



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, APRIL 8, 2019
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 6:30 p.m. on the above date, following a 5:30 p.m. Work Session on Employee Life Insurance Options, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Jim Matherly presiding and with the following Council Members in attendance:

Council Members Present: Shoshana Kun, Seat A
 June Rogers, Seat B
 Valerie Therrien, Seat C
 Kathryn Ottersten, Seat D
 Jerry Cleworth, Seat E
 David Pruhs, Seat F

Absent: None

Also Present: Paul Ewers, City Attorney
 D. Danyielle Snider, City Clerk
 Jeff Jacobson, Public Works Director
 Mike Meeks, Chief of Staff
 Kristi Merideth, Dispatch Manager
 Carmen Randle, Chief Financial Officer
 Dan Welborn, Deputy Police Chief
 Bob Pristash, City Engineer
 Jim Styers, Fire Chief

City Clerk Danyielle Snider read the Mission Statement of the City of Fairbanks.

INVOCATION

The Invocation was given by City Clerk Snider.

FLAG SALUTATION

At the request of **Mayor Matherly** everyone joined in the Flag Salutation.

CITIZENS' COMMENTS

Frank Turney, 1434 Lacey Street, #B, Fairbanks – Mr. Turney spoke of the ambush made on Sgt. Brandt in 2016 and stated that he attended the jury trial. He stated he hopes the conviction of the murderer gives closure to the family. He asked what happened to Chief Aragon's efforts to build relationships with the Black and Native communities. He stated he has never seen a judge allow uniformed and armed officers to stand in the gallery at a trial as they were at the recent trial.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger hypothetically stated he was thinking about becoming a woman and that he would like to change his race and nationality at the same time. He stated he would like to become 50% Black and 50% Mexican just in case reparations are granted. He stated that if he is Mexican he will get all the medical and welfare benefits. He stated the public needs to know whether race could be changed along with gender before passing an equal rights ordinance. Mr. Buberger stated he has noticed a lot of potholes since the snow has begun melting; he stated the Southside is awful and full of potholes. He stated there is good weather now and suggested Public Works not use the temporary patch material that lasts only a short time. He asked whether non-permanent repair of potholes is for job security purposes. He stated the police should notate bad potholes as they patrol around the City, but they would probably make up some excuse why their union would not let them do so.

Jeremiah Youmans, 1354 Warner Road, North Pole – Mr. Youmans stated the Council members who do not want to listen to comments from people that live outside City limits can stop listening to him. He thanked the Council for the proclamation for Blue and Gold Day and for supporting the University. He spoke of the equal rights ordinance and the subsequent veto and shared that his wife twice scheduled to meet with Council members, and both meetings were canceled. He suggested they did not get a call back because they do not live within City limits.

Rick Hinkey, 1001 Lathrop Street, Fairbanks – Mr. Hinkey stated he lives and works in downtown Fairbanks, and he supports smoke-free laws in Alaska. He thanked the Council for supporting smoke-free laws and stated he hears from people often about not being exposed to secondhand smoke in the workplace.

Blake Burley, Fairbanks – Mr. Burley reminded the Council that they have to answer to the people, but they also have to answer to the power of Almighty God. He read from the Bible. He stated that in order to have a flourishing City, there must be a moral community.

Mike Prax, 1015 Meadow Rue Avenue, North Pole – Mr. Prax stated he would like to ask residents to clean up their yards and think about wildfires, even in town.

Julie Smyth, Fairbanks – Ms. Smyth spoke to a letter to the editor that was published in the News Miner about the Gayest Bash Ever. She stated the Bible supports slavery and the owning of women and children; she asked the Council to find their morals somewhere else. She asked the Council to use their own morals and not the Bible when deciding how to treat City residents.

Yonni Fisher, Fairbanks – Ms. Fisher stated she read Karl Sapp's letter to the editor, and she does not believe people going through a gender reassignment surgery take it lightly. She stated there is a lot of counseling required and a great deal of physical and emotional pain involved. She stated there are babies born with both sex organs and asked who determines their sex. She stated she is tired of everyone's stupidity and willful ignorance when they make statements about choosing to be another race or gender. She stated people are born the way they are.

Hearing no more requests for comment, **Mayor Matherly** declared Citizens' Comments closed.

APPROVAL OF AGENDA AND CONSENT AGENDA

Mx. Ottersten, seconded by **Ms. Therrien**, moved to APPROVE the Agenda and Consent Agenda.

Mr. Cleworth pulled Ordinance No. 6102 from the Consent Agenda.

Mayor Matherly 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 October 22, 2018

APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of November 5, 2018

APPROVED on the CONSENT AGENDA.

c) Regular Meeting Minutes of November 19, 2019

APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

a) The Fairbanks City Council heard interested citizens concerned with the following Liquor License Applications for Renewal:

Lic. #	DBA	License Type	Licensee	Premises Address
3282	Sam's Club #6603	Package Store	Sam's West, Inc.	48 College Road
3467	Lin's Asian Bistro	Restaurant/ Eating Place	Lin's Panda Garden, Inc.	1900 Airport Way
3050	Gambardella's Pasta Bella	Restaurant/ Eating Place	Gambardella's II, Inc.	No Premises
2124	McCoy's on 28th	Beverage Dispensary	636, LLC	636 28th Avenue (upstairs)

Ms. Kun, seconded by **Ms. Therrien**, moved to WAIVE PROTEST on all the Liquor License Applications for renewal, with the exception of Lin's Asian Bistro.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON ALL THE LIQUOR LICENSE APPLICATIONS FOR RENEWAL, WITH THE EXCEPTION OF LIN'S ASIAN BISTRO AS FOLLOWS:

YEAS: Therrien, Rogers, Pruhs, Ottersten, Kun, Cleworth

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

Mr. Pruhs, seconded by **Ms. Kun**, moved to PROTEST the Lin's Asian Bistro Liquor License Application for renewal pending completion of a fire inspection.

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

Mayor Matherly asked Fire Chief Jim Styers to come forward for a staff report. Chief Styers stated the Fire Department has not done a final inspection yet and that there are some violations that need to be addressed before it is signed off. Chief Styers stated he did not anticipate a long-term protest, they just need to schedule and preform the inspection.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE LIN'S ASIAN BISTRO LIQUOR LICENSE APPLICATION FOR RENEWAL PENDING COMPLETION OF A FIRE INSPECTION AS FOLLOWS:

YEAS: Ottersten, Cleworth, Rogers, Kun, Therrien, Pruhs

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

b) The Fairbanks City Council heard interested citizens concerned with the following application for a New Brewpub Liquor License:

Type: Brewpub, License #5764

DBA: Midnite Mine Brewing Company

Applicant: Midnight Mine, LLC

Address: 308 Wendell Avenue, Fairbanks, Alaska

Mr. Pruhs, seconded by **Mx. Ottersten**, moved to WAIVE PROTEST on the New Brewpub Liquor License.

Mayor Matherly called for Public Testimony.

Sharon Mensik, 308 Wendell Avenue, Fairbanks – Ms. Mensik stated the reason the license was not issued after the Council considered the license previously is because the Borough did not lift its protest following the inspections of the location. She stated the process had to begin again.

Mr. Pruhs congratulated Ms. Mensik for persevering in a difficult process. **Ms. Rogers** thanked Ms. Mensik for attending and informing the Council of the progress.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE NEW BREWPUB LIQUOR LICENSE AS FOLLOWS:

YEAS: Rogers, Ottersten, Therrien, Pruhs, Cleworth, Kun

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

- c) The Fairbanks City Council heard interested citizens concerned with the following application for a New Theatre Liquor License:

Type: Theatre, License #5756

DBA: Fairbanks Drama Association & Fairbanks Children's Theatre

Applicant: Delta Epsilon, Inc.

Address: 1852 Second Avenue, Fairbanks, Alaska

Mr. Pruhs, seconded by **Ms. Kun**, moved to WAIVE PROTEST on the application for a New Theater Liquor License.

Mayor Matherly called for Public Testimony.

Steve Mitchell, Fairbanks – Mr. Mitchell stated he has lived in Graehl Subdivision since 1981, and he gave many thanks to Delta Epsilon, Inc. for enabling the theatre have a cocktail hour before the show and during a short intermission. He promised there would be no increased crime or criminal behavior because of the license and that having a license would save the theatre a lot of money in permit fees. He thanked the applicants for their support of the community theatre.

Ms. Kun asked what is playing at the theater; Mr. Mitchell stated they have extended the production of "Nunsense" for one more weekend, and there are many activities for the summer.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON APPLICATION FOR A THE NEW THEATER LIQUOR LICENSE AS FOLLOWS:

YEAS: Kun, Ottersten, Therrien, Pruhs, Cleworth, Rogers

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Matherly stated that the Sgt. Brandt shooting happened when he was beginning his term as Mayor, and although nothing can bring him back, he is pleased with the verdict. **Mayor Matherly** stated that one of his goals with the next Chief of Police is to go back to community policing. He congratulated Public Works for their swift transition from winter to spring and shared that they will be doing road striping also.

COUNCIL MEMBERS' COMMENTS

Mx. Ottersten stated they had no comments.

Mr. Cleworth stated the reason Public Works does temporary patching in the spring is because the hot mix plant is not operational yet. He asked Public Works Director Jeff Jacobson to address the issue of temporary patches. Mr. Jacobson stated the hot mix batch plant is not operational until May each year.

Mr. Pruhs stated he had no comments.

Ms. Therrien stated the comments about Mexicans and welfare benefits was inappropriate.

Ms. Rogers stated she had no comments.

Ms. Kun gave a land acknowledgement.

UNFINISHED BUSINESS

- a) Ordinance No. 6098 – An Ordinance Amending the 2019 Operating and Capital Budgets for the First Time. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Mr. Pruhs, seconded by **Ms. Therrien**, moved to ADOPT Ordinance No. 6098.

Mr. Pruhs, seconded by **Ms. Therrien**, moved to SUBSTITUTE Ordinance No. 6098, as Amended, for Ordinance No. 6098.

Mayor Matherly called for objection and, hearing none, declared the MOTION CARRIED.

Mayor Matherly called for Public Testimony.

David van den Berg, 542 4th Avenue, Fairbanks – Mr. van den Berg stated the two most important things in the ordinance to the Downtown Association is signage/street striping and an additional foot patrol officer. He stated there is a strong emphasis on having more eyes and ears on the street.

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

Mr. Cleworth stated it is imperative that the diagonals on 2nd Avenue get painted and wanted to ensure that is included in the budget. He asked City Engineer Bob Pristash to address the issue; Mr. Pristash stated it is not included, but it could be included in a change order.

Mr. Cleworth, seconded by **Ms. Rogers**, moved to AMEND Ordinance No. 6098 by increasing the Public Works striping budget from \$100,000 to \$103,000.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6098 BY INCREASING THE PUBLIC WORKS STRIPING BUDGET FROM \$100,000 TO \$103,000 AS FOLLOWS:

YEAS: Therrien, Rogers, Pruhs, Ottersten, Kun, Cleworth

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

Mr. Cleworth stated it is not logical to drop four positions at the Police Department and fund four extra firefighters. He spoke to the City's Capital Fund and stated now that state funds are drying up, the only source of funding for capital projects is to transfer from the General Fund. He commended the Mayor and Council for the \$2 million transfer to the Capital Fund in the budget amendment.

Chief Financial Officer Carmen Randle pointed out another change in the Capital budget in the ordinance; she stated that Public Works is requesting funds to purchase two dump trucks.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6098, AS AMENDED, AS FOLLOWS:

YEAS: Cleworth, Pruhs, Rogers, Kun, Ottersten, Therrien

NAYS: None

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6098, as Amended, ADOPTED.

