



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, SEPTEMBER 12, 2011  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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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 Jerry Cleworth presiding and with the following Council Members in attendance:

Council Members Present: Vivian Stiver, Seat A  
Chad Roberts, Seat B  
Bernard Gatewood, Seat C  
Jim Matherly, Seat D  
Emily Bratcher, Seat E

Absent: John Eberhart, Seat F (Excused)

Also Present: Warren Cummings, Fire Chief  
Paul Ewers, City Attorney  
D. Danyielle Snider, Deputy City Clerk  
Tony C. Shumate, Director Personnel/Purchasing/RM  
Laren Zager, Police Chief

### **INVOCATION**

The Invocation was given by Deputy City Clerk Danyielle Snider.

### **FLAG SALUTATION**

Mayor Cleworth led the Flag Salutation.

### **CITIZEN'S COMMENTS**

Frank Turney, 201 Seventh Avenue, Fairbanks – Mr. Turney expressed his sympathy and appreciation for the victims and heroes of September 11<sup>th</sup>. He stated that it is unfortunate that, because of the terrorist attacks, Americans have had to give up some liberties for the sake of security. He spoke to the Polaris Hotel restoration project and stated his hope that the Mayor and Council be careful not to give Mr. Marlow a “government handout.” Mr. Turney mentioned that he recently handed out jury fliers in the downtown area. He reminded the Mayor and Council that the dangerous birch tree in the Clay Street Cemetery still hasn’t been removed.

Tim Sovde, 402 Bonnifield, Fairbanks Candidate for City Council, Seat F – Mr. Sovde referred to Mr. Marlow as a political entrepreneur and that, unlike other entrepreneurs, he will pursue governmental moneys for his own profit. He stated his belief that Mr. Marlow is going too far and will not limit himself when it comes to government funding. He added that the City will have to provide essential government services for the property without receiving property taxes

for the structure, thus giving the long-term benefit to Mr. Marlow. He spoke against Ordinance No. 5859.

**Ms. Stiver** asked Mr. Sovde what he would like to see change, given that the rules for government tax credits are already in place, and how one would propose putting a stop to these “political entrepreneurs.” She asked if it is wrong for these individuals to ask for tax credits even though they are available. She pointed out that part of Ordinance No. 5859 would require that all deadlines be met by Mr. Marlow or the tax credits will be withdrawn.

Mr. Sovde replied that his point had been missed. He stated that this instance is different in that there would be additional services provided for the property, thus burdening the tax payer. He acknowledged that he had read the ordinance.

Lloyd Hilling, 1182 Nenana Street, Fairbanks, Candidate for City Council, Seat E – Mr. Hilling spoke to the Polaris Building situation and stated that the structure is going to cost the City money no matter what the outcome. He explained that he was on the City Council when the decision was made to grant tax credits for the property and that it seemed appropriate at the time, saving money for both the tax payers and the City. Mr. Hilling commented on the healthy financial state of the City due to the prudent decisions of the Mayor and City Council.

David Lerman, 126 Second Avenue, #15, Fairbanks, Candidate for City Council, Seat E – Mr. Lerman shared his personal experience with renovation at his apartment complex and used that as an example of how renovation can improve not only a structure, but also its surrounding community by helping eliminate domestic violence and drug usage. He spoke in support of Ordinance No. 5859, but stated his belief that building fees should be waived or reduced for the renovation of all deteriorated properties in the City. Mr. Lerman suggested the City form a DUI Task Force, similar to the Fluoride Task Force. He spoke in support of FMATS’ idea of elevated bike paths on the side of the road. He commented that the City needs to improve crosswalks and suggested a Crosswalk Task Force also be formed to protect pedestrians.

Karen Lane, 101 Dunkel Street, Suite 111, Fairbanks Convention & Visitors Bureau – Ms. Lane mentioned the great success of the recent Visitor Industry Walk for Charity. She announced other upcoming events including the Visitor Industry Candidates Forum on September 19<sup>th</sup>, a luncheon on October 12<sup>th</sup> spotlighting the Outdoor Rider’s Association, and the conventions in Juneau and Anchorage that FCVB employees will attend. She remarked that FCVB will be wrapping up the summer tourist season with the last downtown shuttle tour on September 23<sup>rd</sup>.

David van den Berg, Downtown Association of Fairbanks – Mr. van den Berg announced that the Downtown Market will be wrapping up the season with its last opening on September 19<sup>th</sup>. He mentioned also that there will be a “soapbox” opportunity for the candidates running for local office to speak from 4-8 PM on the closing evening.

### **APPROVAL OF AGENDA AND CONSENT AGENDA**

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

**Ms. Stiver** pulled Ordinance No. 5858 from the Consent Agenda and moved to WITHDRAW Ordinance No. 5859 from the Agenda.

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

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

**SPECIAL ORDERS**

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the below-referenced Liquor License Application for Transfer.

Transfer of Ownership:

Type:	Beverage Dispensary
License:	<b>Shenanigan's, #2851</b>
Licensee/Applicant:	Tiffany Andrei West
Physical Location	2406 S. Cushman Street, Fairbanks
Current DBA:	Shenanigan's, #2851
Licensee:	Tiffany Park West, Inc.
Location:	2406 S. Cushman Street, Fairbanks

**Mr. Roberts**, seconded by **Ms. Bratcher** moved to WAIVE protest.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST OF THE LIQUOR LICENSE TRANSFER, AS FOLLOWS:

YEAS:	Matherly, Bratcher, Roberts, Stiver, Gatewood
NAYS:	None
ABSENT:	Eberhart

**Mayor Cleworth** declared the MOTION CARRIED.

- b) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the below-referenced Liquor License Application for Transfer.

Transfer of Ownership:

Type:	Beverage Dispensary
License:	<b>Reflections, #1920</b>
Licensee/Applicant:	Tiffany Andrei West
Physical Location	2406 S. Cushman Street, Fairbanks
Current DBA:	Reflections, #1920
Licensee:	Lighthouse, Incorporated
Location:	2406 S. Cushman Street, Fairbanks

**Ms. Bratcher**, seconded by **Mr. Roberts**, moved to WAIVE protest.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST OF THE LIQUOR LICENSE TRANSFER, AS FOLLOWS:

YEAS: Roberts, Matherly, Gatewood, Bratcher, Stiver

NAYS: None

ABSENT: Eberhart

**Mayor Cleworth** declared the MOTION CARRIED.

- c) Vacation of Public Right-of-Way (VA 001-12 / RP 002-12) – Request by CEM Leasing, et al, to vacate that portion of Braddock Street between 34<sup>th</sup> Avenue and Van Horn Road and to vacate that portion of 35<sup>th</sup> Avenue between Leasure Street and MacArthur Street within the S 1/2, Section 2, T1S R1W, FM AK.

**Mayor Cleworth** explained that by taking no action, the Council would be agreeing with the vacation. If there was an objection to the Vacation, the City would enter a protest.

No formal action was taken.

#### **MAYOR'S COMMENTS AND REPORT**

**Mayor Cleworth** read aloud Resolution No. 4486 in Appreciation of Festival Fairbanks.

A Festival Fairbanks Representative stated that the food from the City Hall garden would be donated to the Fairbanks Rescue Mission, the Food Bank, and the Soup Kitchen.

**Mayor Cleworth** read aloud a Proclamation Declaring September 5, 2011 as Jury Rights Day, recognizing the role of the Jury as an institution in our legal system. **Mayor Cleworth** spoke to his excitement for the projects in the works for the Bentley Trust area of Fairbanks. He spoke to the \$5 million dollars given to FMATS for dispersal, and informed the Council that \$1 million has been unofficially allocated for preventative maintenance for the City. **Mayor Cleworth** pointed out the North Pole football jersey on his bench and stated that it was sent by Mayor Doug Isaacson in celebration of North Pole High School's recent victory over Lathrop High School in the Mayor's Bowl. **Mayor Cleworth** stated that he had challenged Mayor Isaacson to a Fast-pitch Mayor's Bowl in the spring in which the two teams would compete. He added that Mayor Isaacson had not yet accepted the challenge.

#### **UNFINISHED BUSINESS**

Ordinance No. 5857 – An Ordinance to Amend Fairbanks General Code Section 74-117(g)(3) Regarding Purpose of Hotel/Motel Tax Discretionary Grants. Introduced by Council Member Stiver. SECOND READING AND PUBLIC HEARING.

**Ms. Bratcher**, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5857.

Tim Sovde – Mr. Sovde spoke in support of Ordinance No. 5857.

**Mayor Cleworth** called for further Public Testimony and, hearing none, declared Public Testimony closed.

**Ms. Stiver** stated that she had contacted all but one of the Bed Tax Committee Members and that, of those, all were in support of the proposed changes to the Code. She reiterated to the public that grant dollars for health and social service organizations are available at the borough.

**Mr. Roberts** asked Ms. Stiver if the reason for the exclusion of health and social service organizations from the discretionary funds was because the committee had been burdened with too many requests in the past.

**Ms. Stiver** explained that an attempt to get the word out to more applicants a few years back resulted in the submittal of many applications that didn't qualify under the purpose of the discretionary fund.

**Mr. Gatewood** stated that he is unsure of what would fall outside the line of economic development and the promotion of tourism. He used Little League Football as an example of an applicant that may be excluded under the new language of the ordinance and stated that there may be other organizations left out if it is adopted as written.

**Ms. Stiver** explained that the committee has leeway in their decisions to grant or deny applicants and that they take many things into consideration.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO ADOPT ORDINANCE NO. 5857 AS FOLLOWS:

YEAS: Bratcher, Roberts, Stiver, Matherly, Gatewood

NAYS: None

ABSENT: Eberhart

**Mayor Cleworth** declared the MOTION CARRIED and Ordinance No. 5857 ADOPTED.

### NEW BUSINESS

- a) Resolution No. 4486 – A Resolution in Appreciation of Festival Fairbanks' Beautification, Cultural, and Arts Activities. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4487 – A Resolution Authorizing the City of Fairbanks to Request Funds from the Office of Homeland Security for Regional Fire Department Burn Prop and Training in an Amount of \$150,000. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Ordinance No. 5858 – An Ordinance to Amend Fairbanks General Code Section 42-1 Regarding Labor Relations. Introduced by Mayor Cleworth.

**Mr. Matherly**, seconded by **Ms. Stiver**, moved to ADVANCE Ordinance No. 5858 to the next Regular Meeting of September 19, 2011.

**Ms. Stiver**, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 5858 by Striking “the parties have reached an agreement on all issues” in Section 42-1 (2)(1) and replacing with “the ratification of the ordinance.”

**Mr. Gatewood** asked how this amendment would affect the ability of Council Members to communicate with the public regarding labor negotiations.

**Mayor Cleworth** replied that the ordinance would not interfere with freedom of speech.

**Ms. Bratcher** asked if Ordinance No. 5858 had been discussed by the Council in a Finance Committee Meeting.

**Mayor Cleworth** answered that the ordinance had not been thoroughly discussed before the Finance Committee because it did not concern City finances. He stated that it was presented at a Finance Committee Meeting a several weeks ago, but had been put on the “back burner” and slightly modified since that time. He added that most of the changes are just clean-up of the older language.

**Mr. Roberts** clarified when ratification of an ordinance regarding labor negotiations actually takes place. He pointed out that adoption of the ordinance is not the last step in the ratification process. He asked if “ratification” would still be the best term to use.

**Mayor Cleworth** stated that the City Council, by a majority vote to ratify a contract, fulfills the terms of the code. Whether or not a union accepts the contract terms is irrelevant to the ratification. He added that in cases when a union rejects the contract terms, the parties must restart the negotiation process.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5858, AS FOLLOWS:

YEAS: Gatewood, Stiver, Bratcher, Matherly, Roberts

NAYS: None

ABSENT: Eberhart

**Mayor Cleworth** declared the MOTION CARRIED and ORDINANCE NO. 5858, AMENDED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 5858, AS AMENDED AS FOLLOWS:

YEAS: Bratcher, Roberts, Stiver, Matherly, Gatewood  
NAYS: None  
ABSENT: Eberhart  
**Mayor Cleworth** declared the MOTION CARRIED and  
ORDINANCE NO. 5858, ADVANCED.

- d) Ordinance No. 5859 – An Ordinance to Grant a Return of Certain Building and Fire Department Fees for the Polaris Building Project. Introduced by Council Member Stiver.

FAILED TO ADVANCE.

## DISCUSSION ITEMS

### Committee Reports

FCVB. **Ms. Bratcher** gave a brief report on the August 24<sup>th</sup> meeting.

## COUNCIL MEMBERS' COMMENTS

**Mr. Matherly** stated that he has been enjoying watching his children play football over the summer. He remarked that the 9-11 celebration was a somber day but a good day to reflect on our freedoms.

**Ms. Bratcher** mentioned the 10-year anniversary of the September 11<sup>th</sup> attacks and complimented the Fairbanks Daily News Miner on their piece in Sunday's paper. She congratulated Bobby's Downtown for their three-year anniversary.

**Mr. Gatewood** thanked the local candidates running for public office and the citizens who come to City Council meetings and participate in Citizen's Comments. He added that public comments are appreciated and well-received.

**Mr. Roberts** stated that the fall season in Fairbanks is a great time. He mentioned that he recently went duck hunting. He expressed his anticipation for the upcoming candidate debates and thanked those running for public office.

**Ms. Stiver** thanked the Council for their support on the changes to the Bed Tax Code. She recognized Festival Fairbanks for their many accomplishments. She mentioned UAF's weekend film-shoot downtown and asked why the road was still closed today. She asked if City road closures were posted on the City's website. **Ms. Stiver** shared that the commander of the Chena Flood Control Project had invited the City Council to take a tour.

**Mayor Cleworth**, in response to **Ms. Stiver's** first question, stated that the barricades were in place for work being done by GHU between Noble and Lacey Streets and had nothing to do with the film-shoot. Secondly, he replied that City road closures can be posted on the website, but are not currently there.

**Ms. Bratcher**, seconded by **Mr. Matherly**, moved to go into Executive Session for the purpose of discussing Firefighters' Labor Negotiations.

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

**Mayor Cleworth** called for a five minute recess.

**EXECUTIVE SESSION**

Firefighters' Labor Negotiations

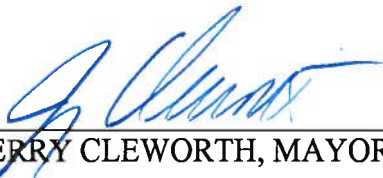
The City Council met in Executive Session to discuss the Firefighters' Labor Negotiations and no action was taken.

**ADJOURNMENT**


**Ms. Stiver**, seconded by **Mr. Roberts**, moved to ADJOURN the meeting.

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

**Mayor Cleworth** declared the Meeting adjourned at 9:33 P.M.

  
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JERRY CLEWORTH, MAYOR

ATTEST:

  
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JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS