



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, APRIL 12, 2021  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 6:30 p.m. on the above date to conduct a Regular Meeting of the Fairbanks City Council via Zoom webinar and at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Jim Matherly presiding and with the following Council Members in attendance:

Council Members Present: Shoshana Kun, Seat A  
June Rogers, Seat B (remotely)  
Valerie Therrien, Seat C  
Aaron Gibson, Seat D  
Lonny Marney, Seat E  
Jim Clark, Seat F

Absent: None

Also Present: Margarita Bell, Chief Financial Officer (remotely)  
Paul Ewers, City Attorney  
D. Danyielle Snider, City Clerk  
Jeff Jacobson, Public Works Director (remotely)  
Mike Meeks, Chief of Staff  
Kristi Merideth, FECC Manager  
Angela Foster-Snow, HR Director  
Tod Chambers, Fire Chief  
Geoff Coon, Assistant Fire Chief  
Ron Dupee, Police Chief  
Rick Sweet, Deputy Police Chief  
Teal Soden, Communications Director (remotely)  
Michael Sanders, Crisis Now Coordinator  
Clem Clouten, Building Official  
Anthony Laska, FPD Detective  
VISTA Volunteers  
Stephen Anderson, Plans Examiner (remotely)

City Clerk Danyielle Snider read aloud the Mission Statement of the City of Fairbanks.

**INVOCATION**

The Invocation was given by City Clerk Danyielle Snider.

**FLAG SALUTATION**

Mayor Matherly asked Mr. Gibson to lead the Flag Salutation.

## CEREMONIAL MATTERS

**Mayor Matherly** asked Chief Dupee to come forward to recognize Lieutenant Rick Sweet for his appointment to Deputy Police Chief. Chief Dupee gave a brief history on DC Sweet, including his past nine years with the Fairbanks Police Department (FPD), and Mrs. Sweet pinned DC Sweet with his stars.

## CITIZENS' COMMENTS

Patrick Levy, Fairbanks Distilling Co. – Mr. Levy stated that he was speaking in regard to a request for an easement at 410 Cushman Street, adding that when he purchased the property, he believed a portion of the easement had been part of the original purchase. He continued by stating that it was during his attempt to pour a concrete deck the previous summer that he learned the property was part of the City right-of-way. Mr. Levy explained that his intent was to obtain the property that he had thought was a part of the original purchase, which is the front stoop of his business. He expressed his intent to build a deck, effectively helping to make Cushman Street a more pedestrian-friendly street. He added that the deck would be concrete with black railing, which would match the same black railing throughout town; he stated he would install doors resembling the old fire department doors that had been originally installed in that building. Mr. Levy explained that at the time of purchase, he had not understood some of what the plot lines were indicating; he added that some were plot lines extending into McCafferty's Coffee Shop. He stated that he worked with the owners of the coffee shop to make the plot lines reflect the physical boundaries. He continued to explain the attachments he had provided the Council, stating that his current request is with the intention to return his easement portion to his property, much like that of the neighboring property owners.

**Ms. Therrien** stated that the Council had received a letter from McCafferty's concerning the proposed project and how it would affect the view from their establishment. She asked if Mr. Levy could address those concerns.

Mr. Levy stated that while the deck is designed to be open, there is no denying that some of the view will be restricted. He added that the design is for an 18-inch concrete pad on the sidewalk with black railing. Mr. Levy clarified that he had no intent of infringing on the alleyway or the coffee shop owners' rights to that access. He added that all the original windows on the upper level of his business have a view of McCafferty's concrete wall but that it just happens that way with buildings downtown. He stated that they are fortunate to have an alley between them.

**Ms. Therrien** asked if Mr. Levy had considered using the sidewalk along Fifth Avenue. Mr. Levy stated that he would eventually like to use that area as well.

**Mr. Marney** asked how tall the railing would be. Mr. Levy stated that the cement pad would be 18 inches, and the fence would be forty-inches tall, a total of 58 inches above sidewalk level.

William Rogers, McCafferty's Coffee Shop – Mr. Rogers stated that he and his wife own the building at 408 Cushman Street. He disclosed that he is a current City employee, and his wife is Council Member Rogers. He stated that he had previously provided exhibits and items to the Council that he would be referencing in his testimony. He clarified that he did not intend to

prohibit Mr. Levy's plans for outdoor seating. He stated that his concern was that the outdoor plans would occur on the City easement governed by Ordinance No. 6164, which does not restrict Mr. Levy from building up to within six inches of his own property. Mr. Rogers added that he does not believe that Mr. Levy's intent is to build that close to his property, but it could pose an issue in the future if the property is sold. He continued by explaining the exhibits he had provided to the Council, including the right-of-way, the proposed improvements made upon the City easement, and an outline of two proposed easements which would include a restriction of building within two feet of his shop window and a height restriction of five feet. He added that these restrictions should not have an impact on Mr. Levy's proposed improvements but would maintain his ability to use his building and keep it maintained in the future.

