



FAIRBANKS CITY COUNCIL
AGENDA NO. 2017-12
REGULAR MEETING JUNE 19, 2017
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

REGULAR MEETING

7:00 P.M.

1. ROLL CALL
2. INVOCATION
3. FLAG SALUTATION
4. CITIZENS COMMENTS, oral communications to Council on any item not up for Public Hearing. 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, kindly silence all cell phones and electronic devices.
5. 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.
6. APPROVAL OF PREVIOUS MINUTES
 - *a) Regular Meeting Minutes of April 3, 2017

7. SPECIAL ORDERS

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, will hear interested citizens concerned with the following Liquor License Application for Transfer of Ownership. Public Testimony will be taken and limited to five minutes.

Type: Beverage Dispensary, License #2847
To: No DBA / Nash Holland, LLC
No Premises
From: Bojangles / Scruff-N-Pork's, Inc.
1351 Cushman Street, Fairbanks, Alaska

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Ordinance No. 6050 – An Ordinance Establishing an Incentive Bonus Program Within the Fairbanks Police Department for Recruitment and Hiring. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

10. NEW BUSINESS

- *a) Resolution No. 4797 – A Resolution to Award a Contract to Perform Thirteen Water Service Connections in Response to the Fire Training Center Groundwater Contamination. Introduced by Mayor Matherly.
- *b) Ordinance No. 6051 – An Ordinance Authorizing a Lease Amendment for Additional Space in City Hall to the Boys & Girls Club of Alaska, Inc. Introduced by Mayor Matherly.
- *c) Ordinance No. 6052 – An Ordinance Amending FGC Chapter 66, Solid Waste. Introduced by Mayor Matherly.
- *d) Ordinance No. 6053 – An Ordinance Authorizing and Directing Retention of the Property Located at 804 Cowles Street for Public Purpose Upon Tax Foreclosure. Introduced by Mayor Matherly.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

- a) Committee Reports

12. COMMUNICATIONS TO COUNCIL

- *a) Clay Street Cemetery Commission Meeting Minutes of April 5, 2017
- *b) Fairbanks Diversity Council Meeting Minutes of May 9, 2017
- *c) Chena Riverfront Commission Meeting Minutes of April 12, 2017
- *d) Chena Riverfront Commission Meeting Minutes of May 10, 2017
- *e) Reappointment to the Fairbanks Diversity Council

13. COUNCIL MEMBERS' COMMENTS

14. CITY CLERK'S REPORT

15. CITY ATTORNEY'S REPORT

16. EXECUTIVE SESSION

- a) IBEW Labor Negotiations

17. ADJOURNMENT



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, APRIL 3, 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 6 p.m. Work Session to discuss City Hall/Public Meeting Security, 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
Valerie Therrien, Seat C
Jerry Norum, Seat D
Jerry Cleworth, Seat E
David Pruhs, Seat F

Absent: None

Also Present: Clem Clooten, Building Official
Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Kyle Green, Deputy Fire Marshal
Mike Meeks, Chief of Staff
Stephanie Johnson, Dispatch Center Manager
Angela Foster-Snow, HR Director
Eric Jewkes, Police Chief
Jackson Fox, City Engineer
Mike Sanders, Housing & Homeless Coordinator
Christina Rowlett, HR Admin

At Mayor Matherly's request, City Clerk Danyielle Snider read aloud the Mission Statement of the City of Fairbanks.

INVOCATION

The Invocation was given by Clerk Snider.

FLAG SALUTATION

Mayor Matherly led the Flag Salutation.

CITIZEN'S COMMENTS

Brittany Smart, 907 Terminal Way, Fairbanks – Ms. Smart apologized for missing the last Council meeting. She spoke to the Environmental Protection Agency (EPA) and the Department of Environmental Conservation's (DEC) desire to reclassify local air quality from moderate to serious. She shared that the following day would be National Service Recognition Day and that

the three local Mayors signed a proclamation to honor it. Ms. Smart spoke to the VISTA projects that will be taking place during the summer of 2017. She stated the Borough Mayor has finalized his budget which includes a lot of budget cuts. She stated she is hopeful about the recycling program; she spoke to how the process is being handled by Borough employees.

Greg Allison, 2448 Arvia Street, Fairbanks – Mr. Allison stated he is the Vice Chair of the Fairbanks chapter of the Alaska Marijuana Industry Association. He reported that the Chapter President, Karen Bloom, was also present. Mr. Allison stated the mission the Association is to promote community unity through education and community development. He spoke about some of the programs the Association has implemented that help the community. Mr. Allison stated he would like the marijuana industry in Fairbanks to set the precedent around the State for giving back to its community.

Karen Perdue, 204 Front Street, Fairbanks – Ms. Perdue thanked the Council for the resolution to support smoke-free work places. She spoke to the dangers of second-hand smoke and women smoking while they are pregnant. She listed many other cities in Alaska that have gone smoke-free. Ms. Perdue stated 70% of Alaskans support a statewide law banning smoking in the workplace. She stated this is not an effort to get people to quit smoking, but encouragement to take it outside.

Ms. Rogers asked Ms. Perdue to speak to the dangers of vaping. Ms. Perdue stated the contaminants in vaping can lead to brain damage and are similar to the contaminants found in nicotine. She stated she did not want children being attracted to the concept of smoking.

Jodi Blakley, 2000 Patricia Court, Fairbanks – Ms. Blakley stated she is the owner of the Mecca Bar and that they made the decision to go smoke-free in June of 2016. She stated the owner of the Oasis also thanks the Council because they went smoke-free several years ago and received a lot of push back for it.

Ms. Huntington asked what the impact e-cigarettes has had to her establishment. Ms. Blakley stated that when e-cigarettes first came out they were odorless, but now there are all different flavors and types. She stated that she no longer allows e-cigarettes in her bar.

Ms. Therrien asked if the Alaska Cabaret, Hotel, Restaurant and Retailers Association (CHARR) had taken a stand on the issue; Ms. Blakley reported they had not taken a position.

Dawn Murphy, 101 Dunkel Street, Fairbanks – Ms. Murphy stated that she is the Director of Finance and Administration at Explore Fairbanks; she spoke to the audit that was delivered to the Council earlier in the day. She spoke to the amount of hotel/motel taxes that were collected borough-wide in 2016. Ms. Murphy spoke to upcoming events such as the free City tour and the “4K Graze” walk for charity that will benefit local non-profit organizations.

Christine Nelson, 907 Terminal Street, Fairbanks – Ms. Nelson stated that she is the Fairbanks North Star Borough (FNSB) Community Planning Director, and she spoke to two recent ordinances adopted by the Borough Assembly: community gardens ordinance and ordinance regarding buffer zones for marijuana establishments. She stated that the following evening there would be a Planning Commission work session on what makes communities livable. She stated

that on April 12, there would be a meeting with real estate and lending professionals regarding how grandfather rights and zoning may affect appraisals.

Ms. Therrien asked if the buffer zone ordinance changes affected the Borough's position on marijuana licenses. Ms. Nelson stated the changes loosened the buffer zone boundaries.

Mr. Norum stated the City and Borough should have similar buffer zone regulations. He asked if there was a way for the City and Borough to coordinate so their rules do not conflict with each other. Ms. Nelson stated that everyone was involved in the process of creating the regulations.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated his children do not live in Alaska; he stated they live in Washington D.C. and Virginia and that he goes to visit them regularly. He stated he read an article about how alcohol is a drug that causes people to commit suicide, assaults, murder, divorce and any number of other bad things; he added that cannabis causes none of those things. Mr. Turney gave his condolences to the family of the little girl who was buried in the snow when it fell from the roof. He encouraged citizens to buy a snow rake to clear the snow off of roofs. He spoke to the hemp bill that is being discussed in the State Legislature.

Alex McDonald, 909 Cushman Street, Fairbanks – Mr. McDonald spoke against the smoke-free resolution, stating that vaping is safe according to many doctors. He stated that e-cigarettes should not be part of the resolution because they do not smell like cigarettes. He stated that vaping can help smokers avoid smoking-related illnesses; he stated that the resolution will cost Alaskans their health.

Ms. Huntington asked Mr. McDonald to clarify what he meant when he said it would cost Alaskans their health. Mr. McDonald stated that studies out of the UK and New Zealand show that vaping is not the same as cigarettes; he stated that they use vaping as an incentive to help people quit smoking. He stated people should be encouraged to vape because it does not have the same harmful side effects as cigarettes.

Mr. Norum asked Mr. McDonald if he is opposed to requiring that vaping be taken outside. Mr. McDonald replied affirmatively.

Jamie Hanson, 301 Steelhead Road, Fairbanks – Ms. Hanson spoke in support of the smoke-free workplace resolution which supports the bill in the State Legislature. She stated the legislation is not intended to hurt business but is designed to protect people.

Daisy Stevens, 1841 Hilton Avenue, Fairbanks – Ms. Stevens thanked Ms. Perdue for her report and thanked Ms. Blakley for making the Mecca Bar smoke-free. She stated it is a good thing that bars are going smoke free, because she smoked for 30 years and now has COPD. She stated that she lost a niece because of secondhand smoke and explained what third-hand smoke is. Ms. Stevens spoke to an incident that Darlene Herbert brought up at a previous meeting where several Fairbanks police officers raided an apartment building and ransacked the property. She stated that Mayor Matherly had said that it was the State Troopers, not the Fairbanks police. Ms. Stevens stated that is a lie; she stated she saw seven City police cars when they tore the property apart and that there were no State Troopers there. She stated she was with Ms. Herbert when it happened and that she wants the police department to confess to wrongdoing.

Mayor Matherly stated Police Chief Eric Jewkes had addressed the issue; he stated that it was a State Trooper case. He encouraged citizens to provide his office with pictures of the incident.

Darlene Herbert, 906 Woodlawn Road, Fairbanks – Ms. Herbert stated it was the Mayor who said it was the State Troopers and not Chief Jewkes. She stated she has pictures of the incident and can prove that there were seven city police vehicles at the scene. She asked why the Mayor did not believe her when she reported that there were so many police officers at the scene. She stated the man who owns the building is a nice person and he lets poor people live in his house. Ms. Herbert accused the Mayor of believing the Police Chief over what she and Ms. Stevens have reported. She stated she spoke to a City police officer at the scene and asked him if her daughter was one of the occupants of the building; she reported that he told her that he could not say who was in the building. She stated she would be posting the pictures that she has on Facebook of the incident. She stated that she is thankful for the smoke-free resolution.

Ms. Therrien asked Ms. Herbert to bring the pictures she has to the next Council meeting so that Council Members could see them. Ms. Herbert stated she would bring them to the next meeting.

Ray Brasier, 1699 Tungsten Trail, Fairbanks – Mr. Brasier stated he is a realtor and real estate investor in Fairbanks; he stated he supports Travis Fraser in his effort to open a marijuana business. He spoke highly of Mr. Fraser's character. Mr. Brasier stated he owns a property that is next door to Mr. Fraser's business, and upon finding his property vandalized, Mr. Fraser offered to burn a copy of his surveillance camera footage to give to the police department. Mr. Brasier stated he owns 61 units in South Fairbanks, and he tries to clean the area; he added that vacant properties bring crime. He asked the Council to approve Mr. Fraser's marijuana license.

Ms. Huntington asked Mr. Brasier to speak to measures he has been involved with that have improved South Fairbanks. Mr. Brasier stated that breaking up the Anderson Apartments by buying out a portion of the complex and upgrading the property is one example. He stated he buys residential properties in hopes of cleaning up the neighborhood.

Ms. Therrien asked Mr. Brasier if he was concerned with the amount of licenses being approved within such a small proximity. Mr. Brasier stated there is nothing that can be done unless the Borough changes its zoning ordinances to address the issue.

Mr. Pruhs stated he has a friend that owns an apartment on Stacia Street, and he asked Mr. Brasier if he sees potential problems with the marijuana establishment. Mr. Brasier stated he does not see a problem with it because marijuana is not allowed to be smoked in public. He stated that South Fairbanks has issues with trespassing and littering already, and a retail marijuana store is not going to do any damage.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger thanked Mother Nature for making the snow disappear. He spoke to Mayor Matherly's comments about not putting public restrooms in the City this calendar year because of the tight budget and lack of public interest. He stated the Council does not want to put in public restrooms because of the many drunks who would use them inappropriately. He spoke to the local poor air quality and to the big contributors to the problem. Mr. Buberger spoke to the importance of the Public Works department painting lines at crosswalks.

Mr. Pruhs asked Mr. Buberger if he had spoken to the Downtown Association about getting a local business to open their restroom to the public. Mr. Buberger replied the City should go talk to the Downtown Association.

Travis Cortez, 1419 Lathrop Street, Fairbanks – Mr. Cortez voiced his concern for the resistance to the cannabis industry. He stated he spoke with local doctors who are in favor of the cannabis industry because they are so against opiates. He stated the resistance to the marijuana industry seems to be a personal issue that overlooks the benefits of the industry. Mr. Cortez spoke in favor of the industry because of all of the revenue that it will generate. He stated he was born and raised in Fairbanks and that he just wanted to voice his opinion to the City Council.

Jennifer Vargason, 2360 Outside Boulevard, Fairbanks – Ms. Vargason stated she was a long-time tobacco smoker; she stated that since her partner brought home a vaporizer five years ago, she has been tobacco-free. She stated her daughter has always had breathing issues but since transitioning to a vaporizer, her daughter no longer has the issues. She stated vaporizers help the community become tobacco-free and should not be included in the “take it outside” campaign.

Travis Fraser, 908 Bennett, Fairbanks – Mr. Fraser thanked Mr. Brasier for his kind words and reaffirmed that he is committed to cleaning up the South Fairbanks. He stated he has met with Police Chief Eric Jewkes about cleaning up the neighborhood. He stated if his business was not next door to Mr. Brasier’s property they would have never caught who vandalized it. Mr. Fraser stated he understands public comment on the license was held at the last Council meeting, but he wanted to attend in case any Council Members had questions.

Mr. Pruhs stated there are two applications on the agenda and one is not up for public comment. He stated the State cannot measure through someone’s private property and that the distance has to be based on the nearest pedestrian path. He suggested that Mr. Fraser raise that issue to the State.

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

Mayor Matherly called for a five minute recess.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Pruhs pulled Resolution No. 4787 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.

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of February 6, 2017.

APPROVED on the CONSENT AGENDA.

- b) Regular Meeting Minutes of February 27, 2017.

APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the following Liquor License Applications for Renewal:

Lic #	DBA	License Type	Licensee	Address
3282	Sam's Club #6603	Package Store	Sam's West, Inc.	48 College Road
3336	Soapy Smith's Pioneer Restaurant	Restaurant/Eating Place	Nicholas V Stepovich	543 2nd Avenue

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

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

Ms. Huntington asked if there were any police call outs to the locations; City Clerk Snider stated she failed to include the call out reports in the Council packets.

Deputy Fire Marshall Kyle Green reported that the owner of license #3336 has become compliant with the kitchen hood, and he is working with the owner to resolve other issues.

