



FAIRBANKS CITY COUNCIL
AGENDA NO. 2015-16
REGULAR MEETING AUGUST 24, 2015
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

PRELIMINARY MEETING

6:00 p.m. Work Session – FNSB Joint Land Use Survey, Advisory Noise Overlay

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 May 18, 2015
- *b) Regular Meeting Minutes of June 8, 2015
- *c) Regular Meeting Minutes of June 22, 2015

7. SPECIAL ORDERS

- a) Vacation of Public Easement (RP042-15/VA03-15) – Request by Rebecca and Mathew Franczyk to Vacate a Public Utility Easement, a Drainage Swale Easement, and the Lot Line between Lot 6 and Lot 7 Block 1 Taku Subdivision, Creating a 19,000 Square Foot Lot within Section 8 T1S R1W F.M. (located on Riverview Drive).
- b) Memo Regarding Sale of City Real Property (TL-2134, 2367 30th Avenue)

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Ordinance No. 5987 – An Ordinance Amending Fairbanks General Code Sections 2-260 and 2-261 Regarding the Authorized Investment Selections of the City Permanent Fund Investment Policy. Introduced by Council Member Gatewood. SECOND READING AND PUBLIC HEARING.
- b) Ordinance No. 5988 – An Ordinance to Amend Ordinance No. 5986, as Amended, an Ordinance Enacting a Retail Sales Tax on Marijuana and Referring the Ordinance for Ratification at the Next General Election. Introduced by Council Member Pruhs. SECOND READING AND PUBLIC HEARING.
- c) Ordinance No. 5989, as Amended – An Ordinance Amending the 2015 Operating and Capital Budgets for the Sixth Time. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

10. NEW BUSINESS

- *a) Resolution No. 4686 – A Resolution Expressing the City of Fairbanks' Concern about Additional State of Alaska Programs Affecting Funding of Existing Programs. Introduced by Council Member Cleworth.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

- a) Committee Reports

12. COMMUNICATIONS TO COUNCIL

- *a) Fairbanks Diversity Council Meeting Minutes of June 9, 2015
- *b) Fairbanks Diversity Council Meeting Minutes of July 14, 2015

13. COUNCIL MEMBERS' COMMENTS

14. CITY CLERK'S REPORT

15. CITY ATTORNEY'S REPORT

16. EXECUTIVE SESSION – Fairbanks Firefighters Union (FFU) Labor Negotiations

17. ADJOURNMENT



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, MAY 18, 2015
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: Renee Staley, Seat A (telephonic)
 Perry Walley, Seat B
 Jim Matherly, Seat D
 Jerry Cleworth, Seat E
 David Pruhs, Seat F

Absent: Bernard Gatewood, Seat C (excused)

Also Present: Ernie Misewicz, Assistant Fire Chief
 Margarita Bell, Grants Administrator
 Paul Ewers, City Attorney
 D. Danyielle Snider, City Clerk (arrived at 8pm)
 Carmen Randle, Controller
 Ben Barrio, IT Director
 Angela Foster-Snow, HR Director
 Pat Smith, Development Manager
 Randall Aragon, Police Chief
 Verg Scott, General Foreman
 Bob Pristash, Engineer IV

INVOCATION

City Attorney Paul Ewers performed the duties of the City Clerk until she arrived later in the meeting. The Invocation was given by Mr. Ewers.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

CITIZEN'S COMMENTS

Ryan Ackles, 433 Cindy Drive, Fairbanks – Mr. Ackles stated he has an issue with beekeeping within City Limits; he stated both himself and his neighbor's son are allergic to bee stings. Mr. Ackles stated that people that live inside of the City limits have small parcels of land and if a neighbor has a bee hive the bees fly across property lines. Mr. Ackles stated this issue is very important to him, and he would like the Council to do something about it.

Mr. Matherly asked Mr. Ackles if he had been stung by the neighbor's bees. Mr. Ackles answered he could not be positive that the bee that stung him was from that hive but that he would have to spend 20 minutes picking bees out of his kiddie pool before he could let the kids play in it.

Mr. Pruhs referred Mr. Ackles to the borough to check if his neighbor was violating some zoning issue. Mr. Ackles stated that the zoning in Shannon Park is G1 (general use) and that his neighbor was not violating any zoning issues.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated he attended the Memorial Service for fallen officers and that he was treated as if he were not welcomed. He stated just because he is an active police critic does not mean he does not feel remorse for those who have died in the line of duty. Mr. Turney stated it was advertised as a public meeting and if it was supposed to be for family only that it should have been advertised that way. Mr. Turney thanked Mr. Cleworth for bringing the Fact Finding Committee back on the radar, and he asked the Mayor and Council to use the committee to listen to citizens' complaints.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated it is beautiful pothole-repairing weather and that he was hoping the big pothole on Lathrop had been fixed. Mr. Buberger stated he would like to know who is in charge of street repairs now that Mike Schmetzer is gone. Mr. Buberger stated his son has bad bee allergies and that he agrees bee hives in City limits is a hazard.

Lee Despain, 352 Driveway Street, Fairbanks – Mr. Despain stated he had not come to the meeting to talk but after hearing Mr. Turney's statements about not being treated well at the Fallen Officer Memorial he felt the need to speak. Mr. Despain stated being critical does not make Mr. Turney a bad person and that it was wrong for the officers to harbor ill will toward Mr. Turney.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Cleworth pulled Resolution No. 4673 from the Consent Agenda.

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

City Attorney Ewers read the Consent Agenda, as Amended, into the record.

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	Premise Location	Owner Name
5051	Asiana Restaurant	Restaurant/Eating Place	2001 Airport Way	Young Mi Jin

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

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

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

YEAS: Matherly, Cleworth, Walley, Staley, Pruhs

NAYS: None

ABSENT: Gatewood

Mayor Eberhart declared MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

a) Employee Quarterly Awards Presentation

Mayor Eberhart presented Employee Quarterly Awards as follows: Corey Bolduc for Professional Achievement, Mike Mathers for Safety, and Linda Dewey for Customer Service.

Mayor Eberhart personally apologized for the behavior of any officer that was offensive toward Mr. Buberger and Mr. Turney. **Mayor Eberhart** stated the Acting Public Works Director is Verg Scott. **Mayor Eberhart** stated that the Borough Assembly was able to fund the Fairbanks North Star Borough (FNSB) School District's budget shortfall; he stated that he hoped the Assembly would find the money to fund the school resource officers. **Mayor Eberhart** stated that an ounce of prevention can be worth a pound of cure and reiterated the importance of on-site officers. **Mayor Eberhart** stated the Assembly budget also funded \$25,000.00 for the Community Service Patrol (CSP), and thanked the Assembly for their contribution. **Mayor Eberhart** listed the numerous events, meetings, and activities of the Mayor's Office since the last Regular City Council Meeting.

UNFINISHED BUSINESS

a) Ordinance No. 5978 – An Ordinance Amending the 2015 Operating and Capital Budgets for the Third Time. Introduced by Council Member Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Walley, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5978.

Mr. Cleworth, seconded by **Mr. Matherly**, moved to SUBSTITUTE Ordinance No. 5978, as Amended, for Ordinance No. 5978.

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

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

Mr. Cleworth stated the Budget Amendment allocated funds for the tank farm; he emphasized the importance of keeping it certified with the State of Alaska. **Mr. Cleworth** stated the City administration should meet to discuss how much fuel needs to be stored in case of a large scale emergency.

Mayor Eberhart, seconded by **Mr. Pruhs**, moved to AMEND Ordinance No. 5978, as Amended, to fund the Fire Fighters Healthcare Arbitration.

Mayor Eberhart stated that the City has been unable to reach an agreement on Fire Fighter Healthcare through arbitration. **Mayor Eberhart** stated it is difficult to negotiate a new collective bargaining agreement with the issue of healthcare not being resolved. **Mayor Eberhart** stated the fire fighters are Class One Employees under State Law; he stated the fire fighters gave up their right to strike in return for binding arbitration. **Mayor Eberhart** suggested that before painting the fire station that the City take care of the employees; he stated they should be recognized, valued and rewarded appropriately. **Mayor Eberhart** stated the importance of settling on the issue of healthcare in order to move forward in the future.

Mr. Cleworth asked what the cost of the proposed budget amendment would be. **Mayor Eberhart** stated it would cost \$147,870.00 to fund through May 31, 2015. **Mr. Cleworth** asked what the source of funding was intended to be. **Mayor Eberhart** stated the funds would come from what was set aside for the PSEA rejected healthcare proposal. **Mr. Cleworth** asked Mr. Ewers if the Mayor could make a motion from the floor because he has never seen it done before. Mr. Ewers stated the Mayor could make a motion from the floor. **Mr. Cleworth** stated he would speak against the Mayor's motion and spoke of the history of the FFU negotiations. **Mr. Cleworth** stated funding the FFU healthcare was too costly and that he thought the proposed amendment would put the City in a bad place. **Mr. Cleworth** stated the funds that were set aside for the PSEA should not be touched because the offer is still on the table. **Mayor Eberhart** stated the offer has been rejected and so the money is no longer on the table and that the fire fighters should be offered those funds.

Mr. Walley stated he was in opposition of Mayor Eberhart's motion to fund the FFU healthcare. **Mr. Walley** stated that running a business calls for running on projections and operating on the proposed budget would mean a \$53,000.00 shortfall for the City.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5978, AS AMENDED, AS FOLLOWS:

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5978, AS AMENDED, AS FOLLOWS:

YEAS: Walley, Matherly, Pruhs, Cleworth, Staley

NAYS: None

ABSENT: Gatewood

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 5978, as Amended, ADOPTED.

- b) Ordinance No. 5979 – An Ordinance Authorizing Lease of Space in City Hall to the Boys & Girls Club of Alaska, Inc. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Mr. Walley**, moved to ADOPT Ordinance No. 5979.

Mayor Eberhart called for Public Testimony.

John Brown, 814 Austin Street, Fairbanks – Mr. Brown stated he was speaking on behalf of the Boys & Girls Club; he stated he has been the Chair of the Advisory Board for 13 years. Mr. Brown shared the positive impacts the club has on the children of the community. Mr. Brown stated the facility is a blessing, and he hopes the Council renews the contract to keep the club open. Mr. Brown asked if it was possible to defer the increase of the space rent because they have lost so much Federal funding over the past several years.

Mr. Pruhs asked Mr. Brown what the current rent for the space is. Mr. Brown replied \$1350.00 per month. **Mr. Pruhs** stated that equates to a potential 45% increase in his rent and asked if the adoption of the ordinance would be a death sentence for the club. Mr. Brown stated he was reluctant to say it was a death sentence but that some relief would be helpful. Mr. Brown stated the club lost a \$50,000.00 grant from the Borough and that they are actively working toward making the club more energy efficient. **Mr. Pruhs** asked if a step rate increase would be affordable. Mr. Brown responded he did not believe there would be a time that the club could afford the proposed \$2,152.00 rent the City was requesting.

Mr. Matherly asked Mr. Brown the amount of the annual operating budget to run the facility. Mr. Brown stated it is \$260,000.00. **Mr. Matherly** asked for a breakdown of the funding. Mr. Brown stated the Have a Heart Auction typically raises \$60,000.00, the golf tournament typically raises \$7,000.00, the Marion Weeks Foundation donates \$3,500.00 and the Stroeker Foundation donated \$13,000.00 last year. **Mr. Matherly** asked if he has seen a decline in revenue generated from fund raisers. Mr. Brown stated there is decline but that the increase in additional cost with no increase in fund raising is making it very hard to continue operating.

Nicole Cundiff, 1383 Dupont Lane, Fairbanks – Ms. Cundiff stated the Boys & Girls Club helped her get through school as a single mother; she stated she was able to rely on the club to watch her children while she attended night classes. Ms. Cundiff expressed the importance of the club in helping parents get through school, and it gives the kids a safe place to go. Ms. Cundiff stated the club works hard to raise money but that Anchorage does not want to fund

Fairbanks at the rate that is being requested. Ms. Cundiff stated the decision could result in the Fairbanks Club being closed down.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated he hopes the Council will authorize the program. He stated that the program would help the children of the community. Mr. Buberger stated the Council should consider offering a discount because of the service the club is offering to the community.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney applauded Mr. Brown for his efforts in making the youth facility a success. Mr. Turney stated he hoped the Council will authorize the lease for the Boys & Girls Club.

Mr. Matherly thanked everyone who came to testify on Ordinance No. 5979. **Mr. Matherly** stated he has been involved with the Boys & Girls Club over the years and that the service that they provide to the City is immeasurable. **Mr. Matherly** stated that the Council should let the Boys & Girls Club use the facility for as long as they can and that the rent should not be raised.

Mayor Eberhart asked Development Manager Pat Smith for a staff report before more Council Members continued with questions. Mr. Smith stated he has managed the lease since the day they moved into the space. Mr. Smith stated that when they moved into the space the place was a mess but that Randy Smith had a vision and did a great job cleaning the space up. **Mr. Walley** asked if LED lights had been installed throughout the City. Mr. Smith responded LED lights have been installed and that the savings are dramatic. **Mr. Walley** wondered whether the space would be in demand if the Boys & Girls Club were not leasing it. Mr. Smith stated that he did not believe there would be a line out the door trying to rent the space because it is a historical site and it cannot be converted to office space. **Mayor Eberhart** asked how many children the club serves. Mr. Smith stated he did not know the exact number but that it is impressive how many children they serve.

Sylvia Hutchinson, 1003 22nd Avenue, Fairbanks – Ms. Hutchinson stated she is the new Executive Director of the Boys & Girls Club and that the club currently serves 218 children; she stated she expects that number to spike to 275 by the end of summer. Ms. Hutchinson stated the club has always had a healthy relationship with the City and that she is here to help if the Council needs anything.

Jonathan Dunham, 3030 Peger Road, Fairbanks – Mr. Dunham stated that the Boys & Girls Club got him off of the street and gave him the opportunity that he has now. Mr. Dunham stated the club helps the community immensely and that he hopes the Council will give them a break on the rent because of the valuable service they provide to the children of the community.

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

Mr. Pruhs, seconded by **Mr. Cleworth**, moved to AMEND Ordinance No. 5979 by changing the term of the lease from five years to three years and by replacing the language in paragraph five of the lease agreement with, “As compensation for use of the premises during the life of the lease and any extension thereof, Lessee shall pay monthly rent of \$1355.00.”

Mr. Pruhs stated that losing the Boys & Girls Club would not benefit the City in any way. **Mr. Pruhs** stated the term should be three years and then both the City and the Boys & Girls Club can revisit the issue of raising the rent. **Mr. Pruhs** stated that the Boys & Girls Club is a good investment in the community. **Mr. Pruhs** stated rent for the facility should not go up because the organization is a valuable asset to the families and children of the community.

Mr. Matherly stated the term should not be limited to three years, and he believed it should stay at five years. **Mr. Pruhs** stated he would agree to strike the three year term and that five years was acceptable to him. **Mr. Matherly** stated that the City and the community cannot afford to lose the Boys & Girls Club as a tenant. **Mr. Matherly** stated that rather than raise their rent the City should discount it.

Mr. Pruhs, with the concurrence of the Second, moved to WITHDRAW the first part of his Motion to Amend Ordinance No. 5979 by leaving the lease term at five years.

Mr. Walley stated that the steam heat is very expensive and that the City has to pay for it whether the Boys & Girls Club is occupying the space or not. **Mr. Walley** stated the Boys & Girls Club serves a good cause and that he is in agreement with Mr. Matherly that their rent should possibly be discounted.

Mr. Cleworth stated hearing the children's voices in the gym for the three years he was Mayor was a joy. **Mr. Cleworth** stated that the problem with the contract that is written is that it falls in the middle of the fiscal year for the Boys & Girls Club. **Mr. Cleworth** stated that at the very least the raised rent should wait until January 1 so they do not blow this year's budget. **Mr. Cleworth** stated he could see the justification for the lower rent but that he worries that it creates a double standard for other tenants that rent space in City Hall. **Mr. Cleworth** stated the Council should be concerned with utility costs and cost increases; he stated he wants them to stay but worries about the impact of the Boys & Girls Club not sharing in the cost of utilities. **Mr. Cleworth** stated rent should be mutually looked at each year, and if utilities stay the same, there should be no increase to their rent. He stated if utilities exponentially increase the Boys & Girls Club should share the cost of the increase with the City.

Mr. Matherly stated he agrees with everyone's points of view but that Mr. Cleworth makes a good point about reviewing the utility costs each year, and if there is a big increase, the Boys & Girls Club should have to share the expense.

Mr. Matherly, seconded by **Mr. Cleworth**, moved to AMEND the motion on the floor by adding the language, "Rent is subject to increase or decrease upon annual review of actual utility expenses" to paragraph five of the Lease Agreement.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE MOTION ON THE FLOOR BY ADDING THE LANGUAGE, "RENT IS SUBJECT TO INCREASE OR DECREASE UPON ANNUAL REVIEW OF ACTUAL UTILITY EXPENSES" TO PARAGRAPH FIVE OF THE LEASE AGREEMENT AS FOLLOWS:

YEAS: Matherly, Cleworth, Walley, Staley, Pruhs

NAYS: None
ABSENT: Gatewood
Mayor Eberhart declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5979 BY REPLACING THE LANGUAGE IN PARAGRAPH FIVE OF THE LEASE AGREEMENT WITH "AS COMPNSATION FOR USE OF THE PREMISES DURING THE LIFE OF THIS LEASE AND ANY EXTENSIONS THEREOF, LESSEE SHALL PAY MONTHLY RENT OF \$1355.00. RENT IS SUBJECT TO INCREASE OR DECREASE UPON ANNUAL REVIEW OF ACTUAL UTILITY EXPENSES" AS FOLLOWS:

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5979, AS AMENDED, AS FOLLOWS:

YEAS: Staley, Matherly, Pruhs, Cleworth, Walley
NAYS: None
ABSENT: Gatewood
Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 5979, as Amended, ADOPTED.

NEW BUSINESS

- a) Resolution No. 4673 – A Resolution Awarding a Contract to [Contractor] for the Cushman Complete Street Project FB-15-07 in the Amount of \$X,XXX,XXX.XX. Introduced by Mayor Eberhart.

Mr. Matherly, seconded by **Mr. Walley**, moved to APPROVE Resolution No. 4673.

Mr. Matherly, seconded by **Mr. Walley**, moved to SUBSTITUTE Resolution No. 4673, as Amended, for Resolution No. 4673.

There was no objection to the SUBSTITUTION of Resolution No. 4673, as Amended, for Resolution No. 4673.

Mayor Eberhart asked if a staff report should be given. **Mr. Cleworth** stated if Exclusive is the lowest responsive bidder then a staff report was not necessary but that if they were not the lowest bidder and are being selected a staff report would be required. **Mayor Eberhart** stated Finance and City Engineer Robert Pristash want to make the approval of this contract contingent on the funds being approved out of FMATS at the future Policy Committee meeting. **Mayor Eberhart** stated hearing something from Mr. Pristash or Grants Administrator Margarita Bell would be helpful in determining if an amendment to the resolution would be necessary.

Mr. Pristash stated bids were open the previous Friday, and Exclusive came in at \$9.55 million and that they were the low bidder. Mr. Pristash referenced the \$800,000.00 shortfall in the fiscal note. He stated that the FMATS Policy Committee will consider making up the shortfall. Mr. Pristash stated if the resolution is approved, it does not execute the contract; it will just give the Mayor the authority to execute it.

Mr. Pruhs asked about the original estimate on the Cushman Complete Street project. Mr. Pristash replied \$8.7 million and the lowest bidder came in at \$9.55 million. **Mr. Pruhs** asked if FMATS was anticipating the shortfall. Mr. Pristash stated it is on the agenda for the next FMATS Policy Committee Meeting.

Mr. Cleworth asked Mr. Walley if he had been briefed on the FMATS shortfall. **Mr. Walley** stated he had a meeting the following day and that was the topic of the meeting. **Mr. Cleworth** asked Mr. Walley if he knew what pot of money FMATS intended to use for funding the project. **Mr. Walley** stated he was not aware of where the funds were coming from but that he is concerned about the need for the \$800,000.00. **Mr. Cleworth** asked Mr. Pristash if he had spoken to MPO Coordinator Donna Gardino about the need for funding. Mr. Pristash stated Ms. Gardino said the funds are available, but it will come down to the vote at the upcoming Policy Committee meeting. **Mr. Cleworth** stated if the funds are not approved the project will be cut back. Mr. Pristash stated features can be taken out if the funds are not approved. Ms. Bell stated there are designated legislative grant funds that could be used. **Mr. Cleworth** asked Mr. Pristash the cost impact of keeping one lane of traffic open; Mr. Pristash replied that it would increase the project cost by 30%.

Mr. Pruhs asked Mr. Pristash if features will have to be taken out of the plans should the project go out for rebid. Mr. Pristash stated he would not recommend a rebid.

Mayor Eberhart stated that if Resolution No. 4673 is approved that Section 1 declares the contract to be executed. **Mayor Eberhart** stated there needs to be conditional language in the resolution that says the award of the contract is contingent on the FMATS funds being approved. Mr. Pristash stated he believed the resolution was the first step to finalizing the contract. Mr. Ewers stated that language needs to be incorporated to indicate the 9.95 million dollar award is contingent upon the FMATS funding. Mr. Ewers stated if the language is not included, the Mayor would have to negotiate the contract for a lesser amount.

Mr. Pruhs, seconded by **Mr. Cleworth**, moved to AMEND Resolution No. 4673, as Amended, by adding a new Section 3 stating, "This award is contingent upon FMATS approving \$799,260.00 in funding for the project."

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESOLUTION NO. 4673, AS AMENDED, BY ADDING A NEW SECTION 3 STATING, "THIS AWARD IS CONTINGENT UPON FMATS APPROVING \$799,260.00 IN FUNDING FOR THE PROJECT" AS FOLLOWS:

YEAS:	Walley, Pruhs, Matherly, Staley, Cleworth
NAYS:	None
ABSENT:	Gatewood

Mayor Eberhart declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4673, AS AMENDED, AS FOLLOWS:

YEAS: Walley, Matherly, Pruhs, Cleworth, Staley

NAYS: None

ABSENT: Gatewood

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4673, as Amended, APPROVED.

- b) Resolution No. 4674 – A Resolution Supporting the Advancement of the Interior Energy Project. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Ordinance No. 5980 – An Ordinance Ratifying a Collective Bargaining Agreement Between the City of Fairbanks and the International Brotherhood of Electrical Workers Local 1547. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- d) Ordinance No. 5981 – An Ordinance Authorizing Lease of Space in City Hall to Jonathan Dunham, d/b/a Noel Boxing & Fitness Gym. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

Golden Heart Parking Services (GHPS) – **Mr. Cleworth** stated that GHPS had not met but that the Code requires there be a City Employee serving on the Parking Board. **Mr. Cleworth** stated with Mr. Schmetzer's absence there is now a vacancy on the Board that must be filled. He requested that a nomination be made to fill the vacancy.

COUNCIL MEMBERS' COMMENTS

Ms. Staley shared her excitement to come back home from the east coast. She apologized for being out of town for so long. **Ms. Staley** thanked the Council for the good meeting and the good decision that was made regarding the Boys & Girls Club.

Mr. Walley echoed Ms. Staley's sentiment about the Council's decision to extend the lease for the Boys & Girls Club. **Mr. Walley** stated he was concerned about the FMATS funding and that he would get up to date on the funding and have a report for the Council at the next Regular Council Meeting. **Mr. Walley** cautioned everyone to be careful starting fires over Memorial Day weekend; he stated he is hopeful no forest fires are started.

Mr. Matherly apologized to Mr. Dunham for misinforming him that the Council was going to discuss his lease. **Mr. Matherly** echoed Mr. Walley's warnings about fire danger and the hot weather. **Mr. Matherly** thanked everyone for speaking about the importance of the Boys & Girls Club. **Mr. Matherly** wished Mr. Walley's wife a happy birthday and wished everyone a wonderful Memorial Day weekend.

Mr. Cleworth thanked Chief of Staff Jim Williams for the side-by-side changes to the IBEW contract; he stated it made comparing the differences in the contracts easy to follow. **Mr. Cleworth** thanked the Council for the budget amendment that adds funds to Capital for street projects; he stated the importance of being fiscally prudent going into the future because revenue sharing is going to be a thing of the past. **Mr. Cleworth** stated in the past funds were not put into the Capital budget but that tonight was a good step towards funding the City's future street projects.

Mr. Pruhs thanked the Mayor, Mr. Williams, Communications Director Amber Courtney and Mr. Matherly for attending the Alaska Industrial Development and Export Authority (AIDEA) meeting. **Mr. Pruhs** stated that Fairbanks may have a unique opportunity; he stated four new ideas on energy came out in the meeting. **Mr. Pruhs** thanked the Mayor for his support on Resolution No. 4674. **Mr. Pruhs** stated he attended the North West Cannabis Symposium and that he walked through the event with the Anchorage Chief of Police Mark Mew. **Mr. Pruhs** stated the cannabis industry is a unique scientific agricultural industry, and he was surprised and impressed by the information that was presented at the event. **Mr. Pruhs** stated he called Mr. Walley's wife to wish her a happy birthday earlier in the day.

Mr. Cleworth asked Mayor Eberhart if he had met with Mr. Ackles, the gentleman with the bee issue. **Mayor Eberhart** stated he had not spoken to him but that the gentleman had called the office and dealt with Ms. Courtney and Mr. Ewers. **Mr. Cleworth** recommended some kind of follow-up from the Mayor's Office since the citizen took time to come to the Chambers and testify.

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

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

Mayor Eberhart called for a five minute recess.

EXECUTIVE SESSION

a) Labor Contract Negotiations – Fire Fighters 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 **Mr. Pruhs**, moved to ADJOURN the meeting.

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

Mayor Eberhart declared the Meeting adjourned at 9:55 P.M.

JOHN EBERHART, MAYOR

ATTEST:

D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JUNE 8, 2015
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, following a 5:00 p.m. Work Session for a Post-legislative Update from City Lobbyists and a 5:30 p.m. Work Session to discuss City/FNSB Marijuana Zoning Issues, 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: Renee Staley, Seat A
 Perry Walley, Seat B
 Bernard Gatewood, Seat C
 Jim Matherly, Seat D
 Jerry Cleworth, Seat E

Absent: David Pruhs, Seat F

Also Present: Warren Cummings, Fire Chief
 Paul Ewers, City Attorney
 D. Danyielle Snider, City Clerk
 Jim Williams, Chief of Staff
 Shannon Kumpula, Purchasing/Risk Manager
 Randall Aragon, Police Chief
 Verg Scott, Interim Public Works Director
 Carmen Randle, Controller

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

CITIZEN'S COMMENTS

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that he has asked many times over the years the name of the officer that administers the polygraph tests for officers who are in the hiring process. Mr. Turney stated it should not be a staff member giving the test, but that an independent company should administer the polygraph test. Mr. Turney stated one Mayor said they hired an officer because it was cost effective; he stated the City should be more concerned with the best and the brightest when it comes to the background checking of a new officer. Mr. Turney spoke to the oil companies not donating the standard \$20,000.00 a year to the Downtown Association this year, and he stated that the letter David Van den Berg wrote and had published in the Washington Post may have been the reason. Mr. Turney stated the Board that represents

the Downtown Association should reprimand him for his actions. Mr. Turney stated Mayor Eberhart introduced him to Donald Charlie who was looking for the headstone of a family member at the Clay Street Cemetery; he thanked Ms. Snider for helping him with the search. Mr. Turney thanked Mayor Eberhart for coming by the cemetery and speaking of the fallen soldiers.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger thanked the Council for fixing the pothole on Cowles and Lathrop. Mr. Buberger stated there are so many potholes in the City that the City should hire a battalion of workers to get them filled. Mr. Buberger stated he did not believe people should be fired for recreational drug use unless they are under the influence on the job. Mr. Buberger stated no City employee should be drug tested if the police officers are not tested. He stated if you test one you should test them all. Mr. Buberger stated that the Police Department has had drug users, common thieves and drug sellers; he stated the thieves were made known by the shake-up of the evidence locker in the years past. Mr. Buberger stated that drugs, money and guns ended up missing from the evidence locker. Mr. Buberger stated all police officers were exonerated of the crime; he stated the new Police Chief Randall Aragon has shown concern for the community, and he hopes he will be able to restore trust of the local officers. Mr. Buberger stated he wished Mr. Aragon all the best and that he hoped his fellow officers were helping him in his transition. Mr. Buberger shared his disappointment for the City employee who was fired for having marijuana in her system; he stated she should not have been fired unless she was smoking marijuana on the job. Mr. Buberger stated if the City is going to drug test anyone they should drug test everyone, especially the police.

Donna Gilbert, 2223 South Cushman, Fairbanks – Ms. Gilbert stated she has a major problem that she has tried to deal with through all of the proper channels. She stated that a few years ago Development Manager Patrick Smith came to see her and asked her if she would give an easement to the City so they could put a sewer drain from Cushman to the Steese Highway. Ms. Gilbert stated she did not want to sell the property so she had a contract made up that stated the sewer drain could go in and when the project was complete her property would be restored to the condition it was in or better. Ms. Gilbert stated it is the only piece of property on South Cushman that is taken care of; Ms. Gilbert stated she had a great lawn with beautiful bushes and flowers every summer. Ms. Gilbert stated she needs to sell her property so she can move to Florida and take care of her property down there. Ms. Gilbert stated someone from the City needs to come out and look at her property. Ms. Gilbert stated Former City Engineer Mike Schmetzer came out and looked at it, and he told her the whole job needs to be redone. Ms. Gilbert stated she has had three major floods each costing her \$10,000.00 to clean up. Ms. Gilbert stated the issue has created drainage into her basement. Ms. Gilbert stated this year she had the worst flood ever as a result of all the snow melt, and she lost three brand new queen-size mattresses and box springs and all of her paper products. Ms. Gilbert stated she had sump pumps running 24 hours a day for 5 days this spring. Ms. Gilbert stated City Engineer Robert Pristash came to her property with heavy equipment and hauled away the remainder of the snow and built a dirt trench that would divert the water from running into her storm drain. Ms. Gilbert stated her yard is a disaster and nobody is coming to fix the mess. Ms. Gilbert stated the fence is a disaster and does not go all the way to the ground.

Mayor Eberhart informed Ms. Gilbert that her time was up and asked the Council if they had any questions.

Mr. Walley asked Ms. Gilbert how long she has occupied the property. Ms. Gilbert stated since 1969. **Mr. Walley** asked when the flooding problem began to occur. Ms. Gilbert stated it just began and that this year there was a foot of standing water in her basement. Ms. Gilbert stated if she had not had two sump pumps going she does not know how deep it could have been. **Mr. Walley** asked if her storm drain was installed when the Cushman construction was going on. Ms. Gilbert replied it was installed during construction. Ms. Gilbert stated she called the City time and time again during construction telling them that the storm drain was being done wrong. **Mr. Walley** asked what Mr. Schmetzer recommended as a fix when he came out to her property. Ms. Gilbert stated she wanted the City to restore her property to the way it was or better as was notated in the contract. Ms. Gilbert explained that she needed someone to come out and look at her property. Ms. Gilbert stated she needed all the problems taken care of so she can sell the property and get out of town. Ms. Gilbert stated all of the City employees she has dealt with have been wonderful but that it is time for the City to take care of what they said they would do in the signed contract.

Mr. Cleworth asked Ms. Gilbert when the easement was put through her property. Ms. Gilbert stated it began in June because the contract was not in effect in May. Ms. Gilbert stated the wettest summer on record caused her property to be destroyed. **Mr. Cleworth** asked if Ms. Gilbert had multiple floods the past summer. Ms. Gilbert stated it flooded twice last year and once this year. **Mr. Cleworth** asked in what months the floods occurred last summer. Ms. Gilbert stated her property was lower than the neighboring property and that the flooding started after construction was complete. Ms. Gilbert continued to share her complaint and explained the importance of getting it fixed.

Lyman Ketcham, 2650 West 19th Avenue, Fairbanks – Mr. Ketcham stated native people take care of their elders when they are in need and that the City Council should find a way to take care of Ms. Gilbert's property.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Cleworth pulled Resolution No. 4679 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.

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 of Ownership & Restaurant Designation Permit.

Type: Beverage Dispensary, License #2124
To: Los Amigos / 636, LLC
636 28th Avenue (upstairs), Fairbanks
From: Los Amigos / Two Amigos, LLC
636 28th Avenue (upstairs), Fairbanks

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

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

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

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

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart stated that there were two Work Sessions before the Regular Council Meeting: one to discuss the current legislative session and the other regarding Borough zoning for marijuana. **Mayor Eberhart** spoke to Mr. Turney's concern for an independent polygraph and voice analysis firm rather than a staff member doing the testing. **Mayor Eberhart** stated he and Police Chief Aragon would take the request into consideration. **Mayor Eberhart** stated the May report on the Community Service Patrol (CSP) had arrived from the Downtown Association and it showed a record number of calls for the month; he thanked the Downtown Association for their partnership in the project. **Mayor Eberhart** shared the good news that the Gray Eagle project will be coming to Fort Wainwright which will bring 400 new people to the community. **Mayor Eberhart** stated there is a long-range discrimination radar going in at Clear which will bring many more jobs to the Interior. **Mayor Eberhart** stated the Mayor's Office had been very busy and listed many meetings and events he has attended since the last Council Meeting. **Mayor Eberhart** thanked Julie Jones with Festival Fairbanks for planting the flowers outside City Hall.

Mayor Eberhart requested he be excused from the Regular Council Meeting of June 22, 2015.

Mayor Eberhart called for objection to his request to be excused on June 22, 2015 and, hearing none, so ORDERED.

UNFINISHED BUSINESS

- a) Ordinance No. 5980 – An Ordinance Ratifying a Collective Bargaining Agreement Between the City of Fairbanks and the International Brotherhood of Electrical Workers Local 1547. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Gatewood, seconded by **Mr. Cleworth**, moved to ADOPT Ordinance No. 5980.

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

Mr. Cleworth asked Chief of Staff Jim Williams to come forward. **Mr. Cleworth** asked Mr. Williams why the language in the contract changed from a 60-day, temporary assignment to a five day, temporary assignment. **Mr. Cleworth** stated that was a financial matter and no fiscal note was attached to it. Mr. Williams stated it was not a financial component because the Mayor and the Department Heads have control over the acting temporary assignments. **Mr. Cleworth** asked how it would be handled if a Payables Clerk quit, and Mr. Williams answered that a back-up Payables Clerk is already on staff so there would be no issue. **Mr. Cleworth** asked if the change was a Union request; Mr. Williams stated he believed it was, but he would have to look at his notes. **Mr. Cleworth** stated he did not think it was a wise decision and that there should have been an Executive Session to discuss this change because he fears time will be taken up with grievances.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5980 AS FOLLOWS:

YEAS: Matherly, Cleworth, Walley, Staley, Gatewood

NAYS: None

ABSENT: Pruhs

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 5980 ADOPTED.

- b) Ordinance No. 5981 – An Ordinance Authorizing Lease of Space in City Hall to Jonathon Dunham d/b/a Noel Boxing & Fitness Gym. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Ms. Staley**, moved to ADOPT Ordinance No. 5981.

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

Jonathan Dunham, 3030 Peger Road, Fairbanks – Mr. Dunham stated if anyone had any questions he was here to answer them.

Mr. Matherly asked Mr. Dunham to elaborate on what his program has to offer. Mr. Dunham stated the gym operates as a boxing and fitness gym as well as a youth and young adult program. Mr. Dunham stated it is a community gym and so he encourages all members to get involved in the community. Mr. Dunham gave a rundown of membership prices and explained how members can get discounts on their membership. Mr. Dunham stated he is working with USA Boxing and he is trying to get Alaska affiliated with the organization in order to someday gain a spot in the championships. Mr. Dunham spoke to his training background and the different styles of martial arts he has been trained in. Mr. Dunham described his discipline policy and explained that the policy did not apply to general members but to the youth in training for a future mixed martial arts career. Mr. Dunham stated the gym is promoting a family-friendly environment and that cussing is not allowed by any age group.

Mayor Eberhart asked about the grade point average (GPA) requirement. Mr. Dunham stated any students that are in school must maintain a 3.5 GPA in order to remain a member. Mr. Dunham explained that if a student does not have the required GPA that they must bring a progress report every Thursday to prove that they are working toward bettering their grades. Mr. Dunham stated he requires good grades because he is not pushing kids to become professional boxers; he is pushing for them to be doctors, lawyers, and professional workers. Mr. Dunham shared his background and explained what brought him to open Noel Boxing Gym.

Mr. Gatewood asked what the consequences would be if a student did not maintain the required GPA. Mr. Dunham replied that the students will not be allowed to compete. **Mr. Gatewood** asked if the students would still be allowed to train. Mr. Dunham replied the student would still be allowed to train but they would have to bring in progress reports and have the required GPA prior to competing again. **Mr. Gatewood** asked the hours of operation of the gym. Mr. Dunham stated the hours of operation are from 3 p.m. to 8 p.m.

Mr. Matherly stated Mr. Dunham's gym is more than just a boxing gym that it is a character building opportunity for children in the community. **Mr. Matherly** stated he supports Ordinance No. 5981 and that the gym is a good use of the space.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5981 AS FOLLOWS:

YEAS: Walley, Matherly, Gatewood, Cleworth, Staley

NAYS: None

ABSENT: Pruhs

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 5981 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4675 – A Resolution Authorizing the Replacement of a Non-Compliant Storm Drain Line Near a Drinking Water Intake Well at the Water Treatment Plant. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4676 – A Resolution to Accept Funding from the Bureau of Justice Assistance (BJA) for the FFY2015 Edward Byrne Memorial Justice Assistance Grant (JAG). Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4677 – A Resolution to Apply for and Accept Funding from the Alaska Department of Public Safety for SFY2016 Edward Byrne Memorial Justice Assistance Grant (JAG). Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Resolution No. 4678 – A Resolution to Apply for the Funding from the Office of Community Oriented Policing Services (COPS) for the FFY2015 Community Policing Development (CPD) Program. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- e) Resolution No. 4679 – A Resolution Awarding a Contract to [Contractor] for the Hamilton Acres Road Improvements Project FB-15-08. Introduced by Mayor Eberhart.

Mr. Walley, seconded by **Ms. Staley**, moved to APPROVE Resolution No. 4679.

Mr. Walley, seconded by **Ms. Staley**, moved to SUBSTITUTE Resolution 4679, As Amended, for Resolution No. 4679.

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

Mayor Eberhart stated the Amendment is to award the contract to HC Contractors for the Hamilton Acres Road Improvements in the amount of \$636,727.00.

Mr. Matherly stated he spoke with Jim Gibertoni earlier in the day, and he has had issues in front of his home in Hamilton Acres for years. **Mr. Matherly** stated he supported the Resolution if it will benefit Hamilton Acres and will stop the flooding for the resident who has been having issues.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4679, AS AMENDED, AS FOLLOWS:

YEAS: Gatewood, Staley, Cleworth, Matherly, Walley

NAYS: None

ABSENT: Pruhs

Mayor Eberhart declared MOTION CARRIED and Resolution No. 4679, as Amended, APPROVED.

- f) Resolution No. 4680 – A Resolution Fixing the Rate of Tax Levy for Municipal Purposes for the 2015 Real Property Tax of the City of Fairbanks, Alaska. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- g) Ordinance No. 5982 – An Ordinance Amending Fairbanks General Code Chapter 86 Vehicles for Hire. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- h) Ordinance No. 5983 – An Ordinance Amending Fairbanks General Code Section 54-40 Formal Written Contracts and 54-247 Informal Purchasing to Increase the Purchasing Threshold. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

- a) Committee Reports

FMATS Policy Committee – **Mr. Walley** stated he has a stack of notes at his office that he intended to report on and that he will have a current report at the next Regular Council Meeting. **Mr. Walley** stated the next FMATS meeting would be on June 17, 2015. **Mr. Walley** reported that at the last FMATS meeting the Cushman Complete Street funding that was in question was approved for over \$750,000.00 and that the project can now move forward.

COMMUNICATIONS TO COUNCIL

- a) Appointment to the Golden Heart Parking Services Board of Directors

APPROVED on the CONSENT AGENDA.

- b) Appointment and Re-appointment to the Fairbanks Diversity Council.

APPROVED on the CONSENT AGENDA.

- c) Appointment to the Clay Street Cemetery Commission.

APPROVED on the CONSENT AGENDA.

- d) Chena Riverfront Commission Meeting Minutes of April 8, 2015.

ACCEPTED on the CONSENT AGENDA.

- e) Clay Street Cemetery Commission Meeting Minutes of May 6, 2015.

COUNCIL MEMBERS' COMMENTS

Mr. Cleworth stated the DOT is responsible for the meridian on Airport Way and that it is derelict looking; he suggested that the FMATS Policy Committee make a request for the lawn to be mowed. **Mr. Cleworth** thanked Mayor Eberhart for appointing QC/Impounds Bruce Carpenter to the Golden Heart Parking Services (GHPS) Board of Directors. **Mr. Cleworth** spoke to the importance of the City Council following up on the current abatement projects within the City. He stated the Old Dairy is complained about on a regular basis and that it should be put on the front burner. **Mr. Cleworth** stated he looked at the Code and it is his belief that it meets the criteria for abatement; he requested that City Attorney Paul Ewers look into the abatement policy and find out if it falls under the criteria for abatement. Mr. Ewers stated he would look into it with the help of the Building Official. **Mr. Cleworth** shared his concern of the Borough Election going to a by-mail ballot and asked Ms. Snider to give a report on the costs associated with the change. Ms. Snider shared information that she had received from Nancy Ashford-Bingham of the Fairbanks North Star Borough relating to the cost of by-mail elections. **Mr. Cleworth** shared his concern that the new amount does not include a return, postage-paid envelope; Ms. Snider stated that there would not be a return envelope included in the cost increase. **Mr. Cleworth** stated if the point is to get higher voter turnouts then sending out a ballot without a stamped return envelope negates the point. **Mr. Cleworth** stated that if the Borough decides to go to by-mail elections that the City will need to explore other options because it is just not feasible. **Mr. Cleworth** stated Ms. Gilbert's property sounds like a mess and asked Mr. Pristash to come forward. **Mr. Cleworth** asked Mr. Pristash what his thoughts were on Ms. Gilbert's property. Mr. Pristash stated he was not aware that she had flooded twice before but that he was aware of the flooding this spring. Mr. Pristash stated the work done at Ms. Gilbert's property was a DOT project done with a City design. Mr. Pristash stated he believed that the plans were changed in the field and that he has contacted the DOT and asked them to address the issue. Mr. Pristash stated the City should fix Ms. Gilbert's fence and lawn back to the original condition; he stated her storm drain has been fixed.

Mr. Matherly stated he was happy to see Ms. Staley at the Council meeting. **Mr. Matherly** stated that he spoke with Dan Schacher with the DOT; he asked him about the grass in the center of Airport Way. **Mr. Matherly** stated Mr. Schacher would hire someone to mow but that he does not have the funding to do so. **Mr. Matherly** stated Mr. Schacher will put a crew on the median four times during the summer. **Mr. Matherly** stated he pictures Airport Way as the main drag into the City and that he does not believe four lawn care sessions would be enough. **Mr. Matherly** stated he spoke with Marc Marlow earlier in the day and he shared the email correspondence. **Mr. Matherly** stated that at this time the Polaris Building will remain empty. **Mr. Matherly** spoke to Ms. Gilbert's testimony and stated he would drive over to her property to take a look at her issues. **Mr. Matherly** stated that she has a contract and that the City should do right by what was said would be done. **Mr. Matherly** shared his concern for the roll-out of cannabis but stated that he respects the voters' wishes. **Mr. Matherly** stated it is an honor to serve with the Council and the community.

Ms. Staley stated she is happy to be back in person at the meetings and asked why the Polaris Building was not on the abatement list. **Ms. Staley** stated she would attend the GHPS meeting

and she welcomed Mr. Carpenter to the board. **Ms. Staley** stated there is another opening for a community member on the board and that the position will need to be filled. **Ms. Staley** stated the next GHPS meeting would be Wednesday, June 8, 2015 in the Council Chambers.

Mr. Walley echoed Mr. Cleworth concerns about the additional cost of the by-mail elections. **Mr. Walley** stated the additional cost without the return mail stamp would not be something he would be interested in approving. **Mr. Walley** stated that if the Borough approves by-mail elections that the City would need to find another route to increase voter turnout. **Mr. Walley** state that in the next FMATS meeting he will bring up the Airport Way meridian issue. **Mr. Walley** shared his concern for the state budget crisis and stated that the proposed sales tax would be detrimental to residents of the Interior. **Mr. Walley** stated he loves Fairbanks but if energy costs do not come down that people will be forced to leave. **Mr. Walley** stated the importance of a large-diameter gas pipeline to the Interior in order to help drive down the cost of living in Fairbanks.

Mr. Gatewood stated that there is a Fairbanks Diversity Council (FDC) meeting the following evening at 5:30 in the Council Chambers and that he will be late due to his sons 18th birthday. **Mr. Gatewood** stated he enjoyed all the information that came out in the Work Sessions before the Regular Council Meeting. **Mr. Gatewood** stated that the information was grim and that the City needs to prepare for less funding from the State. **Mr. Gatewood** stated he shared Mr. Matherly's concern about the marijuana law passing and that the Council needs to make sure that the citizens are safe. **Mr. Gatewood** stated the City needs to follow-up with Ms. Gilbert and fix the issues that were agreed to under contract. **Mr. Gatewood** stated Mr. Dunham's boxing gym is good for the community and that it is good to see a young man trying to provide a positive outlet for the youth in the community. **Mr. Gatewood** stated he hopes Mr. Dunham succeeds in his venture and applauded him for the positive impact he is trying to make in the community.

CITY ATTORNEY'S REPORT

City Attorney Ewers spoke to the marijuana Work Session earlier in the evening. Mr. Ewers stated the Borough and City need to come up with the wording for the October ballot in early August. Mr. Ewers stated he was bringing it to everyone's attention because it is a fast approaching deadline. **Mr. Cleworth** stated the issue should be scheduled as a Finance Committee agenda item to be discussed as soon as possible. Mr. Ewers stated he would work with the Mayor and Mr. Williams to put together a report for the meeting.

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

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

Mayor Eberhart called for a ten 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. Walley, moved to ADJOURN the meeting.

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

Mayor Eberhart declared the Meeting adjourned at 9:22 P.M.

JOHN EBERHART, MAYOR

ATTEST:

D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JUNE 22, 2015
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, following a 6:00 p.m. Work Session on the Affordable Care Act, at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor pro tem Jerry Cleworth presiding and with the following Council Members in attendance:

Council Members Present: Renee Staley, Seat A (telephonic)
Perry Walley, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Jerry Cleworth, Seat E
David Pruhs, Seat F

Absent: Mayor John Eberhart (excused)

Also Present: Warren Cummings, Fire Chief
Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Jim Williams, Chief of Staff
Angela Foster-Snow, HR Director
Shannon Kumpula, Purchasing/Risk Manager
JB Brainerd, Deputy City Attorney
Verg Scott, Interim Director of Public Works

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor pro tem Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

Mayor pro tem Cleworth called for Public Testimony.

Donna Gilbert, 2223 South Cushman, Fairbanks – Ms. Gilbert stated her dissatisfaction that Mayor Eberhart was not in attendance for the Regular Council Meeting. Ms. Gilbert expressed her disappointment that she had not been contacted by a City employee after testifying at the last City Council meeting regarding her property issue. Ms. Gilbert stated that if she needed to go and get an attorney in order to have her property restored to its original condition, per the signed contract, that she would do so. Ms. Gilbert stated she would bill the City for any attorney fees incurred. Ms. Gilbert stated the Mayor and the Council are supposed to take care of the City and

its community and that it is no longer happening. Ms. Gilbert stated that Development Manager Patrick Smith has been wonderful to work with but that her property issues are not his problem; she stated she should have been contacted by Mayor Eberhart. Ms. Gilbert stated her disappointment in the direction the City is moving; she stated she wants the City to fix what was promised to her in the contract that was signed.

Mr. Pruhs asked Ms. Gilbert if he could make an appointment with her to come and look at her property. **Mr. Pruhs** stated he would do everything he could to help solve her property issue. Ms. Gilbert stated she has an open schedule and that her phone number is 456-8031. **Mr. Pruhs** stated he would be at her residence at 10:00 a.m. Wednesday, June 24, 2015, and Ms. Gilbert stated she would be available for his appointment.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated Mayor pro tem Cleworth should have ran for Mayor in the last election. Mr. Turney spoke to the unsolved murder of Durga Owens in Chatanika in July of 1999 and expressed his sadness that such a vicious murder was still unsolved. Mr. Turney voiced his appreciation for Chief of Police Randall Aragon’s public accessibility and transparency. Mr. Turney stated he admired Chief Aragon and stated his dissatisfaction that KFAR took him off the air. Mr. Turney stated he is the caretaker of the Clay Street Cemetery and that the wrong gravesite was exhumed when the Ketzler family was looking for the remains of Chief Nagita. Mr. Turney expressed his appreciation to the City for authorizing a GPS study of the cemetery and stated that the whole row in the north east section at this time is not accurate. Mr. Turney stated Mr. Pruhs misspoke when he told a reporter that Felix Pedro was buried in the Clay Street Cemetery and that Mr. Pruhs should call the Daily News Miner and request a correction.

Helen Renfrew, 1915 Central Avenue, Fairbanks – Ms. Renfrew stated she is the Director of Meetings and Conventions and that she is speaking on behalf of Explore Fairbanks. Ms. Renfrew stated that in 2014 meetings brought more than \$8 million dollars to the community and that the next two years are projected to bring even more money to the community. Ms. Renfrew reported the many meetings that are scheduled to take place in the upcoming years. Ms. Renfrew presented City Attorney Paul Ewers with a Golden Heart Meeting Ambassador Award for inviting attendees from the International Municipal Lawyers Association to visit Fairbanks when they met in Alaska the previous year. Ms. Renfrew thanked the Council for the reinvestment of Bed Tax dollars in destination marketing.

Mr. Matherly thanked Ms. Renfrew for the preview of upcoming events. **Mr. Matherly** asked Ms. Renfrew how many days or nights a typical meeting lasts. Ms. Renfrew stated all meetings are different, from two day events to week-long events. **Mr. Matherly** asked how far in advance the events book out. Ms. Renfrew stated she is already scheduling a meeting for 2020.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated he has heard positive and negative comments on the radio regarding Police Chief Randall Aragon. Mr. Buberger stated his disappointment that the murder of John Kavairlook, Jr. had not been solved yet. Mr. Buberger stated Chief Aragon is doing a great job and shared his appreciation for being so open to the public. Mr. Buberger thanked Chief Aragon for his professional communications both at the Regular Council Meetings and when sending articles into the newspaper. Mr. Buberger stated there are a lot of potholes around the town and he noted that the City workers are doing a good

job attacking the problem. Mr. Buberger stated the City should fund public restrooms because the Borough restroom that is down by the visitor's center does not have regularly-kept hours.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Matherly pulled Ordinance No. 5984 from the Consent Agenda.

Mayor pro tem Cleworth called for objection and, hearing none, so ORDERED.

City Clerk Snider read the Consent Agenda, as Amended, into the record.

SPECIAL ORDERS

- a) Memo Requesting Write-off for Duke Investments Alcohol Tax (bankruptcy)

Mr. Matherly, seconded by **Mr. Walley**, moved to APPROVE the Write-off for Duke Investments Alcohol Tax.

Mayor pro tem Cleworth called for Public Testimony and, hearing none, declared Public Testimony closed.

A ROLL CALL VOTE WAS TAKEN TO APPROVE THE WRITE-OFF FOR DUKE INVESTMENTS ALCOHOL TAX.

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

NAYS: None

Mayor pro tem Cleworth declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor pro tem Cleworth spoke to the unsolved murders that have occurred both inside City limits and outside City limits. **Mayor pro tem Cleworth** requested Chief Aragon give the Council an update in the future regarding unsolved murders. **Mayor pro tem Cleworth** stated he would specifically like an update on the John Kavairlook, Jr. murder case.

UNFINISHED BUSINESS

- a) Ordinance No. 5982 – An Ordinance Amending Fairbanks General Code Chapter 86 Vehicles for Hire. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Walley, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5982.

Mayor pro tem Cleworth called for Public Testimony and, hearing none, declared Public Testimony closed.

Mayor pro tem Cleworth asked City Attorney Paul Ewers about the language of Ordinance No. 5982; he asked if the two-year maximum permit period needed to be notated twice in the ordinance. Mr. Ewers stated that the first citation is for the chauffeurs permit and the second citation is for the transport company permit so they are not notating the same thing twice. **Mayor pro tem Cleworth** asked why the word shall was changed to may. Mr. Ewers stated that the change was relating to style but that both words are appropriate.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5982 AS FOLLOWS:

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

NAYS: None

Mayor pro tem Cleworth declared the MOTION CARRIED and Ordinance No. 5982 ADOPTED.

- b) Ordinance No. 5983 – An Ordinance Amending Fairbanks General Code Sections 54-40 Formal Written Contracts and 54-247 Informal Purchasing to Increase the Purchasing Threshold. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Mr. Walley**, moved to ADOPT Ordinance No. 5983.

Mayor pro tem Cleworth called for Public Testimony and, hearing none, declared Public Testimony closed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5983 AS FOLLOWS:

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

NAYS: None

Mayor pro tem Cleworth declared the MOTION CARRIED and Ordinance No. 5983 ADOPTED.

NEW BUSINESS

- a) Ordinance No. 5984 – An Ordinance Amending the 2015 Operating and Capital Budgets for the Fifth Time. Introduced by Mayor Eberhart.

Mr. Matherly, seconded by **Mr. Walley**, moved to ADVANCE Ordinance No. 5984.

Mr. Matherly shared his frustration that the Fairbanks Firefighters Union (FFU) arbitration award was back in front of the Council and included in Ordinance No. 5984.

Mr. Matherly, seconded by **Mr. Walley**, moved to AMEND Ordinance No. 5984 by striking the Firefighters Arbitration Award.

Mayor pro tem Cleworth stated if the budget amendment is adopted the operating budget would be \$203,000.00 into the red. **Mayor pro tem Cleworth** shared his concern for the operating cost of funding the FFU arbitration award. **Mayor pro tem Cleworth** stated that if the award was taken out of the ordinance that the operating budget is still \$55,000.00 in the red.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5984, BY STRIKING THE FIREFIGHTERS ARBITRATION AWARD, AS FOLLOWS:

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

NAYS: None

Mayor pro tem Cleworth declared the MOTION CARRIED.

Mr. Walley shared his concern for the projected budget shortfall.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 5984, AS AMENDED, AS FOLLOWS:

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

NAYS: None

Mayor pro tem Cleworth declared the MOTION CARRIED and Ordinance No. 5984 ADVANCED.

DISCUSSION ITEMS

a) Committee Reports

FMATS Policy Committee – **Mr. Walley** provided updated information on a variety of road improvement projects going on around the City. **Mr. Walley** stated that the issues regarding the maintenance of the lawn area on Airport Road was addressed at the FMATS Policy Committee meeting and that the State will take care of it but that due to budget constraints it will not be a top priority.

Golden Heart Parking Services (GHPS) - **Ms. Staley** stated there is a major problem with pigeons on the top floor of the parking garage. **Ms. Staley** discussed GHPS shortage of funds and the need for a future budget amendment. **Ms. Staley** thanked Grants Administrator Margarita Bell for her help in moving the accounting information into the new system.

COMMUNICATIONS TO COUNCIL

a) Re-appointments to the Fairbanks Diversity Council

APPROVED on the CONSENT AGENDA.

- b) Re-appointment to the Board of Plumber Examiners

APPROVED on the CONSENT AGENDA.

- c) Fairbanks Diversity Council Meeting Minutes of March 10, 2015

ACCEPTED on the CONSENT AGENDA.

- d) Fairbanks Diversity Council Meeting Minutes of April 14, 2015

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Ms. Staley thanked Mr. Pruhs for following up with Ms. Gilbert's property issue.

Mr. Gatewood stated he had no comments.

Mr. Walley asked if City Staff was instructed to take care of Ms. Gilbert's property issue at the last meeting. He requested her problem to be attended to prior to the next meeting.

Mr. Pruhs stated he met with Senator Lisa Murkowski regarding the Polaris Building and the need for Federal Funds to move forward in the demolition of the property. **Mr. Pruhs** stated he discussed the Community Service Patrol (CSP) program with Senator Murkowski and relayed the importance it has in the Fairbanks community. He stated the CSP saves the Fairbanks Police Department (FPD) money due to the service they provide. **Mr. Pruhs** stated he met with City Attorney Paul Ewers and a representative from Senator John Coghill's office regarding marijuana legislation. **Mr. Pruhs** stated Mr. Ewers has drafted the ordinance language regarding assessing a sales tax on marijuana.

Mr. Matherly directed attention to how much smoke had rolled into town and warned everyone to not light fireworks or fires. **Mr. Matherly** reported he has been in contact with Marc Marlow, owner of the Polaris Building; he stated there are tax credits out there that Mr. Marlow could apply for and that Mr. Marlow remains optimistic. **Mr. Matherly** thanked Mr. Turney for always bringing an update on the Clay Street Cemetery to each meeting and for bringing the local unsolved murders up in his public testimony. **Mr. Matherly** commended Police Chief Randall Aragon for stepping up and involving the community in attempting to solve local unsolved murders.

Mayor pro tem Cleworth shared Ms. Staley's concern for the pigeon issue at the parking garage. He stated that the pigeons are making a home on the top floor and causing a Hazmat issue. **Mayor pro tem Cleworth** stated the shortfall of State funding is going to affect the City's budget for roadway improvements. **Mayor pro tem Cleworth** thanked Mr. Buberger for coming to the Council Meetings and reporting on potholes around town; he agreed that 10th Avenue and 4th Avenue's potholes need to be addressed. **Mayor pro tem Cleworth** thanked Mr. Pruhs for looking into Ms. Gilbert's property issue and requested Chief of Staff Jim Williams follow-up with City Engineer Robert Pristash to ensure the issue is corrected. **Mayor pro tem Cleworth**

asked Mr. Ewers to report on any grievances that have been filed at the City. Mr. Ewers stated that grievances that cannot be solved in a timely matter do come to the City Attorney's Office. **Mayor pro tem Cleworth** asked Mr. Ewers if there are any new grievances that have come to his attention. Mr. Ewers stated the FFU has filed a grievance relating to Firefighter overtime and that the International Brotherhood of Electrical Workers (IBEW) has filed a grievance relating to the appointment of the Interim Public Works Director. **Mayor pro tem Cleworth** asked Mr. Williams to give summary of the grievances. Mr. Williams stated the FFU filed their grievance because the firefighters were called out to a fire but then not utilized and sent home and that they want a minimum overtime payment for their call out of two hours of overtime pay. Mr. Williams stated the IBEW grievance is in a holding pattern because the decision to appoint a new Public Works Director has not yet been made.

CITY ATTORNEY'S REPORT

City Attorney Ewers stated that the entirety of Ms. Gilbert's property issue does not fall on the City; he stated the DOT is also responsible. Mr. Ewers stated Mr. Williams may be a better person to report on the matter, and **Mayor pro tem Cleworth** asked for a staff report. Mr. Williams stated that Mr. Pristash has communicated with the DOT and HC contractors and that the issue will be resolved. Mr. Williams stated he would follow-up on the issue to ensure it would be fixed.

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

Mayor pro tem Cleworth called for objection and, hearing none, so ORDERED.

Mayor pro tem Cleworth called for a ten minute recess.

EXECUTIVE SESSION

a) Labor Contract Negotiations - 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. Gatewood, seconded by **Mr. Matherly**, moved to ADJOURN the meeting.

Mayor pro tem Cleworth called for objection and, hearing none, so ORDERED.

Mayor pro tem Cleworth declared the Meeting adjourned at 8:47 P.M.

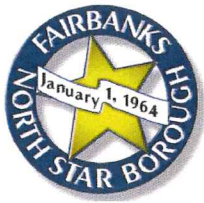
JOHN EBERHART, MAYOR

ATTEST:

D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB

DRAFT



August 19, 2015

The Honorable John Eberhart, Mayor
City of Fairbanks
800 Cushman Street
Fairbanks, Alaska 99701

RE: Vacation of a Public Drainage Easement (VA 003-25 Taku Subdivision)

Dear Mayor Eberhart:

At its regular meeting on August 19, 2015 the Platting Board of the Fairbanks North Star Borough approved a request by Rebecca and Mathew Franczyk to vacate a drainage easement associated with Riverview Drive.

FNSBC 17.40.030.F. states that the City Council shall have thirty (30) days from the date of the Board's decision in which to veto any vacation of a public easement. If no veto is received within the thirty-day period, the consent of the City of Fairbanks shall be deemed to have been given to the vacation.

The Department of Community Planning recommends approval (no veto) as conditioned by the Platting Board.

Sincerely,

for 
Christine Nelson, Director
Department of Community Planning

Attachments: Action Letter
 Platting Board Minutes (Pending)
 Staff Report
 Preliminary Plat



CITY OF
— FAIRBANKS

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
907-459-6740

June 16, 2015

3 TIER – Alaska, Corp.
P.O. Box 71940
Fairbanks, Alaska 99707-1940

Re: Preliminary Review Replat of Lots 6 & 7, Block 1, Taku Subdivision

Jim,

The City of Fairbanks Engineering Division does not object to the requested vacation of the Taku Subdivision, Block 1, Lot 6 / Lot 7 common lot line, the vacation of the 6-foot Drainage Swale Easement or the vacation of the 10-foot Utility Easement described by the Instrument in Book 25 Page 531 F.R.D. that runs parallel with Lot 6 / Lot 7 common lot line.

The Lot 6 portion of the 10-foot Utility Easement legal description described within Book 25 Page 531 F.R.D. that does contain storm drain facilities and is of interest to the City, is in error. The City requests that a new 10-foot Storm Drain Utility Easement centered over the existing storm drain facilities shown on the preliminary plat, be created with the final plat.

Thank you,

Jeff Whipple, Engineer II
City of Fairbanks
Engineering Division
459-6743

Cc: Robert Pristash, City Engineer

the GOLDEN HEART CITY "extremely Alaska"
800 Cushman Street, Fairbanks, Alaska 99701-4615



Fairbanks North Star Borough

809 Pioneer Road

PO Box 71267

Fairbanks, Alaska 99707-1267

907/459-1000

www.co.fairbanks.ak.us

August 20, 2015

3-Tier Alaska, Corp
P.O. Box 71940
Fairbanks, AK 99707

Re: **RP042-15/VA03-15 (Taku Subdivision)**

Dear Jim,

At its regular meeting on August 19, 2015 the Platting Board of the Fairbanks North Star Borough considered your request on behalf of Rebecca and Mathew Franczyk to vacate a public utility easement, a drainage swale easement, and the lot line between Lot 6 and Lot 7, Block 1 Taku Subdivision, creating a 19,000 square foot lot within Section 8 T1S R1W F.M. (located on Riverview Drive).

The Board gave preliminary approval to the request, subject to the following conditions:

1. ACS, GCI and GHU shall have an opportunity to review and comment on the final plat.
2. The P.U.E's on the easterly and westerly boundaries of the proposed lot shall be graphically depicted on the final plat.
3. A note shall be placed on the final plat stating, "The ordinary high water mark of the Chena River forms the true boundary of this lot. The boundaries depicted are from record sources."
4. A note shall be placed on the final plat stating, "Any construction or modification of a driveway within the Riverview Drive right-of-way requires a City of Fairbanks driveway permit."

Per FNSBC 17.40.030.F the Fairbanks City Council shall have thirty (30) days from the date of the Board's decision in which to veto the vacation of the drainage swale easement. If no veto is received within thirty day period, the consent of the City shall be deemed to have been given to the vacation.

The final plat must be prepared by a registered land surveyor and submitted to this office by August 19, 2017 or the preliminary approval will become void.

If you have any question regarding this matter, please contact the Fairbanks North Star Borough Department of Community Planning at 809 Pioneer Road, 459-1260.

Sincerely,



Jacob Barowsky,
Platting Officer

/I

Enclosure to Addressee

c:

Jeff Whipple, City of Fairbanks
Michael Stanley, ACS
Don Smith, GCI
Cindy Lester, GHU

Prepared July 27, 2015
by
Jacob Barowsky
Platting Officer

STAFF REPORT
FNSB PLATTING BOARD

Aug 19,2015

~~~~~  
**RP042-15/VA03-15 (Taku Subdivision)**

**Surveyor:** 3 Tier-Alaska, Corp.  
P.O. Box 71940  
Fairbanks, AK 99707

**Owner/Applicant:** Rebecca and Mathew Franczyk  
2600 Riverview Drive  
Fairbanks, AK 99709

**Specific Request/  
Legal  
Description:** To vacate a public utility easement, a drainage swale easement, and the lot line between Lot 6 and Lot 7 Block 1 Taku Subdivision, creating a 19,000 square foot lot within Section 8 T1S R1W F.M.

**Location:** Riverview Drive.

**Existing Land Use:** One house and associated structures.

**Current Zoning:** SF-10 (100%).  
Minimum Lot Size: 10,000sf.  
Minimum Yard Setbacks: Front 20', Side 5', Rear 10'.

**Comprehensive Plan:** Urban Area (100%).

**Soils:** Urban Land.

**Flood Zone/Wetlands:** None.

**Road Service Area:** City.

**Fire Service Area:** City.

**History:** This area was subdivided with city of Fairbanks Planning Commission approval in 1959. A house was built crossing the lot line, public utility easement and drainage swale in 1976.

**Access:** City maintained Riverview Drive.

**Variance:** None.

**Soils Report:** Not required because this area is served by community sewer and water.

**FNSB In-house Review:**

Transportation Planner: No comments returned.

Trails: No comments.

Addressing: Noted a street naming error in the vicinity map.

Public Works/Rural Services: No comments.

Advanced Planning: No comments returned.

Land Management/Assessing: No comments.

Zoning: Meets zoning requirements.

### **Agency and Utility Review:**

GVEA: No objections.

ACS: No objections and requested review of the final plat.

GHU: No objections provided GHU reviews and comments on the final plat.

GCI: No comments returned.

City of Fairbanks: No objections to the vacations, but requests a new 10' storm drain utility easement centered on existing facilities because the existing easement's legal description is incorrect.

**Analysis:** The public utility easement (P.U.E.) proposed to be vacated was created by plat note in 1959 and appears to have never been used. The neighborhood is served from utilities within the City managed Riverview Drive right-of-way. The City has no objections to the vacation and no utility has any foreseeable need for the easement.

The drainage swale easement was created by the same plat as the P.U.E. in order to drain the public street. An underground drainage easement across Lot 6 was granted to the city in 1975; however, its legal description contains an error. There is currently an underground storm drain within this easement that is maintained by the City of Fairbanks. The applicant proposes to create a new easement to protect against any uncertainty created by the error in the legal description.

Based on the original subdivision survey the existing two lots are slightly below the 10,000 square foot minimum lot size required in this zone. The new lot will be significantly larger than 10,000 square feet. From aerial photos it appears as if there has been significant accretion along the bank of the Chena River. Because this plat is exempt from survey requirements the final plat may be based on record information, provided that a note is placed on the final plat that clarifies that the true boundary of the new lot is the ordinary high water mark of the Chena River.

This application requires three separate actions by the Platting board: a motion on the drainage easement vacation, a motion on the P.U.E. vacation, and a motion on the replat. The platting board's decisions on vacations are not appealable; however, if the platting board approves the vacation of the drainage swale easement the City of Fairbanks can veto the decision if they act within 30 days.

### **Recommendations:**

Drainage swale easement vacation: The platting board may vacate a public easement if the applicant shows that more beneficial provisions have been made. Staff believes the applicant has satisfied this requirement based on the following findings of fact:

- a. There have been no objections to the vacation of the drainage swale easement.
- b. There have been no reports of drainage problems due to the construction of the house.
- c. The City prefers to utilize the underground easement to drain the street.
- d. This application fixes the mistake in the legal description for the underground easement



- e. This application protects the underground easement with a platted easement that can only be vacated by replat.

Recommended motion for the drainage swale easement vacation:

*I move to approve the vacation of the drainage swale easement within Lots 6 and 7 Block 1 Taku Subdivision and adopt the five findings of fact as recommended by staff.*

PUE vacation: Staff recommends approval of the P.U.E. vacation based on the following findings of fact:

- a. No utilities are using this easement.
- b. No utilities have any objection to the vacation of the easement.
- c. The City of Fairbanks has no objections to the vacation of the easement.
- d. This area is adequately served by utilities within the Riverview Drive right-of-way.

Recommended motion for the P.U.E. vacation:

*I move to approve the vacation of the P.U.E. along the common lot line of Lots 6 and 7 Block 1 Taku Subdivision and adopt the four findings of fact as recommended by staff.*

Replat: Staff recommends approval of the removal of the lot line between Lots 6 and 7 Block 1 Taku Subdivision with the following conditions:

1. ACS, GCI and GHU shall have an opportunity to review and comment on the final plat.
2. The P.U.E's on the easterly and westerly boundaries of the proposed lot shall be graphically depicted on the final plat.
3. A note shall be placed on the final plat stating, "The ordinary high water mark of the Chena River forms the true boundary of this lot. The boundaries depicted are from record sources."
4. A note shall be placed on the final plat stating, "Any construction or modification of a driveway within the Riverview Drive right-of-way requires a City of Fairbanks driveway permit."

Staff further recommends adoption of the following findings:

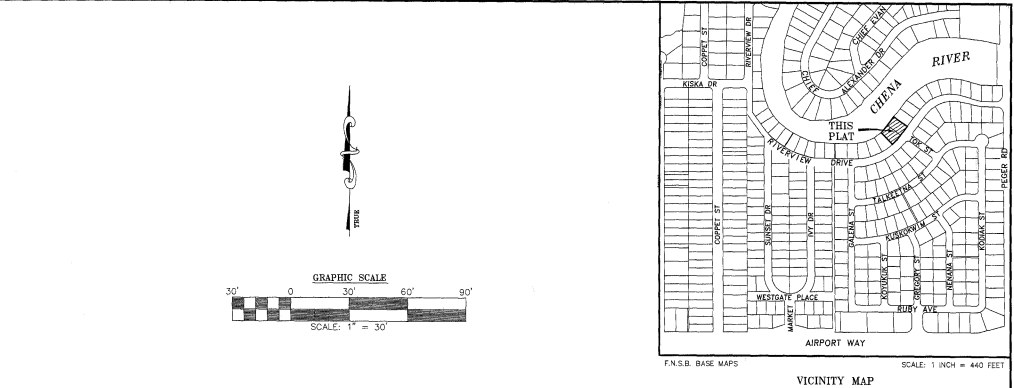
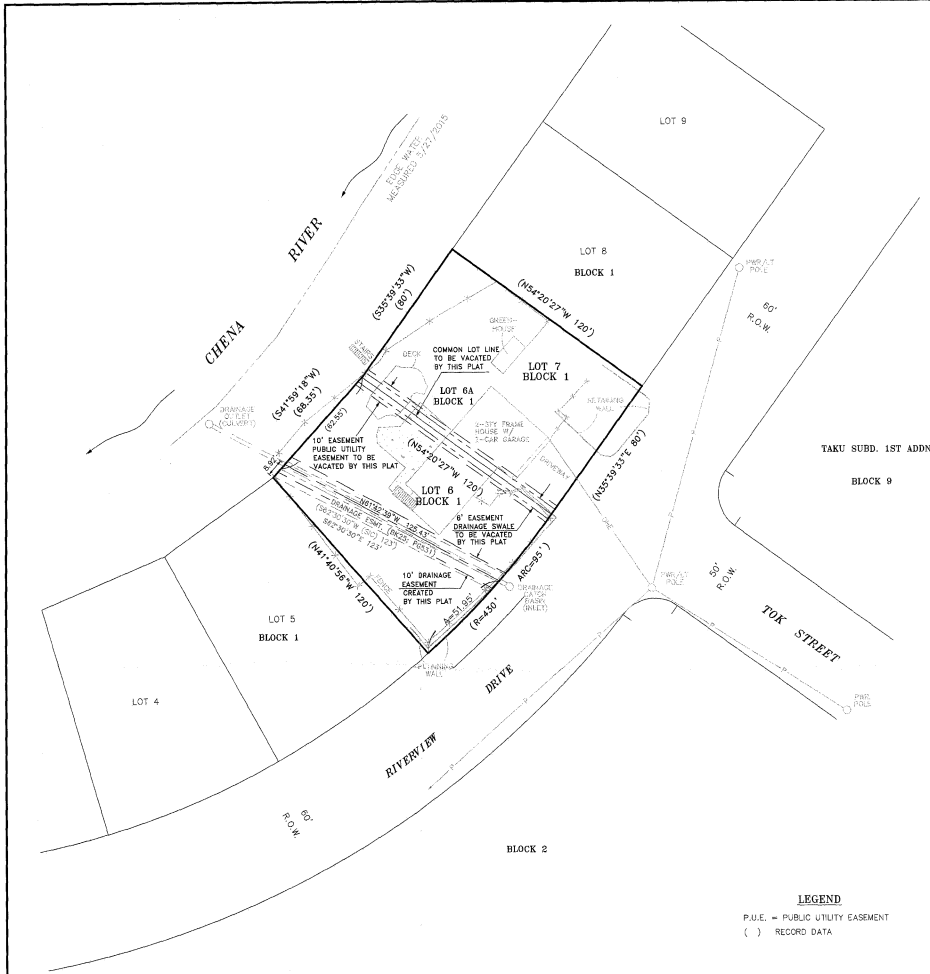
- a. This proposed replat creates one lot that is in compliance with current zoning requirements out of two lots that may be smaller than the minimum lot size.
- b. There is a house built on the lot line proposed to be vacated.
- c. Because this application creates only one lot it is not a subdivision.
- d. With the recommended conditions this application meets all FNSBC Title 17 requirements.

**Recommended Motion:**

*I move to approve the replat of Lots 6 and 7 Block 1 Taku Subdivision with the four conditions recommended by staff and to adopt the staff report and the four findings of fact.*

JB/

|           |                  |  |                |
|-----------|------------------|--|----------------|
| DPOs sent | Parcels notified |  | Undeliverable: |
|-----------|------------------|--|----------------|



**NOTES**

**UTILITIES**

1. THERE WILL BE A 35-FOOT RADIUS EASEMENT AT EACH POLE LOCATION FOR GUYS, ANCHORS, AND OTHER SUPPORTIVE STRUCTURES.
2. A 15-FOOT WIDE STRIP OF LAND AS DETERMINED NECESSARY BY THE UTILITY COMPANIES IS GRANTED FOR THE INSTALLATION, MAINTENANCE, REPAIR, OR REMOVAL OF YARD POLES.
3. THE UTILITY COMPANIES SHALL HAVE THE RIGHT TO IDENTIFY AND REMOVE ANY DEAD, WEAK, OVERHANGING, OR OTHERWISE DANGEROUS TREES ADJACENT TO OR IN THE VICINITY OF THE EASEMENT.
4. AN EASEMENT IS HEREBY DEDICATED WITHIN ALL LOTS FOR SECONDARY ABOVEGROUND DRAINAGE AS DETERMINED NECESSARY BY THE UTILITY COMPANIES.
5. ALL INTERIOR LOT LINES HAVE A 5 FOOT EASEMENT FOR PUBLIC UTILITIES AND A 15 FOOT EASEMENT ALONG THE BANK OF THE CHENA RIVER THROUGH BLOCK 1 FOR OVERHEAD UTILITIES PER INSTRUMENT NO. 189.441 F.R.D.

**SOILS AND TOPOGRAPHY**

1. THIS AREA IS OVERLAIN WITH SALCHAKET VERY FINE SANDY LOAM.
2. THE TOPOGRAPHY OF THIS SITE IS FLAT.
3. THE WATER TABLE IS APPROXIMATELY 8 TO 10 FEET BELOW THE GROUND SURFACE.

**WATER AND WASTEWATER DISPOSAL**

1. THIS LOT IS SERVED BY GOLDEN HEART UTILITIES.

**FLOOD ZONE**

1. THIS PROPERTY HAS BEEN DETERMINED, IN WHOLE OR IN PART, TO BE LOCATED WITHIN FLOOD ZONE AE, FLOOD HAZARD AREAS AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. ALL DEVELOPMENTS SHALL BE REQUIRED TO COMPLY WITH FEDERAL REGULATIONS AND TITLE 18 OF THE BOROUGH CODE. ANY CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT TO A STRUCTURE IN THE FLOOD HAZARD ZONE (FLOOD ZONE AE) REQUIRES A FLOOD PLAN PERMIT FROM THE FAIRBANKS NORTH STAR BOROUGH.
2. THE BASE FLOOD ELEVATION FOR THIS AREA IS 432.9 FEET NAVD 1988 PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP NO. 0208002A01, EFFECTIVE MARCH 17, 2014.

**ACCESS**

1. DIRECTLY FROM RIVERVIEW DRIVE.

**BUILDING CONSTRUCTION**

1. NO BUILDING CONSTRUCTION WILL BE PERMITTED WITHIN 20 FEET OF R/W LINE OF BEGER ROAD AND AIRPORT WAY PER INSTRUMENT NO. 189.441 F.R.D.
2. IN ADDITION TO THE ORIGINAL PLAT NOTES, THIS LOT MUST CONFORM TO CURRENT FNSB ZONING SETBACK REQUIREMENTS.

**SURVEY**

NO BOUNDARY SURVEY WAS PERFORMED AS PART OF THIS PLATTING ACTION.

**PURPOSE**

THE PURPOSE OF THIS SUBDIVISION IS TO VACATE THE COMMON LOT LINE, 5-FOOT EASEMENT DRAINAGE SWALE.

**LEGEND**

P.U.E. = PUBLIC UTILITY EASEMENT  
( ) RECORD DATA

**CERTIFICATE OF PAYMENT OF TAXES**

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED TAX COLLECTOR FOR THE FAIRBANKS NORTH STAR BOROUGH, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE FAIRBANKS NORTH STAR BOROUGH THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS IN THE NAME OF \_\_\_\_\_

DESCRIPTION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES (ASSESSED AND DUE) AGAINST SAID LAND AND IN FAVOR OF THE FAIRBANKS NORTH STAR BOROUGH, ARE NOT DELINQUENT.

DATED AT FAIRBANKS, ALASKA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
TAX COLLECTOR  
FAIRBANKS NORTH STAR BOROUGH

**CERTIFICATE OF APPROVAL BY THE PLATTING AUTHORITY**

I, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF CHAPTER 17.60, FINAL PLATS, OF THE FAIRBANKS NORTH STAR BOROUGH CODE OF ORDINANCES, AND THAT SAID PLAT HAS BEEN APPROVED.

**CERTIFICATE OF REGISTERED LAND SURVEYOR**

I, JAMES R. RINGSTAD, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, DO HEREBY CERTIFY THIS PLAT TO BE A TRUE AND CORRECT REPRESENTATION OF THE LANDS ACTUALLY SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION, ACCORDING TO THE STANDARDS OF TITLE 17, SUBDIVISIONS, FAIRBANKS NORTH STAR BOROUGH CODE, AND THAT THE DISTANCES AND BEARINGS ARE SHOWN CORRECTLY AND THAT ALL MONUMENTS REQUIRED HAVE BEEN SET.



JAMES R. RINGSTAD, L.S. 6474  
REGISTERED PROFESSIONAL LAND SURVEYOR

DATE: \_\_\_\_\_

**CERTIFICATE OF OWNERSHIP, DEDICATION AND COMPLIANCE**

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER DESIGNATED PUBLIC SPACES TO THE PUBLIC USE.

WE FURTHER CERTIFY THAT ALL REQUIRED IMPROVEMENTS COMPLY WITH THE STANDARDS ESTABLISHED IN TITLE 17, SUBDIVISIONS, FAIRBANKS NORTH STAR BOROUGH CODE.

DATE: \_\_\_\_\_

MATTHEW S. FRANCIZYK      REBECCA K. FRANCIZYK

THE NOTARY'S ACKNOWLEDGEMENT:  
UNITED STATES OF AMERICA  
STATE OF ALASKA  
FOURTH JUDICIAL DISTRICT

TO ME KNOWN TO BE THE IDENTICAL INDIVIDUALS MENTIONED IN AND WHO EXECUTED THE WITHIN PLAT, AND THEY ACKNOWLEDGED TO ME THAT THEY SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

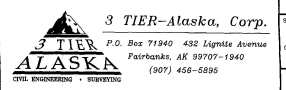
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_

FNSB  
PLATTING BOARD  
Preliminary Approval  
Date 8/13/15

Civm. Planning Dept  
JUL 02 2015  
RECEIVED

**PRELIMINARY PLAT**

|                                                                                                                                                                                                       |                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| PROJECT:<br><b>A REPLAT OF LOTS 6 &amp; 7, BLOCK 1, TAKU SUBDIVISION</b><br>(F.R.D. INST. NO. 189.441)<br>LOCATED WITHIN THE SE1/4 OF SECTION 8, T1S, R1W, FM, ALASKA<br>FAIRBANKS RECORDING DISTRICT | OWNER:<br><b>MATTHEW S. FRANCIZYK AND REBECCA K. FRANCIZYK</b><br>2600 RIVERVIEW DRIVE<br>FAIRBANKS, AK 99709 |
| DRAWN:<br>RCH/JRR                                                                                                                                                                                     | JOB NO.:<br>3TA15923                                                                                          |
| DESIGNED:<br>JRR                                                                                                                                                                                      | SHEET NO. OF:<br>1 1                                                                                          |
| SCALE:<br>1"=30'                                                                                                                                                                                      | FIELD BOOK:<br>1503-51                                                                                        |
| DATE OF SURVEY:<br>3/27/2015                                                                                                                                                                          |                                                                                                               |
| DATE OF DRAWING:<br>6/16/2015                                                                                                                                                                         |                                                                                                               |



800 Cushman Street  
Fairbanks, AK 99701Telephone (907) 459-6770  
Fax (907) 452-5913

## MEMORANDUM

To: Mayor Eberhart and City Council Members

From: Patrick Smith, Property Management

Subject: Sale of Tax Lot 2134, 2367 30th Avenue

Date: August 19, 2015

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The above referenced property is one of several parcels that the Council approved for negotiated private sale back in June of 2014 (Ordinance 5949). "For Sale" signs are posted, and the property has been advertised.

On July 30, 2015, I received one written offer of \$11,000, well below the assessed value of \$21,600 (by FNSB). I spoke with the Mayor, and he agreed that this offer was too low and should not be accepted. Since then, this first party has verbally increased their offer to \$15,000, which is still too low for recommendation.

On August 18, 2015, city employee Marty Woodrow called me about the property. He had been driving by the property and saw the "For Sale" sign. He made a written offer on the property of \$19,500. I called the person who had made the first offer, told him that I had a second offer for more than his offer, and gave him the opportunity to increase his offer. He declined.

There is nothing in the Fairbanks General Code that prohibits a city employee from purchasing real property from the city. There is, however, a provision in Chapter 54 (Procurement) that prohibits the city from awarding bids to city employees [FGC Sec. 54-2]. This section allows the Council to waive the prohibition if the Council determines that it is in the best interest of the city to do so.

In an abundance of caution, I am seeking Council approval of this sale of real property. I believe that Marty's offer is a reasonable offer. It is within the range of the price that the Mayor and I had felt was fair. I treated Marty in the same manner as I would have treated any other interested party. As the city's agent, I attempted to get the best price possible for the property. I believe it is in the city's best interest to proceed with the sale of this parcel to Marty Woodrow.

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*The GOLDEN HEART CITY ~ "Extremely Alaska"*

**ORDINANCE NO. 5987**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE  
SECTIONS 2-260 AND 2-261 REGARDING THE AUTHORIZED  
INVESTMENT SELECTIONS OF THE CITY PERMANENT FUND  
INVESTMENT POLICY**

**WHEREAS**, the City Council established the investment policy of the City Permanent Fund by terms codified at Fairbanks General Code Sections 2-260 and 2-261; and

**WHEREAS**, current policy allows investments in “international equities” (IE) which is defined as replicating the FTSE Developed ex North America Index (FTSE DNAI), and the performance measurement for the IE allocation is measured against the target weighting using the FTSE DNAI for the benchmark; and

**WHEREAS**, current policy allows investments in “emerging markets equity index funds” (EMEI) which is defined as replicating the FTSE Emerging Markets Index (FTSE EMERGING), and the performance measurement for the EM allocation is measured against the target weighting using the FTSE EMERGING for the benchmark; and

**WHEREAS**, in 2012 the City’s exposure in the IE eliminated the benchmarks, requiring the City to amend its investment policy, and these benchmarks will be eliminated again requiring another amendment; and

**WHEREAS**, the City’s Permanent Fund Investment Manager, Alaska Permanent Capital Management (APCM), recommends a more consistent approach by amending the investment policy to replicate the IE and performance against the Morgan Stanley Capital International Europe, Australasia and Far East (MSCI EAFE) index and (b) replicate the EM and performance against the Morgan Stanley Capital International Emerging Markets (MSCI Emerging) index. The amendment will not materially change performance and will provide the City Permanent Fund Review Board (PFRB) and APCM flexibility in selecting an appropriate index; and

**WHEREAS**, the PFRB supports and recommends these amendments.

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

**SECTION 1.** Fairbanks General Code Section 2-260 Permanent Fund Investment Policy, Procedure and Governance, is amended as follows [new text in **underline bold** font; deleted text in ~~strikethrough~~ font]:

**Sec. 2-260. Permanent fund investment policy, procedure and governance.**

(a) *Purpose of fund.* The purpose of the permanent fund is to maximize income for capital and operating expenses of the city and preserve in trust assets of the city for present and future generations of city residents. The principal goal shall be to preserve principal and maintain purchasing power.

(b) *Investment policy.* The investment policy of the city is to allow only the following investment vehicles.

(1) Obligations of or obligations insured or guaranteed by the United States or agencies or instrumentalities of the United States;

(2) Bonds or other taxable yield U.S. dollar denominated debt instruments of this state, its agencies, municipalities, any other state, or corporation which at the time of investment have an investment grade rating of a nationally recognized rating agency; if the rating of a bond becomes less than investment grade and has a maturity greater than one year, it must be sold in an orderly manner within 90 days of down grading;

(3) Bank certificates of deposit which are insured or secured as to the payment of principal and interest;

(4) Corporate obligations of investment grade quality as recognized by a nationally recognized rating organization. If, after purchase, these obligations are downgraded below investment grade, they shall be sold in an orderly manner within 90 days of down grading. In no circumstance shall any bond be purchased after January 1, 2009 with a yield to maturity that exceeds 600 basis points above a comparable duration treasury note/bond at the date of purchase.

(5) Short term investment funds (STIF) which are limited to investments set forth in subsections (b)(1)-(4) of this section or the Alaska Municipal League Investment Pool as set forth in state statute; and

(6) Domestic equities, which taken as a whole, attempt to replicate the Standard & Poor's 500 Index, including both mutual funds and exchange traded funds (ETF's).

(7) International equities, which taken as a whole, attempt to replicate the FTSE Developed ex North America Index or **Morgan Stanley Capital International Europe, Australasia and Far East (MSCI EAFE) or a substantially similar index**, including both mutual funds and exchange traded funds (ETF's).

(8) Equities, which taken as a whole, attempt to replicate the universe of domestic real-estate investment trusts, including both mutual funds and exchange traded funds (ETF's).

(9) Domestic equities, which taken as a whole, attempt to replicate the S&P 400 MidCap Index, including both mutual funds and exchange traded funds (ETF's).

(10) Commodities, which taken as a whole, attempt to replicate a broad based commodity index, such as the Dow-Jones UBS Commodity Index, including mutual funds, exchange traded funds (ETF's) and exchange traded notes (ETN's).

(11) Emerging markets equity index funds, which taken as a whole, attempt to replicate the FTSE Emerging Market Index or **Morgan Stanley Capital International Emerging Markets Index (MSCI EMERGING) or a substantially similar index**, including both mutual funds and (ETF's).

(12) International Bond index funds, which taken as a whole, attempt to replicate Barclays Global Aggregate ex-USD Float Adjusted RIC Capped Index, including both mutual funds and ETF's.

(13) U.S. Treasury Inflation Protected Securities (TIPS), and/or mutual funds or ETF's which attempt to replicate the Barclays Capital U.S. Treasury Inflation Protected Securities Index.

(c) *Limitations.* The following investment practices are prohibited and shall constitute limitations to fund investments:

(1) Options and futures may not be purchased or sold; complex derivatives and complex structured notes which provide for uncertain payment dates and amounts are prohibited without the express, written consent of the city council, as are practices which involve the use of leveraging through reverse repurchase agreements;

(2) Investments in U.S. dollar denominated obligations of corporations shall be limited to a percentage level as provided for by the city council from time to time. Investment grade to be defined by at least one nationally recognized rating service. The investment in the lowest level of investment grade securities is to be limited to no more than ten percent of the marketable debt securities;

(3) No investment shall be made in any one individual security or issuer in excess of five percent of the total investment portfolio, measured by

market value, except for obligations of the U.S. government and its agencies.

(4) No investments, cumulatively, shall be made in any one industry in excess of 25 percent of the total investment portfolio except for obligations of the U.S. and its agencies without quarterly disclosure to the Review Board for consideration.

(5) Effective January 1, 2009, no commercial residential mortgaged backed securities (MBS, etc. but not to exclude securities issued by a U.S. government agency) and no further commercial mortgage backed securities (CMBS, etc.) may be purchased.

(d) *Transactional records.* The board shall maintain on file within the offices of the city, monthly reports which indicate the following:

(1) All transactions affecting the investment account, to include purchases and sales of securities, transfers of cash into and out of the account, interest or dividends received by the account; and

(2) A listing of all assets held in the investment account, including identification of the security, original purchase price, and current market price.

(e) *Fund performance evaluation.* The city council and the board may have an objective performance evaluation of the investment program every year. The board may retain a performance measurement consultant whose contractual purpose will be to provide objective measurement of the performance of investment managers and the portfolio against appropriate indices, universes and/or benchmarks as recommended by the consultant and adopted by the city council and the board. Portfolio performance may be reviewed by the consultant at least semiannually with the city council and the board. Such consultant may not manage in any capacity any portion of the portfolio.

(f) *Custodian bank.* The city council and the board shall retain a bank custodian to hold all investment cash and securities in the name of the city's permanent fund. The custodian shall render monthly reports to the city council and the board regarding assets held at both book and market values, and individual transactions which have taken place. The bank shall have adequate fidelity insurance. A written contract will be entered into between the city and the custodian bank.

(g) *Investment managers.* The city council and the board shall retain one or more professional investment managers to design portfolios and invest funds in accordance with the written investment policies adopted by the

city council. The investment managers must be registered financial advisers with both the United States Securities and Exchange Commission and the state and may not serve in any multiple role as investment manager or securities broker custodian. They must agree to serve as a fiduciary to the fund and carry professional liability insurance in the minimum amount of \$5,000,000.00. A written contract must be entered into between the fund and the investment managers.

(h) *Fiduciary status; conflict of interest.* The board shall be considered to have the responsibility of a fiduciary to the fund and shall be indemnified by the city in any action brought against them collectively or individually while acting in this capacity. No board member may act on behalf of the board in any manner involving the investments of the portfolio or its management pursuant to this policy, except as specifically authorized by the city council in writing.

(i) *Prudent investor rule.* The city council, the board, the staff, the investment managers and the bank custodians shall exercise the judgment and care under the circumstances then prevailing which an investor of ordinary prudence, discretion and intelligence exercises in the management of large investments entrusted to it, not in regard to speculation, but in regard to the long-term investment of funds considering the probable safety of capital as well as probable income.

(j) *Balance available for appropriation.* The city council may only appropriate from the permanent fund as follows: In any fiscal year, an amount not to exceed four percent of the five-year average fund market value, to be computed using the five prior years' year end audited market value, for the city operations, and an additional 0.5 percent solely for capital needs.

**SECTION 2.** Fairbanks General Code Section 2-261 Permanent Fund Asset Allocation Plan and Performance Measurement Targets, is amended as follows [new text in **underline bold** font; deleted text in ~~strike through~~ font]:

**Sec. 2-261. Permanent fund asset allocation plan and performance measurement targets. The target for equities is 45% of the portfolio with an allowable range of 30% to 60%. The target for fixed income is 55% of the portfolio with an allowable range of 40% to 70%.**

(a) **The target for equities is 45% of the portfolio with an allowable range of 30% to 60%. The target for fixed income is 55% of the portfolio with an allowable range of 40% to 70%.**

(**ba**) Within the overall guidelines for equities and fixed income investments, the asset allocation targets and ranges are as follows:



| Asset Class                                 | Target %<br>Weighting | Range % |
|---------------------------------------------|-----------------------|---------|
| Equities - Overall                          | 45                    | 30 - 60 |
| Large Cap Equity                            | 22                    | 15 - 50 |
| Mid Cap Equity                              | 3                     | 0 - 10  |
| Small Cap Equity                            | 2                     | 0 - 10  |
| International Equity                        | 9                     | 0 - 15  |
| Emerging Markets Equity                     | 4                     | 0 - 10  |
| Real Estate Equity                          | 5                     | 0 - 10  |
| Fixed Income - Overall                      | 55                    | 40 - 70 |
| US Bonds meeting Ordinance Criteria         | 40                    | 30 - 70 |
| International Bonds                         | 5                     | 0 - 10  |
| U.S Treasury Inflation Protected Securities | 5                     | 0 - 10  |
| Cash/1-3 month Treasuries                   | 5                     | 0 - 10  |
| Commodities                                 | 0                     | 0 - 10  |

(c) The performance of the investment advisors for the overall portfolio will be measured against the weighted blended target allocation plus 50 basis points (0.5%). Components of the portfolio will be measured as follows:

1. Performance measurement of the Domestic Equity allocation will be measured against the Target Weighting, using the Standard & Poor's 500 as the benchmark.
2. Performance measurement for the Mid/Small Cap Equity allocation will be measured against the Target Weighting, using the Standard & Poor's 400 MidCap Index as the benchmark.
3. Performance measurement for the International Equity allocation will be measured against the target weighting using the FTSE Developed ex North America Index or Morgan Stanley Capital International Europe, Australasia and Far East (MSCI EAFE) or a substantially similar index for the benchmark.
4. Performance measurement for the real estate allocation will be measured against the target weighting using the Standard & Poor's REIT Index for the benchmark.
5. Performance measurement for the U.S. Bond allocation will be measured against the target weighting using the Barclays Capital U.S. Aggregate Bond Index for the benchmark. Duration should be maintained between 80 percent and 120 percent of the duration of the benchmark.

- 6. Performance measurement of the commodity allocation will be measured against the target weighting, using a broad based index such as the Dow Jones-UBS Commodity Index, selected by the Permanent Fund Review Board.
- 7. Performance measurement for the emerging markets equity allocation will be measured against the target weighting using the FTSE Emerging Market Index **or Morgan Stanley Capital International Emerging Markets Index (MSCI EMERGING) or a substantially similar index for the benchmark.**
- 8. Performance measurement for the international bond allocation will be measured against the target weighting using the Barclays Global Aggregate ex-USD Float Adjusted RIC Capped Index.
- 9. Performance measurement for the U.S. Treasury Inflation Protected Securities (TIPS) allocation will be measured against the target weighting using the Barclays Capital U.S. Treasury Inflation Protected Securities Index.

**Section 3:** That the effective date of this Ordinance shall be the \_\_\_\_ day of August 2015.

\_\_\_\_\_  
**John Eberhart, City Mayor**

AYES:  
 NAYS:  
 ABSENT:  
 ADOPTED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
 D. Danyielle Snider, CMC, City Clerk

\_\_\_\_\_  
 Paul J Ewers, City Attorney

**ORDINANCE NO. 5988**

**AN ORDINANCE TO AMEND ORDINANCE NO. 5986, AS AMENDED,  
AN ORDINANCE ENACTING A RETAIL SALES TAX ON MARIJUANA  
AND REFERRING THE ORDINANCE FOR RATIFICATION AT THE  
NEXT GENERAL ELECTION**

**WHEREAS**, on July 20, the City Council passed Ordinance No. 5986, as Amended, An Ordinance Enacting A Retail Sales Tax On Marijuana and Referring The Ordinance For Ratification At The Next General Election; and

**WHEREAS**, this ordinance was passed so as to give voters the chance to approve a retail sales tax on marijuana before the legal sale of marijuana began in 2016; and

**WHEREAS**, the Fairbanks North Star Borough Assembly is in the process of considering a similar retail sales tax, which will be considered at two special meetings of the Assembly scheduled in August; and

**WHEREAS**, the ordinance under consideration by the Assembly tracks Ordinance No. 5986, as Amended, but includes additional language concerning “marijuana products”; and

**WHEREAS**, the Borough feels that such language is needed to clarify any possible ambiguity about whether the tax applies to both marijuana and marijuana products; and

**WHEREAS**, to clarify that the tax that would be imposed in the City would be the same as the tax that would be imposed in the Borough, Ordinance No. 5986, as Amended, should be amended;

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

**SECTION 1.** The definition of “marijuana” in Fairbanks General Code, Chapter 74, Article VI, Section 74-200, as enacted by Ordinance No. 5986, as Amended, is hereby amended as follow [new text in **bold/underline** font; deleted text in ~~striketrough~~ font]:

**Sec. 74-200. Definitions.**

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

*Marijuana* means all parts of the plant (genus) Cannabis, whether growing or not, the seed thereof, the resin extracted from any part of the plant, and any compound, manufacture, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; *marijuana* does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products. **As used in this article, the term marijuana includes “marijuana products” defined as concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.**

**Section 2.** The City Clerk is directed to place the following revised ballot language on the ballot for ratification by the voters of the City of Fairbanks at the next general election, with the ballot proposition to read as follows:

**Ballot Question No. \_\_\_\_\_**

**Information:** On July 20, 2015, the Fairbanks City Council passed Ordinance No. 5986, as Amended, which enacted a five percent retail sales tax on Marijuana sold within the City of Fairbanks. Fairbanks Charter Section 6.5 provides that any new or additional sales tax levied by the City Council must be approved by the voters in a general election. **On August 24, 2015, the Fairbanks City Council passed Ordinance No. 5988, which amended the definition of “marijuana” to clarify that the proposed retail sales tax applied to marijuana products.**

Should Ordinance No. 5986, as Amended, An Ordinance Enacting a Retail Sales Tax on Marijuana and Referring the Ordinance for Ratification at the Next General Election, **as amended by Ordinance No. 5988,** be ratified?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

A “Yes” vote ratifies Ordinance No. 5986, as Amended, **as amended by Ordinance No. 5988,** and allows the City of Fairbanks to impose a 5% retail sales tax on any sale of marijuana within the City of Fairbanks.

A “No” vote rejects Ordinance No. 5986, as Amended, and no sales tax may be imposed by the City of Fairbanks on the sale of marijuana.

**Section 3.** This amendment to the definition of “marijuana” in Ordinance No. 5986, as Amended, becomes effective upon passage; the amended version of Ordinance No. 5986, as Amended, does not become effective until ratified by the voters of the City of Fairbanks.

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**JOHN EBERHART, MAYOR**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, CMC, City Clerk

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Paul J. Ewers, City Attorney

Introduced By: Mayor Eberhart  
Introduced: August 10, 2015

**ORDINANCE NO. 5989, AS AMENDED**

**AN ORDINANCE AMENDING THE 2015 OPERATING AND  
CAPITAL BUDGETS FOR THE SIXTH TIME**

**WHEREAS**, this ordinance incorporates the changes outlined on the attached fiscal note to amend the 2015 operating and capital budgets; and

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

**SECTION 1.** There is hereby appropriated to the 2015 General Fund and the Capital Fund budgets the following sources of revenue and expenditures in the amounts indicated to the departments named for the purpose of conducting the business of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2015 and ending December 31, 2015 (see pages 2 and 3) [changes shown in **bold** font].

## GENERAL FUND

| <u>REVENUE</u>                      | Ordinance<br>5984    | INCREASE<br>(DECREASE) | AS<br>AMENDED        |
|-------------------------------------|----------------------|------------------------|----------------------|
| Taxes, (all sources)                | \$ 20,668,141        | \$ -                   | \$ 20,668,141        |
| Charges for Services                | 4,760,247            | -                      | 4,760,247            |
| Intergovernmental Revenues          | 3,627,263            | -                      | 3,627,263            |
| Licenses & Permits                  | 1,965,194            | -                      | 1,965,194            |
| Fines, Forfeitures & Penalties      | 962,605              | -                      | 962,605              |
| Interest & Penalties                | 130,500              | -                      | 130,500              |
| Rental & Lease Income               | 164,734              | -                      | 164,734              |
| Other Revenues                      | 224,500              | -                      | 224,500              |
| Other Financing Sources (Uses)      | 2,502,682            | -                      | 2,502,682            |
| <br>                                |                      |                        |                      |
| Total revenue appropriation         | <u>\$ 35,005,866</u> | <u>\$ -</u>            | <u>\$ 35,005,866</u> |
| <br>                                |                      |                        |                      |
| <u>EXPENDITURES</u>                 |                      |                        |                      |
| Mayor and Council                   | \$ 604,411           | \$ -                   | \$ 604,411           |
| Office of the City Attorney         | 183,315              | -                      | 183,315              |
| Office of the City Clerk            | 357,101              | -                      | 357,101              |
| Finance Department                  | 953,159              | -                      | 953,159              |
| Information Technology              | 1,687,272            | -                      | 1,687,272            |
| General Account                     | 5,781,961            | -                      | 5,781,961            |
| Risk Management                     | 1,458,793            | -                      | 1,458,793            |
| Police Department                   | 7,256,063            | -                      | 7,256,063            |
| Dispatch Center                     | 2,025,136            | -                      | 2,025,136            |
| Fire Department                     | 6,562,200            | <b>25,000</b>          | 6,587,200            |
| Public Works Department             | 7,781,302            | -                      | 7,781,302            |
| Engineering Department              | 721,345              | <b>23,835</b>          | 745,180              |
| Building Department                 | 683,531              | -                      | 683,531              |
| <br>                                |                      |                        |                      |
| Total expenditure appropriation     | <u>\$ 36,055,589</u> | <u>\$ 48,835</u>       | <u>\$ 36,104,424</u> |
| <br>                                |                      |                        |                      |
| 12/31/14 general fund balance       | \$ 11,360,245        | \$ -                   | \$ 11,360,245        |
| Increase (Decrease) to fund balance | (840,545)            | <b>(48,835)</b>        | (889,380)            |
| Assigned PY encumbrances            | (209,178)            | -                      | (209,178)            |
| Nonspendable                        | (473,424)            | -                      | (473,424)            |
| Committed for snow removal          | (250,000)            | -                      | (250,000)            |
| Assigned self insurance             | (793,207)            | -                      | (793,207)            |
| 12/31/15 Unassigned balance         | <u>\$ 8,793,891</u>  | <u>\$ (48,835)</u>     | <u>\$ 8,745,056</u>  |

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

\$ 7,220,885

## CAPITAL FUND

| <u>REVENUE</u>                 | Ordinance<br>5984  | INCREASE<br>(DECREASE) | AS<br>AMENDED      |
|--------------------------------|--------------------|------------------------|--------------------|
| Transfer from Permanent Fund   | \$ 543,065         | -                      | \$ 543,065         |
| Transfer from General Fund     | 1,624,453          | -                      | 1,624,453          |
| Equip Replacement              |                    |                        |                    |
| Public Works                   | 250,000            | -                      | 250,000            |
| Building                       | 10,000             | -                      | 10,000             |
| Police                         | 240,000            | -                      | 240,000            |
| Dispatch                       | 140,000            | -                      | 140,000            |
| Fire                           | 391,500            | -                      | 391,500            |
| IT                             | 100,000            | -                      | 100,000            |
| Property Repair & Replacement  | 145,000            | -                      | 145,000            |
|                                | <u>\$3,444,018</u> | <u>\$ -</u>            | <u>\$3,444,018</u> |
| <br>                           |                    |                        |                    |
| <u>EXPENDITURES</u>            |                    |                        |                    |
| IT Department                  | \$ 204,751         | \$ -                   | \$ 204,751         |
| Police Department              | 311,385            | -                      | 311,385            |
| Fire Department                | 553,265            | -                      | 553,265            |
| Public Works Department        | 720,208            | <b>913,090</b>         | 1,633,298          |
| PW-Prop. Repair/Replacement    | 1,846,467          | -                      | 1,846,467          |
| PW-Road Maintenance            | 2,197,830          | -                      | 2,197,830          |
| Total appropriation            | <u>\$5,833,906</u> | <u>\$ 913,090</u>      | <u>\$6,746,996</u> |
| <br>                           |                    |                        |                    |
| 12/31/14 capital fund balance  | \$6,634,841        | \$ -                   | \$6,634,841        |
| Increase (Decrease)            | (1,704,002)        | <b>(913,090)</b>       | (2,617,092)        |
| Assigned PY encumbrances       | (685,886)          | -                      | (685,886)          |
| 12/31/15 Assigned fund balance | <u>\$4,244,953</u> | <u>\$ (913,090)</u>    | <u>\$3,331,863</u> |

**SECTION 2.** All appropriations made by this ordinance lapse at the end of the fiscal year to the extent they have not been expended or contractually committed to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2015 and ending December 31, 2015.



**SECTION 3.** The effective date of this ordinance shall be the \_\_\_\_ day of August 2015.

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**JOHN EBERHART, MAYOR**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, CMC, City Clerk

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Paul J. Ewers, City Attorney

## FISCAL NOTE

ORDINANCE NO. 5989, AS AMENDED, AMENDING THE 2015  
OPERATING AND CAPITAL BUDGETS FOR THE SIXTH TIME

ESTIMATED REVENUES and OTHER FINANCING SOURCES (USES)

\$ \_\_\_\_\_

1. Taxes – No Change
2. Charges for Services – No Change
3. Intergovernmental Revenues – No Change
4. Licenses & Permits – No Change
5. Fines, Forfeitures & Penalties – No Change
6. Interest & Penalties – No Change
7. Rental & Lease Income – No Change
8. Other Revenues – No Change
9. Other Financing Sources & (Uses) – No Change

FISCAL NOTE CONTINUED  
ESTIMATED EXPENDITURES

\$ 48,835

1. Mayor & Council – No Change
2. City Attorney’s Office – No Change
3. City Clerk’s Office – No Change
4. Finance Department – No Change
5. Information Technology – No Change
6. General Account – No Change
7. Risk Management – No Change
8. Police Department – No Change
9. Dispatch – No Change
10. Fire Department – \$25,000 increase
  - \$25,000 increase in ambulance billing fees
11. Public Works – No Change
12. Engineering –\$23,835 Increase
  - \$ 503 increase wages to promote two Engineer I employees to Engineer II
  - \$ 4,542 increase in Engineering Training for Certified Professional Education
  - \$18,790 increase to wages for non-grant wages while at training (8 engineers attending 6 days training for 8 hours each day).
13. Building Department – No Change

## FISCAL NOTE CONTINUED

### Capital Fund

1. REVENUES

- No change

2. OTHER FINANCING SOURCES (USES)

- No change

3. EXPENDITURES

Public Works Facility

- \$913,090 increase to ~~complete the fuel tank farm~~ **fully fund Public Works Fuel Tanks Project RFP-15-27**

4. INTERNAL TRANSFERS

- No change

**2015 Summary GENERAL FUND Budget Changes**

| <b>Date</b> | <b>Account</b> | <b>Description</b>                                                   | <b>Revenues</b>      | <b>Expenditures</b>    | <b>Net income</b>   |
|-------------|----------------|----------------------------------------------------------------------|----------------------|------------------------|---------------------|
| 12/1/2014   |                | Ord. 5961 Council Budget                                             | \$ 36,367,511        | \$ (35,586,182)        | \$ 781,329          |
| 1/5/2015    |                | Ord. 5962 As Amended, AFLCIO                                         | -                    | (116,558)              | (116,558)           |
| 5/18/2015   |                | Ord. 5978<br>[Interfund transfers \$1,242,316, not included]         | -                    | (4,500)                | (4,500)             |
| 6/8/2015    |                | Ord. 5980, IBEW                                                      | 19,544               | (87,962)               | (68,418)            |
| 7/6/2015    |                | Ord. 5984 As Amended<br>[Interfund transfers \$20,000, not included] | (118,873)            | (51,209)               | (170,082)           |
| 8/24/2015   |                | Ord. 5989                                                            | -                    | (48,835)               | (48,835)            |
|             |                |                                                                      |                      |                        | <b>372,936</b>      |
|             |                | <b>PROPOSED:</b>                                                     |                      |                        | <b>372,936</b>      |
|             |                | Projected PSEA one time 4% - 3 year contract                         | -                    | (343,013)              | (343,013)           |
|             |                | Projected FFA 2.5% One year                                          | -                    | (138,516)              | (138,516)           |
|             |                |                                                                      |                      |                        | <b>(108,593)</b>    |
|             |                |                                                                      | <u>\$ 36,268,182</u> | <u>\$ (36,376,775)</u> | <u>\$ (108,593)</u> |

**Note:** Does not include encumbrances which are funded by prior year Fund Balance or interfund transfers subsequent to the original budget.

**2015 Summary CAPITAL FUND Budget Changes**

| <b>Date</b> | <b>Account</b> | <b>Description</b>                                          | <b>Revenues</b>     | <b>Expenditures</b>   | <b>Net Income</b>     |
|-------------|----------------|-------------------------------------------------------------|---------------------|-----------------------|-----------------------|
| 12/1/2014   |                | Ord. 5961 Council Budget                                    | \$ 2,307,788        | \$ (2,303,000)        | \$ 4,788              |
| 5/18/2015   |                | Ord. 5978<br>[Interfund transfer \$1,134,419, not included] | -                   | (2,697,830)           | (2,697,830)           |
|             |                |                                                             |                     |                       | (2,693,042)           |
|             |                | Ord. 5984 As Amended<br>Packer Trucks                       | -                   | (117,190)             | (117,190)             |
|             |                | Ambulance Increase                                          | -                   | (30,000)              | (30,000)              |
|             |                |                                                             |                     |                       | (2,840,232)           |
|             |                | Ord. 5989 As Amended                                        |                     | (913,090)             | (913,090)             |
|             |                |                                                             |                     |                       | (3,753,322)           |
|             |                |                                                             | <u>\$ 2,307,788</u> | <u>\$ (6,061,110)</u> | <u>\$ (3,753,322)</u> |

**Note:** Does not include encumbrances which are funded by prior year Fund Balance.

**RESOLUTION NO. 4686**

**A RESOLUTION EXPRESSING THE CITY OF FAIRBANKS' CONCERN  
ABOUT ADDITIONAL STATE OF ALASKA PROGRAMS AFFECTING  
FUNDING OF EXISTING PROGRAMS**

**WHEREAS**, Governor Walker has unilaterally initiated Medicaid expansion; and

**WHEREAS**, the federal government currently has committed to pay 100% of the cost of Medicaid expansion through 2016, after which participating states will be required to pay an incrementally increasing match, currently set to cap out at 10% in 2020; and

**WHEREAS**, the State of Alaska has experienced rapidly diminishing revenues caused by declining oil production and oil prices; and

**WHEREAS**, many participating states are alarmed at the growing cost of Medicaid expansion and the larger than predicted enrollment ("Medicaid enrollment surges, stirs worry in some states," Fairbanks Daily News-Miner, July 20, 2015); and

**WHEREAS**, the City of Fairbanks over many years has assumed responsibilities formerly undertaken by the State; and

**WHEREAS**, the State no longer gives Municipal Assistance and has continued, on an erratic basis, Revenue Sharing, which originally was intended to offset transferred costs from the State and give municipalities their fair share of oil revenue; and

**WHEREAS**, many Alaskan villages heavily rely on Revenue Sharing, which if cut or eliminated could force villages to eliminate jobs which would result in mandatory PERS termination studies; and

**WHEREAS**, the State has not dispersed Capital Funds to municipalities for several years and most likely will not restore this funding for some time, which greatly impacts local infrastructure needs;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Fairbanks is concerned that any new programs undertaken by the State of Alaska may dilute funds available for Revenue Sharing, capital projects, school districts, the University of Alaska, and other important programs that will impact Fairbanks, and because of this, the City of Fairbanks would be greatly interested in learning the State Administration's plans to make sure this dilution does not come to fruition.

**PASSED** and **APPROVED** this 24th day of August 2015.

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**John Eberhart, Mayor**

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, CMC, City Clerk

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Paul Ewers, City Attorney





FAIRBANKS DIVERSITY COUNCIL  
REGULAR MEETING MINUTES  
JUNE 9, 2015 – 5:30 PM  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA



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

Members Present: June Rogers, Seat D  
Rita Davis, Seat L  
Douglas Toelle, Seat J  
Jo Ann Borges, Seat K  
Amanda Frank, Seat N  
Kathleen Wattum, Seat I  
Trina Bailey, Seat F

Jeff Walters, Seat M  
Shirley Lee, Seat B  
Angela Foster-Snow, HR Director  
Bernard Gatewood, Council Member  
Doris Lenahan, Seat G  
Rosalind Kan, Seat H

Absent: Montean Jackson, Seat C  
Mayor John Eberhart, Chair

Michael Fitch, Seat E  
Mayonka Green, Seat O

Also Present: D. Danyielle Snider, City Clerk  
Randall Aragon, Chief of Police

Jim Williams, Chief of Staff  
Amber Courtney, Comm. Director/PIO

**Vice Chair Richards** introduced new members Rosalind Kan, Trina Bailey and Amanda Frank. She asked each of them to say a little bit about themselves.

### **APPROVAL OF AGENDA**

**Vice Chair Richards** stated that Ms. Rogers will have to leave the meeting early and requested that Item 10(a), Meeting Dates, be moved up on the agenda.

No members objected to moving Item 10(a) to be heard after Citizen's Comments.

**Ms. Lee**, seconded by **Ms. Rogers**, moved to APPROVE the Agenda, as Amended.

No members objected to the Approval of the Agenda, as Amended.

### **CITIZEN'S COMMENTS** (Limited to 3 Minutes)

Police Chief Randall Aragon gave an update on Community Policing and handed out a booklet titled, "Community Oriented Policing" to members. He spoke about future plans for diversity and community policing training at Fairbanks Police Department (FPD). Chief Aragon and members discussed challenges facing Fairbanks and ways to address those issues. Chief Aragon stated that he would like to see FPD become the first accredited police department in the State of Alaska.

## MEETING DATES

### a) Next Meeting Date

Diversity Council Members discussed whether to set Regular Meeting dates for the second Tuesday of every month.

**Mr. Rogers**, seconded by **Mr. Toelle**, moved to set Regular Meeting dates for the second Tuesday of every month at 5:30 p.m.

Hearing no objection, **Vice Chair Richards** declared the Meeting date APPROVED.

## APPROVAL OF PREVIOUS MINUTES

### a) Meeting Minutes of March 10, 2015

**Ms. Rogers**, seconded by **Ms. Davis**, moved to APPROVE the Meeting Minutes of March 10, 2015.

Hearing no objection, **Vice Chair Richards** declared the minutes APPROVED.

### b) Meeting Minutes of April 14, 2015

**Ms. Davis**, seconded by **Ms. Rogers**, moved to APPROVE the Meeting Minutes of April 14, 2015.

Hearing no objection, **Vice Chair Richards** declared the minutes APPROVED.

## NEW BUSINESS

### a) Discussion on Review of Diversity Action Plans from Other Communities

Chief of Staff Jim Williams distributed an updated Diversity Action Plan (DAP) to members. He stated that the plan is still in draft status and indicated that it will need to be on the next meeting's agenda. Mr. Williams asked members to provide input on the format of the DAP.

Members requested that the DAP documents be emailed again so that new members would have all the information. Members discussed the target audience for the Fairbanks DAP and community involvement in the process.

Mr. Williams explained that the draft DAP is a compilation of all the members' input at previous strategic planning sessions. He indicated that the plan may be modified in the future.

Members discussed goals and timelines outlined in the DAP. Mr. Williams stated that he would like members to provide comments to him as soon as possible so that he can begin finalizing the document for approval.

b) Survey Results

Mr. Williams distributed a Labor Force Demographics document he compiled for the City of Fairbanks as an employer. He stated that the information is based on current HR records and applications for employment.

Members discussed how ethnicity categories are selected and defined. Mr. Williams explained that the categories he reported are the same as what the City reports to the federal government. He read aloud the federal guidelines for ethnic heritage categories. Members discussed how demographic data is gathered and what information can be collected. Members discussed the need to separate Alaska Natives from the American Indian category.

**Ms. Lee** asked how the information would be shared with the City Council.

Mr. Williams stated that he already shared the information with City Department Heads. He stated that he can simply forward the information to the City Council. Mr. Williams stated that he can pull the data together for a snapshot rather quickly, with the exception of applicant data which is a manual process. He stated that the City has recently revamped the Police Department hiring process to be more transparent and accessible and is also changing the way jobs City-wide are being advertised.

**Vice Chair Richards** stated that it is difficult to be an individual with a diverse background in a predominately-white community. She stated that organizations should be encouraged to make changes that will make all people feel welcome and accepted. She stated that she would like to see people become co-responsible for the community and understand that everyone is in this together. **Vice Chair Richards** shared a story about her father that helped shape her life.

Members discussed change of heart versus change of process in reference to diversity, equality and social acceptance. They discussed ways to help the City of Fairbanks achieve an increase in minority hiring.

c) Formation of Subcommittees

Mr. Williams referenced the list of subcommittees on the last page of the draft DAP. He gave a brief explanation of what each of the four subcommittees' focus would be.

**Vice Chair Richards** called each of the four subcommittees out by title and asked members to indicate interest by raising their hand.

Mr. Williams recommended that the group nominate and select chairs for each of the four subcommittees, then add members to each.

HR Director Angela Foster-Snow tracked subcommittee assignments as members volunteered. Chairs were nominated by members and there were no objections to any of the nominations. The below subcommittees were formed with the following members:

Education & Outreach Subcommittee

Trina Bailey, Chair  
Jeff Walters  
Shirley Lee  
Angela Foster-Snow  
Jo Ann Borges  
Rosalind Kan  
Ana Maria Richards

Media & Communications Subcommittee

Amanda Frank, Chair  
Dr. Michael Fitch  
Trina Bailey  
Kate Wattum  
Bernard Gatewood  
Amber Courtney (City Rep/PIO)

Policies & Procedures Subcommittee

Shirley Lee, Chair  
Amanda Frank  
Rita Davis  
Doug Toelle  
Jo Ann Borges  
May Green  
Doris Lenahan

Accessibility Subcommittee

Doug Toelle, Chair  
Jo Ann Borges  
Rita Davis  
Jeff Walters  
Kate Wattum  
Ana Maria Richards

Mr. Williams stated that the next step will be a meeting of subcommittee chairs to go through the DAP and set expectations.

Ms. Lee asked Mr. Williams to go through the DAP and assign tasks/goals according to subcommittee. She requested that he email the information to members.

FDC MEMBERS' COMMENTS

Angela Foster-Snow stated that the HR Department has been redefining FPD's recruitment process and hopes to use it as a model for other departments. She stated that Chief Aragon has requested that the FDC nominate one of their own members to serve on the oral board for police recruitment. She stated that there will be seven members on the panel; she stated that interviews will take place on July 21 and 22 and that there are already 33 applicants. Ms. Foster-Snow spoke to advertising efforts by the City of Fairbanks for the recruitment. She explained the timeline for screening, testing, and interviewing.

Some members expressed concern that the oral board would only have one woman; they also expressed concern with the questions that might be asked during the interview process. Ms. Borges asked Mr. Williams to discuss current vacancies in other departments.

Mr. Williams spoke to current and potential vacancies at FPD, Dispatch, Fairbanks Fire Department (FFD) and Public Works.

Members nominated Ms. Shirley Lee to serve as the FDC representative on the FPD hiring panel.

Hearing no objection or additional nominations, **Vice Chair Richards** declared that the representative on the FPD hiring panel would be Ms. Shirley Lee.

Ms. Foster-Snow stated that if any members have suggestions, ideas or concerns relating to the hiring panel or process, they may email them to her.

**Ms. Davis** stated that her term expiration is coming up and expressed her intent to remain on the Diversity Council. She recommended the elimination of term expiration dates.

**Mr. Gatewood** commented that he doubts if the Council would be interested in eliminating term expirations as all City Board and Commission members have term expiration dates.

**Ms. Lenahan** stated that she had no comments.

**Ms. Kan** recommended that a time limit be set for regular meetings of the FDC. After more discussion and consideration, members did not elect to set meeting time limits.

**Ms. Bailey** encouraged everyone to be mindful of the language they use on a day-to-day basis and to constantly self-reflect.

**Ms. Wattum** told of a recent experience relating to race at a local government meeting where all the students being awarded were white and the students putting on the entertainment were minorities. She shared an example of stepping out of her comfort zone and encouraged others to make a conscious decision to step out of their comfort zones.

**Mr. Toelle** welcomed the new members to the Diversity Council. **Vice Chair Ana Richards** thanked Mr. Toelle for sharing the Americans with Disabilities Act (ADA) federal guidelines.

**Mr. Walters** also welcomed new members. He asked whether the re-appointments of the incumbent members will automatically go before the City Council.

City Clerk Snider stated that members wishing to continue service must provide something in writing stating their intent to continue. She explained the City's Board and Commission appointment process from application to Council approval.

**Mr. Walters** spoke to the importance of getting the word out to the public that they are invited to attend meetings of the Diversity Council. Members briefly discussed the possibility of creating their own social media page.

**Ms. Borges** stated that she would like to have something like a business card to hand out to people she meets with contact information for the Diversity Council. She acknowledged that money for such a project may be an issue.

**Vice Chair Ana Richards** shared that there will be a Juneteenth celebration put on by a number of local organizations and invited everyone in the community to attend. She stated that the celebration will last for four days starting on Thursday, June 11.

**Ms. Frank** asked if there are certain hash tags on social media to follow the City of Fairbanks. She stated that she is pleased to be a member of the FDC where she can have a voice and express an opinion.

Clerk Snider stated that she does not use hash tags on the City's social media pages. City PIO and Communications Director Amber Courtney stated that she sometimes uses hash tags for special events or projects of the City and stated that she would be happy to discuss ideas relating to social media.

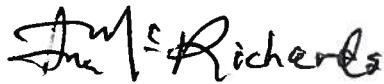
Members briefly discussed how subcommittees will get started and how they will regularly report to the FDC. Clerk Snider suggested that a new item titled, "Subcommittee Reports" be added to the FDC's regular agenda. There were no objections to the suggestion.

**Ms. Lee** apologized for having missed some meetings due to medical issues. She expressed excitement in having the energy of some younger people in the group. She stated that she is pleased with the progress that has been made.

### ADJOURNMENT

**Ms. Davis**, seconded by **Ms. Lenahan**, moved to ADJOURN the meeting.

Hearing no objection, **Vice Chair Richards** declared the meeting  
ADJOURNED at 8:20 p.m.

for   
\_\_\_\_\_

John Eberhart, Chair

  
\_\_\_\_\_

Daniëlle Snider, CMC, City Clerk

Transcribed by: DS





FAIRBANKS DIVERSITY COUNCIL  
REGULAR MEETING MINUTES  
JULY 14, 2015 – 5:30 PM  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA



The **Fairbanks Diversity Council (FDC)** convened at 5:37 p.m. on the above date to conduct a Regular Meeting at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Chair John Eberhart presiding and with the following members in attendance:

Members Present: Ana Maria Richards, Seat A      Shirley Lee, Seat B  
June Rogers, Seat D      Rita Davis, Seat L  
Amanda Frank, Seat N      Trina Bailey, Seat F  
Mayonka Green, Seat O      Angela Foster-Snow, HR Director

Absent: Montean Jackson, Seat C      Michael Fitch, Seat E  
Kate Wattum, Seat I      Bernard Gatewood, Council Member  
Doris Lenahan, Seat G      Rosalind Kan, Seat H  
Jeff Walters, Seat M      Douglas Toelle, Seat J  
Jo Ann Borges, Seat K

Also Present: D. Danyielle Snider, City Clerk      Jim Williams, Chief of Staff (telephonic)  
Randall Aragon, Chief of Police      Amber Courtney, Comm. Director/PIO  
Paul Ewers, City Attorney      Mary Kreta, UAF Director of Admissions

**APPROVAL OF AGENDA**

**Chair Eberhart** stated that there were not enough members present for a quorum and stated that the agenda could not be approved without a quorum. He asked if anyone objected to allowing City Attorney Ewers to give the Open Meetings Act (OMA) presentation first [Item (a) of New Business].

No members objected.

City Attorney Ewers gave a brief PowerPoint Presentation on the OMA.

**CITIZENS COMMENTS** (Limited to 3 Minutes)

Chief Aragon provided an update on Community Oriented Policing in the Downtown area. He invited everyone to attend the Community Oriented Policing meetings.

Chief Aragon, HR Director Angela Foster-Snow, and Mayor Eberhart spoke to the police recruitment process.

Chief Aragon spoke briefly to the diversity training efforts at FPD. He stated that he participated in the Midnight Sun Intertribal Powwow on Sunday. Chief Aragon stated that he is a member of the North Star Youth Court Board and the Alaska Native Veteran's Association.

**Chair Eberhart** spoke briefly to the financial status of Housing First. He spoke to the services offered by the Community Service Patrol (CSP) and to the recent expansion of the service City-wide. He spoke to efforts in securing future funding for the CSP.

**Ms. Lee** asked how the labor force demographics were shared with the City Council and what their feedback was.

Chief of Staff Jim Williams replied that the document was handed out to the Council and he has not received any feedback from them.

Communications Director/PIO Amber Courtney reported that the City's website now has an entire page dedicated to unsolved City homicide cases dating back to 1983.

**Mayor Eberhart** stated that the Fairbanks Police Department (FPD) will need more resources in order to successfully solve the cases.

### **APPROVAL OF PREVIOUS MINUTES**

- a) Meeting Minutes of June 9, 2015

The meeting minutes could not be approved due to lack of a quorum.

**Chair Eberhart** asked Ms. Mary Kreta to come forward and speak to the group if there was no objection from members [Item (b) of New Business].

No members objected.

Ms. Kreta distributed UAF admission packets to each member. She stated that as the Director of Admissions she oversees communication to perspective students, student recruitment and new student orientation. She spoke to her efforts in helping UAF gain a more diverse student body; she invited input and ideas on how her department might improve diversity and connect UAF with underrepresented portions of the Fairbanks community. She stated that she would like to create a partnership with the FDC so that each organization may mutually benefit. Ms. Kreta spoke to the struggle she has experienced in gaining diversity in her own staff. She stated that her staff has undergone some diversity training and that she intends to continue the training. Ms. Kreta indicated that there is also much work to be done to increase diversity in UAF's marketing materials.

Members and Ms. Kreta discussed various ideas for increasing diversity in local education and to the need to provide support, encouragement and resources to young people seeking an education. They discussed ideas for making recruitment and marketing materials more relatable to minority groups; members talked about the link between a lack of education and incarceration. They spoke to the difficulty individuals have with reentering society after being incarcerated and to how education may help.



Chief Aragon agreed that a lack of education is linked to incarceration rates. He stated that he serves on the Literacy Council because he recognizes that there is a problem; he indicated that it is a social issue.

Members discussed the great diversity of the Fairbanks community and to available local resources that may help with UAF's goal in recruiting a more diverse student body. They identified that the first step in accomplishing that goal is to acknowledge that there is a problem. Members communicated challenges they have experienced in coming from a minority background and what they have learned from those experiences. They discussed ways for UAF to reach out to the rural communities in Alaska. Members suggested that UAF display more photos of individuals of a variety of races and backgrounds in its marketing materials. They spoke to the importance of making young people believe that they can be successful and have a good experience in college.

**Chair Eberhart** suggested that it may be a good idea for UAF to increase communication with incarcerated individuals and local churches. He spoke to available resources and organizations that may help with diversity-specific recruitment.

### **UNFINISHED BUSINESS**

- a) Diversity Action Plan (DAP) Review – Tone and Format

**Chair Eberhart** stated that Chief of Staff Jim Williams is seeking direction on the tone and format for the DAP. After a brief discussion, members came to a consensus that the Plan should be referred to the FDC Communications Committee.

### **NEW BUSINESS**

- a) City Attorney Presentation on Open Meetings Act

*This item was presented and discussed under Approval of Agenda.*

- b) Guest Speaker – Mary Kreta, UAF Director of Admissions

*This item was presented and discussed under Approval of Meeting Minutes.*

### **FDC MEMBERS COMMENTS**

**Ms. Frank** spoke to the offensive content of social media and to the challenges in bringing up difficult conversations with others. She stated that she hopes to create some type of forum where people can speak about difficult issues and gain a better understanding of what diversity means.

**Ms. Green** requested that she be moved from the Policy and Procedure Committee to the Education and Community Outreach Committee. She stated that she would be willing to serve on both. She spoke to the progress the FDC has made and stated that she is excited to serve as a member.

**Ms. Rogers** stated that she would be willing to take Ms. Green's spot on the Policy and Procedure Subcommittee.

**Ms. Richards** stated that she recently joined the Board of the Interior Alaska Center for Non-violent Living (IAC). She stated that some of the terrible things that go on throughout the country are somewhat expected because people do not talk about the bigger issues such as segregation and slavery. **Ms. Richards** stated that she welcomes those difficult conversations; she stated that everyone participates in internalized oppression and emphasized the importance of diversity education.

**Ms. Bailey** stated that she is feeling a sense of urgency about the Fairbanks community and the state. She expressed her concern that they are looking at building another prison to put blacks and Alaska natives in. She stated that the FDC needs to figure out what they can do on a local level. She stated that folks get convictions and go to jail, which makes it nearly impossible for them to successfully reenter society. She stated that the FDC really needs to look at their role in the situation. **Ms. Bailey** encouraged everyone to step outside of themselves and approach others with an open mind. She commented on the low attendance of FDC members at recent meetings and stated that she is anxious to see a better turnout at future meetings.

**Ms. Lee** stated that she has been working with Tanana Chiefs Conference (TCC) to organize a reentry program for Alaska natives. She expressed her concern that the FDC has not received any kind of feedback from the City Council. She recommended that FDC members show up at the next City Council Meeting to support Mr. Gatewood as he gives a FDC report. **Ms. Lee** stated that she wants to ensure that the work she is doing is productive. She mentioned that she has heard comments indicating that the general public is unaware that a Diversity Council exists. She suggested that more focus be put on getting the word out about the FDC.

Ms. Courtney stated that the City Clerk does a standard advertisement for each FDC meeting, but emphasized the importance of having other communications from the FDC to the public come directly from the FDC.

**Chair Eberhart** stated that he will focus on the activities of the FDC in his next *Community Perspective*.

**Ms. Davis** stated that she was pleased to have been recently re-appointed to her position on the FDC. She expressed her excitement for what the FDC may accomplish in the future.

**Ms. Rogers** commended Ms. Frank for her ideas and goals in regard to community involvement and education. She expressed her frustration that the FDC has been unable to gain a consistent quorum at regular meetings. She suggested that any member who does not have time to attend meetings relinquish their seat to allow someone else the opportunity to serve. **Ms. Rogers** also stated that members should let the City Clerk know ahead of time when they will be absent from a regular meeting.

Members discussed the possibility of adopting attendance rules for the FDC.

**Chair Eberhart** spoke to recent meetings he has attended that have relevance to issues of the FDC. He announced that he has been asked to speak at the July 15 opening of the World Eskimo-Indian Olympics (WEIO). **Chair Eberhart** shared that the City would hold oral boards for the Fairbanks Police Department (FPD) applicants on July 21 and 22; he stated that seven individuals have been selected for the panel and that he will only observe the interviews. He stated that he is bringing change to the City's hiring process by taking diversity into consideration. He spoke to changes he has made to the City's employment application. He stated that he will be visiting Fanano, Italy, the City of Fairbanks' Sister City, on August 31.

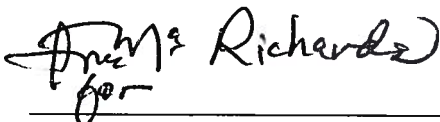
**MEETING DATES**

The next meeting of the FDC is scheduled for August 11, 2015.

**ADJOURNMENT**

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

Hearing no objection, **Chair Eberhart** declared the meeting  
ADJOURNED at 8:20 p.m.

 *John Eberhart*

John Eberhart, Chair

 *Danyielle Snider*

Danyielle Snider, CMC, City Clerk

Transcribed by: DS