



FAIRBANKS CITY COUNCIL  
AGENDA NO. 2016-05  
**REGULAR MEETING MARCH 7, 2016**  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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REGULAR MEETING

7:00 P.M.

1. ROLL CALL
2. INVOCATION
3. FLAG SALUTATION
4. 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.
5. 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.
6. APPROVAL OF PREVIOUS MINUTES  

\*a) Regular Meeting Minutes of December 7, 2015

7. SPECIAL ORDERS

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, will hear interested citizens concerned with the following Liquor License Application for Transfer (stock only) and Restaurant Designation Permit. Public Testimony will be taken and limited to five minutes.

Type: Beverage Dispensary, License #4174

To: Big Daddy's Bar-B-Q & Banquet Hall / RTG, LLC  
107 Wickersham Street, Fairbanks, Alaska

From: Big Daddy's Bar-B-Q & Banquet Hall / RTG, LLC  
107 Wickersham Street, Fairbanks, Alaska

- b) The Fairbanks City Council will convene as a Board of Adjustment to consider whether to appoint a hearing officer for the appeal in the matter of the following decision of the Fairbanks North Star Borough Planning Commission:

A request by Annie Dougherty on behalf of the Chugach School District for conditional use approval of a school administrative office and classroom facility with related guest facilities for short-term stays (FOCUS Homeschool) in the Two-Family Residential (TF) zone on Lots 1, 3, W5, & E5, Block 05, Charles Slater Subdivision and Lots 20 & 21, Block 01, Charles Slater Subdivision (located at 200 & 210 Well Street at the east end).

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Ordinance No. 6005 – An Ordinance Establishing an Incentive Bonus Program with Fairbanks Police Department for Recruitment, Hiring and Retention. Introduced by Mayor Eberhart. First Reading POSTPONED from the Regular Meeting of February 8, 2016.

10. NEW BUSINESS

- \*a) Resolution No. 4721 – A Resolution Awarding a Contract to [CONTRACTOR] for the Waste Water Treatment Plant Generators Procurement Project ITB 16-03 in the Amount of \$XXX,XXX.XX. Introduced by Mayor Eberhart.

- \*b) Resolution No. 4722 – A Resolution in Support of Senate Bill 8 An Act Relating to the Regulation and Production of Industrial Hemp. Introduced by Council Member Gatewood.

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. EXECUTIVE SESSION

- a) Fairbanks Fire Fighters Union Labor Negotiations

17. ADJOURNMENT



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, DECEMBER 7, 2015  
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 John Eberhart presiding and with the following Council Members in attendance:

Council Members Present: Joy Huntington, Seat A  
Bernard Gatewood, Seat C  
Jim Matherly, Seat D  
Jerry Cleworth, Seat E  
David Pruhs, Seat F

Absent: Perry Walley, Seat B (excused)

Also Present: Paul Ewers, City Attorney  
D. Danyielle Snider, City Clerk  
Carmen Randle, Chief Financial Officer  
Ben Barrio, IT Director  
Angela Foster-Snow, HR Director  
Pat Smith, Development Manager  
Randall Aragon, Police Chief  
Verg Scott, Public Works General Foreman  
Peyton Merideth, Detective  
Amber Courtney, PIO

### **INVOCATION**

The Invocation was given by City Clerk Danyielle Snider.

### **FLAG SALUTATION**

Mayor Eberhart led the Flag Salutation.

### **CITIZEN'S COMMENTS**

June Rogers, 1908 Esquire Avenue, Fairbanks – Ms. Rogers shared her support for the Police Chief's request for two additional cold case officers. Ms. Rogers stated that it is distressing that there are so many unsolved homicides within the City of Fairbanks. Ms. Rogers shared that she personally knew one of the victims and that she would like his and all of the murders to be solved.

Steve Ginnis, 288 Shannon Drive, Fairbanks – Mr. Ginnis stated that he is the Director of the Fairbanks Native Association (FNA) and that he is concerned with the turnover rate within the City. He stated that the City is losing valuable employees and suggested that a salary study be

done to see if the City of Fairbanks is competitive with other municipalities. Mr. Ginnis stated that after he did a salary study at FNA, he adjusted pay by two dollars an hour to make FNA more competitive. He spoke in support of funding two cold case investigators in the 2016 City budget. Mr. Ginnis stated that he knew one of the unsolved murder victims and commented that he would to see a conviction in the case. Mr. Ginnis commended the Mayor and the Chief of Police on the community outreach they are working on, and stated it is something he has not seen in the past. He stated that one of the primary responsibilities of the City is public safety and that hiring two additional officers should be a priority. Mr. Ginnis stated that people will start to move away from Fairbanks if is not s safe place to live. He stated that treating people right has been the reason he has had such great success in his career.

Shirley Lee, 457 Cindy Drive, Fairbanks – Ms. Lee spoke on behalf of Victor Joseph of Tanana Chiefs Conference (TCC). She stated that TCC represents over 15,000 Alaskan Natives in Interior Alaska. Ms. Lee spoke in support of funding two cold case investigators at Fairbanks Police Department (FPD). Ms. Lee read the names of each of the victims of the unsolved Fairbanks homicides and spoke to the burden the families carry in not knowing who took their loved ones from them. She stated that City government should not be only about Public Works and labor union contracts; she commented that it is the City’s job to ensure the safety of all citizens. Ms. Lee stated that the City Council is budgeting for pot holes rather than solving cold cases. She acknowledged the hard work of FPD in solving the murder of John Kavairlook Jr.

Geri Simon, 825 Ridgpointe Drive, Fairbanks – Ms. Simon stated that she is the Senior Vice President of Administration at Doyon. She spoke in support of the budget ordinance that would add two cold case investigators to the police force. She stated that community safety makes the community look like a more attractive place to live. Ms. Simon thanked FPD for their efforts to solve the Kavairlook murder. She stated that she supports the cold case investigator positions and FPD as a whole.

Joe Blackburn, 3350 Liberty Court, North Pole – Rev. Blackburn stated that he supports the City hiring two cold case investigators. He stated that it is not acceptable to have 14 unsolved homicides. He stated that the murders are unsolved because there is not enough man power to focus on cold cases. Rev. Blackburn stated that the families of the deceased deserve closure to the loss of their loved ones. He stated that he is present on behalf of the Interdenominational Ministerial Alliance of Fairbanks. Rev. Blackburn stated that he was able to do two ride-alongs with FPD and that he was amazed at the tremendous amount of work each of the officers have to do. He stated that the City needs to hire more officers department wide because the current officers have too much work to do during a regular shift.

**Ms. Huntington** asked Rev. Blackburn if he thought one cold case investigator would be enough to make a difference.

Rev. Blackburn stated that one is better than none at all and that it would be a step in the right direction.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that he agrees with all the other speakers regarding the unsolved murders and he spoke to the unsolved murder of Durga Owens that occurred in Chatanika. He stated that Mayor Eberhart is a very intelligent person and the he

believes he is the best Mayor Fairbanks has seen. Mr. Turney stated that members of the Council have lied to the public and not admitted to mistakes they have made. He stated that the morale in City government is not good and that it is hard to find good employees. He stated that he plans to run for Mayor and that he would do everything in his power to change the City back to a City Manager form of government. Mr. Turney stated that former Chief of Staff Jim Williams would have made a great City Manager. He stated he is happy that Ms. Huntington is on the Council and encouraged her to vote her conscience and not be swayed by other members.

Amy Geiger, 4400 Stanford Drive, Fairbanks – Ms. Geiger stated that she is present on behalf of Explore Fairbanks and referenced the 2016 Visitors Guide she distributed to Council Members. Ms. Geiger stated that the guide highlights the six national parks and reserves in the area. She stated that Fairbanks is the start-off place for parks in the Arctic area of the state. Ms. Geiger stated that every year Explore Fairbanks submits 100 events to be recognized by the American Bus Association and that this year World Eskimo Indian Olympics (WEIO) and the Midnight Sun Festival were both recognized. She stated that the American Bus Association is the largest tourism association that works with group travel.

Peyton Merideth, 3017 Riverview Drive, Fairbanks – Mr. Merideth spoke in support of adding two additional cold case investigators to the police force. He stated that the department would like to solve the cold cases but explained that they cannot focus any time to the cases because they are too short staffed. Mr. Merideth stated that there are only three officers that work on crimes against persons at FPD. He expressed his belief that some of the cold cases could be solved if FPD had the resources. Mr. Merideth stated that cases become cold because other things—current things—take priority because there are not enough investigators.

**Ms. Huntington** asked Mr. Merideth where he sees the department in five years if the Council approved funding for no additional officers, for one additional officer or for two additional officers.

Mr. Merideth stated that if the Council approved no additional positions, FPD would stay in the same place with no attention to cold cases. He stated that the best case scenario is to add two positions so cases start getting solved. Mr. Merideth stated that one is better than none but two would be ideal.

**Mr. Cleworth** stated that there has been a loss of revenue in DUI's and traffic citations. He asked if there is a way to get back to where the department was in generating revenues to help fund the positions. **Mr. Cleworth** stated that revenue has been declining for the past three years.

Mr. Merideth indicated that asset forfeiture may be a good option to boost revenue. He stated that he could not speak to traffic citations because he is a detective. He stated that he understands that the budget is the issue but that he is the person the families come to inquiring about their murdered loved ones. Mr. Merideth stated that the cold cases could very likely be solved but that nobody has the time to focus on anything other than the present.

**Mr. Pruhs** asked Mr. Merideth if he had reviewed the Mayor's budget for FPD. He asked if he knew that the Mayor budgeted for internal transfers within the department to cold case detectives. He asked if transferring internally would help solve the cold cases.

Mr. Merideth stated that he did not know that the Mayor proposed internal transfers; he stated that if one officer and one sergeant were transferred to cold case detective positions, it would create shortages in the departments they were transferred from.

Police Chief Randall Aragon stated that the Mayor approves of two cold case detectives.

**Mr. Cleworth** called a Point of Order. He stated that when the ordinance comes up on the agenda, the Council may question City staff. **Mr. Cleworth** stated that it is still Public Testimony and that Chief Aragon should wait to speak to the ordinance.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated that Public Works has done a worse job in snow removal this year than they have in the past six or seven years. He stated that it is time to take the cribbage board away from Public Works employees and force them to get to work. He stated that the town is in horrible shape and that the snow needs to be removed. Mr. Buberger stated that the Mayor did not give a summary of things he had been working on at the last Council meeting and that he hoped to hear an update tonight. Mr. Buberger spoke to the local motel owner who hammered the Mayor in regard to comp time; he stated that he would like to know how much money that motel owner has received from the City and the State. He stated that motel owner blamed the City for all the damage of her building and grounds. He stated that he would like the City to reimburse him for damages to his vehicle caused by potholes. Mr. Buberger congratulated Mayor Eberhart for hiring Chief Aragon and shared that he thinks the Chief really cares about the community. He stated that the City has grant writers and suggested that they draft a grant proposal to fund the cold case investigators.

**Mr. Pruhs** stated that he was the Council Member that dealt with the motel issue and that he would find out how much money the City spent to fix the issues.

Lee Despain, 352 Driveway Street, Fairbanks – Mr. Despain stated that he would like to enlighten the community as to what City employees are paid. He stated that the News Miner would not report anything about it and that citizens do not have a clue what employees are paid. Mr. Despain stated a police officer in 2013 was paid \$86,895.00 but that the total cost to the City was \$123,511.00 including benefits. He listed the annual wages of sergeants, detectives and lieutenants and their total annual costs to the City. Mr. Despain stated that unless he is drastically mistaken, the City's negotiating team grossly misinterpreted the cost of the Public Safety Employees Association (PSEA) contract. He stated that he hears police officers say they need more officers but at the same time they desire a shortened work week. Mr. Despain stated that FPD has claimed to be undermanned for many years. He questioned how long it would be before the other labor unions within the City would expect the same treatment. He asked what it would cost to give all unions within the City the same benefits.

Amber Courtney, 249 Illinois Street, Fairbanks – Ms. Courtney stated that she has been employed by the City for almost nine years and has worked for four Mayors. She shared that she wished more people would take advantage of citizen's comments. Ms. Courtney stated that working in the Mayor's Office has allowed her to see how hard working all the City departments are and that many of them are understaffed. She shared her opinion that having more patrol officers would be of greatest benefit to the FPD. Ms. Courtney stated that one of her duties as

the City's Public Information Officer (PIO) was to post information, education and press releases on the City of Fairbanks Facebook page. Ms. Courtney stated that one of the most common comments from citizens was in regard to their frustration that they could not get assistance from the police after car break-ins and property crimes. She stated that officers respond to 2,400 events in any given month. Ms. Courtney stated that citizens are also frustrated that they are unable to get police reports in a timely fashion. She shared that it is difficult for officers to get police reports done because they are out in the community ensuring public safety. Ms. Courtney stated that Chief Aragon is preparing proposals for a reduction of services because of short staffing and that she cannot imagine what services could be cut. She stated that she would trust any of the police officers with her life. Ms. Courtney asked the Council to consider two new patrol officers in the 2016 budget; she stated that she consistently hears that communities with sufficiently manned departments are more successful.

**Mr. Cleworth** asked Ms. Courtney why she wanted to add patrol officers and not cold case investigators.

Ms. Courtney stated that she considered waiting to make her request until she was no longer a City employee, but that by that time the budget would have been approved and nothing could be done. Ms. Courtney stated the biggest need she sees is in patrol and that two additional patrol officers would help the Police Department tremendously.

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

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

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

**Mr. Cleworth** pulled Ordinance No. 5997 and Ordinance No. 5998 from the Consent Agenda.

**Mayor Eberhart** called for objection 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 September 14, 2015.

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 following Liquor License Applications for Renewal:



Lic #	Establishment Name	License Type	Premise Location	Owner Name
4170	Lavelle's Bistro	Beverage Dispensary	575 1 <sup>st</sup> Avenue, Fairbanks	Café de Paris Catering Co.

**Mr. Matherly**, seconded by **Mr. Gatewood**, moved to WAIVE PROTEST on the Liquor License Application for Renewal for Lavelle's Bistro.

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

A ROLL CALL VOTE WAS TAKEN TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATION FOR RENEWAL FOR LAVELLE'S BISTRO AS FOLLOWS:

YEAS: Pruhs, Gatewood, Huntington, Cleworth, Matherly  
 NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

b) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the following Application for a New Liquor License and Restaurant Designation Permit:

Type: Beverage Dispensary – Duplicate  
 DBA/License #: 28 Below, License #5428  
 Licensee/Applicant: 636, LLC  
 Physical Location: 636 28th Avenue, Fairbanks, Alaska

**Mr. Pruhs**, seconded by **Mr. Gatewood**, moved to WAIVE PROTEST on the Application for a New (duplicate) Liquor License and Restaurant Designation Permit.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE APPLICATION FOR A NEW (DUPLICATE) LIQUOR LICENSE AND RESTAURANT DESIGNATION PERMIT AS FOLLOWS:

YEAS: Gatewood, Pruhs, Matherly, Huntington, Cleworth  
 NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

**MAYOR'S COMMENTS AND REPORT**

**Mayor Eberhart** called Sean Aldrich to come forward. He recognized Mr. Aldrich for his 21 years of dedicated service to the City and presented him with a City of Fairbanks gold pan and thanked him for his service.

Mr. Aldrich thanked the City for the opportunities it has provided him and stated that he is extremely proud to have worked with so many great people.

**Mayor Eberhart** requested that everyone pay their respects to the victims of Pearl Harbor and to all members of the armed services. He spoke to the Fairbanks Four case and stated that Judge Lyle may not come to a decision for several months. He spoke to whether the matter was handled properly by FPD. **Mayor Eberhart** stated that most of the police officers that worked for FPD at the time of the John Hartman murder are no longer employed by the City. He stated that he would ask the City Council in the next Finance Committee meeting to consider an independent review of how FPD handled the case. **Mayor Eberhart** shared the importance of bring the community back together and restoring trust and respect between citizens and the police. **Mayor Eberhart** stated that he has heard employees speak of leaving the City of Fairbanks and that, in many cases, it is due to the high cost of health care. He stated that his employee contribution to health care is over \$700.00 a month; he added that he has other health coverage but cannot reject City health benefits because of the no opt out policy. **Mayor Eberhart** stated that the expense of health care is making the City an unattractive place to work. He stated that he and Chief of Staff Jim Williams worked for months to find cheaper health care and, ironically, Mr. Williams left the City to work at the Borough where he pays 1/7 the amount for health insurance. **Mayor Eberhart** stated that people look out for what is best for them and their family and when better opportunities come along they take them. He stated that City union employees may not feel valued and may feel micromanaged by the City Council. He stated that the recent changes to the Mayor's compensation package may raise concern with non-union City employees that their comp time may also be taken away. **Mayor Eberhart** spoke to the amount of complaints he has received about snow removal; he stated that he spoke with FNSB Mayor Kassel who has also received a high volume of similar complaints. He stated that he has asked acting Chief of Staff Angela Foster-Snow to contact Public Works and get an update on snow removal. **Mayor Eberhart** shared that the City has created a Fanano, Italy (Sister City) work group and that a group of Fanano citizens will be traveling to Fairbanks in February. **Mayor Eberhart** spoke to the activities he has been involved with since the last Council Meeting.

### UNFINISHED BUSINESS

- a) Ordinance No. 5994 – An Ordinance to Amend Fairbanks General Code Chapter 14, Article XIII Business Licensing. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

**Mr. Pruhs**, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5994.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5994 AS FOLLOWS:

YEAS:	Matherly, Cleworth, Huntington, Gatewood, Pruhs
NAYS:	None

**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 5994 ADOPTED.

- b) Ordinance No. 5995 – An Ordinance Adopting the Goals, Policies and Objectives of the Chena Riverfront Plan. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

**Mr. Gatewood**, seconded by **Mr. Pruhs**, moved to ADOPT Ordinance No. 5995.

**Mayor Eberhart** called for Public Testimony.

Christine Nelson, 1526 Farmers Loop Road, Fairbanks – Ms. Nelson stated that she came to clarify a question Mr. Cleworth had asked at the last meeting regarding the Borough zoning code. Ms. Nelson stated that when she answered the question previously she misspoke. She stated that project zoning rules have been approved by the Chena Riverfront Commission that would give property owners some benefits by improving their riverfront property. Ms. Nelson stated that the Plan has been implemented on a Commission level but that it has not become FNSB code. Ms. Nelson stated that she would be happy to answer any questions the Council may have.

**Mr. Cleworth** thanked Ms. Nelson for the clarification.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5995 AS FOLLOWS:

YEAS: Matherly, Gatewood, Pruhs, Cleworth, Huntington

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 5995 ADOPTED.

- c) Ordinance No. 5996 – An Ordinance to Amend FGC Section 2-654 to Restrict the Transfer of Wages/Benefits to Non-Wage Accounts. Introduced by Council Members Cleworth and Matherly. SECOND READING AND PUBLIC HEARING.

**Mr. Cleworth**, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5996.

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

**Mr. Cleworth** stated that years ago there were issues with budgeting and departments would hire additional personnel without the approval of the Council. He stated that at the end of the year the Council would find out that a person was hired and they would have to make the hard decision whether to lay off the employee or to fund the position in the next year. **Mr. Cleworth** shared his concern that the state revenue sharing is drying up. He stated that department heads

should be able to move money around within their departments but that if funds are going to be moved to salary and wages, the Council needs to have the opportunity to approve or deny the amendment.

**Mayor Eberhart** stated that Ordinance No. 5996 would take away the Mayor's ability and discretion to allow departments to move savings to wage accounts or be used for other purposes. He stated that using salary savings for additional training is and should be considered a good thing. **Mayor Eberhart** stated that as long as a department's budget is not being increased some leeway should be given. He stated that one of the unions has expressed concern with Ordinance No. 5996 because it could affect the allocation of wage increases to union members.

**Mr. Cleworth** stated that if a department needs temporary staff it would only take two meetings for the Council to approve a budget amendment. He stated that abuse of the budget has occurred in the past and that department heads should not be able to give employees raises from excess wage accounts without Council approval. **Mr. Cleworth** stated that Ordinance No. 5996 creates transparency which the public deserves.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5996 AS FOLLOWS:

YEAS: Matherly, Gatewood, Cleworth  
NAYS: Huntington, Pruhs, Eberhart  
**Mayor Eberhart** declared the MOTION FAILED.

*Special Note: Originally, the motion was declared adopted by a 3-2 vote, but later in the meeting it was pointed out that four affirmative votes are required to adopt any City Ordinance or Resolution. At that time, **Mayor Eberhart** voted "nay" and the motion was declared FAILED.*

### **NEW BUSINESS**

- a) Resolution No. 4699 – A Resolution to Provide Matching Funds for the FMATS 2016 Improvement Program Surface Upgrades Project. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4700 – A Resolution Re-Designating Check Signing Authority for Banking and Investment Accounts of the City of Fairbanks, Alaska. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4701 – A Resolution Stating the City of Fairbanks' Capital and Legislative Priorities for 2016. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Ordinance No. 5997 – An Ordinance Amending the 2015 Operating and Capital Budgets for the Eighth Time. Introduced by Mayor Eberhart.

**Mr. Cleworth**, seconded by **Mr. Matherly**, moved to ADVANCE Ordinance No. 5997.

**Mayor Eberhart** called for a five minute recess before discussion on Ordinance No. 5997.

Upon reconvening, Clerk Snider pointed out some typos in the ordinance that were brought to her attention by CFO Carmen Randle. Ms. Snider read the typographical errors into the record and there was no objection by the City Council to the errors being administratively corrected.

**Mr. Cleworth** stated that he spoke with City Attorney Ewers during the recess and that Mr. Ewers recommended advancing the ordinance to the next meeting to be debated at that time. **Mr. Cleworth** shared his concern of the impact to the 2016 budget if Ordinance No. 5997 passed. He spoke against funding the PSEA contract and to the dire financial impact that funding it would have to the City of Fairbanks.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 5997 AS FOLLOWS:

YEAS: Cleworth, Pruhs, Huntington, Matherly, Gatewood

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

- e) Ordinance No. 5998 – An Ordinance Adopting the 2016 Operating and Capital Budgets. Introduced by Mayor Eberhart.

**Mr. Cleworth**, seconded by **Mr. Gatewood**, moved to ADVANCE Ordinance No. 5998.

**Mr. Cleworth** spoke to the importance of all Council Members being present at Regular Council Meetings. He asked the Council if discussion should continue on Ordinance No. 5998 since Mr. Walley was not present.

**Ms. Huntington** stated that she would be flying to Nome, Alaska and landing at 7:45 p.m. the night of the next City Council Meeting. She stated that she would call in as soon arrived at her hotel because she would really like to take part in the discussion.

**Mr. Pruhs** stated that if the meeting goes faster than usual, the Council could possibly call a recess until Ms. Huntington was able to phone in. He stated that Mr. Walley is an integral part of the budget process and that he would like him to be present for budget discussions.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 5998, AS FOLLOWS:

YEAS: Pruhs, Gatewood, Huntington, Cleworth, Matherly

NAYS: None

**Mayor Eberhart** declared Ordinance No. 5998 ADVANCED.

- f) Ordinance No. 5999 – An Ordinance Authorizing Conveyance of Easements Requested by the ADOT for the Noble Street Upgrade and Pedestrian Facilities Projects. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- g) Ordinance No. 6000 – An Ordinance Amending the Collective Bargaining Agreement Between the City of Fairbanks and the Public Safety Employees Association to Establish an Intern Program for Students. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

### **COMMUNICATIONS TO COUNCIL**

- a) Permanent Fund Review Board Meeting Minutes of July 22, 2015

ACCEPTED on the CONSENT AGENDA.

- b) Hotel/Motel Discretionary Fund Meeting Minutes of December 15, 2014

ACCEPTED on the CONSENT AGENDA.

- c) Re-appointments to the Building Code Review and Appeals Commission

APPROVED on the CONSENT AGENDA.

- d) Re-appointment to the Permanent Fund Review Board

APPROVED on the CONSENT AGENDA.

- e) Re-appointment to the Public Safety Commission

APPROVED on the CONSENT AGENDA.

- f) Memo of Recommendation by the Local Control Entity Task Force

APPROVED on the CONSENT AGENDA.

### **COUNCIL MEMBERS' COMMENTS**

**Mr. Pruhs** stated the importance of solving the cold cases and commented that he hopes the two cold case officers are funded. He spoke to the City's employee retention issues and to the employees' contribution to health care. **Mr. Pruhs** stated that his road has horrible snow pack issues and that snow removal needs to become a priority.

**Mr. Cleworth** asked Mayor Eberhart about the protocol for Council Members seeking information from City staff.

**Mayor Eberhart** stated that he has concerns with Council Members asking the Finance Department to perform work based on assumptions. He stated that while he would like City staff to cooperate with requests from City Council Members, he prefers that they speak with him before performing tasks that go beyond their regular duties.

**Mr. Cleworth** stated that it was only when Finance Committee Member Jeff Johnson crunched the numbers for the PSEA contract in 2014 that the Council got an understanding of how expensive it was really going to be. He shared his fear of implementing the contract retroactively since FPD has been working a 40-hour work week instead of the 36-hour work week outlined in the contract. **Mr. Cleworth** shared his disappointment and sadness that Council Members are being discouraged from asking City staff for information. He stated that the Council should be able to hear from all sides on issues; he commented that what the Mayor is trying to do in regard to Council Members obtaining information from employees is censorship. **Mr. Cleworth** shared his disappointment that so many City employees are resigning; he assured everyone that people are not leaving the City because of their compensation. He stated that he has spoken with all but one of the employees and stated that none of them indicated that they left due to salary issues. **Mr. Cleworth** congratulated Mr. Aldrich and wished him the best of luck.

**Mr. Matherly** echoed Mr. Cleworth's comments in regard to the City Council requesting information from City staff. He stated that eight employees leaving in the last year and a half indicates that something is going on and that he does not believe it can be blamed on salary. **Mr. Matherly** encouraged Mayor Eberhart to look inwardly and to rethink his position on Council Members' ability to request information from City employees.

**Mr. Gatewood** thanked all the citizens who attended the meeting and gave public testimony. He stated that more employees have left the City in the past year than in the entire time he has served on the Council. He shared that the exodus affects everyone whether it is due to money, health care or morale. **Mr. Gatewood** stated that he did not feel attacked by the Mayor when he stated that employees may be leaving because of micro-management by the Council; he stated that everyone shares in the problem and should approach the issue as a team. He stated that it is okay to disagree and that open debate is the greatest asset of civilization but that at the end of the day, everyone is on the same team. **Mr. Gatewood** stated that everyone needs to self-reflect and look inwardly. He stated that the Alaska Labor Relations Agency (ALRA) ruling needs to be taken very seriously by the City and that the upcoming year will be an interesting one.

**Ms. Huntington** shared her sadness about the number of employees leaving the City and indicated that the matter needs to be explored. She shared her appreciation for the degree of professionalism that City employees display. **Ms. Huntington** stated that the problem should not be ignored and that she is sad to see Ms. Courtney resign. She thanked community members for coming to testify during public testimony and expressed hope that the Council would be able to come to a conclusion on the budget ordinances.

**Mr. Matherly**, seconded by **Mr. Cleworth**, moved to go into Executive Session for the purpose of discussing AFL-CIO Labor Contract Negotiations and the PSEA v. City of Fairbanks ALRA Decision & Order – Potential Litigation.

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

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

**EXECUTIVE SESSION**

- a) AFL-CIO Labor Contract Negotiations
- b) PSEA v. City of Fairbanks ALRA Decision & Order – Potential Litigation

The City Council met in Executive Session to discuss AFL-CIO Labor Contract Negotiations and the Decision and Order of the ALRA. Direction was given to staff and no action was taken.

**ADJOURNMENT**

**Mayor Eberhart** declared the Meeting adjourned at 11:02 p.m.

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JOHN EBERHART, MAYOR

ATTEST:

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D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB




# MEMORANDUM

City of Fairbanks Clerk's Office

D. Danyielle Snider, City Clerk

TO: Mayor John Eberhart  
City Council Members

FROM: D. Danyielle Snider, CMC, City Clerk 

SUBJECT: Application for Liquor License Transfer – Stock Only

DATE: March 2, 2016

An application has been received by the State of Alaska Alcohol and Marijuana Control Office for transfer of ownership (stock only) and a Restaurant Designation Permit for the following liquor license applicant:

License Type: Beverage Dispensary, License #4174

DBA: **Big Daddy's Bar-B-Q & Banquet Hall**

Licensee/Applicant: RTG, LLC

Physical Location: 107 Wickersham Street, Fairbanks, Alaska 99701

Corp/LLC Agent:	Address	Phone	Date/State of Incorporation	Good standing?
RTG, LLC.	107 Wickersham Street Fairbanks, AK 99707	907-452-2501	04/15/2004 – Alaska	Yes

*Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.*

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Steven Moody	09/29/1966	1375 Atigun Street North Pole, AK 99705	907-452-2501	Vice President 25%
Julie Moody	12/26/1972	1375 Atigun Street North Pole, AK 99705	907-452-2501	Secretary 25%
Jeff Oden	06/06/1976	111 Concordia Drive Fairbanks, AK 99709	907-452-2501	President 25%
Jennifer Oden	07/13/1975	111 Concordia Drive Fairbanks, AK 99709	907-452-2501	Treasurer 25%

If **transfer** application, current license information:

Current D.B.A.: Big Daddy's Bar-B-Q & Banquet Hall  
 Current Licensee: RTG, LLC [Harold Groetsema (50%) and Camelia Groetsema (50%)]  
 Current Location: 107 Wickersham Street, Fairbanks, Alaska 99701

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

There are **no departmental objections** to the transfer of this license or to the application for a Restaurant Designation Permit.


# MEMORANDUM

City of Fairbanks Clerk's Office

D. Danyielle Snider, City Clerk

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TO: Mayor John Eberhart  
City Council Members

FROM: D. Danyielle Snider, CMC, City Clerk 

SUBJECT: Board of Adjustment Appeal (Christopher Zimmerman et al)

DATE: March 2, 2016

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Attached is a memo from Borough Clerk Nanci Ashford-Bingham regarding a Board of Adjustment appeal filed by Christopher Zimmerman on behalf of the following appellants: Shane Koester, Kim Koester, Marilyn Russell, Liz Pawelko, Joan Stepovich, Christopher Stepovich, Tim Beck, Donna Dowling, Charles Gray, Mary Lundquist, Patricia Skondovitch, Carol Yurkovich, Gary Yurkovich, Bea McCosker, Darlene Supplee, Corinne Jankowski, Fritz Kuykendall, Jo Kuykendall, and Nancy Hanson.

The appeal is regarding a decision by the Borough Planning Commission for conditional use approval of a school administrative office and classroom facility with related guest facilities for short-term stays in the Two-Family Residential (TF) zone on Lots 1, 3, W5 & E5, Block 05 and Lots 20 & 21, Block 01, Charles Slater Subdivision (located at 200 & 210 Well Street).

One of the reasons for the notification is so that you are aware of the parties to the appeal. As noted in Ms. Ashford-Bingham's memo, *ex parte* contact with interested parties is prohibited.

Per FNSB Code, the Fairbanks City Council will sit as the Board of Adjustment for all decisions regarding land within the City of Fairbanks. The Code also allows for the City Council to delegate an appeal to a hearing officer if they so desire. On past occasions, the Council has assigned the City Attorney (or the Deputy City Attorney) to serve as the hearing officer for the appeal. If the Council opts to conduct the appeal hearing, the matter will be placed on the agenda for consideration at the first regularly scheduled Council meeting following receipt of the finished appeal packet from the Borough Clerk's Office. They anticipate the packet will be completed near the end of March.

If you have any questions, please contact me or the City Attorney.





# Fairbanks North Star Borough

Borough Clerk

809 Pioneer Road \* PO Box 71267 \* Fairbanks, Alaska 99707-1267 \* (907)459-1401 FAX 459-1224

## MEMORANDUM

**TO:** Board of Adjustment Members

**FROM:** Nanci Ashford-Bingham, MMC *NAB*  
Borough Clerk

**DATE:** December 2, 2015

**SUBJECT:** Board of Adjustment Appeal Regarding  
Planning Commission's Decision of CU2016-001

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An appeal was filed with the Borough Clerk's Office on November 30, 2015 by Christopher Zimmerman on behalf of several appellants regarding the Planning Commission's decision of CU2016-001 (Located at 200 and 210 Well Street, at the east end of Well Street).

Mr. Zimmerman has filed on behalf of: Shane Koester, Kim Koester, Marilyn Russell, Liz Pawelko, Joan Stepovich, Christopher Stepovich, Tim Beck, Donna Dowling, Charles "Chuck" Gray, Mary Lundquist, Patricia "Patti" Skondovitch, Carol Yurkovich, Gary Yurkovich, Bea McCosker, Darlene Supplee, Corinne Jankowski, Fritz Kuykendall, Jo Kuykendall, and Nancy Hanson.

Per FNSB Code, the Fairbanks City Council shall be the board of adjustment for all decisions regarding land within the City of Fairbanks. The code also allows for the city council to delegate an appeal to a hearing officer if they so desire.

**Please be advised that ex parte contacts shall be prohibited.** Board members shall be impartial in all appeal matters, both in fact and in appearance. *No board member shall receive or otherwise engage in ex parte contacts with the appellant, other parties adversely affected by the appeal, or members of the public concerning the appeal.*

The meeting, in which the board deliberates and decides the appeal is open to the public, however, the board cannot hear arguments, take additional testimony or other evidence. Only the material contained in the appeal packet shall be considered.

As you are aware, the preparation process can be quite lengthy. I will continue to keep you updated on the status of the appeal. I've also attached a copy of FNSB Code 18.54.070 Appeals.

cc: René Broker, Borough Attorney  
Danyielle Snider, City Clerk, City of Fairbanks, for distribution to Board & City Attorney

FNSB Code of Ordinances

18.54.070 Appeals.

A. Initiation of Appeal. Decisions may be appealed to the board of adjustment or a hearing officer by:

1. An applicant for a conditional use or variance;
2. The permittee or owner of land for which a conditional use has been revoked;
3. Any governmental agency or unit;
4. Any person aggrieved by a decision or determination made by the director of the department of community planning in the enforcement of this title, or by a decision of the planning commission concerning a request for conditional use or variance. To be considered a "person aggrieved," the person must present proof of the adverse effect the decision has or could have on the use, enjoyment, or value of his own property. The decision appealed from must personally affect a matter in which the person has a specific interest or property right in a way different from that of the general public. A request for variance from the terms of the land use regulations may be appealed when literal enforcement would deprive a property owner of rights commonly enjoyed by other properties in the district.

B. Appellees.

1. In the event a decision is appealed as provided in subsection (A) of this section, an appellee brief may be filed as provided in subsection (F)(2) of this section by:
  - a. The party in whose favor the lower administrative body's decision was rendered;
  - b. Any borough agency;
  - c. Any person who would be aggrieved if the decision of the lower administrative body were reversed.
2. Appellees who wish to be notified by the clerk's office of the date the record is available and of the date the appellant's brief is filed must file a notice of intent to file a brief with the clerk's office on a form prescribed by the borough clerk, within 20 days after the decision of the lower administrative body from which the appeal is taken.

C. Notice of Appeal. An appeal must be perfected no later than 15 days after the decision of the administrative body from which the appeal is taken. The appeal is perfected by the filing of a notice of appeal, appeal fee and cost bond in accordance with this subsection.

1. The notice of appeal must be filed with the borough clerk on a form prescribed by the borough clerk and must contain detailed and specific allegations of error.
2. The appellant shall pay a nonrefundable appeal fee of \$75.00. In addition, the appellant shall file a cost bond of \$200.00. Following completion of the record, the appellant shall pay the actual cost of the record. However, should the decision of the lower body be reversed in whole or in part, the cost bond shall be refunded in full.

3. An untimely notice of appeal or a notice of appeal which does not conform with the requirements of this subsection shall be denied. No further proceedings shall be made on a defective notice of appeal unless the defect is corrected within the period provided for an appeal.

D. New Evidence – Changed Circumstances. Appeals alleging new evidence or changed circumstances shall not be heard by the board of adjustment or hearing officer but shall be remanded forthwith by the clerk to the lower administrative body, which shall determine whether to rehear the matter.

E. Preparation of Record.

1. Upon timely perfection of an appeal, the borough clerk shall prepare an appeal record. The record shall contain:

- a. A verbatim transcript of any proceedings before the administrative body from which the appeal has been taken prepared in accordance with subsection (E)(2) of this section;
- b. Copies of all documentary evidence, memoranda and exhibits, correspondence and other written material submitted to the administrative body prior to the decision from which the appeal is taken;
- c. A copy of the written decision of the administrative body, including its findings and conclusions.

2. The appellant shall arrange for the preparation of the transcript by a court reporter and shall pay the cost of such preparation. The appellant shall file this transcript with the borough clerk. If the appellant fails to file the transcript within 30 days of the filing of the notice of appeal, the appeal shall be automatically denied.

3. Upon completion of the record, the clerk shall notify the appellant by certified mail of the cost of its preparation. If the appellant fails to pay the costs within seven days of receiving the notice, the appeal shall be automatically denied. Upon timely payment of costs, the clerk shall, by certified mail, serve a copy of the record on the appellant. The clerk shall also notify by certified mail the appellees who have filed a notice of intent to file a brief that the record is available for pickup and the date the record was mailed to the appellant. Upon request, the clerk shall provide a copy of the record to an appellee or the public.

F. Written Argument.

1. Brief of the Appellant. The appellant may file a written brief of points and authorities in support of those allegations of error specified in the notice of appeal with the clerk's office not later than 15 days after mailing of the appeal record. The clerk shall deliver a copy of the appellant's brief to the borough staff assigned responsibility for the appeal. The clerk shall also notify by certified mail those appellees who have filed a notice of intent to file a brief that the appellant's brief is available for pickup. Upon request, the clerk shall provide a copy of the appellant's brief to appellees.

2. Brief of Appellee. The borough staff shall prepare and submit to the clerk a written reply to the notice of appeal and any brief in support thereof no later than 30 days after mailing of the appeal record. An appellee who has filed a notice of intent to file brief may also file with the clerk's office a written reply to the notice of points on appeal and any brief in support thereof

no later than 30 days after the mailing of the appeal record. The clerk shall notify the appellant by certified mail that appellee briefs have been filed.

3. Reply Brief. An appellant may file a written reply brief to the appellee briefs no later than 10 days after mailing of notice that the appellee briefs have been filed.

4. Form of Briefs. All briefs shall be typewritten on eight and one-half by 11-inch pages. The text of the brief shall be double-spaced other than quotations from the record, case law, or other applicable law or exhibits which cannot be retyped on eight and one-half by 11-inch pages. The brief of the appellant is limited to 25 pages exclusive of exhibits. The brief of appellee is limited to 25 pages exclusive of exhibits. The reply brief is limited to 10 pages exclusive of exhibits. The clerk shall not accept a brief unless it is in the form prescribed by this subsection.

5. Untimely Briefs. If a brief is not filed within the time prescribed by this section, the clerk shall notify the board of adjustment or hearing officer that the brief was filed late. The board or hearing officer shall determine whether to accept a late brief and whether to allow additional time for any qualified opposing party to file its brief.

G. Appeal Packet – Notice of Hearing. Following the time set for the receipt of written argument from the appellant, appellee and the borough staff, the clerk shall prepare and distribute to the board members or hearing officer an appeal packet containing only the notice of appeal, the appeal record and any briefs filed in accordance with subsection (F) of this section. Following distribution of the packets, a date shall be set for consideration of the appeal. Notice of consideration on the appeal shall be published in a newspaper of general circulation and shall be served by mail on the appellant and those appellees who have submitted briefs. Appeal packets shall be made available to the public upon demand.

H. Appeal Hearing. The meeting at which the board deliberates and decides an appeal shall be open to the public and a record of the hearing shall be made. The board or hearing officer shall not hear arguments nor take additional testimony or other evidence. Only the material contained in the appeal packet shall be considered.

I. Scope of Administrative Review.

1. An appeal shall be heard solely on the basis of the record established before the lower administrative body, the notice of appeal, appellant's argument and the reply thereto.

2. The board of adjustment or hearing officer may exercise its independent judgment on legal issues raised by the appellant. Legal issues as used in this subsection are those matters that relate to the interpretation or construction of ordinances or other provisions of law.

3. The board of adjustment or hearing officer shall, unless it substitutes its independent judgment pursuant to subsection (I)(4) of this section, defer to the judgment of the lower administrative body regarding disputed issues or findings of fact. Findings of fact adopted expressly or by necessary implication by the lower administrative body may be considered as true if they are supported in the record by substantial evidence. Substantial evidence for the purpose of this subsection means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. If the record affords a substantial basis of fact from which the fact in issue may be reasonably inferred, it shall be considered that the fact is supported by substantial evidence.

4. Notwithstanding the provisions of subsection (I)(3) of this section, the board of adjustment, by an affirmative vote of two-thirds of the fully constituted board, or the hearing officer, may substitute its independent judgment for that of the lower administrative body on any disputed issues or findings of fact. The judgment must be supported on the record by substantial evidence. For the purpose of this subsection, the fully constituted board of adjustment shall not include those members who do not participate in the appeal.

#### J. Decision.

1. The board of adjustment or hearing officer may affirm or reverse the decision of the lower administrative body in whole or in part. It shall decide an appeal on the basis of the record on appeal and the briefs of the parties to the appeal, in accordance with the standards of subsection (I) of this section. A majority vote of the fully constituted board is required to reverse or modify the decision appealed from. For the purpose of this subsection, the fully constituted board shall not include those members who do not participate in the appeal. Where an appeal has been referred to a hearing officer, the hearing officer alone shall decide the appeal. A decision reversing or modifying the decision appealed from shall be in a form which finally disposes of the case on appeal except where the case is remanded in accordance with subsection (K) of this section.

2. Every decision to affirm or reverse the decision of the lower administrative body shall be based upon findings and conclusions adopted by the board or hearing officer. Such findings must be reasonably specific so as to provide the community, and where appropriate, reviewing authorities, a clear and precise understanding of the reason for the decision. The board may seek the assistance of the borough attorney in the preparation of findings.

#### K. Remedies.

1. Where the board of adjustment or hearing officer reverses or modifies a decision of the lower administrative body in whole or in part, its decision shall finally dispose of the matter on appeal, except that the case shall be remanded to the lower body where it determines either:

- a. That there is insufficient evidence in the record on an issue material to the decision of the case; or
- b. That there has been a substantial procedural error which requires further public hearing.

2. A decision remanding a case shall describe any issue upon which further evidence should be taken, and shall set forth any further directions the board or hearing officer deems appropriate for the guidance of the lower administrative body.

3. The lower administrative body shall act on the case upon remand in accordance with the decision of the board of adjustment or hearing officer in the minimum time allowed by the circumstances.

#### L. Special Rules of Procedure Applicable to Appeal Hearings Before the Board of Adjustment or Hearing Officer.

1. Ex Parte Contacts Prohibited. Board members and the hearing officer shall be impartial in all appeal matters, both in fact and in appearance. No board member or hearing officer shall

receive or otherwise engage in ex parte contacts with the appellant, other parties adversely affected by the appeal, or members of the public concerning the appeal or issues specifically presented in the notice of appeal either before the appeal hearing or during any period of time the matter is subject to reconsideration.

2. Decisions of the board of adjustment or hearing officer may be brought up for reconsideration or rehearing only if:

- a. There was substantial procedural error in the original proceeding; or
- b. The board or hearing officer acted without jurisdiction in the original proceeding; or
- c. The original decision was based upon fraud or misrepresentation.

The appellant or appellee may seek reconsideration or a rehearing by filing a request with the borough clerk, together with materials supporting one or more of the grounds stated above, within 15 days of the original decision. The board, by majority vote, or hearing officer may schedule a rehearing only if it finds the allegations to be correct. A rehearing shall be conducted in the same manner as original proceedings.

M. Judicial Review. Either the appellant or appellee may appeal the decision of the board of adjustment or hearing officer to the superior court. Appeals shall be made in accordance with the Alaska Rules of Civil Procedure. (Ord. 2014-19 § 3, 2014; Ord. 94-003 § 2, 1994)



**ORDINANCE NO. 6005**

**AN ORDINANCE ESTABLISHING AN INCENTIVE BONUS PROGRAM WITH FAIRBANKS POLICE DEPARTMENT FOR RECRUITMENT, HIRING AND RETENTION**

**WHEREAS**, Fairbanks Police Department (FPD) anticipates a significant short fall in officers over the next three years;

**WHEREAS**, FPD currently has five officer vacancies, with only a small list of applicants from the last testing date held in November 2015;

**WHEREAS**, based on national trends, City of Fairbanks needs our police department to continue to develop a proactive partnership with our community;

**WHEREAS**, bonuses would be paid to an active employee via reasonable time-lapse installments, as developed by the Human Resources Department; and

**WHEREAS**, all bonuses will be funded through savings from budgeted salaries as available.

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

**SECTION 1.** A Lateral Hire Incentive Bonus may be up to a \$5,000.00 “sign-on bonus” to be paid over a period of three years.

**SECTION 2.** A Recruitment Bonus may be up to \$1,000.00, along with an “administrative” week off, awarded to an active FPD employee after the lateral hire officer successfully completes field training orientation and all probationary requirements.

**SECTION 3.** A Retention Incentive Bonus may be up to \$5,000.00, on a case-by-case basis, subject to approval by the Chief of Police and the Mayor, for an active FPD officer who receives a “conditional offer of employment” from an outside agency but remains employed with the FPD.

**SECTION 4.** The bonuses established in Sections 1, 2 and 3 of this ordinance will be funded through savings from budgeted salaries as available.

**SECTION 5.** That the effective date of this Ordinance shall be the \_\_\_\_ day of \_\_\_\_\_ 2016.

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**John Eberhart, City Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, CMC, City Clerk

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Paul J. Ewers, City Attorney

**CITY OF FAIRBANKS**

**FISCAL NOTE**

**I. REQUEST:**

Ordinance or Resolution No: 6005

Abbreviated Title: An Ordinance Establishing an Incentive Bonus Program at FPD

Department(s): Police

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes \_\_\_\_\_ No X

2) additional support or maintenance costs? Yes \_\_\_\_\_ No X

If yes, what is the estimate? \_\_\_\_\_

3) additional positions beyond the current adopted budget? Yes \_\_\_\_\_ No X

If yes, how many positions? \_\_\_\_\_

If yes, type of positions? \_\_\_\_\_ (F - Full Time, P - Part Time, T - Temporary)

**II. FINANCIAL DETAIL:**

PROJECTS:	2015	2016	2017	Total
				\$0
				\$0
				\$0
				\$0
				\$0
				\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

FUNDING SOURCE:	Equipment	Contracts	2017	Total
				\$0
				\$0
				\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**All Bonuses will be paid using unspent salaries available in the current budget.**

Reviewed by Finance Department: Initial CR Date 1/21/2016

**ORDINANCE NO. 6005, AS AMENDED**

**AN ORDINANCE ESTABLISHING AN INCENTIVE BONUS PROGRAM WITH FAIRBANKS POLICE DEPARTMENT FOR RECRUITMENT, HIRING AND RETENTION**

**WHEREAS**, Fairbanks Police Department (FPD) anticipates a significant short fall in officers over the next three years; and

**WHEREAS**, FPD currently has five officer vacancies and every applicant was eliminated from the last hiring process; and

**WHEREAS**, it currently costs the City of Fairbanks approximately \$19,728 in salaries and benefits to send one employee to the Police Academy; and

**WHEREAS**, a one-time, sign-on bonus of \$5,000 for a lateral hire and a retention bonus of \$5,000 would constitute significant savings to the City; and

**WHEREAS**, all bonuses will be funded through savings from budgeted salaries as available.

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

**SECTION 1.** An applicant who is a certified police officer in the State of Alaska or is able to meet Alaska Police Standards Council (APSC) certification standards without attending a basic officer academy will be paid a \$5,000 “sign-on bonus” in their first paycheck, subject to the payback provisions specified in the attached Sign-on Bonus Agreement.

**SECTION 2.** If an active FPD employee recruits a new officer (as defined in Section 1) who successfully completes the hiring process, the employee will receive a recruitment bonus of \$2,000.

**SECTION 3.** The bonuses established in Sections 1 and 2 of this ordinance will be funded through savings from budgeted salaries as available.

**SECTION 4.** That the effective date of this Ordinance shall be the \_\_\_\_ day of March 2016.

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**John Eberhart, City Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, CMC, City Clerk

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Paul J. Ewers, City Attorney

**CITY OF FAIRBANKS**

**FISCAL NOTE**

**I. REQUEST:**

Ordinance or Resolution No: 6005, as Amended

Abbreviated Title: An Ordinance Establishing an Incentive Bonus Program at FPD

Department(s): Police

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes \_\_\_\_\_ No X

2) additional support or maintenance costs? Yes \_\_\_\_\_ No X

If yes, what is the estimate? \_\_\_\_\_

3) additional positions beyond the current adopted budget? Yes \_\_\_\_\_ No X

If yes, how many positions? \_\_\_\_\_

If yes, type of positions? \_\_\_\_\_ (F - Full Time, P - Part Time, T - Temporary)

**II. FINANCIAL DETAIL:**

PROJECTS:	2015	2016	2017	Total
				\$0
				\$0
				\$0
				\$0
				\$0
				\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

FUNDING SOURCE:	Equipment	Contracts	2017	Total
				\$0
				\$0
				\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**All Bonuses will be paid using unspent salaries available in the current budget.**

Reviewed by Finance Department: Initial CR Date 1/21/2016



## FAIRBANKS POLICE DEPARTMENT SIGN-ON BONUS CONTRACT

This agreement is made between the CITY OF FAIRBANKS (“City”) and “Name of Employee” (“Employee”).

WHEREAS the Employee begins employment for the City in the Police Department (“Department”) for the first time as a POLICE OFFICER who meets the City requirements as a Lateral Police Officer;

WHEREAS the Department wishes to bestow upon the Employee a sign-on bonus (“Sign-on Bonus”) as an incentive for the Employee to accept employment at City and remain satisfactorily employed in the Department for at least three full years;

WHEREFORE, City and the Employee agree to the following terms.

1. City, acting through the Department, agrees to bestow upon the Employee the amount of \$5,000.00 as a Sign-on Bonus in return for the Employee accepting City’s offer of employment. This amount shall be paid directly to the Employee on the Employee’s first paycheck following the completion of Field Training.
2. City will apply all required federal and state tax deductions and will report all payments made under this Agreement as required by federal and state law. Taxes shall be withheld as bonus earnings from the Sign-on Bonus and reported to the Internal Revenue Service as income on the Employee’s Form W-2. The Sign-on Bonus is not considered “salary” and shall not be included for purposes of retirement benefit calculations or salary increases.
3. Department will adhere to all relevant City and Department policies during the hiring process and in making bonus payments to employees.
4. In return for accepting the Sign-on Bonus as provided in paragraphs 1 and 2, above, the Employee agrees to work for the Department, on a regular and full-time basis for at least three years beginning on “Start Date” and ending on “End Date”. Should the Employee resign, quit, or be terminated for cause before the above stated ending date, the Employee shall repay a prorated amount of the Sign-on Bonus as provided for in the following paragraphs.
5. The Employee’s failure to remain employed by the Department for three years will trigger the Employee’s duty to repay, pro-rata, the amount paid by the Department pursuant to paragraph 1, above. (This amount may be more than the Employee received due to tax or other withholdings.) For example, if the Employee leaves one year prior to the end date, he/she will repay 12/36 of such amount. To facilitate this repayment, the Employee, by signing below, expressly gives City a lien on all his/her salary, wages, and other sums payable to him/her by City. In addition, the Employee hereby authorizes City to withhold all amounts so due from any sum payable to the Employee by the Department and City. The Employee also agrees that any tax consequences borne as a result of the

repayment of the Sign-on Bonus or any portion thereof will be the sole and exclusive responsibility of the Employee.

6. If the Employee fails to remain employed by the Department for three years for reasons beyond his/her control (e.g. injury, illness or death), other than just cause termination, the Department may in its sole discretion waive all or part of the liability owed by the Employee. Any such waiver must be approved in writing by both the Chief of Police and the Mayor.
7. In the event the Employee leaves the Department to work at another department within City during the three year period noted above, the Department and the department to which the employee is transferring (“New Department”) shall negotiate in good faith for the repayment, pro-rata, of the Sign-on Bonus by the New Department. It is the Employee’s obligation to make the New Department aware of the Employee’s receipt of the Sign-on Bonus and to request repayment assistance from the New Department. Unless the New Department affirmatively agrees to reimburse the Department for the pro-rated portion of the Sign-on Bonus, the Employee remains responsible for the repaying the Department.
8. If any part of the Agreement is found to be invalid or unenforceable, the other parts shall remain valid and enforceable and Employee agrees, represents, and warrants that he/she will be held to any applicable repayment of Sign-on Bonus.

BY SIGNING BELOW, the Employee certifies that he/she has not accepted a financial incentive for accepting employment at City, other than as described in this Agreement.

IN WITNESS THEREOF:

_____	_____
Employee Signature	Date
_____	_____
Chief of Police Signature	Date
_____	_____
Mayor Signature	Date



Introduced by: Mayor John Eberhart  
Date: March 7, 2016

**RESOLUTION NO. 4721**

**A RESOLUTION AWARDING A CONTRACT TO [CONTRACTOR] FOR  
THE WASTE WATER TREATMENT PLANT GENERATORS  
PROCUREMENT PROJECT ITB 16-03 IN THE AMOUNT OF \$XXX,XXX.XX**

**WHEREAS**, in accordance with FGC Chapter 54, Article IV, Competitive Bidding, Design-Build Proposals were solicited for the Waste Water Treatment Plant Generators Procurement Project ITB 16-03; and

**WHEREAS**, the successful responsive bidder for the project is [CONTRACTOR], of \_\_\_\_\_, Alaska; and

**WHEREAS**, funding for this project is provided by Alaska Division of Homeland Security Pre-Disaster Mitigation Grant and Golden Heart Utilities, Inc.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fairbanks,

SECTION 1. That the Bid by [CONTRACTOR], in the amount of \_\_\_\_\_ Dollars [\$XXX,XXX.XX] is hereby approved for award.

SECTION 2. That the Mayor is hereby authorized to execute a contract and such other documents in a form approved by the City Attorney as may be necessary to effect award of the contract.

**PASSED, APPROVED and EFFECTIVE this 7th day of March 2016.**

\_\_\_\_\_  
**John Eberhart, City Mayor**

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, CMC, City Clerk

\_\_\_\_\_  
Paul J. Ewers, City Attorney

**CITY OF FAIRBANKS**  
**FISCAL NOTE**

**I. REQUEST:**

Ordinance or Resolution No: 4721

Abbreviated Title: AWARD CONTRACT FOR WASTE WATER TREATMENT PLANT GENERATORS

Department(s): ENGINEERING

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget?      Yes \_\_\_\_\_      No   x  

2) additional support or maintenance costs?      Yes \_\_\_\_\_      No   x  

If yes, what is the estimate?   see below  

3) additional positions beyond the current adopted budget?      Yes \_\_\_\_\_      No   x  

If yes, how many positions? \_\_\_\_\_

If yes, type of positions? \_\_\_\_\_ (F - Full Time, P - Part Time, T - Temporary)

**II. FINANCIAL DETAIL:**

PROJECTS:	Equipment	Contracts	Personnel	Total
Waste Water Treatment Plant Generator Project		\$470,000		\$470,000
				\$0
				\$0
				\$0
				\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$470,000</b>	<b>\$0</b>	<b>\$470,000</b>

FUNDING SOURCE:	Equipment	Contracts	Personnel	Total
Alaska Division of Homeland Security		\$352,500		\$352,500
Golden Heart Utilities, Inc		\$117,500		\$117,500
				\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$470,000</b>	<b>\$0</b>	<b>\$470,000</b>

The Emergency Backup Generators will be maintained by the lessee, Golden Heart Utilities.

Reviewed by Finance Department:      Initial   mb        Date   2/29/2016

**RESOLUTION NO. 4722**

**A RESOLUTION IN SUPPORT OF SENATE BILL 8 AN ACT RELATING TO  
THE REGULATION AND PRODUCTION OF INDUSTRIAL HEMP**

**WHEREAS**, Alaska State Senator Johnny Ellis has introduced SB 8, An Act relating to the regulation and production of industrial hemp, known as the Alaska Grown Industrial Hemp Act; and

**WHEREAS**, a copy of the Senator Ellis' sponsor statement is attached to this resolution; and

**WHEREAS**, industrial hemp should not be confused with marijuana or varieties of the Cannabis plant that have high levels of THC (delta-9 tetrahydrocannabinol); industrial hemp refers to varieties of the Cannabis plant that have a low level of THC; and

**WHEREAS**, due to hemp's illegal status, little research has been done on the viability of hemp crops in Alaska, but British Columbia, Ontario and Manitoba have thriving commercial hemp operations, and Canadian studies offer promise for the production of hemp in Alaska; and

**WHEREAS**, the United States currently imports around \$2 billion in hemp products annually from Canada and China; and

**WHEREAS**, given the state of Alaska's economy and the need to diversify it, Alaska should be at the forefront of this potential new industry;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council urges the Alaska State Legislature to pass Senate Bill 8, the Alaska Grown Industrial Hemp Act.

**PASSED and APPROVED** this 7th Day of March 2016.

\_\_\_\_\_  
John Eberhart, Mayor

AYES:  
NAYS:  
ABSENT  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, CMC, City Clerk

\_\_\_\_\_  
Paul J. Ewers, City Attorney

# ALASKA STATE LEGISLATURE

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## SENATOR JOHNNY ELLIS

### **SB 8: Alaska Grown Industrial Hemp Act**

Industrial hemp is an ancient and versatile crop that was commonly grown in the United States until the 1930s. In fact, the first U.S. flag and early blue jeans were both made from hemp fiber. Recent changes to federal law give states more freedom to research and farm industrial hemp. This legislation defines industrial hemp, requires growers be licensed with the state and allows an individual to plant, grow, harvest, possess, sell, or buy industrial hemp if the industrial hemp does not contain more than .3% tetrahydrocannabinol.

Industrial hemp should not be confused with marijuana or varieties of the *Cannabis* plant that have high levels of THC (delta-9 tetrahydrocannabinol). Industrial hemp refers to varieties of the *Cannabis* plant that have a low level of THC, for example, in Kentucky an industrial hemp plant is defined as having a THC concentration of less than 1%. In this legislation and in Montana, Maine, and other states it is defined as a concentration of less than .3% THC.

The spectrum of possible hemp products is impressive. Besides traditional paper or fiber products, industrial hemp can be used for building materials such as carpet and insulation and even be made into "hempcrete." Hemp oil can be used for plastics, paint, and cosmetic and pharmaceutical applications.

Due to hemp's illegal status, little research has been done on the viability of arctic hemp crops in Alaska. However, British Columbia, Ontario and Manitoba have thriving commercial hemp operations and Canadian studies offer promise for the production of industrial hemp in northern climates.

Allowing farmers the freedom to farm this versatile and profitable agricultural commodity is a bipartisan issue. For years, Representative Ron Paul (R-TX) pushed to allow the farming of industrial hemp. His first bill in 2005 had 11 co-sponsors and his last bill in 2011 had 37 co-sponsors from both sides of the aisle.

More recently, Senators Mitch McConnell(R-KY) and Rand Paul(R-KY) championed a provision included in the 2014 Farm Bill that would allow institutions of higher education and State Departments of Agriculture to grow or cultivate industrial hemp. The most recent federal spending bill also included a bipartisan amendment that prohibits the DEA from blocking implementation of the federal law allowing hemp cultivation for academic and agricultural research purposes in states that allow it.

According to the National Conference of State Legislatures (NCSL), 19 states currently have laws to provide for pilot studies and/or for hemp production as stipulated in the Farm Bill. Eight states have laws to promote the growth and marketing of industrial hemp. In 2000, the NCSL adopted a policy in support of the reintroduction of industrial hemp into American agriculture.

Currently the U.S. imports around \$2 billion annually in hemp products from Canada and China. States that lead on allowing their farmers and entrepreneurs to explore the free market potential of industrial hemp will have the opportunity to be at the forefront of an entirely new industry that could help bolster our farm communities and the Alaskan economy.