Mayor Matherly asked Police Chief Eric Jewkes to come forward with a staff report. Chief Jewkes reported that there are very few call outs to the locations of the licenses.

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

YEAS: Cleworth, Pruhs, Huntington, Norum, Therrien
NAYS: None
ABSENT: Rogers (was temporarily unavailable by phone)

Mayor Matherly declared the MOTION CARRIED.

- b) The Fairbanks City Council, Sitting as a Committee of the Whole, considered the following Application for a New Marijuana Cultivation Facility License. POSTPONED from the Regular Meeting of March 20, 2017 (a public hearing was held at that time).

Type: Marijuana Cultivation Facility, License #11051
DBA: Northlink, LLC
Licensee/Applicant: Northlink, LLC
Physical Location: 1550 Cushman Street, Fairbanks, Alaska

The motion to WAIVE PROTEST on the Marijuana Cultivation Facility License was made at the Regular City Council meeting of March 20, 2017 (Mr. Pruhs, seconded by Ms. Huntington).

Mr. Cleworth reminded the Council that both the Building Department and the Fire Department recommended a protest until the building is complete and a final inspection has been done.

Mr. Pruhs, with concurrence of the second, withdrew the motion to WAIVE PROTEST.

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

Travis Fraser, 908 Bennett, Fairbanks – Mr. Fraser spoke to the reasons he believes the Council should support the cultivation license. He stated the neighborhood would be safer once his business opens because of the shared surveillance footage.

Mr. Pruhs asked Mr. Fraser's attorney to speak to the AMCO Board meeting minutes that removed the term "daycare" from state licensing restrictions.

Jake Staser, Anchorage – Mr. Staser stated that he is Mr. Fraser's attorney and that he is available for questions if the Council should have any. He stated the State removed daycares from buffer zones, so it should not be a consideration. He urged the Council to not protest the license and to let it be determined at the State level.

Ms. Therrien asked Mr. Fraser if he had received his Certificate of Occupancy yet. Mr. Fraser stated he was not sure when he would receive his Certificate of Occupancy from the Building Department. Mr. Fraser stated he spoke with Building Official Clem Clooten who told him that the time it is taking is standard.

Mr. Pruhs asked Mr. Fraser if he fully understood that the voters could make commercial marijuana illegal inside the City of Fairbanks. Mr. Fraser stated the initiative had not been put together when he purchased the building, so he did not begin the process knowing that it could be made illegal.

Mr. Norum stated Mr. Fraser entered into an investment without doing all of his homework; he added that the rules have not changed. Mr. Fraser explained that the citizens' initiative occurred after he had purchased the building and start the remodel. **Mr. Norum** stated that there are a number of questions in regard to Mr. Fraser's application. Mr. Fraser expressed confusion with Mr. Norum's statements. **Mr. Norum** stated that the rules are in place for a reason.

Mr. Cleworth called a point of order. He stated that the Council may only ask questions at this time.

Ms. Huntington stated that since neither the Council nor Mr. Fraser know what the results of the ballot initiative will be, questions should be directed only on the merits of the application.

Ms. Therrien stated she would like the Council to protest the license until a Certificate of Occupancy is issued. **Ms. Huntington** expressed agreement with Ms. Therrien.

Mr. Cleworth asked whether the State's interpretation regarding daycare centers has changed since the last meeting. Mr. Ewers replied that he tried to contact them to find out if Little Thinkers Daycare falls under their definition of a youth facility, but they have not contacted him back. Mr. Ewers indicated that the proximity of the facility to the daycare may violate State law.

Mr. Pruhs stated the license is in conflict at the State level. He stated that the Council should support the license and allow the State to make the final decision.

Mr. Cleworth stated he voted to waive protest on many marijuana facilities inside City limits, but this license is in the worst possible location: directly across the street from Housing First. He shared his concern for the concentration of marijuana businesses in that area. He stated he sympathizes with the large investment he made, but he encouraged the Council to address the concentration issue for marijuana businesses.

Mr. Norum agreed and stated that there are too many marijuana facilities in that area.

Ms. Rogers stated that concentration is a very important issue.

Ms. Huntington stated that since the density issue is not addressed in regulations, it would be unfair to make density an issue for Mr. Fraser. She spoke to the contradiction between the AMCO Board and the AMCO attorney relating to the definition of a youth facility.

Mr. Ewers stated an argument could be made that the intent of the AMCO Board at the time of regulation adoption was to not include daycares in the buffer zone. He spoke to the difference in interpretation between the AMCO Board and the State attorney. Mr. Ewers stated that Mr. Fraser and his attorney will have to address the issue with the AMCO Board.

Mr. Pruhs stated that he would work with Mr. Ewers to draft regulations addressing the concentration of marijuana establishments within City limits.

Ms. Therrien, in regard to the close proximity of the establishment to Housing First, stated that she did not believe that chronically inebriated people would be able to afford marijuana.

Mr. Norum again stated he agrees with Mr. Cleworth's take on the density issue, and he asked Mr. Cleworth to speak to it again.

Mr. Cleworth briefly spoke to the City's regulations regarding liquor license concentration. He stated that alcohol and marijuana use are not mutually exclusive and that he sees use of both at his downtown store on a daily basis.

Ms. Rogers stated there is confusion surrounding the issue but that Mr. Fraser has presented his case well. She stated she believes he will create a positive business in the area. She expressed support for the motion to protest until a Certificate of Occupancy is issued.

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

YEAS: Therrien, Rogers, Pruhs, Norum, Huntington

NAYS: Cleworth

Mayor Matherly declared the MOTION CARRIED.

- c) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the following application for a new Retail Marijuana Store License:

Type: Retail Marijuana Store, License #11053

DBA: True Dank

Licensee/Applicant: True Dank, LLC

Physical Location: 1550 Cushman Street, Fairbanks, Alaska

Mr. Therrien, seconded by **Mr. Pruhs**, moved to PROTEST the Retail Marijuana Store License until a Certificate of Occupancy has been issued by the Building Department.

Travis Fraser, 908 Bennett, Fairbanks – Mr. Fraser clarified that there was an email conversation between his attorney and the State regarding daycare and youth center definitions. He pointed out in the packet he gave Council members that the State took no opinion and left it up to the AMCO Board.

Ms. Therrien asked Mr. Fraser to speak to parking at his retail facility. Mr. Fraser stated a person would have to park behind the Alaska Motel and walk over to his location. **Ms. Therrien** asked whether Mr. Fraser had spoken to the Chief of Police about the parking issue; she pointed out that Chief Jewkes recommended protest based on the parking issue. Mr. Fraser stated he was not aware of the recommendation but that he would do all he could to remedy the problem.

Ms. Huntington stated the Council agenda packet was posted online the Thursday prior to the meeting, Mr. Fraser stated he was not aware of that.

James Overbay, 1175 Doonerak Road, Fairbanks – Mr. Overbay spoke to the vagrancy issue in the downtown area and stated that vacant buildings worsen the problem. He stated Mr. Fraser's business would occupy a vacant building and create traffic flow on South Cushman. He stated that when he was in high school it was very easy to purchase marijuana, but it was very difficult to get alcohol because it was regulated. Mr. Overbay stated the same would be true for minors trying to purchase marijuana because it is now regulated.

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

Mr. Pruhs spoke to the Police Department's recommendation to protest due to parking. He stated that the Tanana Valley Clinic (TBC) ran out of parking and made the vacant lot next to their building overflow parking. He stated he did not see a problem with walking 100 feet to visit a business.

Ms. Huntington asked Police Chief Eric Jewkes to come forward to speak to the parking lot issue. Chief Jewkes stated marijuana is highly sought after, and he is concerned about the visibility issue behind the hotel. He stated it is a safety concern because someone could be hiding and looking to rob someone of the product they purchased.

Mr. Cleworth asked Chief Jewkes if he feels differently about the cultivation license versus the retail license. Chief Jewkes stated traffic will increase if the retail license is approved, and there is no way to know the effects because it is such a new industry. He stated that any substance with an intoxicating effect can cause problems. **Mr. Cleworth** asked Chief Jewkes whether he would want a retail facility so close to Stacia Street if he was sitting on the Council. Chief Jewkes stated he did not support the legalization of marijuana and that there is no way to know what impacts it may have in that particular area.

Ms. Huntington asked Chief Jewkes what Mr. Fraser would have to do in order for the Police Department to lift their recommendation for protest on the retail license. Chief Jewkes stated he would rather see people park across the street than behind another building. He stated Mr. Fraser has been easy to work with and has been helpful in providing evidence to the Department. He stated that Mr. Fraser would have to figure out a safer plan for parking at the facility.

Mr. Norum asked Mayor Matherly where he stands on the issue. **Mayor Matherly** stated he sees all sides of the issue and that Mr. Fraser has been great and forthcoming; he indicated that Mr. Fraser clearly has a good business model. **Mayor Matherly** stated he also recognizes the public safety concerns with the parking but that he would like to see the business thrive.

Ms. Rogers stated the Council should consider Chief Jewkes' advice when voting on the issue. **Ms. Huntington** spoke to her conflicting feelings about the retail license.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE RETAIL MARIJUANA STORE LICENSE UNTIL A CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED BY THE BUILDING DEPARTMENT AS FOLLOWS:

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

Mayor Matherly called for a brief recess.

City Attorney Ewers explained that there was some confusion and a difference of opinion as to whether the Council essentially waived protest by failing the motion to protest subject to a condition. He stated he believes that the Council may follow the failed motion with a new motion regarding the license.

Ms. Huntington, seconded by **Mr. Pruhs**, moved to RECONSIDER the motion to PROTEST the Retail Marijuana Store License until a Certificate of Occupancy is issued.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO RECONSIDER THE MOTION TO PROTEST THE RETAIL MARIJUANA STORE LICENSE UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED AS FOLLOWS:

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

Ms. Therrien, seconded by **Ms. Huntington**, moved to AMEND the motion to PROTEST the Retail Marijuana Store License until a Certificate of Occupancy is issued by adding that the protest will remain in place until FPD's public safety concerns in regard to customer parking are resolved.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE MOTION TO PROTEST THE RETAIL MARIJUANA STORE LICENSE UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED BY ADDING THAT THE PROTEST WILL REMAIN IN PLACE UNTIL FPD'S PUBLIC SAFETY CONCERNS IN REGARD TO CUSTOMER PARKING ARE RESOLVED AS FOLLOWS:

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE RETAIL MARIJUANA STORE LICENSE UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED AND UNTIL FPD'S PUBLIC SAFETY CONCERNS IN REGARD TO CUSTOMER PARKING ARE RESOLVED AS FOLLOWS:

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

MAYOR'S COMMENTS AND REPORT

Mayor Matherly read aloud a Proclamation declaring April 3 – 9 as National Public Health Week. He offered condolences to the family who lost their four-year-old daughter in a recent accident when snow fell off their roof.

UNFINISHED BUSINESS

- a) Ordinance No. 6043 – An Ordinance to Amend Fairbanks General Code Chapter 2, Article VIII, Financial Disclosure. Introduced by Mayor Matherly. **SECOND READING AND PUBLIC HEARING.**

Mr. Pruhs, seconded by **Ms. Huntington**, moved to ADOPT Ordinance No. 6043.

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

Ms. Therrien stated she has received some comments requesting that Council Members amend their financial disclosure statements if any major changes have occurred in their finances since their last report filing. She expressed support for Ordinance No. 6043.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6043 AS FOLLOWS:

YEAS: Pruhs, Therrien, Huntington, Cleworth, Norum, Rogers
NAYS: None
Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6043 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4786 – A Resolution Authorizing Matching Funds and Execution of the Maintenance Agreement for the FMATS Intersection Improvement Program Project. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4787 – A Resolution in Support of a Smoke-free Alaska. Introduced by Council Members Huntington and Pruhs.

City Clerk Danyielle Snider informed the Council that Ms. Rogers and Ms. Therrien have asked to be included as cosponsors of Resolution No. 4787. **Mr. Norum** requested he be listed as a sponsor also.

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to APPROVE Resolution No. 4787.

Mr. Pruhs stated he pulled the resolution because he wanted Council Members to have an opportunity to be added as sponsors. **Mr. Cleworth** stated he would like to be a sponsor of the resolution also.

Ms. Huntington stated she supports creating distances between buildings and designated smoking areas but that it should not be included in the current resolution.

Mr. Cleworth stated that the distance is already in City Code but is difficult to enforce.

Mr. Norum stated the University has installed effective signage that states “this is a non-smoking campus.” He suggested the City do the same.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4787 AS FOLLOWS:

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

- c) Ordinance No. 6044 – An Ordinance Amending Fairbanks General Code Section 70-134 Setting Design Standards for Roadways in Fairbanks. Introduced by Council Member Cleworth.

ADVANCED on the CONSENT AGENDA.

- d) Ordinance No. 6045 – An Ordinance Amending Fairbanks General Code Section 2-232(a), Fairbanks Diversity Council Composition; Terms of Office. Introduced by Mayor Matherly.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

- a) Committee Reports

Polaris Workgroup – **Mr. Pruhs** shared that there will be a meeting on April 11, 2017 at 3:00 p.m., and several entities will be attending.

COMMUNICATIONS TO COUNCIL

- a) Board of Plumber Examiner Meeting Minutes of December 13, 2016

ACCEPTED on the CONSENT AGENDA.

- b) Chena Riverfront Commission Meeting Minutes of February 8, 2017

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Ms. Rogers thanked Chief Jewkes for the Work Session he presented on City security. She shared that the Pioneer Park Civic Center was renamed to honor a former Assembly Member.

Mr. Norum asked Ms. Snider to draft a resolution aimed at banning smoking on City grounds. He thanked the Council for not approving the marijuana license without complying with public safety standards.

Ms. Therrien stated the Fire Fighters Union (FFU) arbitration decision has been issued, and she asked if the Mayor was drafting an ordinance to approve it. Mr. Ewers stated the Finance Department is putting numbers together in regard to the FFU arbitration award.

Ms. Huntington stated she has had a very hectic schedule, and she thanked Mr. Pruhs and Mayor Matherly for all of the help they provided to her in the past few weeks. She stated it was great to have people to turn to for support.

Ms. Therrien stated there would be a Legislative Committee Meeting on May 6 at 3:00 p.m.

Mr. Cleworth asked City Engineer Jackson Fox to give a report on the Noble Street Project at the next Finance Committee Meeting. He requested that the contamination issue and the issue of records retention also be placed on the next Finance agenda. He stated the FFU does not care about the City's precarious financial situation, and he is disappointed in the arbitrator's decision.

Mr. Pruhs offered condolences to the family who recently lost their daughter. He wished a happy birthday to his brother Danny. He thanked Ms. Snider for being a good Clerk.

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

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

Mayor Matherly called for a ten minute recess.

EXECUTIVE SESSION

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

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

ADJOURNMENT

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

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

Mayor Matherly declared the meeting adjourned at 11:32 p.m.

JIM MATHERLY, MAYOR

ATTEST:

D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB

MEMORANDUM

City Clerk's Office

D. Danyielle Snider, CMC, City Clerk

TO: Mayor Jim Matherly
City Council Members

FROM: D. Danyielle Snider, CMC, City Clerk

SUBJECT: Transfer of Liquor License Ownership

DATE: June 15, 2017



An application has been received from the State Alcohol and Marijuana Control Office (AMCO) for transfer of ownership for the following liquor license applicant:

License Type: Beverage Dispensary, License #2847
D.B.A.: No DBA
Licensee/Applicant: Nash Holland, LLC
Officials: Kara Nash, Adam Nash, and Christopher Holland
Physical Location: No Premises
Mailing Address: PO Box 71285, Fairbanks, Alaska, 99707

From: Bojangles / Scruff-N-Porks, Inc.
1351 Cushman Street, Fairbanks

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

A call-out report has not been included with this memorandum because the property has been vacant for several months. Prior to the vacancy, Grizzli's was operated out of this location under different ownership and a separate liquor license.

Please note that there are **no departmental protests** for the transfer of this license, but Police Chief Eric Jewkes included the following comment: *At this time, there is very limited information about Nash Holland, LLC. A quick search shows the LLC was filed 01/26/17.*

ORDINANCE NO. 6050

**AN ORDINANCE ESTABLISHING AN INCENTIVE BONUS PROGRAM WITHIN
THE FAIRBANKS POLICE DEPARTMENT FOR RECRUITMENT AND HIRING**

WHEREAS, Fairbanks Police Department (FPD) currently has nine officer vacancies and anticipates a significant shortfall in officers over the next three years; and

WHEREAS, it currently costs the City of Fairbanks a minimum of \$19,728 in salaries and benefits to send one employee to the Police Academy, which does not include additional field training costs; and

WHEREAS, a one-time, sign-on bonus of \$20,000 for a lateral hire would help attract applicants and would constitute a significant cost savings to the City; and

WHEREAS, all lateral hire bonuses will be funded through savings from budgeted salaries as available.

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

SECTION 1. An applicant who is a certified police officer in the State of Alaska or is able to meet Alaska Police Standards Council (APSC) certification standards without attending a basic officer academy will be paid a \$20,000 “sign-on bonus” in their first paycheck following completion of Field Training, subject to the payback provisions specified in the attached Sign-on Bonus Agreement.

SECTION 2. If an active FPD employee recruits a new officer (as defined in Section 1) who successfully completes the hiring process, the employee will receive a recruitment bonus of \$5,000.

SECTION 3. The bonuses established in Sections 1 and 2 of this ordinance will be funded through savings from budgeted salaries as available. This program will sunset on December 31, 2019, unless extended by Resolution of the City Council.

SECTION 4. That the effective date of this Ordinance shall be the ____ day of June 2017.

Jim Matherly, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

CITY OF FAIRBANKS

FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 6050

Abbreviated Title: An Ordinance Establishing an Incentive Bonus Program at FPD

Department(s): Police

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes _____ No X

2) additional support or maintenance costs? Yes _____ No X

If yes, what is the estimate? _____

3) additional positions beyond the current adopted budget? Yes _____ No X

If yes, how many positions? _____

If yes, type of positions? _____ (F - Full Time, P - Part Time, T - Temporary)

II. FINANCIAL DETAIL:

PROJECTS:	2015	2016	2017	Total
				\$0
				\$0
				\$0
				\$0
				\$0
				\$0
TOTAL	\$0	\$0	\$0	\$0

FUNDING SOURCE:	Equipment	Contracts	2017	Total
				\$0
				\$0
				\$0
TOTAL	\$0	\$0	\$0	\$0

All Bonuses will be paid using unspent salaries available in the current budget.

Reviewed by Finance Department: Initial CR Date 6/1/2017



Fairbanks Police Department Sign-On Bonus Contract

This agreement is made between the CITY OF FAIRBANKS (“City”) and _____ (“Employee”).

WHEREAS, this contract will apply to an Employee who begins employment for the City in the Police Department (“Department”) for the first time as a POLICE OFFICER and meets the City requirements as a lateral-hire Police Officer; and

WHEREAS, the Department wishes to bestow upon the Employee a “Sign-on Bonus” as an incentive for the Employee to accept employment at the City and to remain satisfactorily employed in the Department for at least three full years;

THEREFORE, the City and the Employee agree to the following terms:

1. The City, acting through the Department, agrees to bestow upon the Employee the amount of \$20,000.00 as a Sign-on Bonus in return for the Employee accepting City’s offer of employment. This amount shall be paid directly to the Employee on the Employee’s first paycheck following the successful completion of field training.
2. The City will apply all required federal and state tax deductions and will report all payments made under this Agreement as required by federal and state law. Taxes shall be withheld as bonus earnings from the Sign-on Bonus and reported to the Internal Revenue Services as income on the Employee’s Form W-2. The Sign-on Bonus is not considered “salary” and shall not be included for purposes of retirement benefit calculations or salary increases.
3. The Department will adhere to all relevant City and Department policies during the hiring process and in making bonus payments to employees.
4. In return for accepting the Sign-on Bonus as provided in paragraphs 1 and 2 above, the Employee agrees to work for the Department on a regular and full-time basis for at least three years beginning “Start Date” and ending on “3 Year Date”. Should the Employee resign, quit, or be terminated for cause before the above stated ending date, the Employee shall repay a prorated amount of the Sign-on Bonus as provided in the following paragraphs.
5. The Employee’s failure to remain employed by the Department for three years will trigger the Employee’s duty to repay, pro-rata, the amount paid by the Department pursuant to paragraph 1, above. (This amount may be more than the Employee received due to tax or other withholdings.) For example, if the Employee leaves one year prior to the end date, he/she will repay 12/36 of such amount. To facilitate this repayment, the Employee, by signing below, expressly gives City a lien on all his/her salary, wages, and other sums payable to him/her by City. In addition, the Employee hereby authorizes City to withhold all amounts so due from any sum payable to the Employee by the Department and the City. The Employee also agrees that any tax consequences resulting from the repayment of the Sign-on Bonus or any portion thereof will be the sole and exclusive responsibility of the Employee.

6. If the Employee fails to remain employed by the Department for three years for reasons beyond his/her control (e.g. injury, illness or death), other than just cause termination, the Department may in its sole discretion waive all or part of the liability owed by the Employee. Any such waivers must be approved in writing by both the Chief of Police and the Mayor.

7. If any part of the Agreement is found to be invalid or unenforceable, the other parts shall remain valid and enforceable and Employee agrees, represents, and warrants that he/she will be held to any applicable repayment of the Sign-on Bonus.

BY SIGNING BELOW, the Employee certifies that he/she has not accepted a financial incentive for accepting employment at the City, other than as described in this Agreement.

IN WITNESS THEREOF:

Employee Signature

Date

Chief of Police Signature

Date

Mayor Signature

Date

cc: Personnel File

RESOLUTION NO. 4797

**A RESOLUTION AWARDING A CONTRACT TO EXCLUSIVE PAVING FOR THE
FAIRBANKS WATER SERVICE CONNECTIONS PROJECT ITB-17-06 IN THE
AMOUNT OF \$449,000**

WHEREAS, in accordance with FGC Chapter 54, Article IV, Competitive Bidding, bids were solicited for the Fairbanks Water Service Connections Project (hereinafter "Project"); and

WHEREAS, the Project will provide municipal water service connections for 13 residences and businesses currently using drinking water wells that are contaminated from past training activities at the Fairbanks Regional Fire Training Center; and

WHEREAS, the successful responsive bidder for the Project was Exclusive Paving of Fairbanks, Alaska, in the amount of Four Hundred Forty-nine Thousand Dollars and Zero Cents (\$449,000); and

WHEREAS, funding for the Project will be provided by the City of Fairbanks Risk Fund; and

WHEREAS, the property owners will assume ownership and maintenance responsibilities of the water service lines following construction.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the Mayor is authorized to execute a contract and such other documents in a form approved by the City Attorney as may be necessary to effect award of the contract.

PASSED and APPROVED this 19th Day of June 2017.

Jim Matherly, City Mayor

YEAS:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 4797

Abbreviated Title: AWARD CONTRACT TO EXCLUSIVE PAVING FOR WATER CONNECTIONS

Department(s): ENGINEERING

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes _____ No x

2) additional support or maintenance costs? Yes _____ No x

If yes, what is the estimate? see below

3) additional positions beyond the current adopted budget? Yes _____ No x

If yes, how many positions? _____

If yes, type of positions? _____ (F - Full Time, P - Part Time, T - Temporary)

II. FINANCIAL DETAIL:

EXPENDITURES:	Equipment	Contracts	Personnel	Total
Water Service Connections Project	\$0	\$449,000	\$0	\$449,000
TOTAL	\$0	\$449,000	\$0	\$449,000

FUNDING SOURCE:	Equipment	Contracts	Personnel	Total
City of Fairbanks Risk Fund	\$0	\$449,000	\$0	\$449,000
TOTAL	\$0	\$449,000	\$0	\$449,000

Property owners will assume ownership and maintenance responsibilities of the water service lines after construction. The City received requests from property owners to pay their water bills. The estimated cost for a single family unit with a monthly water use of 4,000 gallons is \$114.45 (source: GHU).

Reviewed by Finance Department: Initial mb Date 6/6/2017

Introduced By: Mayor Matherly
Finance Committee: June 13, 2017
Date: June 19, 2017

ORDINANCE NO. 6051

**AN ORDINANCE AUTHORIZING A LEASE AMENDMENT FOR
ADDITIONAL SPACE IN CITY HALL TO THE BOYS & GIRLS CLUB OF
ALASKA, INC.**

WHEREAS, the City owns and maintains City Hall, located at 800 Cushman Street, also known as Block 104A, Fairbanks Townsite; and

WHEREAS, the City currently provides lease space in City Hall for the Boys & Girls Club pursuant to Ordinance 5979, as Amended; and

WHEREAS, by letter to the Mayor and Council, attached as "Exhibit A," the Boys & Girls Club has respectfully requested to lease approximately 1,450 square feet of additional area (the basement space formerly known as the "Boxing Club"); and

WHEREAS, the City administration has reviewed the proposed lease area and determined that it is not required for municipal purposes and can be leased to others; and

WHEREAS, the existing Lease can be amended for these purposes; and

WHEREAS, FGC Section 70-44 provides that the City may lease to a non-profit organization without public sale and for less than market value whenever, in the judgment of the City Council, it is advantageous to do so; and

WHEREAS, it is the finding of the City Council that a lease of the additional building space described above to the Boys & Girls Club is in the best interest of the community.

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

SECTION 1. That Lease Amendment No. 1 in the form shown in attached "Exhibit B" is hereby authorized by Council for the purposes herein stated.

SECTION 2. That the Mayor is authorized and directed to execute said Lease Amendment No. 1 on behalf of the City, and the City Clerk is authorized to attest and affix the City Seal to said instrument, the execution of which shall take place not less than thirty (30) days after the effective date of this ordinance, as prescribed by City Charter Sec. 8.3 and FGC Sec. 70-56.

SECTION 3. That the effective date of this ordinance is the ____ day of _____ 2017.

JIM MATHERLY, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. DANYIELLE SNIDER, CMC, City Clerk

PAUL EWERS, City Attorney

Mayor Matherly
800 Cushman St.
Fairbanks, Ak 99701



**BOYS & GIRLS CLUB
OF FAIRBANKS**

Dear Mayor Matherly and Council Members,

Thank you for your support in housing our community's Boys & Girls Club. Thanks to you, Fairbanks families have a safe and affordable option for after-school and summer care.

Boys & Girls Clubs are a positive fun place with programs that focus on three main areas: academic success, character & leadership, and healthy lifestyles. Professional staff and volunteer mentors ensure that the Club is a safe place for youth to develop into successful adults. The number of teen memberships has been increasing over the past two years and we are expecting it to continue to grow.

In order to maintain that growth we need more space. By revising our lease to include the north side of the ground floor, formerly a boxing gym, you would be giving the teens in our community a Teen Center. You would give teens access to programs that prepare them for careers after high school, promote financial responsibility, and help them learn how to reach mutually supportive relationships free of violence and abuse.

Boys & Girls Club of Fairbanks is willing to renovate the space and perform all required maintenance to bring it up to code. Due to the costs associated with the repairs to the space, we welcome a conversation regarding lease parameters.

On behalf of our board, staff, and youth members, I would like to thank you for your consideration.

Nelson Rios
Executive Director

Administrative Office

Physical: 645 8th Avenue
Mailing: PO Box 74143
Fairbanks, AK 99707
Tel: 907-457-1183
Fax: 907-457-5224
www.bocafairbanks.org
Facebook: Boys & Girls Club of Fairbanks

Clubhouse

907-457-5223
645 8th Avenue
Fairbanks, AK 99701

Board of Directors

John Brown, President
Jodee Trivette
Nicole Cundiff
Annie Sartz
Les Nichols
Gwen Holdmann
Sylvia Hutchinson
Ana Fochesatto

Boys & Girls Club Staff

Nelson Rios, Executive Director
Amy Cross, Program Coordinator
Rick Bahr, Youth Development Professional
Corinne Hammer, Youth Development Professional
Jonathan Burton, Youth Development Professional

GREAT FUTURES START HERE.

“EXHIBIT B”

TO ORDINANCE NO. 6051

LEASE AMENDMENT No. 1

This Lease Amendment No. 1 is entered into by the City of Fairbanks, 800 Cushman Street, Fairbanks, Alaska, 99701 (“the City”) and the BOYS AND GIRLS CLUB OF SOUTHCENTRAL ALASKA, INC., (“the Boys and Girls Club”) an Alaska Nonprofit Corporation, PO Box 74143, Fairbanks, Alaska 99707-4143.

RECITALS

- (1) The City and the Boys and Girls Club entered into a lease dated June 23, 2015 (the “Lease”), under which The Boys and Girls Club leased 10,090 square feet within City Hall, including the gymnasium, the cafeteria and basement office areas;
- (2) That Lease is incorporated hereto by reference as though set out in full.
- (3) The City and the Boys and Girls Club mutually desire to amend the Lease to increase the lease area and do hereby enter into this Amendment No.1 for these purposes.

NOW THEREFORE:

A. Additional Lease Area

A portion of City Hall containing 1,450 square feet, comprised of the following identified building area:

Basement Area. The basement area located in the “north west addition,” with entry adjacent to Eight Avenue, as shown “Lease Attachment 1.”

B. Rent

Monthly rent for the Basement Area is established at \$500.00. Rent under this section is in addition to rent under the original lease of \$1,355 per month, for a total monthly rent of \$1,855.00.

