



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, FEBRUARY 27, 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 Work Session to discuss Cowles Street Reconstruction and the FMATS Transportation Improvement Plan, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Jim Matherly presiding and with the following Council Members in attendance:

Council Members Present: 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: JB Brainerd, Deputy City Attorney
D. Danyielle Snider, City Clerk
Jeff Jacobson, Public Works Director
Mike Meeks, Chief of Staff
Jackson Fox, City Engineer
Angela Foster-Snow, HR Director
Jim Styers, Fire Chief
Donna Gardino, MPO Coordinator
Stephanie Johnson, Dispatch Center Manager

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 City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Matherly led the Flag Salutation.

CITIZEN'S COMMENTS

Brittany Smart, 809 Pioneer Way, Fairbanks – Ms. Smart stated there would be a planning meeting the following day to discuss the Iditarod restart. She stated that Borough Mayor Karl Kassel just returned from the Alaska Municipal League (AML) Winter Legislative Meeting in Juneau, and he is confident the legislature will close the gap in the State budget.

Mr. Pruhs asked if there would be a website with information about the Iditarod restart. Ms. Smart stated that due to the weather, all posts have been put on hold to avoid misinformation.

Greg Allison, 1949 Frank Avenue, Fairbanks – Mr. Allison stated he is the director of the Good LLC Cultivation Facility; he thanked community leaders for allowing cannabis in Fairbanks. He spoke to ways the cannabis industry is working to give back to the community, and he stated that it is a responsible industry.

Mr. Pruhs asked how Mr. Allison could be giving back to the community if he has only been in business for four months. Mr. Allison stated he is not in business yet but that giving back is important to him. **Mr. Pruhs** thanked Mr. Allison for giving back to the community.

Ms. Huntington thanked Mr. Allison for his eloquence and for his community support.

Mayor Matherly asked what the next step for Good LLC would be. Mr. Allison stated he hopes to get the cultivation facility up and running first and then the retail location near Brewster's. He expressed hope that the retail license would be on the Alcohol and Marijuana Control Office (AMCO) agenda for their July meeting. He stated nothing is easy but that hard work pays off.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney spoke to his wish for the State to support the industrial hemp industry. He encouraged Mayor Matherly to push for public restrooms in the City. He stated that at the previous meeting, Mr. Pruhs spoke to some of the dangerous people he has witnessed at the Clerk's Office; he stated that he has never seen anyone commit dangerous acts in City Hall. He stated he hopes the Council will give Public Works more funding for snow removal because there is a dangerous amount on roads and sidewalks.

Tyrone Burkhead, 2113 Gillam Way, Fairbanks – Mr. Burkhead commended the Council for voting to rename the Fire Station in honor of former Fire Chief Warren Cummings. He stated Chief Cummings' legacy will forever be remembered because nobody has done more for the Fire Department than him. Mr. Burkhead asked why the City of Fairbanks does not recognize the birthday of Dr. Martin Luther King Jr. (MLK Day). He spoke to the history of MLK Day and to the importance of closing business to observe it. He stated he would like to come to City Hall next year and see a sign on the door that says the City is closed in observance MLK Day.

Mr. Cleworth stated he would address Mr. Burkhead's request during Council Member Comments. Mr. Burkhead provided his phone number and stated that he would like to speak further about the issue with Mr. Cleworth.

Meagan Scheer, 1845 Caribou Way, Fairbanks – Ms. Scheer thanked the Public Works Department for all of their efforts in snow removal. She stated she works with teenagers and that they were commenting on the difficulty walking to school; she stated that some said they had to walk in the street because the sidewalks were covered in snow. She stated it is very dangerous for kids to be walking in the street.

Ms. Huntington stated the Director of Public Works Jeff Jacobson is present and that she is sure he heard Ms. Scheer's message.

