



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, APRIL 25, 2011
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council reconvened at 7:00 p.m. on the above date, after a Work Session on the New Charter School Proposal to Lease the Chena Building, 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:

**DUE TO AUDIO EQUIPMENT MALFUNCTION, THE
FOLLOWING ARE ACTION MINUTES ONLY.**

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 – Attempts to Connect Telephonically
Failed Due to Audio Equipment Failure

Also Present: Clem Clooten, Electrical Inspector
Patrick B. Cole, Chief of Staff
Warren Cummings, Fire Chief
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Debi Osterby, Deputy City Clerk
Michael J. Schmetzer, City Engineer
Tony C. Shumate, Director Personnel/Purchasing/RM

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

Frank Turney, 201 7th Avenue, Fairbanks. Mr. Turney spoke to the fluoride issue.

Doug Yates, Box 221, Ester. Mr. Yates spoke about the fluoride issue.

Lisa Peger, 3873 Peger Rd., Fairbanks. Ms. Peger spoke against fluoride supplementation and commented on the ice park situation.

Ed Davis, 3110 Bunchberry Dr., Fairbanks. Mr. Davis spoke to the fluoride issue.

Sean McGuire, 351 Cloudberry, Fairbanks. Mr. McGuire spoke to the fluoride issue.

Sylvia Shultz, Fairbanks. Ms. Shultz indicated that she was a public health advocate and spoke to clean air in Fairbanks.

June Rogers, Fairbanks. Ms. Rogers spoke to the fluoride issue.

Scott Calder, PO Box 75011, Fairbanks. Mr. Calder spoke to the fluoride issue.

Jen Landry, 2240 Railroad Dr., Fairbanks. Ms. Landry spoke to the fluoride issue.

Will Finley, Fairbanks. Mr. Finley spoke to the fluoride issue.

Victor Buberger, PO Box 58192, Fairbanks. Mr. Buberger spoke to the fluoride issue.

Martha Rich, 1451 Flat Mountain Rd., Fairbanks. Ms. Rich spoke to the fluoride issue.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Ms. Bratcher, pulled Resolution No. 4470 from the Consent Agenda.

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

City Clerk Hovenden read the Consent Agenda into the record.

APPROVAL OF PREVIOUS MINUTES

a) Meeting Minutes of April 11, 2011.

PASSED and APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

a) The Fairbanks City Council convened as a Board of Adjustment in the matter of the below-sated decision of the Fairbanks North Star Borough Planning Commission:

A request by Edward O'Leary for lot size variances in order to shift a lot line on Block 07 Graehl subdivision. (Located southeast of the Steese Highway and on the northeast side of Second Street).

Council members discussed the request by Mr. O'Leary.

Ms. Stiver, seconded by **Mr. Matherly**, moved to GRANT Variance.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO GRANT VARIANCE, AS FOLLOWS:

YEAS: Gatewood, Stiver, Matherly, Roberts

NAYS: Bratcher

Mayor Cleworth declared the MOTION CARRIED.

Mayor Cleworth instructed the City Attorney to draw up Findings of Fact and present to the Council for approval.

MAYOR'S COMMENTS AND REPORT

a) Fluoride Task Force Final Report

Report provided by Dr. Reichart on the year long process and conclusions presented by the task force.

Mayor Cleworth read a Proclamation thanking the task force and the Clerk's Office for their work on the issue.

Mayor Cleworth asked the Council for direction on how to proceed with the recommendations presented by the Fluoride Task Force. **Mayor Cleworth** complimented Ms. Bratcher on the award presented by the Fairbanks Convention and Visitor's Bureau (FCVB). **Mayor Cleworth** spoke of the investigation into the events at Kodiak Jack's.

UNFINISHED BUSINESS

a) ORDINANCE NO. 5840 – An Ordinance Authorizing Conveyance of an Easement Upon City Property Requested by the Alaska Department of Transportation for Construction of the Illinois Street Reconstruction Project. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Roberts, seconded by **Ms. Bratcher**, moved to ADOPT Ordinance No. 5840.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5840, AS FOLLOWS:

YEAS: Gatewood, Roberts, Matherly, Stiver, Bratcher

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and ORDINANCE NO. 5840 ADOPTED.

- b) ORDINANCE NO. 5841 – An Ordinance Authorizing a Utility Easement for the Chief Andrew Isaac Health Center. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Ms. Bratcher, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5841.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5841, AS FOLLOWS:

YEAS: Matherly, Bratcher, Roberts, Stiver, Gatewood

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and ORDINANCE NO. 5841 ADOPTED.

- c) ORDINANCE NO. 5842 – An Ordinance to Amend FGC Sections 10-311 and 10-312, Adopting the 2009 Uniform Swimming Pool, Spa, and Hot Tub Code. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Ms. Bratcher, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5842.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5842, AS FOLLOWS:

YEAS: Roberts, Matherly, Gatewood, Bratcher, Stiver

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and ORDINANCE NO. 5842 ADOPTED.

- d) ORDINANCE NO. 5843 – An Ordinance Amending the 2011 Budget Estimate for the First Time. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Ms. Bratcher**, moved to ADOPT Ordinance No. 5843.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5843, AS FOLLOWS:

YEAS: Stiver, Matherly, Gatewood, Bratcher, Roberts
NAYS: None
Mayor Cleworth declared the MOTION CARRIED and
ORDINANCE NO. 5843 ADOPTED.

- e) ORDINANCE NO. 5844 – An Ordinance Amending FGC Section 78-975 Authorizing Recovery of Ignition Interlock Devices from Impounded Motor Vehicles. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Ms. Bratcher, seconded by **Ms. Stiver**, moved to ADOPT Ordinance No. 5844.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5844, AS FOLLOWS:

YEAS: Bratcher, Roberts, Stiver, Matherly, Gatewood
NAYS: None
Mayor Cleworth declared the MOTION CARRIED and
ORDINANCE NO. 5844 ADOPTED.

- f) ORDINANCE NO. 5845 – An Ordinance Adopting the 2011 City of Fairbanks Code for Abatement of Dangerous Buildings. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Ms. Bratcher, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5845.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5845, AS FOLLOWS:

YEAS: Gatewood, Stiver, Bratcher, Matherly, Roberts
NAYS: None
Mayor Cleworth declared the MOTION CARRIED and
ORDINANCE NO. 5845 ADOPTED.

NEW BUSINESS

- a) RESOLUTION NO. 4470 – A Resolution Authorizing the Mayor to Submit a Petition to the Local Boundary Commission for the Detachment from City of the Open Skies Commercial Park Subdivision, Located at the Intersection of Badger Road and the Old Richardson Highway. Introduced by Mayor Cleworth.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to APPROVE Resolution No. 4470.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4470, AS FOLLOWS:

YEAS: Gatewood, Roberts, Matherly, Stiver

NAYS: Bratcher

Mayor Cleworth declared the MOTION CARRIED and RESOLUTION NO. 4470 PASSED.

- b) ORDINANCE NO. 5846 – An Ordinance to Present to the Qualified Voters of the City the Question of Approving Additional City Services through Pre-paying the Outstanding Bond Debt for the Police Station. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

- a) Committee Reports

FMATS. Mr. Roberts provided a brief report on the recent meeting.

Fairbanks Parking Authority. Mr. Matherly provided a brief report on the recent meeting.

COMMUNICATIONS TO COUNCIL

- a) Public Safety Commission Meeting Minutes of March 8, 2011

ACCEPTED on the CONSENT AGENDA.

- b) Code Review Commission Meeting Minutes of March 9, 2011

ACCEPTED on the CONSENT AGENDA.

- c) Fluoride Task Force Meeting Minutes of March 29, 2011.

ACCEPTED on the CONSENT AGENDA.

- d) Fluoride Task Force Meeting Minutes of March 31, 2011.

ACCEPTED on the CONSENT AGENDA.

- e) Fluoride Task Force Meeting Minutes of April 5, 2011.

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Ms. Bratcher spoke about Ice Alaska and the ice park. **Ms. Bratcher** thanked the Fluoride Task Force for its work. She indicated that the Borough should get involved and suggested presenting an ordinance for a vote and not make it a ballot issue.

Mr. Matherly thanked the Fluoride Task Force and asked that an ordinance be drafted for the Council. **Mr. Matherly** indicated that the ice park issue should be left to Ice Alaska and the railroad.

Mr. Gatewood thanked the Fluoride Task Force and indicated that an ordinance should be brought to the Council for a vote. He concurred that the Borough should be involved.

Mr. Roberts also thanked the Fluoride Task Force. He indicated that he would be fine if the issue was presented to the people for a vote.

Ms. Stiver thanked Ms. Foote for the information provided during the work session. **Ms. Stiver** concluded that the issue with the ice park was convoluted. **Ms. Stiver** shared that she voted to remove fluoride from the water supply as she did in 2008.

Mr. Matherly, seconded by **Ms. Bratcher**, moved to go into Executive Session for the purpose of discussing the A Street Apartments Claim.

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

EXECUTIVE SESSION

a) A Street Apartments Claim

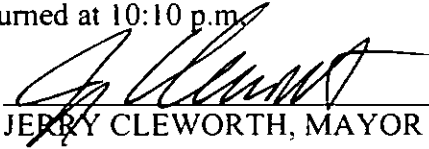
The City Council met in Executive Session to discuss the A Street Apartments Claim and staff was given direction.

ADJOURNMENT

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


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

Mayor Cleworth declared the Meeting adjourned at 10:10 p.m.



JERRY CLEWORTH, MAYOR

ATTEST:



JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DO