C. All other terms of the original lease remain unaffected.

LESSEE
Boys and Girls Club of Southcentral Alaska

LESSOR
City of Fairbanks

By: Alana Humphrey
Title: Executive Director

By: Jim Matherly
Title: Mayor

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC
City Clerk

Paul Ewers
City Attorney

ACKNOWLEDGMENT

State of Alaska)
) ss
Fourth Judicial District)

THIS IS TO CERTIFY that on this _____ day of _____ 2017 the undersigned, a Notary Public for the State of Alaska, duly commissioned and sworn as such, personally appeared **JIM MATHERLY** and **D. DANYIELLE SNIDER** and that they acknowledged before me that they executed the same for and on behalf of the City of Fairbanks and under the authority of said municipal corporation so granted by the City Council.

IN WITNESS, I have set my hand and affixed my official seal on this _____ day of _____ 2017.

Notary Public
My Commission Expires: _____

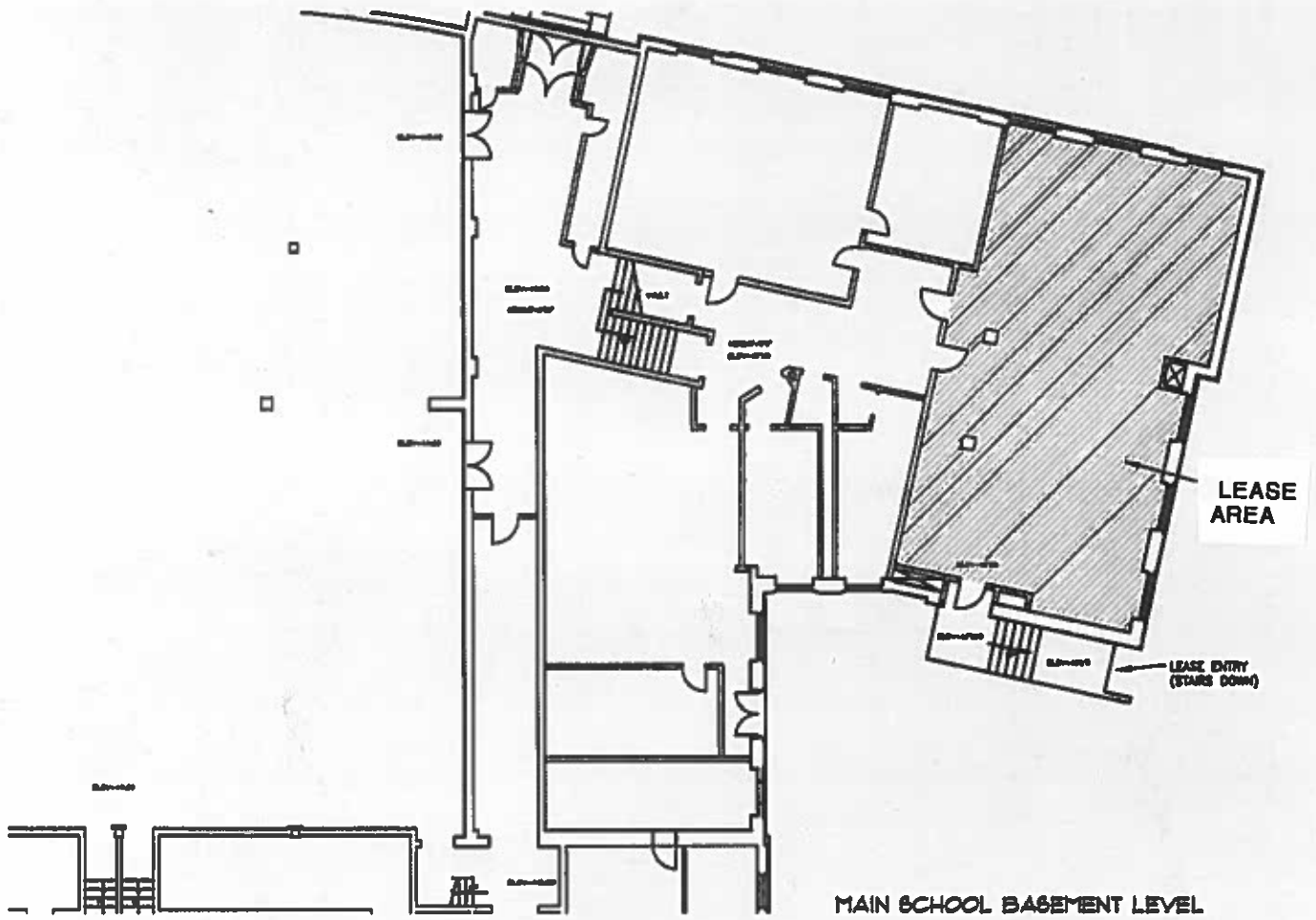
ACKNOWLEDGMENT

State of Alaska)
) ss
Fourth Judicial District)

THIS IS TO CERTIFY that on this _____ day _____ 2017 before me, the undersigned, a NOTARY PUBLIC in and for the State of Alaska, personally appeared Alana Humphrey of, Boys and Girls Club of Southcentral Alaska, Inc. and that she acknowledged before me that she executed the same on behalf of said entity, with authority to do so.

IN WITNESS, I have set my hand and affixed my official seal on this _____ day of _____, 2017.

Notary Public
My Commission Expires: _____



ORDINANCE NO. 6051

LEASE 'ATTACHMENT 1'

ORDINANCE NO. 6052

AN ORDINANCE AMENDING FGC CHAPTER 66, SOLID WASTE

WHEREAS, Chapter 66 of the Fairbanks Code of Ordinances covers all aspects of solid waste collection within the City; and

WHEREAS, the City's Public Works Department, under the guidance of Director Jeff Jacobson, has undertaken a complete review of Chapter 66; and

WHEREAS, key issues that were identified under this review were presented to the Council at a work session held on May 8 of this year; and

WHEREAS, it is the recommendation of the Department and its Director that the following rewrite of Chapter 66 be adopted.

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

SECTION 1. That FGC Chapter 66, Solid Waste, is amended by repealing it and reenacting the version set out below:

ARTICLE I. IN GENERAL

Sec. 66-1. Definitions.

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

(1) *Animal Excreta* means animal feces.

(2) *Ashes* mean the residue from fires used for cooking and for heating buildings.

(3) *Garbage* means refuse and rubbish as defined in this section.

(4) *Hazardous Waste* means waste that is capable of causing injury, disease or impairment of health, or property damage, including, but not limited to, poisons, pesticides, acids, caustics, infectious or pathological waste, radioactive materials, explosive or highly flammable materials, oil and petroleum products, batteries, burning or smoldering materials, or any item which, when disposed of into a landfill, will cause contamination of groundwater or cause the groundwater to not meet state drinking water standards.

(5) *Home Medical Waste (Sharps)* means used and unused hypodermic needles, tattoo and body piercing needles, and lancets used for blood samplings.

(6) *Organics* mean grass clippings, leaves, brush, and yard, garden, and tree trimmings.

(7) *Prohibited Items* mean auto parts, tires, animal hides or scraps from hunting and fishing, and construction/demolition debris (such items will not be collected by the City and must be taken to the landfill).

(8) *Refuse* means animal or vegetable wastes which arise from the use, preparation or storage of food for human consumption, not including wastes from industrial processes and manufacturing operations.

(9) *Rubbish* means nonputrescible material, such as paper cartons, boxes, wood, furniture, metal, plastics, glass, and ceramics, not including, auto parts, tires, gravel, sand, dirt, building materials and industrial wastes and organics such as yard and tree trimmings.

(10) *Solid Waste* means all types of waste defined in this section.

Sec. 66-2. Use of service required; exceptions.

(a) The city has undertaken the collection of solid waste in the residential areas of the city, with curbside pickup in approved containers. All persons shall use the City's residential solid waste collection services, unless specifically excluded under this chapter.

(b) The collection of commercial solid waste is left to licensed commercial refuse collectors.

(c) The city council may award contracts for collection and disposal of solid waste at such times as it deems proper.

Sec. 66-3. Duties of director of public works.

(a) The director of public works shall investigate all complaints issued by any licensee or any resident of the city pertaining to accumulating, collecting, hauling, or disposing of solid waste within the city and shall submit a report to the mayor regarding such activities.

(b) The director of public works shall periodically inspect the manner in which any licensee is collecting, hauling, and disposing of solid waste in the city and shall notify the licensee of any violations of this Code, the regulations under this Code, or of the laws of the state. Upon the failure of a licensee to correct or remove any existing violation, the director of public works shall initiate necessary enforcement action.

(c) The director of public works shall periodically inspect the manner in which solid waste is being accumulated, stored, and disposed of by persons living within the city and, upon evidence of violations of this Code, the regulations under this Code, or of the laws of the state relating to solid waste, take appropriate action to notify the person of such violation and, where necessary, initiate legal action concerning such violation.

(d) The director of public works shall submit to the city council annually a summary report on the status of solid waste collection within the city.

Sec. 66-4. Regulations authorized.

The Mayor is empowered to make such rules, not in conflict with the provisions of this chapter, related to the collection, storage, and disposal of solid waste as are necessary to protect public property or the safety or health of the public.

Secs. 66-5 – 66-20. Reserved.

ARTICLE II. ACCOUNTS

Sec. 66-21. Residential, commercial accounts.

(a) *Residential accounts.* Except as provided in subsections (a) (1), (2), the residential rates for solid waste collection shall be chargeable to the property owner of each residence, whether or not the owner or occupant elects to use the city's collection service, and shall apply to all residential living units unless it falls within the exemptions for commercial accounts.

- (1) Any apartment building or complex which contains more than four apartment units (as defined by the Uniform Building Code), any assisted living facility, or any store, shop, or business shall be considered a commercial account. An apartment owner who owns more than one four-plex on adjoining lots may opt to contract with a commercial carrier in lieu of receiving and paying for city collection. A single, residential four-plex shall receive collection service by the city, except in the event that the owner of the four-plex requests commercial service for no less than one year.
- (2) The mayor, upon a finding by the public works director that service can be provided, may enter into agreements to provide residential refuse service for assisted living facilities, apartments (larger than a four-plex), condominiums, residential planned unit developments, or residential units located on military land or on private streets, upon the request from the owner of such dwellings, provided that such owner is willing to make a single quarterly payment for all residential units in the development and comply with all city solid waste collection regulations. Agreements authorized by this subsection shall charge each living unit the same rate per unit as paid by a single family home account, without the senior citizen discount (unless all residents qualify) and without any adjustment for vacancies.

(b) *Commercial accounts.* A store, shop, business, or assisted living facility shall be considered a commercial account. These commercial accounts may contract with a commercial licensed refuse collector.

Sec. 66-22. Rates.

(a) The rate for residential service shall be as set forth in the city's schedule of fees and charges for services. This rate shall be charged to each residential property owner whether or not the residential property owner elects to use the city's collection service. The schedule shall be adjusted by the city council effective in July of each year to reflect the annual change in the Alaska Consumer Price Index (Annual CPI-U), changes in the cost of fuel, and changes in the tipping fees charged by the Fairbanks North Star Borough landfill. Twelve percent of the amount collected under this Chapter shall be placed in a city equipment account.

(b) The rate for collections made under section 66-24 shall be set forth in the City's Schedule of Fees and Charges for Services.

Sec. 66-23. Senior citizen rate.

(a) A qualified senior citizen may apply to the office of the city clerk or the city finance department for the senior citizen rate. The senior citizen rate will be as provided in the city's schedule of fees and charges for services and will become effective the first billing quarter following a qualified filing.

(b) The term "qualified senior citizen" as used in this section is defined as a person at least 65 years of age or a person at least 60 years of age who is the widow or widower of a person who was receiving the senior citizen rate at the time of their death. The widow or widower must file a new application for the senior citizen rate and must meet the requirements of subsection (c).

(c) To receive the senior citizen rate under this section, a qualified senior citizen must:

- (1) Be an owner of record of the property receiving the solid waste service.
- (2) Occupy the property as a permanent place of abode. If the qualified senior citizen owns multiple properties, only their primary residence will be eligible for the senior rate.
- (3) File for the senior citizen rate with the city clerk or the city finance department, provide proof of age, and have the application signature notarized. A qualified senior citizen need not file such an application for successive years if there is no change in ownership, no change in permanent place of abode, and no change as to the owner of record.
- (4) Maintain all city accounts in current status. The senior citizen rate will be revoked if a city account(s) is delinquent. The senior citizen rate will be reinstated without requiring a new filing when the account(s) is brought into current status.
- (5) If living in a residence provided service pursuant to section 66-21(a)(2), all residents must be qualified.

(d) Annually, the city finance department will review a minimum of ten percent of the accounts receiving the senior citizen rate to determine eligibility and compliance with this section.

(e) The qualified senior citizen receiving a senior citizen rate or their designated representative is responsible for notifying the city clerk or finance department of any change in ownership, residency, or permanent place of abode. Any account that is receiving the senior citizen rate for any period during which it is not eligible will be billed for the ineligible period at the regular collection rate and charged interest at the current rate for delinquent accounts.

Sec. 66-24. Charge for collection of oversized items; other charges.

(a) A customer shall be assessed an additional charge for the collection of any oversized items which cannot be collected during the routine weekly collection and which require a special trip by the department of public works.

(b) A customer shall be assessed an additional charge for failing to properly dispose of home medical wastes, hazardous wastes, and ashes, per Sec. 66-42, and for failing to maintain their container or receptacle in a proper manner per Sec. 66-62(c) after a second notice from the director of public works.

Sec. 66-25. Customer service policies.

(a) *Charge for service.* It shall be the duty of the finance director to keep accounts of solid waste customer accounts, to enter on such accounts all charges and penalties, and to establish billing dates for such service.

(b) *Billings, due dates, and delinquent dates.* The charges for services shall be billed during the first month of the service quarter. The billing shall be due on the last business day of the first month in the quarter of service. Failure of any person to pay the charges by the due date shall cause such charges to become delinquent. Failure to receive mail shall not be recognized as a valid excuse for failure to pay bills when due. A maximum legal rate of interest charge, but no more than 18 percent per annum, shall be added to the delinquent balance as of the day following the due date.

(c) *Automatic recurring bank payments.* Citizens may enroll in the Automated Clearing House (ACH) service for payment of quarterly bills from a personal checking or savings account. ACH transactions will be posted to customer accounts on the last day of the billing month. Non-sufficient funds (NSF) will result in a charge on the customer's next bill.

(d) *Action to collect delinquent accounts.* Accounts delinquent on the last day of the quarter following the due date will have liens placed on the property. All costs incurred by the city to record and release the lien will be applied to the owner's account. The lien will be released when the account is paid in full.

(e) *Property owner liable for payment of solid waste service fees.* The owner of a record of the real estate receiving service shall be chargeable for the service and such fees shall be a lien against the real estate.

Secs. 66-26 – 66-40. Reserved.

ARTICLE III. COLLECTION

DIVISION 1: REQUIREMENTS

Sec. 66-41. City Collection.

(a) The city shall collect all residential solid waste throughout the city, subject to the provisions of this chapter and on a schedule established by the director of public works.

(b) It is the responsibility of the owner or occupant, on the days allocated for collection, to position their garbage bags on their lot at roadside.

Sec. 66-42. Required containment.

