



**FAIRBANKS CITY COUNCIL**  
**REGULAR MEETING MINUTES, AUGUST 22, 2016**  
**FAIRBANKS CITY COUNCIL CHAMBERS**  
**800 CUSHMAN STREET, FAIRBANKS, ALASKA**

---

The City Council convened at 7:00 p.m. on the above date, following a 6 p.m. Work Session to discuss the Chief Andrew Isaac Clinic Expansion/Land Acquisition, 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  
    Bernard Gatewood, Seat C  
    Jim Matherly, Seat D  
    Jerry Cleworth, Seat E  
    David Pruhs, Seat F

Absent:                                None

Also Present:                        Ernie Misewicz, Assistant Fire Chief  
    Paul Ewers, City Attorney  
    D. Danyielle Snider, City Clerk  
    Angela Foster-Snow, HR Director  
    Pat Smith, Development Manager  
    Randall Aragon, Police Chief  
    Thomas Borce, Risk Manager

**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 spoke to his disappointment that the City Council approved the marijuana cultivation license for GoodSense at the last Council meeting. He spoke to the differences between a democracy and a republic and stated that residents do not want marijuana businesses next to their homes and schools. He stated that he has voted on issues before that he did not fully understand and that he apologizes to voters and owns up to it.

Brittany Smart, 809 Pioneer Road, Fairbanks – Ms. Smart spoke to the centralized recycling center that the Borough defeated by ordinance. She stated that the RFP deadline has been extended by another week and that the Borough is hoping some proposals are submitted. She

stated that the Borough had a small business administrator attend the TIGER Team meeting where they discussed the economic impacts in Fairbanks and other business opportunities. Ms. Smart spoke to the Interior Alaska Americore Vista Program and stated that the Borough will be requesting a City Council Work Session to discuss the issue very soon. She spoke to the Borough ordinance that may change the Code in regard to waiving animal impound fees. She invited everyone to attend the Air Quality Conference that is to take place September 26-28, 2016 and is free to the public.

Allen Wilson, P.O. Box 248, Ester – Mr. Wilson spoke to the issues he has with police officers. He asked the Council to approve fixing his truck because it quit running while it was in the City's impound yard. He requested that the City not hire any more officers because they only arrest poor people, not criminals.

Jerald Harrison, 723 27th Avenue – Mr. Harrison spoke to how many ex-felons there are in America. He spoke to the war on drugs and to cops mass-incarcerating people. He suggested that the City take the time to make a list of every rehabilitation program that there is in Fairbanks and provide it to the public.

Vivian Stiver, 1420 Moore Street #10 – Ms. Stiver spoke to the citizens' initiative that she is collecting signatures for to make marijuana businesses illegal within City limits. She spoke to the effects of medicinal marijuana. She spoke to the dangers of legal marijuana and to her concern that black market marijuana sales will flourish if legal marijuana is allowed to be sold in the City. She stated that she would like to request a Work Session and invite Jo McGuire to speak to the City Council.

**Mr. Gatewood** asked why he no longer hears about medical marijuana. Ms. Stiver stated that medical marijuana died in greenhouses after marijuana was legalized in Colorado.

**Mr. Pruhs** asked Ms. Stiver if anyone had filed a complaint against her, including an Alaska Public Offices Commission (APOC) complaint. Ms. Stiver stated a citizen did file an APOC complaint against the Drug Free Fairbanks group, but that the complaint could not be accepted. She stated that the citizens' initiative is an exercise of free speech, but that it has not been certified and is not yet official. She stated she has been inundated with citizens stating that they only wanted marijuana to be decriminalized, not open to legal public sale.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that medical, recreational and industrial cannabis has been around for years and it should never have been criminalized. He stated that he will be running for Mayor because of the importance of due process. He spoke to potholes in the City and asked who would be maintaining the traffic circles that were installed in South Fairbanks. Mr. Turney encouraged everyone to register to vote and to vote in the upcoming election.

Lee DeSpain, 352 Driveway Street, Fairbanks – Mr. DeSpain spoke to City employees' wages and requested the City publish in the News Miner the wages of each employee in the Fairbanks Police Department.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger spoke to Chief of Staff Jeff Jacobson’s recent arrest and stated that he is innocent until proven guilty. He spoke to the issue of Mr. Wilson’s car falling apart while it was in the impound lot. He stated that Fairbanks has turned into “pothole city” and that the Council needs to do something about it.

Floyd Terry, P.O. Box 73514, Fairbanks – Mr. Terry thanked Mr. Pruhs and Mr. Jerry Norum for the information they gathered and provided to him relating to the historic Fairbanks roller rink. He spoke to the number of businesses that have closed and moved out of Fairbanks; he gave recommendations as to where people should vacation.

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

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

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

**Mayor Eberhart** pulled Resolution No. 4756 from the Consent Agenda and requested it be postponed until the next Regular Council Meeting.

**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 June 20, 2016.

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 Application for Transfer of Ownership, Location, Name Change & Restaurant Designation Permit:

Type:	Beverage Dispensary, License #4168
DBA:	Food Factory
Licensee/Applicant:	CNR Enterprise, LLC
Physical Location:	275 Bentley Trust Road, Fairbanks, Alaska

**Mr. Pruhs**, seconded by **Mr. Gatewood**, moved to WAIVE PROTEST on the Liquor License Application for Transfer of Ownership, Location, Name Change & 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 LIQUOR LICENSE APPLICATION FOR TRANSFER OF OWNERSHIP, LOCATION, NAME CHANGE & RESTAURANT DESIGNATION PERMIT AS FOLLOWS:

YEAS: Gatewood, Rogers, Pruhs, Matherly, Huntington, Cleworth

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

### **MAYOR'S COMMENTS AND REPORT**

**Mayor Eberhart** commended all those running for Mayor of the City of Fairbanks. He spoke to the rising cost of healthcare and of the 2017 projected increase. He introduced Tom Borce, the City's new Risk Manager. Mr. Borce shared his professional background and his plans to stay in Alaska.

**Mayor Eberhart** stated that HR Director Angela Foster-Snow is traveling in the states to help recruit lateral hire police officers. He reported that he has sent a letter of interest to the Alaska Mental Health Trust Authority for grant funding for the homeless/housing services coordinator. He listed the many activities the Mayor's Office has participated in since the last Regular City Council Meeting. **Mayor Eberhart** stated that he takes DUI's very seriously and that his grandmother was killed by a drunk driver. He thanked law enforcement for doing their jobs and for keeping people from getting hurt. He stated that Chief of Staff Jeff Jacobson has been placed on administrative leave until all of the facts are in.

### **UNFINISHED BUSINESS**

- a) Ordinance No. 6028, as Amended – An Ordinance Authorizing the Sale of City Real Property to Tanana Chiefs Conference to Facilitate Expansion of the Chief Andrew Isaac Health Center. Introduced by Mayor Eberhart. ADVANCED from the Regular Meeting of July 25, 2016. SECOND READING AND PUBLIC HEARING.

**Mr. Matherly**, seconded by **Ms. Huntington**, moved to ADOPT Ordinance No. 6028, as Amended.

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

**Mr. Pruhs** thanked Development Manager Pat Smith for the information he provided during the Work Session regarding the matter. **Mr. Pruhs** stated he would vote in favor of the ordinance.

**Mr. Cleworth** stated that he voted in favor of the original sale of land for the Chief Andrew Isaac Health Center (CAIHC) but shared that he is not in favor of Ordinance No. 6028. He spoke to the reasons why the Council should not sell the snow dump property. He spoke to noise complaints that citizens have filed relating to snow dumps. **Mr. Cleworth** stated the property

behind CAIHC is a perfect location for the dump because it is surrounded by trees and it cuts down on the noise. He stated he would like to hear how those at the Public Works Department feel about losing a City snow dump. **Mr. Cleworth** reminded the Council that former General Foreman Verg Scott recommended that the City not sell the land.

**Mr. Cleworth**, seconded by **Mr. Matherly**, moved to AMEND Section 4.4 of the contract to include language relating to third party rights.

**Mr. Cleworth** asked City Attorney Paul Ewers if he could draft some language during the meeting; he stated that the Council could then address the ordinance later in the meeting. Mr. Ewers stated the language should be in writing so the Clerk would have the correct information for the record.

**Mr. Cleworth**, with the concurrence of the second, WITHDREW the motion to amend.

**Mr. Cleworth**, seconded by **Mr. Matherly**, moved to POSTPONE the vote on Ordinance No. 6028, as Amended, until after Council Member's Comments whereby giving Mr. Ewers enough time to draft language for Section 4.4.

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

- b) 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. SECOND READING AND PUBLIC HEARING.

**Mr. Gatewood**, seconded by **Ms. Huntington**, moved to ADOPT Ordinance No. 6029.

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

**Ms. Huntington** commended the Korean Community of Fairbanks for selling the property to the Fairbanks Community Food Bank.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6029 AS FOLLOWS:

YEAS: Cleworth, Pruhs, Rogers, Huntington, Matherly, Gatewood

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 6029 ADOPTED.

### CERTIFICATION OF SPECIAL ELECTION

- a) Report and Certification of By-Mail Detachment Election

**Mr. Pruhs**, seconded by **Mr. Matherly**, moved to CERTIFY the By-Mail Detachment Election Results.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO CERTIFY THE BY-MAIL DETACHMENT ELECTION RESULTS AS FOLLOWS:

YEAS: Pruhs, Gatewood, Huntington, Cleworth, Matherly, Rogers

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED and the Election Certified.

### **NEW BUSINESS**

- a) Resolution No. 4756 – A Resolution Supporting the Alaska Avalanche Information Center’s Efforts to Provide Training on Safe Winter Backcountry Travel. Introduced by Mayor Eberhart.

**Mr. Matherly**, seconded by **Mr. Pruhs**, moved to APPROVE Resolution No. 4756.

**Mr. Matherly**, seconded by **Mr. Pruhs**, moved to POSTPONE Resolution No. 4756 until the next Regular Council Meeting.

**Mayor Eberhart** called for objection to POSTPONING Resolution No. 4756 and, hearing none, so ORDERED.

- b) Ordinance No. 6030 – An Ordinance Amending Certain Provisions of Fairbanks General Code Chapter 78 in Response to the Revision of Minor Offense Rules by the State of Alaska. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

### **DISCUSSION ITEMS**

**FMATS Policy Committee** – **Mr. Pruhs** stated the Committee met and discussed projects slated for the next few years. He spoke to the future of the Polaris Building and shared that he continues to search for funding options for the project.

### **COMMUNICATIONS TO COUNCIL**

- a) Fairbanks Diversity Council Meeting Minutes of July 12, 2016

ACCEPTED on the CONSENT AGENDA.

- b) Chena Riverfront Commission Meeting Minutes of July 13, 2016

ACCEPTED on the CONSENT AGENDA.

## COUNCIL MEMBERS' COMMENTS

**Mr. Gatewood** stated how proud he is of how well the United States represented in the Olympics. He shared his concern for lateral hire police officers moving to Fairbanks who may have worked in a department like Ferguson, Missouri. He stated that he would like lateral hire officers to be given Fairbanks-specific orientation. He recognized Julie Curry of the Alaska Children's Trust for being a community asset and for doing so much for the children of the community.

**Mayor Eberhart** stated that lateral transfers go through all of the same testing as other recruits and they do a two-week refresher course as well as field training.

**Ms. Rogers** stated that she sat in on a police officer interview earlier in the day and that she was impressed with the in-depth process. She spoke to local road construction and shared that Fairbanks should be proud of keeping its roads upgraded. She spoke to comments she has received via email and questioned the protocol on how to deal with what comes into her City email account. **Ms. Rogers** spoke to an email she received requesting that motorized boats not be allowed to travel on the Noyes Slough; she stated she did not know how to respond to the citizen.

**Ms. Huntington** thanked Mr. Pruhs for his enthusiasm with the Polaris Building project. She thanked Ms. Rogers for her dedication to the City and shared that she appreciates the hard work that she puts forth. **Ms. Huntington** stated that she was invited to a meeting at Fairbanks Memorial Hospital (FMH) to discuss community health needs. She stated they discussed mental health, alcohol and substance abuse issues, and care for the senior population. She wished everyone who filed for candidacy the best of luck. She requested that City Council meetings start earlier in the evening and asked other Council Members to consider the idea.

**Mr. Matherly** welcomed Mr. Borce to the City; he thanked fire fighters for putting a fire out near his workplace. He stated he would like to hear an Interior Gas Utility (IGU) update because he has not heard much about it recently. He stated he likes having City Council meetings at 7:00 p.m. because it accommodates the Work Sessions and allows him to eat dinner prior to the meeting.

**Mr. Cleworth** spoke to the first half of the year's Consumer Price Index (CPI) and stated it is going to be a problem when computing the next year's tax cap. He spoke to how the CPI will also affect labor negotiations. He spoke to the speed humps in South Fairbanks and stated that in order for them to be legal, there has to be some kind of signage to inform drivers they are there. He asked Mayor Eberhart if the administration ever monitors employees' emails. **Mayor Eberhart** stated that he had asked to see some emails relating to the Clay Street Cemetery maintenance contract but that the administration does not regularly monitor employee email accounts.

**Mr. Cleworth** asked Police Chief Randall Aragon to come forward. **Mr. Cleworth** stated that he had read an unfortunate article in the Fairbanks Daily News Miner that said the problems at the Fairbanks Police Department (FPD) are the fault of the City Council for not ratifying the Public Safety Employees Association (PSEA) contract two years earlier. Chief Aragon stated that officers are leaving because of the high cost of health care and because labor negotiations

are at a standstill. Chief Aragon stated that he spoke with two former Fairbanks Police Chiefs and they both cited the City Council's lack of help for reasons that people are leaving the department. **Mr. Cleworth** stated that only two current Council Members were around when the contract was originally considered. He asked how going from a 40-hour work week to a 36-hour work week would help the department. Chief Aragon stated that a shorter work week is an ironic twist given that the department is so short-staffed. **Mr. Cleworth** asked if salaries and wages are the number one reason people were leaving. Chief Aragon stated that he has heard from officers who have left that it was due to salaries and wages. He explained why his employees need to have their contract funded and wages increased. **Mr. Cleworth** stated he did not think the article was helpful because it puts City Council Members on the defensive.

**Mr. Pruhs** stated that he is the most fortunate person in the world because he is a Fairbanksan. He stated he had a wonderful day at Pioneer Park smoking hot dogs. He stated that he enjoys working with the public and fellow Council Members. He commended the staff at the City Clerk's Office.

*The following item was POSTPONED from Unfinished Business earlier in the meeting. The motion to adopt was on the floor.*

Ordinance No. 6028, as Amended – An Ordinance Authorizing the Sale of City Real Property to Tanana Chiefs Conference to Facilitate Expansion of the Chief Andrew Isaac Health Center. Introduced by Mayor Eberhart.

**Mr. Cleworth**, seconded by **Mr. Pruhs**, moved to AMEND Ordinance No. 6028, as Amended, by adding the language “and that the SELLER’S snow removal operations can run seven days per week, 24 hours per day. PURCHASER specifically waives any claims against SELLER related to the SELLER’S snow removal operations, and” to Section 4.4 of the Purchase and Sale Agreement after the words “visually unattractive.”

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6028, AS AMENDED, AS FOLLOWS:

YEAS: Rogers, Matherly, Gatewood, Pruhs, Cleworth, Huntington

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

**Mr. Pruhs**, seconded by **Ms. Huntington**, moved to AMEND Ordinance No. 6028, as Amended, by adding the language, “It is the Council’s intent that the proceeds from the sale be escrowed and applied to the purchase of adjacent property from the State of Alaska for use as a snow storage site” to Section 3.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6028, AS AMENDED, AS FOLLOWS:

YEAS: Huntington, Matherly, Gatewood, Pruhs, Cleworth, Rogers

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.



**Mr. Cleworth** requested that Mr. Smith come forward; he asked Mr. Smith if the State of Alaska seemed receptive to selling the City the parcel of land adjoining the snow dump. Mr. Smith stated that he does not know whether the State would be willing to consider the sale. **Mr. Cleworth** expressed concern about the adoption of Ordinance No. 6028, as Amended.

**Ms. Huntington** stated that there have been many meetings on the topic and that everyone has been well-educated on the issue by Mr. Smith. She stated that Tanana Chiefs Conference provides a valuable service to the community, and that the sale of the land is a positive thing for the City of Fairbanks.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6028, AS AMENDED, AS FOLLOWS:

YEAS: Matherly, Rogers, Huntington, Gatewood, Pruhs  
NAYS: Cleworth  
**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 6028, as Amended, ADOPTED.

### CITY ATTORNEY'S REPORT

Mr. Ewers spoke to the inquiry Ms. Rogers received regarding the Noyes Slough. He stated that the Slough is State-owned so the City would not be able to address the issue.

**Mr. Matherly** asked to add a comment before the meeting adjourned. He spoke to the reasons why so many police officers are leaving the City; he stated that one of the main reasons why officers are leaving is the lack of support from the Police Chief and the City administration.

### 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 9:36 p.m.



---

JIM MATHERLY, MAYOR

ATTEST:



---

D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB