



FAIRBANKS CITY COUNCIL
AGENDA NO. 2016-13
REGULAR MEETING JULY 11, 2016
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

PRELIMINARY MEETING

6:00 p.m. Work Session – Chief Andrew Isaac Clinic Expansion/Land Acquisition

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 March 21, 2016

*b) Regular Meeting Minutes of April 11, 2016

7. SPECIAL ORDERS

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

Type: Wholesale Malt Beverage & Wine, License #5500
DBA: K & L Distributors Alaska
Requestor: White Mountain Beverage, LLC
Physical Location: 945 Elizabeth Street, Fairbanks, Alaska

8. MAYOR'S COMMENTS AND REPORT

a) Interior Energy Project Update by Gene Therriault

9. UNFINISHED BUSINESS

10. NEW BUSINESS

*a) Resolution No. 4749 – A Resolution Awarding a Contract to Yukon Equipment, Inc. to Provide an Elgin Crosswind Street Sweeper in the Amount of \$291,595.00. Introduced by Mayor Eberhart.

*b) Resolution No. 4750 – A Resolution Urging the Borough Assembly to Reject Ordinance No. 2016-36. Introduced by Mayor Eberhart and all City Council Members.

*c) Resolution No. 4751 – A Resolution Authorizing the City Clerk to Conduct a Special Election by Mail for the Purpose of Detaching the Area Known as Open Skies Commercial Park. Introduced by Mayor Eberhart.

*d) Resolution No. 4752 – A Resolution Authorizing the City of Fairbanks to Apply for Funds from the Fairbanks Metropolitan Area Transportation System Local Transportation Alternatives Program. Introduced by Mayor Eberhart.

- *e) Resolution No. 4753 – A Resolution Urging the State Legislature to Reject Proposals for a Statewide General Sales Tax. Introduced by Mayor Eberhart.
- *f) Ordinance No. 6024 – An Ordinance to Place Before City Voters the Question of Amending Charter Section 11.3, Elections: Candidates, Filing, and Charter Section 2.2, Council: Qualification of Members, Vacancies, to Coordinate Candidate Filing Dates with the Fairbanks North Star Borough and to Correct Residency Requirements. Introduced by Mayor Eberhart.
- *g) Ordinance No. 6025 – An Ordinance Amending Fairbanks General Code Section 22-9, Declaration of Candidacy by Affidavit, to Align the Filing Deadlines with Those of the Fairbanks North Star Borough. Introduced by Mayor Eberhart.
- *h) Ordinance No. 6026 – An Ordinance to Place Before City Voters the Question of Amending Charter Section 8.7, Independent Audit, to Allow Flexibility for the Due Date. Introduced by Council Member Cleworth.
- *i) Ordinance No. 6027 – An Ordinance to Place Before City Voters the Question of Granting the City Council the Authority to Increase the Rate of Sales Tax Levy by One Percent on Marijuana if the Borough Increases Its Levy by a Like Amount. Introduced by Council Member Cleworth.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

- a) Committee Reports

12. COMMUNICATIONS TO COUNCIL

- *a) Memo Regarding City Representation on the FNSB Planning Commission
- *b) Reappointment to the Fairbanks Diversity Council
- *c) Appointment to the Hotel/Motel Discretionary Fund Committee
- *d) Clay Street Cemetery Commission Meeting Minutes of May 4, 2016
- *e) Clay Street Cemetery Commission Meeting Minutes of June 1, 2016

13. COUNCIL MEMBERS' COMMENTS

14. CITY CLERK'S REPORT
15. CITY ATTORNEY'S REPORT
16. EXECUTIVE SESSION
 - a) Fairbanks Firefighters Union (FFU) Labor Negotiations/Mediation
17. ADJOURNMENT



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, MARCH 21, 2016
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor John Eberhart presiding and with the following Council Members in attendance:

Council Members Present: Perry Walley, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Jerry Cleworth, Seat E
David Pruhs, Seat F

Absent: Joy Huntington, Seat A (Excused)

Also Present: Ben Barrio, IT Director
JB Brainerd, Deputy City Attorney
Ernie Misewicz, Assistant Fire Chief
Clem Clooten, Building Official
Verg Scott, Public Works General Foreman
Eric Jewkes, Deputy Police Chief
Carmen Randle, Chief Financial Officer
D. Danyielle Snider, City Clerk
Paul Ewers, City Attorney

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

CITIZEN'S COMMENTS

Susan Dale, 5912 Standard Creek, Fairbanks – Ms. Dale stated that she works for Family Centered Services of Alaska (FCSA) and asked the City Council to support the organization's move to 3401 Lathrop Street. She explained that Alaska Industrial Development and Export Authority (AIDEA) requires bond approval from both the City and the Borough because it is over \$10 million. Ms. Dale stated that FCSA helps local children and families affected by mental illness. She stated that they currently have a 48-bed facility and that they want to expand to 70 beds in the future.

Mr. Cleworth asked who currently operates the facility.

Ms. Dale stated that the Boys and Girls Home of Alaska is currently in bankruptcy, and they no longer own the facility. Ms. Dale stated that FCSA owes it to the families to keep the facility open with the current staff on hand.

Mr. Cleworth asked if the bond request would go toward paying off the owner of the facility.

Ms. Dale replied that the bond would pay off the owners.

Mr. Gatewood spoke in support of Resolution No. 4726, and he asked if all 46 of the beds are currently occupied.

Ms. Dale stated that at any given time there are 44 to 46 kids onsite needing guidance and care.

Mr. Gatewood asked what level of care FCSA provides to the residents of the facility.

Ms. Dale stated that the staff provides level three and four care; that they do not provide hospital-type care; she stated that if they expand, they may be able to provide that higher level of service.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that Gene Redden was a voice for the Boys and Girls Home and that it is too bad that the organization went downhill. He thanked the City Council for kick-starting the resolution on industrial hemp. He stated that he read about the dangers of smoking cannabis grown with pesticides. Mr. Turney stated that he spoke with his attorney and has learned that stalking is a felony; he stated that Mr. Pruhs made untrue statements on KFAR claiming that he is a stalker. He stated that he may subpoena Mr. Pruhs to testify in court because he has slandered his character. Mr. Turney suggested the City Council put on a boxing match to raise funds and have Council Members throw punches publicly.

Jerry Evans, 1641 Kassi Court, Fairbanks – Mr. Evans stated that he is representing Explore Fairbanks and that he is the Public Relations (PR) Manager for the organization. He stated that he directs visiting press when they come to Fairbanks, and he helps show them around the City. Mr. Evans spoke to some of the magazines that have written articles featuring Fairbanks. He stated that January is the perfect “golden light” opportunity for photographers, because the sunrise and sunset are so close together. He read excerpts from a couple of articles that spoke to travellers’ experiences in Fairbanks.

Mr. Gatewood asked if the “golden light” is unique to Fairbanks.

Mr. Evans stated that the “golden light” is the term used to describe the soft hues in a sunrise or sunset anywhere in the world.

Mr. Cleworth stated that he has been seeing many students travelling to Fairbanks; he asked if they were coming independently or if it was organized by Explore Fairbanks.

Mr. Evans stated many of them are college students in groups of five, and they use social network to find travel companions.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated that at the last City Council meeting a man testified about the roundabouts in Hamilton Acres; he wanted to know if any Council Members drove through the area to investigate. He stated the roundabouts are a big waste of money for the City. He stated that he would like to know how much money was spent on the design of the traffic circles. Mr. Buberger stated it is a joke that there is so much tax payer money spent on design but that there are no public restrooms for people to use. Mr. Buberger offered to go to the Home Depot and buy orange buckets and a stick to mark it as a public restroom. He stated that the Council throws all sorts of money away on anything under the sun but that they refuse to build public restrooms. He thanked Police Chief Randall Aragon for being the best Chief he has seen in his 40 years of living in Fairbanks. He stated that he would be absent for the next two City Council Meetings.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Gatewood pulled Resolution No. 4723 and Resolution No. 4725 from the Consent Agenda.

Mayor Eberhart 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 December 14, 2015.

APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of January 11, 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 Application for Transfer and Restaurant Designation Permit:

Type: Beverage Dispensary, License #1912
To: Eastern Treats / Bulgar Corp.
535 2nd Avenue, Fairbanks, Alaska
From: Gold Rush Saloon / Downriver, Inc.
3399 Peger Road, Fairbanks, Alaska

Mr. Pruhs, seconded by **Mr. Matherly**, moved to WAIVE PROTEST on the Liquor License Application for Transfer and Restaurant Designation Permit.

Ivan Gyaurski, 535 2nd Avenue, Fairbanks – Mr. Gyaurski spoke to the supporting documentation he provided to the City Council in the agenda packets. He stated that he went up and down 2nd and 3rd Avenue and gathered signatures of all the business owners in support of his restaurant, Eastern Treats. Mr. Gyaurski spoke to the favorable rating of his restaurant on TripAdvisor.com. He stated that his business would help revitalize the downtown core area. He stated that he intends to offer some Eastern European beers at his restaurant that people would not be able to get anywhere else in town.

Mr. Gatewood asked if the beer would be bottled or on tap.

Mr. Gyaurski stated he could only get bottled beer from Eastern Europe.

Mr. Gatewood asked if he would sell other types of beer or just stick to exotic beers.

Mr. Gyaurski stated he would have some domestic beers but that he would try to keep exotic beers in stock as well.

Mr. Pruhs asked the intended hours of operation.

Mr. Gyaurski stated that each business in the Co-Op Plaza keeps its own operating hours. He stated the Crepery, his other restaurant, is open from 7 a.m. till 7 p.m. He stated that Eastern Treats is currently open from 11 a.m. to 8 p.m.

Mr. Pruhs spoke in support of Mr. Gyaurski's business and thanked him for gathering signatures of support from the surrounding business owners.

Frank Turney – Mr. Turney stated he has lived downtown for 20 years and questioned how Mr. Gyaurski would run two restaurants. He asked if the restroom that he built inside Eastern Treats would be open to the public. He stated that he is afraid that having more drinking establishments downtown will create problems.

Victor Buberger – Mr. Buberger stated that Eastern Treats is an open-ended restaurant and that he sees problems with it. He stated that finding a key in order to use the restroom at the Co-Op is nearly impossible. He expressed his concern with the downtown area having another drinking establishment.

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

Mr. Cleworth stated that on the plans provided by Mr. Gyaurski, there is a bathroom located in the back of the restaurant and that people are welcome to speak to Mr. Gyaurski after the meeting in regard to whether it will be a public restroom or not. He reiterated the importance that food services be provided by liquor establishments coming into the downtown core area.

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to AMEND the motion to WAIVE PROTEST by ADDING a provision that food service must be provided during hours of operation.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE MOTION TO WAIVE PROTEST BY ADDING A PROVISION THAT FOOD SERVICE MUST BE PROVIDED DURING HOURS OF OPERATION AS FOLLOWS:

YEAS: Gatewood, Walley, Pruhs, Matherly, Cleworth
NAYS: None
ABSENT: Huntington
Mayor Eberhart declared the MOTION CARRIED.

Mr. Pruhs commended Mr. Gyaurski on his growth in the food service industry. He stated that he will be voting in favor of the approval of the liquor license.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATION FOR TRANSFER AND RESTAURANT DESIGNATION PERMIT WITH THE PROVISION THAT FOOD SERVICE MUST BE PROVIDED DURING HOURS OF OPERATION AS FOLLOWS:

YEAS: Pruhs, Gatewood, Cleworth, Matherly, Walley
NAYS: None
ABSENT: Huntington
Mayor Eberhart declared the MOTION CARRIED.

- b) The Fairbanks City Council convened as a Board of Adjustment to consider whether to appoint a hearing officer for the appeal in the matter of the following decision of the Fairbanks North Star Borough Department of Community Planning (GR2016-082):

An administrative determination regarding grandfather rights for the property located at 1041 Pedro Street (Lot 16, Block 139, Weeks Field), owned by Dale and Marie Nielsen.

Mr. Pruhs, seconded by **Mr. Cleworth**, moved that the City Council HEAR THE APPEAL.

Mr. Pruhs stated that he has applied for Grandfather Rights many times in his career and that he is very familiar with the process.

Mr. Gatewood asked when the hearing should be scheduled.

Mr. Matherly asked if they should hold both Board of Adjustment hearings at the same Council Meeting or split them out.

Mr. Walley suggested that the hearings be held on separate dates due to the volume of information to consider.

Mr. Gatewood stated that he is not advocating having the hearings on the same night but that he would like all Council Members to be present for the hearings.

City Attorney Paul Ewers explained that the grandfather rights hearing will be a *de novo* hearing and that it may take more time than the other upcoming appeal.

Mr. Pruhs, seconded by **Mr. Gatewood**, moved to AMEND the motion for the Council to hear the appeal by ADDING that the hearing date be set for the Regular City Council Meeting of May 9, 2016.

Mayor Eberhart stated that he would be absent from the May 9, 2016 City Council Meeting.

Council Members discussed other possible dates to hear the appeal.

Mr. Pruhs, with the concurrence of the Second, WITHDREW the motion AMEND.

The Council directed Clerk Snider to place the scheduling of the hearing date on the next Council Agenda.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION THAT THE CITY COUNCIL HEAR THE APPEAL AS FOLLOWS:

YEAS: Matherly, Gatewood, Pruhs, Cleworth, Walley

NAYS: None

ABSENT: Huntington

Mayor Eberhart declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart noted that at the last meeting derogatory remarks were made towards Mexicans and that an individual was hurt and offended by the comments. He stated that citizens need to be culturally sensitive when giving public testimony. He spoke to how much immigrants have helped the local economy. **Mayor Eberhart** commended Chief Aragon on his attendance at the FBI Training in Quantico, Virginia. He spoke to the Office of Professional Responsibility (OPR) and stated that complaints for the OPR may be made at the Mayor's Office or at the Fairbanks Police Department (FPD). He stated that Detective Alana Malloy will be in charge of the OPR, but that the Mayor's Office needs to be involved in all complaints to ensure the complaint is followed up with. **Mayor Eberhart** spoke to the many activities the Mayor's Office has been involved with since the last Regular Council Meeting. He spoke to the need for a sleep-off center in the City of Fairbanks.

UNFINISHED BUSINESS

- a) Resolution No. 4689 – A Resolution Honoring Warren B. Cummings by Dedicating and Renaming Fire Station One in His Honor. Introduced by Mayor Eberhart. POSTPONED from the Regular Meeting of January 11, 2016.

Mr. Pruhs, seconded by **Mr. Matherly**, moved to POSTPONE Resolution No. 4689 until the July 11, 2016 Regular Council Meeting.

Mr. Walley requested a Staff Report from Mr. Ewers.

Mr. Ewers stated that the matter is still not finalized.

Mr. Cleworth spoke against postponement and in favor of tabling the resolution.

Mr. Gatewood asked Mr. Ewers if he had an idea as to when the matter would be resolved.

Mr. Ewers stated that he did not know when the issue would be settled.

Mr. Matherly asked Mr. Ewers if setting a date would be better than tabling the issue.

Mr. Ewers stated that it would make no difference. He stated that he would be notified as soon as the issue was resolved, and he would report to the Council at that time.

Mr. Matherly spoke in favor of tabling the issue.

Mr. Pruhs, with the concurrence of the Second, WITHDREW the motion POSTPONE.

Mr. Pruhs, seconded by **Mr. Matherly**, moved that Resolution No. 4689 be LAID ON THE TABLE.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION THAT RESOLUTION NO. 4689 BE LAID ON THE TABLE AS FOLLOWS:

YEAS: Pruhs, Gatewood, Cleworth, Matherly, Walley

NAYS: None

ABSENT: Huntington

Mayor Eberhart declared the MOTION CARRIED.

NEW BUSINESS

- a) Resolution No. 4723 – A Resolution in Support of Senate Bill 91 Relating to Comprehensive Criminal Justice Reform. Introduced by Mayor Eberhart.

Mr. Cleworth, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4723.

Mr. Gatewood asked if Senate Bill (SB) 91 spoke to adult corrections or only juvenile corrections.

Mr. Pruhs stated SB 91 includes all boundaries of corrections, both youth and adult.

Mr. Gatewood stated the third whereas is incorrect; he suggested the word “unchecked” be struck from the resolution.

Mr. Pruhs, seconded by **Mr. Cleworth**, moved to AMEND Resolution No. 4723 by striking the word “unchecked” from the third whereas.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESOLUTION NO. 4723 BY STRIKING THE WORD “UNCHECKED” FROM THE THIRD WHEREAS AS FOLLOWS:

YEAS: Matherly, Gatewood, Pruhs, Cleworth, Walley
NAYS: None
ABSENT: Huntington
Mayor Eberhart declared the MOTION CARRIED.

Mayor Eberhart stated that he had spoken to Deputy Police Chief Eric Jewkes prior to the meeting and requested that he come forward to address his concerns with SB 91.

Deputy Chief Jewkes spoke to the changes in SB 91 and shared his concerns with some parts of the bill. He stated that considerable work needs to be done on the bill prior to it becoming law. He stated that 2.5 grams of cocaine is not a lot but 2.5 grams of heroin is a great danger and stated that all the substances should not be covered under the same amount. Deputy Chief Jewkes stated that his office has been communicating concerns to Senator John Coghill’s office. He stated there is also concern relating to property crimes and crime limits and suggested the bill be reworked prior to approval.

Mr. Gatewood asked Deputy Chief Jewkes if he supports the spirit of the bill with some content tweaking; he also asked if other agencies share the FPD’s concerns.

Deputy Chief Jewkes stated he has met with the Police Chiefs of North Pole and the University, and they share the same concerns with the broad language. He stated that many of the bigger agencies have spoken out in opposition of SB 91.

Mr. Cleworth asked Deputy Chief Jewkes if Senator Coghill was receptive when he spoke with him.

Deputy Chief Jewkes stated that he was receptive and that he asked the department to come up with suggested changes.

Mr. Cleworth asked if passing the resolution would hinder the changes that Deputy Chief Jewkes is working on.

Deputy Chief Jewkes stated he did not know if passing the resolution would hinder the proposed changes; he stated that he just wanted to share his concerns with the Council.

Mr. Matherly thanked Deputy Chief Jewkes for coming to the meeting to share his concerns.

Mr. Matherly, seconded by **Mr. Pruhs**, moved to AMEND Resolution No. 4723 by adding the two whereases suggested by Jewkes and by replacing the “Now Therefore...” language with his suggested language.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESOLUTION NO. 4723 BY ADDING THE TWO WHEREASES SUGGESTED BY JEWKES AND BY REPLACING THE “NOW THEREFORE...” LANGUAGE WITH HIS SUGGESTED LANGUAGE AS FOLLOWS:

YEAS: Cleworth, Pruhs, Walley, Matherly, Gatewood
NAYS: None
ABSENT: Huntington
Mayor Eberhart declared the MOTION CARRIED.

Mr. Gatewood stated that he understands Deputy Chief Jewkes’ concerns but encouraged him to have conversations with other law enforcement agencies and the Village Public Safety Officers (VPSOs) to see if they had any comments on SB 91.

Deputy Chief Jewkes stated that FPD has talked with the VPSOs; he stated that since they are State employees they are not allowed to take a side or a stand on the issue.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4726, AS AMENDED, AS FOLLOWS:

YEAS: Gatewood, Walley, Pruhs, Matherly, Cleworth
NAYS: None
ABSENT: Huntington
Mayor Eberhart declared Resolution No. 4723, as Amended, APPROVED.

b) Resolution No. 4724 – A Resolution Adopting a City of Fairbanks Records Retention Schedule. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

c) Resolution No. 4725 – A Resolution to Apply for Funding from the United States Department of Transportation for a Transportation Investment Generating Economic Recovery (TIGER) Grant. Introduced by Mayor Eberhart.

Mr. Cleworth, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4725.

Mr. Gatewood stated that he would like to see more clarity in the fiscal note regarding the cost of Public Works employee’s wages spent on sweeping and plowing City sidewalks. He stated that there should also be some kind of equipment cost included in the fiscal note.

Mayor Eberhart called General Foreman Verg Scott forward for a staff report.

Mr. Scott stated that the Public Works department has a Memorandum of Agreement (MOA) with the State that includes the Cushman Street Bridge sidewalk and surface maintenance. He stated that the State still owns the bridge but that the City has taken over minor maintenance.

Mr. Cleworth asked for clarification as to the meaning of “minor maintenance.”

Mr. Scott stated that Public Works would fill potholes and sweep the sidewalks; he stated Public Works would only do cosmetic repairs to the Cushman Street Bridge. He stated that Wendell Street Bridge maintenance responsibilities are vague because it is unclear where the City street ends.

Mr. Cleworth stated he has a problem with the Department of Transportation (DOT) since revenue sharing is dwindling away and City costs are no longer offset. He stated that the City needs to honor the original MOA on Illinois in regard to snow removal but that it should not include pothole repair.

Mr. Walley stated that the MOAs get drawn up very quickly just so things can move forward on the various projects. He stated that there is no harm in applying for the TIGER grant because there is no guarantee that the City will receive the funds. He stated that the City has been among the finalists for grant funds before and has not received the money.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4725 AS FOLLOWS:

YEAS: Matherly, Cleworth, Walley, Gatewood, Pruhs

NAYS: None

ABSENT: Huntington

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4725 APPROVED.

- d) Resolution No. 4726 – A Resolution Consenting to and Supporting the Location of the Family Centered Services of Alaska Residential Psychiatric Treatment Center to be Funded by Proceeds of Bonds to be Issued by the Alaska Industrial Development and Export Authority. Introduced by Council Member Pruhs.

PASSED and APPROVED on the CONSENT AGENDA.

- e) Ordinance No. 6007 – An Ordinance Amending Fairbanks General Code Chapter 14 Article IX Commercial Refuse Collector. Introduced by Council Members Cleworth and Matherly.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

FMATS Policy Committee – **Mr. Walley** stated that the Committee recently met and approved the resolution to pursue the TIGER grant. He stated that the grant application is due April 29, so

there was a rush to get Council approval to apply for the funds. He stated the Committee approved a \$246,000.00 Phase 4 increase to the Cushman Complete Streets Project. **Mr. Walley** stated that City Engineer Bob Pristash sat in for the Mayor at the meeting and answered many questions. **Mr. Walley** stated that the change orders for the project totaled 6.3%, and the standard overages on a project of that magnitude are typically over 10%. He stated there were issues with some of the utility companies during the project but that the City Council held firm on resolving the issues while remaining frugal. **Mr. Walley** stated that MPO Coordinator Donna Gardino narrowed down the list of City construction projects that are scheduled to move forward in 2016, 2017, and 2018.

Mr. Cleworth asked when the Noble Street project would be going out for bid.

Mr. Walley stated that construction will not take place on Noble Street until the summer of 2017 but that it will go out for bid in July of 2016.

COMMUNICATIONS TO COUNCIL

- a) Board of Plumber Examiner Meeting Minutes of December 15, 2015.

ACCEPTED on the CONSENT AGENDA.

- b) Fairbanks Diversity Council Meeting Minutes of February 9, 2016.

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Gatewood stated that he is glad the Council approved Resolution No. 4726 because FCSEA is a worthwhile organization; he thanked Mr. Pruhs for introducing the resolution. He spoke to the history of the Boys and Girls Home of Alaska and the plan to bring kids in from remote places for treatment. **Mr. Gatewood** thanked Deputy Chief Jewkes for his input on Resolution No. 4723. He stated that criminal justice reform is needed in the State but that it needs to be done correctly. He stated that the second half of March Madness in Alaska will be starting soon and wished all of the teams good luck. **Mr. Gatewood** stated that he will be travelling to Anchorage to watch and announce a few of the games and shared his hopes that Fairbanks brings home a state championship.

Mr. Walley spoke to the FMATS City-sponsored projects that he did not mention in his committee report. He stated that he enjoyed attending the Open North American Sled Dog Races; he stated there was a lack of snow but the races went off without any issues. He wished everyone a happy Easter.

Mr. Matherly wished everyone a happy Easter; he had no other comments.

Mr. Cleworth asked Mayor Eberhart to clarify the procedure for citizens to make complaints to the OPR. He stated that the Code may be redundant because complaints can also be heard at Public Safety Commission (PSC) meetings.

Mayor Eberhart stated that he would review the Code and clarify if there are any redundancies.

Mr. Cleworth spoke to the past practice of DOT to enter into Transfer of Rights Agreements (TORAs) for roads within the City. He stated that it was later discovered that the state cannot transfer the roads to the City, so those agreements are in somewhat of a legal limbo. **Mr. Cleworth** stated that if revenue sharing dries up, the City should address the issue and look into giving maintenance responsibility of certain roads back to the State.

Mr. Pruhs stated that he is happy the Council approved the liquor license for Eastern Treats and stated that the Council should look at re-writing the liquor license Code. He thanked the Council for approving Resolution No. 4726. **Mr. Pruhs** spoke to the resolution regarding SB 91 and thanked everyone for all their work in improving the resolution.

ADJOURNMENT

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

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

Mayor Eberhart declared the meeting adjourned at 9:08 p.m.

JOHN EBERHART, MAYOR

ATTEST:

D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, APRIL 11, 2016
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor John Eberhart presiding and with the following Council Members in attendance:

Council Members Present: Joy Huntington, Seat A
Perry Walley, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Jerry Cleworth, Seat E
David Pruhs, Seat F

Absent: None

Also Present: Clem Clooten, Building Official
Ernie Misewicz, Assistant Fire Chief
Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Stephanie Johnson, Dispatch Center Manager
Carmen Randle, Chief Financial Officer
Angela Foster-Snow, HR Director
Randall Aragon, Police Chief
Verg Scott, Public Works General Foreman
Bob Pristash, City Engineer IV
Shannon Kumpula, Purchasing Agent/Risk Manager
Jeff Jacobson, Chief of Staff
Brad Johnson, Deputy Police Chief
Jackson Fox, Environmental Manager
Tammy Misrasi, Communications Director
Jim Styers, Fire Chief

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

CITIZEN'S COMMENTS

Lance Roberts, P.O. Box 83449, Fairbanks – Mr. Roberts stated he has moved back into the City, so he is now not only a City property owner but also a City resident. He spoke to the traffic

lights on Cushman Street and requested that some of the lights remain off because traffic flows fine without them. Mr. Roberts spoke to the Borough Ordinance that is coming up for public hearing at the next Assembly meeting; he stated that if the ordinance passes, the Borough will have the power to take away peoples' hydronic heaters that they purchased through the Borough-approved exchange program. He stated that the ordinance is going to hurt people and added that the ordinance is not good legislation. Mr. Roberts encouraged City Council Members and the public to come to the Borough Assembly meeting to testify against the ordinance. He stated that the ordinance is government overreach and that the Borough should not bother those that are correctly using the hydronic heaters.

Mr. Matherly asked what kind of heaters the Borough is proposing to ban.

Mr. Roberts stated that the ordinance would ban pellet stoves. He stated that wood stoves would have to meet a 0.1 pounds per million BTU standard; he stated only five types of stoves exist that meet that criteria. Mr. Roberts stated that no one in Fairbanks sells the stoves that the Borough would approve. He stated that two of the Borough-approved wood stoves are so large a building would have to be built to house them. Mr. Roberts stated it would take a citizen a great deal of effort to get one of the stoves that are on the approved list.

Mr. Pruhs asked if the ordinance was introduced by an Assembly Member or by the administration.

Mr. Roberts stated that two Assembly Members introduced the ordinance; he stated that he does not know the Administration's position on the issue.

Mr. Cleworth asked if the Borough has changed their standard. He stated that during their exchange program they approved some EPA-accepted stoves.

Mr. Roberts stated that some of the stoves that were changed out in the exchange program do not meet the new standard.

Mr. Cleworth stated that two of the air quality monitors inside City limits had not had violations in recent history, and he asked if the Assembly has taken a position on dividing the non-attainment area.

Mr. Roberts stated that the Assembly has not taken a position on dividing the non-attainment area but that he personally supports it.

Mr. Walley asked who chose the 0.1 pounds per million BTU standard.

Mr. Roberts stated that Borough Assembly Members chose standards.

Dawn Murphy, 101 Dunkel Street, Fairbanks – Ms. Murphy stated that she is in attendance on behalf of Explore Fairbanks. Ms. Murphy spoke to the audit packet that was provided to each Council Member showing that Explore Fairbanks' books are in good standing. She invited the Council to attend Explore Fairbanks' Annual Awards Banquet on April 22, 2016. Ms. Murphy invited everyone to attend the May 13, 2016 Annual Fairbanks Visitor Industry walk that starts at

Immaculate Conception Church and ends at the Morris Thompson Cultural and Visitors Center. Ms. Murphy stated that people can register online at the Explore Fairbanks website. She shared that over \$314,000 has been raised for charity over the 14-year history of the walk. She thanked the Council for reinvesting bed tax dollars into the community and destination marketing.

Frank Turney, 629 6th Avenue, Fairbanks – Mr. Turney reminded everyone that the Fairbanks Diversity Council (FDC) meeting will be held the following evening and that he would be attending to speak to the lack of public restrooms inside the City. He stated he believes that racism is the reason why there are no public restrooms in the downtown area. Mr. Turney stated he has nominated himself as the “Director of Decrapulation” in the downtown area. He stated that he invited the Mayor to come downtown and see all the feces on the ground and after a few days of nobody coming he cleaned it all up. He stated that he is tired of cleaning up dog and cat waste and cigarette butts; he stated that there should be cigarette butt cans placed in the downtown area. Mr. Turney stated that he was happy to see a complaint department at the Fairbanks Police Department (FPD). He stated that Mr. Buberger is out of town but that he would have jumped for joy about the article in the News Miner relating to public restrooms. He provided his phone number to the public and asked people to contact him if they see anyone letting their pet go to the bathroom downtown without cleaning it up.

June Rogers, 1908 Esquire Drive, Fairbanks – Ms. Rogers stated that the City needs to address the lack of public restrooms in the downtown area. She recommended posting a brochure at the visitor’s center letting people know where restrooms are available. She thanked the City Clerk for the invocation at the beginning of the meeting referencing responsibility to the community.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Matherly, seconded by **Mr. Gatewood**, moved to APPROVE the Agenda and Consent Agenda.

Mr. Cleworth pulled Ordinance No. 6008 from the Consent Agenda.

Mr. Pruhs pulled the Memo Regarding Public Restrooms in Downtown Fairbanks from the Consent Agenda.

Mayor Eberhart 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 January 25, 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 Application for Renewal:

Lic #	Establishment Name	License Type	Licensee	Location
2565	El Dorado Bar and Grill	Beverage Dispensary	Eldorado Bar and Grill, Inc.	530 Third Ave

Mr. Pruhs, seconded by **Mr. Gatewood**, moved to WAIVE PROTEST on the Liquor License Application for Renewal.

Mario Velderrain, 2350 Hawthorne Court, Fairbanks – Mr. Velderrain stated that he has installed a sprinkler system at the location but has not yet hooked the water up to it. He stated that he has had some issues with the installation and requested that the Council allow him to work through the tourist season before finishing the sprinkler system.

Mr. Gatewood asked Mr. Velderrain what kind of sprinkler system is in the restaurant.

Mr. Velderrain stated that the system is a dry system that will connect to the tank from the utility.

Mr. Gatewood stated that the sprinkler system was supposed to go into the restaurant three years ago and asked why it has not been done.

Mr. Velderrain stated he could not install the system in 2013 because he was involved in a lawsuit with the State. He stated that he will have to break the sidewalk, street and the floor inside his restaurant to become compliant. Mr. Velderrain asked the Council to allow him to work through the summer tourist season before making a mess of his restaurant.

Mr. Pruhs spoke to the importance of becoming building code compliant and stated that if he does not get the sprinkler system fixed the City will shut his restaurant down.

Mr. Velderrain stated that he understood and that he would fix the sprinkler system by the end of September 2016.

Mr. Cleworth asked Mr. Velderrain when the dry sprinkler system was installed.

Mr. Velderrain stated that the sprinkler system was installed in 2015.

Mr. Cleworth asked Mr. Velderrain if the installation would be a cost to him or his landlord.

Mr. Velderrain stated that he would bear the cost and that he is okay with a deadline to get it fixed.

Frank Turney, 629 6th Avenue, Fairbanks – Mr. Turney stated he hoped the Council would grant Mr. Velderrain an extension. He stated that the Council has given people waivers before and that they should allow Mr. Velderrain the same courtesy.

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

Mr. Pruhs spoke in favor of granting Mr. Velderrain an extension for the sprinkler system.

Mr. Matherly echoed Mr. Pruhs' comments and stated that he has known Mr. Velderrain for a long time; he stated that he knows he is a man of his word and that he will get the work done.

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

YEAS: Pruhs, Gatewood, Huntington, Cleworth, Matherly, Walley

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

- b) The Fairbanks City Council convened as a Board of Adjustment to schedule a hearing date for the appeal in the matter of the following decision of the Fairbanks North Star Borough Department of Community Planning (GR2016-082):

An administrative determination regarding grandfather rights for the property located at 1041 Pedro Street (Lot 16, Block 139, Weeks Field), owned by Dale and Marie Nielsen.

Mr. Pruhs, seconded by **Mr. Matherly**, moved to SCHEDULE the Board of Adjustment appeal hearing at the Regular Meeting of June 20, 2016.

Mayor Eberhart called for objection and, hearing none, ordered that the Board of Adjustment hearing be held at the June 20, 2016 Regular City Council Meeting.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart stated that Chief of Staff Jeff Jacobson and General Foreman Verg Scott will go downtown on a weekly basis to check that there are no feces or cigarette butts building up. He stated that the Office of Professional Responsibility (OPR) is tasked with taking complaints about FPD employees. He stated that the Fact Finding Commission cannot deal with personnel issues. **Mayor Eberhart** spoke to the qualifications and background of the new Executive Assistant and Communications Director Tammy Misrasi; he indicated that she had to step out of the meeting but that he would introduce her later. He encouraged the community to call Public Works to report potholes so they can be repaired. **Mayor Eberhart** spoke to the Borough's proposal to rename Terminal Street to Citizen's Way; he requested that Environmental Manager Jackson Fox come forward with a staff report.

Mr. Fox spoke to the Borough's proposal to change the name of Terminal Street; he explained that Borough employees came up with the idea. He stated that Borough Mayor Karl Kassel had employees make suggestions on what they would like the street to be renamed to, and they filed

the paperwork to make the change with the Platting Board. He stated that he did not know if the Council would have an opinion on changing the name but that he wanted to draw their attention to the issue. Mr. Fox stated that the City will have 30 days to act and possibly veto the action; he stated that the item can be added to the April 25, 2016 City Council Agenda.

Mr. Pruhs requested that the street renaming be on the April 25, 2016 meeting agenda.

Mr. Cleworth stated that he knew the street renaming was coming but that he is surprised it came up so fast. He stated that given his knowledge of the history of Fairbanks, he would not be inclined to support the renaming.

Mayor Eberhart requested that Mr. Fox speak to the memo on public restrooms. **Mayor Eberhart** stated that Festival Fairbanks will be placing a porta-potty in Golden Heart Plaza again this summer and that the City will pay \$250.00 a month toward keeping it there through the tourist season. He asked Mr. Fox give a brief summary of his memo regarding public restrooms in the City of Fairbanks.

Mr. Fox spoke to issues with the lack of public restrooms in the downtown area. He stated that there is a problem when people start using the streets and alleyways to relieve themselves. He stated that he has not seen a huge issue in Fairbanks but that it is a big problem in Anchorage. Mr. Fox stated that he spoke with Festival Fairbanks and Explore Fairbanks, and they did not believe there was a major problem in downtown Fairbanks with a lack of public restrooms. He discussed the various options for public restrooms, where they could be placed, how they would be maintained, and the cost of different options.

Ms. Huntington asked how much it would cost to have the restrooms cleaned twice a day.

Mr. Fox stated that he has not yet estimated the maintenance costs.

Mr. Walley asked what the cost would be to pipe water into a permanent restroom and if it would get shut down during the winter months.

Mr. Fox stated it would cost at least \$100,000.00 to purchase and install the units. He stated the units would have to be shut down during the winter months.

Ms. Huntington asked Mr. Fox about Ms. Rogers' idea to provide Explore Fairbanks and the Downtown Association with brochures directing people toward public restrooms.

Mr. Fox stated that both the Downtown Association and Explore Fairbanks provide visitors with maps, and he believes that public restrooms are marked on those maps. He stated that he would look into whether or not they provide that information, and if they do not, he would make that suggestion. Mr. Fox stated that way-finding signs could be added in the downtown area, and no map would be needed because buildings would be clearly marked with public restroom signs.

Ms. Huntington asked the difference between visitor and public restrooms.

Mr. Fox stated that a visitor restroom is a courtesy of a business owner to allow the public to use their businesses restroom. He stated that a public restroom is a restroom a person has a right to use and that is open to the public.

Ms. Huntington suggested that the term “visitor restroom” might be confusing to local residents, because they may think they cannot use the restroom since they are not a visitor.

Mr. Walley asked Mr. Fox if the restrooms that were placed last summer at Graehl Park and Golden Heart Plaza had been damaged or vandalized. He asked what kind of agreement the City would make with the maintenance contract if one of the units got damaged.

Mr. Fox stated that John Haas deals with Parks & Recreation at the Borough and that there were issues with the SaniCans getting tipped over and burned, and hand sanitizer getting stolen; he stated that hazardous materials have also been left inside the units. Mr. Fox stated that there is tension between the Borough and the sanitation company due to vandalism.

Mr. Walley asked Mr. Fox to research the cost of purchasing a chemical toilet unit.

Mr. Matherly applauded Mr. Fox for his thorough and thoughtful memo that he provided in the agenda packet. He stated that if he was a downtown business owner he would not want a chemical toilet sitting in front of his business.

Mayor Eberhart asked if the Council would like to set a date for a work session or just have Mr. Fox report back at a later date.

Mr. Pruhs and **Ms. Huntington** requested that there should be a work session to discuss the public restroom issue further.

Mayor Eberhart introduced Ms. Misrasi, and she gave a brief history of her work experiences. Ms. Misrasi stated that she retired after 30 of public service in the State of Utah. She stated she is a Certified Public Manager, and she moved to Fairbanks to be closer to family.

Mayor Eberhart spoke of the many activities of the Mayor’s Office since the last meeting.

UNFINISHED BUSINESS

- a) Ordinance No. 6007 – An Ordinance Amending Fairbanks General Code Chapter 14, Article IX Commercial Refuse Collector. Introduced by Council Members Cleworth and Matherly. SECOND READING AND PUBLIC HEARING.

Mr. Pruhs, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 6007.

Ms. Huntington requested a moment of silence in honor of the man whose body was recovered from the Chena River earlier that evening. A moment of silence was observed by all those present.

Mayor Eberhart called for a five minute recess.

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

Mr. Cleworth thanked the Clerk and Attorney's Office for all the work they did to clean up the Code relating to Commercial Refuse Collectors.

Mr. Matherly echoed Mr. Cleworth's comments.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6007 AS FOLLOWS:

YEAS: Huntington, Matherly, Gatewood, Pruhs, Cleworth, Walley

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 6007 ADOPTED.

NEW BUSINESS

- a) Ordinance No. 6008 – An Ordinance Amending the 2016 Operating and Capital Budgets for the Second Time. Introduced by Mayor Eberhart.

Mr. Matherly, seconded by **Mr. Pruhs**, moved to ADVANCE Ordinance No. 6008.

Mr. Cleworth stated that he has several questions; he requested that Chief Financial Officer Carmen Randle come forward for a staff report. **Mr. Cleworth** stated that the Council was supplied with a copy of the offer letter that was given to Fire Chief Jim Styers in November of 2015. He stated that after Styers received the offer letter, the International Brotherhood of Electrical Workers (IBEW) voted to reallocate wages. He asked why Chief Styers was exempt from the reallocation.

Ms. Randle stated that Chief Styers' position was not exempt from the reallocation but that there was a misunderstanding and an error in the offer letter. She stated that the wage reallocation was not applied to Chief Styers' wage. Ms. Randle stated that the IBEW shop steward felt that the offer was negotiated with the higher rate of pay. Ms. Randle stated that the IBEW shop steward set up the wage package and that she was shocked when she discovered what had happened.

Mr. Cleworth expressed concern that the reallocation was not applied Chief Styers' position.

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to AMEND Ordinance No. 6008 by striking the \$11,353.00 increase to the Fire Chief's benefit package.

Ms. Huntington asked what the outcome would be if the Council approved striking the increase.

Ms. Randle stated that normally if there is a mistake in pay the employee just pays it back to the City. She stated that since it is a significant amount and since the offer letter was not correct, she felt that Council approval was necessary in order to make the change.

Ms. Huntington asked what the downside of decreasing the wage package would be.

Ms. Randle stated that the employee would experience a significant cut in pay and that he is an innocent party in the whole matter.

Chief of Staff Jeff Jacobson stated that the offer letter dated November 16, 2015 was not correct.

Mayor Eberhart stated that Chief Styers took the job based on the contents of the offer letter and that the Council should honor the offer. He stated that it is not Chief Styers' fault that the City made a mistake, and the employee should not be punished for it.

Mr. Cleworth stated that every other employee in that bargaining unit took a salary reduction and argued that Chief Styers' position should not be exempt from the wage reallocation.

Mr. Jacobson stated that Chief Styers is not exempt but that the offer letter was incorrect. He questioned who is at fault and who should absorb the monetary error in the offer letter. He asked if the employee should be held accountable or if the employer should be held accountable. Mr. Jacobson stated that the employee should be held harmless in the situation because it was no fault of his own that the error was made.

Mr. Cleworth asked what specifically was not correct in the offer letter.

Ms. Randle stated that the Council-approved budget for Chief Styers' position is \$11,352.66 less than what he is currently being paid. She explained that the wage reallocation occurred for all other employees but Chief Styers was hired during the time it was being discussed, so it was not applied to his wage package.

Mr. Walley asked if the \$11,353.00 would be a one-time increase.

Ms. Randle stated that it would affect the future of Chief Styers' wage; she stated that when wages were reallocated, his hourly rate did not decrease by \$5.38 an hour, but his benefit package was increased the same as that of the other IBEW employees.

Mr. Gatewood asked if Chief Styers has already received the \$11,353.00 and if he would receive that kind of a pay increase every year.

Ms. Randle stated that it was a one-time increase but that he would annually receive more in his benefit package than any other IBEW member.

Human Resources (HR) Director Angela Foster-Snow stated that the wage reallocation happened around the same time that Chief Styers was hired, and there was a lot of confusion relating to Chief Styers' benefit package.

Mr. Pruhs thanked Ms. Randle and Ms. Foster-Snow for their explanations and stated that Chief Styers is an innocent party in the City's misunderstanding. He stated that he would not be voting

in favor of the motion to reduce the wage because Chief Styers signed the offer letter and took the job based on what was set forth in the letter.

Ms. Huntington stated that it would not be right for the Council to go back on the letter of offer and decrease Chief Styers' wage.

Mr. Cleworth stated that Chief Styers is a member of the IBEW just like every other employee, and that he should be subject to the same wage reallocation. He stated that a mistake was made and that he would not support the tax payers bearing the burden of the City's error. He stated that the Fire Chief is a union member and that the Council should not show him preferential treatment above other City employees.

Mr. Gatewood stated that he leans toward Mr. Pruhs' statement that the Council should honor the signed offer letter. He asked if Chief Styers' package rate is higher than everyone else in the IBEW bargaining unit.

Ms. Randle stated that his package rate is higher; she explained that it is a one-time increase that would keep his benefit package higher than everyone else's every year.

Mayor Eberhart asked Ms. Foster-Snow if the shop steward and Payroll Clerk was the person who made the changes and is arguing for the increased benefit package rate.

Ms. Foster-Snow replied affirmatively.

Mr. Jacobson stated that the package should have been offered at \$64.00/hour but that the offer letter given to Chief Styers stated a \$69.00/hour rate. He stated that the Council has to decide if the employee has to eat the mistake or if the City has to absorb the costs of the error.

Mr. Matherly asked whether Chief Styers' annual wage would still be \$106,000.00 if \$11,353.00 was taken away.

Ms. Randle stated that his hourly wage would decrease by \$5.38 an hour and that money would go toward his own health contribution and pension. She stated that the IBEW shop steward and Payroll Clerk took it upon herself to automatically make the health and pension higher, because she believed that was the intent of the offer letter.

Mr. Matherly asked Ms. Randle if it is the union's fault that the wage was not correctly reallocated.

Ms. Randle stated she did not want to say whether it was or was not the union's fault but that she thinks it is the shop steward's belief that Chief Styers' position has a special increase that is separate from all the other IBEW employees.

Mr. Matherly stated that it does not make sense that an employee can change another employee's benefit package on a whim.

Mr. Pruhs asked Ms. Randle to repeat her statement about the shop steward taking it upon herself to change Chief Styers' wage.

Ms. Randle stated that one of the issues that the City has is that an IBEW Union Steward is also the Payroll Clerk. She stated that when Chief Styers was hired, the Payroll Clerk automatically set his benefit package at the higher rate. Ms. Randle stated that she asked the Payroll Clerk about the wage reallocation and that the Payroll Clerk believes that Chief Styers received the reallocation before any other union member.

Mr. Matherly stated he is not sure it is appropriate that a union shop steward is also the Payroll Clerk. He asked if Fire Chief Warren Cummings was treated in the same special way.

Ms. Randle stated that the union likes to have the Payroll Clerk as the shop steward. She stated there has never been a wage reallocation like the one that happened in this case.

Mr. Matherly stated that if the shop steward made the decision on her own to increase Chief Styers' package, he would tend to agree that the taxpayers should not have to bear the burden of her actions.

Mayor Eberhart stated that Chief Styers signed the offer letter and that it is wrong for the Council to reduce his wage based on the clerical error in the document.

Ms. Foster-Snow reminded everyone that Chief Styers was hired during the reallocation period and that her office was trying to honor the 2016 approved budget amount.

Ms. Huntington stated that she does not think it is right for the Council to decrease Chief Styers' wages because the offer letter was signed; she stated that he should be compensated according to what was stated in the letter.

Mr. Matherly asked Ms. Randle how adjusting Chief Styers' wage would affect his salary.

Ms. Randle stated that his pension and health contributions would remain the same but his hourly wage would be reduced by \$5.38 per hour.

Mayor Eberhart clarified that Chief Styers' wage would decrease by \$11,353.00 annually.

Mr. Cleworth stated that every IBEW member must be treated equally.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6008 BY STRIKING THE \$11,353.00 INCREASE TO THE FIRE CHIEF'S BENEFIT PACKAGE AS FOLLOWS:

YEAS: Matherly, Cleworth, Walley, Pruhs

NAYS: Huntington, Gatewood

Mayor Eberhart declared the MOTION CARRIED.

Mr. Cleworth asked Mr. Jacobson to give a history of the grievance that was filed relating to the Public Works Director and City Engineer positions.

Mr. Jacobson stated that the grievance was filed because a non-IBEW member was tasked with the responsibilities of an IBEW employee.

Mr. Cleworth spoke to the history of the City controlling the growth of staff; he stated that the population has not increased and staff should not either. He spoke to the issue of having temporary employees turn into full-time staff. He stated that one of the reasons he voted in favor of additional positions in Dispatch and FPD was because the PW/Engineering position was eliminated. **Mr. Cleworth** stated he could not vote in favor of adding another position at the City. He stated that it is sad that General Foreman Verg Scott cannot take the position because he is in the wrong union.

City Attorney Paul Ewers stated that the unions involved are going to discuss the issue in the fall.

Mr. Cleworth asked what would happen if the City hired someone to be the Director of Public Works at \$130,000.00 a year only to have the unions negotiate the position away.

Mr. Jacobson stated that the administration understands Mr. Cleworth's concerns, and they would like to come up with a solution before the next Regular City Council Meeting.

Mr. Cleworth asked about the salary increase for the City Surveyor and stated he would like to bring it up at the next Finance Committee Meeting.

Ms. Huntington stated she would have some budget questions at the Finance Committee meeting as well. She asked about proposed funding for the sleep-off center.

Mayor Eberhart spoke about hiring a consultant to research what it would take to get a sleep-off center in Fairbanks. He stated that it will cost Tanana Chief's Conference, The Hospital Foundation, Fairbanks Native Association, and the City of Fairbanks \$1,250.00 each to pay to have the grant written for a sobering center.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6008, AS AMENDED, AS FOLLOWS:

YEAS: Cleworth, Pruhs, Walley, Huntington, Matherly, Gatewood

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

- b) Ordinance No. 6009 – An Ordinance Amending Fairbanks General Code Section 50-461(c) Political Activity, to Clarify the Prohibition on Use of City Resources to Support Proposed Legislation. Introduced by Council Member Cleworth.

ADVANCED on the CONSENT AGENDA.

COMMUNICATIONS TO COUNCIL

- a) Memo Regarding Public Restrooms in Downtown Fairbanks

This item was discussed and a staff report was given during Mayor's Comments and Report.

Mr. Matherly, seconded by **Mr. Walley**, moved to ACCEPT the Memo Regarding Public Restrooms in Downtown Fairbanks.

Mayor Eberhart called for objection and, hearing none, declared the MOTION CARRIED.

COUNCIL MEMBERS' COMMENTS

Ms. Huntington thanked the FPD for the care they provided her cousin who was recently found deceased near the river. She stated that the family does not entirely know the cause of his death, but it is another reason she is passionate about a sobering center. She stated it was comforting to be at the meeting.

Mr. Walley asked City Clerk Danyielle Snider if the numbers in the memo she provided relating to business licensing is similar to other years around the same time. Ms. Snider stated that the percentage is slightly higher this year because Deputy Clerk Tanya Clooten and Tax Specialist Howard Zach have been working closely with each other to inactivate accounts that are no longer in business. **Mr. Walley** stated that he will be resigning from the City Council effective after the April 25, 2016 Regular City Council Meeting. He explained that his family purchased a home in North Pole, and he will no longer be living inside City limits. He stated that it has been a very tough decision for him and his family to make but, in the end, moving is the best thing for his family. **Mr. Walley** stated that his wife got a job at Eielson, and the 27-mile drive to work each day has really worn on her. He stated that it is with a heavy heart that his will be resigning.

Mr. Gatewood stated he does not begrudge Mr. Walley for making the right decision for his family but that his resignation will be a tremendous loss for the City. He shared his support for a sleep-off center in Fairbanks. **Mr. Gatewood** stated that the nation has some major problems with behavioral health problems that need to be addressed and that he hopes the City of Fairbanks can make some strides to improve the situation.

Mr. Pruhs stated that he changed his vote on Chief Styers' wage after the discussion on the nefarious actions of the shop steward and Payroll Clerk. He stated that her actions in changing Chief Styers' wage were not acceptable, and regardless of how it affects Chief Styers, he could not allow it to happen. **Mr. Pruhs** stated that he already misses Mr. Walley and that he will miss what he brings to the meetings. He welcomed Ms. Huntington back and offered condolences for the loss of her cousin. He stated that the Brownfield Funding for the Polaris Building was denied but that he will be meeting with Lisa Murkowski's Office to discuss other funding options. **Mr. Pruhs** asked Mayor Eberhart to work with Development Manager Pat Smith to put together a price for an option to purchase.

Mr. Cleworth gave his condolences to Ms. Huntington for the loss for her cousin. He thanked the City Clerk for the report and stated it was very informative. He stated that in the past there have been issues of animal waste being in a neighbor's yard but that pet waste piling up in the downtown area has not come up before. **Mr. Cleworth** requested that Mr. Ewers to look into the Code relating to animal waste and provide a list of pros and cons in amending the Code. He stated that he is looking forward to hearing testimony on the Borough's request to change the name of Terminal Street. **Mr. Cleworth** asked Police Chief Randall Aragon and Deputy Police Chief Brad Johnson to come forward and speak to second hand stores and pawn shops. He stated that an owner of a second hand store told him that someone from FPD has contacted them trying to purchase an item.

Deputy Chief Johnson stated that there was a time that FPD was going to require pawn shops to report items that they receive. He stated that to the best of his knowledge, FPD does not purchase items at pawn shops or second hand stores.

Chief Aragon stated that there is a program is called Leads Online, and it nationally reports pawned items and helps in the recovery of stolen items. He stated that detectives are working with pawn shops on a voluntary basis if they sign up for the program. Chief Aragon stated that it is a great program for recovering stolen property, and it is an internet-based company.

Mr. Cleworth asked how much the program costs and who would pay the bill.

Chief Aragon stated that the agency would pay for it, and it runs about \$2,500.00 a year. He stated that the program has already helped recover a Rolex watch that showed up in California.

Mr. Cleworth stated that the owner he heard from felt pressured to sign up and asked the officers to please advise whoever is working with pawn shop owners to pass along that it is on a voluntary basis. He distributed a handout of the deadliest jobs in America that he found to be interesting. **Mr. Cleworth** spoke to SSHB66 and to Mayor Eberhart's recent letter to Juneau in support of the bill. He stated that the City Council has not taken a stand on the issue. **Mr. Cleworth** stated that garbage collectors have a higher fatality rate than police officers and that he has trouble supporting legislation that isolates one occupation for favorable treatment. **Mr. Cleworth** stated that if the Mayor's letter had already been sent to Juneau, he would like Ms. Snider to send a letter clarifying that the Mayor's letter was the opinion of the Mayor, not the City Council.

Mr. Matherly offered his thoughts and prayers to the family of the gentleman that was found in the Chena River earlier in the evening. He stated that he would save his comments to Mr. Walley for the next meeting and spoke to what a loss it will be for Mr. Walley to leave the Council. **Mr. Matherly** asked if anyone has spoken to the Borough about having a Borough Assembly Member give an update once a month at City Council meetings. He spoke to Mr. Turney's concern about dog waste in the downtown area and shared that his family has been going on poop patrol lately. **Mr. Matherly** stated that he was almost ran off the road recently by someone who was texting and driving. He stated that he also sees a lot of people throwing cigarette butts out of their vehicle windows and commented that it creates a litter issue.

Mr. Matherly, seconded by **Mr. Walley**, moved to go into Executive Session for the purpose of discussing Fairbanks Firefighters Union (FFU) Labor Negotiations.

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

Mayor Eberhart called for a five minute recess.

EXECUTIVE SESSION

a) Labor Contract Negotiations – Fairbanks Firefighters Union (FFU)

The City Council met in Executive Session to discuss FFU Labor Negotiations. Direction was given to staff and no action was taken.

ADJOURNMENT

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

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

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

JOHN EBERHART, MAYOR

ATTEST:


D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB

MEMORANDUM

City of Fairbanks Clerk's Office

D. Danyielle Snider, City Clerk

TO: Mayor John Eberhart and City Council Members
FROM: D. Danyielle Snider, CMC, City Clerk 
SUBJECT: Application for a New Liquor License
DATE: July 5, 2016

Attached you will find notification from the Alcohol and Marijuana Control Office (AMCO) of an application for a new liquor license for the following applicant:

License #: **5500**
License Type: Wholesale Malt Beverage & Wine
D.B.A.*: K & L Distributors Alaska
Licensee/Applicant: White Mountain Beverage, LLC
Physical Location: 945 Elizabeth Street, Fairbanks, Alaska

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

FGC Section 14-168, New Locations, requires advertising in the newspaper and mailing notice of the date, time and place of public hearing to all owners of record of land within 500 feet of the place where alcoholic beverages will be sold, unless a license of that type already exists at the same location. Currently, there is another Wholesale General License at the same location so the notice requirements are unnecessary.

There are **no departmental objections** to the issuance of this license.

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: June 7, 2016

Application Type: **NEW** x

 TRANSFER
 Ownership
 Location
 Name Change

Governing Body: **City of Fairbanks**
Community Councils: n/a

License #: 5500
D.B.A.: K & L Distributors Alaska
Licensee/Applicant: White Mountain Beverage, LLC.
Physical Location: 945 Elizabeth Street Fairbanks, AK 99709
Mailing Address: PO Box 9300 Renton, WA 98057
Telephone #: 800-478-8271
EIN: 81-1030583

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
Chad Moore	945 Elizabeth Street Fairbanks, AK 99709	907-478-8271 ext.304	04/13/2016 Delaware	yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
William F. Fields/CEO	08/31/1962	108 Highland Dr. Hazard, KY 41701	606-438-1831	49
Luther Martin Johnson/ Member	07/31/1954	205 Rock Ridge Road Hazard, KY 41701	606-233-2919	25.5
Theresa Hammons Johnson/Member	08/07/1964	205 Rock Ridge Road Hazard, KY 41701	606-233-2859	25.5

If **transfer** application, current license information:

Current D.B.A.: n/a
Current Licensee: n/a
Current Location: n/a

Additional comments:

Introduced by: Mayor John Eberhart
Finance Committee Review: July 5, 2016
Introduced: July 11, 2016

RESOLUTION NO. 4749

**A RESOLUTION AWARDING A CONTRACT TO YUKON EQUIPMENT,
INC. TO PROVIDE AN ELGIN CROSSWIND STREET SWEEPER IN THE
AMOUNT OF \$291,595**

WHEREAS, in accordance with FGC Chapter 54, Article IV, Competitive Bidding, bids were solicited for an Elgin Crosswind Sweeper; and

WHEREAS, the successful responsive bidder for the project is Yukon Equipment, Inc. in the amount of two hundred ninety-one thousand five hundred ninety-five dollars (\$291,595); and

WHEREAS, the funding for this contract was appropriated in the 2016 capital fund budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fairbanks that the Mayor is hereby authorized to execute a contract to purchase an Elgin Crosswind Sweeper from Yukon Equipment, Inc.

PASSED and APPROVED this 11th Day of July 2016.

John Eberhart, City Mayor

AYES: Matherly, Cleworth, Huntington, Gatewood, Pruhs
NAYS: None
ABSENT: None
APPROVED: July 11, 2016

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: 4749

Abbreviated Title: ELGIN CROSS WIND STREET SWEEPER

Department(s): PUBLIC WORKS

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:

PROJECTS:	Equipment	Contracts	Personnel	Total
Purchase Elgin Crosswind Sweeper	\$291,595			\$291,595
				\$0
				\$0
				\$0
				\$0
TOTAL	\$291,595	\$0	\$0	\$291,595

FUNDING SOURCE:	Equipment	Contracts	Personnel	Total
PW capital fund budget for sweeper	\$224,000			\$224,000
Reallocate asphalt hot bed package capital fund budget to sweeper	\$67,595			\$67,595
				\$0
TOTAL	\$291,595	\$0	\$0	\$291,595

The ITB for the Elgin Crosswind Sweeper included higher costs than estimated during the 2016 budget. As a result, Public Works has analyzed their Capital Fund Budget and determined that they do not need to purchase the asphalt hot bed package at this time. This fiscal note includes reallocating \$67,959 of the funds budgeted for the asphalt hot bed package to the Elgin Crosswind Sweeper.

Reviewed by Finance Department:

Initial CR

Date 6/28/2016

Introduced by: Mayor Eberhart
Council Member Huntington
Council Member Rogers
Council Member Gatewood
Council Member Matherly
Council Member Cleworth
Council Member Pruhs
Finance Committee Review: July 5, 2016
Introduced: July 11, 2016

RESOLUTION NO. 4750

**A RESOLUTION URGING THE BOROUGH ASSEMBLY TO REJECT
ORDINANCE NO. 2016-36**

WHEREAS, the Fairbanks North Star Borough (FNSB) introduced Ordinance No. 2016-36, An Ordinance Amending Title 2 Regarding Street Naming, and Title 18 Regarding the Board of Adjustment Including Revoking Delegations of Duties to the City Councils; and

WHEREAS, under the current provisions of FNSB Code Sec. 18.52.030, the Fairbanks City Council serves as the Board of Adjustment for decisions regarding land within the City of Fairbanks and hears and decides appeals of Planning Commission determinations on requests for conditional uses and variances and regarding decisions or determinations made by the Department of Community Planning in the enforcement of Title 18 of the FNSB Code; and

WHEREAS, under the current provisions of FNSB Code Sec. 17.40.070, the City of Fairbanks has the power to veto actions of the Borough Platting Board on street naming; and

WHEREAS, proposed Ord. No. 2016-36 would revoke the power of the Fairbanks and North Pole City Councils to serve as the Board of Adjustment for appeals involving land within their respective jurisdictions; and

WHEREAS, proposed Ord. No. 2016-36 would revoke the power of the Fairbanks and North Pole City Councils to veto street naming decisions on streets within their respective jurisdictions; and

WHEREAS, the reason given for its proposed action on the change to the Board of Adjustment is that delegating appeals from land use decisions to the Cities of Fairbanks and North Pole “results in inconsistent determinations”; and

WHEREAS, the reason given for its proposed action on street naming is that naming of streets is an important part of platting and E-911 powers exercised by the Fairbanks North Star Borough; and

WHEREAS, if “inconsistent determinations” means decisions by the City Councils that do not always agree with the position of the Planning Commission and the Planning Department, that is not in and of itself reason to change the current system; and

WHEREAS, in the past decade, the City has considered only seven appeals: four were granted; two were denied; and one was remanded; and

WHEREAS, the City of Fairbanks has authority over streets located within its boundaries and, generally, that authority includes the power to name (and rename) streets; and

WHEREAS, while the City of Fairbanks has the power to name streets within its jurisdiction, input by the Borough to ensure coordination with the platting and E-911 is important; and

WHEREAS, while perhaps the proper role for the City Council would be to name and rename its streets with the Borough having a veto if the proposed name raised E-911 concerns, the current system has worked well for the citizens of the Borough and the citizens of the City of Fairbanks; and

WHEREAS, the changes proposed in Ordinance No. 2016-36 are unwise and unnecessary.

NOW, THEREFORE, BE IT RESOLVED that the Fairbanks City Council respectfully requests that the Fairbanks North Star Borough Assembly reject Ordinance No. 2016-36; and

BE IT FURTHER RESOLVED that this resolution shall take effect upon adoption by the Fairbanks City Council and that the City Clerk is hereby directed to send a copy of this resolution to Mayor Kassel and all Borough Assembly Members.

PASSED AND APPROVED this 11th day of July 2016.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul Ewers, City Attorney

RESOLUTION NO. 4751

A RESOLUTION AUTHORIZING THE CITY CLERK TO CONDUCT A SPECIAL ELECTION BY MAIL FOR THE PURPOSE OF DETACHING THE AREA KNOWN AS OPEN SKIES COMMERCIAL PARK

WHEREAS, on April 25, 2011, the City Council approved Resolution No. 4470, authorizing the Mayor to submit a petition to the State of Alaska Local Boundary Commission (LBC) for the detachment from the City of the Open Skies Commercial Park subdivision located at the intersection of Badger Road and the Old Richardson Highway and which is more particularly described in Attachment “A” and which is displayed in a map in Attachment “B”; and

WHEREAS, in accordance with 3 AAC 110.265 and AS 29.06.040(c), the City of Fairbanks is required to conduct a special election by the voters residing in the territory to decide whether the property should be detached; and

WHEREAS, pursuant to Ordinance No. 5070, as Amended, the City Clerk is authorized to administer a special or advisory election by mail at the direction of the City Council; and

WHEREAS, there is only one voter who will vote in this election, and the City Clerk has determined that an election by mail would be the most efficient and cost-effective method; and

WHEREAS, on March 3, 2016, the LBC approved the Fairbanks Detachment Petition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS that the City Clerk, working in conjunction with the Deputy City Attorney, is hereby authorized to conduct a special election by mail according to the procedures set forth in Attachment “C” to determine whether or not the resident in the territory known as “Open Skies Commercial Park” desires to be detached from the City of Fairbanks; and

BE IT FURTHER RESOLVED that this resolution shall take effect upon adoption by the Fairbanks City Council and that the City Clerk is hereby directed to send a copy of this resolution along with other appropriate documents to the State of Alaska Local Boundary Commission.

PASSED and APPROVED and EFFECTIVE this 11th day of July 2016.

John Eberhart, City Mayor

AYES:

NAYS:

ABSENT:

APPROVED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

**ATTACHMENT “A”
to Resolution No. 4751**

DESCRIPTION OF THE TERRITORY PROPOSED FOR DETACHMENT.

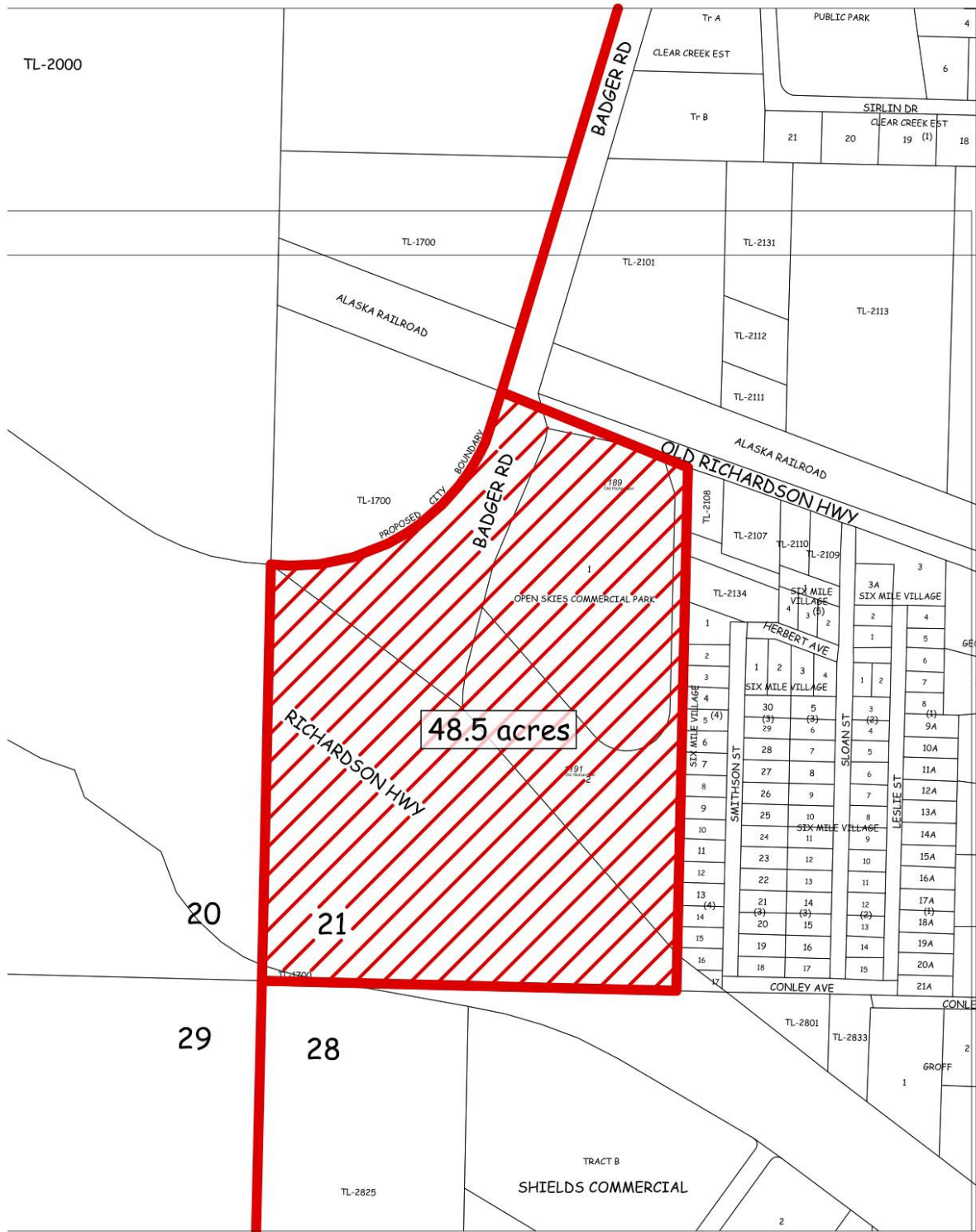
The territory proposed by the City for detachment consists of territory totaling approximately 0.076 square miles (48.5 acres). The detachment would decrease the area of the City from 33.85 to approximately 33.77 square miles. The legal description of the territory proposed for detachment is shown below. For ease of reference, the territory containing two lots owned by Open Skies LLC and neighboring state roadway land are referred to as “Open Skies.” The territory is the site of a self-service storage facility and caretaker unit known as “Forbes Storage” and a drive-up restaurant known as “Spicy Thai.”

Legal Description: Commencing at the Section Corner common to Sections 20, 21, 28, and 29, T1S, R1E, F.B. & M., being the true point of beginning of this description; thence in an easterly direction along the section line common to Sections 28 and 21, T1S, R1E, F.B. & M., to the westerly 1/16 corner common to Sections 28 and 21, T1S, R1E, F.B. & M.; thence in a northerly direction along the westerly 1/16 line of Section 21, T1S, R1E, F.B. & M. to the southernmost right of way limit of the Old Richardson Highway, FAP 62-4; thence in a northwesterly direction along the southernmost right of way limit of the Old Richardson Highway, FAP 62-4, extended to the westernmost right of way limit of Badger Road, State of Alaska Project S-0620(2); thence in a southerly direction along the westernmost right of way limit of Badger Road, State of Alaska Project S-0620(2) to the northernmost right of way limit of the Richardson Highway 6 Mile Badger Road Interchange, State of Alaska Project NH-IR-0A2-4(9)/63886; thence in a southwesterly direction along the northernmost right of way limit of the Richardson Highway 6 Mile Badger Road Interchange to the section line common to sections 20 and 21, T1S, R1E, F.B. & M.; thence in a southerly direction along the section line common to sections 20 and 21, T1S, R1E, F.B. & M. to the true point of beginning, containing an area of 48.5 acres more or less.

One platted subdivision lies inside the above-described territory:

Lots 1 & 2, Open Skies Commercial Park, subdivision plat 2009-015996-0, as amended by record survey 2012-000982-0, Section 21, Township 1S, Range 1E, Fairbanks Meridian.

ATTACHMENT "B"
to Resolution No. 4751



**ATTACHMENT “C”
to Resolution No. 4751**

FGC 22-16 states:

The city clerk may administer a special or advisory election by mail at the direction of the city council. If by mail, the city clerk shall administer the election in accordance with the provisions of the Charter and this chapter relating to special elections and absentee voting by mail.

Due to the unique nature of this special election, the City Clerk is requesting that the following procedures be followed. These procedures differ from what is set forth in the FGC but are more applicable since the election will only involve one voter.

Date/Deadline	Action
Monday, July 18, 2016	Notice of Election will be mailed to the voter within the area. The notice will contain the type of election, the date the ballot will be mailed, the due date by which the ballot must be returned, and a sample ballot.
Monday, July 25, 2016	Official ballot will be mailed to voter
Monday, August 8, 2016	Voting deadline (ballot must be postmarked by this date)
Monday, August 15, 2016	City Clerk will prepare a sworn statement and report of the election outcome (sample is attached)
Monday, August 22, 2016	Election results will be presented to the City Council for certification
Tuesday, August 23, 2016	City Clerk will notify Deputy City Attorney and Local Boundary Commission of the election outcome



REPORT OF ELECTION RETURNS

SPECIAL ELECTION – AUGUST 8, 2016

RE: DETACHMENT OF OPEN SKIES COMMERCIAL PARK

I, the undersigned, appointed at the Regular City Council Meeting of July 11, 2016, to report the election outcome of the August 8, 2016 Special Election, do hereby certify that I have examined the ballot to determine the vote on the detachment of the area known as “Open Skies Commercial Park.”

Upon completion of my examination, I have determined that the following report accurately reflects the vote(s) cast in the election:

Question 1:

Shall the City of Fairbanks detach from its boundaries 0.076 square miles (48.5 acres) of land generally described as Open Skies Commercial Park with surrounding state highways, with an effective date of August 22, 2016?

Votes in favor: _____

Votes against: _____

D. Danyielle Snider, CMC, City Clerk

SWORN to subscribed before me, this ____ day of _____, 20____

NOTARY PUBLIC
My Commission Expires: _____

Fairbanks Detachment Petition Schedule
(Subject to change by LBC chair)
May 22, 2015

May 22, 2015

LBC accepts petition for filing.

May 27, 2015

Petition public comment period starts on this first date of publication of notice.

July 23, 2015

Deadline to file comments or responsive briefs concerning the petition.

Petitioner has 21 days after receiving a responsive brief to file a reply brief.

September 23, 2015

Staff issues a preliminary report.

Public comment period on the preliminary report begins.

October 28, 2015

Public comment period ends. Staff then considers the comments and writes a final report.

December 2, 2015

Staff mails the final report.

Staff issues a notice of public hearing.

January 6, 2016

LBC holds a public hearing.

LBC holds a decisional meeting immediately following the hearing.

January 20, 2016

Staff drafts a written decision and sends it to the commissioners.

January 27, 2016

LBC meets to approve or amend a written decision.

February 3, 2016

Staff issues the written decision.

An 18-day period for the public to request reconsideration of decision begins. LBC has 30 days, on its own motion, to reconsider. If reconsideration is granted, then petitioner or respondent has 10 days to file a brief.

Fairbanks Detachment Petition Schedule
(Subject to change by LBC chair)
July 30, 2015

May 22, 2015

LBC accepts petition for filing.

May 27, 2015

Petition public comment period starts on this first date of publication of notice.

July 23, 2015 (extended until August 20, 2015)

Deadline to file comments or responsive briefs concerning the petition.

Petitioner has 21 days after receiving a responsive brief to file a reply brief.

October 21, 2015

Staff issues a preliminary report.

Public comment period on the preliminary report begins.

November 25, 2015

Public comment period ends. Staff then considers the comments and writes a final report.

December 23, 2015

Staff mails the final report.

Staff issues a notice of public hearing.

February 3, 2016

LBC holds a public hearing.

LBC holds a decisional meeting immediately following the hearing.

February 17, 2016

Staff drafts a written decision and sends it to the commissioners.

February 24, 2016

LBC meets to approve or amend a written decision.

March 2, 2016

Staff issues the written decision.

An 18-day period for the public to request reconsideration of decision begins. LBC has 30 days, on its own motion, to reconsider. If reconsideration is granted, then petitioner or respondent has 10 days to file a brief.

State of Alaska Notice of a Local Boundary Commission (LBC) Public Meeting

The LBC will meet on Tuesday, December 15, 2015 at 2:30 at the Atwood Building, 550 W. 7th Ave., Suite 1640, Anchorage. The meeting will also be available toll free by calling 1-800-315-6338 and using access code 94587. The LBC will consider several items at this meeting including suspension of regulations requiring a final report and suspension of certain public notice procedural requirements for the Fairbanks detachment petition hearing; suspension of 3 AAC 110.660 to waive the requirement that telephonic attendees pay for the call, and suspension of 3 AAC 110.700(d) for the Whale Pass Petition so that people who file comments electronically do not need to follow up with a paper original of the comment, as well as other administrative matters.

All meeting materials, including an agenda, **will** be available on the LBC website at <https://www.commerce.alaska.gov/web/dcra/LocalBoundaryCommission/PublicMeetings.aspx>. Contact the LBC staff with any questions at LBC@alaska.gov or 269-4559/4587. Persons interested in receiving future notices from the LBC are encouraged to sign up for the email list serve at <http://list.state.ak.us/soalists/DCED-LocalBoundaryCommission/jl.htm>. Individuals with disabilities who need auxiliary aids, services, or special modifications to participate must contact LBC staff by 4:30 p.m. December 14, 2015.



State of Alaska Local Boundary Commission

550 West Seventh Avenue, Suite 1640, Anchorage, Alaska 99501, 907-269-4559, Fax 907-269-4563

PROPOSED AGENDA FOR LOCAL BOUNDARY COMMISSION (LBC) PUBLIC MEETING

Tuesday, December 15, 2015 – 2:30 p.m.

Atwood Building, 550 West Seventh Avenue, Room 1620, Anchorage, Alaska

Teleconference number: 1-800-315-6338. Access code: 94587#

ADMINISTRATIVE MATTERS

1. Call to order
2. Roll call and determination of quorum
3. Acknowledge guests and staff present at originating site and each individual teleconference site
Note: For clarity of the record, teleconference attendees will be asked to identify themselves and include a spelling
4. Approve agenda

NEW BUSINESS

1. Review of the recent Alaska Supreme Court decision that upheld the LBC's approval of the Petersburg borough incorporation petition
2. **Suspension of 3 AAC 110.530 requiring a final report, and suspension of certain public notice procedural requirements under 3 AAC 110.550, for the Fairbanks detachment petition hearing**
3. Suspension of 3 AAC 110.700(d) for the Whale Pass Petition
4. Suspension of 3 AAC 110.660 for 2016 to waive the requirement that telephonic attendees pay for the call
5. Discussion of LBC annual report
6. Commissioners' possible trip to Juneau during the legislative session
7. Resolution of thanks for Janell Hafner
8. Vice chair three year term end date
9. Adjourn

Lynn Chrystal, Chair

John Harrington, First Judicial District • Robert Harcharek, Second Judicial District
Darroll Hargraves, Third Judicial District • Lavell Wilson, Fourth Judicial District

**Fairbanks Detachment Petition Schedule
(Subject to change by LBC chair)
December 16, 2015**

May 22, 2015

LBC accepted petition for filing.

May 27, 2015

Petition public comment period started on this first date of publication of notice.

July 23, 2015 (extended until August 20, 2015)

Deadline to file comments or responsive briefs concerning the petition.

Petitioner had 21 days after receiving a responsive brief to file a reply brief.

October 21, 2015

Staff issued a preliminary report.

Public comment period on the preliminary report began.

November 25, 2015

Public comment period ends. No comments were received.

December 15, 2015

LBC voted to suspend requirement for staff to write a final report. It also voted to suspend the requirement that the notice of a public hearing be published three times. Instead, it needs to be published only once.

December 30, 2015

Staff issues a notice of public hearing.

February 9, 2016

LBC holds a public hearing via teleconference.

LBC holds a decisional meeting immediately following the hearing.

February 18, 2016

Staff drafts a written decision and sends it to the commissioners.

February 24, 2016

LBC meets to approve or amend a written decision.

February 29, 2016 (or earlier)

Staff issues the written decision.

An 18-day period for the public to request reconsideration of decision begins. LBC has 30 days, on its own motion, to reconsider. If reconsideration is granted, then petitioner or respondent has 10 days to file a brief.

**State of Alaska
Local Boundary Commission (LBC)**

**Notice of an LBC Public Hearing and Decisional Meeting Regarding a Detachment Petition
from the City of Fairbanks**

On February 9, 2016, at 10 a.m., the LBC will convene a public hearing on the petition to detach approximately 48.5 acres from the City of Fairbanks. The territory is on the eastern edge of the city, and south of the intersection of Old Richardson Highway and Badger Road. At the hearing the public may give verbal comments on the petition. Immediately after the hearing the LBC will hold a decisional meeting to act on the proposal. Both the public hearing and decisional meeting will be held by teleconference. The originating site is the Atwood Bldg., 550 W. 7th Ave., Room 1620, Anchorage, AK 99501. The public can attend there, or by teleconference by calling 1-800-315-6338 and using access code 94587.

The LBC suspended the requirement to have a final report, and so the preliminary report and its recommendations will be the only staff report. The report, petition, and all related materials are available for public review on the LBC website: <https://www.commerce.alaska.gov/web/dcra/LocalBoundaryCommission/CurrentPetitions/2015CityofFairbanksDetachmentPetition.aspx>. Once the hearing and decisional meeting agendas are prepared, they can be obtained prior to February 9, 2016 from the LBC staff at 550 W. 7th Ave., Suite 1640, Anchorage, Alaska 99501. The phone number is 907-269-4559/4587, the fax number is 907-269-4563, and the email is LBC@alaska.gov.

Individuals with disabilities who need auxiliary aids, services, or special modifications to participate must contact LBC staff by Tuesday, February 2, 2016. It is recommended that persons interested in receiving future LBC notices, updates, and materials by email subscribe to the LBC notice list server by visiting <http://list.state.ak.us/soalists/DCED-LocalBoundaryCommission/jl.htm>, and following the instructions.

Members

Lynn Chrystal
Chair
At Large

John Harrington
Member
First Judicial District

Bob Harberek
Vice Chair
Second Judicial District

Darroll Hargraves
Member
Third Judicial District

Lavell Wilson
Member
Fourth Judicial District



Local Boundary Commission Decision

In the matter of the April 22, 2015 petition by the City of Fairbanks to detach 0.076 square miles or 48.5 acres.

Section I Introduction

On April 22, 2015, the City of Fairbanks (also referred to as “city” or “petitioner”) petitioned the Local Boundary Commission (also referred to as “LBC” or “commission”) to detach a territory of 0.076 square miles or 48.5 acres. The territory proposed for detachment (“territory”) is generally described as:

Open Skies Commercial Park with surrounding state highway land. One platted subdivision lies inside the territory: Lots 1 and 2, Open Skies Commercial Park, subdivision plat 2009-015996-0, as amended by record survey 2012-000982-0, Section 21, Township 1S, Range 1E, Fairbanks Meridian.

The territory is wholly located in the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

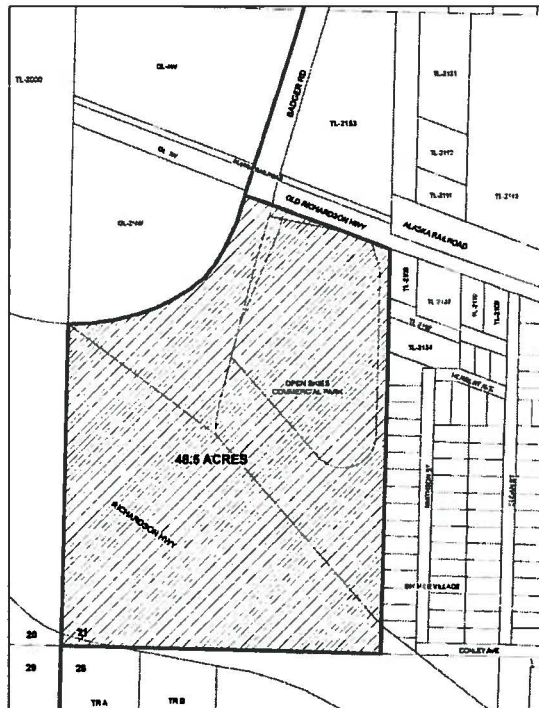


Figure 1. Territory proposed for detachment

Section II Proceedings

A version of this petition was submitted in 2013 by the late Patrick Cole as petitioner's representative. This petition was submitted in April of 2015, and after a technical review, was accepted on May 22, 2015. In October 2015, staff produced a preliminary report recommending approval of the petition proposal for detachment. Because of the nature of the petition, the LBC voted to suspend the requirement under 3 AAC 110.530(a) that there be a final report. They also suspended the requirement under 3 AAC 110.550(b) for the public notice for the hearing to be published three times. It was only published once in the *Fairbanks Daily News-Miner* on January 5, 2016.

LBC Public Hearing

In accordance with 3 AAC 110.550 and 3 AAC 110.560, the commission held a duly noticed public hearing in Anchorage on Tuesday, February 9, 2016 at 10:00 a.m. regarding the City of Fairbanks detachment petition. The hearing was conducted via teleconference with three commissioners present in Anchorage. Two commissioners attended via the public teleconference. The commission heard from City of Fairbanks petitioner's alternate representative and the property owner.

LBC Decisional Meeting

In accordance with 3 AAC 110.570, the Local Boundary Commission held a duly noticed decisional meeting on February 9, 2016 immediately following the public hearing. After a discussion of the standards, the commission voted unanimously to approve the Fairbanks detachment.

Section III Findings and Conclusions

The Local Boundary Commission is required to apply the standards for detachment from cities found in 3 AAC 110.257-3 AAC 110.265 and 3 AAC 110.900-3 AAC 110.990. The record for this proceeding includes the City of Fairbanks detachment petition and supporting materials, the single comment received, the LBC staff preliminary report, as well as statements given at the LBC February 9, 2016 public hearing.¹ Only relevant standards were addressed by the commission in a decisional meeting and the result of the discussion is summarized below. Based on the evidence in the record, the commission has reached the findings and conclusions set out in this section.

In determining whether the proposed detachment is in accordance with AS 29.06.040(a), the commission may approve a proposal for detachment from a city only if the commission determines that the proposal meets applicable standards under the Constitution of the State of Alaska; meets standards in 3 AAC 110.257 - 3 AAC 110.260 and 3 AAC 110.900 - 3 AAC 110.970; and is in the best interests of the state. The commission finds that those standards are met.

3 AAC 110.981. Determination of maximum local self-government

In determining whether the proposed detachment promoted local maximum self-government, the commission considered whether the proposed detachment would diminish the local government provided to the territory and population proposed for detachment, or would detrimentally affect the remnant city's ability to serve the local government needs of city residents. The commission found that the proposed detachment would do neither.

The commission also considered whether the borough can adequately meet the local government needs of the territory and population proposed for detachment. The commission found that the borough could adequately meet those needs.

After considering that, the commission noted that the de facto arrangement whereby the territory was treated for many years as not being part of the city indicates that there would be no diminishing

¹ Only one comment and no briefs were filed with the department.

of local government for the residents of the territory. Prior to this petition, the territory was incorrectly believed to have been outside the city limits, and was served by Fairbanks North Star Borough. The borough has demonstrated that it can adequately serve the territory in terms of local government and will continue to after the territory detaches from the city. The commission finds that the proposed city detachment promotes maximum local self-government under art. X, sec. 1, Constitution of the State of Alaska. The commission finds this standard satisfied.

3 AAC 110.982. Minimum number of local government units

In determining whether a proposed city detachment promotes a minimum number of local government units in accordance with art. X, sec. 1, Constitution of the State of Alaska, the commission considers whether the detached area by itself is likely to be incorporated as a new city. The commission noted that there is no indication of a new city being formed as a result of this detachment, and so there will be no change in the number of local government units. As such, the commission finds that this standard is met.

3 AAC 110.260. Best interests of the state

In consideration of this standard, the commission may consider a number of factors which are listed in 3 AAC 110.260. The commission determined that it is not necessary for the territory to incorporate to ensure that its need for local government services will be adequately met because the territory is already and will remain a part of an organized borough. Nor will the detachment create noncontiguous parts of the city or borough or enclaves. The commission indicated that there is no major state concern to consider here. The borough and the city have demonstrated that they are already operating in concert and have agreed to work together going forward. The commission finds, as required, that this detachment is in the best interests of the state and that the standard is met.

3 AAC 110.900. Transition

The commission heard from the City of Fairbanks during the hearing and considered the transition plan prepared by the petitioner which is required for any boundary change. The commission determined that the petition did include a practical plan for the transition or ending of municipal services in the shortest practicable time after the proposed detachment, and to assume all powers, duties, rights, and functions now provided by the city to the territory proposed to be detached in the shortest practicable time after the proposed detachment. The commission found that the plan was designed to effect an orderly, efficient, and economical transfer within the shortest practicable time, not to exceed two years after the effective date of the proposed detachment. In this plan, a list of consultations with relevant officials in the city, borough and service areas was provided. It included the names and title of the officials, the subject matter of the discussion, and dates and times.

After hearing from the petitioner, and officials from the Fairbanks North Star Borough, as well as the property owner, the commission determined that the transition planned has been designed to complete the process in a quick and efficient manner for all parties. There are no assets or liabilities that were relevant for the commission to consider. Furthermore, the transition will not include any loss of value to assets, loss of credit reputation or reduced bond rating for liabilities.

The City of Fairbanks indicated that it would hold an election for the resident(s) of the territory. The borough indicated it was willing to expedite the process of inclusion of the property into the North Star Fire Service Area as well.

The commission determined it is not necessary to require an agreement between parties as they are already working together closely. The petition record includes evidence of this collaboration.

Through the testimony provided in the public hearing, the petition and relevant materials, as well as staff recommendations, the commission finds that all parts of 3 AAC 110.900 are satisfied. This standard is met.

3 AAC 110.910. Statement of Nondiscrimination

The commission determined that the detachment would have no adverse effect on any person with regard to enjoyment of any civil or political right. This standard is met.

Section IV Order of the Commission

After considering the record, the LBC finds that the petition meets all relevant standards. The commission approves the petition without condition or amendment. The territory proposed for detachment is 0.076 square miles or 48.5 acres. With the commission's approval of the petition, the City of Fairbanks decreases from 33.85 square miles to 33.77 square miles. The metes and bounds of the post-detachment City of Fairbanks boundaries are described as follows:

Commencing at the south 1/4 corner of Section 36, T1N, R1W, F.B. & M. which is located on the Fairbanks Base Line, being the true point of beginning of this description; thence west along the Fairbanks Base Line to the northwesterly corner of Section 3, T1S, R1W, F.B. & M.; thence in a southerly direction along the section line common to Sections 3 and 4, T1S, R1W, F.B. & M., to an intersection with the thread of the Noyes Slough; thence downstream along the thread of the Noyes Slough to the easterly 1/16 line of Section 4, T1S, R1W, F.B. & M.; thence in a northerly direction along said easterly 1/16 line to the southerly boundary of Johnston Subdivision, filed in the Fairbanks Recorder's Office October 4, 1954, as Instrument No. 151.674; thence in northerly, northeasterly and northerly directions, respectively, along the easterly boundary of Johnston Subdivision filed in the Fairbanks Recorder's Office on October 4, 1954, as Instrument No. 151.674, to the southernmost right of way limit of College Road, State of Alaska Project S-SG-0644(5); thence in a northwesterly direction along the southernmost right of way limit of College Road, State of Alaska Project S-SG-0644(5), to the Fairbanks Base Line; thence west along said Base Line to the thread of Noyes Slough; thence downstream along the thread of Noyes Slough to the northerly extension of the lot line common to Lots 1 and 11 of the Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office on October 15, 1976, as Instrument No. 76-165; thence in a southerly direction along the westerly boundaries of Lots 1 through 6 and 9 and the southerly extension of said line to the southernmost right of way limit of Hanson Road, shown on the plat of Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office on October 15, 1976, as Instrument No. 76-165; thence in a westerly direction along the southernmost right of way limit of Hanson Road to the northwesterly corner of Lot 21, Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office on October 15, 1976, as Instrument No. 76-165; thence in a southerly direction along the westerly boundary of said Lot 21 to the southwest corner of Lot 21, Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office, on October 15, 1976, as Instrument No. 76-165; thence easterly and northeasterly along the southerly boundaries of Lots 21, 20 and 24 to the southeasterly corner of Lot 24, Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office on October 15, 1976, as Instrument No. 76-165; thence easterly, normal to the section line, to said section line common to Sections 5 and 4, T1S, R1W, F.B. & M.; thence in a southerly direction along said section line common to Sections 4, 5, 8 and 9, T1S, R1W, F.B. & M. to an intersection with the easterly extension of the southernmost right of way limit of Phillips Field Road as shown on the plat of Doyon Estates subdivision, filed in the Fairbanks Recorder's Office on October 16, 1997 as Instrument No. 97-100 ; thence in a westerly direction along said easterly extension of the southernmost right of way limit of Phillips Field Road to an intersection with the westernmost right of way limit of Mouton Street as shown on the plat of Doyon Estates subdivision, filed in the Fairbanks Recorder's Office on October 16, 1997 as Instrument No. 97-100 ; Thence southeasterly and southwest along said westernmost right of way limit of Mouton Street to the northern most boundary of Government Lot 10, Section 8, T1S, R1W, F.B.& M.; thence in a westerly direction along the northerly boundary of Government Lot 10, Section 8, T1S, R1W, F.B.& M. extended to intersect with the thread of the Chena River; thence downstream along the thread of the Chena River to the section line common to Sections 7 and 8, T1S, R1W, F.B. & M.; thence in a southerly direction along said section line to the easterly extension of the northerly boundary of Fred Meyer Subdivision as filed in the Fairbanks Recorder's Office as Plat No. 91-55; thence westerly, southerly and easterly along the boundary of said Fred Meyer Subdivision to the northwesternmost corner of Lot 2, Block 1, Fairwest Subdivision West Addition filed in the Fairbanks Recorder's Office January 24, 1964, as Instrument No. 64-486; thence in a southerly direction along the westerly lot line of said Lot 2, Block 1, to the northernmost right of way limit of Mitchell Avenue as shown on said plat of Fairwest Subdivision West Addition; thence in an easterly direction along the northernmost right of way limit of Mitchell Avenue as shown on said plat of Fairwest Subdivision West Addition extended to the section line common to Sections 17 and 18, T1S, R1W, F.B. & M.; thence in a southerly direction along the section line common to Sections 17 and 18, T1S, R1W, F.B. & M. to the northernmost 1/16 corner common to Sections 17 and 18, T1S, R1W, F.B. & M.; thence in an easterly direction along the northernmost east-west 1/16 line to the northerly 1/16 corner on the centerline (north-south) of Section 17, T1S, R1W, F.B. &

M.; thence in a southerly direction along the centerline (north-south) of Section 17, T1S, R1W, F.B. & M. to the center 1/4 corner of Section 17, T1S, R1W, F.B. & M.; thence in a easterly direction along the centerline (east-west) of Section 17, T1S, R1W, F.B. & M. to an intersection with the westernmost right of way limit of Peger Road, State of Alaska Project S-0665(2); thence in a southerly direction along the westernmost right of way limit of Peger Road, State of Alaska Project S-0665(2), to a point on the extended southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2), thence in an easterly direction along the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2), to the easternmost limit of Schacht Street as shown on the plat of Metro Industrial Airpark subdivision filed in the Fairbanks Recorders Office on December 12, 1969, as instrument No. 69-12194; thence in a southerly direction along the easternmost limit of said Schacht Street to the southwest corner of Lot 1-A as shown on the replat of Lot 1, Block 7, Metro Industrial Air Park filed in the Fairbanks Recorders Office on June 18, 1985, as Instrument No. 85-96; thence in a easterly direction along the southerly boundary of said Lot 1-A to the southeasterly corner of said Lot 1-A at the westerly boundary of the Subdivision of the Arvo A. Joki Property in the SE 1/4 of Section 21, T.1S. R.1 W. F.M., filed in the Fairbanks Recorder's Office on May 31, 1973, as instrument No. 73-34; thence in southerly easterly and northerly directions around the perimeter of the Avro A. Joki Property encompassing Tract A and Tract B to the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2); thence in an easterly direction along the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2) to the easternmost limit of South Lathrop Street, a 66 foot section line easement centered on the section line common to Sections 21 and 22, T1S, R1W, F.B. & M.; thence in a southerly direction along the easternmost limit of South Lathrop Street, a 66 foot section line easement centered on the section line common to Sections 21 and 22, T1S, R1W, F.B. & M. to the northwesterly corner of Lot 1, as shown on the Amended Plat of D-5 Subdivision filed in the Fairbanks Recorder's Office on September 19, 1980, as Instrument No. 80-160; thence in an easterly direction along the northerly boundary of Lot 1, as shown on the Amended Plat of D-5 Subdivision filed in the Fairbanks Recorder's Office on September 19, 1980, as Instrument No. 80-160; thence in a southerly direction along the easterly boundary of Lot 1, as shown on the Amended Plat of D-5 Subdivision filed in the Fairbanks Recorder's Office on September 19, 1980, as Instrument No. 80-160 common to the westerly boundary of Lot 6, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the southwesterly corner of Lot 6, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence in an easterly direction along the southerly boundary of Lot 6, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the westernmost right of way limit of Royal Road, as shown on the plat of King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence in a northerly direction along the westernmost right of way limit of Royal Road, as shown on the plat of King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the northeasterly corner of Lot 7, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence in an easterly direction along the westerly extension of and continuing along the southerly boundary of Lot 2, Block 2, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the southeasterly corner of Lot 2, Block 2, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence northerly along the easterly boundary of Lots 1 and 2, Block 2, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2); thence in an easterly direction along the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2), to an intersection with the westernmost right of way limit of South Cushman Street; thence in a southerly direction along the westernmost right of way limit of South Cushman Street as shown on the plat of Tennessee Miller Industrial Park recorded in the Fairbanks District Recorders Office on March 14, 1986 as instrument number 86-35; thence continuing along the southerly extension of said westernmost right of way limit of South Cushman Street to the section line common to Sections 22 and 27, T1S, R1W, F. B. & M.; thence in an easterly direction along the section line common to Sections 22, 27, 23 and 26, to the 1/4 common to Sections 23 and 26, T1S, R1W, F.B. & M.; thence in a northerly direction along the north-south centerline of Section 23, to the northernmost 1/16 corner on said north-south centerline of Section 23, T1S, R1W, F.B. & M.; thence in an easterly direction along the northernmost east-west 1/16 line of said Section 23 to the northernmost 1/16 corner common to Sections 23 and 24, T1S, R1W, F.B. & M.; thence in a southerly direction along the section line common to Sections 23 and 24 to the southerly limit of Parcel B of Exhibit A to the Special Warranty Deed recorded in the Fairbanks Recorder's Office on February 27, 1985, in Book 414, Pages 331 through 337, as Instrument Number 85-4616; thence North 8959'52" East along the southerly boundary of said Parcel B a distance of 330.14 feet; thence

North 002'05" West a distance of 330.22 feet to a point on the southerly boundary of said Parcel B; thence North 8959'59" East a distance of 690.39 feet to a point on the southerly boundary of said Parcel B; thence South 000'01" East a distance of 660.40 feet to a point on the southerly limit of said Parcel B; thence North 8959'46" East a distance of 300.44 feet to the southeasternmost corner of said Parcel B which lies on the westerly 1/16 line of Section 24, T1S, R1W, F.B. & M.; thence in a southerly direction along the westerly 1/16 line of Sections 24 and 25, T1S, R1W, F.B. & M., to the meander of the north bank of the Tanana River; thence in northeasterly and southeasterly directions along the meanders of the north bank of the Tanana River to an intersection with the section line common to Sections 32 and 33, T1S, R1E, F.B. & M.; thence in a northerly direction along the section line common to Sections 33, 28, 29 and 32, T1S, R1E, F.B. & M., to the section corner common to Sections 21, 28, 29 and 20, T1S, R1E, F.B. & M.; thence in a northerly direction along the section line common to Sections 20 and 21, T1S, R1E, F.B. & M., to the northernmost right of way limit of the Richardson Highway 6 Mile Badger Road Interchange, State of Alaska Project NH-IR-0A2-4(9)/63886; thence in a northeasterly direction along the northernmost right of way limit of the Richardson Highway 6 Mile Badger Road Interchange NH-IR-0A2-4(9)/63886; thence in a northerly direction along the westernmost right of way limit of Badger Road State of Alaska Project S-0620(2) to an intersection with the westerly 1/16 line of Section 21, T1S, R1E, F.B. & M.; thence in a northerly direction along the westerly 1/16 line of Section 21, T1S, R1E, F.B. & M., to the westerly 1/16 corner common to Sections 21 and 16, T1S, R1E, F.B. & M.; thence in an easterly direction along the section line common to Sections 21 and 16, T1S, R1E, F.B. & M. to the centerline of Badger Road State of Alaska Project RS-0622(6); thence in a northerly direction along the centerline of Badger Road State of Alaska Project No. RS-0622(6) to the centerline of Holms Road State of Alaska Project RS-0622(1) /63872; thence in a southeasterly direction along the centerline of Holms Road to a point of tangent at centerline station 24+59.63; thence South 02°32' 10" West (basis of bearing for this call is Holms Road State of Alaska Project RS-0622(1) /63872) to the section line common to Sections 21 and 16, T1S, R1E, F.B. & M.; thence in an easterly direction along said section line to the section corner common to Sections 22, 21, 16 and 15, T1S, R1E, F.B. & M.; thence in a northerly direction along the section line common to Sections 15 and 16, T1S, R1E, F.B. & M., to the section corner common to Sections 10, 15, 16 and 9, T1S, R1E, F.B. & M.; thence in a westerly direction along the section line common to Sections 9 and 16, T1S, R1E, F.B. & M., to the 1/4 corner common to Sections 9 and 16, T1S, R1E, F.B. & M.; thence in a northerly direction along the centerline (north-south) of Section 9, T1S, R1E, F.B. & M., to the 1/4 corner common to Sections 9 and 4, T1S, R1E, F.B. & M.; thence in an easterly direction along the section line common to Sections 9, 4, 3 and 10, T1S, R1E, F.B. & M., to the westerly 1/16 corner common to Sections 10 and 3, T1S, R1E, F.B. & M.; thence in a northerly direction along the westerly 1/16 line to the mid 1/16 corner located in the SW 1/4 of Section 3, T1S, R1E, F.B. & M.; thence in an easterly direction along the southerly 1/16 line to the southerly 1/16 corner on the centerline (north-south) of Section 3, T1S, R1E, F.B. & M.; thence in a northerly direction along the centerline (north-south) of Section 3, T1S, R1E, F.B. & M., to the 1/4 corner of Section 3, T1S, R1E, F.B. & M., located on the Fairbanks Base Line; thence east along the Fairbanks Base Line to the southerly 1/4 corner of Section 34, T1N, R1E, F.B. & M.; thence in a northerly direction along the centerline (north-south) of Section 34, T1N, R1E, F.B. & M., to the 1/4 corner common to Sections 34 and 27, T1N, R1E, F.B. & M.; thence in a westerly direction along the section line common to Sections 27, 34, 33 and 28, T1N, R1E, F.B. & M., to the section corner common to Sections 29, 28, 33 and 32, T1N, R1E, F.B. & M.; thence in a southerly direction along the section line common to Sections 32 and 33, T1N, R1E, F.B. & M., to the 1/4 corner common to Sections 32 and 33, T1N, R1E, F.B. & M.; thence in a westerly direction along the centerlines (east-west) of Sections 32 and 31, T1N, R1E, F.B. & M., to the 1/4 corner of Section 31, T1N, R1E, F.B. & M., located on the Fairbanks Meridian; thence north along the Fairbanks Meridian to the northernmost 1/16 corner of Section 36, T1N, R1W, F.B. & M., thence in a westerly direction along the northerly 1/16 line of Section 36, T1N, R1W, F.B. & M., to the mid 1/16 corner located in the NE 1/4 of Section 36, T1N, R1W, F.B. & M.; thence in a southerly direction along the easterly 1/16 line to the easterly 1/16 corner on the centerline (east-west) of Section 36, T1N, R1W, F.B. & M.; thence in a westerly direction to the interior 1/4 corner of Section 36, T1N, R1W, F.B. & M.; thence in a southerly direction along the centerline (north-south) of Section 36, T1N, R1W, F.B. & M., to the 1/4 corner common to Section 36, T1N, R1W, F.B. & M., and located on the Fairbanks Base Line, the true point of beginning of this description. This description encompasses an area of 33.77 square miles.

All land is located within the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

Approved in writing this 3rd day of March 2016.

LOCAL BOUNDARY COMMISSION

By: *Lynn Chrystal*
Lynn Chrystal, Chair

By: *Eileen Collins*
Attest
Eileen Collins, Staff

Section V Reconsideration by the Commission

Per 3 AAC 110.580(a) “within 18 days after a written statement of decision is mailed under 3 AAC 110.570(f), a person may file an original and five copies of a request for reconsideration of all or part of the decision, describing in detail the facts and analyses that support the request for reconsideration.”

Per 3 AAC 110.580(e) “the commission will grant a request for reconsideration or, on its own motion, order reconsideration of a decision only if the commission determines that

- (1) a substantial procedural error occurred in the original proceeding;
- (2) the original vote was based on fraud or misrepresentation;
- (3) the commission failed to address a material issue of fact or a controlling principle of law; or
- (4) new evidence not available at the time of the hearing relating to a matter of significant public policy has become known.”

Additionally, per 3 AAC 110.580(f) “if the commission does not act on a request for reconsideration within 30 days after the decision was mailed under 3 AAC 110.570(f), the request is automatically denied.” Also per 3 AAC 110.580(f) “if the commission orders reconsideration or grants a request for reconsideration within 30 days after the decision was mailed under 3 AAC 110.570(f), the commission will allow a petitioner or respondent 10 days after the date reconsideration is ordered or the request for reconsideration is granted to file an original and five copies of a responsive brief describing in detail the facts and analyses that support or oppose the decision being reconsidered.”

Section VI Judicial Appeal

Per 3 AAC 110.570(g), this is the final decision of the commission, unless reconsideration is timely requested or the commission orders reconsideration. A decision of the Local Boundary Commission may be appealed to the Superior Court under AS 44.62.560(a) and Rules of Appellate Procedure 602(a)(2). A claimant has 30 days to file an appeal with the Superior Court.

RESOLUTION NO. 4752

A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO APPLY FOR FUNDS FROM THE FAIRBANKS METROPOLITAN AREA TRANSPORTATION SYSTEM LOCAL TRANSPORTATION ALTERNATIVES PROGRAM

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (MAP-21) authorized the State of Alaska Transportation Alternatives Program (TAP) to provide funding for programs and projects defined as transportation alternatives; and

WHEREAS, the Fairbanks Metropolitan Area Transportation System (FMATS) Office received an allocation from the Alaska TAP in the amount of \$227,744; and

WHEREAS, the FMATS Office has opened a "Call for Projects" to local and regional government entities for transportation alternative project nominations; and

WHEREAS, the City of Fairbanks Engineering Department wishes to submit three project applications for supplemental construction funding for a new sidewalk on Bjerremark Street in south Fairbanks, sidewalk condition survey of all City-owned sidewalks, and purchase of pedestrian and bicycle count equipment; and

WHEREAS, the City of Fairbanks wishes to request \$204,349 for the three projects; and

WHEREAS, the City of Fairbanks is required to provide a 9.03% match in the amount of \$20,284, which will be provided by the City's capital fund;

NOW, THEREFORE, BE IT RESOLVED by the City Council that the Mayor is authorized to execute any and all documents required for requesting funds on behalf of the City for this grant.

PASSED and APPROVED this 11th day of July 2016.

John Eberhart, City Mayor

AYES:
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: 47XX

Abbreviated Title: FMATS LOCAL TRANSPORTATION ALTERNATIVES PROGRAM

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:

PROJECTS:	Equipment	Contracts	Personnel	Total
SIDEWALK CONDITION SURVEY		\$52,325		\$52,325
BJERREMARK SIDEWALK		\$112,658		\$112,658
BIKE/PEDESTRIAN COUNT EQUIPMENT	\$59,650			\$59,650
				\$0
				\$0
				\$0
TOTAL	\$59,650	\$164,983	\$0	\$224,633

FUNDING SOURCE:	Equipment	Contracts	Personnel	Total
FMATS LOCAL TRANSPORTATION ALTERNATIVES PROGRAM	\$54,264	\$150,085		\$204,349
CAPITAL FUND	\$5,386	\$14,898		\$20,284
				\$0
TOTAL	\$59,650	\$164,983	\$0	\$224,633

The operations and maintenance costs associated with these improvements will be performed by Public Works and incorporated in the annual general fund budget.

Reviewed by Finance Department:

Initial cp

Date 6/29/2016

RESOLUTION NO. 4753

**A RESOLUTION URGING THE STATE LEGISLATURE TO REJECT
PROPOSALS FOR A STATEWIDE GENERAL SALES TAX**

WHEREAS, one of the issues to be considered in the fifth special session of the Twenty-Ninth Alaska Legislature, scheduled to begin on July 11, is the imposition of a statewide sales and use tax; and

WHEREAS, the state has reserved for itself the right to impose a tax on income, thereby, leaving a sales tax as one of the revenue sources available for local governments to fund the needs of their communities; and

WHEREAS, approximately 40 municipalities in Alaska currently impose a sales tax, with varying rates, limitations, and exemptions; and

WHEREAS, a statewide sales tax would be in addition to existing municipal sales taxes and would cause collection and auditing problems due to varying exemptions and purchase price limitations; and

WHEREAS, addressing all of these problems would require a very complex piece of legislation, one that should not be imposed absent careful consideration of the consequences on local governments and local economies.

NOW, THEREFORE BE IT RESOLVED that the Fairbanks City Council respectfully requests that the Alaska Legislature reject any proposals for a statewide general sales tax; and

BE IT FURTHER RESOLVED that this resolution shall take effect upon adoption by the Fairbanks City Council and that the City Clerk is hereby directed to send a copy of this resolution to Governor Walker and members of the Interior Delegation.

PASSED AND APPROVED this 11th day of July 2016.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul Ewers, City Attorney

ORDINANCE NO. 6024

AN ORDINANCE TO PLACE BEFORE CITY VOTERS THE QUESTION OF AMENDING CHARTER SECTION 11.3, ELECTIONS: CANDIDATES, FILING, AND CHARTER SECTION 2.2, COUNCIL: QUALIFICATION OF MEMBERS, VACANCIES, TO COORDINATE CANDIDATE FILING DATES WITH THE FAIRBANKS NORTH STAR BOROUGH AND TO CORRECT RESIDENCY REQUIREMENTS

WHEREAS, regular elections of the City of Fairbanks, the City of North Pole, and the Fairbanks North Star Borough (FNSB) are held annually on the first Tuesday in October; and

WHEREAS, the FNSB recently amended its code of ordinance to set the dates for filing declarations of candidacy from July 15th to July 29th; and

WHEREAS, the FNSB listed the following reasons to support changing the dates for filing declarations of candidacy: the current mid-August deadline for filing for local offices shortens local campaigns and the time period available to learn about candidates; and the Tanana Valley fair, typically held in early August before the local filing deadlines, would otherwise provide an excellent opportunity for candidates to meet, hear and interact with borough citizens; and

WHEREAS, currently the dates for filing declarations of candidacy for City elective office are from August 1 to August 15; and

WHEREAS, to the extent possible, the City of Fairbanks tries to maintain uniformity with the FNSB in its election timelines and procedures; and

WHEREAS, the proposed changes to Charter Sec. 11.3 will allow the City to make the City's declaration of candidacy filing period identical to the Borough's while maintaining flexibility in case a change is needed in the future; and

WHEREAS, as originally written, Charter Sec. 11.3 contained a three-year residency requirement for candidates running for city elective office; and

WHEREAS, the Alaska Supreme Court, in the case of *Pelozo v. Freas*, 871 P.2d 687 (Alaska 1994), ruled that a three-year residency requirement for local elective office was unconstitutional and suggested that one year was the maximum residency period that would be constitutionally acceptable; and

WHEREAS, since the *Pelozo v. Freas* decision, the City has followed the one-year residency rule but has never corrected its Charter; and

WHEREAS, the proposed Charter changes incorporate the Alaska Supreme Court’s ruling and also update the language of Charter Sections 2.2 and 11.3 to make them gender neutral.

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

Section 1. The City Clerk is directed to place the following question on the ballot for the voters of the City of Fairbanks at the 2016 general election:

Proposition A:

INFORMATION: The City of Fairbanks, the Fairbanks North Star Borough, and the City of North Pole try to coordinate their election procedures to increase participation and to save time and expense for the municipalities. The City of Fairbanks Charter Section 11.3 provides that the “declaration of candidacy” must be filed not more than 60 days and not less than 30 days prior to the election. The Fairbanks North Star Borough recently amended its code to set the dates for filing declarations of candidacy from July 15 to July 29. The proposed Charter change would amend the period for filing declarations of candidacy for City elective office to coincide with the Borough’s filing period.

Shall the City amend Home Rule Charter Section 11.3 to change the filing period for declarations of candidacy to “**not more than 90 days and not less than 45 days prior to the election**” to allow the City Council to adopt dates for the filing declarations of candidacy that coincide with the Fairbanks North Star Borough’s filing period?

YES _____

NO _____

A “YES” vote amends Charter Section 11.3

A “NO” vote does not allow the amendment

Section 2. The City Clerk is directed to place the following question on the ballot for the voters of the City of Fairbanks at the 2016 general election:

Proposition B:

INFORMATION: In 1994, the Alaska Supreme Court, in the case of *Pelozo v. Freas*, 871 P.2d 687 (Alaska 1994), ruled that a three-year residency requirement for local elective office was unconstitutional and suggested that one year was the maximum residency period that would be constitutionally acceptable. Since the court’s ruling in *Pelozo v. Freas*, the City has followed the one-year residency rule but has never corrected its Charter. The unconstitutional three-year residency rule is found in two sections of the Charter – Sec. 2.2 and Sec. 11.3. In addition to

correcting the residency requirement for elected office, the City Council recommends updating the language of these two sections to make them gender neutral.

Shall the City amend Home Rule Charter Sections 2.2 and 11.3 to correct the unconstitutional residency requirement from three years to one year and update the language of those sections to make them gender neutral?

YES _____

NO _____

A "YES" vote amends Charter Sections 2.2 and 11.3

A "NO" vote does not allow the amendment

Section 3. This ordinance was passed by the City Council on the _____ day of _____ 2016, but no change to the Fairbanks City Charter will become effective unless and until the questions are approved by the voters of the City of Fairbanks.

JOHN EBERHART, MAYOR

AYES:

NAYS:

ABSENT:

ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul Ewers, City Attorney

ORDINANCE NO. 6025

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE
SECTION 22-9, DECLARATION OF CANDIDACY BY
AFFIDAVIT, TO ALIGN THE FILING DEADLINES WITH THE
THOSE OF THE FAIRBANKS NORTH STAR BOROUGH**

WHEREAS, FGC Sec. 22-9 provides that a person seeking to run for city elected office must file a declaration of candidacy no earlier than August 1 and no later than 5:00 p.m. on August 15; and

WHEREAS, the Fairbanks North Star Borough recently amended its code of ordinances to change the declaration of candidacy filing dates to July 15 through July 29; and

WHEREAS, Borough Ordinance No. 2015-57 contained the following as reasons to support the change of dates: the current mid-August deadline for filing for local offices shortens local campaigns and the time period available to learn about candidates; and the Tanana Valley fair, typically held in early August before the local filing deadlines, would otherwise provide an excellent opportunity for candidates to meet, hear and interact with borough citizens; and

WHEREAS, to the extent possible, the City of Fairbanks tries to maintain uniformity with the Borough in its election procedures; and

WHEREAS, the proposed change to FGC 22-9 will align the City's declaration of candidacy filing dates with those of the Borough; and

WHEREAS, in order for the City to amend the declaration of candidacy filing dates in its code of ordinances, City voters will have to approve an amendment to the City's Charter, and, therefore, this ordinance will not become effective unless and until such a charter amendment is approved.

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

Section 1. Fairbanks General Code Section 22-9 Declaration of Candidacy by Affidavit, subsections (a), (b) and (d) are hereby amended as follows [new text in **bold/underline** font; deleted text in ~~striketrough~~ font]:

Sec. 22-9. – Declaration of candidacy by affidavit.

(a) At least ~~65~~**95** days before each regular election, the city clerk shall publish in one or more newspapers of general circulation in the city a notice of offices to be filled at the election and the manner of declaring candidacy.

(b) Any qualified person may have ~~their~~**his** name placed on the ballot as a candidate for not more than one elective office by filing no earlier than ~~August 1st, nor later than August 15th~~**July 15th at 8:00 a.m., nor later than July 29th at 5:00 p.m.**, with the city clerk, a sworn declaration of candidacy. **If July 29 falls on a Saturday or a Sunday, the filing deadline will be 5:00 p.m. the following Monday.** Candidates for elective council office shall file a conflict of interest statement in accordance with the provisions of AS 39.50 at the time of filing a declaration of candidacy. Each candidate shall file the name and address of the campaign treasurer with the state public offices commission in accordance with the provisions of AS 15.13 no later than seven days after the date of filing a declaration of candidacy. A \$25.00 filing fee shall accompany every declaration of candidacy.

(d) Any candidate desiring to withdraw ~~their~~**his** declaration of candidacy may do so at any time during the period for filing a declaration of candidacy and up to five **business** days following the closing date for filing. All declarations of candidacy which are not withdrawn shall be preserved by the city clerk for one year.

Section 2. This ordinance was passed by the City Council on the ___ day of _____ 2016, but no change will become effective unless and until Proposition A of Ordinance No. 6024 is ratified by the voters of the City of Fairbanks.

JOHN EBERHART, MAYOR

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul Ewers, City Attorney

Introduced by: Council Member Cleworth
Finance Committee Review: July 5, 2016
Introduced: July 11, 2016

ORDINANCE NO. 6026

AN ORDINANCE TO PLACE BEFORE CITY VOTERS THE QUESTION OF AMENDING CHARTER SECTION 8.7, INDEPENDENT AUDIT, TO ALLOW FLEXIBILITY FOR THE DUE DATE

WHEREAS, Charter Section 8.7 requires an annual independent audit of the City's records by a certified public accountant; and

WHEREAS, the annual independent audit currently is due within 180 days after the end of the fiscal year, which is presently the same as the calendar year; and

WHEREAS, the City's Finance Department works diligently with the independent auditor to ensure the audit is completed in a timely manner; and

WHEREAS, the audit is subject to accounting rules enacted by groups such as the Governmental Accounting Standards Board (GASB); and

WHEREAS, mandatory changes imposed by GASB can complicate the audit process; for example, the current audit must contain information about the State of Alaska's Public Employees' Retirement System, information that the State did not produce until after the deadline for completion of the City's audit; and

WHEREAS, under such circumstances, the independent audit cannot be completed within the Charter's 180-day deadline; and

WHEREAS, because the requirements of the audit and certain information required to complete the audit are sometimes not within the control of the City, flexibility is needed in the audit completion deadline.

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

Section 1. The City Clerk is directed to place the following question on the ballot for the voters of the City of Fairbanks at the 2016 general election:

Proposition C:

INFORMATION: The City of Fairbanks Charter Section 8.7 requires that the annual independent audit be completed within 180 days of the end of the fiscal year, which is currently the same as the calendar year. The requirements of the audit and certain information required to

complete the audit are sometimes not within the control of the City, making it impossible to complete the audit with the current 180-day deadline.

Shall the City amend Home Rule Charter Section 8.7 to amend the current 180-day deadline for completion of the annual audit by adding the following sentence?

The City Council may by resolution extend the deadline for completion of the annual independent audit if the audit cannot be completed within 180 days due to regulatory changes beyond the City's control.

YES _____

NO _____

A "YES" vote amends Charter Section 8.7

A "NO" vote does not allow the amendment

Section 2. This ordinance was passed by the City Council on the ____ day of _____ 2016, but no change to the Fairbanks City Charter will become effective unless and until the question is approved by the voters of the City of Fairbanks.

JOHN EBERHART, MAYOR

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul Ewers, City Attorney

ORDINANCE NO. 6027

AN ORDINANCE TO PLACE BEFORE CITY VOTERS THE QUESTION OF GRANTING THE CITY COUNCIL THE AUTHORITY TO INCREASE THE RATE OF SALES TAX LEVY BY ONE PERCENT ON MARIJUANA IF THE BOROUGH INCREASES ITS LEVY BY A LIKE AMOUNT

WHEREAS, FNSB Ordinance No. 2016-16 authorized a ballot proposition that if passed by the voters would levy a 5% sales tax on the sale of marijuana and marijuana products and also authorize the Borough Assembly to raise that rate of tax to 6%; and

WHEREAS, FNSB Ordinance No. 2016-24 authorized a ballot proposition that if passed by the voters would authorize the Borough Assembly to raise the rate of tax levy on alcoholic beverages from 5% to 6% if the Borough's marijuana sales tax was raised to 6%; and

WHEREAS, the sales tax rate for alcoholic beverages is currently 5% in both the City and the Borough; and

WHEREAS, in October of 2015, City voters approved a 5% sales tax on marijuana sales, and if Borough voters approve the ballot proposition on marijuana sales, the sales tax rate for marijuana sales will also be 5% in the Borough; and

WHEREAS, the City currently collects alcoholic beverage sales tax imposed in the City, and the Borough collects alcoholic beverage sales taxes imposed outside of the City; and

WHEREAS, assuming Borough voters approve a 5% sales tax on marijuana, the City would collect marijuana sales tax imposed in the City, and the Borough would collect marijuana sales tax imposed outside the City; and

WHEREAS, if the Borough Assembly is granted the authority to raise the marijuana tax and the alcoholic beverage sales tax to 6% and if it did increase those taxes, the rate of tax would be different in the City than in the Borough; and

WHEREAS, the City Council has the authority to raise the alcoholic beverages sales tax but not the authority to raise the marijuana sales tax; and

WHEREAS, different rates of sales tax levies in the City and in the Borough can create difficulties for both governments and for the merchants who collect the taxes; and

WHEREAS, to ensure uniformity in the City and Borough tax rates in the event that both of the Borough ballot propositions pass, the City needs voter approval to allow the City Council the flexibility to increase the sales tax rate on marijuana sales from 5% to 6%.

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

Section 1. The City Clerk is directed to place the following question on the ballot for the voters of the City of Fairbanks at the 2016 general election:

Proposition D:

INFORMATION: The Fairbanks North Star Borough has two propositions on the ballot for the October 2016 election dealing with sales tax on marijuana and alcoholic beverages. If both propositions pass, the Borough Assembly would have the authority to raise the sales tax on marijuana and alcoholic beverages from 5% to 6%. The current City sales tax rate on marijuana and alcoholic beverages is 5%. If the Borough Assembly were to increase the sales tax on marijuana and alcoholic beverages to 6%, the tax levies would be inconsistent.

Shall the City Council be allowed to raise the sales tax rate on marijuana from 5% to 6% to maintain consistency if the Borough Assembly raises its tax rate by the same amount?

YES _____

NO _____

A "YES" vote would allow the City to raise the sales tax rate on marijuana from 5% to 6% if the Borough Assembly raised its tax rate on marijuana by the same amount.

A "NO" vote does not allow the City to raise its marijuana sales tax rate to 6%.

Section 2. This ordinance was passed by the City Council on the _____ day of _____ 2016, but no change to the Fairbanks City Charter will become effective unless and until the question is approved by the voters of the City of Fairbanks.

JOHN EBERHART, MAYOR

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:


D. Danyielle Snider, CMC, City Clerk

Paul Ewers, City Attorney

MEMORANDUM

City of Fairbanks Clerk's Office

D. Danyielle Snider, City Clerk

TO: City Council Members
FROM: D. Danyielle Snider, CMC, City Clerk 
SUBJECT: City-Represented Seat on Borough Planning Commission
DATE: July 5, 2016

A City-represented seat on the Borough Planning Commission became vacant in December of 2015. Recently, Mayor Eberhart directed me to prepare the attached memo for your concurrence so we could send a list of recommendations to the Mayor Kassel to fill the vacancy. In preparing that information, I noticed that FNSB's current roster (also attached) shows no City-represented vacancies on the Commission.

FNSBC 2.40.011(A) states:

- A. There is established the borough planning commission which shall consist of 11 members. Commission membership shall be apportioned so that the number of members from the cities of Fairbanks and North Pole reflects the proportion of the borough population residing within those cities as determined by the assembly from time to time. Members shall be appointed by the borough mayor, subject to confirmation by the assembly. The appointments of members from the cities shall be selected from a list of recommendations submitted to the borough mayor by the city councils.*

We have spoken with Mayor Kassel's Office and they sent us the attached FNSB memorandum showing the appointment of Mr. John Perreault to the Planning Commission in October of 2015. The current roster shows that Mr. Perreault is filling the City-represented seat, and we have learned that Mr. Perreault is not a City of Fairbanks resident. Currently, the only vacancy on the Commission is the North Pole represented seat.

The Borough administration has acknowledged the oversight, and Mayor Eberhart has asked me to provide you with this information. He recommends that we ask the Borough to swap the seats of Mr. Perreault and Ms. O'Neill, a City resident who was also recently appointed. If the Borough concurs, each of the two members could finish their present terms, and the City would have the opportunity to prepare a list of recommendations for the City representative in December of this year.

City of Fairbanks



MEMORANDUM

To: City Council Members
From: John Eberhart, City Mayor
Subject: Request for Concurrence – FNSB Planning Commission
Date: June 9, 2016

One of the three City-recommended seats on the FNSB Planning Commission was recently vacated with the resignation of Ms. Angela Major.

FNSB Code of Ordinances Section 2.40.011(A) states:

Members (of the Planning Commission) shall be appointed by the borough mayor, subject to confirmation by the assembly. The appointments of members from the cities shall be selected from a list of recommendations submitted to the borough mayor by the city councils.

The following individuals have applied to serve on the Planning Commission and I hereby request your concurrence to submitting the following list of recommendations for appointment to the FNSB Planning Commission:

- 1) Mr. Michael Stepovich
- 2) Mr. David Brandt

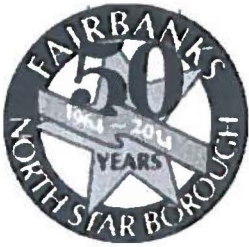
The applicants' applications are attached.

Thank you.

dds/

A handwritten signature in blue ink, appearing to read "John Eberhart", is written over the typed name "John Eberhart, City Mayor" in the header section of the memorandum.

confirmed



Fairbanks North Star Borough Mayor's Office

809 Pioneer Road PO Box 71267 Fairbanks, Alaska 99707-1267 (907)459-1300 FAX 459-1102

MEMORANDUM

COPY

TO: Fairbanks North Star Borough Assembly

FROM: Luke Hopkins, Mayor *LH*

DATE: October 22, 2015

SUBJECT: Appointment
Planning Commission

I am recommending the appointment of the following individual to fill the seat held by Jerry McBeath after term ends in December 2015 on the Planning Commission:

John Perreault

His term of office will expire on December 31, 2018.

A copy of his application and disclosure forms is attached.

For your information other members of the commission are:

Mark Billingsley	City of Fairbanks
Sean P. Reilly	City of Fairbanks
Robert Scott Peterson	Borough
Charles Whitaker	Borough
Jerry McBeath	Borough
Flor M. Banks	Borough
Chris Guinn	Borough
Troy Bouffard	Borough
Patricia Thayer	Borough

Your confirmation of the appointment is respectfully requested.

/km



Fairbanks North Star Borough Mayor's Office

809 Pioneer Road PO Box 71267 Fairbanks, Alaska 99707-1267 (907)459-1300 FAX 459-1102

PLANNING COMMISSION

VACANT		NP	12/18	Seat A
John Perrault 2612 17 th Ave Fairbanks, AK 99709	687-1473 H 474-5040 W	C	12/18	Seat B
Sean P. Reilly 1507 21 st Avenue Apt. C Fairbanks, AK 99701	450-9510	C	12/16	Seat C
Mark Billingsley 943 Gilmore Street Fairbanks, AK 99701	503-705-5170 W	C	12/17	Seat D
Robert Scott Peterson PO Box 80365 Fairbanks, AK 99708	452-8131 W 479-9297 H	B	12/17	Seat E
Patricia Thayer - Vice Chair 749 Steele Creek Rd Fairbanks, AK 99712	328-2233 ext.1 W 378-2837 H	B	12/18	Seat F
Troy Bouffard 318 E Birch Hill Rd Fairbanks, AK 99712	474-5480 W 888-8484 H	B	12/16	Seat G
Charles Whitaker PO B 81985 Fairbanks, AK 99708	388-2305 W	B	12/17	Seat H
Chris Guinn - Chair 1438 DuPont Lane Fairbanks, AK 99709	479-7603 W 479-6488 H	B	12/17	Seat I
Mindy O'Neall 234 Princess Drive Fairbanks, AK 99701	727-3887 H 374-4474 W	B	12/16	Seat J
Wendy Presler 1456 Chena Point Ave Fairbanks, AK 99709	750-0959 C 479-5691 W	B	12/18	Seat K

Ex-officio: Christine Nelson, Community Planning Director

Number of Members: 11
Number of Vacancies: 1

City of Fairbanks



MEMORANDUM

To: City Council Members
From: John Eberhart, City Mayor
Subject: Request for Concurrence – Fairbanks Diversity Council
Date: July 5, 2016

The term of Seat E on the Fairbanks Diversity Council currently filled by Mr. Travis Cole will expire on June 30, 2016.

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

Seat E: Mr. Travis Cole Term to Expire: June 30, 2019

Mr. Cole's application is 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. Eight of those 12 members must be residents of the City of Fairbanks. 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 Fairbanks. Twelve members, at least eight of whom must be residents of the City of Fairbanks, 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@ci.fairbanks.ak.us

Profile

Travis

First Name

Cole

Last Name

[Redacted]

Email Address

[Redacted]

Street Address

[Redacted]

Suite or Apt

Fairbanks

City

AK

State

[Redacted]

Postal Code

Mailing Address

[Redacted]

City Resident

What district do you live in?

[Redacted]

Primary Phone

[Redacted]

Alternate Phone

Tanana Chiefs Conference

Employer

Information Desk

Job Title

Which Boards would you like to apply for?

Fairbanks Diversity Council

Interests & Experiences

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

I am both Koyukon Athabascan and Irsih. I've lived in both the village of Allakaet and the City of Fairbanks. I've had to deal with being an out cast of both worlds. I had to find myself and how I fit in. I've lived most of my life here in Fairbanks and seen how Fairbanks has grown in Diversity and how certain incidents have set Fairbanks back. (crime and corruption). I've always beleaved in the goodness in people and tried to be apart of the goodness of Fairbanks. (local events, Midnight sun, WEIO, festival of native fairbanks, etc..) As a traditional Athabascan Drummer I've performed for many events here in Fairbanks and around the world. I always payed close attention to what leaders (Native and Non-Native are doing in Fairbanks and around the state to better our community. I've volenteered many hours shareing my culture to all ages (preschool to highschool) teaching songs and drum making. I feel it's imortant that all cultures be perserved and shared. So that peopel can leaned more about one another, so that we learn to be more open minded and sensative to our differnce. In this way we can learn to live in harmany with each other and the world could be a better place. I started getting involved more a the leadership role of my community, so that I can learn what processes take place boards and counicls vote to put programs into action to meet the needs of a community. I served on the Rural Providers Confrenece in 2013 and got on to the board of directors of Fairbanks Native Association in which I currentally serve.

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'm open minded and Hearted to the possiblities that we can improve Fairbanks with diversifying events, communications and the work force of Fairbanks. Through education and communication we can try to unite the people of Fairbanks with respect for one another. If the people who serve the people of Fairbanks and the people of Fairbanks knows the people who serve them then they can start to bulid a bridge of trust and understanding, thos laying a foundation to build a better Fairbanks for all. We are all in this together, so lets make the best of it. I've was born in Fairbanks, I've lived the highs and lows here in Fairbanks, seeing the best and worst that Fairbanks has to give, has never dimed my Love of Fairbanks. I have two kids ages 6 and 2 years old. The moment the Doctor told me I was going to be a Dad, I told myself I'm going to do my best to provide the best childhood I can for my child. At that moment I knew I had to stay sober, get a job, get a home, get a vehical, and everything it takes to provide a sable life. I realized not only do I have to provide a good home for them, but also try to make the world around them a better place. So I've made it my mission to better the world. I 1st got a job with Tanana Chiefs as a securtiy officer, working my way up to the information person for TCC Admin. I've volenteered my talents to TCC for Suicide Prevention, Anti-Child Abuse, Healthy Families, Healthy Living, Cultural preservation, Potlatchs, and many other events through my Tradional Drumming and singing, Keynote speachs, Art work, Speaking to youth, Hard work, Images of my Childern and I for print for promoting, and even using my Facebook page to relay good messages to my over 1,600 friends on Facebook. I hope to set a good exsample for others that you can turn your life around and even as one person you can make a differance.

Brief Personal Biography (or attach resume):

I've had over 47 jobs in my life and most of them were here in Fairbanks. From washing dishes to teaching Traditional Athabascan songs. I've worked or volenteered for TCC, FNA, Doyon, ANE, UAF, the Binkey family, spirit camps, Godfathers Pizza, and so many other places here in Fairbanks, It's hard to remember them all. I've met some many people along the way from the top to the bottom. I'm starting to learn how Fairbanks works, starting to see the bigger picture, and hoping that in some way I can help make that picture come together with all the

Upload a Resume

Professional Licenses/Training:

City of Fairbanks



MEMORANDUM

To: City Council Members
From: John Eberhart, City Mayor
Subject: Request for Concurrence – Hotel/Motel Discretionary Fund Committee
Date: July 16, 2015

One member of the Committee, Vivian Stiver, reached her term limit in service on the Committee as of June 30, 2015. In order to fill the vacancy of Seat E, I hereby request your concurrence to the **appointment** of the following citizen:

Seat E Ms. Kathryn Fitzgerald Term to Expire: June 30, 2018

Ms. Fitzgerald's application is attached.

Thank you.


dds/

Two handwritten signatures in blue ink. The first signature is "John Eberhart" and the second is "Vivian Stiver".




HOTEL/MOTEL DISCRETIONARY FUND COMMITTEE


BOARD DETAILS




OVERVIEW



SIZE 6 Seats



TERM LENGTH 3 Years



TERM LIMIT 2 Terms

The Hotel/Motel Discretionary Fund acts in an advisory capacity to the City Council; assures that funding is provided to organizations that guarantee the furtherance of the promotion of the tourist industry and other economic development and the funding of services for the general public; reviews applications from organizations applying for grant dollars and makes recommendations to the City Council for fund distribution; reviews Fairbanks General Code (FGC), Section 74 and makes recommendations to the City Council for modifications and/or additions.



DETAILS

BOARD/COMMISSION CHARACTERISTICS

The Hotel/Motel Discretionary Fund Committee shall consist of five community members and a Council person who will function as the Chairman, all appointed by the Mayor. Each member shall serve a three-year term with a limit of two consecutive full terms.

MEETINGS

Hotel/Motel Discretionary Fund Committee Meetings are held annually in December and January at City Hall in the Council Chambers. Please contact the Office of the City Clerk for meeting dates and times.

[Meeting Minutes](#)

ENACTING LEGISLATION

FGC Article IV, Hotel-Motel Tax

ENACTING LEGISLATION WEBSITE

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

JOINT COMMISSION DETAILS

N/A

EMAIL THE COMMISSION MEMBERS

hotel-moteldiscretionaryfundcommittee@ci.fairbanks.ak.us

Profile

Kathryn


First Name

Fitzgerald

Last Name


Email Address


Street Address



Suite or Apt

Fairbanks

City

AK

State


Postal Code

Mailing Address



Non-Resident

What district do you live in?


Primary Phone


Alternate Phone

K4 Management

Employer

Program Coordinator

Job Title

Which Boards would you like to apply for?

Hotel/Motel Discretionary Fund Committee

Interests & Experiences

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 very familiar with Chapter 74, Article IV, Section 74-117, the City of Fairbanks Taxation ordinance - Hotel/Motel Tax section. I have personally applied for, and received Hotel/Motel Discretionary funds on behalf of a local organization, having first applied for funds in 1982. I believe in the purpose of the Discretionary Fund, the process for applying, and the accountability that goes along with receiving funds. I would like to give back to the community by serving.

Brief Personal Biography (or attach resume):

I moved to Fairbanks on July 30, 1978 from New Jersey. I have four children ages 22, 21, 17, 13, who all attend local schools, and the University of Alaska (one in Fairbanks, one in Anchorage.) I have volunteered hundreds of hours in the community for a variety of events, and organizations, most importantly clubs and sports teams that my kids are, and have been involved in. I served as the Sport Chair for Dog Mushing for Arctic Winter Games. I am Treasurer for the Lathrop High School PTSA, Program Coordinator for a local youth organization, and current Board member of another. I am a "non-resident" of the City, but a resident of the FNSB.

Upload a Resume

Professional Licenses/Training:



CLAY STREET CEMETERY COMMISSION
REGULAR MEETING MINUTES, MAY 4, 2016
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA



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

Members Present: Aldean Kilbourn, Seat C
 Frank Turney, Seat D
 Scott McCrea, Seat G

Absent: Vacant, Seat A
 Vacant, Seat B
 Vacant, Seat F

Also Present: Danyielle Snider, City Clerk
 Emily Braniff, Deputy City Clerk

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of February 3, 2016.

Mr. Turney, seconded by **Mr. McCrea**, moved to APPROVE the Regular Meeting Minutes of February 3, 2016.

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

APPROVAL OF AGENDA

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

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

CITIZEN'S COMMENTS

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

COMMUNICATIONS TO COMMISSION

a) Bill Beistline Marker Placement Request

Chair Robertson spoke to the request submitted by Bill Beistline on April 12, 2016, to place Charles Bernard Mack's marker.

Ms. Kilbourn stated that Mr. Beistline requested that Mr. Mack's marker be placed next to his daughter Emma May Johnson, but that she could not find Emma's marker at the cemetery. **Ms. Kilbourn** stated that Ms. Johnson's marker is listed as plot 190 but that it is nowhere to be found on the grounds. **Mr. Turney** stated that he would walk the cemetery and try and locate Ms. Johnson's marker. **Mr. Turney** suggested that Ms. Kilbourn find the headstone closest to that of Ms. Johnson to aid in finding where she may be located. **Ms. Kilbourn** stated that further research needs to be done to determine where Mr. Mack's marker should be placed.

Mr. Turney asked Ms. Braniff to find out what the yellow flags at the cemetery are for and if they could be taken out of the ground. Ms. Braniff confirmed she would send an email to former member Anne Castle and City Engineer Tech Winfred Hipp to find out if the yellow flags could be removed.

Chair Robertson stated that Mr. Beistline's request would be postponed until the next Commission meeting in the hopes that Mr. Turney and Ms. Kilbourn could find Ms. Johnson's headstone.

Mr. McCrea asked what the guidelines for marker placement are and members briefly discussed the placement application and policy.

Chair Robertson stated the accuracy of placement is the most important aspect of marker placement.

Mr. Brian Biel arrived late and asked if he could introduce himself and have a moment to make public comment. No members objected to allowing Mr. Biel to speak.

Brian Biel, 440 Old Richardson Highway, Fairbanks – Mr. Biel introduced himself and shared his desire to become a Clay Street Cemetery Commission member. He stated that he enjoys spending time at the Clay Street Cemetery because it is a peaceful place and none of the residents give him any flack. He stated that he would like to participate on the Commission in a proxy-type capacity. Mr. Biel stated he did not want to be involved for any personal accolades; he stated he just wants to give back to the community. He stated his availability would be limited and in August 2016 he would be moving away for work in Valdez for the summer and Hawaii in the winter.

Chair Robertson stated most of the work the Commission does is in the summer.

Mr. Biel stated he would be in town until August and he would be willing to be a member of the Commission until such time.

Mr. Turney stated Mr. Biel takes an interest in the cemetery and that he has seen him on site for almost seven years.

Ms. Kilbourn asked Mr. Biel if he had filled out a Boards and Commissions application.

Mr. Biel stated he wanted to meet the members before he filled out an application and that he would not be able to commit to a three-year term.

Chair Robertson stated that the Clay Street Cemetery Commission is a “get dirty” kind of a committee with an emphasis on restoring the cemetery to a beautified condition.

Ms. Braniff stated that to become a Commission member a person needs to commit to a three-year term; he explained that Mr. Biel could still come to the meetings and take part in the work groups at the cemetery.

Mr. Biel thanked everyone for their hard work and their efforts to restore the cemetery.

EVENTS & PUBLIC RELATIONS

Ms. Kilbourn asked Mr. McCrea if he would be making a Clay Street Cemetery Facebook page. **Mr. McCrea** stated that he would be willing to create a page to increase awareness about the cemetery and the Commission. **Mr. McCrea** stated that a Facebook page would be a good way to get the word out about possible work parties.

UNFINISHED BUSINESS

- a) Election of Commission Chairperson
- b) Election of Commission Vice Chairperson

Ms. Kilbourn, seconded by **Mr. Turney**, moved to POSTPONE the election of a chair and vice chair until the Commission was at full membership capacity.

Mr. Biel stated he did not want anything in return for his service and stated again that he would like to be a proxy member of the Commission while he pursues work prospects.

Ms. Snider requested that Mr. Biel notate on his board and commission application that he may often be out of town for work and could miss several meetings per year.

Mr. Biel stated he would notate absences on his application if he chose to submit one.

No members objected to the motion to POSTPONE the election of a chair and vice chair.

- c) Erica Miller Marker Placement Requests

Ms. Kilbourn stated that Erica Miller submitted her requests for placement in 2015 and that they need to be placed this summer. **Chair Robertson** stated that in order to place Ms. Miller’s requested markers, the Commission needs proof of where the bodies are located. **Ms. Kilbourn** stated that she went to the American Legion to look for burial records and she was told they burned up in a structure fire. **Ms. Kilbourn** stated that she was told that the Eagles did not keep burial records. She stated she would speak with Ms. Miller to see if she could get more of a history on the people she is requesting markers for.

Chair Robertson stated that a very detailed inventory of the cemetery needs to be done and all unknown graves need to be researched and identified. He asked about the policy on people placing markers in the cemetery.

Ms. Snider stated there is nothing in City Code regarding placement, but that the Commission created an application and policy for marker placement.

NEW BUSINESS

a) Review 2015 Hotel/Motel Discretionary Fund Request

Mr. Biel thanked everyone for their service on the Commission and stated that he would fill out his application to be proxy member. He stated that if he is approved he will then decide whether he would like to be a Commission member. Mr. Biel stated that he is comfortable with the members and that he could give his service for three or four months. He stated that he feels very confident that the Commission is doing a good job and thanked them for their time.

Ms. Kilbourn pointed out that her name was spelled incorrectly on the Bed Tax application. She pointed out to Mr. McCrea that a brief history of the cemetery was included in the bed tax request and that he may want to use it when he is creating the Facebook page for the Commission. She asked when the posts would be purchased and painted.

Chair Robertson stated that treated wood does not get painted but that he could cut a letter or a number into the posts with his router tool.

Ms. Kilbourn asked how the posts would be installed and how Frank would mow around them.

Mr. Turney stated that if he does not get the Clay Street lawn mowing contract that he may no longer be able to be a Commission member.

Ms. Braniff read aloud Fairbanks General Code Section 2-487 that speaks to the role of Mr. Turney's position on the Commission. It read, "One member with experience or interest in maintaining the cemetery." Ms. Braniff explained that Mr. Turney would not lose his seat on the Commission if he was not awarded the lawn care contract.

Mr. Turney stated that the most important job is placing the headstones that are already on-site at the cemetery and that the marker posts should be done at a later date.

b) Cemetery Work Parties

Chair Robertson stated he has 350 rotary members plus the Boy and Girl Scouts that he could get out to the cemetery for a work party at any time.

Ms. Kilbourn stated she went to the Boy Scout office earlier in the day and that the ladies there doubted that they would be able to get a group together to attend a work party.

Mr. Turney stated that the Pioneers of Alaska Igloo #4 want to have a work party on May 21, 2016. He stated that Michael Gibson submitted his application to serve on the Clay Street Cemetery Commission and that he is the Pioneers member who volunteered his group for that day.

Chair Robertson stated he would have a work party out the following weekend to place the top layer of the head stones in the shed at cemetery.

Ms. Kilbourn stated that her son made two templates for marker placement and a post hole digger and asked to set a schedule for work parties.

Chair Robertson stated that he would start recruiting for work parties the following day; he stated that getting volunteers to work at the cemetery is a piece of cake.

Mr. Turney stated that dates should be set in stone because nothing happened in 2015; he stated that the ground is ready for work to be done.

Ms. Kilbourn asked if the holes could get dug prior to the Pioneers of Alaska showing up at the cemetery and asked what time they would be showing up.

Mr. Turney stated that the head stones are big and heavy and require a lot of work to place.

Ms. Kilbourn asked Chair Robertson if he was planning on having a work party on May 7.

Chair Robertson stated he would give it a try; he stated that he and his wife could place 10 markers on May 7.

Ms. Kilbourn asked what the Commission is supposed to do with the duplicate head stones.

Chair Robertson directed that they be put to the side for the Commission to deal with at a later time.

Ms. Kilbourn asked where the flags were purchased and stated that she needed some more of them.

Chair Robertson stated the flags are easy to get and they are inexpensive.

Mr. McCrea asked if the May 21, 2016 work party would be the first work party of the summer.

Chair Robertson asked Mr. Turney if he was available to work at the cemetery with him the following weekend.

Mr. Turney stated he would be available to work with Chair Robertson the following weekend, but that the City needs to return the pea gravel that they took from the Clay Street Cemetery.

Chair Robertson stated he would confirm with his workers and have them all out at the cemetery May 7, 2016.

Ms. Kilbourn asked if the Commission could schedule a work party every Saturday during the month of May to maximize the work done at the cemetery.

Chair Robertson stated that he believes having a work party each Saturday in the month of May is a good idea.

NEXT MEETING DATE


The next Regular Meeting of the Clay Street Cemetery Commission is scheduled for June 1, 2016.

ADJOURNMENT

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

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

Chair Robertson declared the meeting adjourned at 6:15 p.m.



Bill Robertson, Chair



Emily Braniff, Deputy City Clerk

Transcribed by: EB



CLAY STREET CEMETERY COMMISSION
REGULAR MEETING MINUTES, JUNE 1, 2016
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA



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

Members Present: Michael Gibson, Seat B
 Aldean Kilbourn, Seat C
 Frank Turney, Seat D

Absent: Vacant, Seat B
 Vacant, Seat F
 Scott McCrea, Seat G

Also Present: Emily Braniff, Deputy City Clerk
 Jeff Jacobson, Chief of Staff

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of May 4, 2016.

Mr. Gibson noted that the word Eagle on page five of the minutes needed to be changed to Pioneers. Ms. Braniff stated she would make that correction prior to Chair Robertson signing the minutes.

Ms. Kilbourn, seconded by **Mr. Gibson**, moved to APPROVE the Regular Meeting Minutes of May 4, 2016, as Amended.

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

APPROVAL OF AGENDA

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

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

CITIZEN'S COMMENTS

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

COMMUNICATIONS TO COMMISSION

a) Tristin Wyman BillionGraves.com Project

Chair Robertson stated that he had spoken with Mr. Wyman and that he approved of the project.

Mr. Turney requested a copy of the letter Chair Robertson sent to Council Member Jim Matherly relating to turning the Clay Street Cemetery Commission responsibilities over to the Rotary Club. **Mr. Turney** stated that the Commission should be included in those types of communications. **Chair Robertson** stated that he did not send a letter; he stated he sent an email and he would not be able to find the email because his computer crashed.

UNFINISHED BUSINESS

a) May Work Party Updates

Ms. Kilbourn requested it be on the record that three work parties were planned in the month of May but only one work party took place.

b) 2005 Exhumation of Remains

Chair Robertson spoke to the exhumation of the remains in 2005 and asked who was responsible for digging the remains up. He questioned if the party responsible was billed for the amount of money it cost the City to reinter the remains.

Chief of Staff Jeff Jacobson asked what specific issue the Commission has with the 2005 exhumation.

Mr. Gibson stated there should be an investigation into how the remains were taken out of the cemetery to avoid it ever happening again.

c) Status of New Kiosk and Information Boards

Chair Robertson gave an update on the new kiosk and relayed that the information boards have not yet been installed. He stated that the information boards will have a map and will contain all the names of the people buried at the Clay Street Cemetery.

d) Erika Miller's Marker Request Update

Ms. Kilbourn gave an update on the Erika Miller marker requests; she stated that she is working with Ms. Miller to do some more family research on where markers need placing.

e) Bill Beistline's Marker Request Update

Ms. Kilbourn stated that she is working with Mr. Beistline to see if he can find some old pictures of the site where he believes the original marker is that he would like to have replaced. She reported that Mr. Beistline and his family are digging through old records in the hopes of finding clues as to where his relative was placed.

NEW BUSINESS

a) Schedule Future Work Parties

Chair Robertson stated that he is setting up some time with the Rotary Club but that he has not set dates yet.

Mr. Gibson stated that he could not commit to work parties in the month of June because he has an extremely busy summer schedule.

Ms. Kilbourn stated that she would be out of town and not available from June 9 to June 14.

b) Status of the Cemetery Maintenance Person

Chief of Staff Jeff Jacobson stated that there are major maintenance issues at the cemetery that Public Works will be taking care of. He stated that there is a tree growing into the fence on Sixth Avenue. He offered to have Public Works dig the holes and place marker bases so the Commission could come in and rapidly place the grave markers on the bases. Mr. Jacobson stated that Public Works would fill all sink holes at the cemetery over the 2016 summer.

Chair Robertson stated that the bases need to be placed by Commission members because it is of critical importance that the bases be placed correctly.

Mr. Jacobson stated that Public Works would come out with GPS units and laser levels and very carefully place the bases in straight, accurate lines on a mass scale.

Mr. Turney stated that Public Works has better things to do than work at the cemetery.

Mr. Jacobson stated that he is offering the help of the Public Works department but that he will not force their help on the Commission.

Chair Robertson stated that he went to the cemetery and changed around some of the flags on graves to reflect accuracy of location and that only the Commission could accurately place the markers at the cemetery.

c) Planned Tour Groups

Chair Robertson stated he does not have any scheduled tours. **Mr. Turney** stated he gives tours to people when they show up but that he does not have any scheduled tours.

d) Future Meetings

Chair Robertson suggested the Commission cancel all summer meetings for the Clay Street Cemetery Commission.

Mr. Turney stated that Commission meetings should continue because they are very important.

Mr. Turney, seconded by **Mr. Gibson**, motioned to continue to hold monthly meetings through the summer.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO CONTINUE TO HAVE MEETINGS THROUGH THE SUMMER AS FOLLOWS:

YEAS: Kilbourn, Gibson, Turney

NAYS: Robertson

Chair Robertson declared the MOTION CARRIED.

e) Review Fairbanks General Code – Clay Street Cemetery

Mr. Turney thanked the Rotary Club for all the work that they have done at the cemetery but indicated that he does not want them to take over the Clay Street Cemetery Commission.

Chair Robertson stated he would like every member of the Commission to have position descriptions.

Ms. Kilbourn requested that the issue of position descriptions be discussed at a later time because there have been too many arguments about it in the past.

NEXT MEETING DATE

The next Regular Meeting of the Clay Street Cemetery Commission is scheduled for Wednesday, July 6, 2016.

ADJOURNMENT

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

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

Chair Robertson declared the meeting adjourned at 6:05 p.m.



Bill Robertson, Chair

Emily Braniff, Deputy City Clerk

Transcribed by: DS