



FAIRBANKS CITY COUNCIL
AGENDA NO. 2015-05
REGULAR MEETING MARCH 9, 2015
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

REGULAR MEETING

7:00 P.M.

1. ROLL CALL
2. INVOCATION
3. FLAG SALUTATION
4. 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).

5. 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.
6. APPROVAL OF PREVIOUS MINUTES
 - *a) Regular Meeting Minutes of December 1, 2014
 - *b) Regular Meeting Minutes of December 8, 2014

7. SPECIAL ORDERS

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

Appellant: Brian K Corty

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

Lic #	Establishment Name	License Type	Premise Location	Owner Name
77	300 Club	Beverage Dispensary	940 Cowles St	Karen A. Meadows-Sours
426	Frontier Club	Beverage Dispensary	No Premises	Boulder Investments, Inc.
617	K & L Distributors	Wholesale General	945 Elizabeth St	K & L Distributors, Inc.
1377	Rock N Rodeo Bar & Grill	Beverage Dispensary	600 Old Steese Hwy	Scruff-N-Pork's, Inc.
1912	Gold Rush Saloon	Beverage Dispensary	3399 Peger Rd	Downriver, Inc.
1966	Loyal Order of Moose #1392	Club	98 Tenth Ave	Fairbanks Lodge #1392
2124	Los Amigos	Beverage Dispensary	636 28 th Ave (upstairs)	Two Amigos, LLC
2512	2 Go Mart #114	Package Store	2110 Peger Rd	Tesoro Northstore Company
2847	Bojangles	Beverage Dispensary	1351 Cushman St	Scruff-N-Pork's, Inc.
3050	Gambardella's Pasta Bella	Restaurant / Eating Place	706 2 nd Ave	Gambardella's II, Inc.
3336	Soapy Smith's Pioneer Restaurant	Restaurant / Eating Place	543 2 nd Ave	Nicholas V. Stepovich
3965	K & L Beverage Company	Wholesale General	945 Elizabeth St	K & L Beverage Company, LLC
4216	2 Go Mart #115	Package Store	99 College Rd	Tesoro Northstore Company
4314	Gallo's Mexican Restaurant	Beverage Dispensary	60 College Rd	Northern Lights Business, Inc.
4465	Roundup Steak House	Beverage Dispensary	2701 S Cushman St	The Last Roundup, LLC
4504	Gold Rush Deli	Beverage Dispensary	3399 Peger Rd #C	Upriver, Inc.
4547	Chili's Grill & Bar	Beverage Dispensary	No Premises	Duke Investments, LLC
4548	Brewsters	Beverage Dispensary	354 Old Steese Hwy	Restaurant Concepts, LLC
4565	2 Go Tesoro	Package Store	3569 S Cushman St	Tesoro Northstore Company
4763	Bobby's Downtown	Beverage Dispensary	609 Second Ave	Delta Epsilon, Inc.

Lic #	Establishment Name	License Type	Premise Location	Owner Name
4880	Friar Tuck's Hoagie House	Restaurant / Eating Place	427 Merhar Ave, Unit 2	Joshua Roach & Stafford Roach
5262	Aha Oriental Kitchen	Restaurant / Eating Place	996 Blair Road	Moonstone, LLC

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

Type: Beverage Dispensary, License #270

To: Franklin Eagle
No Premises

From: Comet Club / John H Moneymaker
208 Gaffney Road, Fairbanks

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Ordinance No. 5965 – An Ordinance Amending Fairbanks General Code Section 2-118.1 to Add an Additional Public Member to the Council Finance Committee. Introduced by Council Members Matherly and Cleworth.

10. NEW BUSINESS

- *a) Resolution No. 4660 – A Resolution Amending the Schedule of Fees and Charges for Services by Adjusting Refuse Collection Rates. Introduced by Mayor Eberhart.
- *b) Resolution No. 4661 – A Resolution Supporting the Alaska Industrial Development and Export Authority Purchase of PENTEX and Fairbanks Natural Gas. Introduced by Council Members Pruhs and Walley.
- *c) Ordinance No. 5966 - An Ordinance Approving the Partners for Fish and Wildlife Program Landowner Agreement Between the City, Festival Fairbanks, and the U.S. Fish and Wildlife Service. Introduced by Mayor Eberhart.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)
 - a) Committee Reports
12. COMMUNICATIONS TO COUNCIL
13. COUNCIL MEMBERS' COMMENTS
14. CITY CLERK'S REPORT
15. CITY ATTORNEY'S REPORT
16. CITY CLERK APPLICANT INTERVIEW
17. EXECUTIVE SESSION
 - a) Labor Contract Negotiations – International Brotherhood of Electrical Workers (IBEW) and Fairbanks Firefighters Union (FFU)
 - b) City Clerk Applicant Discussion

NOTE: This item is on an “as-needed” basis to discuss personal characteristics of the applicant if such discussion would tend to prejudice the candidate’s reputation.
18. ADJOURNMENT



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, DECEMBER 1, 2014
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
Perry Walley, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Jerry Cleworth, Seat E
David Pruhs, Seat F

Absent: None

Also Present: Clem Clooten, Building Official
Warren Cummings, Fire Chief
Paul Ewers, City Attorney
D. Danyielle Snider, Deputy City Clerk
Jim Williams, Chief of Staff
Stephanie Johnson, Dispatch Center Manager
Carmen Randle, Controller
Ben Barrio, IT Director
Barbara Sunday, Director HR/Risk Management/Purchasing
Jim N. Soileau, Chief Financial Officer
Randall Aragon, Police Chief
Eric Jewkes, Police Admin Lieutenant
Brad Johnson, Deputy Police Chief

INVOCATION

The Invocation was given by Deputy Clerk Snider.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Cleworth pulled Resolution No. 4652 from the Consent Agenda.

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

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

CITIZEN'S COMMENTS

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney reminded everyone that December 15 is Bill of Rights Day, a celebration of the ratification of the Ten Amendments to the U.S. Constitution, and expressed hope that the Council would continue the tradition of reading aloud the Bill of Rights at the Council Meeting on December 8, 2014. He spoke to the origin of the term “marijuana” stating that it comes from Mexico and was used as a racial tool against Mexicans and black people. He expressed distaste for use of the term and offered the term “cannabis” as a substitute. Mr. Turney stated that he has not yet received an answer to his question regarding the type of fire retardant found on the clothing of Johnny Wallis. He stated that he would also like to know how evidence is handled and stored at the Fairbanks Police Department (FPD). He spoke to the John Hartman murder case and suggested that Mr. Hartman may have been raped or sexually assaulted. He questioned whether the authorities or the hospital kept physical evidence if there was such an examination performed. Mr. Turney spoke to the importance of keeping evidence in a safe and stable environment, free of contamination. He stated that he hopes it keeps snowing.

Donna Gilbert, 2223 South Cushman Street, Fairbanks – Ms. Gilbert expressed concern with the proposed 2015 budget and spoke specifically to Mayor Eberhart’s attorney fees. She explained that when she sat on the Council, the decision to go to litigation or select an attorney was discussed and decided as a body. Ms. Gilbert stated that it is not fair that Mayor Eberhart’s attorney fees are costing the City taxpayers thousands of dollars over a fine of \$37.50. She stated that she filed the complaint with APOC and plans to forward the complaint to the Alaska Bar Association. Ms. Gilbert expressed her belief that Mayor Eberhart was dishonest in his deposition. She suggested that if he was dishonest in that situation, he will likely be dishonest with other things. She stated that when she was fined by APOC she paid the fine even though she knew she had not done anything wrong. She emphasized the importance of maintaining the trust of the citizens of Fairbanks. Ms. Gilbert stated that the public deserves an explanation as to how the Council agreed that the City should pay Mayor Eberhart’s attorney fees.

Amy Geiger, 4400 Stanford Drive, Fairbanks – Ms. Geiger shared Explore Fairbanks’ new 2015 Visitor’s Guide with the Council. She stated that the guide is one of the organization’s main marketing tools. She spoke to the new features in the guide and stated that it contains more art pieces than it has in the past. She thanked the Council for the City’s support of Explore Fairbanks.

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

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart stated that Chief Aragon has been very busy in his first week as the new Chief of Police and that he plans to talk soon with the Chief about the cases of Johnny Wallis, John Hartman and the Fairbanks Four. He explained the City’s budget process for the benefit of the public. **Mayor Eberhart** stated his proposed budget started with a \$1.4 million surplus which was reduced to about \$700,000 after Finance Committee review. He explained that the reduction was primarily due to the need to set aside capital funds for the replacement of City equipment.

Mayor Eberhart explained that a 2% increase for all City employees in 2015 would cost about \$500,000 and that the remaining surplus will serve as a buffer for the City. He spoke to the stable financial position of the City of Fairbanks and shared that as of November 28, the Permanent Fund was at a record high of over \$123 million. **Mayor Eberhart** listed the many events, meetings and activities of the Mayor's Office since the last Regular City Council Meeting. He referenced a memo he handed out to the Council and explained that it reflects how Department Heads would like to prioritize the City's 2015 capital requests. He clarified that the order of priorities differs from what is proposed in Resolution No. 4652. **Mayor Eberhart** stated that the City's lobbyist recommends splitting the IT and Police facility requests because the City may be able to partner with the state on the IT facility. He shared that the City's Environmental Manager, Jackson Fox, recently put out a request for proposals (RFP) to enhance the Bjerremark Subdivision. He stated that a steering committee has been formed and that there has already been an open house to gather public input. He announced that the next steering committee meeting would be held at City Hall on December 16 at 5 p.m. **Mayor Eberhart** wished City HR Director Barbara Sunday a happy birthday.

UNFINISHED BUSINESS

- a) Ordinance No. 5961 – An Ordinance Adopting the 2015 Operating and Capital Budgets. Introduced by Mayor Eberhart. **SECOND READING AND PUBLIC HEARING.**

Mr. Gatewood, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5961.

Mayor Eberhart called for Public Testimony.

Jim Richardson, 1032 8th Avenue, Fairbanks – Mr. Richardson stated that he lives downtown and rides his bicycle in the area. He commented that he would like to see the Mayor and Council make it more of a priority to keep the sidewalks cleaner in the downtown area. He stated that many businesses are moving out of the core area.

Frank Turney – Mr. Turney stated that Festival Fairbanks was taking care of the snow removal on downtown sidewalks until they lost funding. He commented that there is an ordinance speaking to snow removal on sidewalks and that the City is doing snow removal on downtown sidewalks on Wednesdays.

Donna Gilbert – Ms. Gilbert addressed the proposed budget and stated that Mayor Eberhart has added seven employees since he became City Mayor. She spoke to the 2% possible increase to City employees referenced earlier by Mayor Eberhart and commented that many employees in the private sector would love to have a 2% raise. Ms. Gilbert stated that the foreclosure rate in Fairbanks is constantly growing while Anchorage is struggling to provide enough housing for their growing population. She expressed fear that Fairbanks is becoming stagnant and cautioned the Mayor to stop spending the taxpayers' money. Ms. Gilbert pointed out that the Mayor is proposing a \$20,000 travel budget for his department in 2015 and compared it to that of former Mayor Cleworth's \$3,000 travel budget. She stated that the former Mayor was able to gain over \$5 million in state funding without traveling to Juneau. She questioned Mayor Eberhart's motives for requesting the increased travel budget. Ms. Gilbert spoke highly of the City's lobbyist Linda Anderson and indicated that she is capable of handling the City's legislative

requests in Juneau. Ms. Gilbert stated that her travel was never paid for by local government when she served as an elected official.

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

Mr. Cleworth requested that Chief Financial Officer Jim Soileau and Controller Carmen Randall come forward. He thanked the Finance Department for the work they did in preparing the proposed budget. He asked why the temporary wages and benefits line item of \$45,506 is still listed under the Dispatch Center budget and explained that his recollection was that the item was moved to the general account.

Mr. Soileau stated that he recalls the Finance Committee determining to leave the \$45,506 under the Dispatch Department's budget.

Ms. Randle stated that there are two components to the issue: to allocate enough funds in the Dispatch budget to have a full-time person in training at all times, and to fund temporary hires that are already trained and will work as needed in the Dispatch Center through the general account.

Mr. Cleworth stated that the explanation does not match his recollection or understanding of what was discussed at the Finance Committee meetings. He stated that he would like to hear other Council Members' input on the issue. He stated that he had hoped temporary hires would be placed under the general account to be apportioned at the Mayor's approval. He commented that he must have misunderstood the conclusion of that discussion.

Mr. Walley stated that he also misunderstood the discussion because he thought the \$45,506 was going to be eliminated.

Mr. Cleworth, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 5961 by eliminating the Dispatch Center line item 5005 in the amount of \$45,506.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5961 BY ELIMINATING THE DISPATCH CENTER LINE ITEM 5005 IN THE AMOUNT OF \$45,506 AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

Mr. Cleworth stated that the News Miner published two articles recently that should be clarified. He stated that one of the articles claimed that the City expects to see an increase of 0.75 mills and clarified that the actual proposed increase from 2014 to 2015 is 0.102 mills. **Mr. Cleworth** explained that the City basically works with two budgets each year: the capital budget and the operating budget. He clarified that \$475,000 of the \$698,239 reduction in surplus for the 2015 budget is simply a transfer from the Capital Fund to the General Fund, not an increase in expenditures. He explained that the only real increase to expenditures that the Council brought

forward for 2015 was temporary hires and materials for the Public Works Department. **Mr. Cleworth** stated that the News Miner article also stated that the only expenditure cut by the Council was in the Mayor's Office. He clarified that the Council reduced expenditures in other departments, including IT and Fire. **Mr. Cleworth** thanked the News Miner for their editorial about the fiscal responsibility of the City of Fairbanks. He stated that he shares concern in adding employees at the City and cautioned that the Council needs to be careful about increasing staff. He spoke briefly to the likelihood of a significant decrease in revenue sharing in coming years. **Mr. Cleworth** expressed his belief that it is prudent for the City to increase the Capital Fund and commended Mr. Walley for introducing a motion to increase the Capital Fund with surplus from the General Fund earlier in the year. He commented that the Capital Fund did not even exist twelve years ago.

Mr. Walley added that the Council chose to increase Public Works funding by approximately \$150,000 due to the significant road repairs needing to be done after the record rainfall last summer.

Mr. Matherly asked Mayor Eberhart to speak to the proposed increase to his department's travel and training budget.

Mayor Eberhart asked Chief of Staff Jim Williams to speak to the proposed increase.

Chief of Staff Jim Williams explained that the Mayor's Office travel budget has increased due to a number of reasons: 1) newly-elected officials training for new Council Members, 2) travel to and from Juneau to lobby for state capital funding, 3) Society of Human Resource Management (SHRM) training for the HR Director, 4) training for a new HR administrative assistant, 5) FBI public relations training for the City's public information officer (PIO), 6) funds for the Mayor and Chief of Staff to attend the Alaska Municipal League (AML) conference and other training, and 7) funds for the Mayor to attend the U.S. Conference of Mayors.

Mayor Eberhart stated that there are still some uncertainties in the Mayor's travel and training budget for 2015 but that the Mayor's Office is trying to step up their involvement.

Mr. Pruhs stated that the City's preparation of the 2015 budget was very comprehensive. He stated that issues were well-vetted by individuals with a great deal of City budget experience and thanked the Finance Department for their professionalism and teamwork-oriented attitude.

Mr. Walley echoed the comments of Mr. Pruhs. He stated that the Council had the opportunity to convene to discuss the proposed budget after Department Head input which helped make the process go smoothly.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5961, AS AMENDED, AS FOLLOWS:

YEAS: Pruhs, Gatewood, Staley, Cleworth, Matherly, Walley
NAYS: None
Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 5961, as Amended, ADOPTED.

NEW BUSINESS

- a) Resolution No. 4652 – A Resolution Stating the City’s Capital Priorities for the State 2015-16 Fiscal Year. Introduced by Mayor Eberhart.

Mr. Matherly, seconded by **Ms. Staley**, moved to APPROVE Resolution No. 4652.

Mr. Gatewood stated that he would like to hear the reasoning behind separating out the IT/Police facility projects.

Mayor Eberhart asked City lobbyist Linda Anderson to come forward to speak to the capital priorities.

Linda Anderson, 3165 Riverview Drive, Fairbanks – Ms. Anderson commended the City Council on the presentation of the City’s succinct request. She expressed her support for the public safety theme of the requests and commented that she believes it will go over well with appropriators. Ms. Anderson stated that in earlier years when there were shortfalls in the state budget, there were no savings accounts and indicated that she does not believe the state is close to financial disasters like it experienced in 1985 and 1998. She spoke to the power of the state legislature to appropriate funds and commented that she expects it to be a challenging year in Juneau due to the low price of oil. Ms. Anderson stated that the first and simplest cutback is in the capital budget. She indicated that the City’s requests are reasonable and recommended that the City emphasize a funding match to help obtain funds and suggested a 70/30 split. She stated that she anticipates scrutiny on duplication of projects and requests among communities. She commented that it may be best to consolidate requests with other agencies to get the best bang for the buck.

Mr. Cleworth stated that capital requests are always somewhat of a juggling act. He explained that he pulled Resolution No. 4652 because of item two on the list of priorities. He stated that item two is requesting \$15 million for local road reconstruction projects and indicated that the amount may turn legislators off. He suggested that the legislators may be more open to the request if it was more specific to just one or two neighborhoods. **Mr. Cleworth** asked Ms. Anderson if it would be smarter to modify the request.

Ms. Anderson stated that the City’s legislative requests are a work in progress and that there will be opportunities to tweak them later. She stated that while the number may be shocking, there is good reason for the needed repairs given the record high rainfall experienced in Fairbanks over the last summer. Ms. Anderson stated that the problem should not be ignored and that legislators need to be aware of it. She commented that legislators may have some constructive ideas on how to deal with the problem and reminded the Council that they will have an opportunity to meet with the Interior Delegation on December 9.

Mr. Gatewood asked for clarification on how the memo works with Resolution No. 4652.

Mayor Eberhart explained that since the Interior Delegation moved their meeting up the administration did not have time to meet with Department Heads before making a proposal to the Council. He stated that the memo outlines the order of prioritization by Department Heads and

presents the IT Disaster Recovery project as a stand-alone request. He stated that he felt the need to present the memo out of respect to City staff.

Mr. Gatewood stated that he does not have a problem with the City staff's prioritization and proposal.

Mr. Walley asked how the City requested for the IT Disaster Recovery project in the capital request the prior year.

IT Director Ben Barrio replied that the request was for \$1.4 million dollars the prior year. He stated that this year's request is based on the minimal requirements to provide a disaster recovery capability for the City of Fairbanks. He clarified that the request is minimal in that it would only cover the basic needs of the City in the event of a disaster where it is necessary to relocate City Hall operations.

Mr. Cleworth asked if the IT project request would cover the fiber ring or only the on-site development at Public Works.

Director Barrio replied that it is only for the Public Works development.

Mr. Cleworth stated that the item is a request that the City had considered putting in the Governor's budget which would have to come from the Mayor's Office. He stated that he does not mind splitting item five apart but that he likes the prioritization list as proposed in Resolution No. 4652. He stated that the fuel tanks should be a major priority.

Mr. Cleworth, seconded by **Mr. Matherly**, moved to AMEND Resolution No. 4652 by splitting item five so that the IT Disaster Recovery Site remains at item five, the Police Department Evidence Facility becomes item six, the Fire Station Storage be moved to item seven and the project request total be increased by \$50,000.00.

Mayor Eberhart explained that Development Manager Patrick Smith informed him that the IT project cost would increase by \$50,000 if it were to stand alone.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESOLUTION NO. 4652 BY SPLITTING ITEM FIVE SO THAT THE IT DISASTER RECOVERY SITE REMAINS AT ITEM FIVE, THE POLICE DEPARTMENT EVIDENCE FACILITY BECOMES ITEM SIX, THE FIRE STATION STORAGE IS MOVED TO ITEM SEVEN AND THE PROJECT REQUEST TOTAL IS INCREASED BY \$50,000.00 AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

Mr. Walley expressed support for proposed priority list.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to AMEND Resolution No. 4652 by changing the prioritization of the items to reflect the order of priorities in the memo.

Mr. Gatewood stated that he supports the staff recommendations because they are closer to the projects and may have a better idea of what needs to be prioritized.

Mr. Cleworth stated that when staff prioritized the list, there was a great difference of opinion as to what the order should be. He stated that the list in the memo is a composite of the staff's votes. He stated that he would speak against Mr. Gatewood's amendment because he prefers the list in the resolution.

Ms. Staley spoke in support of the list proposed in Resolution No. 4652 indicating that local road construction funding needs to remain a priority.

Mr. Pruhs stated that the Mayor and City lobbyist likely prepared the list in Resolution No. 4652 and spoke in support of the list because they will be the City's representation to lobby for the items.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESOLUTION NO. 4652 BY CHANGING THE PRIORITIZATION OF THE ITEMS TO REFLECT THE ORDER OF PRIORITIES IN THE MEMO AS FOLLOWS:

YEAS: Matherly, Gatewood
NAYS: Staley, Pruhs, Cleworth, Walley
Mayor Eberhart declared the MOTION FAILED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4652, AS AMENDED, AS FOLLOWS:

YEAS: Matherly, Cleworth, Walley, Staley, Gatewood, Pruhs
NAYS: None
Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4652, as Amended, ADOPTED.

DISCUSSION ITEMS

Committee Reports

Hotel/Motel Discretionary Fund Committee – **Mr. Matherly** stated that the Committee recently held a preliminary meeting to discuss the approaching grant season. He shared that 27 organizations have applied for the funding this year and that presentations will be heard on December 10 at 5:30 p.m. He stated that there is a new Committee member this year and a few new discretionary fund applicants. **Mr. Matherly** stated that the Committee takes the allocation of funds process very seriously.

COMMUNICATIONS TO COUNCIL

- a) Re-appointment to the Joint City/Borough Chena Riverfront Commission

APPROVED on the CONSENT AGENDA

b) Re-appointment to the Public Safety Commission

APPROVED on the CONSENT AGENDA

COUNCIL MEMBERS' COMMENTS

Mr. Pruhs reminded everyone that there would be a hearing on the state's Ballot Measure 2 at Pioneer Park December 2 from 6 – 8 p.m. He stated that representatives from the Borough and both the Cities of Fairbanks and North Pole will be in attendance and that he has invited a representative from the Alaska Department of Environmental Conservation (DEC) to attend. **Mr. Pruhs** stated that he reminds constituents that the Fairbanks City Council presides only over the City limits of Fairbanks. **Mr. Pruhs** requested to be excused from the Regular City Council Meeting of January 5, 2015.

Mayor Eberhart called for objection to Mr. Pruhs' request to be excused on January 5, 2015 and, hearing none, so ORDERED.

Mr. Cleworth asked if the Borough has invited all Assembly members and City Council members to attend the Work Session on Ballot Measure 2.

Mayor Eberhart replied that he is under the impression that all City Council and Assembly members are invited.

Mr. Ewers stated that the Borough Attorney's Office plans to do an overview with an opportunity for public comment.

Mr. Cleworth stated that until the state comes up with more legislation on the marijuana issue, there is not much action that municipalities can take. He spoke to the processes that may take place on the state and local level if the drug is treated and regulated like alcohol. He asked the City Attorney if he gets the impression that the state is structuring something along the same lines as alcohol.

Mr. Ewers replied that the question is still unanswered. He explained that the proposition stated that the regulations could be drawn up through the Alcoholic Beverage Control (ABC) Board or a special board for that specific purpose. He stated that it is unclear whether the state will use the existing ABC Board or establish a separate body to draft regulations. Mr. Ewers stated that the City should keep an eye out for state legislation that could adversely affect the City's local authority.

Mr. Cleworth stated that if the state uses the alcohol industry as a model for regulating cannabis, it may make a cannabis license a very valuable commodity. He stated that it is an interesting issue.

Mr. Pruhs validated Mr. Cleworth's concern and recommended that he speak with Jordan Shilling in Senator Coghill's office in regard to how licenses might be transferred. He suggested that the hypothetical cannabis license should not be treated as a commodity.

Mr. Cleworth requested that 9-1-1 fees be placed on the agenda for the meeting with the Interior Delegation. He stated that he believes it is important for the delegation to know that City would like to see the law liberalized.

Mayor Eberhart stated that he spoke with Ms. Anderson earlier in the day about the 9-1-1 issue and that one of her recommendations was to see if a legislator might prompt the Borough to change its interpretation of the statute.

Mr. Matherly encouraged the public to attend the upcoming meeting on Ballot Measure 2. He stated that Governor Walker was sworn in earlier in the day and wished him luck in public office. He spoke to the fatality that occurred on Airport Way due to a car accident and cautioned everyone to drive carefully and slow down.

Ms. Staley stated that a winter weather advisory is about to begin and echoed Mr. Matherly's comments on using caution. She expressed excitement for the upcoming process in Juneau to consider the City's legislative priorities and commented that the City has some steep future goals. She thanked everyone for their hard work on the 2015 City budget.

Mr. Walley stated that he had no comments.

Mr. Gatewood congratulated the new Governor and Lieutenant Governor of the State of Alaska and stated that he hopes to see good things happen for the Fairbanks community. He expressed appreciation for the Council's ability to have open debate and discussion on issues. He stated that he is looking forward to working with City lobbyists, Ms. Anderson and Mr. Morgan, during the legislative session.

ADJOURNMENT

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

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

Mayor Eberhart declared the Meeting adjourned at 8:44 P.M.

JOHN EBERHART, MAYOR

ATTEST:

CITY CLERK

Transcribed by: DS



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, DECEMBER 8, 2014
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
Perry Walley, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Jerry Cleworth, Seat E
David Pruhs, Seat F

Absent: None

Also Present: Warren Cummings, Fire Chief
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Ben Barrio, IT Director
Barbara Sunday, Director HR/Risk Management/Purchasing
Randall Aragon, Police Chief
Tanya Clouten, Deputy City Clerk I

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Ms. Staley pulled Item 13(a), Memorandum Regarding City's 457(b) Plan, from the Consent Agenda.

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

City Clerk Hovenden read the Consent Agenda, as amended, into the record.

CITIZEN'S COMMENTS

Jeff Jacobson, 391 Finell Drive, North Pole – Mr. Jacobson stated that he is the Chief of Staff for the Fairbanks North Star Borough. He spoke in support of Ordinance No. 5960 as it was originally introduced by Mayor Eberhart and added that the Borough does not support the proposed substitute of the ordinance. He explained that the Borough administration approached the City about a possible Code change after the University Women's Association (UWA) brought the issue to their attention last year. Mr. Jacobson stated that the UWA needed an alternate location for their craft bazaar and that the Borough agreed to let them use the Pioneer Park Civic Center. He stated that the UWA was unaware of the City's \$500 Multi-vendor Permit requirement at the time which gave them a disadvantage in providing the maximum number of student scholarships. He spoke in favor of an exemption to the requirement for non-profits and municipalities. Mr. Jacobson stated that the Borough administration urges the Council to adopt Ordinance No. 5960 as introduced.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that he is pleased to see that the Council will uphold the tradition of reading aloud the Bill of Rights in a public forum. He stated that it is the responsibility of U.S. citizens to be vigilant in holding up the U.S. Constitution and Bill of Rights. He spoke about George Mason and his role in the ratification of the Bill of Rights. He read aloud a quote which illustrates Mason's concerns about the Constitution prior to the Ten Amendments, "I would sooner chop off my right hand than put it to the Constitution as it now stands." He stated that George Mason is known as the "Forgotten Founding Father." Mr. Turney stated that former Council Member Bob Boko started the tradition of the City Council's reading of the Bill of Rights in 2001 or 2002. He stated that he has brought a cake to share with everyone in celebration of the Ten Amendments.

Dominic Lozano, 2890 North Point Court, Fairbanks – Mr. Lozano stated that he is the President of the Fairbanks Firefighters Union (FFU). He spoke to the City's 457(b) Plan and stated that he supported the idea of going with a single City-sponsored provider. He spoke to the selection process for a new provider and to some of the employees' concerns along the way. Mr. Lozano stated that he is concerned with what happened to the original Request for Proposals (RFP) and the transparency of the process in reaching an agreement with the selected provider. He stated that some employees currently participating in a 457 Plan are concerned with the transfer fees that may apply to moving to the new provider. He questioned whether the five bidders submitted proposals with a consistent understanding of the RFP documents. Mr. Lozano stressed the issue of transparency and suggested that the City might consider reissuing the RFP.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger spoke to the need for public restrooms and signage in Fairbanks. He stated that the Council should give something to the citizens of the community instead of giving more to union employees. He spoke to the new Club SinRock and stated that he would like to see more of those types of establishments and less potholes in Fairbanks. He wished everyone a Merry Christmas and a Happy New Year.

Mr. Pruhs asked Mr. Buberger if the Borough Transit Station and the Morris Thompson Center have public restrooms.

Mr. Buberger replied affirmatively. He added that the restroom by the river is open seasonally.

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

READING OF THE BILL OF RIGHTS

Mayor Eberhart asked the Council to take turns reading each of the Ten Amendments aloud.

The Mayor and Council read each Amendment aloud in turn.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart thanked Mr. Turney for providing a cake to celebrate the anniversary of the ratification of the Bill of Rights. He asked the Council to pose for a photograph with Mr. Turney and invited everyone to have some cake.

Mayor Eberhart stated that the meeting with Interior Delegates will take place at 9:30 a.m. at the Legislative Information Office (LIO) on December 9, 2014. He invited Council Members to attend the meeting. He commended Chief of Staff Jim Williams and the AFL-CIO bargaining team for their work in making labor negotiations go smoothly. **Mayor Eberhart** stated that he recently received an email from Deputy Clerk Danyielle Snider speaking to the make-up of the Fact Finding Commission and to how little the Commission has been tasked since its creation. He asked the Council for direction on possibly making term adjustments for the members or repealing the ordinance altogether. **Mayor Eberhart** referenced the November report for the Community Service Patrol (CSP) prepared by David van den Berg. He shared that the patrol continues to receive a high number of calls for service and stated that there was a recent meeting to discuss CSP funding for 2015. **Mayor Eberhart** listed the numerous events, meetings and activities of the Mayor's Office since the last Regular City Council Meeting. He shared that a number of high school students will be attending a Career Exploration Forum at City Hall on December 9. He announced that the Fairbanks Diversity Council will be meeting on the evening of December 9 to start strategic planning with Chief of Staff Jim Williams. He wished everyone a Happy Holiday Season.