(a) All garbage, organics, and ashes shall be kept inside tightly closed plastic bags. Single residences are encouraged to cover the bags with tarps or place them in an approved container or receptacle.

(b) Home medical wastes (sharps) shall be placed in an approved container or sealed thick-walled sturdy plastic container (such as those used for bleach, laundry detergent, etc.) labeled “Sharps” and placed outside of garbage receptacles.

(c) Hazardous wastes shall be disposed of in containers placed in cardboard boxes outside of garbage receptacles.

(d) Cold ashes shall be disposed of in plastic bags placed outside of garbage receptacles.

(e) Grass clippings and other organics, which can be placed in plastic garbage bags, will be collected.

(f) No returnable containers will be permitted, and no objects which would damage the packer truck will be taken.

(g) Prohibited items must be disposed of at the Borough Landfill.

Sec. 66-43. Containers/receptacles required.

(a) It shall be the duty of the owner of any dwelling, flat, apartment house, or trailer court to furnish, or to see that their tenants are supplied with, appropriate containers or receptacles approved by the director of public works or designee.

(b) Containers or receptacles shall:

- (1) Not be overloaded beyond the point where the contents can be securely contained;
- (2) Not be filled with liquids or semiliquid kitchen wastes which may be properly disposed of through the means of sanitary drains;
- (3) Be kept in sanitary condition with the outside free from accumulations or grease or decomposing matter; and
- (4) Be further kept in a sanitary manner so that no odor shall emit from the container or other nuisance arises because of the unsanitary condition of such container.

(c) Each container or receptacle shall be kept in a place reasonably accessible to collection personnel so that they will not be required to carry such container any distance in excess of that necessary.

(d) The property owner shall be solely responsible for the care and condition of their containers or receptacles.

Sec. 66-44. Placement of containers/receptacles.

(a) Except for purpose of collection, no person shall deposit any solid waste upon any street, alley or city-owned property, or upon any property owned by another. Solid waste containers or receptacles shall not project from the lot line more than three feet and shall be used by the resident as a temporary storage facility only.

(b) No container or receptacle or any solid waste shall be placed in the parking strips or otherwise in front of houses unless approved by the department of public works.

Sec. 66-45. Dumpsters.

(a) If service is provided by a licensed commercial refuse collector, all solid waste shall be put in dumpster units.

(b) All dumpster units shall be constructed of a durable metal, and all seams shall be watertight and shall have covers that are tightfitting.

(c) Each dumpster unit shall bear the following legends:

- (1) The company name and phone number (located on the front of the receptacles).
- (2) “Keep covers closed by order of Public Works Director” (located on both the front and back in three-inch letters).
- (3) A unique number for identification purposes (located in the front, upper right-hand corner in four-inch letters).

(d) All dumpster units are to be kept well painted, clean, in good repair.

(e) Units holding wet refuse shall be cleaned and sanitized twice per year or as directed by the directory of public works, at an approved location by steam cleaning or other approved method.

(f) Dumpster customers shall be encouraged to use plastic garbage sacks to contain garbage.

(g) A receptacle which does not comply with this section is unlawful and constitutes a nuisance and shall be summarily abated by the director of public works or his agents by confiscation and removed no sooner than seven days after notification to the owner by certified mail of the container's noncompliance.

(h) Upon approval from the directory of public works, enclosures to hold multiple bags or garbage until pickup may be constructed for buildings or complexes of more than one unit.

Secs. 66-46 – 66-60. Reserved.

DIVISION 2: PROHIBITIONS

Sec. 66-61. Sanitary conditions required.

No person having the care, either as owner or occupant, of any premises shall fail to maintain the premises in a clean and sanitary condition regarding solid waste. Such premises shall include the alley bordering the premises up to the centerline of the premises.

Sec. 66-62. Additional prohibited acts.

(a) No one shall place any trash bags within the street or alley right-of-way.

(b) No one shall place solid waste at the designated pickup location other than scheduled collection days.

(c) If the owner or occupant fails to maintain a container or receptacle in a proper manner, the director of public works shall notify the owner that they have ten days to correct the problem. After the second such notice, the owner will be charged an additional fee, as set out in the City's Schedule of Fees and Charges for Services, until such time as the problem has been corrected.

(d) It shall be unlawful and constitute a nuisance for the owner or agent of the owner of any lot or grounds within the corporate limits of the city, or upon any adjacent street or sidewalk, to keep or to permit to remain any solid waste for a period longer than the frequency of collection established pursuant to this Chapter and in no case for more than 10 days.

(e) It shall be the duty of the director of public works to give a written notice to the owner or agent of the owner of any such lot to remove any solid waste kept or permitted to remain on such property in violation of the requirements of subsection (d). If the owner or agent of any such lot

fails to comply with such notice within five days from receipt of the notice, they shall be deemed guilty of a minor offense. A person charged with a violation of this section must respond to the City Clerk's Office within 30 days of receipt of the citation. Disposition may be without court appearance pursuant to AS 29.25.070 and the Alaska Minor Offense Rules upon payment of a fine of \$100 and payment of the state surcharge required by AS 12.55.039 and AS 29.25.074. The fines for this offense may not be judicially reduced.

(f) In addition to the penalty prescribed in subsection (e), the director of public works is authorized to remove from any lot, street or sidewalk, provided the owner or agent fails so to do after receiving such notice, any such solid waste. The director of public works shall report the cost of the removal to the city council. The city council shall determine by resolution whether such cost is correct and may declare the cost to be a lien upon the real property from which the solid waste was removed. This lien shall be enforced as other city liens against real property.

SECTION 2. That the effective date of this Ordinance is is the ____ day of July 2017.

Jim Matherly, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

ORDINANCE NO. 6053

**AN ORDINANCE AUTHORIZING AND DIRECTING RETENTION OF
THE PROPERTY LOCATED AT 804 COWLES STREET FOR PUBLIC
PURPOSE UPON TAX FORECLOSURE**

WHEREAS, Alaska Statute Title 29 provides that a tax-foreclosed property may be retained by a municipality for public purpose by adoption of a retention ordinance; and

WHEREAS, the City was notified by the Fairbanks North Star Borough that the property located at 804 Cowles Street in the City of Fairbanks, with a legal description of:

Lots One (1) and Two (2), Block One Hundred One (101), TOWNSITE OF FAIRBANKS, according to the official survey of said Townsite, known as the L.S. Robe Map of 1909, reproduced by Karle Theile, US Surveyor General in 1922, records of the Fairbanks Recording District, 4th Judicial District, State of Alaska.

and whose last record owner was Robert Voelker, has been foreclosed- upon by the Borough for nonpayment of property taxes; and

WHEREAS, the City has an abatement lien against the property in the amount of \$23,265.88, not including interest at 10.5% per annum; and

WHEREAS, if this property is retained, it can be used as a storage/staging area during the Cowles Street Reconstruction Project, Federal Project No. 0641(003).

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

SECTION 1. That the City hereby exercises its right to retain Lots 1 and 2, Block 101, Fairbanks Townsite, for public purposes, as provided for under AS 29.45.460.

SECTION 2. That the City will pay the Borough its portion of property taxes due and owing, together with applicable fees, estimated at \$6,681, with Capital Funds.

SECTION 3. That the effective date of this Ordinance is the ____ day of July 2017.

Jim Matherly, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 6053

Abbreviated Title: RETENTION OF PROPERTY LOCATED AT 804 COWLES STREET

Department(s): ENGINEERING

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes _____ No x

2) additional support or maintenance costs? Yes _____ No x

If yes, what is the estimate? see below

3) additional positions beyond the current adopted budget? Yes _____ No x

If yes, how many positions? _____

If yes, type of positions? _____ (F - Full Time, P - Part Time, T - Temporary)

II. FINANCIAL DETAIL:

EXPENDITURES:	Equipment	Contracts	Personnel	Total
Tax Foreclosure - Property Taxes & Fees	\$0	\$6,681	\$0	\$6,681
TOTAL	\$0	\$6,681	\$0	\$6,681

FUNDING SOURCE:	Equipment	Contracts	Personnel	Total
City of Fairbanks Capital Fund - Mayor's Contingency	\$0	\$6,681	\$0	\$6,681
TOTAL	\$0	\$6,681	\$0	\$6,681

City has an abatement lien against the property in the amount of \$23,266 for work completed in October 2008. This amount does not include interest at 10.5% per annum totaling \$21,171. The value of the property is \$32,724. If the City receives the appraised value, the general fund would retain \$29,947 and any remaining balance would be transferred to the permanent fund.

Reviewed by Finance Department: Initial mb Date 6/15/2017



CLAY STREET CEMETERY COMMISSION
REGULAR MEETING MINUTES, APRIL 5, 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 Vice Chair Michael Gibson presiding and with the following members in attendance:

Members Present: Julie Jones, Seat E
George Dalton, Seat A
Frank Turney, Seat D
Aldean Kilbourn, Seat C (Telephonic)

Absent: Karen Erickson, Seat F
David Erickson, Seat G

Also Present: Emily Braniff, Deputy City Clerk
Jeff Jacobson, Director of Public Works

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of March 1, 2017.

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

Vice Chair Gibson called for objection and, hearing none, so ORDERED.

APPROVAL OF AGENDA

Ms. Kilbourn, seconded by **Mr. Turney**, moved to APPROVE the Agenda as presented.

Vice Chair Gibson called for objection and, hearing none, so ORDERED.

UNFINISHED BUSINESS

a) Where to place the Superior Hardwood Posts

Ms. Kilbourn, seconded by **Mr. Turney**, moved to hold off on discussion of the placement of the posts until the snow has melted at the cemetery.

Vice Chair Gibson called for objection and, hearing none, so ORDERED.

OPEN AGENDA

Mr. Jacobson asked Ms. Kilbourn how many markers would be ready for placement over the summer in order to prep for work groups. **Ms. Kilbourn** stated she would look into it and get back to Mr. Jacobson.

Ms. Jones distributed the final proof of the grave pillows that are on order.

Mr. Turney spoke about private John White.

NEXT MEETING DATE


The next Regular Meeting of the Clay Street Cemetery Commission is scheduled for May 3, 2017.

ADJOURNMENT


Ms. Kilbourn, seconded by **Mr. Dalton**, moved to ADJOURN the meeting.

Vice Chair Gibson called for objection and, hearing none, so ORDERED.

Vice Chair Gibson declared the meeting adjourned at 6:45 P.M.



Aldean Kilbourn, Chair
for Aldean Kilbourn



Emily Braniff, Deputy Clerk

Transcribed by: EB



FAIRBANKS DIVERSITY COUNCIL
 REGULAR MEETING MINUTES
 MAY 9, 2017 – 5:30 PM
 FAIRBANKS CITY COUNCIL CHAMBERS
 800 CUSHMAN STREET, FAIRBANKS, ALASKA



The Fairbanks Diversity Council (FDC) convened at 5:30 p.m. on the above date to conduct a Regular Meeting at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Vice Chair Jeff Walters (Seat M) presiding and with the following members in attendance:

Members Present:

Shirley Lee, Seat B Juanita Webb, Seat D Travis Cole, Seat E Herbert Butler, Seat G Rosalind Kan, Seat H Marna Sanford, Seat I	Douglas Toelle, Seat J Jo Ann Borges, Seat K Kelvin Lee, Seat O Angela Foster-Snow, HR Director June Rogers, City Council Member
---	--

Members Absent:

Ana Maria Richards, Seat A (excused) Montean Jackson, Seat C (excused) Trina Bailey, Seat F (unexcused)	Rita Davis, Seat L (unexcused) Amber Taylor, Seat N (excused) Mayor Matherly, Chair (excused)
---	---

Also Present:

D. Danyielle Snider, City Clerk Dan Welborn, Deputy Police Chief	Christina Rowlett, HR Admin
---	-----------------------------

CALL TO ORDER & READING OF THE FDC MISSION STATEMENT

Mr. Lee read aloud the FDC Mission Statement.

Vice Chair Walters introduced new members, Juanita Webb and Herbert Butler. Each of the new members gave a brief bio about themselves. Vice Chair Walters asked Ms. Rogers to speak to City Ordinance No. 6045 in regard to FDC composition which was recently adopted by the City Council. Ms. Rogers spoke to the changes in the FDC ordinance and cautioned against reducing the overall membership of the FDC.

APPROVAL OF AGENDA

Mr. Butler, seconded by Ms. Sanford, moved to APPROVE the Agenda.

Vice Chair Walters called for objection to APPROVING the Agenda and, hearing none, so ORDERED.

CITIZENS COMMENTS (Limited to 3 Minutes)

Frank Turney, 329 6th Avenue – Mr. Turney spoke to the handouts that were distributed regarding jury discrimination. He spoke to the Foster v. Chapman case as it related to jury discrimination. He recalled that in 1997, three African-American jurors were eliminated from his own court case, and he spoke to his observation that there are rarely Native Alaskans in the jury pool. He encouraged FDC members to research jury discrimination, and he stated that there is a great deal of information available on the topic. Mr. Turney stated that for trials in Fairbanks, chances are an all-Caucasian jury will be selected.

APPROVAL OF PREVIOUS MINUTES

- a) Regular Meeting Minutes of April 11, 2017

Mr. Toelle, seconded by **Mr. Cole**, moved to APPROVE the April 11 meeting minutes.

Vice Chair Walters called for objection to APPROVING the Minutes and, hearing none, so ORDERED.

FAIRBANKS POLICE DEPARTMENT & HUMAN RESOURCES REPORTS

Deputy Chief Welborn gave a brief report on FPD vacancies and staffing struggles. He shared that Officer Elzey has decided to stay on for a while instead of retiring. He stated that FPD has had to pull in every available officer to deal with the many incidents that have occurred recently in Fairbanks. Members asked questions of Deputy Chief Welborn. Deputy Chief Welborn spoke briefly to mutual aid among local law enforcement agencies. He stated that there are currently ten officer vacancies at FPD, two recruits in the academy, and four in background. When asked by **Mr. Lee** whether FPD's wages were competitive, Deputy Chief Welborn stated that the Public Safety Employees Association (PSEA) labor contract is at the Supreme Court level right now. He stated that he and Chief Jewkes have been thinking outside the box on ways to retain employees, such as using salary savings to fund an annual retention bonus for employees. He stated that FPD is currently in crisis management mode right now; he stated that they estimate the department will not be at full staff until the year 2020. FDC members and Deputy Chief Welborn discussed overtime, competitive wage packages, PSEA insurance premiums, and community policing efforts.

Ms. Foster-Snow provided the FDC with a City-wide hiring and vacancy report, and she invited FDC members to participate in public safety interviews. She stated that she is working on an FPD recruitment bonus plan to introduce to the City Council that would help offset relocation costs for recruits from the Lower 48. **Ms. Foster-Snow** spoke to the stringent process that recruits must go through in order to be hired at FPD; she stated that some candidates do not fully complete the process or meet all the requirements. She spoke to efforts to increase the applicant pool and attract recruits. She stated that the best way to gain new recruits is by word of mouth.