**Ms. Therrien** asked Mr. Rogers if he had communicated his suggestions to Mr. Levy and whether Mr. Levy agreed with them. Mr. Rogers indicated that he had spoken to Mr. Levy, but he was under the impression that Mr. Levy would prefer there was not a restriction, despite the fact that his current plans would not be affected. **Ms. Therrien** asked whether, given more time, the two parties would be able to work out an agreement. Mr. Rogers stated that currently there are not restrictions on the improvements that Mr. Levy is seeking, and he would like to protect his property interests going forward.

**Mr. Marney** shared that he had walked the area in question earlier that day and inquired about access to the alley. Mr. Rogers explained that the alleyway falls on Mr. Levy's property where the utilities for both buildings are located.

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

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

**Ms. Kun**, seconded by **Ms. Therrien**, moved to APPROVE the Agenda and Consent Agenda.

**Mr. Gibson** pulled Resolution No. 4963 from the Consent Agenda.

**Mayor Matherly** called for objection to the APPROVAL of the Agenda, as Amended and, hearing none, so ORDERED.

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

### **APPROVAL OF PREVIOUS MINUTES**

a) Regular Meeting Minutes of March 8, 2021

APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of March 22, 2021

APPROVED on the CONSENT AGENDA.

## SPECIAL ORDERS

- a) The Fairbanks City Council heard interested citizens concerned with the following Liquor License Applications for Renewal:

Lic. #	DBA	License Type	Licensee	Address
2258	Clarion Hotel & Suites	Beverage Dispensary Tourism	Pacific Rim Associates I, Inc.	95 10th Avenue
5262	Aha Oriental Kitchen	Restaurant/Eating Place	Moonstone, LLC	996 Blair Road
556	International Hotel & Bar	Beverage Dispensary	Dakota Ventures, Inc.	122 N. Turner Street, Suite 10
2512	2 Go Mart #114	Package Store	AK, Inc.	2110 Peger Road
4216	2 Go Mart #115	Package Store	AK, Inc.	99 College Road
4565	2 Go Mart #101	Package Store	AK, Inc.	3569 S. Cushman Street

**Mr. Marney**, seconded by **Mr. Gibson**, moved to WAIVE PROTEST on the Liquor License Applications for Renewal.

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

**Ms. Rogers** asked for information the regarding weapons calls at the 2 Go Mart locations on Peger and Cushman as well as a call termed “mental disorder” at the International Hotel & Bar.

Chief Dupee clarified that the weapons call for the 2 Go Mart on S. Cushman Street pertained to individuals in private vehicles in the parking lot – not the licensed business. He added that the call regarding weapons at the College Road location was pertaining to a man on a bicycle who had a pistol and was making threatening statements before riding off – not in the licensed business. Chief Dupee stated that the incident termed as a mental disorder at The Big I was not marked as pertaining to the business directly.

**Ms. Rogers** asked for clarification on the meaning behind the use of the term “mental disorder” to describe an incident. Dispatch Manager Kristi Merideth stated that it could mean anything from suicidal threats to yelling and screaming; she stated that it equates to abnormal behavior.

**Ms. Therrien** thanked Chief Dupee for providing the reports and asked whether it was a time-consuming process. Chief Dupee responded that it did take a lot of time to go through each of the reports and that only those marked pertain to the actual licensed business. He added that it requires someone to look at each case and determine which calls are associated with the business. **Ms. Therrien** suggested that maybe the Council should consider requesting information for individual incidents rather than the entire report.

**Mr. Clark** asked Chief Dupee whether he would know if he had concerns about a business without the report process, and Chief Dupee replied that he would. **Mr. Clark** wondered whether

it would be worthwhile to eliminate the need for the FPD to review all the reports and eliminate the Council's discussion of calls that do not pertain to the business.

**Ms. Kun** asked how much of the theft had been alcohol related. Chief Dupee stated that the calls marked were at the liquor store. **Ms. Kun** followed up by asking whether the owners had been working on a mitigation plan with the FPD; Chief Dupee stated he was not sure.

Chief of Staff Mike Meeks explained the inefficiencies of the process and stated that prior to the reports being provided, various departments are asked to provide a recommendation to the Council.

**Ms. Rogers** stated that while the reports may take time to prepare, the reason for them came from a time when citizens would become fed up with certain businesses and complain to the Council. She stated that the process stops that from happening or at least keeps the Council more informed.

**Mayor Matherly** added that he found value in the reports provided by the FPD and encouraged the Council to reach out to department heads with questions prior to the meeting to help streamline the process and allow for any additional research to be performed.

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

YEAS: Clark, Therrien, Kun, Marney, Gibson, Rogers

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

b) The Fairbanks City Council heard citizens concerned with the following Marijuana License Application for Transfer of Ownership:

Type/License: Retail Marijuana Store/License #18187

DBA: Chena Cannabis

Applicant: Chena Cannabis MidTown, LLC

188 Bentley Trust Road, Suite A, Fairbanks

From Owner: The Fairbanks Cut, LLC

**Ms. Kun**, seconded by **Mr. Marney**, moved to WAIVE PROTEST on the Marijuana License Application for Transfer of Ownership.

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

Chief Dupee stated that he had no concerns regarding the transfer.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE MARIJUANA LICENSE APPLICATION FOR TRANSFER OF OWNERSHIP AS FOLLOWS:

YEAS: Therrien, Rogers, Clark, Gibson, Kun, Marney

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

- c) The Fairbanks City Council considered an appeal of a denied application for a New Chauffeur License for the following applicant:

Applicant: Richard Walsh-Nathaniel

**Mayor Matherly** explained the process for the appeal.

Richard Walsh-Nathaniel, Fairbanks – Mr. Walsh-Nathaniel stated that he had lived in Fairbanks since he was born in 1997. He added that he had been exposed to drugs since he was small child and, as a young man, he became entangled in the drug lifestyle. He stated that is when he obtained the felony which brought him before the Council to appeal. He shared that he had made drastic changes to his life, including giving up illegal drugs and alcohol. Mr. Walsh-Nathaniel stated that he had a family to provide for, and work has been hard to obtain. He stated he has been left with a limited income of unemployment and stimulus checks. He added that he had been living in Kotzebue with his family, and he decided to move to Fairbanks hoping for better employment opportunities.

**Ms. Therrien** thanked Mr. Walsh-Nathaniel for coming before the Council and asked about the date of his last conviction. Mr. Walsh-Nathaniel responded that his felony conviction had been in 2019. **Ms. Therrien** inquired about Mr. Walsh-Nathaniel's participation in N.A. or A.A. meetings, and he responded that he had completed a drug intake assessment as part of his probation requirements. He stated that he was not recommended, nor required, to obtain any treatment as it had been over four years since he had taken illegal drugs.

**Ms. Rogers** thanked Mr. Walsh-Nathaniel for his bravery in coming before the Council and stated that it is evident that he genuinely wants to provide for his family.

**Ms. Kun** thanked Mr. Walsh-Nathaniel for coming forward and asked him for information about the charge on March 28, 2018 regarding a fraud use access device. Mr. Walsh-Nathaniel explained that he had pled guilty to that charge; however, he had not been aware that the check was fake.

**Ms. Therrien**, seconded by **Mr. Gibson**, moved to GRANT the appeal of a denied application for a New Chauffeur License.

**Ms. Kun** stated that she would prefer the period of probation to be complete prior to granting the appeal. **Mr. Marney** agreed with Ms. Kun.

**Ms. Therrien** stated while on probation, someone would be monitoring the applicant's drug and alcohol use which holds in the Council's favor. She suggested that it may be more appropriate to grant the appeal with a contingency that if he commits any more crimes or violates his probation, the license would be revoked. She added that he has stayed clean and sober for four years, and that is worth considering.

**Mr. Gibson** added his support to Ms. Therrien's comments, stating that it should not be the Council who gets in the way of someone making an effort to turn their life around.

**Ms. Therrien**, seconded by **Mr. Gibson**, moved to AMEND the motion to grant the appeal by adding a condition that the applicant must comply with the terms of his probation and commit no misdemeanors or felonies, or the license will be revoked.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE MOTION TO GRANT THE APPEAL BY ADDING A CONDITION THAT THE APPLICANT MUST COMPLY WITH THE TERMS OF HIS PROBATION AND COMMIT NO MISDEMEANORS OR FELONIES, OR THE LICENSE WILL BE REVOKED AS FOLLOWS:

YEAS: Rogers, Gibson, Therrien, Kun

NAYS: Clark, Marney

**Mayor Matherly** declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO GRANT THE APPEAL OF A DENIED APPLICATION FOR A NEW CHAUFFEUR LICENSE WITH A CONDITION THAT THE APPLICANT MUST COMPLY WITH THE TERMS OF HIS PROBATION AND COMMIT NO MISDEMEANORS OR FELONIES, OR THE LICENSE WILL BE REVOKED AS FOLLOWS:

YEAS: Gibson, Marney, Rogers, Kun, Therrien

NAYS: Clark

**Mayor Matherly** declared the MOTION CARRIED.

d) The Fairbanks City Council considered the owner's contestation of the Council's actions regarding the abatement at 33 Timberland Drive.

Property Location: 33 Timberland Drive

Owner Name: Bernadette O'Driscoll

Summary: The property owner is contesting the City Council's February 22 vote to approve abatement costs in the amount of \$36,168 and to create a lien against the property in the same amount.

**Ms. Therrien**, seconded by **Mr. Clark**, moved to DENY the appeal of the Council's actions regarding the abatement at 33 Timberland Drive.

**Ms. Rogers** stated that the City Clerk had done an excellent job of keeping the owner informed and involved in the process. She stated that she believed all the information provided to Ms. O'Driscoll had been very clear and that she had been given many opportunities to prevent the situation from happening.

**Ms. Therrien** stated that Ms. O'Driscoll's concerns are centered around the City's ability to perform a controlled burn and the cost associated with demolishing the structure. She continued by stating that the cost of the abatement is comparable to that of previous abatements and that

City staff had done a lot of work to take care of the situation. She stated that the owner could have come before the Council in the earlier stages of the process and avoided the situation, but she did not do so.

**Mr. Gibson** asked for clarification that the original cost had been included on the lien with no additional interest. Attorney Ewers confirmed and added that the Council had the opportunity to place a personal obligation on the owner but elected not to do so.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO DENY THE APPEAL OF THE COUNCIL'S ACTIONS REGARDING THE ABATEMENT AT 33 TIMBERLAND DRIVE AS FOLLOWS:

YEAS: Gibson, Therrien, Clark, Marney, Rogers

NAYS: Kun

**Mayor Matherly** declared the MOTION CARRIED.

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

#### a) Special Reports

Mike Sanders, Crisis Now Coordinator – Mr. Sanders thanked the Mayor and Council for allowing him to speak. He stated that he has been the Housing and Homeless Coordinator and would soon be transitioning to a new position as the Crisis Now Coordinator. He stated that the best part of his job had been the opportunity to work with the AmeriCorps VISTA program, sharing that his role had essentially been to provide the paperwork and get out of the way of the volunteers who were the rock stars behind the program. Mr. Sanders stated that the VISTA program is at full capacity with 12 full-year VISTAs who build capacity and strengthen the community by working with other non-profit organizations in the community with a focus on poverty, inequity, homelessness, and a lack of access to education. Mr. Sanders went on to share that in the last reporting year, the 12 full-year VISTAs raised \$460,320 for their projects through grants and other fundraising activities, as well as recruited 1,149 volunteers throughout the year. He added that the group would begin recruiting for their 14 summer associate positions, which are incentivized by an educational award as well as a living stipend. He encouraged anyone who was 18 years of age or older and looking for summer employment to visit the VISTA website at [www.vistafairbanks.org](http://www.vistafairbanks.org). Mr. Sanders recognized Kenzley Defler for her work on the VISTA informational video that he played for the Council.

**Mayor Matherly** thanked the Council for allowing the video to play in its entirety, pointing out that all that work had been done during a pandemic year. He spoke about how great it is to have people who have a heart for helping others in the community. He asked VISTA coordinator Kenzley Defler to come forward; he recognized Ms. Defler by reading into the record a recognition of outstanding dedication to the community and gave her a Certificate of Appreciation on behalf the City of Fairbanks. Ms. Defler thanked the Mayor and Council and expressed her appreciation of the City's support of the VISTA program, stating that it was an asset to the community and to the young professionals who volunteer.



**Mayor Matherly** encouraged anyone over the age of 18 looking for experience to contact the VISTA program and stated that they are a great organization to be affiliated with. He concluded his comments by stating that the snow will be gone soon, and Public Works is now publishing hard pack removal schedules.

### **COUNCIL MEMBERS' COMMENTS**

**Ms. Rogers** thanked everyone for their comments, particularly those regarding Mr. Walsh-Nathaniel.

**Ms. Kun** congratulated DC Sweet on his new title and position.

**Ms. Therrien** thanked the Council for supporting the motion to grant the appeal for the Chauffeur License, stating that it shows that the Council has heart and is willing to give someone a chance. She added that she was hopeful that Mr. Levy and Mr. Rogers could come to some agreement before the second reading of the ordinance but felt that it may be important for the Council to consider making amendments to the ordinance as it affects both property owners. She concluded by congratulating DC Sweet.

**Mr. Clark** stated he had no comments.

**Mr. Marney** stated that the decision regarding the Chauffer License appeal was a very difficult one for him, but he wishes Mr. Nathaniel-Walsh all the best, adding that everyone deserves a second chance. He ended by congratulating DC Sweet.

**Mr. Gibson** stated that the liquor license renewals appear to waste a lot of administrative time, especially given there were no departmental objections. He asked the Council to consider adjusting the process, not only to free up FPD's time but also to avoid any undue judgement on businesses that are discussed in open public meetings.

**Mayor Matherly** called for a brief recess. The meeting reconvened at 8:05 p.m.

### **UNFINISHED BUSINESS**

- a) Ordinance No. 6150 – An Ordinance Amending Fairbanks General Code Section 46-80, Drinking in Public, to Make the Restriction Citywide. Introduced by Council Member Kun. SECOND READING AND PUBLIC HEARING.

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

**Ms. Kun**, seconded by **Mr. Clark**, moved to ADOPT Ordinance No. 6150.

**Mr. Clark** requested to be added as a sponsor.

**Mr. Gibson** asked about applicability and prohibitions. Attorney Ewers clarified that the ordinance would apply to any public property within the City of Fairbanks.

**Ms. Rogers** thanked Ms. Kun for bringing the ordinance forward in an effort to fix the double standard that existed and asked to have her name added as a sponsor.

**Ms. Therrien** requested to be added as a sponsor.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6150 AS FOLLOWS:

YEAS: Marney, Clark, Rogers, Kun, Therrien

NAYS: Gibson

**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6150 ADOPTED.

- b) Ordinance No. 6151 – An Ordinance Amending Fairbanks General Code Section 14-213, Restrictions on Marijuana Establishments. Introduced by Council Member Kun. SECOND READING AND PUBLIC HEARING.

**Ms. Kun**, seconded by **Ms. Therrien**, moved to ADOPT Ordinance No. 6151.

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

**Ms. Rogers** thanked Ms. Kun for bringing the ordinance forward.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6151 AS FOLLOWS:

YEAS: Clark, Therrien, Kun, Marney Gibson, Rogers

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6151 ADOPTED.

- c) Ordinance No. 6152 – An Ordinance to Amend FGC Chapter 10, Article III International Building Code, by Adopting the 2018 International Building Code with Local Amendments. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

**Ms. Kun**, seconded by **Mr. Gibson**, moved to ADOPT Ordinance No. 6152.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6152 AS FOLLOWS:

YEAS: Therrien, Rogers, Clark, Gibson, Kun, Marney

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6152 ADOPTED.

- d) Ordinance No. 6153 – An Ordinance to Amend FGC Chapter 10, Article XIII International Residential Code, by Adopting the 2018 International Residential Code with Local Amendments. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

**Mr. Gibson**, seconded by **Ms. Kun**, moved to ADOPT Ordinance No. 6153.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6153 AS FOLLOWS:

YEAS: Gibson, Marney, Rogers, Kun, Therrien, Clark

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6153 ADOPTED.

- e) Ordinance No. 6154 – An Ordinance to Amend FGC Chapter 10, Article IX National Electrical Code, by Adopting the 2020 National Electrical Code with Local Amendments. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

**Ms. Therrien**, seconded by **Mr. Gibson**, moved to ADOPT Ordinance No. 6154.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6154 AS FOLLOWS:

YEAS: Rogers, Gibson, Therrien, Clark, Marney, Kun

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6154 ADOPTED.

- f) Ordinance No. 6155 – An Ordinance to Amend FGC Chapter 10, Article IV International Mechanical Code, by Adopting the 2018 International Mechanical Code with Local Amendments. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

**Ms. Kun**, seconded by **Mr. Marney**, moved to ADOPT Ordinance No. 6155.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6155 AS FOLLOWS:

YEAS: Kun, Gibson, Therrien, Clark, Marney, Rogers

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6155 ADOPTED.

- g) Ordinance No. 6156 – An Ordinance to Amend FGC Chapter 10, Article V Uniform Plumbing Code, by Adopting the 2018 Uniform Plumbing Code with Local Amendments. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

**Ms. Kun**, seconded by **Mr. Gibson**, moved to ADOPT Ordinance No. 6156.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6156 AS FOLLOWS:

YEAS: Marney, Clark, Rogers, Kun, Gibson, Therrien

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6156 ADOPTED.

- h) Ordinance No. 6157 – An Ordinance to Amend FGC Chapter 10, Article XIV International Fuel Gas Code, by Adopting the 2018 International Fuel Gas Code with Local Amendments. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

**Ms. Therrien**, seconded by **Ms. Kun**, moved to ADOPT Ordinance No. 6157.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6157 AS FOLLOWS:

YEAS: Kun, Gibson, Therrien, Clark, Marney, Rogers

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6157 ADOPTED.

- i) Ordinance No. 6158 – An Ordinance to Amend FGC Chapter 30, Article II International Fire Code, by Adopting the 2018 International Fire Code with Local Amendments. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

**Ms. Kun**, seconded by **Mr. Marney**, moved to ADOPT Ordinance No. 6158.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6158 AS FOLLOWS:

YEAS: Marney, Rogers, Kun, Gibson, Therrien  
NAYS: Clark  
**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6158 ADOPTED.

- j) Ordinance No. 6159 – An Ordinance to Amend FGC Chapter 10, Article XVI International Energy Conservation Code, by Adopting the 2018 International Energy Conservation Code with Local Amendments. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

**Ms. Kun**, seconded by **Ms. Therrien**, moved to ADOPT Ordinance No. 6159.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6159 AS FOLLOWS:

YEAS: Clark, Therrien, Kun, Marney, Gibson, Rogers  
NAYS: None  
**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6159 ADOPTED.

- k) Ordinance No. 6160 – An Ordinance to Amend FGC Chapter 10, Article XVII International Existing Building Code, by Adopting the 2018 International Existing Building Code with Local Amendments. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

**Ms. Kun**, seconded by **Mr. Marney**, moved to ADOPT Ordinance No. 6160.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6160 AS FOLLOWS:

YEAS: Therrien, Rogers, Clark, Gibson, Kun, Marney  
NAYS: None  
**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6160 ADOPTED.

- l) Ordinance No. 6161 – An Ordinance to Amend Sections 902 and 905 of the 2015 City of Fairbanks Code for the Abatement of Dangerous Buildings Regarding City Council Hearings and Appeals of the City Council’s Decision. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

**Ms. Kun**, seconded by **Ms. Therrien**, moved to ADOPT Ordinance No. 6161.

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

**Ms. Kun** requested to be added as a sponsor.

**Mr. Gibson** asked for clarification on how the ordinance would change the process. Attorney Ewers explained that the previous process had been two part and required the item to go before the Council to set a date for the hearing. He stated that the new language would eliminate that step and streamline the process. Clerk Snider added that the Clerk's Office sets the dates for all other appeals and hearings that come before the Council, and the existing language is unique.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6161 AS FOLLOWS:

YEAS: Clark, Therrien, Kun, Marney, Gibson, Rogers

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6161 ADOPTED.

- m) Ordinance No. 6162 – An Ordinance to Amend FGC Chapter 10, Article II, by Adopting the 2020 City of Fairbanks Administrative Code. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

**Ms. Kun**, seconded by **Mr. Marney**, moved to ADOPT Ordinance No. 6162.

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

Attorney Ewers thanked the Council and the Building Code and Landscape Review and Appeals Commission for all their work on the Code review process and gave Building Official Clem Clouten credit for his work also. City Clerk Snider added that Plans Examiner Stephen Anderson had also spent a lot of time on the codes and recognized him for his contributions.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6162 AS FOLLOWS:

YEAS: Therrien, Rogers, Clark, Gibson, Kun, Marney

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6162 ADOPTED.

### **NEW BUSINESS**

- a) Resolution No. 4962 – A Resolution to Apply for and Accept Funds from the Municipality of Anchorage for the Alaska Internet Crimes Against Children Task Force Program. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4963 – A Resolution Opposing the Proposed Changes to Title 13 of the Alaska Administrative Code to Allow Use of ATVs and Snowmobiles on Public Roadways Until a Comprehensive Study is Done. Introduced by Mayor Matherly and Council Member Therrien.