UNFINISHED BUSINESS

- a) Ordinance No. 5960 – An Ordinance to Amend Fairbanks General Code Section 14-71 Multi-Vendor Events. Introduced by Mayor Eberhart. Public Hearing was held on November 24, 2014. POSTPONED from the Regular Meeting of November 24, 2014.

NOTE: Because Ordinance No. 5960 was postponed, the motion to ADOPT was already on the floor (the motion to ADOPT was made by Mr. Gatewood, seconded by Mr. Walley, at the Regular Meeting of November 24, 2014).

Mr. Cleworth stated that it is important to remember that City ordinances need to apply to everyone in a fair manner. He pointed out that Ordinance No. 5960 allows for exemptions for non-profit organizations and government entities. He stated that the original intent behind the Multi-vendor Event Permit was to simplify the licensing process so that each vendor

participating in an event would not have to obtain a City business license. He suggested that the City should either repeal the entire ordinance or treat every organization the same under the Code. **Mr. Cleworth** referenced the letter from Kris Knutzen, a director of local events who regularly purchases the Multi-vendor Event Permit.

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to SUBSTITUTE Ordinance No. 5960, as Amended, for Ordinance No. 5960.

Mayor Eberhart stated that his initial impression was that the Borough felt that the permit fee would deter organizations from wanting to hold their events at Pioneer Park. He indicated that he does not want to push people out of the City limits.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUBSTITUTE ORDINANCE NO. 5960, AS AMENDED, FOR ORDINANCE NO. 5960 AS FOLLOWS:

YEAS: Walley, Pruhs, Matherly, Staley, Cleworth

NAYS: Gatewood

Mayor Eberhart declared the MOTION CARRIED.

Mr. Cleworth requested that the City Clerk's Office weigh in on the proposed ordinance.

City Clerk Hovenden stated that the UWA requested to use the Pioneer Park Civic Center one year because their usual facility was unavailable. She commented that she heard reports that the turnout for the UWA event was so much better that they decided to continue using the Civic Center as their regular venue for the annual bazaar.

Deputy Clerk Tanya Clooten stated that the Code revisions adopted in April of 2014 allowed for the sponsor of a Multi-vendor Event to elect not to obtain a permit so long as the event had a minimal number of vendors with a valid City business license. She stated that it would become very labor intensive to issue a business license to each vendor participating in a large event and added that the change will also streamline the permitting process for the vendors.

City Clerk Hovenden stated that sponsors of these types of events typically require vendors to pay a fee in order to cover overhead costs. She stated that if "one-time" vendors participating in a multi-vendor event were always required to obtain a City business license, they would receive renewal notices and reminders each following year. She indicated that the compliance efforts could become a waste of City resources.

Ms. Clooten spoke in greater detail to compliance efforts by the City in regard to business licensing.

Mr. Cleworth asked Ms. Clooten if she believes the Multi-vendor Event Permit fees are fair.

Ms. Clooten expressed her opinion that the fees are reasonable. She stated that she has attended several local multi-vendor events where she believes vendors earn a good profit.

Mr. Pruhs asked about the number of days per year these types of events take place or how many local events the multi-vendor event permit would apply to.

Ms. Clooten replied that most events occur over a weekend. She stated that the Clerk's Office issued 15 permits in 2014 and 16 permits in 2013. She explained that the Clerk's Office also made efforts to increase compliance by sending notifications to all local venues that might host vending events.

Clerk Hovenden stated that the multi-vendor code also applies to the Downtown Market event because it addresses recurring events held over non-consecutive days.

Mr. Cleworth again emphasized the need to be fair to all organizations.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5960, AS AMENDED, AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 5960, as Amended, ADOPTED.

NEW BUSINESS

- a) Ordinance No. 5962 – An Ordinance Ratifying a Labor Agreement Between the City of Fairbanks and the AFL-CIO Joint Crafts Council. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

COMMUNICATIONS TO COUNCIL

- a) Memorandum Regarding the City's 457(b) Plan – MetLife Update/Correction

Ms. Staley stated that she has received some phone calls from City employees who are concerned about the selection process. She requested a staff report.

City Attorney Ewers stated that the Deferred Compensation Committee was established by the City Council and listed its members as follows:

Chief of Staff, Jim Williams
HR Director, Barbara Sunday
Chief Financial Officer, Jim Soileau
Payroll Specialist, Denise Kendrick
Paul Ewers, City Attorney & Committee Chair

City Attorney Ewers stated that the Committee chose to appoint an at-large employee representative to serve on the Selection Committee for the RFP, an appointment that was made based on the recommendation of the collecting bargaining units. He stated that Jason Anderson,

a Fire Department employee, was selected. He explained that the Selection Committee approached MetLife with some of the concerns of City employees. He stated that there were some misunderstandings between the City and MetLife in regard to the details of the transition between providers. Attorney Ewers stated that when the misunderstanding was noticed, the Committee met and proposed a three-year phase in of employees on old 457 plans. He explained that the Committee's proposal to MetLife stated that employees would not be forced to transfer money already contributed to the old provider(s), thus not incurring any fees. He stated that the proposal also stated that any new funds employees contribute to the 457 Plan would have to be to the new provider. Attorney Ewers stated that the Committee has not yet received a response from MetLife. He stated that he wants the Council to be aware of what is happening with the agreement and would like to know whether the Council will accept the three-year transition period change.

The Council and City Attorney discussed different types of investments in the 457 Plan and the penalties associated with certain contracts. They discussed whether earning rates would be affected by maintaining investments in both an old plan and the new plan. Attorney Ewers again clarified that regular investments will not incur fees for transferring to the new plan.

Mr. Matherly stated that the employees who contacted him were primarily concerned with transparency and the timeline. He stated that they requested enough time to ask questions and review the details before the agreement is approved.

Chief of Staff Jim Williams stated that he was perplexed that there was such a profound misunderstanding between the City and MetLife. He indicated that he feels comfortable in taking a few more days to discuss the agreement with employees and the City Attorney.

Mr. Cleworth stated that the 457 Plan issue originally came up because the City was concerned about liability if one of the plans went south on an employee. He asked Attorney Ewers if the City can mitigate liability through contract negotiations with the unions.

Attorney Ewers replied that right now, the majority of the collective bargaining agreements say that the City will have a 457(b) plan available to employees and that if the City makes changes to the plan it will confer with the union. He stated that it may be a possibility to incorporate language similar to what Mr. Cleworth suggested.

Mr. Cleworth stated that he does not want the City to be liable for the stability of the 457 plans and spoke in favor of limiting employees to one plan, thus limiting the City's exposure. He suggested that the City might propose addendums to union contracts that would alleviate the City's liability on existing plans.

Attorney Ewers suggested that the issue could be addressed individually by informing employees that any investments in old plans are at their own risk. He stated that he would like to have direction from the Council so that the agreement could be complete by January 1, 2015.

Mr. Cleworth suggested that the Council give direction to proceed with the provision that the administration approach the various unions in order to mitigate the City's liability.

Mr. Matherly asked what the harm would be by not giving direction to move forward right away.

Attorney Ewers stated that by postponing the issue, the Council would have to wait to take official action on the issue at the next Regular Meeting of January 5, 2015. He explained that it could be problematic to wait because the target completion date for everyone was January 1, 2015. He stated that MetLife staff is in the area and would like to start scheduling time with City employees.

Mr. Matherly stated that he is torn on the issue. He asked other Council Members to chime in.

Mr. Pruhs stated that he is willing to give authority to move forward to Mayor Eberhart.

Ms. Staley commented that the 4579(b) plans are great because they allow employees to maintain a regimented contribution that is pre-taxed. She stated that her understanding is that City employees are primarily concerned about fees.

Mr. Gatewood stated that he believes it would be wise to speak to employees a little more to explain the process and make sure that MetLife and the City are on the same page before moving forward. He stated that he is not convinced that there are no fees or penalties. He stated that if employees cannot continue with their current plans they run the risk of losing money. **Mr. Gatewood** asked why the date could not be moved back to February 1, 2015.

Attorney Ewers stated that it may be possible to move the date back.

Mr. Walley asked if employees if they would have to move their current 457 plan investments to MetLife.

Attorney Ewers replied that they would not. He stated that under the latest proposal to MetLife, employees would not have to contribute to the new plan for three more years.

Mr. Walley stated that it has been his experience in the private industry that employees did not have a choice when plans were changed. He stated that he believes the current proposal is fair and indicated that he does not see a problem in moving forward.

Attorney Ewers stated that the caveat is that if the Committee's proposal is changed by MetLife, the agreement would not be approved without first coming back to the Council.

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to APPROVE the City Attorney's Memorandum with an effective date of December 19, 2014, with the understanding that between now and then the City explore avenues of indemnification with employees.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE CITY ATTORNEY'S MEMORANDUM WITH AN EFFECTIVE DATE OF DECEMBER 19, 2014, WITH THE UNDERSTANDING THAT BETWEEN NOW AND THEN THE CITY EXPLORE AVENUES OF INDEMNIFICATION WITH EMPLOYEES AS FOLLOWS:

YEAS: Cleworth, Walley, Staley, Pruhs
NAYS: Matherly, Gatewood
Mayor Eberhart declared the MOTION CARRIED.

COUNCIL MEMBERS' COMMENTS

Mr. Matherly thanked Police Chief Aragon for meeting with him earlier in the day. He provided an update to the Council on the Polaris Building by reading aloud his latest correspondence with its owner, Marc Marlow. He stated that he was sad to hear of another car accident fatality in the community and encouraged the public to slow down and buckle up. **Mr. Matherly** stated that he attended the meeting on Ballot Measure 2 with other local officials and commended Borough Attorney Wendy Doxey on her thorough and informative presentation of the issue. He stated that Council Members who could not attend the meeting may be able to obtain a copy of Ms. Doxey's presentation from the Borough. He stated that he learned a great deal from the public testimony at the meeting as well. **Mr. Matherly** thanked the City Clerk's Office for the holiday gesture and expressed thanks to all the City employees for their work. He wished everyone a blessed holiday. **Mr. Matherly** stated that he would like to see the Fact Finding Commission stay in place.