Vice Chair Walters requested that New Business Item (a) be moved up on the Agenda to be discussed before the Diversity Topic of the Month. No members objected to the change.

NEW BUSINESS

- a) Jury Selection Process – Guest Speaker Justin Racette, Assistant Public Defender

Assistant Public Defender Justin Racette explained how jury pools in Alaska are selected; he stated that pool selection is linked to Permanent Fund Dividend (PFD) applications. He explained how the whole jury selection process works and to the system by which jurors are dismissed. He stated that he does not have demographic information for jury pools in Alaska.

Members asked Mr. Racette questions and the group discussed the different aspects of and problems with the jury selection process, especially as it effects minorities. **Mr. Butler** pointed

out that jury discrimination is a long-standing issue, and there is nothing that can be done except for individuals to become more educated about it. Mr. Racette stated that individuals may be dismissed for a number of reasons, and that a common reason is because they are close to someone in or related somehow to law enforcement. Members discussed with Mr. Racette the importance of an individual being judged by his/her peers.

Vice Chair Walters suggested that a letter be drafted to let the court know that the FDC exists and has discussed issues regarding jury selection. He stated that the item could be rolled to be discussed under Unfinished Business at the next FDC meeting.

Mr. Butler left the meeting at 7:12 p.m., and Mr. Toelle left the meeting at 7:13 p.m.

Vice Chair Walters, seconded by **Ms. Rogers**, moved to POSTPONE the Diversity Topic of the Month, Invocations at Public Meetings, to the next FDC meeting.

Vice Chair Walters called for objection and, hearing none, so ORDERED.

b) Term Limits and Duties of Vice Chair

Vice Chair Walters stated that he does not think the Vice Chair term should be for three years; he stated that he would like the FDC to review the role and duties of the Vice Chair and discuss it at the next meeting.

c) Diversity Council Media Relations Policy

Vice Chair Walters stated that there has been some confusion about what members should do if they are contacted by the media. He indicated that it may be helpful to put a policy in place.

Ms. Rogers stated that in her experience, she only speaks to the media from a personal standpoint unless she has direction or authority from the City Council or FDC to speak on behalf of the body.

Clerk Snider stated that there may not be a need for a policy. She stated that as a general rule, members should not speak on behalf of the FDC to the media unless they have been directed by the FDC to do so. She stated that members may redirect media to the City Mayor's Office or invite them to attend an FDC meeting. She stated that members should feel free to give out general information about the FDC.

d) Parliamentary Procedure Overview

Clerk Snider referenced the handout on parliamentary procedure in the agenda packet. She stated that it is an enormous topic. She requested that members review the information provided, and contact her if they have any questions.

e) City Ordinance No. 6045, Amending FDC Composition (Informational Only)

This item was discussed near the start of the meeting following the introduction of new members.

FDC COMMITTEE REPORTS

Vice Chair Walters asked Ms. Webb if she had been added to a Committee. Ms. Webb stated that she had not; she requested to be added to the Policies and Procedures Committee.

Ms. Sanford stated that the Policies and Procedures Committee will begin reviewing existing City policies, then job descriptions, and possibly budget items. She stated that she would like to look at City Council and Borough Assembly meeting agendas in advance and be proactive.

Ms. Foster-Snow stated that the Education and Outreach/Media & Communications Committee met and identified the items they need to address per the Diversity Action Plan (DAP). She stated that they discussed possible outreach during the Golden Days events. She stated that the group is just getting started.

FDC MEMBERS COMMENTS

Mr. Lee stated that on May 22 there will be a food program for kids at the JP Jones Community Development Center starting at 11:30. He stated that the Prosperity House will be holding an open house from 2 to 4 p.m. on May 19; he stated that Mayor Matherly and others would speak at the event.

Ms. Borges spoke to the increase in local crime; she asked everyone to watch out for each other to help keep the community safe.

Mr. Cole stated that it is good that the jury issues are being discussed. He encouraged folks to start positive groups and activities in their community, and he stressed the importance of teaching respect.

Ms. Kan expressed concern about the number of items on the next meeting agenda. She stated that she would like to discuss the invocation issue at the next meeting, but that she does not want the meeting to be too lengthy.

Ms. Webb stated that she is honored and excited to serve on the FDC. She asked for confirmation on the meeting times for the Accessibility Committee, and she confirmed that she would participate on both the Policies and Procedures Committee as well as the Accessibility Committee. Ms. Snider confirmed that the Accessibility Committee meetings will take place on the third Thursday of every month at 4 p.m. in City Council Chambers.

Ms. Sanford stated that she believes it is part of the FDC's mission is to provide advice and recommendations to the local governing bodies and that addressing the invocation issue is appropriate. She shared that U.S. Senator Dan Sullivan is in town and will host a Town Hall meeting in North Pole on Friday, May 12.

Ms. Rogers expressed thanks for the good meeting and discussion. She suggested having a review of the Open Meetings Act (OMA). Clerk Snider stated that it may be best to have a review in the fall time after new members are seated.

Ms. Lee welcomed the new members. She asked who would be presenting the invocation issue at the next meeting. **Ms. Sanford** stated that she could reach out to Van Lawrence, the Borough ordinance sponsor, for information.

Vice Chair Walters stated that he recently attended the Gathering of Remembrance ceremony recently to remember the victims and families of unsolved homicides. He stated that Mr. Cole drummed at the event and Mayor Matherly and Chief Jewkes were present; he commented that the event was well done. He asked about the dates of Juneteenth and the Intertribal Powwow and about the involvement of the FDC at those events. **Mr. Lee** stated that the Juneteenth Celebration would take place on June 16 and 17. **Mr. Cole** stated that the Intertribal Powwow usually takes place in July the week before the World Eskimo Indian Olympics (WEIO). **Vice Chair Walters** recommended that the Education and Outreach/Media & Communications Committee start creating a calendar of local events.

Ms. Foster-Snow stated that a public member arrived after public comment and would like to speak to the FDC. **Vice Chair Walters** allowed the citizen to speak.

Will Biederman – Mr. Biederman stated that he is a product of a plea agreement. He stated that he was incarcerated for 14 years for a DUI; he commented that a murderer he knows only an 11-year sentence. He stated that something is drastically wrong with the system. He stated that he will be released in six days and that he plans to start a new business. Mr. Biederman stated that he has three children who are the blessing of his life, and he wants to raise them in a safe community. He spoke in support of bringing back Native-based programs for those who are incarcerated. He spoke to the problems he has seen in the halfway house, particularly with some of the staff; he stated that Natives are shunned, and they operate on a “good ole boys” system.

Ms. Rogers and **Mr. Cole** discussed the Native-based programs with Mr. Biederman. Mr. Biederman asked for the support of the FDC.

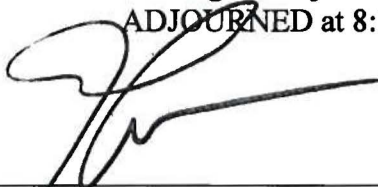
MEETING DATES

The next Regular Meeting of the FDC is scheduled for June 13, 2017.

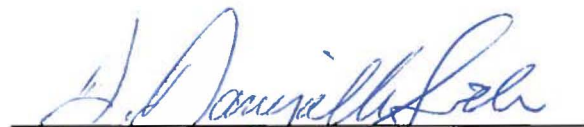
ADJOURNMENT @ 8:10 p.m.

Mr. Cole, seconded by **Mr. Lee**, moved to ADJOURN the meeting.

Hearing no objection, **Vice Chair Walters** declared the meeting
ADJOURNED at 8:10 p.m.



Mayor Jim Matherly, Chair



D. Danyielle Snider, CMC, City Clerk

Transcribed by: DS

**Fairbanks North Star Borough / City of Fairbanks
CHENA RIVERFRONT COMMISSION
MINUTES
April 12, 2017**

The Fairbanks North Star Borough/City of Fairbanks Chena Riverfront Commission (CRFC) met on Wednesday, April 12, 2017 Chair Olson presiding. The following Commission members were in attendance: Julie Jones, Lee Wood, Ben Jaffa, Bob Henszey, Sue Rainey, Gordy Schlosser, Ian Olson and Anna Plager.

Also present were: Steve Geraghty, Great Northwest; Lauren Little, DOT; Brian Hering, DOT; Joe Kemp, DOT; Mark Petersbur, Alaska Railroad; Bryn McElroy, TVWA; Linda Mahlen (via phone), DOT; Kellen Spillman; FNSB Community Planning Deputy Director; Nancy Durham, FNSB Floodplain Administrator; Brian Charlton, FNSB Parks & Rec; Ann Worhatch, FNSB Public Works and Laura McLean, FNSB Recording Clerk.

Absent Commissioners: Kelley Hegarty-Lammers, Carrie McEnteer and Buki Wright.\

1. CALL TO ORDER

Olson called the meeting to order at 12:04 p.m.

2. APPROVAL OF AGENDA

Olson announced that items C, D and G on the agenda for this date will be moved to later agendas.

*A motion was made by **Plager**, seconded by **Schlosser** to approve the Agenda for April 12, 2017 as amended. There were no objections. The motion carried.*

3. APPROVAL OF MINUTES OF March 8, 2017

Wood commented that she did not work with Plager and Jones to draft the letter to DOT regarding the Phillips Field Road Safety Improvement project.

Plager suggested that the words "It was" in the blank space on page 2.

Plager also commented that in this same paragraph Jensen stated that he does not feel that they will have to remove any vegetation between the retaining wall and the river. **Plager** questioned if this were a true statement. **Olson** stated that he believes that is in fact what Jensen stated.

*A motion was made by **Plager**, seconded by **Rainey** to approve the minutes for March 8, 2017 as amended. There were no objections. The motion carried.*

4. COMMUNICATIONS TO THE COMMISSION

Olson announced that the US Fish & Wildlife has requested a letter of support for their Alaska Sustainable Salmon Fund application. **Olson** questioned if this commission could do a letter of support on such short notice without notification to the public.

Plager commented that based on her experience, it is difficult to do a letter without public notice as it is a decision of the commission. **Plager** also suggested that when a letter of support is requested, the requestor send a draft for this commission to work off of.

Rainey concurred with Plager. She also commented that she feels that someone on this commission should look at what the letter of support is supporting.

Henszey stated that he heard about this last week from Mitch Osborn. **Henszey** further commented that the actual due date for the requested letter is May 23, 2017. **Henszey** communicated with Osborn and they agreed that the letter can be drafted and approved at the May CRFC meeting and still be ahead of the deadline.

Spillman added that this commission has staff support. Nancy Durham is the staff member assigned to this commission. He suggested that in the future, these contacts work through Durham to make the process smoother.

It was determined that Henszey will get a draft letter from Osborn and then forward the letter to Durham for potential approval at the May CRFC meeting.

Olson thanked Plager and Jones for their work on the letter to the Planning Commission regarding the DOT project on Phillips Field Road.

Spillman added that the letter did go to the Planning Commission and they moved it forward with no conditions. Additionally, DOT commented for the record that they have already applied for a floodplain permit and they would, regardless of a condition or not, continue to work with this commission to alleviate some of the concerns.

5. PUBLIC COMMENTS

None

6. NEW BUSINESS

None

7. UNFINISHED BUSINESS

a) Phillips Field Road Safety Improvement Project

Olson commented that this commission met in a special meeting with DOT regarding this project. Following this meeting, a letter was forwarded to the Planning Commission regarding this project.

Plager suggested that a worksession be scheduled with the Planning Commission to discuss the Chena Riverfront Commission and its goals and duties. **Plager** commented that she attended the Planning Commission meeting and she feels that the commissioners of the Planning Commission are uninformed about things such as riparian zones and fish habitats.

Plager continued that she felt as though she were caught "flat footed" when in this process the Legal Department came in and said that the context of the Planning Departments' report does not stand. As a result, Legal excised the first of the two conditions recommended for this project. The only condition that was attached to the permit was the one to obtain a floodplain permit. Legals' stand is that the Planning Department cannot require an applicant to have to work with the CRFC. It is not written in code requiring this.

Plager continued that in conclusion, the Planning Commission had a lengthy discussion with DOT. She commented that Heim and Jensen gave a great presentation to the

Planning Commission. In the end the Planning Commission voted 8-2 in favor of the project.

In conclusion, Olson requested that staff plan a worksession with the Planning Commission to discuss riparian zones and the Chena Riverfront Plan.

Jones commented that once they heard about the decision at the Planning Commission, certain members of this commission wanted to meet with DOT and see where they were with their plans for the design of the wall with regard to the riparian zone. Jones, Henszey and Schlosser met with Mitch Osborne, David Jensen, Carl Heim, Joe Kemp, Linda Mahlen and Barry Hooper. It was a good meeting.

Schlosser advised that the DOT had already come up with ideas incorporating the concerns of this commission. They stated that with the plan now, there will not be any disturbance below the ordinary high water mark. The rip-rap is above the ordinary high water mark. The vegetation above will be disturbed but willows will remain below the ordinary high water mark that will not be disturbed. **Henszey** clarified that below the ordinary high water mark is where you will no longer see woody vegetation.

Joe Kemp, DOT added that he believes that the existing vegetation is approximately 4-10 feet above the ordinary high water mark. That means that there will be 4-10 feet of existing vegetation above the ordinary high water mark.

Schlosser commented that he walked away from the special meeting with Jones and Henszey and DOT, feeling that some vegetation will be left at the bottom and that DOT has a detailed design utilizing willows in the rip-rap. **Schlosser** stated that the commission suggested another technique, a vegetative mat above the willows. He concluded that it was a very productive meeting.

Kemp added that this commission will still need to pick a color and design for the wall. This will have to happen quickly. He suggested a letter to Carl Heim detailing the request of this commission.

Plager suggested delegating this to a working group. **Olson** concurred. **Schlosser**, **Henszey** and **Jones** volunteered for this task. **Spillman** also volunteered to work with this working group.

Jones added that there is existing lighting in this area with overhead wiring. **Lauren Little**, DOT, commented that most of the overhead lighting and wiring belong to the railroad. Furthermore, the lights in this area have not been utilized for at least two winters. The City of Fairbanks did not want to pay the bill any longer and DOT did not want to incur the cost of lighting.

Plager commented that a discussion was had at the Planning Commission regarding the notion of designing this project with the idea that in the future there may be cantilevered trail possibility that would build off of the retaining wall so that the retaining wall can remain in place.

b) University Avenue Widening Project

Lauren Little, DOT, addressed the commission. She stated that they are currently about two year out from building this project. She gave a brief presentation to the commission and made herself available for questions.

Plager inquired what will happen with the "gray area" across the river from the boat launch. **Little** stated that DOT acquired the entire lot and will utilize it for staging space. It

will be revegetated when they are done with the project. It would be a good area for any type of feature or landscaping that this commission might suggest.

Wood suggested a non-motorized boat launch for this area. **Little** commented that as long as it is not called a park, it is possible to create something like this. Access to this lot will be off of Halverson. Access onto University Avenue will go away. **Little** commented that she would be willing to look into this.