Daisy Stevens, 1841 Hilton Avenue, Fairbanks – Ms. Stevens shared her concern with the possibility of the City of Fairbanks becoming a sanctuary city. She stated there are already a lot of people living in the community that cannot find jobs and that bringing in immigrants would only worsen the situation. Ms. Stevens asked the Council to support Senator Scott Kawasaki's bill to grant Permanent Fund Dividends (PFDs) to people who are proven to be wrongfully convicted. She spoke to the history of her family living in the City of Fairbanks. She complained about those sitting at the back of the room talking and being rude during meetings.

Mr. Pruhs stated the Mayor came out with a statement in the newspaper the day after the last City Council meeting which stated that the City of Fairbanks is not a sanctuary city. He also referenced a 2007 City Council resolution which stated that Fairbanks is not a sanctuary city.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated he was happy to see that Public Works finally removed the snow from south Fairbanks. He spoke to areas of town that need snow removal attention. He spoke against the City of Fairbanks becoming a sanctuary city. He requested that Cushman Street be cleared of the snow.

Darlene Herbert, 906 Woodlawn Road, Fairbanks – Ms. Herbert spoke to the article in the paper about Mayor Matherly being the morality police. She stated that police officers put on their uniforms to protect people, but that it does not put them on a pedestal. Ms. Herbert stated that Hitler got started by telling people what to think and say. She stated the Mayor should have his opinion and everyone else should be able to have theirs too.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

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

City Clerk Snider read the Consent Agenda into the record.

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of December 5, 2016.

APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of December 12, 2016.

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	Premises Address
5262	Aha Oriental Kitchen	Restaurant/ Eating Place	Moonstone, LLC	996 Blair Road
4548	Brewsters	Beverage Dispensary	Restaurant Concepts, LLC	354 Old Steese Hwy
3687	Thai House Restaurant	Restaurant/ Eating Place	Boonchoo, Inc.	412 5th Avenue
77	300 Club	Beverage Dispensary	Karen A Meadows-Sours	940 Cowles Street
4678	Fairbanks Junior Ice Dogs	Recreational Site	Fairbanks Junior Ice Dogs, Inc.	1920 Lathrop Street
426	Frontier Club	Beverage Dispensary	Boulder Investments, Inc.	No Premises
4314	Gallo's Mexican Restaurant	Beverage Dispensary	Northern Lights Business, Inc.	60 College Road
4763	Bobby's Downtown	Beverage Dispensary	Delta Epsilon, Inc.	609 2nd Avenue
3483	Fairbanks Curling Club	Beverage Dispensary	Fairbanks Curling Club, Inc.	1962 2nd Avenue
4465	Roundup Steak House	Beverage Dispensary	The Last Roundup, LLC	2701 S. Cushman St
4504	Gold Rush Deli	Beverage Dispensary	Upriver, Inc.	3399 Peger Rd, #C
2847	Bojangles	Beverage Dispensary	Scruff-N-Pork's, Inc.	1351 Cushman St
5051	Asiana Restaurant	Restaurant/ Eating Place	Young Mi Jin	2001 Airport Way

Mr. Pruhs, seconded by **Mr. Norum**, moved to WAIVE PROTEST on the Liquor License Applications for renewal.

Ms. Rogers expressed concern with the Bojangles renewal due to the amount of police call-outs.

Ms. Huntington asked Chief of Police Eric Jewkes to come forward and speak to the Bojangles renewal. Chief Jewkes stated that the Police Department shares the Council's concern with the Bojangles renewal. He stated that Bojangles has been a significant problem for his department.

Mr. Pruhs, seconded by **Ms. Rogers**, moved to AMEND the motion to waive protest by excluding the Bojangles renewal from the motion.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE MOTION TO WAIVE PROTEST BY EXCLUDING THE BOJANGLES RENEWAL FROM THE MOTION 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 WAIVE PROTEST ON THE LIQUOR LICENSES APPLICATIONS FOR RENEWAL EXCEPT FOR THE BOJANGLES LICENSE AS FOLLOWS:

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

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

Mr. Pruhs, seconded by **Ms. Rogers**, moved to PROTEST the Bojangles Liquor License Application for renewal.

Mr. Pruhs stated that protesting the license is not easy, but it is necessary in this situation. He stated the City Police became the security detail for the establishment because the owner did not do anything to make the business safe.

Ms. Huntington echoed Mr. Pruhs' sentiments that the Bojangles liquor license should be protested; she stated that the owner has had two fatal shootings at his bars. She stated she knows the family of Michael Hodges, and she asked if she should recuse herself from voting on the issue. Deputy City Attorney JB Brainerd asked Ms. Huntington if she felt conflicted about voting on the issue; **Ms. Huntington** stated that she did not feel uncomfortable. Deputy Attorney Brainerd stated she would not need to abstain.

Mr. Cleworth stated that the State can still overturn the decision of the City so they are not the final authority as to whether the license is renewed.

The Council discussed reasons why the license renewal should be protested: the owner's history of operating dangerous facilities, the 2016 homicide at the premises, the high rate of FPD calls for service at the location, and the Council's responsibility to uphold the public interest.

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

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

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

- b) Request by Tapas, Inc. (Franklin Eagle) for the City Council to Revisit the Condition Placed on a Liquor License Transfer of Ownership, Location and Name Change.

NOTE: The original transfer was considered by the City Council on October 19, 2015, and the Council voted to PROTEST until a Certificate of Occupancy is issued. At that time, the Council also placed a condition on the license that food must be served at the location.

Type: Beverage Dispensary, License #4170

To: Tapas / Tapas, Inc.
603 Lacey Street, Fairbanks, Alaska

From: Lavelle's Bistro / Café de Paris Catering Co.
575 First Avenue, Fairbanks, Alaska

Mr. Pruhs, seconded by **Mr. Norum**, moved to REMOVE the food service condition on the license transfer.

Frank Eagle, 912 Kellum Street, Fairbanks – Mr. Eagle applauded the Council for protesting the Bojangles liquor license renewal; he stated that it is not a safe place. He stated he would like to try a “pop up” food service at Tapas which would allow guest chefs to cook at the location. He stated that the food industry has a high failure rate, and this would give someone an opportunity to see if it is an industry they would like to get into. He stated that he has been in the food service industry for more than 30 years.

Ms. Therrien asked when Mr. Eagle expects to have his Certificate of Occupancy. Mr. Eagle replied he did not know when he would receive a Certificate of Occupancy.

Ms. Rogers asked if it would be a smoke free location, Mr. Eagle replied affirmatively.

Mr. Pruhs spoke in opposition of Mr. Eagle needing to have food service at all times. **Mr. Pruhs** asked Mr. Eagle how long he had been in the food business in Fairbanks. Mr. Eagle stated he began in the early 1980's.

Mr. Cleworth spoke to the history of liquor licenses in the downtown core area. He spoke to the Fairbanks General Code (FGC) section that speaks to the 1,000 buffer distance between a liquor establishment and a senior center.

Daisy Stevens, 1841 Hilton, Fairbanks – Ms. Stevens asked why there should not be a bar within 1,000 feet of a senior citizen center. She spoke in favor of Tapas opening at the location.

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

Mr. Cleworth stated that until the Taphouse opened there was always the understanding by the Council that food service had to be included for a liquor establishment in the core downtown area. He stated that he could support Tapas as long as they served food during business hours. He stated he tried hard to add the food service requirement to the City Code, but it did not pass.

Mr. Pruhs spoke against the food service condition; he stated that food service does not guarantee proper alcohol business practices.

Ms. Rogers stated that she likes the model Mr. Eagle has come up with and that it would bring a significant amount of interest in the downtown area. She stated she would feel comfortable removing the food service condition.

Mayor Matherly spoke in favor of removing the food service condition.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO REMOVE THE FOOD SERVICE CONDITION ON THE LICENSE TRANSFER AS FOLLOWS:

YEAS: Pruhs, Therrien, Huntington, Norum, Rogers

NAYS: Cleworth

Mayor Matherly declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Matherly shared his excitement about the Yukon Quest sled dog race; he stated that he attended the end-of-race banquet. He stated that the public restrooms issue is something he would like to tackle while he is in office; he added that just because he does not address it every meeting does not mean it is not on his priority list. **Mayor Matherly** thanked FMATS and Engineering for the Work Session earlier in the evening. He stated he has worked hard to improve his relationship with the Police Department and that attitudes seem to be positive under the new Police Chief. He spoke to his excitement for holding the Iditarod restart in Fairbanks.

UNFINISHED BUSINESS

- a) Resolution No. 4768 – A Resolution Adopting a City of Fairbanks Diversity Action Plan. Introduced by Mayor Matherly. POSTPONED from the Regular Meeting of January 23, 2017.

NOTE: The motion to APPROVE Resolution No. 4768 was made by **Mr. Norum** and seconded by **Ms. Rogers** at the Regular Meeting of November 7, 2016.

Ms. Therrien, seconded by **Ms. Rogers**, moved to POSTPONE Resolution No. 4768 until the March 20, 2017 meeting so the Fairbanks Diversity Council (FDC) could review the Council's proposed changes prior to final approval.

Mayor Matherly explained that the FDC did not meet in February due to bad road conditions, so they did not have the opportunity to see the proposed changes.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE RESOLUTION NO. 4768 AS FOLLOWS:

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

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

- b) Ordinance No. 6041 – An Ordinance Amending Fairbanks General Code Sections 2-260 and 2-261 Regarding the Authorized Index Language and Asset Allocations in the City Permanent Fund Investment Policy. Introduced by Council Members Therrien, Pruhs and Norum. SECOND READING AND PUBLIC HEARING.

Ms. Therrien, seconded by **Ms. Huntington**, moved to ADOPT Ordinance No. 6041.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney asked someone to explain what it would take to tap into the City’s Permanent Fund.

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

Mr. Cleworth explained that the City Charter states that a super-majority vote of the people is required to tap into the City’s Permanent Fund.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6041 AS FOLLOWS:

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

NAYS: None

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6041 ADOPTED.

- c) Ordinance No. 6042 – An Ordinance Modifying the Annual General Fund Transfer from the Permanent Fund. Introduced by Council Members Therrien, Pruhs and Norum. SECOND READING AND PUBLIC HEARING.

Mr. Pruhs, seconded by **Ms. Huntington**, moved to ADOPT Ordinance No. 6042.

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

Mr. Cleworth stated that the City is facing fiscal challenges, some of which are not of the Council’s making. He stated that revenues generated from things such as citations and building permits have drastically declined. He spoke against the adoption of Ordinance No. 6042.

Mr. Pruhs stated he appreciates Mr. Cleworth’s comments but that he supports the ordinance.

Ms. Huntington asked what the risk of falling below the principal balance of \$113 million would mean. Chief Financial Officer Carmen Randle stated that the Permanent Fund Review Board (PFRB) suggested the annual drawdown percentage reduction because they want to protect the Fund and make it more sustainable. Ms. Randle stated that there is no way to predict the market but that protecting the principal balance is the most important duty of the PFRB.

Mr. Cleworth stated the market is volatile and that the \$113 million in principal balance does not really mean anything. He spoke to the market crash of 2008 and how it affected the Permanent Fund. He stated that he is puzzled by the ordinance because it will hurt the City in the upcoming years.

Ms. Therrien commented that the members of the PFRB have a great deal of knowledge about the City’s Permanent Fund; she urged the Council to adopt Ordinance No. 6042.

Mr. Norum agreed with Ms. Therrien and stated that he supports the ordinance.

Ms. Randle stated that if the ordinance is passed the Council can make future changes to the ordinance.

Ms. Huntington stated that she agrees with Mr. Cleworth, and it is dangerous to start limiting the financial resources of the City when revenues are declining.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6042 AS FOLLOWS:

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

COMMUNICATIONS TO COUNCIL

a) Chena Riverfront Commission Meeting Minutes of December 14, 2016

ACCEPTED on the CONSENT AGENDA.

b) Hotel-Motel Discretionary Fund Committee Meeting Minutes of December 19, 2016

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Ms. Huntington stated she is proud of the Council for protesting the Bojangles liquor license renewal. She stated her dear friend's son passed away from carbon monoxide poisoning; she reminded everyone to check the batteries in their smoke and carbon monoxide detectors.

Ms. Rogers spoke to the earlier testimony about children having to walk in the street because there is so much snow on City sidewalks. She reminded everyone of the Fairbanks woman who was killed in the snowstorm because she was walking on the roadway. She encouraged people to try to find a ride if they need to go somewhere and suggested that they not walk in the streets.

Ms. Therrien requested an update from FPD regarding opiate issues in the City of Fairbanks. She stated she has been overwhelmed with the number of emails she has received relating to the City of Fairbanks becoming a sanctuary city, some positive and some negative. She stated that she has not responded to all of them yet.

Mr. Pruhs thanked the Mayor for cutting public testimony off at five minutes. He stated that he thought the public comment comparing Mayor Matherly to Hitler was offensive. He stated he would like a detailed, written report from the City lobbyists on House Bill 28 and Senate Bill 115; he stated that one of the bills would cause an unfunded liability to the City.

Mr. Cleworth asked Public Works Director Jeff Jacobson for an update on snow removal. Mr. Jacobson stated that three of the seven City snow dumps are completely full and the remaining

snow dumps can be stacked higher to accommodate more snow. **Mr. Cleworth** stated that the snow may start melting in about three weeks, and he asked Mr. Jacobson if he could get the streets cleared without blowing the budget. Mr. Jacobson replied that the 2017 budget for temporary hires budget was blown early on. He stated that Public Works is trying to deal with snow removal in the most efficient and cost effective way.

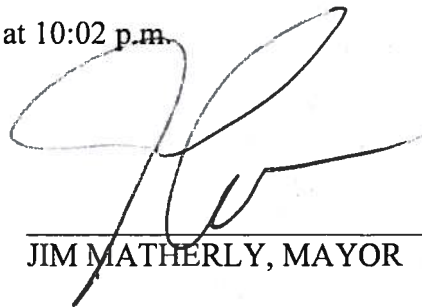
Mr. Cleworth spoke to his draft ordinance relating to lane widths and the need for snow storage space on both sides of a road. He stated the Council needs to revisit the ordinance governing liquor licenses. He stated he has never received so many emails as he did following the Council meeting with all the public comments on Fairbanks becoming a sanctuary city. He stated he would try to respond to all emails but it is taking some time due to the high volume.

Mr. Norum stated he recently attended a meeting at Raven Landing that was packed full of local business and political leaders in Fairbanks. He stated the only lobbying that is going on in Juneau is the lobbying being done by the elected officials; he stated that lobbyists are not doing their job. He asked if anyone had considered implementing an "Adopt-a-Pothole" program.

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

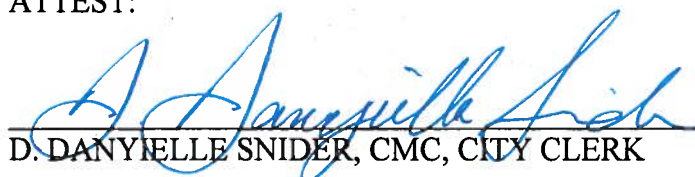
Mayor Matherly called for objection and, hearing none, so ORDERED.

Mayor Matherly declared the meeting adjourned at 10:02 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB