Weiser; he asked them to come forward to give a report on the Housing & Homeless Coordinator efforts.

a) Housing & Homeless Coordinator Report

Housing & Homeless Coordinator Mike Sanders stated he has met his six month mark working with the City and that the Alaska Mental Health Trust Authority has decided fund the position for another year. He stated Mr. Weiser is an AmeriCorps VISTA volunteer who is here for the year and will help fill the VISTA position before he leaves. Mr. Sanders reported on the activities he has been involved with during the past six months. He stated he has been blessed to see all the programs receiving funding to continue work in the following year. He stated he has moved a day shelter up on the wish list that was given to him when he started with the City. Mr. Sanders stated he had hoped the old Reflections building could become a day shelter, but it burned down. He reported he is working with the JP Jones Community Center as a possible day shelter. He stated Mr. Weiser is in charge of finding programs that can be held during the day at the Center. He spoke to an upcoming housing event at the Westmark Hotel on December 6.

UNFINISHED BUSINESS

- a) Ordinance No. 6060 – An Ordinance to Provide a Stipend and Resolutions to Residents and Businesses with Drinking Water Contamination by Perfluorinated Compounds (PFCs). Introduced by Council Members Pruhs and Rogers. SECOND READING AND PUBLIC HEARING.

Mr. Pruhs, seconded by **Ms. Rogers**, moved to ADOPT Ordinance No. 6060.

Mr. Cleworth suggested letting the public testify before moving to amend the ordinance.

Mr. Pruhs stated the only difference between the two versions is the water stipend.

Mr. Pruhs, seconded by **Ms. Therrien**, moved to SUBSTITUTE Ordinance No. 6060, as Amended (Proposed Substitute "A") for Ordinance No. 6060.

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

Keith Hanneman, 1306 Polar Drive, Fairbanks – Mr. Hanneman stated he is speaking on the behalf of his mother who lives in the contaminated area, and he commended the City for getting clean water to the residents. He stated he did not like the language in the ordinance that states the City is providing a valuable real estate upgrade because it is the City's fault the water is contaminated. He stated the stipend seems fair, but he does not agree with the part that absolves the City of any future real estate liability.

Tim Berg, 3536 Vian Way, Fairbanks – Mr. Berg stated the well that is attached to his house is over the contamination limit but that he hauls his own water. He stated he can turn two valves to use well water, but he chooses not to. He spoke to the various categories for properties listed in the ordinance and questioned which category his property may fall into. He suggested some changes to the ordinance that would make it easier for the public to read and understand.

Charles Cartier, 2770 Picket Place, Fairbanks – Mr. Cartier stated he is leasing a building on Picket Place that is between two buildings getting water installation; he asked that the building he is leasing be hooked up also.

Mr. Pruhs asked the level of contamination of Mr. Cartier's water, Mr. Cartier stated the latest reading was a 56, and **Mr. Pruhs** suggested he speak with City Engineer Jackson Fox.

Meredith Coats, 2546 Talkeetna Avenue, Fairbanks – Ms. Coats stated she has been a resident of Fairbanks for 66 years and that she has never attended any of the water contamination meetings. She asked why people are getting upset about getting water bills because they are getting free water. She stated City tax payers should not have to pay the bills for all of the residents of the contaminated area to get free water. She stated that she understands State funds have dried up but that there may be federal grant funds that could pay toward water connections.

Tom Benson, 3330 Holden Road, Fairbanks – Mr. Benson stated he has a house in the contaminated area but that he also has a vacant piece of land in the same area. He asked whether the City would hook his vacant property up to water if he chose to build a house on it. He stated the City should pay the Golden Heart Utilities (GHU) assessment if he chooses to build a house.

Linda Kirschner, 3455 Vian Way, Fairbanks – Ms. Kirschner echoed Mr. Benson's thoughts that the City should pay for the water hookup if the owner chooses to build a house on a vacant lot. She stated that if they decided to build on the property, they would drill a shallow well to have the water tested then make a claim to the City if the water was contaminated. She wondered if the City would still pay for the connection in that scenario.

Leonard Thiltgen, 2263 Bridgewater Drive, Fairbanks – Mr. Thiltgen stated he is concerned about the amount of money the City is going to give residents annually because he only paid \$1,073 dollars for the last 12 months of water service. He stated the City is giving way more than necessary on an annual basis for water service and should reconsider.

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

Mr. Pruhs asked City Engineer Jackson Fox to come forward to speak to the contamination issue. Mr. Fox stated that the late Fire Chief Warren Cummings tasked the Engineering Department with digging up the burn pit in 2014 and paving the parking lot because the pit had not been used since 2004. Mr. Fox stated they knew there may be some contamination so they tested the water and found petroleum and PFC contamination. Mr. Fox explained that the burn pit liner seems to have protected the ground underneath it, but the contamination was caused by contaminants that spilled or were sprayed out of the burn pit onto the surrounding gravel. **Mr. Pruhs** asked how many wells the Engineering Department has tested so far; Mr. Fox replied that

the City has tested over 160 wells to date. **Mr. Pruhs** asked how much money has been spent to date on the contamination; Mr. Fox replied that the City has spent over \$3 million. **Mr. Pruhs** asked how many homes the City is supplying water to; Mr. Fox replied that the City is connecting 40 homes to water service, and 20 of them are already completed. Mr. Fox stated the City has paid for water jug delivery to the affected homes for drinking and cooking. He stated that if the ordinance passes that there may be more people that come out to have their well tested because it allows for more testing. **Mr. Pruhs** asked how many houses he estimates the City will be hooking up in all; Mr. Fox stated that he would estimate 25 more homes more next summer. **Mr. Pruhs** asked the average cost per hookup; Mr. Fox stated it costs on average \$35,000 per home. **Mr. Pruhs** asked what the numeric contamination threshold is for hooking someone up to water service; Mr. Fox replied that it is 59.5; he stated that the City tests properties on a quarterly basis.

Ms. Therrien asked about people who have vacant lots who may choose to build someday. Mr. Fox stated that there is existing code requiring everyone inside City limits to be hooked up to public water if they are within 200 feet of a water main.

Ms. Rogers asked Mr. Fox to speak to other organizations who used the training facility. Mr. Fox stated many entities have used it, and City Attorney Paul Ewers is developing a list of users. **Ms. Rogers** asked if he has heard of anyone threatening lawsuits; Mr. Fox stated he has heard of several people discussing it.

Mr. Cleworth asked how much money he expects the claims and judgements to amount to and how much the City will need to recapture. Mr. Fox stated he did not know but that someone in Finance may know. Chief Financial Officer Carmen Randle stated her best estimation is \$4.2 million including all City claims. **Mr. Cleworth** stated he did not want to include the cost of claims—only the water service project.

Mr. Pruhs stated the City needs to limit its exposure to liability. He stated if people do not want to opt in, they do not have to.

Ms. Therrien asked Mr. Ewers how many claims has the City received; Mr. Ewers stated there have not been any lawsuits filed yet.

Mayor Matherly spoke to other entities' use of the burn pit. He stated that the City acted quickly to take care of the residents with contaminated water. He stated that he has spoken with Governor Walker about the contamination issue to get it on his radar. He stated the City did the right thing by taking care of affected residents as quickly as possible.

Mr. Cleworth asked if there are pending lawsuits nationwide against the manufacturer 3M. Mr. Ewers stated that there are lawsuits pending. **Mr. Cleworth** stated he believes that the City used the pit less than other entities, and others should also be held accountable. He expressed concern for City taxpayers having to front the money to cover the contamination. Mr. Ewers stated he is making efforts to contact other entities, but he doubts the City will see contributions from anyone before next spring.

Mr. Pruhs stated it took North Pole seven years to address their water contamination issue, and the City of Fairbanks did not find that acceptable.

Ms. Randle stated the estimated cost of the water contamination remediation is going to be \$3,099,000. **Mr. Cleworth** stated that would raise the mill rate for property taxes by 1.5%.

Ms. Rogers stated she wants to be fair to the taxpayers and to the residents affected by the contamination.

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to AMEND Section 5 of Ordinance No. 6060, as Amended, so that it reads, "For Category 4 properties inside the City limits, the residents will be required to connect to the water main at their expense as already required by City Code.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6060, AS AMENDED, AS FOLLOWS:

YEAS: Therrien, Rogers, Pruhs, Bagwill, Cleworth

NAYS: None

ABSENT: Huntington

Mayor Matherly declared the MOTION CARRIED.

Ms. Therrien stated she spoke with Mr. Berrey, and he asked if he could put a well on his property in the future and not connect to public water.

Mr. Pruhs stated the ordinance is only about water connection, and it does not address his issue.

Ms. Therrien moved to AMEND Section 1 of Ordinance No. 6060, as Amended, by changing two years to five years and by changing the maximum amount from \$2,500 to \$6,250.

The motion FAILED for lack of a second.

Mr. Cleworth thanked everyone for working on the ordinance and stated that the issue is not good for anyone. He stated many agencies in the State used the training facility, but the City has had to take the lead to protect its residents. He stated he does not know the right dollar amount, but a line needs to be drawn in the sand. He stated the City needs to get other responsible parties on board to chip in and help with the water contamination issue.

Ms. Randle asked why the ordinance says "stipend" and "credit" in two different places. **Mr. Cleworth** stated it is a water service credit up to \$2,500.

Mr. Pruhs stated if a resident uses more than \$2,500, they will have to cover the additional cost.

Ms. Therrien, seconded by **Mr. Pruhs**, moved to AMEND Ordinance No. 6060, as Amended, by changing the word "credit" in Section 3 to "stipend."

Ms. Randle asked whether the Finance Department would have to maintain the bills or whether the City would pay lump sum amounts. **Mr. Pruhs** questioned why the issues were not brought up previously.

Mayor Matherly stated it would be hard to monitor each household's monthly bill; **Mr. Pruhs** clarified that the intent would be for the City to prepay annually on behalf of residents. He indicated that he would agree to whatever is easiest for the Finance Department. Ms. Randle stated she would like ask College Utilities that any credits come back to the City at the end of the two years.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6060, AS AMENDED, BY CHANGING THE WORD "CREDIT" IN SECTION 3 TO "STIPEND" AS FOLLOWS:

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

Council Members discussed whether to give the full \$2,500 water service stipend to residents or whether to allow *up to* \$2,500 and take back any unused amounts.

Ms. Therrien, seconded by **Mr. Pruhs**, moved to AMEND Section 1 of Ordinance No. 6060, as Amended, by replacing the words "not to exceed" with "of."

Ms. Therrien, with the concurrence of the Second, moved to AMEND the motion by also striking "over the next two years" and "for those two years" from Section 1 of Ordinance No. 6060, as Amended.

Mayor Matherly called for objection to AMENDING the motion to amend, and hearing none, so ORDERED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND SECTION 1 OF ORDINANCE NO. 6060, AS AMENDED, BY REPLACING THE WORDS "NOT TO EXCEED" WITH "OF" AND BY STRIKING "OVER THE NEXT TWO YEARS" AND "FOR THOSE TWO YEARS" AS FOLLOWS:

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

Ms. Therrien stated she will vote no on the ordinance because she believes the stipend should be higher.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6060, AS AMENDED, AS FOLLOWS:

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

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6060, as Amended, ADOPTED.

- b) Ordinance No. 6061 – An Ordinance Amending Fairbanks General Code Section 70-321 Regarding Responsibility for Removal of Snow and Ice from Sidewalks and Moving Snow from Private Property onto a Street or Sidewalk. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Mr. Pruhs, seconded by **Mr. Cleworth**, moved to ADOPT Ordinance No. 6061.

Frank Turney – Mr. Turney reported he has been doing snow removal downtown for several years, and he complained that nobody enforces residents to clear their sidewalks. He stated he would rather see a community service consequence than a fine for putting snow in the street. He spoke to sidewalks downtown being neglected by local businesses.