Rainey queried how the new sidewalk will be separated from the driving surface. **Little** replied that the sidewalks will be separated by curbs and gutters. **Rainey** queried if the railings will have any aesthetics included. **Little** replied that the railing will be exactly like that of the Barnette Street Bridge.

Schlosser questioned what will be the use of the temporary foot bridge in this area after the project is completed. **Little** replied that it will be completely removed and owned by the contractor for this project.

Olson questioned if the temporary footbridge allow boat traffic underneath it. **Little** replied that the space between the spans will be narrower but navigational windows will remain.

Plager inquired what the temporary pedestrian bridge height will be. **Little** stated that it will match the existing bridge height.

Plager inquired about the widths of the lanes and pedestrian paths for the bridge. **Little** replied that the lanes will be the standard 12 foot width with 4 ½ foot shoulders on both sides.

Plager inquired if this bridge will be closer to the boat launch than the existing bridge. **Little** replied that it is widened more away from the boat launch rather than towards the boat launch because they are not allowed to touch parks with Federal Highway dollars.

Bryn McElroy, TVWA, suggested that an element be built into the bridge to handle water runoff from the bridge into a filtration system before going back into the river. **Little** replied that this bridge does have a filtration system built in. Water on the south side is drained into a large grass swale and on the north side drainage is collected in a storm drain system that ultimately goes through a grass swale into Noyes Slough.

Wood asked if there is any bike path connectivity in the area or planned for the future. **Little** stated that it is not feasible to fit facilities underneath this bridge.

Henszey queried why DOT didn't just hang the utilities under the bridge rather than going under the river. **Little** replied it is a timing thing. The utilities have to be entirely out of the way before they can demolish the existing bridge. Additionally, they would prefer not to have high voltage powerlines on the bridge.

Plager queried if this commission would like to create a working group to develop a couple of opportunities that have been presented.

Jones, Schlosser and Henszey volunteered for this working group and suggested involving the TVWA.

McElroy volunteered to work with the working group with regard to this project.

Plager commented that she will contact the Parks & Rec Superintendent a call to see if he might want to participate in these discussions.

Plager inquired who will be managing the DOT property to the northeast once the project is completed. **Little** replied that DOT has the ability to sell the property at fair market value once they no longer have a need for it. It could be sold back to the neighbors.

c) Ruth Barnette Fish Hatchery update – Gary George

Postponed until a later date.

d) Warm Water discharge – Aurora Energy, Buki Wright

Postponed until a later date.

e) Project List – Anna Plager

Jones commented that she thought this commission made it an action to keep this document “live” and update it as needed when needed. **Olson** concurred with Jones.

*A motion was made by **Plager**, seconded by **Jones** to amend the Project List to remove the word “draft” and replace it with “updated” and to accept the yellow highlighted portions of the document as part of the “living document.” The Project List will be discussed quarterly.*

Spillman commented that this is something that the commission does not have to adopt. It can simply be a working resource for future reporting to the Assembly.

Further discussion ensued.

Plager withdrew her motion. **Jones** concurred.

f) January meeting potential – Lee Wood

Postponed until a later date.

g) Chena Slough Flood Study Progress – Kellen Spillman

Postponed until a later date.

8. STAFF AND LIASION COMMENTS

Spillman communicated to the commission that the Department of Community Planning approved a zoning permit for a large residential development on the banks of the Chena River on Chena River Landing Loop. As it was a zoning permit application and not a rezone or conditional use permit request, the application did not require going before this commission.

Spillman cautioned the commission again about being careful when utilizing your personal e-mail. If one chooses to use their personal e-mail, please be sure to copy to your Borough provided e-mail address.

McElroy announced that TVWA is again sponsoring the Storm Drain Art Contest. April 30, 2017 is the deadline for applications. More information can be found on the TVWA website.

9. COMMISSIONERS COMMENTS

Henszey thanked DOT for being so responsive to the concerns of this commission. **Schlosser** echoed these comments.

Plager commented that after attending the Planning Commission meeting, she spoke with Amanda Bohman from the NewsMiner and Ms. Bohman quoted her in one of her articles in the newspaper. **Plager** commented that she did not talk about anything downside to this whole process.

Jones thanked staff for their support. She also reported that she spoke with Nancy Sonafrank regarding the different tiers of bodies of water. Ms. Sonafrank confirmed that there are currently no Tier III bodies of water in Alaska but the meeting focused more on ways to create a process for designating a Tier III body of water.

Jones announced that there is a presentation this evening at the Community Museum in the Co-op building. The topic of discussion this evening will be about the future of the Chena River.

Jones distributed flyers to “Meanwhile, in Alaskaland.” This is a series of storytelling events that will benefit local non-profits.

Margaret Carpenter, DOT, announced that on the STIP amendment is out for public comment until May 8.

Carpenter also announced an open house on April 18 at Ravens Landing regarding the statewide bicycle and pedestrian plan. Contact her if you require additional information.

10. AGENDA SETTING FOR May 10, 2017 COMMISSION MEETING

New Business

1. Chena Riverfront Commission Duties Code Amendment – Mayor Kassel
2. Letter of Support regarding Alaska Sustainable Salmon Funding – Bob Henszey
3. Warm Water Discharge – Buki Wright
4. DOT Projects

Unfinished Business

1. Phillips Field Safety Improvement subcommittee update – Bob Henszey
2. Project List
3. January meeting potential – Lee Wood

11. ADJOURNMENT

*A motion was made by **Plager**, seconded by **Wood** to adjourn. There were no objections. The motion carried.*

**Fairbanks North Star Borough / City of Fairbanks
CHENA RIVERFRONT COMMISSION
MINUTES
May 10, 2017**

The Fairbanks North Star Borough/City of Fairbanks Chena Riverfront Commission (CRFC) met on Wednesday, May 10, 2017, Chair Olson presiding. The following Commission members were in attendance: Lee Wood, Bob Henszey, Sue Rainey, Carrie McEnteer, Anna Plager, Ian Olson and Buki Wright.

Also present were: Christine Nelson; FNSB Community Planning Director; Wendy Doxey, FNSB Legal Department; Andrew Ackerman, City of Fairbanks; Nancy Durham, FNSB Floodplain Administrator; Donna Gardino, FMATS; Joe Kemp, DOT; Bryn McElroy, TVWA; Brittany Smart, FNSB Mayors Office; Brian Charlton, FNSB Parks & Recreation; Ann Worhatch; FNSB Public Works; Linda Mahlen, DOT; Carl Heim, DOT; Mark Lindberg, UAF; Stan Justice, Trails and Laura McLean, FNSB Recording Clerk.

Excused

1. CALL TO ORDER

Olson called the meeting to order at 12:02 p.m.

2. APPROVAL OF AGENDA

Olson questioned if the order of the agenda should be adjusted to accommodate those present from DOT.

*A motion was made by **Wright**, seconded by **Rainey** to adjust the agenda for May 10, 2017 to allow the Phillips Field Safety Improvement Project (Unfinished Business) to be heard first. There were no objections.*

3. APPROVAL OF MINUTES OF April 12, 2017

Henszey clarified that on page 3 under “Schlosser” his statement should read: “Henszey clarified that below the ordinary high water mark is where you will no longer see woody vegetation.”

Plager clarified that on the same page, next paragraph, Kemps’ statement should read “That means that there will be a 4-10 feet of existing vegetation above the ordinary high water mark.” **Kemp** concurred with this suggestion.

Plager commented that the terminology “sub-committee” should not be utilized. Rather the words “working group” should be utilized.

*A motion was made by **Henszey**, seconded by **Wood** to approve the minutes for April 12, 2017 as amended. There were no objections.*

Plager further commented that under Agenda Setting for May 10, 2017, New Business, Item #1 was not discussed. It should be removed from the minutes in this section.

*A motion was made by **Plager**, seconded by **Wood** to approve the minutes for April 12, 2017 as amended. There were no objections.*

4. COMMUNICATIONS TO THE COMMISSION

Olson reminded this Commission that there will be a worksession on June 6, 2017, with the Planning Commission. There are several topics for discussion. Each worksession at will last approximately 30 minutes. The worksessions begin at 5:30 p.m.

5. PUBLIC COMMENTS

Stan Justice addressed the Commission regarding the warm water discharge into the Chena River at Aurora Energy. He stated that he would like to see the river freeze up in this area.

Mark Lindberg, UAF stated that he is here to observe the Commission. He further commented that he has been studying the ducks on the river and their findings from the last few years suggest that there may be public health concerns with the ducks wintering over due to the warm and open water.

UNFINISHED BUSINESS (moved from below)

1. Phillips Field Safety Improvement working group update – Bob Henszey

Henszey commented that they had a good working group meeting with DOT.

Heim addressed the Commission. He provided copies of specifications for the wall to the Commission for review. He further commented that as a result of the working group meeting, they did pick the wall color, Dredge Bucket Brown, and the texture preference for the concrete.

Plager commented that she did not realize that the color of the wall would be Dredge Bucket Brown. She thought it would be of a color that would blend into the background, perhaps a mottled grey like the stone planter boxes along Cushman Street. Plager questioned if this was discussed at the worksession meeting.

Heim replied that Jones came in with the color selection. **Heim** further commented that at the last several meetings, it was discussed that the Dredge Bucket Brown was preferred so as to be compatible with the Green Streets project.

Wood commented that she would prefer the grey mottled color as well. She further commented that though the Dredge Bucket Brown was discussed several times in the past, she would much prefer the grey mottled color.

Heim added that if they were to make the wall grey mottled color, the rip-rap rock will be brown, the soil will be brown as well as some of the vegetation and then there would be a big grey mottled wall. He understood the commissions' desire to be that the wall blend in with its surroundings so as not to be so noticeable.

Heim continued to explain the specification sheets that he provided.

Plager questioned how often along the wall the fascine bundles will be placed. **Heim** replied that the fascines will be placed three feet apart in a row.

Henszey questioned if it would be too late to change the color of the wall. Heim stated that it could be changed with a revised final. He further commented that the color of the wall controls the texture of the wall so certain colors do not work with the texture of the wall.

Wood suggested that someone from DOT go see what color the riverbank is and consider that as a possibility for the color. **Heim** stated that they were out there yesterday and the color in the area closely resembles Dredge Bucket Brown.

Discussion of a working group meeting ensued to talk about the color of the wall. It was determined that the Commission will vote today on the recommendations of the working group.

MOTION

*A motion was made by **Plager**, seconded by **Rainey**, that the Commission adopt the recommendations of the working group that met with DOT on the details of the Phillips Field Safety Improvement Project with the following changes that the actual finish of the wall color be changed from Dredge Bucket Brown to a modest medium shade of grey if possible and if not revert to the Dredge Bucket Brown that the working group recommended.*

Heim commented that he does not have a preference for the color of the wall. However, from being out there, there is a big chunk of concrete 30-40' long that is already in the area and it is grey.

Wright commented that he does not have a strong opinion for the color. But, it seems to him that the brown is going to blend in and disappear pretty well. He further commented that he is comfortable with the brown.

ROLL CALL

A roll call vote was taken on the motion that the Commission adopt the recommendations of the working group that met with DOT on the details of the Phillips Field Safety Improvement Project with the following changes that the actual finish of the wall color be changed from Dredge Bucket Brown to a modest medium shade of grey if possible and if not revert to the Dredge Bucket Brown that the working group recommended.

*Four (4) in Favor: Henszey, McEnteer, Plager and Wood
Three (3) Opposed: Olson, Rainey and Wright*

The motion was approved 4-3.

MOTION FOR RECONSIDERATION

Plager moved, seconded by _____ to reconsider the last vote on the color selection of the wall.

ROLL CALL ON RECONSIDERATION

A roll call vote was taken on the motion to reconsider.

*Six (6) in Favor: Henszey, McEnteer, Plager, Olson, Rainey and Wright
One (1) Opposed: Wood*

The motion was approved 6-1.

Nelson commented that if this Commission wishes to reconsider grey for the wall that a special meeting be called for consideration for DOT.

MOTION TO TABLE THIS ITEM

Plager moved, seconded by _____ to table the discussion on the Phillips Field Safety Improvement Project. All were in favor. There were no objections.

6. NEW BUSINESS**1. Chena Riverfront Commission Duties Code Amendment – Mayor Kassel**

Brittany Smart, Mayors Office, addressed the Commission. The Commission was provided a draft copy of an Ordinance that the Mayor is proposing as a way to formalize some of the duties and responsibilities that the Commission is looking to do or would like to do.

Wendy Doxey, FNSB Legal, addressed the Commission. She stated that this was as a result of learning that this Commission had adopted Rules for Project Review that actually are outside of the scope of what Title 4 allows. As a result, the Mayor wants to correct this so that this Commission can actually weigh-in in a legally supportable way.

The Commission reviewed the draft Ordinance.

Wood questioned how the 50' corridor as proposed in the draft ordinance is different from what was considered in the past. **Nelson** replied that with the existing rule in some places where the river is narrower, the corridor will include more land. Where the river is wider, it could potentially include less land. This draft measurement gives consistency on the amount of land that triggers review. As is in Code right now, this Commission does not have the authority to review anything.

Wood questioned what the corridor was previously. **Nelson** replied that it was 200' from the centerline of the river.

Doxey reviewed the draft Ordinance with the Commission.

Nelson stated that this Commission would have a process by which you could comment just like other agencies and those comments would be incorporated in the Staff Report thereby getting your comments directly to the Planning Commission via the Staff Report.

Doxey clarified that the comments are a recommendation to Staff who could choose to accept your recommendation and present those to the Planning Commission or the Staff could choose to say this was the recommendation of the CRFC but we are not recommending it for whatever reason. This process will only apply to quasi-judicial matters. This process will not apply to legislative matters.

Nelson further clarified that when speaking about due process for quasi-judicial, the Planning Commission does not take written testimony by anyone unless they fill out an application and submit it to the Chair of the Planning Commission. That is why it goes through Staff. In legislative matters, that restriction does not exist. Anyone can submit written testimony.

Doxey continued that if it is FNSB land development that is triggered to be brought before the Commission, the idea is that it can be brought to you earlier and these due process concerns are not recognized at this phase. This Commission can speak freely to Staff regarding Borough land.

Doxey continued to review the draft Ordinance.

Wood stated that this Commission has been through this process many times. She questioned why it keeps coming back for review. She stated that having to go through the process of reviewing the process is insulting. She stated that this Commission spent a year of their time developing this process. **Wood** questioned when this will end.

Doxey apologized to **Wood** for her frustration. She further commented that there has been a progression of how the Borough deals with its quasi-judicial matters and making sure that we are observing due process. **Doxey** stated that between the time that these rules were written and today there was a change in how the Borough handles quasi-judicial hearing items and how the parties are set up more like a court setting. Unfortunately, this change affects the Chena Riverfront Commissions' rules.

Nelson commented, in general Code evolves as does case load, and so things do change over time. If necessary, we must go back to see if what we have in place is meets the current interpretation of law that is constantly changing.

