



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, AUGUST 8, 2016
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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
June Rogers, Seat B
Jim Matherly, Seat D
Jerry Cleworth, Seat E
David Pruhs, Seat F

Absent: Bernard Gatewood, Seat C (Excused)

Also Present: Ernie Misewicz, Assistant Fire Chief
Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Brad Johnson, Deputy Police Chief
Jim Styers, Fire Chief
Jeff Jacobson, Chief of Staff
Carmen Randle, Chief Financial Officer
Randall Aragon, Police Chief
Jackson Fox, City Engineer

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation..

CITIZEN'S COMMENTS

Lance Roberts, P.O. Box 83449, Fairbanks – Mr. Roberts stated that the blinking traffic light on Cushman Street needs to be fixed. He stated that limitations need to be placed on marijuana establishments because they have very little regulation. He expressed his concern for the marijuana establishment on Davis Road because it is too close to a church and a school.

Chris Zimmerman, 815 8th Avenue, Fairbanks – Mr. Zimmerman stated that he is in attendance to speak on behalf of the Laborer's Training Trust regarding the marijuana establishment on Davis Road. He stated that the training school is next door to the Laborers Hall and that people under the age of 21 participate in training at that location. He stated that the marijuana establishment is too close to the training facility, and he asked the Council to protest the marijuana license.

Mr. Pruhs asked Mr. Zimmerman if he has taken his concerns to the Fairbanks North Star Borough (FNSB) Planning Commission. Mr. Zimmerman stated that he has not.

Ms. Huntington asked how the cultivation license would impact the training school. Mr. Zimmerman stated that the cultivation is not as concerning as a retail or consumption establishment. He stated that he is speaking up now so nobody could ask him when the next license is addressed why he was not voicing concern during the cultivation licensing stage.

Brittany Smart, 809 Pioneer Road, Fairbanks – Ms. Smart spoke to the Vista program and to the Borough's desire to eliminate poverty. She spoke to air quality within the FNSB and invited everyone to an Air Quality Expo on September 26-28, 2016. She spoke to additional proposed air quality monitors within the Borough. She spoke to the central recycling facility and stated that the Engineer's Report came back estimating the cost at 10 times more than anticipated. She stated that the public RFP to remodel the facility is open until August 19, 2016.

Mr. Matherly thanked Ms. Smart for providing the Council with an update and asked if she could provide additional information about the Vista projects. Ms. Smart stated that the Borough has three proposed projects lined out but that they need eight projects in order to participate in the Vista Leader Program.

Mr. Pruhs asked for more information about the cost of the Centralized Recycling Program renovation. Ms. Smart stated that based on the Structural Engineer's Report to make the facility habitable, it would cost four million dollars. **Mr. Pruhs** asked which department or who was in charge of handling the project. Ms. Smart stated that the Mayor's Office, the Public Works Department, and several other offices were involved in the project.

Mr. Cleworth asked for more information on the proposed air quality monitors. Ms. Smart stated that there will be six semi-fixed monitors and 20 mobile monitors. **Mr. Cleworth** stated that the core area of Fairbanks has not had a violation in a number of years and that the Mayor has requested that Fairbanks be eliminated from the non-attainment area. Ms. Smart stated that the mobile monitors will help indicate specific problem areas and will help solve some issues.

Christine Nelson, 809 Pioneer Road, Fairbanks – Ms. Nelson stated that she helped to prepare the memorandum and maps relating to the GoodSense, LLC cultivation license, and that she is in attendance to answer any questions the Council may have.

Mr. Pruhs asked if the Council could expect to have such detailed data from the Borough in the future. Ms. Nelson stated that in the future she hopes that she does not have to write an interpretation memo every time the Council considers a marijuana license but that her department will provide detailed maps.

Mr. Matherly asked Ms. Nelson what her thoughts were on the earlier testimony that the training school should be treated no differently than any other high school or elementary school. Ms. Nelson stated that she understands the concerns but that there is no way to administer a program like they are suggesting Borough-wide. She stated that other organizations have programs for kids, and she used the Children's Museum as an example. Ms. Nelson stated that the Borough has a 500-foot buffer zone for K-12 schools, a 100-foot buffer for youth facilities and playgrounds, and a 200-

foot buffer zone for residential areas and colleges. She stated that there will likely be amendments in the future as things change.

Vivian Stiver, 1420 Moore Street #10, Fairbanks – Ms. Stiver spoke to the dangers of commercial marijuana and to the loose packaging regulations on commercial marijuana products.

Kevin Pomeroy, 2740 Davis Road, Fairbanks – Mr. Pomeroy stated that he is the Business Manager of the Laborers Union Local 942 and that he is a trustee for the local Training Trust. He requested that the GoodSense license be denied because it is too close to a school; he suggested the buffer zone be 1,000 feet.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that the war on cannabis must end, and that there is too much ignorance and distortion regarding the effects marijuana has on individuals. He stated that Supreme Court Justice Sonia Sotomayor will soon be coming to visit the University of Alaska Fairbanks, and he encouraged everyone to attend.

Jerald Harrison, 723 27th Avenue, Fairbanks – Mr. Harrison indicated that he would like the Council to feel what it is like to be a social outcast; he compared the feeling to the sinking of The Titanic. He spoke to his reasons for not standing during the invocation.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger spoke to the road improvements on the Southside of Fairbanks and stated that they are ridiculous. He spoke against traffic circles and traffic diverters.

Floyd Terry, P.O. Box 73514, Fairbanks – Mr. Terry spoke to the history of roller skating rinks in Fairbanks. He spoke to Fairbanks restaurants that stay open 24 hours and to the good service he receives.

Allen Wilson, P.O. Box 249, Ester – Mr. Wilson asked why the police harass poor people and why he cannot get support from City government to address the harassment issue. He stated that the jail is full of poor people; he requested that the Council tell the police to stop coming down hard on poor folks.

Jerry Norum, 945 McGown Street, Fairbanks – Mr. Norum stated that the downtown core area looks beautiful with all the new improvements. He spoke to the Borough ordinance that took power away from the City regarding planning and zoning. He spoke to the importance of morale at the City and stated that the City Council does not want to do anything to fix the problem.

John Jackovich, 2824 Chief Alexander Drive, Fairbanks – Mr. Jackovich spoke in opposition to Ordinance No. 6022 and stated that it is ridiculous to require food service in order to be granted a liquor license in the downtown area. He stated that the Borough has done a lot of damage to the liquor industry; he expressed hope that the City would not go down the same road.

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 pointed out that the original memo in the packet was incorrect, but that the City Clerk corrected the information and provided corrected copies to the Council.

Mr. Pruhs pulled the Reappointment to the Clay Street Cemetery Commission 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 May 23, 2016.

APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of June 6, 2016.

APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

a) The Fairbanks City Council, Sitting as a Committee of the Whole, considered the following Application for a New Marijuana Cultivation Facility License. POSTPONED from the Regular Meeting of July 25, 2016 (Public Hearing was held at the July 25 meeting).

Type:	Marijuana Cultivation Facility, License #10279
DBA:	GoodSinse, LLC
Licensee/Applicant:	GoodSinse, LLC
Physical Location:	2604 Davis Road, Fairbanks, Alaska

Mr. Pruhs stated that the applicant has satisfied all State and Borough requirements and that he will support the GoodSinse application.

Mr. Cleworth asked City Attorney Paul Ewers if the State can overturn a protest on an alcohol license. Mr. Ewers stated that the same standard applies to the marijuana and alcohol industries. **Mr. Cleworth** stated that GoodSinse is the third cultivation license that has come before the Council and that he is struggling on approval because of its close proximity to a school.

Ms. Huntington stated she has lived at Jillian Square and that she is comfortable with the location for the cultivation facility.

Ms. Rogers stated that at the last meeting, the Council was accused of being uneducated about the marijuana industry. She stated that since then she has studied the industry in order to further educate herself. She stated she has a problem with the licensee based on negative comments from citizens about the location of the proposed facility.

Mr. Matherly stated that the marijuana industry is in its infancy; he compared the cultivation facility issue to the Club Sinrock situation. He stated that while he did not agree with Club Sinrock opening, he could not just go in and shut them down. He stated that the same is true with GoodSense. He stated that he will be voting in favor of the marijuana cultivation license.

Ms. Huntington stated that she does not have an issue with the cultivation license, but that she would not be in support of a retail license at the same location.

Ms. Rogers stated that one of the largest factors in her disapproval of the license is that she could not support a retail license at the Davis Road location.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE GOODSINSE, LLC MARIJUANA CULTIVATION FACILITY LICENSE UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED AS FOLLOWS:

YEAS: Matherly, Huntington, Pruhs

NAYS Cleworth, Rogers

ABSENT: Gatewood

Mayor Eberhart declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart stated that former City Council Member Wally Burnette recently passed away, and he offered condolences to the family. He spoke to the success of the recent City auction and reported that it grossed \$48,000.00. He spoke to the many potholes in Fairbanks due to the record rainfall over the summer. He spoke to the Government Finance Officers Association (GFOA) award that was given to Chief Financial Officer Carmen Randle and asked Ms. Randle to come forward to be recognized.

Ms. Randle stated that the award is the result of all the work put into the budget by City staff and the City Council.

Mayor Eberhart spoke to the many activities of the Mayor's Office since the last regular Council meeting. He spoke to the Mayor's March on Youth Homelessness from North Pole to Fairbanks that all three local Mayors will participate in.

UNFINISHED BUSINESS

a) Mayor's Veto of Ordinance No. 6022, as Amended:

Ordinance No. 6022, as Amended – An Ordinance Amending Fairbanks General Code Section 14-178 to Clarify the City's Requirements for Downtown Liquor License Approvals. Introduced by Council Member Cleworth.

Information: Ordinance No. 6022, as Amended, was adopted by the City Council at the Regular Meeting of July 25, 2016 with an effective date of July 30, 2016. Mayor Eberhart filed a memorandum to veto the ordinance with the City Clerk on Thursday, July 28, 2016. Pursuant to Fairbanks City Charter Article IV, Section 4.2, the Mayor has veto power over all legislative action of the City Council. The veto was filed within the 5-day period following adoption and requires 5 affirmative votes of the Council to override. Council action to override must be taken within 14 days following the veto (August 11, 2016).

Mr. Pruhs asked City Attorney Paul Ewers if the Council could postpone the vote on the veto until all Council Members were present. Mr. Ewers stated that it could not be postponed unless a special session was called and held prior to the August 11 deadline.

Mr. Cleworth asked Mayor Eberhart and the Council if he could speak to the veto of the ordinance even though there was no motion override the veto. No members objected to Mr. Cleworth's request. **Mr. Cleworth** spoke to the existing language of Ordinance No. 6022, as Amended, and to the history of the liquor licensing problems in the downtown core area. He spoke to the process that the ordinance went through to get to this point. He stated that Mayor Eberhart never voiced his concern during the process of drafting the ordinance and that the veto caught him by surprise.

Clerk Snider stated that since there was no motion to override, the veto stands.

NEW BUSINESS

- a) Resolution No. 4754 – A Resolution Authorizing the City of Fairbanks to Accept Funds from the Fairbanks Metropolitan Area Transportation System Transportation Alternatives Program and to Enter Into a Maintenance Agreement. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4755 – A Resolution to Approve a Maintenance Agreement Between the City of Fairbanks and the State of Alaska Department of Transportation & Public Facilities for the Steese Highway to Front Street Bicycle and Pedestrian Path Project. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Ordinance No. 6029 – An Ordinance Authorizing the Sale of Former City Surplus Property from the Korean Community of Fairbanks to Fairbanks Community Food Bank Service, Inc., and Amending Deed Restrictions. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

FMATS Policy Committee – **Mr. Pruhs** stated that the Committee had a joint session with the Northern Region Department of Transportation (DOT). He stated that he took the opportunity to ask DOT to mow the median on Airport Road.

COMMUNICATIONS TO COUNCIL

- a) Memo of Recommendation on Appointment to the FNSB Planning Commission

APPROVED on the CONSENT AGENDA.

- b) Clay Street Cemetery Commission Meeting Minutes of July 6, 2016

ACCEPTED on the CONSENT AGENDA.

- c) Reappointment to the Clay Street Cemetery Commission

Mr. Pruhs seconded by **Mr. Cleworth**, moved to APPROVE the Reappointment to the Clay Street Cemetery Commission.

Mr. Pruhs asked Mr. Turney to come forward and speak to what the Commission may need from the City of Fairbanks to make it more successful. Mr. Turney stated that first and foremost, the Commission membership needs to be at full capacity. He thanked Mayor Strle, Mayor Cleworth, Bill Robertson and the Rotary Club for all the work they have done on behalf of the cemetery. Mr. Turney stated that the City Public Works Department is doing a great job landscaping this summer, and he spoke to the Eagle Scout project that will place the remainder of the headstones at the cemetery.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE REAPPOINTMENT TO THE CLAY STREET CEMETERY COMMISSION AS FOLLOWS:

YEAS: Matherly, Cleworth, Rogers, Huntington, Pruhs

NAYS: None

ABSENT: Gatewood

Mayor Eberhart declared the MOTION CARRIED.

COUNCIL MEMBERS' COMMENTS

Ms. Rogers stated that she has had a busy week and has made a concerted effort to talk to citizens about issues they may have. She stated that she enjoys being on the City Council and appreciates the opportunity to be part of the process.

Ms. Huntington stated that she would like more information from Chief Aragon regarding Mr. Wilson's allegations of being arrested without cause. She thanked Mr. Cleworth for all the work he put into Ordinance No. 6022, but voiced her struggle with the necessity of the changes.

Mr. Matherly spoke to the many old timers who have passed away that he and his family will never forget. He gave an update on his communications with Marc Marlow, the owner of the Polaris Building. He stated that the City Council has a big effect on residents and that the Council works a lot quicker than any other type of government. **Mr. Matherly** stated that the City Council's decisions impact the community greatly.

Mr. Cleworth asked City Engineer II Bill Rogers for an update on the blinking traffic light on Cushman Street. Mr. Rogers stated it is blinking because the contractor is waiting for a part; he stated that once the part arrives, the light will function properly. **Mr. Cleworth** spoke about former Mayor Ruth Burnett and stated that she was instrumental to the revitalization of the downtown area. He stated that he always admired Ms. Burnett because she ran tight meetings and got business done quickly.

Mr. Pruhs spoke to an issue a citizen had with people driving through their yard and commended City Engineer Tim Zinza for swiftly fixing the problem. He spoke to the trees that have been planted on Cushman Street and express hope that there is a plan plowing around them during the winter months. **Mr. Pruhs** spoke to the ongoing issues with the Polaris Building and stated that some options for what to do with the building may be available in 30-60 days.

Mr. Pruhs, seconded by **Ms. Huntington**, moved to go into Executive Session for the purpose of discussing Fairbanks Firefighters Union (FFU) Labor Negotiations.

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

Mayor Eberhart called for a five minute recess.

EXECUTIVE SESSION

a) FFU Labor Negotiations

The City Council met in Executive Session to discuss FFU Labor Negotiations. Direction was given to staff and no action was taken.

ADJOURNMENT

Mr. Matherly moved to ADJOURN the meeting.

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

Mayor Eberhart declared the meeting adjourned at 10:10 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYELLE SMIDER, CMC, CITY CLERK

Transcribed by: EB