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

Public Works Director Jeff Jacobson explained the process the ordinance will create in order to enforce snow removal from residents' sidewalks. He explained that there were many issues that came up during the past winter, and he hopes the ordinance is a solution. He stated that if a citizen places their snow in the street or does not clear their sidewalk, the ordinance allows the City to remove it and send a bill for the service. He explained that if the resident does it a second time, a \$200 citation may be issued.

Mr. Cleworth stated there used to be a fine in the Code relating to snow removal; Mr. Ewers stated the fine was in the City's Schedule of Fees and Charges for Services, which is not a proper place for a fine. **Mr. Cleworth** stated he does not want Public Works to clear snow from private lots; he stated that it is the owner's responsibility. He expressed concern that owners are not promptly removing snow from private property. He suggested postponing the vote on Ordinance No. 6061 until later in the meeting so that City staff could draft some language regarding prompt snow removal by those in control of private premises.

Mr. Cleworth, seconded by **Ms. Therrien**, moved to POSTPONE Ordinance No. 6061 until after Council Members' comments.

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

Mayor Matherly stated he may have indicated earlier that people would be able to speak to another version of Ordinance No. 6060 at a separate time. Because of that, **Mayor Matherly** asked the Council if they would like to reopen the issue and hear from others in the audience.

Mr. Cleworth, seconded by **Ms. Therrien**, moved to SUSPEND THE RULES to allow for public comment on Ordinance No. 6060.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION SUSPEND THE RULES TO ALLOW FOR PUBLIC COMMENT ON ORDINANCE NO. 6060B, AS FOLLOWS:

YEAS: Therrien, Rogers, Pruhs, Bagwill, Cleworth

NAYS: None

ABSENT: Huntington

Mayor Matherly declared the MOTION CARRIED by five affirmative votes.

Mr. Bagwill, seconded by **Mr. Pruhs**, moved to REOPEN PUBLIC COMMENT on Ordinance No. 6060.

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

Frank Turney – Mr. Turney was confused about the topic open for public hearing.

Mayor Matherly clarified that the hearing is in regard to Ordinance No. 6060. Mr. Turney stated that he is happy the residents are getting just compensation and that he would hate to see what the lawsuits look like.

Curt McDonald, 2463 Hill Road, Fairbanks – Mr. McDonald stated he lost three dogs to cancer from tumors on their spleen, so he hooked up to the public water system 12 years ago. He stated that some residents will be willing to work with the City in cost-saving efforts.

Terry Reeves, 1731 Bridgewater Drive, Fairbanks – Mr. Reeves stated he would like to get his six-plex hooked up to public water, but he has not reached the contamination level yet. He stated a contractor told him it would cost \$18,000 to hook it up but that he has no money to pay for it. He asked if there was any way for him to get hooked up while the line is being laid.

Mr. Pruhs asked Mr. Reeves for his phone number, and Mr. Reeves provided it to him.

Mr. Cleworth asked Mr. Reeves how much the contractor said it would cost to hook his property up to public water; Mr. Reeves replied that the contractor's estimate was \$18,000.

David Berrey, 3174 Davis Road, Fairbanks – Mr. Berrey stated the Council is working under false assumptions by comparing the FTC water contamination to the contamination in North Pole. He pointed out some of the differences between the two contamination issues. He spoke to being made whole and stated that nothing the Council has discussed will make him whole. Mr. Berrey stated he did not appreciate Mr. Pruhs saying he is getting a property upgrade with the water hookup because it was the City that destroyed the water he had. He stated he did not want to go to court, but he will if the City does not make him whole.

Charles Cartier – Mr. Cartier asked that his house on Pickett Place be considered for water hookup due to the contamination issues in his area.

Mr. Pruhs asked for Mr. Cartier's phone number, and Mr. Cartier provided it to him.

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

NEW BUSINESS

- a) Resolution No. 4808 – A Resolution Amending the City Schedule of Fees and Charges for Services Relating to Snow Removal. Introduced by Mayor Matherly.

Mr. Pruhs, seconded by **Ms. Therrien**, moved to APPROVE Resolution No. 4808.

Ms. Therrien stated she thinks Resolution No. 4808 is related to Ordinance No. 6061 and should be discussed after the ordinance is addressed.

Mr. Pruhs, with the concurrence of the Second, WITHDREW the motion to approve Resolution No. 4808.

Mayor Matherly called for objection to addressing Ordinance No. 6061 at the beginning of New Business instead of after Council Members' Comments, and hearing none, so ORDERED.

The motion to ADOPT Ordinance No. 6061 was made by Mr. Pruhs and seconded by Mr. Cleworth earlier in the meeting.

Attorney Ewers distributed a proposed amendment to Ordinance No. 6061, Sec. 70-321(d). He stated there was also a typo in the word "Charges" that was corrected. Clerk Snider read the proposed language into the record.

Ms. Therrien, seconded by **Mr. Bagwill**, moved to AMEND Ordinance No. 6061 by replacing the existing language in subsection (d) with the proposed language that was distributed.

Mr. Cleworth asked Mr. Ewers to speak to the changes; Mr. Ewers stated it allows for a \$200 fee to be issued to residents who do not comply with snow removal requirements.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6061 BY REPLACING THE EXISTING LANGUAGE IN SUBSECTION (d) WITH THE PROPOSED LANGUAGE THAT WAS DISTRIBUTED AS FOLLOWS:

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6061, AS AMENDED, AS FOLLOWS:

YEAS: Rogers, Bagwill, Therrien, Pruhs, Cleworth
NAYS: None
ABSENT: Huntington
Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6061, as Amended, ADOPTED.

Mr. Pruhs, seconded by **Ms. Therrien**, moved to APPROVE Resolution No. 4808.

Ms. Therrien stated that she pulled the resolution because she knew some language would have to be changed; Mr. Jacobson suggested some changes to the City's Schedule of Fees and Charges for Services that concurred with the changes made to Ordinance No. 6061, as Amended.

Ms. Therrien, seconded by **Mr. Cleworth**, moved to AMEND the Schedule of Fees and Charges for Services attached to Resolution No. 4808 by adding the words "failure to remove from" before the word "sidewalk" in the first line under Topic and by striking the words "who moved snow" in the first line under Description.

Ms. Rogers spoke to some contradictory statements in the resolution; Mr. Jacobson provided clarification.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE SCHEDULE OF FEES AND CHARGES FOR SERVICES ATTACHED TO RESOLUTION NO. 4808 BY ADDING THE WORDS "FAILURE TO REMOVE FROM" BEFORE THE WORD "SIDEWALK" IN THE FIRST LINE UNDER TOPIC AND BY STRIKING THE WORDS "WHO MOVED SNOW" IN THE FIRST LINE UNDER DESCRIPTION AS FOLLOWS:

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

A ROLL CALL VOTE WAS TAKEN TO APPROVE RESOLUTION NO. 4808, AS AMENDED, AS FOLLOWS:

YEAS: Bagwill, Cleworth, Rogers, Therrien, Pruhs
NAYS: None
ABSENT: Huntington
Mayor Matherly declared the MOTION CARRIED and Resolution No. 4808, as Amended, APPROVED.

- b) Resolution No. 4809 – A Resolution Authorizing the City of Fairbanks to Accept Funds from the Alaska Highway Safety Office for FFY2018 DUI Traffic Enforcement Unit. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4810 – A Resolution Authorizing the City of Fairbanks to Accept Funds from the Alaska Division of Homeland Security for the FFY2017 Emergency Management Performance Grant. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Resolution No. 4811 – A Resolution Authorizing the City of Fairbanks to Accept Funds from the Alaska Division of Homeland Security for the FFY2017 State Homeland Security Program. Introduced by Mayor Matherly.

Mr. Cleworth, seconded by **Mr. Pruhs** moved to APPROVE Resolution No. 4811.

Mr. Cleworth stated that he thinks accepting the funds is a good thing for the City.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4811 AS FOLLOWS:

YEAS: Pruhs, Therrien, Cleworth, Bagwill, Rogers

NAYS: None

ABSENT: Huntington

Mayor Matherly declared the MOTION CARRIED.

- e) Ordinance No. 6062 – An Ordinance Amending Fairbanks General Code Sec. 2-119 Order of Business; Sec. 2-121 Speaking, Recognition; and Sec. 2-122 Voting. Introduced by Mayor Matherly and Council Member Bagwill.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

- a) Committee Reports

FMATS Policy Committee – **Mr. Cleworth** stated a decision was made at the last meeting that FMATS will become fully independent of the City. He stated there will be a 7:00 a.m. meeting to discuss a transition plan.

Fairbanks Diversity Council (FDC) – **Mayor Matherly** stated the FDC met and discussed its parameters and what it should be sending out to the public. **Ms. Rogers** added that the FDC sub-committees are plugging along and are meeting regularly to get things done.

COMMUNICATIONS TO COUNCIL

- a) Chena Riverfront Commission Meeting Minutes of July 12, 2017

ACCEPTED on the CONSENT AGENDA.

- b) Board of Plumber Examiner Meeting Minutes of June 20, 2017

ACCEPTED on the CONSENT AGENDA.

- c) Reappointments to the Board of Plumber Examiners

APPROVED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Bagwill encouraged everyone to get out and vote in the Municipal Election. He stated it has been a long meeting but a good one. He thanked residents for coming out to speak during public testimony. He stated that someone accused the Council of going off halfcocked and that he did not think it was a fair statement; he commented that the Council does care.

Ms. Rogers thanked everyone for coming out to testify because hearing citizens' comments is an important part of being a Council Member. She stated she did not like the comment about the Council operating under false data because the Engineering Department and Mr. Pruhs have done diligent work. She stated sometimes the meetings can be lengthy but that she is hopeful all that was discussed helps the community.

Ms. Therrien reminded everyone to vote in the Municipal Election. She stated she spoke with an ambulance driver who reported that Cowles Street near the hospital is in dire need of repair. She stated she would like a report on when it would be fixed. **Mayor Matherly** stated he would speak with staff.

Mr. Pruhs commended Mr. Buberger and Ms. Herbert for staying through the lengthy meeting. He welcomed Ms. Snider back from vacation and spoke to how well the Clerk's Office operated while she was out. He thanked those who testified and worked on the contamination issue.

Mr. Cleworth read aloud a letter a local property owner gave to him regarding a change to a fire prevention equipment property tax exemption from the FNSB. He stated he was not aware of that particular exemption and asked Mr. Ewers if he could speak to it. Mr. Ewers stated he was not aware of the exemption.

Mr. Pruhs stated he will be working with Senator Coghill's office on the exemption and there will be more information to come. He stated that the exemption would allow business owners to claim a property exemption if they have an approved fire suppression system installed.

Mr. Cleworth questioned why it is costing the City so much money to hook up each household to water service. He stated that he would like a clearer explanation to provide to constituents.

CITY CLERK'S REPORT

- a) Approval of Election Judges for the 2017 Municipal Election.

APPROVED on the CONSENT AGENDA.

Ms. Snider reported that early voting will remain open in the Clerk's Office until 5:00 p.m. the day before the Municipal Election.

Mr. Pruhs, seconded by **Ms. Therrien**, moved to ENTER Executive Session for the purpose of discussing Gavora, Inc. v. City of Fairbanks 4FA-16-01898Cl: Settlement Proposals.

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

Mayor Matherly called for a brief recess.

EXECUTIVE SESSION

a) Gavora, Inc. v. City of Fairbanks 4FA-16-01898Cl: Settlement Proposals

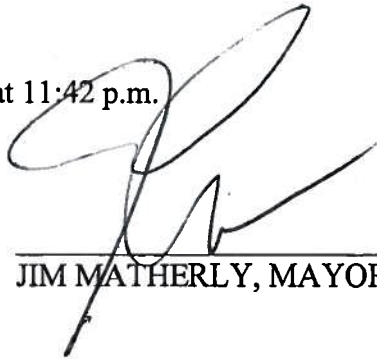
The City Council met in Executive Session to discuss Gavora, Inc. v. City of Fairbanks 4FA-16-01898Cl: Settlement Proposals. Direction was given to the legal team, and no action was taken.

ADJOURNMENT

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

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

Mayor Matherly declared the meeting adjourned at 11:42 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB