

FAIRBANKS NORTH STAR BOROUGH
Regular Assembly Meeting
January 28, 2010
6:00 p.m.

A Regular meeting of the Fairbanks North Star Borough Assembly was held Thursday, January 28, 2010, in the Assembly Chambers of the Borough Administrative Offices, 809 Pioneer Road, Fairbanks, Alaska.

There were present:

Mike Musick, Presiding Officer and

Guy Sattley	Hank Bartos
Matt Want	Nadine Winters
Joseph Blanchard II	Kelly Brown
Natalie Howard	Tim Beck

Comprising a quorum of the Assembly, and

Luke T. Hopkins, Borough Mayor
Sallie Stuvek, Acting Chief of Staff
Rene Broker, Borough Attorney
Bernardo Hernandez, Director, Community Planning
Michael Lamb, Chief Financial Officer
Peggy MacDonald, Finance
Mary Beth Overturf, Director, General Services
Diane Thomas, Acting Director, Human Resources
Paul Costello, Director, Land Management
Michael Cox, Director, Parks and Recreation
Scott Johnson, Director, Public Works
Glenn Miller, Director, Transportation
Sean Rice, School Board Representative
Mayor Terry Strle, City of Fairbanks Representative
Mayor Doug Isaacson, North Pole Representative
Mona Drexler, Borough Clerk
Eriana Wingfield, Secretary

ABSENT & EXCUSED

None

APPROVAL OF AGENDA AND CONSENT AGENDA

Track 1, 1:29

The Clerk read the consent agenda.

BLANCHARD,
Seconded by BROWN

moved to approve the agenda and
consent agenda.

WITHOUT OBJECTION, SO ORDERED

PRESENTATIONS

Track 1, 4:15

Mayor Hopkins read a proclamation regarding “Big Brothers, Big Sisters”.

APPROVAL OF MINUTES

None

CITIZEN’S COMMENTS

Track 1, 8:47

- a. A citizen may speak on agenda items not scheduled for public hearing. Memorandums, Bid Awards, Unfinished Business (items postponed from previous meetings, reconsideration, or notice of intent to rescind), Resolutions, or Ordinances being advanced to a public hearing on a different date.

Pat Gamble, President, Alaska Railroad, Anchorage, commented on Resolutions 2010-04 and 2010-05 regarding the Alaska Railroad and offered changes to the dialog in the resolutions to make sure they expressed their importance correctly. He further answered questions from the Assembly.

John Cook, Board of Director, Alaska Railroad, commented on Resolutions 2010-04 and 2010-05 regarding the Alaska Railroad and expressed his concerns over them. He further answered questions from the Assembly.

Merrick Pierce, resident of the Borough, spoke in support of Resolution No. 2010-07.

Jay Quakenbush, resident of the Borough, spoke in support of Resolution No. 2010-07.

Mike Prax, resident of the Borough, commented on Resolutions 2010-04, 2010-05 and 2010-07. He urged caution when passing these resolutions.

Steve Adams, resident of the Borough, encouraged the adoption of Resolution No. 2010-08.

CITIZEN'S COMMENTS – continued

Bonnie Wolstad, resident of the Borough, thanked the Assembly for their support for the North Pole Land Use Plan.

Charles Knight, resident of the Borough, spoke about attending a meeting of the Comprehensive Plan Advisory Board.

Alan Armbruster, resident of the Borough, spoke in support of Resolution No. 2010-05.

Don Lowell, resident of the Borough, spoke in support of Resolution No. 2010-04.

- b. Items other than those appearing on the agenda (this is the section to speak on anything **Not Scheduled** on the agenda).

COMMUNICATIONS TO THE ASSEMBLY

Track 4, 0:00

- a. Report from the City of Fairbanks Representative.
b. Report from the City of North Pole Representative.

Mayor Isaacson commented on:

- Alaska Municipal League attendance
- Recycling Commission
- Written communications regarding Resolution No 2010-04

- c. Report from the School Board Representative.

Sean Rice, School Board Representative commented on:

- The search for a new Superintendent of Schools
- Upcoming budget discussions

- d. Memorandum from Mayor Hopkins dated January 28, 2010 regarding the appointment of Jack Rasmussen to the Animal Control Commission.

Without objection the measure was introduced, read and approved by title only.

BLANCHARD, moved to concur.
Seconded by BROWN

WITHOUT OBJECTION, SO ORDERED.

COMMUNICATIONS TO THE ASSEMBLY – continued

- e. Memorandum from Mayor Hopkins dated January 28, 2010 regarding the appointment of Larry Morris Trails Advisory Commission.

Without objection the measure was introduced, read and approved by title only.

BLANCHARD, moved to concur.
Seconded by BROWN

WITHOUT OBJECTION, SO ORDERED.

- f. Memorandum from Mayor Hopkins dated January 28, 2010 regarding the appointment of Michael L. Robinson to the Transportation Advisory Commission.

Without objection the measure was introduced, read and approved by title only.

BLANCHARD, moved to concur.
Seconded by BROWN

WITHOUT OBJECTION, SO ORDERED.

- g. An Appeal for Waiver of Penalty and Interest on Property Taxes for Saint Frances, LLC –Lot 5, Block 1, Bentley Trust North, submitted by Krislyn DeLeon, c/o Saint Frances, LLC, dated December 21, 2009.

Track 4, 4:45

Michael Lamb, CFO, gave a staff report.

WINTERS, moved to grant Appeal of Saint Frances
Seconded by BLANCHARD Assessment of Penalty and Interest on
Delinquent Property Tax filed by Krislyn
DeLeon.

Discussion ensued.

Christopher DeLeon, appellant, explained his appeal and answered questions from the Assembly.

Discussion continued.

COMMUNICATIONS TO THE ASSEMBLY – continued

VOTE ON MOTION TO GRANT THE APPEAL.

Ayes: Bartos

Noes: Howard, Want, Blanchard, Brown, Beck,
Winters, Sattley, Musick

MOTION FAILED 1 Ayes, 8 Noes

MESSAGES FROM THE BOROUGH MAYOR

Track 6, 30:50

Mayor Hopkins commented on:

- The MOU regarding PM2.5
- Hazardous materials cleanup along Chena Ridge
- The POS presentation in San Francisco
- Ad Hoc Wood Burners communications

REPORTS OF SPECIAL AND STANDING COMMITTEES

None

SPECIAL ORDERS – PUBLIC HEARING

a. Liquor License – Transfer – Restaurant/Eating Place – License #4214

From: A Taste Of Alaska Lodge
Deborah L. Eberhardt
551 Eberhardt Road

To: A Taste Of Alaska Lodge
Kory Walter Eberhardt
551 Eberhardt Road

Track 2, 0:00

Mary Beth Overturf, Acting Chief of Staff, gave a staff report.

The presiding officer called for further testimony, there being none public hearing was closed.

BLANCHARD, moved to file no protest.
Seconded by BROWN

PUBLIC HEARING - continued

Discussion ensued

VOTE ON MOTION TO FILE NO PROTEST.

Ayes: Howard, Want, Blanchard, Bartos, Brown,
Beck, Winters, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

b. Restaurant Designation Application

A Taste Of Alaska Lodge – License #4214
Track 2, 2:55

Mary Beth Overturf, Acting Chief of Staff, gave a staff report.

The presiding officer called for further testimony, there being none public hearing was closed.

BECK, moved to approve application.
Seconded by BLANCHARD

VOTE ON MOTION TO APPROVE APPLICATION.

Ayes: Howard, Want, Blanchard, Bartos, Brown,
Beck, Winters, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

c. Liquor License – Transfer – Restaurant Eating Place
Track 2, 4:12

From: Lavelle's Bistro – License #4772
Café de Paris Catering Co
No Premise

To: Ajimi Restaurant – License #4772
Kwang Yul Lee
550 3rd St.

Mary Beth Overturf, Acting Chief of Staff, gave a staff report.

PUBLIC HEARING - continued

The presiding officer called for further testimony, there being none public hearing was closed.

BECK, moved to file no protest.
Seconded by BLANCHARD

Discussion ensued.

VOTE ON MOTION TO FILE NO PROTEST.

Ayes: Howard, Want, Blanchard, Bartos, Brown,
Beck, Winters, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

d. Restaurant Designation Application

Ajimi Restaurant – License #4772
Track 2, 6:41

Mary Beth Overturf, Acting Chief of Staff, gave a staff report.

The presiding officer called for further testimony, there being none public hearing was closed.

BLANCHARD, moved to approve application.
Seconded by BECK

VOTE ON MOTION TO APPROVE APPLICATION.

Ayes: Howard, Want, Blanchard, Bartos, Brown,
Beck, Winters, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

PUBLIC HEARING - continued

- e. Liquor License – Transfer – Beverage Dispensary
Track 2, 7:46

From: Xavier's – License #4530
Pacific Rim, Inc.
1288 Sadler Way

To: Xavier's – License # 4530
Xavier's Inc.
1288 Sadler Way

Mary Beth Overturf, Acting Chief of Staff, gave a staff report.

The presiding officer called for further testimony, there being none public hearing was closed.

BLANCHARD, moved to file no protest.
Seconded by WINTERS

VOTE ON MOTION TO FILE NO PROTEST.

Ayes: Howard, Want, Blanchard, Bartos, Brown,
Beck, Winters, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

- f. Restaurant Designation Application
Track 2, 9:15

Xavier's – License #4530

Mary Beth Overturf, Acting Chief of Staff, gave a staff report.

The presiding officer called for further testimony, there being none public hearing was closed.

BLANCHARD, moved to approve application.
Seconded by BECK

PUBLIC HEARING - continued

VOTE ON MOTION TO APPROVE APPLICATION.

Ayes: Howard, Want, Blanchard, Bartos, Brown, Beck, Winters, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

- g. ORDINANCE NO. 2010-01. An Ordinance Rezoning TL 2611, Township 1 North, Range 2 West From Rural Estate-4 To Rural Agricultural-5 Or Other Appropriate Zone. (RZ2010-002) (Located north of Yankovich Road and west of Lawlor Road) (Sponsor: Mayor Hopkins)
Track 2, 10:27

Bernardo Hernandez, Director of the Department of Community Planning, gave a staff report.

The presiding officer called for public testimony.

John Timesson, resident of the Borough and representing the applicant for the rezone, spoke in support of the ordinance.

Rob Wright, resident of the Borough, spoke in support of the ordinance.

Asa Dowdy, resident of the Borough, spoke in support of the ordinance.

Charles Knight, resident of the Borough, spoke in support of the ordinance.

Mike Prax, resident of the Borough, spoke in support of the ordinance.

Neil Worthington, resident of the Borough, spoke in support of the ordinance.

Rick Sikma, resident of the Borough, spoke in support of the ordinance.

Edo VanBuren, resident of the Borough, spoke in support of the ordinance.

Linda Holbert, resident of the Borough, spoke in support of the ordinance.

Beth Patterson, resident of the Borough, spoke in support of the ordinance.

Ellie Blake, resident of the Borough and member of the local 4H club, spoke in support of the ordinance.

PUBLIC HEARING - continued

Margery Kniffen, resident of the Borough, spoke in support of the ordinance. She answered questions from the Assembly.

Curtis Freeman, resident of the Borough, spoke in support of the ordinance.

Floyd Terry, resident of the Borough, spoke in support of the ordinance.

James Strickland, resident of the Borough, spoke in support of the ordinance.

Elisabeth Bressler, resident of the Borough, spoke in support of the ordinance.

The presiding officer called for testimony, there being none public hearing was closed.

BECK, moved to adopt.
Seconded by BARTOS

WINTERS, moved to amend line 9 from RA5 to RA10.
Seconded by SATTLEY

WITHOUT OBJECTION THE AMENDMENT CARRIED.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2010-01 AS AMENDED.

Ayes: Howard, Want, Blanchard, Bartos, Brown,
Beck, Winters, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

- h. ORDINANCE NO. 2010-02. An Ordinance Amending Chapter 2.48 Regarding The Air Pollution Control Commission To Change Section 2.48.020 Members Designation And Section 2.48.120 Powers And Duties To Better Reflect The New Air Quality Issues The Borough Faces Regarding Mitigation Of Fine Particulate Pollution. (Sponsor: Mayor Hopkins)

Track 2, 1:06:56

Track 3, 0:00

Glenn Miller, Director of the Department of Transportation, gave a staff report.

PUBLIC HEARING - continued

The presiding officer called for public testimony.

Neil Worthington, resident of the Borough, commented on the ordinance. He stated he believed the ordinance was not really about air quality.

The presiding officer called for testimony, there being none public hearing was closed.

SATTLEY, moved to adopt.
Seconded by WINTERS

Discussion ensued.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2010-02.

Ayes: Howard, Want, Blanchard, Bartos, Brown, Beck, Winters, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

- i. ORDINANCE NO. 2010-03. An Ordinance Amending The FY 2009-10 Budget By Transferring One Full-Time Equivalent Employee Position (FTE) From The Department Of Transportation To The Department Of Public Works.
(Sponsor: Mayor Hopkins)
Track 3, 11:23

Scott Johnson, Director of the Department of Public Works, gave a staff report.

The presiding officer called for public testimony.

Mike Prax, resident of the Borough, commented on the ordinance. He felt that possibly the position was not needed.

The presiding officer called for testimony, there being none public hearing was closed.

BECK, moved to adopt.
Seconded by WINTERS

Discussion ensued.

PUBLIC HEARING - continued

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2010-03.

Ayes: Want, Blanchard, Bartos, Brown, Beck,
Winters, Sattley, Musick

Noes: Howard

MOTION CARRIED 8 Ayes, 1 Noes

- j. ORDINANCE NO. 2009-20-1S. An Ordinance Amending The FY 2009-10 Budget By Appropriating \$190,858 From The Wildview Road Service Area Fund Balance To The Capital Projects Fund For The Wildview Road Service Area Road Upgrade Project. (Sponsor: Mayor Hopkins)
Track 3, 20:18

Scott Johnson, Director of the Department of Public Works, gave a staff report.

The presiding officer called for testimony, there being none public hearing was closed.

BECK, moved to adopt.
Seconded by BROWN

Discussion ensued.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2009-20-1S.

Ayes: Howard, Want, Blanchard, Bartos, Brown,
Beck, Winters, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

The Assembly recessed and reconvened.

CONSIDERATION OF CALENDAR – Unfinished Business

a. **NOTICE OF RECONSIDERATION FILED BY ASSEMBLYMEMBER BECK**

ORDINANCE NO. 2009-54. An Ordinance Adopting The North Pole Land Use Plan As An Element Of The Fairbanks North Star Borough Regional Comprehensive Plan. (Sponsor: Mayor Hopkins)

Track 5, 0:00

BECK, moved to reconsider.
Seconded by BLANCHARD

Assemblymember Beck spoke to reconsideration.

VOTE ON MOTION TO RECONSIDER ORDINANCE NO. 2009-54.

Ayes: Beck, Brown, Want, Howard, Blanchard,
Bartos, Sattley

Noes: Winters, Musick

MOTION CARRIED 7 Ayes, 2 Noes

Discussion ensued.

BECK, moved to amend and insert on page 1
Seconded by BROWN
“Legal Impact of the North Pole Land Use Plan - It is important to note while the North Pole Land Use Plan will reflect the Borough’s official policy for the North Pole area, it is not a zoning ordinance and does not codify any design standards. Specifically, it is the intent of the Assembly in adopting this plan, that the North Pole Land Use Plan may be modified in the course of implementation decisions and that it should not be interpreted as restricting the Assembly’s ability to accommodate the actual development of the North Pole area and the changing needs of the community. It is the set of recommendations that be considered in future land use determinations including requests for future zoning changes and development in the North Pole area.”

Discussion ensued.

UNFINISHED BUSINESS – continued

VOTE ON MOTION TO AMEND ORDINANCE NO. 2009-54.

Ayes: Howard, Want, Blanchard, Bartos, Brown, Beck, Winters, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

Discussion continued.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2009-54 AS AMENDED.

Ayes: Want, Blanchard, Bartos, Brown, Beck, Winters, Sattley, Musick

Noes: Howard

MOTION CARRIED 8 Ayes, 1 Noes

CONSIDERATION OF CALENDAR – New Business – Resolutions

- a. RESOLUTION NO. 2010-04. A Resolution Requesting \$2 Million Dollars To Complete An Environmental Impact Statement (EIS) On Realignment Of The Alaska Railroad In The Fairbanks Borough.
(Sponsor: Assemblymember Bartos)
Track 5, 24:25

Assemblymember Bartos commented on the resolution.

SATTLEY, moved to adopt.
Seconded by BLANCHARD

BARTOS, moved to postpone to February 25, 2010
Seconded by WINTERS in order to allow the Alaska Railroad to meet with the Assembly and the Department of Transportation; all stakeholders in the process.

Discussion ensued.

CONSIDERATION OF CALENDAR – New Business – Resolutions - continued

VOTE ON MOTION TO POSTPONE RESOLUTION NO. 2010-04.

Ayes: Howard, Want, Blanchard, Bartos, Brown,
Beck, Winters, Musick

Noes: Sattley

MOTION CARRIED 8 Ayes, 1 Noes

- b. RESOLUTION NO. 2010-05. A Resolution Requesting The Alaska Legislature To Transfer Parcels Of Alaska Railroad Land To The Fairbanks North Star Borough For Recreational Purposes. (Sponsor: Assemblymember Bartos)
Track 5, 38:46

Assemblymember Bartos commented on the resolution.

BECK, moved to adopt.
Seconded by WINTERS

Discussion ensued.

BECK, moved to postpone to February 25, 2010.
Seconded by WINTERS

Discussion ensued.

VOTE ON MOTION TO POSTPONE RESOLUTION NO. 2010-05.

Ayes: Howard, Want, Blanchard, Bartos, Brown,
Beck, Winters, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

- c. RESOLUTION NO. 2010-07. A Resolution Of The Borough Assembly Of The Fairbanks North Star Borough, Allocating Twenty Eight Million Of The Volume Cap Received By The Borough Pursuant To Section 1400U-1 Of The Internal Revenue Code Of 1986, As Amended, And The American Recovery And Reinvestment Act Of 2009, To The Alaska Gasline Port Authority, For Purposes Of Issuing Recovery Zone Facility Bonds To Finance The Construction, Reconstruction, Renovation Or Acquisition By The Authority Of Recovery Zone Property In The Borough. (Sponsor: Assemblymembers Beck & Musick)
Track 5, 54:38
Track 6, 0:00

NEW BUSINESS – RESOLUTIONS - continued

Assemblymember Beck explained the ordinance.

Assemblymember Beck and Assemblymember Bartos declared a possible conflict of interest. They stated that they are possible candidates for a Golden Valley Electric Association Board seat.

The presiding officer ruled that neither Assemblymember Beck or Assemblymember Bartos had a conflict and would debate and vote on the resolution.

Rene Broker, Borough Attorney, stated that Mayor Hopkins did have a conflict of interest in that he sat on the Port Authority Board. Because of his unique position he could speak to the Assembly in that regard.

Mayor Hopkins spoke to the resolution.

BECK, moved to adopt.
Seconded by WINTERS

Discussion ensued.

Assemblymember Brown asked to be a co-sponsor of the resolution.

VOTE ON MOTION TO ADOPT RESOLUTION NO. 2010-07.

Ayes: Howard, Want, Blanchard, Bartos, Brown,
Beck, Winters, Sattley, Musick

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

- d. RESOLUTION NO. 2010-08. A Resolution To Encourage The Support Of Our Interior State Delegation And The Alaska Legislature To Oppose The Local Boundary Commission's Decision Regarding The Fred Meyer Subdivision Annexation. (Sponsor: Assemblymember Bartos)
Track 6, 5:12

Assemblymember Bartos commented on the resolution.

SATTLEY, moved to adopt.
Seconded by BLANCHARD

Discussion ensued.

NEW BUSINESS – RESOLUTIONS - continued

VOTE ON MOTION TO ADOPT RESOLUTION NO. 2010-08.

Ayes: Howard, Want, Blanchard, Bartos, Beck, ,
Sattley

Noes: Winters, Brown, Musick

MOTION CARRIED 6 Ayes, 3 Noes

ORDINANCES TO BE INTRODUCED AND ADVANCED TO PUBLIC HEARING

Track 1, 1:29

- a. ORDINANCE NO. 2010-10. An Ordinance Amending 14.01.151 Relating To Service Area Commissioners Duties. (Sponsor: Assemblymember Beck)

Without objection the measure was introduced, read, and advanced to public hearing by title only.

BLANCHARD, moved to advance to February 11, 2010
Seconded by BROWN for public hearing; refer to the Committee of the Whole, February 4, 2010.

WITHOUT OBJECTION, SO ORDERED.

- b. ORDINANCE NO. 2010-11. An Ordinance Amending FNSBC 14.01.141 A and 14.02.050 B Regarding Service Area Meetings. (Sponsor: Assemblymember Beck)

Without objection the measure was introduced, read, and advanced to public hearing by title only.

BLANCHARD, moved to advance to February 11, 2010
Seconded by BROWN for public hearing; refer to the Committee of the Whole, February 4, 2010.

WITHOUT OBJECTION, SO ORDERED.

- c. ORDINANCE NO. 2009-20-1T. An Ordinance Amending The FY 2009-10 Budget By Appropriating \$362,023 In Federal Direct And Pass-Through Grant Funding To The Transit Enterprise Projects Fund For The Replacement Of The Macs Paratransit Van Fleet. (Sponsor: Mayor Hopkins)

ORDINANCES TO BE INTRODUCED AND ADVANCED TO PUBLIC HEARING

Track 1, 1:29

Without objection the measure was introduced, read, and advanced to public hearing by title only.

BLANCHARD,
Seconded by BROWN

moved to advance to February 11, 2010
for public hearing; refer to the Finance
Committee, February 4, 2010.

WITHOUT OBJECTION, SO ORDERED.

ORDINANCES TO BE REFERRED TO COMMITTEES OR COMMISSIONS

NONE

CITIZEN'S COMMENTS – continued

Track 6, 33:20

Bonnie Woldstad, resident of the Borough, commented on upcoming worksessions with the Alaska Railroad.

Asa Dowdy, resident of the Borough, commented on attending a recent Comprehensive Land Use Plan Committee meeting.

ASSEMBLYMEMBER'S COMMENTS

Track 6, 37:07

Assemblymembers commented on a variety of topics.

Assembly Schedule for Week of February 1, 2010
Thursday February 4, 2010 Finance & COW Worksession 5:30 p.m.

ADJOURNMENT

There being no further business to come before the Fairbanks North Star Borough Assembly, the meeting was adjourned at 11:25 p.m.

Mike Musick
Presiding Officer

ATTEST:

Mona Lisa Drexler, MMC
Borough Municipal Clerk

APPROVED: March 11, 2010