**Ms. Therrien**, seconded by **Ms. Kun**, moved to APPROVE Resolution No. 4963.

**Mr. Gibson** stated that he would like to make some amendments to the resolution, and copies of the amendments had been provided to each Council member. He clarified that his amendments request that the State of Alaska allow local municipalities the freedom to make their own decisions regarding the use of ATVs and snowmobiles on public roadways, effectively changing it to an opt-in program instead of an opt-out program as it currently stands. He asked for guidance on how to propose the amendments. Attorney Ewers advised proposing the amendments individually.

**Mr. Gibson**, seconded by **Mr. Clark**, moved to AMEND Resolution No. 4963 by changing the title to “A Resolution Expressing Concerns Over the Proposed Changes to Title 13 of the Alaska Administrative Code to Allow Use of ATVs and Snowmobiles on Public Roadways.”

**Mayor Matherly** asked for clarification on the reason behind changing the title of the resolution. He added that he feels strongly about opposing the changes given the feedback from Chief Dupee and Chief Chambers and the dangers of allowing the vehicles on busy roadways.

**Ms. Therrien** stated that there were concerns at the Alaska Municipal League (AML) regarding the resolution, and the feeling was that there was not going to be enough support for the changes to pass the legislature’s approval this year. She added that she also felt it was appropriate to oppose the changes at the City level.

**Mr. Clark** asked for information regarding the comprehensive study named in the title.

**Mr. Gibson** stated that there was not a current plan for a comprehensive study; instead it is a request of the State to provide a study prior to making the proposed changes to Title 13.

**Ms. Kun** stated that in some other similarly-sized cities in the Lower 48, ATVs are allowed on public roadways, but not snowmobiles. She added that supports the use of ATVs, but that has no bearing on the resolution being discussed. She added that local law enforcement is not in favor of the changes.

**Mr. Gibson** explained that the purpose of his proposed changes is to acknowledge concerns but also to recognize some of the valid reasons for considering the changes. He added that his amendments are simply asking the State to give the municipalities the ability to make their own decisions regarding ATVs and snowmobiles on public roads. He stated that there are ways to do it safely as has been proven in other cities, some larger and busier than Fairbanks. He stated he would like the opportunity to explore options at the City level and leave the State out of it.

**Ms. Rogers** stated that she agrees with both sides of the current discussion and feels that the Council should have a better handle on the issue prior to approving a resolution.

**Mayor Matherly** reminded the Council that they had moved off of the current motion which is to change the title of the resolution. He recommended, given the number of amendments being proposed, that a vote on the resolution be postponed in order for the sponsors of the resolution to work through some of the issues.

**Mr. Gibson**, with the concurrence of the Second, WITHDREW his motion to amend Resolution No. 4963.

**Ms. Therrien** stated that there should be some urgency given to this matter as the legislature will only be in session for the next 2-3 weeks.

**Mr. Gibson** asked for clarification on how changes to the Alaska Administrative Code (AAC) are approved. **Ms. Therrien** stated that the legislature has to approve changes to the AAC, but the changes are not submitted in form of a bill.

**Mr. Gibson**, seconded by **Mr. Clark**, moved to POSTPONE INDEFINITELY Resolution No. 4963.

Attorney Ewers clarified that while this resolution would be postponed indefinitely and thereby killed, it would not prevent a new resolution regarding the same topic from being brought forward at the next meeting or any meeting after that.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE INDEFINITELY RESOLUTION NO. 4963 AS FOLLOWS:

YEAS: Kun, Gibson, Clark, Marney, Rogers

NAYS: Therrien

**Mayor Matherly** declared the MOTION CARRIED and Resolution No. 4963 POSTPONED INDEFINITELY.

- c) Resolution No. 4964 – A Resolution Approving a Maintenance Agreement with the State of Alaska Department of Transportation and Public Facilities Related to the Cushman Street Bridge Rehabilitation Project. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Ordinance No. 6163 – An Ordinance Authorizing a Lease of Space in City Hall to the Interior Alaska Center Non-Violent Living to House the Fairbanks Reentry Coalition. Introduced by Mayor Matherly.

ADVANCED on the CONSENT AGENDA.

- e) Ordinance No. 6164 – An Ordinance Authorizing Conveyance of an Easement Over a Portion of the Right-of-Way Bordering 410 Cushman Street. Introduced by Mayor Matherly.

ADVANCED on the CONSENT AGENDA.



## WRITTEN COMMUNICATIONS TO COUNCIL

- a) Appointment to the Clay Street Cemetery Commission

APPROVED on the CONSENT AGENDA

## COMMITTEE REPORTS AND COUNCIL MEMBERS' COMMENTS

**Ms. Rogers** stated that she attends the Reentry Coalition meetings and expressed her gratitude for the support provided by the City in allowing them use of space at City Hall. She expressed appreciation for the presentation by and attendance of the VISTA volunteers. She stated that she had met with the Polaris Work Group and shared that plans were still moving forward. She thanked Clerk Snider for her report which highlights patterns and needs within the City. She concluded by thanking Mayor Matherly and Attorney Ewers for their kind comments recognizing the hard work of Building Department staff Clem Clooten and Stephen Anderson.

**Mr. Gibson** stated he had no reports or comments.

**Mr. Marney** stated he did not have any reports but wished everyone a nice evening. He thanked the Council for working so well together.

**Mr. Clark** stated that he missed his last meeting with Rep. Adam Wool but added that there were more meetings coming soon.

**Ms. Therrien** gave an update to the many legislative meetings she had attended, including a meeting with Sen. Robert Myers who felt that there would be guidance around the GO bonds by the beginning of May. She added that Sen. Myers said the gas tax would likely not pass until the following year even with the support of the ATA, Chamber of Commerce, and the Alaska General Contractors. She stated the Legislative Committee met on April 6 and discussed the resolution regarding ATVs; she stated that the Mayor provided testimony on the issue. She added that her testimony to the State Finance Committee had also been a topic of discussion, which included items the Council had discussed and agreed upon. She shared that the operating budget would not be addressed until federal guidelines have been released. **Ms. Therrien** added that the Legislative Committee met with Rep. Adam Wool who spoke about the Emergency Declaration and the negotiations between the Senate and the Governor's Office; she stated he expressed his support for the City, including the City Hall heating system. She stated that she met with the AML Legislative Committee who discussed some of the same topics, including a bill to early-fund education and school debt reimbursements and a bill supporting tribal recognition. She stated it may be valuable for the Council to consider supporting the bill also.

**Ms. Kun** thanked Ms. Therrien for all her legislative updates. She added that she had met with the Explore Fairbanks Board of Directors where there were many updates on how the tourism industry was functioning, adding that there was a lot of optimism for the upcoming season. She shared information regarding vaccination opportunities, including walk-in options at the Carlson Center starting the following day. **Ms. Kun** gave a land acknowledgement. She mentioned that the City and all departments had recently taken part in diversity, equity, and inclusion training, and on behalf of the Fairbanks Coalition Builders, she thanked all those that participated. **Ms.**

**Kun** stated that while Spring has arrived, it coincides with the time of year for the highest rates of suicide. She asked citizens to check on their friends and provided the suicide hotline number. She concluded by thanking Clerk Snider for her quarterly report and Public Works for handling the late season snowstorm so efficiently.

**Mayor Matherly** shared that the Fairbanks Diversity Council would meet the following evening and noted that the previous meeting was cancelled due to lack of a quorum. He added that it had been the intention to spotlight women who work at the City during the last meeting. He indicated that the presentation would be made at the next meeting.

**Ms. Kun**, seconded by **Mr. Gibson**, moved to ENTER Executive Session to discuss the Fairbanks Firefighters Union Labor Negotiation Strategy.

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

**Mayor Matherly** called for a brief recess. The Council reconvened in Executive Session following the brief recess.

**EXECUTIVE SESSION**

a) Fairbanks Firefighters Union Labor Negotiation Strategy

The City Council met in Executive Session to discuss the Fairbanks Firefighter Union Labor Negotiation Strategy. Direction was given to the negotiating team, and no action was taken.

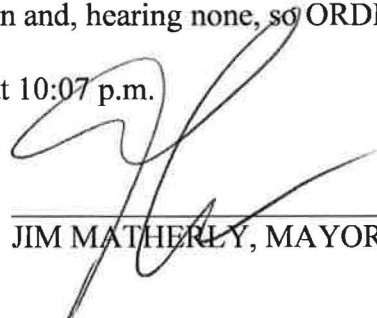
The Council agreed to meet for a Work Session on Emergency Response Standards at 5:00 p.m., May 10, 2021.

**ADJOURNMENT**

**Mr. Gibson**, seconded by **Ms. Kun**, moved to ADJOURN the meeting.

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


**Mayor Matherly** declared the meeting adjourned at 10:07 p.m.



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JIM MATHERLY, MAYOR

ATTEST:



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D. DANIELLE SNIDER, MMC, CITY CLERK

Transcribed by: RR