Wood commented regarding the re-adoption of the Chena Riverfront Plan and the corridor that is mentioned in the plan. She questioned why this was not realized before this updated plan was adopted.

Wright asked for clarification regarding Section 3. **Doxey** replied that the underlined portions of the draft ordinance are items that are to be added. Bracketed items are to be deleted. Anything that is not underlined or bracketed already exists.

Wright suggested that Section 3, A2 be changed to "the departments" rather than "its" recommendation.

Wright questioned where the 20 days came from and if 20 days was sufficient for the review process. **Nelson** stated that this Commissions' current rules allow for a special meeting to be called. The Department of Community Planning cannot in good conscience delay an applicant based on the meeting schedule of this commission. Therefore, this commission can call a special meeting if it wants to and 20 days gives ample time for public notification.

The Commission discussed this topic further.

Plager queried if the Borough is doing this to all other Boards and Commissions. **Nelson** replied that the Landscape Review Board does quasi-judicial hearings as well as Platting Board and Planning Commission. The rules of this Commission adopted a quasi-judicial process that is not supported in Title 4. That is why they are being reviewed at this time.

Plager disagreed with **Nelson**. She stated that she does not see anything that this Commission is doing is quasi-judicial. She further commented that this Commission wants to comment as a public entity, as volunteers appointed by the Mayor with no authority by anyone. This Commission wants to voice the publics' interest in what happens along the Chena River. She questioned if it requires an ordinance to pass to speak their minds.

Doxey replied "Yes." This Commission, in Code, is set up to do certain things in Title 4. This Commission is supposed to be operating within the scope of that. When you get outside the scope of that, potentially any action you were to take would be void and subject to legal challenge. The purpose of this ordinance is to make sure that this Commission can have a voice in the process.

Plager inquired about the need to apply to be heard at a quasi-judicial hearing.

Doxey responded that this ordinance does change the role of the Commission, particularly in a quasi-judicial application. It will circumscribe the voice you can have in that process more than what this Commissions' current rules provide now.

Olson requested clarification. **Doxey** explained the ordinance as it will apply to this Commission. **Olson** indicated that he understood.

Plager asked if this preempts the Commissions' ability to function as they have in the past and come to the Planning Commission or the Assembly or the City Council with letters of support or resolutions. **Doxey** replied that it would depend. As an individual of the public you can attend any of these hearings. Within the scope of your duties and responsibilities as a Commission, you can act as a body and make recommendations as a body. If it were to be a quasi-judicial matter and you felt Community Planning wasn't representing you, the way this is drafted, it would limit you because there are not rules allowing for you to participate as a body.

Nelson explained how Commission comments are included in Staff Reports.

Doxey added that when agency comments are included in the Staff Report, the Planning Commission is instructed that they are considering these comments for limited purposes. This is because the Commission is not at the Planning Commission meeting nor are any other agencies to ask questions of. There is a problem with hearsay and cross if the Planning Commission considers said comments as true.

Henszey stated that he likes utilizing a measurement from the ordinary high water mark as opposed to a specific measurement from the centerline of the river.

Nelson stated that the ordinary high water mark is easier to administer which is why Community Planning is supporting that measurement as opposed to from the centerline of the river.

Olson commented that he would like to have a work group work on this and report back.

Wood commented that it is really frustrating to look at this and to hear that this Commission is not going to be able to take action on and things that this Commission does not have a voice in. She further expressed her frustration with this process.

McEnteer questioned if other agencies are given 20 days to comment. **Nelson** replied that they do not have 20 days to comment but they also do not have to hold meetings as a board in order to provide a comment.

McEnteer stated that utilizing the 50' from the ordinary high water mark allows this Commission more time to comment on projects than the 200' from the centerline of the river.

McEnteer commented that taking away the ability for this Commission to comment on projects is of importance to most people on this Commission.

Wood asked when this will be going before the Planning Commission. **Nelson** stated that it is not yet because the Mayor is waiting for this Commissions' comments regarding the rules.

Doxey reiterated that it is her opinion that any of the actions that this Commission is taking are currently outside the scope of your duties.

Wood inquired what the City Council thinks of this. **Doxey** replied that this is the first body that this draft has been brought before.

Olson queried who would like to volunteer for the working group to work on this ordinance. Plager, Wood and McEnteer volunteered. **Nelson** suggested that Kellen Spillman be involved as well.

AT THIS TIME, THE CHAIR DIRECTED THE COMMISSION BACK TO THE TABLED ITEM FOR DISCUSSION AND CONSIDERATION.

Olson requested a motion to adopt what the working group presented to this Commission.

MOTION

*A motion was made by **Wright**, seconded by **Rainey** to accept the recommendation of the working group.*

There was no discussion by the Commission regarding the motion.

A roll call vote was taken on the motion to reconsider.

*Six (6) in Favor: Henszey, McEnteer, Wood, Olson, Rainey and Wright
One (1) Opposed: Plager*

The motion was approved 6-1.

MOTION

*A motion was made by **McEnteer**, seconded by **Henszey** to extend the meeting for five minutes. All were in favor. There were none opposed.*

2. Letter of Support regarding Alaska Sustainable Salmon Funding – Bob Henszey

The Commission reviewed a letter of support regarding the Alaska Sustainable Salmon Funding. He stated that this will help support Mitch Osborn and the Fish & Games' work along the Chena River.

Plager suggested a few edits to the letter. **Henszey** concurred.

MOTION

*A motion was made by **Wright**, seconded by **Plager** to adopt the letter and forward it to Mitch Osborn. All were in favor. There were none opposed.*

MOTION

*A motion was made by **Plager**, seconded by **Wood** to extend the meeting for five minutes. All were in favor. There were none opposed.*

3. Warm Water Discharge – Buki Wright

This item was postponed until a later meeting.

4. DOT Projects

This item was postponed until a later meeting.

7. UNFINISHED BUSINESS

2. Project List

This item was postponed until a later meeting.

3. January Meeting Potential

This item was postponed until a later meeting.

8. STAFF AND LIASION COMMENTS

McElroy announced that the storm drain art contest ended. There were nineteen submissions. She also announced that “Green-Up Day” had occurred.

9. COMMISSIONERS COMMENTS

Henszey apologized to the public for not getting to the items that they attended the meeting to hear. He further commented that when there is public involvement, this Commission should strive to discuss the item(s) that they came to hear.

Wright commented that his presentation is intended to be fairly short. He extended an invitation to Mr. Lindberg to meet separately with him to discuss this issue.

10. AGENDA SETTING FOR June 14, 2017 COMMISSION MEETING

NEW BUSINESS

1. Ruth Burnette Fish Hatchery – Gary George
2. Warm Water Discharge – Buki Wright
3. DOT Projects
4. Draft Ordinance authorizing CRFC review of Quasi-judicial and legislative matters
5. Potential Field Trip for the July meeting

UNFINISHED BUSINESS


1. Phillips Field Safety Improvement Project
2. Project List
3. Potential January Meetings

11. ADJOURNMENT

City of Fairbanks



MEMORANDUM

To: City Council Members
From: Jim Matherly, City Mayor 
Subject: Request for Concurrence – Fairbanks Diversity Council
Date: June 15, 2017

The term of Seat C on the Fairbanks Diversity Council currently filled by Ms. Montean Jackson will expire on June 30, 2017.

Ms. Jackson has applied for continued service on the Council. I hereby request your concurrence to the following **re-appointment**:

Seat C: Ms. Montean Jackson Term to Expire: June 30, 2020

Ms. Jackson's application and resume are attached.


Thank you.


dds/





FAIRBANKS DIVERSITY COUNCIL

BOARD DETAILS

 OVERVIEW

 **SIZE** 18 Seats

 **TERM LENGTH** 3 Years

 **TERM LIMIT** N/A

The purpose of the Fairbanks Diversity Council (FDC) is to provide a citizens’ forum to the City Council and the Borough Assembly, provide advice and recommendations to promote equal opportunity for all members of the public, serve as a diversity advisory board, and recommend adoption of a Diversity Action Plan.



DETAILS

BOARD/COMMISSION CHARACTERISTICS

The FDC will consist of 15 voting members, 12 of which will be appointed by the City Mayor and subject to approval by the City Council. All members must be members of the Fairbanks community. Three of the voting members will be appointed by the Fairbanks North Star Borough (FNSB) Mayor, subject to confirmation by the Borough Assembly. All appointments of the public members shall be for three-year terms, without compensation. The City Mayor shall serve as non-voting Chairperson. A Vice-Chairperson shall be appointed by the City Mayor from the membership, subject to the approval of the FDC. The Vice-Chairperson’s term shall be for three years. No person shall serve more than two full consecutive terms as Vice-Chairperson. The FDC may organize committees and adopt administrative rules and procedures to accomplish its purposes.

MEETINGS

A quorum shall be necessary to conduct a meeting. A quorum shall consist of eight public voting members of the FDC. The business of the FDC shall be transacted by a majority vote of voting members present after a quorum is established. All meetings shall be held, and notices and agendas shall be posted, in compliance with the Alaska Open Meetings Act. Meetings are held on the second Tuesday of each month at 5:30 p.m. in the City Council Chambers at City Hall. Minutes of FDC proceedings shall be kept and filed in accordance with applicable laws dealing with public records. In all matters of parliamentary procedure not covered by rules and procedures adopted under Ordinance No. 5939, the current version of Robert’s Rules of Order will govern. The FDC shall keep permanent records or minutes of all meetings. The minutes shall promptly be filed in the office of the City Clerk and shall be open to public inspection. The City Clerk shall supply the FDC with administrative support.

[Meeting Minutes](#)

ENACTING LEGISLATION

FGC 2-231 through 2-235

**ENACTING LEGISLATION
WEBSITE**

<http://bit.ly/1sG9Rfd>

JOINT COMMISSION DETAILS

The FDC shall include 15 public voting members broadly selected to represent the diverse people of the Fairbanks community. Twelve members shall be appointed by the City Mayor subject to the approval of the City Council. Three members shall be appointed by the Fairbanks North Star Borough Mayor subject to the approval of the Fairbanks North Star Borough Assembly.

**EMAIL THE COMMISSION
MEMBERS**

diversitycouncil@fairbanks.us

Profile

Montean

First Name

Jackson

Last Name

[Redacted]

Email Address

[Redacted]

Street Address

[Redacted]

Suite or Apt

Fairbanks

City

AK

State

[Redacted]

Postal Code

Mailing Address

[Redacted]

What district do you live in? *

City Resident

[Redacted]

Primary Phone

[Redacted]

Alternate Phone

Director - Discipline & Prevention/Intervention Programs

FNSBSD

Employer

Job Title

Which Boards would you like to apply for?

Fairbanks Diversity Council: Submitted

Interests & Experiences

Question applies to Fairbanks Diversity Council.

Please tell us how your diversity will benefit and contribute to the mission and purpose of the Diversity Council.

Life-long Fairbanksan, with a broad history of engagement, work and advocacy with diverse populations in the Interior, as well as across the state: Seniors, Youth, Special Needs, Homeless, Substance Abuse and Co-occurring Disorders, Ethnic, Religious, marginalized and underrepresented groups, etc.

Why are you interested in serving on a board or commission? What life experience can you contribute to the benefit of the board or commission?

I am a native of Fairbanks and have lived in the area since 1956. I have a personal and life-long investment in the Fairbanks community, and would like the opportunity to take part in the dialog about future diversity issues and expanded group engagement.

Brief Personal Biography (or attach resume):

I have a prior history of national, state and local Board and Coalition work, as well as, working with diverse populations. I have many years of first-hand direct work experience addressing diversity issues/concerns, and possess a strong working knowledge of community and diverse group dynamics. See attached resume for additional information.

 [Upload a Resume](#)

Professional Licenses/Training:

State of Alaska License: LBSW - License Bachelors Social Work CD ADMIN / CDCS - Chemical Dependency Administrator & Chemical Dependency Clinical Supervisor

EDUCATION:

B.S. 1998 Behavioral Science, University of Alaska Fairbanks
A.A.S 1997 Human Service, University of Alaska Fairbanks
A.A. 1997 Business, University of Alaska Fairbanks
H.S. Diploma 1974 Austin E. Lathrop High, Fairbanks

AWARDS:

2012 BP Teacher of Excellence
1998 Graduate UAF with Honors - Leadership

ADJUNCT:

1990 – 2008 UAF-TVC Campus CIOS - Computer Business Applications (PC & MAC)
MS Office
HST – African-American Family Systems

GRANT REVIEWER

2014 SAMSHA – Elementary and Secondary School Counseling
2012 SAMSHA – Elementary and Secondary School Counseling
2006 SAMSHA – Assertive Adolescent and Family Treatment Program
2005 SAMHSA - Drug Free Community Support
2003 SAMHSA - Motivation Enhancement Treatment
2002 SAMHSA - Adolescent Residential Treatment

COMMUNITY SERVICE

City of Fairbanks Board Diversity Council - 2014 – 2017
Board President – Dr. Martin Luther King Jr. Holiday Celebration Committee of Fairbanks – 2015 - Present
Conference Coordinator - African American Leadership Conference AASLC – 1986 - Present
Board of Directors – President – J.P. Jones Community Development Center – 2000 - 2013
United Way Compass Coalition Member – SAMHSA Community Support Grant – 2008 – 2013
Board of Directors – Farthest North Council of Girl Scouts – 2008 – 2012
Board of Directors – Fairbanks Community Mental Health – 2000 - 2002

CURRENT LICENSES/CERTIFICATES/AFFILIATIONS:

2016 – 2017 University of Alaska Anchorage – Center for Human Development AK LEND Fellow
2014 – Present Alpha Kappa Alpha Sorority, Incorporated – Xi Psi Omega Chapter
2014 – 2017 City of Fairbanks – Mayor’s Diversity Council
2012- Present International Bullying Prevention Association
2008-2011 U.S. Department of Education – Office of Safe and Drug Free Schools and Communities
NCLB Re-Authorization Advisory Committee
2008 – 2009 Leadership Fairbanks – Fairbanks Chamber of Commerce
2008 State of Alaska - METH 360 Awareness Coalition
2008 State of Alaska - Gatekeeper – Suicide Prevention Coalition
2006-2007 U.S. Dept. of Ed. – Office of Safe & Drug Free Schools & Communities Advisory Committee
State of Alaska Suicide Prevention Awareness/Education
State of Alaska Chemical Dependency Certifications, Clinical Supervisor & Administrator - CDCS/CD-ADM
State of Alaska License Bachelor of Social Work - LBSW
State of Alaska NASW Regional Board of Directors
NAADAC I National Association of Addictions/Drug and Alcohol Counselors
NASW National Association of Social Workers
ACSSW American Council of School Social Work
APA/ACFEI American Psychiatric Association - American College of Forensic Examiners Institute
AAUWP American Association of University Women Professors
NSAA National Student Assistance Association

REFERENCES:

Ms. Dorothy Jones Professor Emerita – University of Alaska Fairbanks
Mikki Barker, DO Psychiatrist
Mr. George Kirchner Psychologist
Mr. Willie Blackburn School Guidance Counselor

