



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, APRIL 11, 2011
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 Jerry Cleworth presiding and with the following Council Members in attendance:

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

Absent: John Eberhart, Seat F - excused

Also Present: Stephen Anderson, Plumb/Mech Inspector
Clem Clooten, Electrical Inspector
Patrick B. Cole, Chief of Staff
Warren Cummings, Fire Chief
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Laren Zager, Police Chief

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

Tim Sovde, 402 Bonnifield, Fairbanks. Mr. Sovde spoke to the revision of the comprehensive economic development strategy plan currently on the Borough's agenda.

Helen Renfrew, 4097 Yvonne Road, Fairbanks. Ms. Renfrew presented a Certificate of Appreciation to Mr. Brian Newton of GVEA on behalf of the Fairbanks Convention and Visitor's Bureau.

Victor Buberger, PO Box 58192, Fairbanks. Mr. Buberger requested that the Council call on the Fact Finding Commission regarding an incident at Kodiak Jacks.

Frank Turney, 201 7th Ave., Fairbanks. Mr. Turney thanked the Mayor for dismissing the charges against the good Samaritan who helped someone after a vehicle accident. Mr. Turney spoke

about the incident at Kodiak Jacks and asked that the Fact Finding Commission look into the incident and any police misconduct. Mr. Turney indicated that someone, not the Mayor, provided him with the information about Officer Stonecipher.

Lisa Peger, 3873 Peger Rd., Fairbanks. Ms. Peger spoke to the high price of gas and Senate Bill 99. She asked the Council to submit a resolution to the legislature to initiate an energy relief program.

David Lerman, 126 2nd Ave, Fairbanks. Mr. Lerman spoke about his newly created website, Renovation Fairbanks. He indicated he is actively campaigning for the next City election. Mr. Lerman spoke of the black smoke emanating from an outdoor boiler on Cushman Street. He asked that the Council look into sponsoring a PSA to inform the public of the particles that are being breathed in from these types of boilers.

David van den Berg, 410 Cushman Street, Fairbanks. Mr. van den Berg announced that the Polaris building was soliciting comments/remarks regarding the building at a performance art exhibit on the building itself. He provided an update on the Community Service Patrol and the limited expansion of the designated boundary area.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Roberts, seconded by **Ms. Bratcher**, moved to INCLUDE the Fluoride Task Force meeting minutes on the Consent Agenda.

Mr. Roberts, pulled Resolution No. 4468 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 March 21, 2011.

PASSED and APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

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

Lic #	Name	Type	Service Location	Owner Name
4950	Klondike Restaurant & Lounge	Beverage Dispensary-Tourism	1347 Bedrock Street	Harris S. Yang

Ms. Bratcher, seconded by **Mr. Matherly**, moved to WAIVE Protest of Renewal for Liquor License.

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

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

b) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the below-referenced Appeals of Denied Applications for City of Fairbanks Chauffeur Licenses.

i. Applicant: Anton Amin Gregory Caldwell

Mr. Roberts, seconded by **Mr. Gatewood**, moved to GRANT Appeal of Chauffeur License.

Mr. Caldwell provided the Council with a brief explanation for his appeal.

Mr. Buberger commented on the power of the Council to rule on these issues.

Mr. John O'Brian shared his support of Mr. Caldwell and encouraged the Council to grant the appeal.

Mr. Turney asked the Council to approve the appeal.

Mr. Lerman commented on equity and fairness.

Mr. Sovde commented on the burglary tools conviction.

Council discussion.

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

YEAS: None
NAYS: Roberts, Matherly, Gatewood, Bratcher, Stiver
Mayor Cleworth declared the MOTION FAILED.

ii. Applicant: Emil Georgiev Hugny-Farr

Mr. Roberts, seconded by **Mr. Matherly**, moved to GRANT Appeal.

Mr. Buberger repeated his comments regarding appeals.

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

YEAS: None
NAYS: Stiver, Matherly, Gatewood, Bratcher, Roberts
Mayor Cleworth declared the MOTION FAILED.

iii. Applicant: Trent Alexander Mueller

Mr. Roberts, seconded by **Mr. Gatewood**, moved to GRANT Appeal.

Mr. Mueller provided the Council with a brief explanation for his appeal and request to grant.

Council discussion.

Mr. Turney encouraged the Council to approve the appeal.

Mr. Buberger questioned the appeal process. He encouraged the Council to revise the Code.

Council discussion regarding appeal process, individual criteria, and the human element.

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

YEAS: None
NAYS: Bratcher, Roberts, Stiver, Matherly, Gatewood
Mayor Cleworth declared the MOTION FAILED.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth informed the Council that he attended the Civilian Military meeting at the Borough and shared the discussion. **Mayor Cleworth** indicated that he has had no contact with PSEA for about four weeks. **Mayor Cleworth** shared that there were abatements that needed to get done, but no money was budgeted. He indicated he would bring any matter to the Council. **Mayor Cleworth** spoke of the arbitration article in the Boston Globe. **Mayor Cleworth** shared that the City was not included in the capital projects list forwarded by the Senate and that the railroad bridge was not funded either.

Mr. Matherly, seconded by **Mr. Roberts**, moved to RESCHEDULE the Regular Meeting of the City Council from July 11, 2011 to July 18, 2011.

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

Mayor Cleworth shared that the City would be looking into residential recycling. **Mayor Cleworth** spoke of possible debt retirement with inclusion on the October ballot. **Mayor Cleworth** spoke to the appeal process for chauffeur licensing. He indicated that the appeal process is an important one and that the human element requires it. He asked the Council to think

about that process before changing the Code. **Mayor Cleworth** mentioned the incident at Kodiak Jacks and thanked those involved in the investigation. He indicated that the District Attorney has the case and it is under review.

UNFINISHED BUSINESS

- a) Ordinance No. 5836 – An Ordinance Amending FGC Section 14-167, Regarding the Procedure for Review of Alcoholic Beverage Licenses. Introduced by Mayor Cleworth and Council Member Stiver. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Ms. Bratcher**, moved to ADOPT Ordinance No. 5836.

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. 5836, AS FOLLOWS:

YEAS: Gatewood, Roberts, Matherly, Stiver, Bratcher

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and ORDINANCE NO. 5836 ADOPTED.

- b) Ordinance No. 5837 – An Ordinance to Amend FGC Sections 10-425 and 10-426, Adopting the 2009 International Fuel Gas Code with Amendments. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Gatewood, seconded by **Ms. Bratcher**, moved to ADOPT Ordinance No. 5837.

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

Mayor Cleworth called for objection and, hearing none, declared the MOTION CARRIED and ORDINANCE NO. 5837 ADOPTED.

- c) Ordinance No. 5838 – An Ordinance to Amend FGC Sections 10-101 and 10-102, Adopting the 2009 International Mechanical Code with Amendments. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5838.

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. 5838, AS FOLLOWS:

YEAS: Roberts, Matherly, Gatewood, Bratcher, Stiver

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and ORDINANCE NO. 5838 ADOPTED.

- d) Ordinance No. 5839 – An Ordinance to Adopt the 2011 City of Fairbanks Administrative Code as Article II, Chapter 10, FGC Section 10-31. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Ms. Bratcher**, moved to ADOPT Ordinance No. 5839.

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. 5839, AS FOLLOWS:

YEAS: Stiver, Matherly, Gatewood, Bratcher, Roberts

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and ORDINANCE NO. 5839 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4465 – A Resolution Authorizing the City Mayor to Apply for and Accept a Preservation Assistance Grant for Smaller Institutions from the National Endowment for the Humanities. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4466 – A Resolution Authorizing the City Mayor to Apply for and Accept Grants from the Alaska Highway Safety Office for Fiscal Year 2012. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4467 – A Resolution Authorizing the City Mayor to Apply for and Accept a Grant for Protective Ballistic Vests for Fiscal Year 2012. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Resolution No. 4468 – A Resolution Authorizing the City Mayor to Apply for and Accept a Smart Policing Initiative Grant from the U.S. Bureau of Justice Assistance. Introduced by Mayor Cleworth.

Mr. Matherly, seconded by **Ms. Bratcher**, moved to APPROVE Resolution No. 4468. At the request of Mr. Roberts, Lt. Welborn and Chief Zager, provided a staff report.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO APPROVE RESOLUTION NO. 4468, AS FOLLOWS:

YEAS: Bratcher, Roberts, Stiver, Matherly, Gatewood

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and RESOLUTION NO. 4468 APPROVED.

- e) Resolution No. 4469 – A Resolution Supporting Senate Bill 100, Regarding the Public Employee Retirement System (“PERS”). Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- f) 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.

ADVANCED on the CONSENT AGENDA.

- g) Ordinance No. 5841 – An Ordinance Authorizing a Utility Easement for the Chief Andrew Isaac Health Center. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- h) 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.

ADVANCED on the CONSENT AGENDA.

- i) Ordinance No. 5843 – An Ordinance Amending the 2011 Budget Estimate for the First Time. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- j) Ordinance No. 5844 – An Ordinance Amending Fairbanks General Code Section 78-975 Authorizing Recovery of Ignition Interlock Devices from Impounded Motor Vehicles. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- k) Ordinance No. 5845 – An Ordinance Adopting the 2011 City of Fairbanks Code for Abatement of Dangerous Buildings. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

- a) Committee Reports

Fairbanks Convention and Visitor's Bureau. Ms. Bratcher provided a brief report.

COMMUNICATIONS TO COUNCIL

- a) Fluoride Task Force Meeting Minutes of January 4, 2011.

ACCEPTED on the CONSENT AGENDA.

- b) Fluoride Task Force Meeting Minutes of February 1, 2011.

ACCEPTED on the CONSENT AGENDA.

- c) Fluoride Task Force Meeting Minutes of March 8, 2011.

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Ms. Stiver spoke about the inherent difficulties with the appeal process for chauffeur licenses. **Mr. Stiver** spoke favorably about the grant that was approved.

Mr. Matherly spoke to the new home for ICE Alaska at the fairgrounds. **Mr. Matherly** spoke to the difficulty inherent in the appeal process.

Ms. Bratcher explained that the City has an obligation to the public when considering chauffeur appeals. **Ms. Bratcher** asked to reschedule the June 20, 2011 council meeting to June 27.

Ms. Bratcher, seconded by **Mr. Matherly**, moved to RESCHEDULE the Regular Meeting of the City Council from June 20, 2011 to June 27, 2011.

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

Mayor Cleworth made some suggested modifications the Code regarding chauffeur licenses.

Mr. Gatewood suggested the possibility of shortening the ten year window to seven years.

Ms. Stiver suggested that Mr. Ewers put together a list of mitigating factors for consideration during the appeal process.

Mr. Gatewood spoke to the events he attended; including, interior baseball lions club banquet and reception for UAF ball player Parish West.

Mr. Roberts indicated that he would rather see a liberalization of the chauffeur license appeal process.

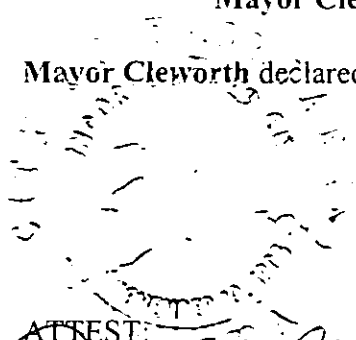
Mayor Cleworth indicated that staff would work on modifications to the chauffeur license appeal process to bring before the Council for consideration.


ADJOURNMENT

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

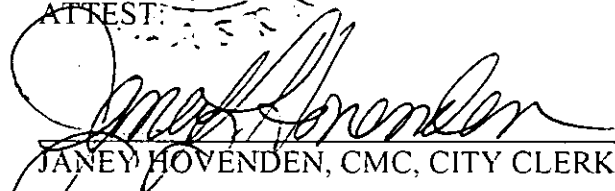
Mayor Cleworth called for objection and, hearing none, so ORDERED.

Mayor Cleworth declared the Meeting adjourned at 9:40 p.m.





JERRY CLEWORTH, MAYOR

ATTEST:


JANEV HOVENDEN, CMC, CITY CLERK

Transcribed by: DO