A Regular meeting of the Fairbanks North Star Borough Assembly was held Thursday, February 26, 2015, in the Mona Lisa Drexler Assembly Chambers of the Borough Administrative Offices, 809 Pioneer Road, Fairbanks, Alaska.

There were present:

Karl Kassel, Presiding Officer and

Diane Hutchison  Lance Roberts
Van Lawrence  Christopher Quist (Excused at 10:46 p.m.)
Janice Golub  Guy Sattley
John Davies  Kathryn Dodge

Comprising a quorum of the Assembly, and

Luke T. Hopkins, Borough Mayor
Sallie Stuvek, Acting Chief of Staff
René Broker, Borough Attorney
Carolyn Yurkovich, Chief Procurement Officer
Christine Nelson, Community Planning Director
Scott Johnson, Public Works Director
David Pruhs, City of Fairbanks Representative
Mayor Ward, North Pole Representative
Nanci Ashford-Bingham, MMC, Borough Clerk
April Trickey, Deputy Borough Clerk

Absent & Excused

None
PRESENTATIONS
Track 1, 2:30

Mayor Hopkins presented and read a proclamation honoring the Employee of the Month Laura McClean, Administrative Assistant I, for the Department of Community Planning.

REQUEST FOR REMOVAL OF ITEMS FROM THE CONSENT AGENDA AND ANY OTHER PROCEDURAL MOTIONS
Track 1, 8:25

NONE

CITIZEN’S COMMENTS
Track 1, 02:08

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.

NONE

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

David Throop, resident of the borough, thanked the Assembly for the work on Ordinance No. 2015-01.

APPROVAL OF AGENDA AND CONSENT AGENDA
Track 1, 8:05

DAVIES, Seconded by LAWRENCE moved to approve the agenda and consent agenda.

WITHOUT OBJECTION, SO ORDERED.

APPROVAL OF MINUTES

a. Regular Assembly Meeting minutes of February 12, 2015.
   Track 1, 8:05

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

   DAVIES, Seconded by LAWRENCE moved to approve.

   WITHOUT OBJECTION, SO ORDERED.
COMMUNICATIONS TO THE ASSEMBLY

a. Memorandum from Nanci Ashford-Bingham, Borough Clerk, recommending appointment of Canvass Board members for the March 24, 2015 Service Area Elections.

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

DAVIES, moved to concur.
Seconded by LAWRENCE

WITHOUT OBJECTION, SO ORDERED.

b. IFB Award: IFB Number 15032
   Pioneer Park Sewer Extension Phase II

Approval of base bid as submitted by Exclusive Paving in the amount of $441,451.00.

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

DAVIES, moved to approve.
Seconded by LAWRENCE

WITHOUT OBJECTION, SO ORDERED.

MESSAGES FROM THE BOROUGH MAYOR

Mayor Hopkins reported on the following:

- The state legislative session and the operating budget which is on the house floor at this time.
- The school Board is meeting tonight to work on the budget.
- Monday, March 16th is a community reception for the Tanana Chiefs Conference of 2015.
- The F35 Environmental Impact Statement.
- The Administration’s implementation of Ordinance No. 2015-01 relating to Air Quality.
REPORTS OF SPECIAL AND STANDING COMMITTEES  
Track 1, 23:05

Assemblymember Golub reported the Trails Advisory Commission lacked a quorum at its scheduled meeting last week. The next meeting is scheduled for April 14, 2015.

Assemblymember Hutchison reported the Assembly Citizens’ Budget Review Committee will meet on March 16, 2015 at 6:30 p.m. in Chambers.

Assemblymember Roberts reported the Land Management Advisory Commission is meeting March 18, 2015 at 12:00 p.m. to discuss changes to the mining language in Title 25.

Assemblymember Sattley reported FMATS is meeting on March 18, 2015 at 10:00 a.m.. He also reported the Department of Transportation named Dave Miller the new Northern Region Director.

Assemblymember Davies reported he met with Mayor Hopkins regarding the transfer station plan and update of the MACTECH report. The report will be presented to the Committee of the Whole this June.