Mr. Cleworth thanked Mr. Turney for continuing to bring the recognition of the Bill of Rights forward. He stated that he read a book several years ago on the formation of the U.S. Constitution and the meetings that took place. He commented that he found it interesting that many of those who founded the Constitution did not feel that the Bill of Rights was necessary because they were assumed to be automatic rights. **Mr. Cleworth** thanked Mr. Williams for his work on the AFL-CIO labor contract and expressed that he enjoyed working with the AFL-CIO negotiating team when he served as City Mayor. He stated that sometimes governments create too many committees and agreed that the Fact Finding Commission has not been used very often. He commented that it is an important body that could be used by the community as a resource outside of the legal system. He spoke in support of keeping the Fact Finding Commission. **Mr. Cleworth** asked if the City is allowed to ask questions about an individual's demographics such as age, religion, medical history, party affiliation, ethnicity, and sexual orientation. He stated that several people have called him recently in regard to the City's Board and Commission application. He indicated that although the demographics section on the application are optional, some people are upset that they are being asked for personal information such as ethnicity, political party affiliation, date of birth and sexual orientation. **Mr. Cleworth** stated that he has always thought it inappropriate to ask those questions, especially when it is sometimes difficult to gain public interest in serving on City Boards and Commissions. He asked how the demographics section on the application came about.

Attorney Ewers stated that the City has an obligation to gather some demographic information in the employment context that is only seen by the HR office.

HR Director Barbara Sunday explained that the demographics that she gathers during the application process for employment are optional and, if submitted, are only seen by the HR Director. She stated that the information is used in complying with fair practices for minority groups. She briefly discussed the review and selection process for new hires. Ms. Sunday stated that she can only speak to the employment application, not to the application for City Boards and

Commissions. She stated that after an employee is hired, demographics are collected and used to submit with an Equal Employment Opportunity (EEO) report.

Mayor Eberhart stated that the City Clerk's Office purchased software to help manage City Boards and Commissions from a company called Granicus. He explained that the demographics section is a part of the application form template built into the software. He deferred Mr. Cleworth's question to the City Clerk.

City Clerk Hovenden stated that the need to collect applicant demographics came into play with the implementation of the Fairbanks Diversity Council.

Mr. Cleworth stated that the City of Fairbanks as an employer tries not to discriminate. He stated that he does not want to offend applicants and wants to encourage more community members to apply to serve on City Boards and Commissions.

Mr. Pruhs asked if Board and Commission applications are public documents.

Mayor Eberhart stated that applications are open to the public but that personal information and demographics are redacted. He added that many applicants select the "prefer not to answer" option when completing the demographics section.

Mr. Cleworth, seconded by **Mr. Matherly**, moved to ELIMINATE the Demographics section of the City's Application for Boards and Commissions.

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

Mr. Cleworth wished everyone a Merry Christmas.

Mr. Pruhs stated that he was honored to read aloud the Seventh Amendment granting the right to a trial by jury. He requested an Executive Session in February or March for the purposes of discussing the possibility of Eminent Domain by the City of Fairbanks in regard to the Polaris Building. **Mr. Pruhs** stated that he was impressed by the turnout at the Ballot Measure 2 meeting and spoke to the potential for City involvement in the State of Alaska's legislative process on marijuana. He reminded the Mayor and Council that he would be absent the first Regular Meeting in January and wished everyone a Merry Christmas.

Mr. Gatewood expressed his condolences to the family of Eric Peterson who lost his life over the weekend in a skiing/avalanche accident. He stated that he hopes Peterson's skiing companion, Dr. Michael Hopper, will make a full recovery. He wished everyone a Merry Christmas.

Mr. Walley thanked Mr. Turney for bringing the Bill of Rights to the Council's attention and for providing the cake. He wished everyone a Merry Christmas and a Happy New Year. He reminded the public that one of his radio stations plays Christmas music from Thanksgiving through Christmas Day. He stated that starting on December 11, the radio station will begin a give-away for families in need who are nominated by others throughout the community.

Ms. Staley stated that she sees no problem in keeping the Fact Finding Commission. She referenced an email forwarded to the Council from the Borough Planning Director, Christine Nelson and spoke to the concern of a Borough Assembly Member at the Ballot Measure 2 meeting on how police will deal with the issues that arise out of the legalization of the drug. **Ms. Staley** stated that discussions need to be had about how the local governments will handle the cannabis issue, but indicated that the state will lead the way on the issue. She stated that she is honored to be a part of the reading of the Bill of Rights and wished everyone a Happy Holiday Season.

CITY ATTORNEY'S REPORT

City Attorney Ewers stated that it appears from the Ballot Measure 2 meeting that the City Council does less talking and takes more action on issues than other local governing bodies.

CITY CLERK'S REPORT

City Clerk Hovenden stated that she wishes everyone a Merry Christmas and a safe holiday season.

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 8:50 P.M.

JOHN EBERHART, MAYOR

ATTEST:


CITY CLERK

Transcribed by: DS

MEMORANDUM

City Clerk's Office

D. Danyielle Snider, CMC, Deputy City Clerk

Date: March 4, 2015
To: Mayor John Eberhart
City Council Members
From: D. Danyielle Snider, CMC, Deputy City Clerk 
Re: Denial of Application for New City of Fairbanks Chauffeur
License – Brian K Corty

Attached is a copy of **Mr. Corty's** application for a new City of Fairbanks Chauffeur License. The Clerk's Office has denied this request for licensure pursuant to FGC Section 86-79 (attached). Mr. Corty does not meet the minimum residency requirement of the City Code, as he is a resident of Delta Junction, Alaska. Mr. Corty stated that his intent in obtaining a City Chauffeur License is to transport Delta Junction residents to and from medical appointments in Fairbanks. A criminal background and driving record report (attached) reveals that Mr. Corty has no driving or criminal-related convictions.

Mr. Corty was informed of the option to appeal the decision of the City Clerk to the City Council, and requested to be placed on this agenda for your consideration.

If you have any questions, please contact me at 459-6771.

Attachments: Chauffeur Application Packet
FGC Section 86-79

Visit us on the web at www.fairbanksalaska.us



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715

Fax (907)459-6710

REQUEST FOR APPEAL FORM

DATE: 03/02/2015

TO: Janey Hovenden, City Clerk

FROM: Brian Corty
(Please Print)

RE: Request for Appeal Hearing (Chauffeur's License)

Please consider this document a request for an APPEAL HEARING before the Fairbanks City Council in regards to the denial of my Chauffeur's License Application. I understand that the City Council will not consider an appeal if the reason for the denial is a conviction for a sexual offense, for a felony drug offense, for driving while intoxicated, for refusal within the time indicated in Sec. 86-77, or if the applicant has more than one conviction for offenses listed in Sec. 86-77(6)(a)-(g) within the time indicated.

I can be present at the City Council Meeting scheduled for:

Monday, March 9, 2015 at 7:00 P.M.

(Meetings are held in the Council Chambers located at 800 Cushman Street, 2nd Floor)

By signing below, I understand that the information and supporting documentation contained in my Chauffeur's License Application will be copied and provided to the Fairbanks City Council. I understand that there will be a public hearing, on the above date, at which time the Council will discuss my appeal. I understand that the public hearing may be reproduced electronically, digitally, and/or transmitted over the air waves. I understand that I have no right to expect privacy of the records or information contained in my application, or of any discussions that may occur during the public hearing.



Acknowledgement by Applicant

Official Use Only: Clerk's Initials: BS

Date Received: 03/02/2015

Visit Us on the Web at www.fairbanksalaska.us

Sec. 86-79. - Residency.

An applicant for a chauffeur's license must have resided within the Fairbanks North Star Borough for a minimum of 30 days immediately prior to application. This residence requirement may be waived by the city clerk if the applicant has had a Fairbanks chauffeur's license within the last five years.

(Code 1960, § 8.201(c)(9); Ord. No. 5853, § 1, 8-13-2011)



CITY OF FAIRBANKS

RECEIVED

MAR 02 2015

CITY OF FAIRBANKS

CHAUFFEUR LICENSE APPLICATION

Office of the City Clerk, 800 Cushman Street
Fairbanks, AK 99701, (907) 459-6702

TYPE OF LICENSE: NEW RENEWAL FEES DUE/COLLECTED: \$ 75.00

Name: Brian Corty	Other Name(s) Used:	Year of Name Change:
Physical Address:	Home Phone:	
City/State/Zip:	Work/Cell Phone:	
Mailing Address:	AK Driver's License No.:	
City:	E-mail Address:	
Date of Birth:	SSN:	Place of Birth:

Application Requirements

\$75.00 Non-Refundable Application Fee for New Applications and Renewals
 \$100.00 Biennial License Fee for New Applications and Renewals
 Complete Application, Including Authorization to Obtain Criminal History Record
 Copy of Current State of Alaska Driver's License

Length of Residency

Length of Alaska Residency in Consecutive Years 10 Length of FNSB Residency in Consecutive Years 10

Previous Address(es)

Previous City and State of residence, other than Fairbanks, for the past 8 years:

From: _____ To: _____
 From: _____ To: _____
 From: _____ To: _____

NA

Employment

Cab Company Applying for or Employed By: Arura Taxi

Address: _____

Date Employment Began or Will Begin: Now Phone: 888-4040

Previous Chauffeur License Held (City & State): None

Record of Conviction(s)

PLEASE ANSWER YES OR NO TO THE FOLLOWING QUESTIONS:

Within the past **24 months**, have you had a conviction for any of the following:

- A moving violation which resulted in the suspension or revocation of your driver's license pursuant to AS 28.15.221 - AS 28.15.261?
- Reckless or negligent driving?
- Driving while license is limited, suspended, or revoked?

YES or NO

No
No
No

Within the past **5 years** (or within the past 8 years if a felony conviction) have you received a conviction for either of the following:

- Operating or driving a vehicle while intoxicated?
- Refusing to submit to a chemical test as defined in AS 28.35.032?

No
No

Within the past **8 years** have you had a felony or within **4 years** a misdemeanor conviction for any of the following:

- Prostitution or promotion of prostitution?
- Any offense under AS Title 11, Chapter 71, Controlled Substances?
- Any crime which includes as an element of the offense, the use or threat of force upon a person?
- Burglary, felony larceny (felony theft), fraud, or embezzlement?
- Any sexual offense?
- Any homicide or assault involving operation of a motor vehicle?
- Two separate felony convictions of any type?

No
No
No
No
No
No
No

Are you subject to the registration requirements of AS 12.63 (sex offender or kidnapper)?

No

An Answer of YES to any of the above questions regarding your criminal history and/or driving record is grounds for denial of a Chauffeur License. Please explain on a separate sheet of paper any convictions that meet the look-back criteria as noted above; including charges, places, dates, and sentences imposed. An Applicant may have the right to appeal a denial by the City Clerk after submission of a completed application and payment of the application fee. An Appeal Form can be obtained at the City Clerk's Office. See FGC Section 86-95 to determine if you are eligible for an appeal.

Citizenship Status

Are you a natural born or fully naturalized citizen of the United States? Yes

If not, where did you obtain a permit or visa? _____

Date of entry into the United States: _____ Alien Registration No. _____

The Fairbanks General Code is attached to this application for your convenience; it is provided as a courtesy, but is the responsibility of the Applicant to understand the requirements and to be compliant. The Applicant, through signing of the above Oath, acknowledges having read the Code and certifies that he/she understands it. If the Applicant has any questions regarding those responsibilities, the questions should be asked prior to issuance of a license.

Please make all necessary copies for your records before submission of your application to the Clerk's Office. There will be a per page charge for any copying requested in accordance with FGC Sec. 2-775. Thank you in advance for your cooperation.

The City Clerk's Office may require 24 hours to process applications and does not accept licensing applications after 4:00 PM. Hours of operation are Monday through Friday, 8:00 AM to 5:00 PM. The City of Fairbanks observes national and state holidays.

**Applicant's Statement for Chauffeur License and
Authorization Statement for Criminal History Record Check**

I, Brian Corby, being first duly sworn, depose and state that I am the individual making application for license and that the answers to the foregoing questions and other statements contained herein are true and complete to the best of my knowledge and belief. I understand that any materially false statement on this application may be subject to revocation or denial of a license.

I certify that I am at least 21 years of age or older, that I can read, write, and speak the English language, that I am not addicted to the use of intoxicants or narcotics, that I am of good moral character and repute, that I have been a resident within the Fairbanks area for a minimum of 30 days immediately prior to this application, that I am not subject to the registration requirements of AS 12.63 (sex offender or kidnapper), that I have read and understand Fairbanks General Code Sections 86-76 thru 86-96, and that I understand the requirements for licensure.

Further, I hereby authorize the City of Fairbanks to obtain information pertaining to any charges and/or convictions I may have had for violation of municipal, county, state or federal laws. This information will include, but not be limited to, allegations regarding, and convictions for, crimes committed upon minors. I understand that this information will be gathered from any law enforcement agency of this state or any state or federal government, or from third-party providers of information originally obtained from law enforcement or court records.

As an applicant for a chauffeur license, I hereby attest to the truthfulness of the representations I have made. Except as I have disclosed, I have not been found guilty of, or entered a plea of nolo contendere or guilty to any offense.

I understand that I must be truthful and, if any statement I have made is found to be false, I will be denied the license for which I am making application.

[Signature]
Signature of Applicant

03/02/2015
Date

Sworn to before me this 2nd day of March, 2015

[Signature]
Notary Public for the State of Alaska
My Commission Expires: w/office



Administrative Use Only

Approved By:	Date:
Denied By: <u>D. Danyielle Snider</u>	Date: <u>3/2/2015</u>
Reason for Denial: <u>Applicant did not meet the 30-day residency requirement.</u>	

For additional information and/or forms, please visit the City of Fairbanks web site at:
www.fairbanksak.us



CRIMINALBACKGROUNDRECORDS.COM
An Information Enterprises™ Solution

PERSON INVESTIGATED

Name: BRIAN K CORTY
Date of Birth: [REDACTED]
SS#: [REDACTED]

Order Number: [REDACTED]
Order Date: 3/2/2015
Member: [REDACTED]

Please verify that the following record(s) are indeed the person you are investigating. If the record(s) below do not match the subject you are investigating, then there is No Records Found based on the search criteria you submitted.

YOUR ORDER

Instant National Criminal Record Search includes the following states:
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ADDITIONAL FREE SEARCH DESCRIPTIONS

National '50-State' Sex Offender Registry

National Sex Offender Public Registry provided by the United States Department of Justice (DOJ)

High-Risk Sex Offenders: All 50 States

Sexual Predators: Persons obtaining or seeking non-consensual sexual contact with another person and/or has committed sex crimes, such as rape or child sexual abuse. (Including sexually violent offenders)

Department of Corrections: Convicted Sex Offenders who were under the supervision of the DOC.

Crimes Against Children: People convicted of, found guilty of or plead guilty to committing or attempting to commit sexual offenses and other crimes against children. (Including kidnapping, felonious restraint and/or child abuse)

USA Most Wanted Criminals List

FBI Most Wanted Fugitive Search
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City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715
Fax (907)459-6710

MEMORANDUM

TO: Mayor John Eberhart and City Council Members

FROM: D. Danyielle Snider, CMC, Deputy City Clerk 

SUBJECT: Liquor License Renewals

DATE: March 4, 2015

Notice has been received from the State ABC Board for the following liquor license renewals:

Lic. #	Establishment Name	License Type	Premises Location	Licensee
77	300 Club	Beverage Dispensary	940 Cowles St	Karen A. Meadows-Sours
426	Frontier Club	Beverage Dispensary	No Premises	Boulder Investments, Inc.
617	K & L Distributors	Wholesale – General	945 Elizabeth St	K & L Distributors, Inc.
1377	Rock N Rodeo Bar & Grill	Beverage Dispensary	600 Old Steese Hwy	Scruff-N-Pork's, Inc.
1912	Gold Rush Saloon	Beverage Dispensary	3399 Peger Rd	Downriver, Inc.
1966	Loyal Order of Moose #1392	Club	98 Tenth Avenue	Fairbanks Lodge #1392
2124	Los Amigos	Beverage Dispensary	636 28 th Ave (upstairs)	Two Amigos, LLC
2512	2 Go Mart #114	Package Store	2110 Peger Rd	Tesoro Northstore Company
2847	Bojangles	Beverage Dispensary	1351 Cushman St	Scruff-N-Pork's, Inc.
3050	Gambardella's Pasta Bella	Restaurant / Eating Place	706 2 nd Ave	Gambardella's II, Inc.
3336	Soapy Smith's Pioneer Restaurant	Restaurant / Eating Place	543 2 nd Ave	Nicholas V. Stepovich
3965	K & L Beverage Company	Wholesale – General	945 Elizabeth St	K & L Beverage Company, LLC
4216	2 Go Mart #115	Package Store	99 College Rd	Tesoro Northstore Company
4314	Gallo's Mexican Restaurant	Beverage Dispensary	60 College Rd	Northern Lights Business, Inc.
4465	Roundup Steak House	Beverage Dispensary	2701 S Cushman St	The Last Roundup, LLC
4504	Gold Rush Deli	Beverage Dispensary	3399 Peger Rd #C	Upriver, Inc.
4547	Chili's Grill & Bar	Beverage Dispensary	No Premises	Duke Investments, LLC

Lic. #	Establishment Name	License Type	Premises Location	Licensee
4548	Brewsters	Beverage Dispensary	354 Old Steese Hwy	Restaurant Concepts, LLC
4565	2 Go Tesoro	Package Store	3569 S Cushman St	Tesoro Northstore Company
4763	Bobby's Downtown	Beverage Dispensary	609 Second Ave	Delta Epsilon, Inc.
4880	Friar Tuck's Hoagie House	Restaurant / Eating Place	427 Merhar Ave, Unit 2	Joshua Roach & Stafford Roach
5262	Aha Oriental Kitchen	Restaurant / Eating Place	996 Blair Rd	Moonstone, LLC

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

The Fire Department recommends protest for Soapy Smith's, License #3336, due to non-compliance with Fire Code requirements (see attached memorandum from Fire Chief Cummings).

The Finance Department recommends protest for the Frontier Club, License #426, due to non-payment of alcohol taxes in the amount of \$1,129.89 from an audit completed in January 2014.

Please note that there are no other departmental protests. Please contact me if you need any further information.



Fairbanks Fire Department

1101 Cushman St., Fairbanks, AK. 99701-4620
(907)450-6615 Fax (907) 450-6666
TDD / TTY (800) 770-8973 RELAYalaska



Warren Cummings, Fire Chief

MEMORANDUM

DATE: March 2, 2015
TO: Warren Cummings, Fire Chief
FROM: Ernie Misewicz, Asst. Chief / Fire Marshal *JAM*
SUBJECT: Recommend Protest ABC License
Soapy Smith's 543 Second Ave.

The City Clerk's Office provided us with a list of facilities to review for purpose of renewing ABC License.

We have no issues (protest) for any of them **EXCEPT...**

We recommend the ABC license be protested for "Soapy Smith's" 543 Second Ave based on...

"Non-compliance with Fire Code requirements"

- 1) 2012-11-02 An ABC License Fire Inspection was conducted. In the report the owner was advised the fire sprinkler system and kitchen hood system needed to be serviced and report provided to our office. Several site visits were made to verify compliance (11/16/12, 1/15/13, and 2/12/13).
Noncompliance with original inspection request.
- 2) 2013-03-14 A follow up letter was sent to the business owner requesting the service report for the fire sprinkler and cleaning / service report for the kitchen hood.
- 3) 2013-06-28 a second letter was sent to the owner reminding them of the code requirement and again requesting the systems be inspected / serviced and reports submitted.
- 4) To date these inspections have not been completed.

We had an inspection scheduled for 2015-03-02 but owners canceled and re-scheduled for Tuesday 2015-03-03. We will provide follow up to your office once this inspection is completed.

Any questions....please advise. Thanks....


