

FAIRBANKS NORTH STAR BOROUGH  
Regular Assembly Meeting  
January 14, 2021  
6:00 p.m.

A Regular meeting of the Fairbanks North Star Borough Assembly was held Thursday, January 14, 2021, in the Mona Lisa Drexler Assembly Chambers of the Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska.

There were present appearing telephonically:

Mindy O'Neill, Presiding Officer and

Marna Sanford  
Tammie Wilson  
Liz Lyke  
Aaron Lojewski

Frank Tomaszewski  
Jimi Cash  
Leah Berman Williams  
Matt Cooper

Bryce J. Ward, Borough Mayor  
Jim Williams, Chief of Staff  
Jill S. Dolan, Borough Attorney  
Cory Beal, Chief Procurement Officer  
Christine Nelson, Community Planning Director  
Blake Moore, Digital Services Director  
David Gibbs, Emergency Operations Director  
Valerie Therrien, City of Fairbanks Representative  
Aino Welch, City of North Pole Representative (Arr. 6:18 p.m.)  
Erin Morotti, School Board Representative  
Laura Minski, Parks and Recreation Project Coordinator  
John Tragis, Information Integration Manager  
Michael Bredlie, Rural Services Manager  
Ehren Lohse, Assistant Borough Attorney  
April Trickey, CMC, Borough Clerk  
Adena Benn, CMC, Deputy Clerk

Absent & Excused

None

**NONSECTARIAN INVOCATION AND PLEDGE OF ALLEGIANCE**

*Track 1, 00:25*

Presiding Officer O’Neill gave a nonsectarian invocation and led the pledge of allegiance.

**PRESENTATIONS**

*Track 1, 04:45*

Mayor Ward presented the Employee of the Month for December to Michelle Proper, Reference Librarian, Noel Wien Library.

**REQUEST FOR REMOVAL OF ITEMS FROM THE CONSENT AGENDA AND ANY OTHER PROCEDURAL MOTIONS**

NONE

**CITIZEN’S COMMENTS**

*Track 1, 07:45*

- 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. Citizens’ comments on Board of Adjustment matters are not permitted.

Christine Robbins, resident of the borough, spoke in opposition to authorizing the borough attorney to file an appeal in the Victory Ministries legal matter.

Rick Solie, resident of the borough, spoke in opposition to authorizing the borough attorney to file an appeal in the Victory Ministries legal matter.

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

NONE

**APPROVAL OF AGENDA AND CONSENT AGENDA**

*Track 1, 22:50*

WILLIAMS,  
Seconded by LOJEWSKI

moved to approve the agenda and consent  
agenda as read.

VOTE ON MOTION TO APPROVE THE AGENDA AND CONSENT AGENDA AS READ.

Yeses: Tomaszewski, Cooper, Williams, Sanford,  
Wilson, Lyke, Cash, Lojewski, O'Neall

Noes: None

MOTION CARRIED 9 Yeses, 0 Noes

**APPROVAL OF MINUTES**

*Track 1, 22:50*

a. Regular Assembly Meeting minutes of November 12, 2020.

Without objection this measure was read by title and approved under the consent agenda.

b. Special Assembly Meeting minutes of November 19, 2020.

Without objection this measure was read by title and approved under the consent agenda.

c. Regular Assembly Meeting minutes of December 10, 2020.

Without objection this measure was read by title and approved under the consent agenda.

**COMMUNICATIONS TO THE ASSEMBLY**

a. IFB Award: IFB Number 21034 Application Xtender Maintenance & Support.

Approval of Base Bid, as submitted by Ricoh USA, Inc. in the amount of \$50,169.24 for the initial contract period and a total of \$250,846.20 if all four (4) one-year renewals are exercised.

*Track 1, 22:50*

Without objection this measure was read by title and approved under the consent agenda.

b. Memorandum from Mindy O'Neall, FNSB Presiding Officer, recommending Terence Duszynski to the Board of Equalization.

*Track 1, 30:15*

Mindy O'Neall, Presiding Officer, gave a report.

**COMMUNICATIONS TO THE ASSEMBLY - continued**

CASH,  
Seconded by TOMASZEWSKI

moved to appoint Terence Duszynski to the Board of Equalization as a regular board member with a term ending December 31, 2023.

Discussion ensued.

VOTE ON MOTION TO APPOINT TERENCE DUSZYNSKI TO THE BOARD OF EQUALIZATION AS A REGULAR BOARD MEMBER WITH A TERM ENDING DECEMBER 31, 2023.

Yeses: Williams, Cash, Tomaszewski, Lyke, Cooper, Sanford, Wilson, Lojewski, O'Neall

Noes: None

MOTION CARRIED 9 Yeses, 0 Noes

c. Memorandum from Jill Dolan, Borough Attorney, regarding Victory Ministries-Appeal to Alaska Supreme Court.

Possible Executive Session to discuss with counsel matters within the attorney-client privilege regarding Victory Ministries' tax exemption appeal. This would include a candid discussion of the facts and law, the attorney's assessment of options, and for the Assembly to give direction to counsel regarding the handling of the matter.

*Track 3, 00:15*

Presiding Officer O'Neall declared Assemblymember Tomaszewski has a conflict of interest on the record in the Victory Ministries appeal matter. Mr. Tomaszewski stated he believed he no longer has a conflict of interest. Discussion ensued. Presiding Officer O'Neall ruled a conflict still existed and Mr. Tomaszewski was excused from the dais.

Jill S. Dolan, Borough Attorney, and Ehren Lohse, Assistant Borough Attorney, gave a staff report.

**COMMUNICATIONS TO THE ASSEMBLY - continued**

COOPER,  
Seconded by WILLIAM

moved to approve to proceed with the Borough Attorney's recommendation regarding Victory Ministries appeal to the Alaska Supreme Court.

Discussion ensued.

WILLIAMS,  
Seconded by WILSON

moved to go into Executive Session with the Borough Attorney, Assistant Borough Attorney, Mayor, and Borough Clerk to discuss with counsel matters within the attorney-client privilege regarding Victory Ministries' tax exemption appeal. This would include a candid discussion of the facts and law, the attorney's assessment of options, and for the Assembly to give direction to counsel regarding the handling of the matter.

VOTE ON MOTION TO GO INTO EXECUTIVE SESSION WITH THE BOROUGH ATTORNEY, ASSISTANT BOROUGH ATTORNEY, MAYOR, AND BOROUGH CLERK TO DISCUSS WITH COUNSEL MATTERS WITHIN THE ATTORNEY-CLIENT PRIVILEGE REGARDING VICTORY MINISTRIES' TAX EXEMPTION APPEAL. THIS WOULD INCLUDE A CANDID DISCUSSION OF THE FACTS AND LAW, THE ATTORNEY'S ASSESSMENT OF OPTIONS, AND FOR THE ASSEMBLY TO GIVE DIRECTION TO COUNSEL REGARDING THE HANDLING OF THE MATTER.

Yeses: Wilson, Lyke, Cooper, Williams, Cash, Sanford, Lojewski, O'Neill

Noes: None

MOTION CARRIED 8 Yeses, 0 Noes

Executive Session held.

**COMMUNICATIONS TO THE ASSEMBLY - continued**

WILLIAMS, moved to come out of Executive Session.  
Seconded by COOPER

VOTE ON MOTION TO COME OUT OF EXECUTIVE SESSION.

Yeses: Cooper, Wilson, Lyke, Sanford, Cash,  
Williams, Lojewski, O'Neall

Noes: None

MOTION CARRIED 8 Yeses, 0 Noes

VOTE ON MOTION TO APPROVE TO PROCEED WITH THE BOROUGH ATTORNEY'S  
RECOMMENDATION REGARDING VICTORY MINISTRIES APPEAL TO THE ALASKA  
SUPREME COURT.

Yeses: Lyke, Sanford, Cooper, Williams, O'Neall

Noes: Cash, Wilson, Lojewski

MOTION CARRIED 5 Yeses, 3 Noes

COOPER, moved to immediately reconsider motion to  
Seconded by WILLIAMS approve to proceed with the Borough  
Attorney's recommendation regarding  
Victory Ministries appeal to the Alaska  
Supreme Court.

VOTE ON MOTION TO IMMEDIATELY RECONSIDER MOTION TO APPROVE TO PROCEED  
WITH THE BOROUGH ATTORNEY'S RECOMMENDATION REGARDING VICTORY  
MINISTRIES APPEAL TO THE ALASKA SUPREME COURT

Yeses: Wilson

Noes: Williams, Sanford, Cooper, Lyke, Cash,  
Lojewski, O'Neall

MOTION FAILED 1 Yeses, 7 Noes

## **MESSAGES FROM THE BOROUGH MAYOR**

*Track 2, 00:10*

Mayor Ward provided a brief update on the COVID-19 public health emergency.

Mayor Ward also commented on:

- Messages from the Mayor Bi-Weekly Roundup Report.
- Draft Hazard Mitigation Plan is out for comment.
- CARES Act funding update.

## **REPORTS OF STANDING AND SPECIAL COMMITTEES**

*Track 1, 35:20*

Assemblymember Williams reported the Joint Climate Change Task Force met this week after a long hiatus.

Assemblymember Lojewski reported the Audit Committee will meet on January 28, 2021 and February 4, 2021.

## **REPORTS FROM REPRESENTATIVES**

*Track 2, 16:05*

a. Report from the City of Fairbanks Representative.

Council Member Valerie Therrien reported on:

- The City's budget was adopted in December.
- The City Council voted down the IBEW contract and sent the Police Command contract back to the negotiation table.
- Spoke of City Council opposition to Ordinance No. 2020-02.
- She was appointed to the AML Board of Directors and will be attending the AML Legislative Committee on Friday.

b. Report from the City of North Pole Representative.

Council Member Aino Welch reported on:

- Mayor Welch is working on legislative priorities.
- New Fire Chief Heineken began at the City.
- Officer Ben Wages was promoted to Sergeant.
- Police Chief Dutra elected to President of Alaska Association of the Chiefs of Police.

**REPORTS FROM REPRESENTATIVES - continued**

c. Report from the School Board Representative.

School Board Member Erin Morotti reported on:

- The Board voted to begin in person learning for students.
- School sites and Administration Center will be closed Monday, January 18, for Dr. Martin Luther King Jr. holiday.
- Administration is working on legislative priorities.
- FY 21/22 proposed budget presentation expected February 1.
- Next regular school board meeting is January 19.

**SPECIAL ORDERS – PUBLIC HEARING**

a. ORDINANCE NO. 2020-38.  
An Ordinance Amending FNSBC 14.24.010 To Remove Powers From the Ballaine Lake Service Area, And Changing The Title Of Chapter 14.24 FNSBC To Remove The Words 'Parks And Recreation'. (Sponsor: Mayor Ward)  
*Track 2, 33.50*

Mayor Ward gave a staff report.

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

WILLIAMS, moved to adopt Ordinance No. 2020-38.  
Seconded by LOJEWSKI

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2020-38.

Yeses: Cooper, Williams, Lyke, Cash, Wilson,  
Tomaszewski, Sanford, Lojewski, O'Neall

Noes: None

MOTION CARRIED 9 Yeses, 0 Noes

b. ORDINANCE NO. 2020-20-1J.  
An Ordinance Amending The FY 2020-21 Budget By Appropriating \$255,915 In Federal Pass-Through Grant Funding To The Special Revenue And/Or Capital Projects Funds For The Acquisition Of Emergency Management Related Equipment And Training. (Sponsor: Mayor Ward)  
*Track 2, 37:45*



**SPECIAL ORDERS – PUBLIC HEARING - continued**

David Gibbs, Emergency Operations Director, gave a staff report.

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

WILLIAMS, moved to adopt Ordinance No. 2020-20-1J.  
Seconded by LOJEWSKI

Discussion ensued.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2020-20-1J.

Yeses: Sanford, Tomaszewski, Wilson, Cash, Lyke, Williams, Cooper, Lojewski, O’Neill

Noes: None

MOTION CARRIED 9 Yeses, 0 Noes

- c. ORDINANCE NO. 2020-02.  
An Ordinance Amending Fairbanks North Star Borough Code Of Ordinances Titles 4, 15, 17, 18, And 22 Regarding Quasi-Judicial Appeals To Add A New Board Of Appeals And New Appeals Officer Section And Amending FNSBC Title 8 Regarding The Appeal Process For Property Tax Exemptions. (Sponsor: Mayor Ward)  
*Track 2, 42:55*

Mayor Ward gave a staff report.

The Presiding Officer called for public testimony.

Alex Thornton, resident of the borough and Chair of the Animal Control commission, spoke in opposition to Ordinance No. 2020-02.

Gail Gardner, resident of the borough, spoke in opposition to Ordinance No. 2020-02.

Gary Newman, resident of the borough, spoke in opposition to Ordinance No. 2020-02.

Krystal Lapp, resident of the borough, spoke in opposition to Ordinance No. 2020-02.

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

**SPECIAL ORDERS – PUBLIC HEARING - continued**

LOJEWSKI, moved to adopt Ordinance No. 2020-02  
Seconded by WILLIAMS

LOJEWSKI, moved to postpone Ordinance No. 2020-  
Seconded by TOMASZEWSKI 02 indefinitely.

Discussion ensued.

VOTE ON MOTION TO POSTPONE ORDINANCE NO. 2020-02 INDEFINITELY.

Yeses: None

Noes: Williams, Cash, Tomaszewski, Lyke,  
Cooper, Sanford, Wilson, Lojewski, O'Neall

MOTION FAILED 0 Yeses, 9 Noes

Discussion ensued.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2020-02.

Yeses: None

Noes: Tomaszewski, Cooper, Williams, Sanford,  
Wilson, Lyke, Cash, Lojewski, O'Neall

MOTION FAILED 9 Yeses, 0 Noes

**CONSIDERATION OF CALENDAR – Unfinished Business**

NONE

**CITIZEN'S COMMENTS – Limited To 3 Minutes (Continuation if needed)**

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

NONE

**CONSIDERATION OF CALENDAR – New Business – Resolutions**

*Track 1, 22:50*

- a. RESOLUTION NO. 2021-01.  
A Resolution Authorizing The Mayor To Enter Into A Maintenance Agreement With The Alaska Department Of Transportation And Public Facilities And Accepting Maintenance Responsibilities For Asphalt Paving Of South Lathrop Street Extension Project Under The Congestion Mitigation And Air Quality Program. (Sponsor: Mayor Ward)

Without objection this measure was read by title and approved under the consent agenda.

**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**

*Track 1, 22:50*

- a. ORDINANCE NO. 2021-01.  
An Ordinance Amending FNSBC Title 21 To Add A Selective Router Demarcation Point For The Purpose Of 911 Call Delivery; Approving An Intergovernmental Agreement With The State Of Alaska Department Of Public Safety; And Amending The FY 2020-21 Budget By Appropriating \$300,000 Of Funds From The State Of Alaska, Department Of Public Safety, To The Capital Projects Fund For The Purchase Of A Replacement 911 System. (Sponsor: Mayor Ward)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Finance Committee on January 21, 2021; Advanced to January 28, 2021 for Public Hearing.

- b. ORDINANCE NO. 2020-20-1K.  
An Ordinance Amending The FY 2020-21 Budget By Appropriating \$79,000 From The Land Revenue Reserve To The Multi-Year General Subfund For The Survey Of An Addition To The Tanana Lakes Recreation Area For ADL No. 416010, ASLS No. 2017-25, Within Portions Of Sections 26, 27, 34, And 35 Township 1 South, Range 1 West, Fairbanks Meridian. (Sponsor: Mayor Ward)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Finance Committee on January 21, 2021; Advanced to January 28, 2021 for Public Hearing.

## **Ordinances To Be Introduced And Advanced To Public Hearing – continued**

- c. ORDINANCE NO. 2020-20-1L.  
An Ordinance Amending The FY 2020-21 Budget By Appropriating \$7,900,000 From The Solid Waste Disposal Enterprise Operating Fund Unrestricted Net Position To The Solid Waste Disposal Enterprise Projects Fund For Phase Two Construction And Project Management Of The New Construction & Demolition Debris Disposal Area. (Sponsor: Mayor Ward)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Finance Committee on January 21, 2021; Advanced to January 28, 2021 for Public Hearing.

- d. ORDINANCE NO. 2020-20-1M.  
An Ordinance Amending The FY 2020-21 Budget By Appropriating \$1,500,000 From The General Fund Fund Balance To The Capital Projects Fund To Provide Additional Funding For The Barnette Magnet School Renovation Phase IV. (Sponsor: Mayor Ward)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Finance Committee on January 21, 2021; Advanced to January 28, 2021 for Public Hearing.

- e. ORDINANCE NO. 2020-20-1N.  
An Ordinance Amending The FY 2020-2021 Budget By Appropriating \$30,000 In Federal Grant Funding To The Capital Projects Fund For The Tanana River Recreation Access Improvements Project For The Purpose Of Providing Funding For The Parks And Recreation Project Coordinator Position. (Sponsor: Mayor Ward)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Finance Committee on January 21, 2021; Advanced to January 28, 2021 for Public Hearing.

- f. ORDINANCE NO. 2020-20-1O.  
An Ordinance Providing For The Subdivision Of Tract H-3, ASLS No. 87-17; Amending The FY 2020-21 Budget By Appropriating \$40,600 From The Land Revenue Reserve To The Multi-Year General Subfund And/Or Capital Projects Fund For The Subdivision Of West 30th Development Project (30th Avenue Between Peger Road And Lathrop Street). (Sponsor: Mayor Ward)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Finance Committee on January 21, 2021; Advanced to January 28, 2021 for Public Hearing.

**Ordinances To Be Introduced And Advanced To Public Hearing – continued**

- g. ORDINANCE NO. 2021-02.  
An Ordinance Providing For An Election For Tax Cap Revision To The Whitman Service Area. (Sponsor: Mayor Ward)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Finance Committee on February 4, 2021; Advanced to February 11, 2021 for Public Hearing.

**CITIZEN'S COMMENTS – Limited To 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).

NONE

**ASSEMBLYMEMBER'S COMMENTS**

*Track 4, 03:35*

Assemblymember Tomaszewski thanked Susan Gainy for her donation to the library.

Assemblymember Lyke reminded all of the long term health consequences that COVID-19 is presenting and to be mindful of others.

Assemblymember Wilson thanked the Mayor for the COVID-19 matrix.

Assemblymember Lojewski pointed out different COVID-19 risks in different populations.

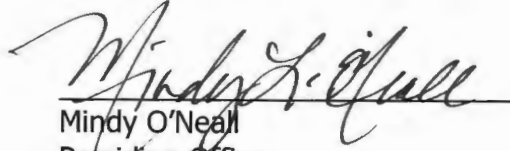
Assembly Schedule for the week of January 18:

- Monday, January 18, The Juanita Helms Administration Center (JHAC) will be closed.
- Thursday, January 21: Legislative Priorities Committee Meeting at 12:00 p.m. in the Monday Lisa Drexler Assembly Chambers conducted via Zoom only.
- Thursday, January 21: Finance Committee at 5:30 p.m. in the Mona Lisa Drexler Assembly Chambers conducted via Zoom only with the Committee of the Whole worksession immediately following.

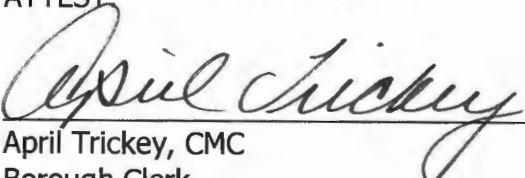
**ADJOURNMENT**

There being no further business to come before the Fairbanks North Star Borough Assembly, the meeting was adjourned at 10:35 p.m.



  
Mindy O'Neal  
Presiding Officer

ATTEST:

  
April Trickey, CMC  
Borough Clerk

APPROVED: January 28, 2021