REPORTS FROM REPRESENTATIVES  
Track 2, 00:25

a. Report from the City of Fairbanks Representative.

Councilmember David Pruhs reported on:

• The March 9, 2015 city council meeting.

b. Report from the City of North Pole Representative.

NONE

c. Report from the School Board Representative.

NONE
SPECIAL ORDERS – PUBLIC HEARING

a. Liquor License – Transfer – Distillery – License # 5181

From: Ursa Major Distilling
Robert Borland
3738 Mariposa Lane

To: Ursa Major Distilling
Big Bear Enterprises, LLC
2922 Parks Hwy
Track 2, 03:40

Sallie Stuvek, Acting Chief of Staff, gave a staff report.

The Presiding Officer called for public testimony, there being none public hearing was closed.

DAVIES, moved to file no protest.
Seconded by DODGE

Discussion ensued.

VOTE ON MOTION TO FILE NO PROTEST.

Ayes: Hutchison, Roberts, Lawrence, Dodge, Quist, Sattley, Golub, Davies, Kassel

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

b. Liquor License – Transfer – Package Store – License # 4565

From: 2 Go Tesoro
Tesoro Northstore Company
3569 S Cushman Street, Fairbanks, AK
Track 2, 5:50

To: 2 Go Tesoro
AK, Inc.
3569 S Cushman Street, Fairbanks, AK
1040 N. Benson Avenue, Upland, CA 91786
Track 2, 5:50
PUBLIC HEARING – continued

Liquor License – Transfer – Package Store – License # 2227

From: 2 Go Mart #112
       Tesoro Northstore Company
       3392 Badger Road, North Pole

To: 2 Go Mart #112
     AK, Inc.
     3392 Badger Road, North Pole
     1040 N. Benson Avenue, Upland, CA 91786

Liquor License – Transfer – Package Store – License # 2512

From: 2 Go Mart #114
       Tesoro Northstore Company
       2110 Peger Road, Fairbanks

To: 2 Go Mart #114
     AK, Inc.
     2110 Peger Road
     1040 N. Benson Avenue, Upland, CA 91786

Liquor License – Transfer – Package Store – License # 4216

From: 2 Go Mart #115
       Tesoro Northstore Company
       99 College Road, Fairbanks

To: 2 Go Mart #115
     AK, Inc.
     99 College Road
     1040 N. Benson Avenue, Upland, CA 91786
     Liquor License – Transfer – Package Store – License # 2546

From: 2 Go Mart #111
       Tesoro Northstore Company
       3679 College Road, Fairbanks

To: 2 Go Mart #111
     AK, Inc.
     3679 College Road, Fairbanks
     1040 N. Benson Avenue, Upland, CA 91786
PUBLIC HEARING – continued

Sallie Stuvek, Acting Chief of Staff, gave a staff report.

The Presiding Officer called for public testimony.

Aaron Spurbeck, an attorney representing AK, Inc. made himself available for questions.

The Presiding Officer called for further public testimony, there being none public hearing was closed.

DAVIES, moved to file no protest.
Seconded by GOLUB

Discussion ensued.

VOTE ON MOTION TO FILE NO PROTEST.

Ayes: Roberts, Hutchison, Golub, Sattley, Quist, Lawrence, Dodge, Davies, Kassel
Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

c. ORDINANCE NO. 2015-11. An Ordinance Rezoning Government Lot 14, Section 12, Township 1 South, Range 2 West, Fairbanks Meridian From Rural Estate 2 (RE-2) To Light Industrial (LI) Or Other Appropriate Zone (Located On The Northwest Corner Of Hoselton Road And Cranberry Street.) (RZ2015-005) (Sponsor: Mayor Hopkins)

Christine Nelson, Community Planning Director, gave a staff report.

The Presiding Officer called for public testimony.

Lumir Lange, resident of the borough and rezone applicant, spoke in support of Ordinance No. 2015-11.

Andrea Carlson, resident of the borough and rezone applicant, spoke in support of Ordinance No. 2015-11.

James Michael Osborne, resident of the borough, spoke in opposition to Ordinance No. 2015-11.
PUBLIC HEARING – continued

Bob Hawkins, resident of the borough, spoke in opposition to Ordinance No. 2015-11.

David Throop, resident of the borough, spoke in support of Ordinance No. 2015-11.

The Presiding Officer called for further public testimony, there being none public hearing was closed.

SATTLEY, Seconded by ROBERTS

moved to adopt.

Discussion ensued.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2015-11.

Ayes: Roberts, Sattley, Kassel

Noes: Dodge, Quist, Lawrence, Hutchison, Golub, Davies

MOTION FAILED 3 Ayes, 6 Noes

d. ORDINANCE NO. 2015-12. An Ordinance Amending Chapter 9.17 Entitled Marijuana Regulation And Amending 1.04.050 Regarding The Fine Schedule To Add Violations Of Chapter 9.17. (Sponsor: Mayor Hopkins)

Track 2, 01:30:45

Mayor Hopkins gave a staff report.

The Presiding Officer called for public testimony.

David Throop, resident of the borough, spoke in opposition to Ordinance No. 2015-12.

The Presiding Officer called for further public testimony, there being none public hearing was closed.

DAVIES, Seconded by GOLUB

moved to adopt.

HUTCHISON, Seconded by GOLUB

moved to substitute.
PUBLIC HEARING – continued

Discussion ensued.

LAWRENCE, Seconded by QUIST
moved to amend the $100 fine amount by increasing it to $250.

Discussion ensued.

HUTCHISON, Seconded by QUIST
moved to amend the amendment to change the fine from $250 to $1,500.

Discussion ensued. The Borough Attorney advised that a fine cannot exceed $1000.00 on a fine schedule.

VOTE ON MOTION TO AMEND THE AMENDMENT CHANGING THE FINE TO $1,500.

Ayes: None
Noes: Golub, Dodge, Sattley, Quist, Lawrence, Roberts, Hutchison, Davies, Kassel

MOTION FAILED 0 Ayes, 9 Noes

HUTCHISON, Seconded by LAWRENCE
moved to amend the amendment to change the fine from $250 to $1,000.

Discussion ensued.

VOTE ON MOTION TO AMEND THE AMENDMENT CHANGING THE FINE TO $1,000.

Ayes: Hutchison, Roberts, Lawrence, Dodge, Quist, Sattley, Golub, Davies, Kassel
Noes: None

MOTION PASSED 9 Ayes, 0 Noes
PUBLIC HEARING – continued

VOTE ON MOTION TO AMEND THE FINE TO $1,000, AS AMENDED.

Ayes: Sattley, Lawrence, Roberts, Hutchison, Golub, Dodge, Quist, Davies, Kassel.

Noes: None

MOTION PASSED 9 Ayes, 0 Noes

Presiding Officer Kassel passed the gavel to Deputy Presiding Officer Davies.

KASSEL, Seconded by HUTCHISON moved to amend line 40 by deleting the word “certain” and the word “prohibited” and adding “Prohibition of certain” to the beginning of the sentence to read: “Prohibition of certain product manufacturing of marijuana concentrates.” And amend line 49 under Offense by deleting the word “prohibited” and adding “without proper authorization” to the end of the sentence to read: “Production of marijuana concentrate without proper authorization.”

Discussion ensued.

HUTCHISON, Seconded by DODGE moved to amend the amendment to add to line 40 the word “methods” after manufacturing to read: “Prohibition of certain product manufacturing methods of marijuana concentrates”.

WITHOUT OBJECTION, SO ORDERED.

QUIST, Seconded by SATTLEY moved to amend the amendment at line 49 by deleting “without proper authorization” and replacing with “by prohibited methods” to read: “Production of marijuana concentrate by prohibited methods.”

Discussion ensued.

WITHOUT OBJECTION, SO ORDERED.
PUBLIC HEARING – continued

Deputy Presiding Officer Davies reinstated the amendment, as amended: Line 40 would read: “Prohibiting of certain product manufacturing methods of marijuana concentrates.” And Line 49 Fine Schedule would read: “Production of marijuana concentrate by prohibited methods.”

Discussion ensued.

VOTE ON MOTION TO AMEND ORDINANCE NO. 2015-12, AS AMENDED.

Ayes: Roberts, Hutchison, Golub, Sattley, Quist, Lawrence, Dodge, Davies, Kassel

Noes: None

MOTION PASSED 9 Ayes, 0 Noes

Deputy Presiding Officer Davies passed the gavel back to Presiding Officer Kassel.

The Chair ruled a vote on the substitute, as amended, would carry the main motion.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2015-12, AS SUBSTITUTED AND AMENDED.

Ayes: Quist, Golub, Hutchison, Dodge, Sattley, Roberts, Lawrence, Davies, Kassel

Noes: None

MOTION PASSED 9 Ayes, 0 Noes


(Sponsor: Mayor Hopkins)

Track 3, 35:30

Christine Nelson, Community Planning Director, gave a staff report.
PUBLIC HEARING – continued

The Presiding Officer called for public testimony.

David Throop, resident of the borough, spoke regarding federal setback requirements.

The Presiding Officer called for further public testimony, there being none public hearing was closed.

GOLUB, Seconded by DAVIES
moved to adopt.

Discussion ensued.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2014-20-2B.

Ayes: Quist, Golub, Hutchison, Dodge, Sattley, Roberts, Lawrence, Davies, Kassel
Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

f. ORDINANCE NO. 2014-20-2C. An Ordinance Amending The FY 2014-15 Budget By Appropriating $250,000 From The General Fund Fund Balance To General Fund Non-Departmental For Valuation And Other Energy Related Issues. (Sponsor: Mayor Hopkins)

Track 3, 39:40

Outside Counsel Robin Brena, Borough Attorney René Broker and Mayor Hopkins gave a staff report.

The Presiding Officer called for public testimony.

Jomo Stewart, Energy Project Manager for FEDCo, spoke on behalf of himself and stated his support for Ordinance No. 2014-20-2C.

The Presiding Officer called for further public testimony, there being none public hearing was closed.

LAWRENCE, Seconded by DAVIES
moved to adopt.

Discussion ensued.
PUBLIC HEARING – continued

DODGE, Seconded by GOLUB moved to suspend the rules to complete Ordinance No. 2015-20-2C.

WITHOUT OBJECTION, SO ORDERED.

DAVIES, Seconded by GOLUB moved to go into Executive Session to discuss with counsel matters within the attorney/client privilege concerning the FNG matter pending before the RCA. This would include a candid discussion of the fact and/or strategies for the Assembly to give direction to counsel regarding the handling of the matter. To include Mayor Hopkins, Sallie Stuvek, Acting Chief of Staff & Robin Brenna.

Clerk’s Note: Assemblymember Quist was excused from the meeting at 10:46 p.m.

The Assembly came out of executive session. Discussion ensued.

DAVIES, Seconded by LAWRENCE moved to amend line 32 by adding to the end of the sentence: “for the purpose of completing the current dockets before the Regulatory Commission of Alaska. Any expenditures for appeals must be separately approved by the Assembly.”

VOTE ON MOTION TO AMEND ORDINANCE NO. 2014-20-2C.

Ayes: Golub, Dodge, Sattley, Lawrence, Roberts, Hutchison, Davies, Kassel

Noes: None

MOTION CARRIED 8 Ayes, 0 Noes

Discussion ensued.
PUBLIC HEARING – continued

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2014-20-2C, AS AMENDED.

Ayes: Sattley, Lawrence, Roberts, Golub, Dodge, Davies, Kassel

Noes: Hutchison

MOTION CARRIED 7 Ayes, 1 Noes

CONSIDERATION OF CALENDAR – Unfinished Business

NONE

CITIZEN’S COMMENTS – Limited To Three (3) Minutes (Continuation if needed)

a. items that are not scheduled for public hearing – continuation.

This item was not heard due to time constraints.

CONSIDERATION OF CALENDAR – New Business – Resolutions

a. RESOLUTION NO. 2015-09. A Resolution Approving The Disposal Of Surplus Borough Property (Fire Engine) Valued In Excess Of One Thousand Dollars From The North Star Fire Service Area To Salcha Fire And Rescue Inc. (Sponsor: Mayor Hopkins)

Track 1, 26:08

Assemblymember Hutchison declared a possible conflict of interest, as she is a subscriber to the Salcha Fire and Rescue, Inc. The Presiding Officer ruled Ms. Hutchison did not have a conflict of interest as she is 1 out of 300 subscribers.

Carolyn Yurkovich, Chief Procurement Officer and Brad Paulson, Emergency Services Administrator gave a staff report.

SATTLEY, moved to adopt.
Seconded by GOLUB

Discussion ensued.
CONSIDERATION OF CALENDAR – New Business – Resolutions – continued

VOTE ON MOTION TO ADOPT RESOLUTION NO. 2015-09.

Ayes: Roberts, Hutchison, Golub, Sattley, Quist, Lawrence, Dodge, Davies, Kassel

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

CONSIDERATION OF CALENDAR – New Business – Ordinances To Be Referred To Committees Or Commissions

NONE

CONSIDERATION OF CALENDAR – New Business – Ordinances To Be Introduced And Advanced To Public Hearing

a. ORDINANCE NO. 2015-13. An Ordinance Rezoning All Of Block 22 Of Fairbanks Townsite From Two-Family Residential (TF) To Multiple-Family Residential/Professional Office (MFO) Or Other Appropriate Zone (Located Between 1st Avenue And 2nd Avenue And Between Badger Street And State Street) (RZ 2015-006) (Sponsor: Mayor Hopkins)

Track 1, 8:05

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

DAVIES, Seconded by LAWRENCE moved to refer to the Committee of the Whole on March 19, 2015; Advance to March 26, 2015 for Public Hearing.

WITHOUT OBJECTION, SO ORDERED.


Track 1, 8:05

Without objection the measure was introduced, read and approved by title only.
CONSIDERATION OF CALENDAR – New Business – Ordinances To Be Introduced And Advanced To Public Hearing – continued

DAVIES, Seconded by LAWRENCE moved to refer to the Finance Committee on March 19, 2015; Advance to March 26, 2015 for Public Hearing.

WITHOUT OBJECTION, SO ORDERED.

c. ORDINANCE NO. 2014-20-2D. An Ordinance Amending The FY 2014-15 Budget By Reallocating $1,103,082 From The Service Area Matching Grant Program In The Capital Projects Fund For The Required Matches of $391,917 For The Gold Mine Trail Road Upgrade Project And $711,165 For The Rosie Creek Road Improvements Project.
   (Sponsor: Mayor Hopkins)
   Track 1, 8:05

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

DAVIES, Seconded by LAWRENCE moved to refer to the Finance Committee on March 19, 2015; Advance to March 26, 2015 for Public Hearing.

WITHOUT OBJECTION, SO ORDERED.

   (Sponsor: Mayor Hopkins)
   Track 1, 8:05

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

DAVIES, Seconded by LAWRENCE moved to refer to the Finance Committee on March 19, 2015; Advance to March 26, 2015 for Public Hearing.

WITHOUT OBJECTION, SO ORDERED.

CITIZEN’S COMMENTS – Limited To Three (3) Minutes (Continuation if needed)

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

   This item was not heard due to time constraints.
ASSEMBLYMEMBER'S COMMENTS

Assembly Schedule for the week of March 16, 2015:

Track 1, 33:42

Monday, March 16, 2015:

Assembly Citizens' Budget Review Committee meets at 6:30 p.m. in the Mona Lisa Drexler Assembly Chambers.

Thursday, March 19, 2015:

Finance Committee meets at 5:30 p.m. in the Mona Lisa Drexler Assembly Chambers.

Committee of the Whole immediately following.

Assemblymember Kassel reminded all Assemblymembers that APOC forms are due by Monday, March 16, 2015.

Assemblymember Golub commented the Green Star Recycling event is March 20 and 21st on Reka Road by the Aurora Subdivision.

ADJOURNMENT

There being no further business to come before the Fairbanks North Star Borough Assembly, the meeting was adjourned at 11:43 p.m.

Karl Kassel
Presiding Officer

ATTEST:

Nanci Ashford-Bingham
Borough Clerk

APPROVED: April 9, 2015