SMOKE & CO DETECTORS.....*Don't Stay Home Without Them*

MEMORANDUM

City Clerk's Office

D. Danyielle Snider, CMC, Deputy City Clerk

TO: Mayor John Eberhart
City Council Members

FROM: D. Danyielle Snider, CMC, Deputy City Clerk 

SUBJECT: Transfer of Liquor License Ownership and Location

DATE: March 4, 2015

An application has been received from the State Alcohol Beverage Control (ABC) Board for transfer of ownership and location for the following liquor license applicant:

License Type: Beverage Dispensary, License #270
D.B.A.: No DBA
Licensee/Applicant: Franklin Eagle
Physical Location: No Premises

From: Comet Club / John H Moneymaker
208 Gaffney Road, Fairbanks

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

Please note that there are no departmental protests for the transfer of this license.

ORDINANCE NO. 5965

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE
SECTION 2-118.1 TO ADD AN ADDITIONAL PUBLIC MEMBER
TO THE COUNCIL FINANCE COMMITTEE**

WHEREAS, the council finance committee currently consists of the mayor, council members, and one non-voting public member with experience in finance, accounting, or management; and

WHEREAS, in filling the recent vacancy on the committee, the council recognized the value of adding an additional public member to the committee.

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

SECTION 1. Fairbanks General Code Section 2-118.1 is hereby amended as follows [new text in **underlined bold** font; deleted text in ~~strike through~~ font]:

Sec. 2-118.1. Council finance committee.

(a) A city council finance committee is hereby established as a standing committee of the city council with the duties of considering all matters relating to the fiscal operation of the city. The finance committee shall make recommendations regarding fiscal matters to the full city council. Examples of topics to be reviewed include budget requests, ordinances amending the budget estimate, applications for grants and the annual audit.

(b) The finance committee shall meet at regular times in compliance with section 2-118. The finance committee shall consist of the city mayor, all current members of the city council and **two** ~~one~~ non-voting public members with experience in finance, accounting or management appointed by the city mayor for a three year term subject to confirmation by the city council. Council members whose term of office is concluded shall be replaced. The city chief financial officer and chief of staff shall be ex-officio members of the committee.

SECTION 2. That the effective date of this Ordinance shall be the ____ day of March 2015.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

City Clerk

Paul J. Ewers, City Attorney

Introduced by: Mayor John Eberhart
Finance Committee Review: March 3, 2015
Date: March 9, 2015

RESOLUTION NO. 4660

**A RESOLUTION AMENDING THE SCHEDULE OF FEES AND
CHARGES FOR SERVICES BY ADJUSTING REFUSE
COLLECTION RATES**

WHEREAS, Ordinance 5744 adopted the City *Schedule of Fees and Charges for Services* to be amended by resolution; section 37 of Ordinance 5744 provided that refuse collection rates be adjusted each year to reflect the annual change in the Anchorage Consumer Price Index as well as changes in the cost of fuel and tipping fees charged by the Fairbanks North Star Borough landfill; and

WHEREAS, the change in the annual consumer price index for 2014 was 1.6 percent; in addition, landfill tipping fees increased by \$3.00/ton; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, to approve the attached amended version of the *Schedule of Fees and Charges for Services* amending the refuse collection rates, effective April 1, 2015.

PASSED and **APPROVED** this ___ day of March 2015.

John Eberhart, Mayor

AYES:
NAYS:
ABSENT
APPROVED:

ATTEST:

APPROVED AS TO FORM:

City Clerk

Paul J. Ewers, City Attorney

City of Fairbanks Fee Schedule

As of Resolution 4660 - Effective April 1, 2015

Category	Code Sec.	Topic	Current Fee	Unit
Refuse Collection	66-42	Refuse Collection Rates	\$ 79.00	Per Quarter-Rounded from \$78.86
	66-43	Senior Rate	\$ 59.00	Per Quarter-Rounded from \$58.54
	66-42	Oversized Refuse Pickup	\$ 36.00	Per trip - Rounded from \$36.19
	66-69			

Introduced by: Council Member David Pruhs
Council Member Perry Walley
Date: March 9, 2015

RESOLUTION NO. 4661

A RESOLUTION SUPPORTING THE ALASKA INDUSTRIAL DEVELOPMENT AND EXPORT AUTHORITY PURCHASE OF PENTEX AND FAIRBANKS NATURAL GAS

WHEREAS, the Fairbanks North Star Borough, the City of Fairbanks, and the City of North Pole created the Interior Gas Utility to expedite the delivery of natural gas at the lowest possible price to residents of the Fairbanks community; and

WHEREAS, Fairbanks Natural Gas (FNG) received its utility license in 1993 and has only delivered natural gas to 1000 locations in its defined area to date; and

WHEREAS, private enterprises have had decades to invest private capital to bring low-cost energy solutions to the Interior; and

WHEREAS, in 2013, the Governor and Alaska Legislature approved and funded the Alaska Industrial Development and Export Authority (AIDEA) to form the Interior Energy Project (IEP) with initial focus on trucking natural gas to Fairbanks from the North Slope ; and

WHEREAS, in December 2013, the AIDEA board of directors considered natural gas supply options from the North Slope and Cook Inlet and decided that neither option was suitable to meet IEP goals; and

WHEREAS, in 2014, AIDEA began exploring options to build a North Slope liquid natural gas (LNG) processing plant, and ultimately, AIDEA determined the North Slope LNG plant concept was cost prohibitive in December 2014; and

WHEREAS, considering the non-viability of the North Slope LNG plant option, AIDEA shifted focus back on Cook Inlet as an alternative source for Fairbanks' natural gas supply and identified PENTEX FNG as an economically viable option that will meet IEP natural gas project goals; and

WHEREAS, AIDEA's proposed purchase announcement of PENTEX demonstrates meaningful commitment toward resolving Interior Alaska's energy crisis; and

WHEREAS, strong support and commitment by Governor Walker's administration of AIDEA's efforts are greatly appreciated by Interior Alaska residents; and

WHEREAS, AIDEA's letter of intent to purchase PENTEX FNG is non-binding and not valid until the due diligence process has been completed; and

WHEREAS, the pending PENTEX/Hilcorp transaction is part of the due diligence process and subject to regulatory and administrative review; and

WHEREAS, options to source natural gas for the IEP are not dependent on the outcome of the due diligence process.

NOW, THEREFORE, BE IT RESOLVED by the Fairbanks City Council;

1. That the City of Fairbanks supports and appreciates the Alaska Industrial Development and Export Authority's continued commitment and support for Interior Alaska; and

2. That the City of Fairbanks supports the proposed Alaska Industrial and Export Authority's purchase of PENTEX and Fairbanks Natural Gas, as this action will assist in meeting the goals of the Interior Energy Project.

PASSED, APPROVED, and EFFECTIVE this 9th day of March 2015.

John Eberhart, City Mayor

AYES:

NAYS:

ABSENT:

APPROVED:

ATTEST:

APPROVED AS TO FORM:

City Clerk

Paul Ewers, City Attorney

ORDINANCE NO. 5966

AN ORDINANCE APPROVING THE PARTNERS FOR FISH AND WILDLIFE PROGRAM LANDOWNER AGREEMENT BETWEEN THE CITY, FESTIVAL FAIRBANKS, AND THE U.S. FISH AND WILDLIFE SERVICE

WHEREAS, Festival Fairbanks has been the long-time lessee of Lots 3 and 4, Block 4, Townsite of Fairbanks, known as Golden Heart Plaza, property owned by the City of Fairbanks; and

WHEREAS, Festival Fairbanks wishes to participate in a project sponsored by the U.S. Fish and Wildlife Service (USFWS) to put in place certain wildlife management practices along the banks of the Chena River; and

WHEREAS, the details of the project are set out in Exhibit A to the Partners For Fish And Wildlife Program Landowner Agreement; and

WHEREAS, as the property owner, the City's consent is required for the project to go forward; and

WHEREAS, this project will provide and conserve habitat and vegetation that provide fish habitat, stability to the stream bank, and maintenance of riparian function, while also improving public access to and enjoyment of the river; and

WHEREAS, the cost of the project will be paid by the USFWS Partners Program and Festival Fairbanks; and

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

SECTION 1. The Partners For Fish And Wildlife Program Landowner Agreement is hereby approved, and the Mayor is authorized to execute the Agreement on behalf of the City.

SECTION 2. The effective date of this Ordinance will be the ____ day of March 2015.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

City Clerk

Paul J. Ewers, City Attorney

Landowner Agreement No: _____

Cost Structure: _____

Other: _____

PARTNERS FOR FISH AND WILDLIFE PROGRAM LANDOWNER AGREEMENT

This Partners For Fish And Wildlife Program Landowner Agreement (“Agreement”) between the City of Fairbanks (“Landowner”), Festival Fairbanks (“Cooperator”), and the U.S. Fish and Wildlife Service (“USFWS”) is entered into pursuant to authority contained in the Partners for Fish and Wildlife Act (P.L. 109-294), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), and the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-j), as amended. This project was elected for funding because the Landowner shares a common objective with the USFWS to restore habitat for the benefit of Federal trust species on private lands and the project supports priority actions identified in the Regional Partners for Fish and Wildlife (“Partners”) Program Strategic Plan.

Festival Fairbanks, 516 Second Avenue, Suite 318, Fairbanks, Alaska 99701, hereby agrees to participate with the USFWS in conducting certain wildlife management practices on lands owned by the City of Fairbanks, 800 Cushman Street, Fairbanks, Alaska 99701, described as follows: Lots 3 and 4, Block 4, Townsite of Fairbanks, also known as Golden Heart Plaza, at Latitude N 64.844794/Longitude W 147.719427.

In signing this Agreement, the Landowner joins as a participant in a wildlife habitat improvement program and grants to the Cooperator and the USFWS authority to complete the habitat improvement project with financial or material support as described in attached **EXHIBIT A**. Any donation of supplies, equipment, or direct payment from the Cooperator to the Landowner for carrying out the habitat improvements is included in **EXHIBIT A**. The activities conducted pursuant to this Agreement are not to replace, supplement, or otherwise contribute to any mitigation or compensation that may be required of the Landowner or Cooperator or other parties as a result of any mandated requirements.

The terms of this Agreement (also referred to as the “habitat retention period”) will be in effect for ten years from the effective date of Ordinance No. _____, the ordinance by which the Agreement was approved by the City. This Agreement may be modified at any time by mutual written consent of the parties. It may be terminated by either party upon 30 days advance written notice to the other parties. However, if the Landowner terminates the Agreement before its expiration, or if the Landowner should materially default on these commitments, then the Landowner agrees to reimburse the Cooperator prior to final termination for the prorated costs of all habitat improvement placed on the land through this Agreement, and the Cooperator will

work with the USFWS to determine how those funds will be used. For these purposes, the total cost of the habitat improvements to the United States is agreed to be \$20,000.

LANDOWNER

The Landowner guarantees ownership of the above-described land and warrants that there are no outstanding rights that interfere with this Landowner Agreement. The Landowner will notify the USFWS and the Cooperator of planned or pending changes in ownership. A change of ownership shall not change the terms of this Agreement. The Agreement and terms shall be in effect on the described land for the term of the Agreement.

The Landowner agrees to allow access (with advance notice) to the USFWS and the Cooperator to implement the project described in **EXHIBIT A** and to monitor project success.

The Landowner retains all rights to control trespass and retains all responsibility for taxes, assessments, and damage claims.

During the habitat retention period, the Landowner must maintain the habitat restored under this Agreement and allow it to remain in place without interference. If for some reason the project fails or requires more than routine maintenance, Landowner should contact the Partners for Fish and Wildlife Program Biologist listed in **EXHIBIT A**. The grate walk described in **EXHIBIT A** will be seasonally removed from the riverfront between October 1 and May 1 of each year to avoid damage from flooding and ice.

At the end of the habitat retention period, the habitat improvement project will become the sole property and complete responsibility of the Landowner. There shall be no obligation to the USFWS after the term of the Agreement has expired.

The Cooperator will be responsible for securing any necessary permits. Technical advice and support will be provided by participating agencies in the application for the permit. The Landowner and the Cooperator agree to identify the contribution of the USFWS to the project during public presentations, reports, or to the information published about the project, as appropriate.

USFWS

The USFWS will work with the Landowner and the Cooperator through the entire Agreement term to support actions needed to ensure that the project is designed and constructed per the Agreement and functions as intended.

The USFWS, its agents or assignees, will provide advanced notice prior to accessing the Landowner's property to implement the project described in the work plan and to monitor project success.

The USFWS assumes no liability for damage or injury, other than that caused by its own negligence, on the above property. The USFWS does not assume jurisdiction over the premises affected by this Agreement.

Spatial Information Sharing: In accordance with the Privacy Act of 1974, permission must be obtained from the Landowner before any personal information can be released. The only information that can be shared is payment information that is authorized by law. Therefore, Landowner consent is requested to allow for sharing of spatial information about this project solely with conservation cooperators providing technical or financial assistance with the restoration, enhancement or management of fish and wildlife habitat.

I, the Landowner, consent to having spatial information about this project shared with:

 X other conservation cooperators.

Signatures:

Landowner – City of Fairbanks
By: John Eberhart, Mayor

Date

Cooperator – Festival Fairbanks
By: Julie Jones, Executive Director

Date

[name]
USFWS
Partners for Fish and Wildlife Program Biologist

Date

[name]
USFWS
Partners Program State Coordinator
(or Field Supervisor or Branch Chief)

Date

Landowner Agreement No: _____

Cost Structure: _____

Other: _____

EXHIBIT A

The habitat improvements described below are agreed to by the City of Fairbanks, the USFWS, and Festival Fairbanks in a Partners For Fish And Wildlife Landowner Agreement dated March ____, 2015.

Description of Habitat Improvement Project and Objectives: Project Site on South bank looking upriver.

Rock Removal and Planting:

This project involves the installation of 240 feet of live native vegetative mat and trenched willows installed in spots after removal of rock. The excavated rock from the riverbank will be replaced by top soil and lightly compacted fill material. On top of that organic soil, native grasses, woody stem vegetative mat (Alaska rose, raspberry, alder, willow) and other native rooted plants will be planted along the slope of the riverbank. Rows of willows will be installed by digging two 12-inch deep trenches into the imported soil and placing willows in the trench at a density of 10 to 15 stems per foot. The trenches will be approximately four feet apart and stretch the length of area of removed rock. None of the native vegetation for the project will be collected within 50 feet of the river. Any riparian vegetation within the work area that is disturbed will be re-vegetated with native vegetation. This project is necessary to provide and sustain fish habitat and vegetation that provides fish habitat, stability to the riverbank and maintains riparian function.

Elevated, Light Penetrating Grate Walk and Gangway to the River:

The ELP structure will be constructed of a metal frame with an open metal grate panels for the surface (at least 60% light penetration. They will be supported on pipe piling that will rest on the bank with the landward side of the walkway anchored to the ground using steel cable and duck billed earth or auger anchors. The supports for the ELP grate walk along the river will be installed at a minimum of 12 inches landward of and above OHW. The gangway shall be seasonally removed from the riverfront, between Oct 1 and May1 each year, to avoid damage from seasonal flooding and ice damming during the winter. Any portion of the grate walk structures that collapse in the Chena River (below the OHW) due to natural erosion or structural deterioration shall be immediately removed.

This project is necessary to provide and conserve fish habitat and vegetation that provides fish habitat, stability to the stream bank and maintains riparian function. This work will improve habitat for Federal trust resources in the vicinity of the project, specifically, chinook and chum salmon.

USFWS will:

Provide administrative support, project design and technical advice, field oversight, conduct final inspection, and contribute financial support to the project as listed above.

The Landowner(s) will:

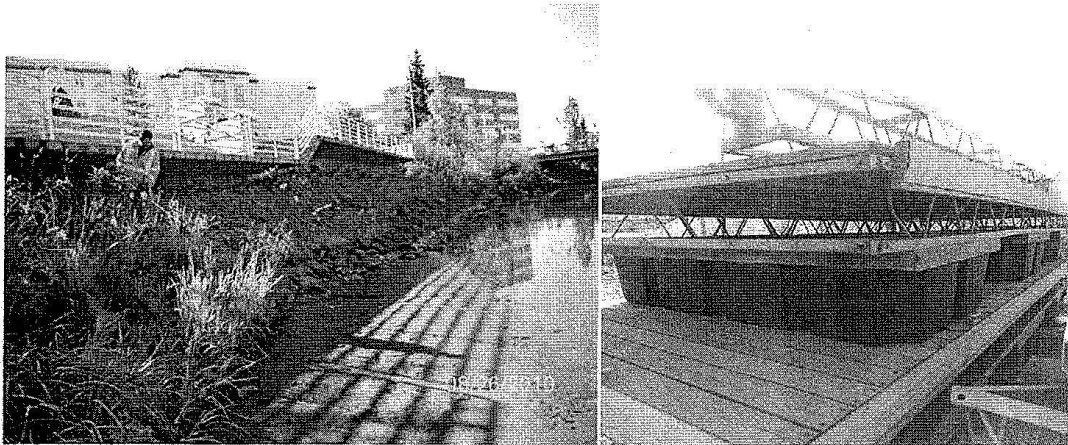
Work with the cooperator to hire a contractor to complete the work described above.

The Cooperator will:

Hire a contractor to complete the work described above or complete the work themselves; they will obtain all permits, provide receipts of work completed to USFWS and contribute financial support to the project as listed above.

Festival Fairbanks Golden Heart Plaza Dock Replacement Project

The Problem: Silt accumulation makes it impossible to float old dock...



Old dock was heavy and needed to be removed each year for storage off site.

Solution: New aluminum stairs to landing and floating dock.

Budget \$20,000.00

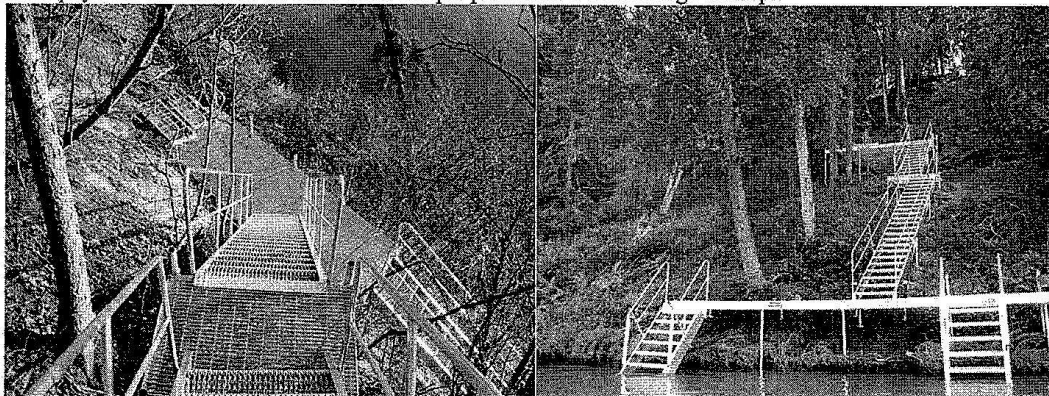
Breakdown:

Approach: 10 ft. x 6 ft.

Stairs/gangway: 3 ft. x 14 ft.

Basic size floating dock 5 ft. X 16 ft.

After physical consultation we have these sample photos for a basic design concept.



STAIRS

PLATFORMS /LANDING

Festival Fairbanks Dock Replacement Golden Heart Plaza

Additional information as required for the project:

Budget Table:

Object Class Categories	Partners				Totals
	Landowner	USFWS Partners Program	USFWS Other Programs	Other Non-USFWS	
Personnel	\$	\$20,000.00	\$	\$20,000.00	\$40,000.00
Fringe benefits	\$	\$	\$	\$	\$
Travel	\$	\$	\$	\$	\$
Equipment	\$	\$	\$	\$	\$
Supplies	\$	\$	\$	\$	\$
Contractual	\$	\$	\$	\$	\$
Other	\$	\$	\$	\$	\$
Other	\$	\$	\$	\$	\$
Totals	\$	\$20,000.00	\$	\$20,000.00	\$40,000.00

The total cost-share by the Cooperator, Service, and Landowner must remain the same, however allocations by category may be redistributed upon prior approval by the Service

Any work to be completed may be modified with the mutual agreement of the aforementioned parties.

Budget Narrative:

Other Non-USFWS refers funds supplied by Festival Fairbanks on behalf of the land owner City of Fairbanks