- b) Ordinance No. 6099 – An Ordinance Amending the 2015 City of Fairbanks Administrative Code, Table 3-A Building Permit Fees, to Add Fees for Review of Fire Plans, Exterior Accessibility, and Change in Occupancy. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Ms. Therrien, seconded by **Ms. Kun**, moved to ADOPT Ordinance No. 6099.

Mayor Matherly called for Public Testimony and, hearing none, declared Public Testimony closed

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6099 AS FOLLOWS:

YEAS: Ottersten, Cleworth, Rogers, Kun, Therrien, Pruhs

NAYS: None

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6099 ADOPTED.

- c) Ordinance No. 6100 – An Ordinance Amending the Additional Responsibilities of the Chena Riverfront Commission to Match the Amendments Made by the Borough Assembly. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Mx. Ottersten, seconded by **Ms. Rogers**, moved to ADOPT Ordinance No. 6100.

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

Mr. Cleworth stated he only hesitates to support the ordinance because it seems to be adding a layer of bureaucracy for folks to have to work through.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6100 AS FOLLOWS:

YEAS: Rogers, Ottersten, Therrien, Pruhs, Cleworth

NAYS: Kun

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6100 ADOPTED.

- d) Ordinance No. 6101 – An Ordinance Amending FGC Sec. 14-213, Restrictions on Marijuana Establishments, to Allow Onsite Consumption in Accordance with State Law. Introduced by Council Members Kun and Ottersten. SECOND READING AND PUBLIC HEARING.

Mx. Ottersten, seconded by **Ms. Kun**, moved to ADOPT Ordinance No. 6101.

Frank Turney, Fairbanks – Mr. Turney stated he is in favor of onsite consumption of cannabis. He stated Police Chief Jewkes stated there would need to be more police on the streets if consumption is legalized; Mr. Turney stated Chief Jewkes is part of the “reefer madness”. He stated there has been no massive increase in crime since the legalization of cannabis. Mr. Turney stated Officer Dupee stated that 80% of DUI defendants are on something other than alcohol. Mr. Turney stated there is no scientific proof that airborne cannabis causes ill effects on anyone.

Rich Eide, 1310 Roma Street, Fairbanks – Mr. Eide stated he testified a few years ago as part of the “Safe Neighborhoods” group. He stated he recalls the pot industry telling folks that it is just to take home and relax, but now it has progressed into onsite consumption being legalized. He stated it is a slow progression, and there is no moral standard to slow it down. He suggested the City of Fairbanks become the pot capital and solve all of its financial problems by selling pot to the entire world. He spoke against immersing youth into pot culture.

Mike Dubowski, 5751 Old Valdez Trail, Salcha – Mr. Dubowski stated he supports cannabis cafés, and the City should get in on it in order to regulate it. He stated the City would gain revenue from all the consumers. He stated it is fiscally a good idea for the City to approve onsite consumption. He stated he did not want the thieves in Juneau taking his Permanent Fund Dividend (PFD) but that he is willing to pay tax on something that he uses.

Lance Roberts, PO Box 83449, Fairbanks – Mr. Roberts stated there will be no additional tax revenue if the ordinance if passed; he stated it would only allow consumption in designated areas. He stated he had a medical procedure done, and he thought he was ready to drive

afterwards, but he was on anesthesia and could not drive for 24-hours. He stated precautions must be taken and that a smoke-free workplace and onsite consumption are contradictory issues. He stated designated drivers cannot hang out in a room full of marijuana smoke and cautioned the Council to not support the ordinance.

Caleb Szklarz, 1506 Davison Street, North Pole – Mr. Szklarz encouraged the Council to vote against the ordinance. He stated the Chief of Police explained recently that the City does not have the public safety resources to be a test case for onsite consumption. Mr. Szklarz stated a designated driver for a marijuana consumer would be impaired after being in a room full of marijuana smoke. He stated it can take hours to get a person's blood drawn, and by the time they get tested the active ingredient is no longer present. He stated his friend lives next to a marijuana establishment and does not want it to have onsite consumption; he asked whether people could appeal to the Marijuana Control Board (MCB).

Jeremiah Youmans, 1354 Warner Road, North Pole – Mr. Youmans stated he supports Ordinance No. 6101. He stated he finds it ironic that the same people who opposed human rights a few months ago are now testifying against the onsite consumption ordinance. Mr. Youmans stated those people demanded that they have free will to discriminate, and now they want the state to regulate marijuana establishments. He stated secondhand smoke is not healthy, but there are other edible options. He stated bud tenders will need to be trained to serve people the same way bartenders are trained. He encouraged the Council to approve the ordinance.

Frank Berardi, Fairbanks – Mr. Berardi spoke in support of onsite consumption and to the statistics Officer Dupee spoke of at another meeting. He reported that there was not an increase in DUI incidents when the smoking lounge, The Higher Calling, was in business. He stated he emailed the Council statistical information regarding traffic safety and legalized marijuana. He stated that there was a City employee who received a DUI as a result of taking a Xanax. He stated that police warned about crime when marijuana was legalized, and the crime never came.

Christine Robbins, Fairbanks – Ms. Robbins stated she is opposed to the ordinance because onsite consumption is a community safety issue. She stated there is no way for police to roadside test for marijuana consumption. She stated there is no way for a designated driver because marijuana smoke will cause intoxication of everyone in the vicinity.

Alex Jafre, 3235 College Road, Fairbanks – Mr. Jafre stated he sees a massive amount of hypocrisy in the ordinance because of the smoke-free legislation in the state. He stated he never wants to be around marijuana smoke because he is allergic, and it may make him sick. He stated the Council needs to think about the danger they will be subjecting citizens to by allowing onsite consumption. He stated a joint is an instant intoxicant and should not be consumed publicly.

Blake Burley, Fairbanks – Mr. Burley spoke against onsite consumption and shared some statistics he found on the internet. He stated allowing onsite consumption is foolish and a detriment to the City. He stated federal employees are not allowed to use marijuana, and that is a large sector of the community. He stated it is foolish to encourage intoxicated driving by allowing onsite consumption.

Annie Armstrong, 1023 Smythe Street, Fairbanks – Ms. Armstrong stated smoking in public places will be dangerous to all people. She spoke negatively about the effects of marijuana and shared her concern for people being high and falling asleep all over the place. She stated onsite consumption will be a community nuisance. She stated marijuana is a mind-altering drug being put into brownies, cookies, and cakes, so you never know what level you are consuming.

Mark Zweifel, 2711 Ruby Street, Fairbanks – Mr. Zweifel spoke in opposition to the ordinance because there is not enough manpower on the police force. He asked the Council to hear what the police force has to say about onsite consumption being a public nuisance. He stated he can go to a liquor store, but he cannot consume alcohol there. He added that it should be the same at a retail marijuana stores.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger stated he smoked marijuana for about 40 years until he was in a house fire; he stated he has not smoked a day since. He stated he operated boats, cars, and heavy equipment while under the influence of marijuana and never had an accident related to smoking marijuana. He stated he is going to try CBD oil for pain.

Keenan Hollister, 1138 Coppet Street, Fairbanks – Mr. Hollister stated he is the owner of Pakalolo Supply Company, and he is tired of being treated like a second-class citizen because he grows, sells, and consumes marijuana. He stated the Council should not take a moral standpoint on the law, and he asked them to move forward in a progressive direction.

Mr. Ottersten asked Mr. Hollister if he would make money by allowing onsite consumption; Mr. Hollister stated it would be similar to serving alcohol at a bar. He stated people can call cabs, use bike paths, and take walks to get to a legal consumption site.

Dan Peters, 2604 Davis Road, Fairbanks – Mr. Peters asked the Council to vote yes on Ordinance No. 6101. He acknowledged that marijuana is federally illegal but stated that the City can see that in the time marijuana has been legal there has been no big increase in crime. He stated he would be happy to help the Council determine how best to make it work. He stated people are driving and consuming marijuana every day and that this is a history-making moment.

Shaun Tacke, 4720 Drake Street, Fairbanks – Mr. Tacke spoke in support of onsite consumption and asked the Council to join the state by allowing it. He stated people consume marijuana and drive all the time, and the sky has not yet fallen. He stated there is not a huge alteration to behavior when people consume a small amount of marijuana. He stated he met with Building Official Clem Clouten who told him ventilation would not be hard to implement. He stated the people who are against the ordinance are the same folks who want nothing to do with marijuana.

Ms. Therrien asked whether onsite consumption would be something his business would be interested in if the ordinance passed. Mr. Tacke stated it is something he will be looking into.

Pearson Crosby, 4720 Drake Street, Fairbanks – Mr. Crosby stated it is impractical to legalize cannabis then give no public venue where it can be consumed. He asked if anyone on the Council was a medical doctor and spoke about people with anxiety needing cannabis. He stated using cannabis is an enlightening experience, and he does not see people becoming violent after

smoking a joint. He spoke to the positive effects of cannabis and asked that onsite consumption be allowed in a regulated environment.

Brandon Emmett, 1299 Lowbush Lane, Fairbanks – Mr. Emmett spoke in support of Ordinance No. 6101 and stated there is too much misinformation surrounding marijuana consumption. He stated the intent is to have consumption sites designed like alcohol tasting rooms. He stated the notion that one puff of marijuana will make someone a degenerate is simply nonsense. He stated he was a paramedic for 10 years, and he did not see the huge public safety issues that the police have warned about.

Mr. Pruhs asked if onsite consumption is needed for a retail marijuana store to be successful. Mr. Emmett stated it would depend on the location of the business. He stated it would be irresponsible not to try to capture as much marijuana revenue as possible given the fiscal affairs of the state. **Mr. Pruhs** asked why the Council should vote to allow for onsite consumption while smoking a cigarette indoors is illegal. Mr. Emmett stated the state has designed a very specific set of regulations with specific exemptions for marijuana consumption.

Mx. Ottersten asked about the effects of secondhand smoke on employees. Mr. Emmett stated there would be fine particulate ventilation that would keep the air as clean as possible. He stated there would be smoke-free rooms for employees where they can view the consumption room.

Mr. Cleworth asked who drafted the law that was on the ballot in 2014 to legalize marijuana. Mr. Emmett stated it was drafted by the Marijuana Policy Project, a pro-cannabis think tank out of Washington D.C. He stated the original draft was worked on in Colorado and was put on the ballot by a citizens' initiative. **Mr. Cleworth** stated the initiative stated there would be no public consumption. Mr. Emmett stated it was never the intention that people could only consume marijuana in a home that they own.

Ms. Kun asked about public safety. Mr. Emmett stated public safety was heavily considered when drafting the language.

Chris Thompson, 3755 Swenson Avenue, Fairbanks – Mr. Thompson stated marijuana should be regulated in the same way as alcohol; he stated onsite consumption should be allowed just like alcohol is at a bar.

Julie Smyth, Fairbanks – Ms. Smyth stated she is a single mother of three living in an apartment, and she asked the Council to allow for onsite consumption. She stated she has to get a babysitter when she goes to a marijuana store because she is not allowed to bring her children into a retail location, and it would be easier if she had a place to legally consume marijuana. She stated if the Council votes against the ordinance, they are voting against the poorer sector of the community.

Mike Prax, 1015 Meadow Rue Avenue, North Pole – Mr. Prax stated he is not a fan of marijuana, but he does support the ordinance because the government should not regulate what people do. He stated public consumption is still regulated by the state, and each license would have to be approved by the MCB. He stated there has not been a spike in crime since marijuana was legalized because the industry is working so hard to be responsible. He stated government regulation of air quality has created a lot of bureaucracy.

Debbie Rathbun, Fairbanks – Ms. Rathbun stated she was selected for Federal Grand Jury several years ago, and all of the cases were about drugs and guns. She stated there are things that go unreported and spoke against onsite consumption in Fairbanks. She stated there are not enough police to regulate the industry and that the Council should listen to the cops who have spoken against onsite consumption.

Sam Hachey, Fairbanks – Mr. Hachey thanked everyone for keeping their testimony civil. He shared that banking for marijuana businesses is now legal in the State of Alaska. He spoke in support of Ordinance No. 6101.

Ms. Kun asked Mr. Hachey if he would benefit by the passing of the ordinance. Mr. Hachey stated his retail store is not in a standalone location, so he would not be able to have a café.

Rick Hinkey, 1001 Lathrop Street, Fairbanks – Mr. Hinkey stated he frequently witnesses the public consumption of marijuana downtown. He shared his disappointment with the ordinance being introduced; he stated he supports the legalization of marijuana, but he does not support onsite consumption. He stated the nation's failed "war on drugs" was not a war on drugs at all; he stated it was more of a war on minorities and people of color. He questioned who would benefit the most from the building of the industry.

Rick Solie, Fairbanks – Mr. Solie spoke against Ordinance No. 6101 and stated the Council should not disregard the advice of the police. He stated the police do not have a large enough force to handle all the criminal activity that will occur if onsite consumption is allowed. He stated it is illogical for the Council to approve onsite consumption with so many unknowns.

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

Mayor Matherly called for a brief recess. The meeting reconvened following the brief recess.

Ms. Therrien asked Deputy Chief (DC) Dan Welborn to come forward for a staff report; she asked whether there has been an increase in DUIs since the legalization of marijuana. DC Welborn stated there has been an increase, but there are a lot of variables involved in DUI arrests. DC Welborn stated when they issue a DUI they administer a breath alcohol test, but there is no way to test for other drugs. **Ms. Therrien** asked if any of the DUIs issued were related to drugs only; DC Welborn stated he believes so, but he does not have specific information relating to the question. **Ms. Therrien** asked if there have been any criminal complaints relating to any of the marijuana retail stores. DC Welborn replied there have not been any complaints.

Ms. Kun asked DC Welborn if he focuses on violent crimes versus cannabis crimes; DC Welborn stated he and all Fairbanks Police Department (FPD) officers deal with all crimes.

Ms. Kun stated she authored the ordinance so that City Code would be in line with the state and the borough. She stated there are strict guidelines that will have to be followed by retail license holders. She stated the smoking ban by the state contains language making exceptions for the cannabis industry. She spoke in favor of the City of Fairbanks allowing onsite consumption.

Mx. Ottersten stated they objected to the onsite ban from the time it came to be. They stated that people who do not own their own homes are not allowed to consume marijuana in apartment buildings. **Mx. Ottersten** spoke in favor of limited onsite consumption at locations that meet all the state requirements and added that the vilification of marijuana consumers needs to stop.

Mr. Cleworth stated that Resolution No. 4787 supporting a smoke-free Alaska puts the Council in a hypocritical situation. He thanked Mr. Emmett for speaking and sharing information about public consumption. **Mr. Cleworth** stated he is being asked to weigh in on a moral issue that is bigger than the Council. He stated it should be put to a vote of the people, not a decision made by the Council. He stated he will side with FPD's position on public consumption, and he encouraged the Council to consider postponing the ordinance.

Mr. Pruhs stated he struggles with allowing the industry to do something that other businesses are not allowed to do.

Ms. Rogers agreed with Mr. Pruhs and stated she supports a smoke-free workplace. She stated she cannot support the ordinance because it flies in the face of all the work done in arriving at the decision to support a smoke-free workplace.

Ms. Therrien stated she counted 14 people speaking in favor of the ordinance and 11 speaking against it. She stated she would support postponement so more research could be done.

Ms. Kun asked Mr. Pruhs what changed since 2016 when he supported onsite consumption. **Mr. Pruhs** stated that smoking in public places is now illegal throughout the state. He clarified that The Higher Calling closed because of a landlord/tenant issue, not because of government.

Ms. Kun shared her concern that people do not have a legal place to consume marijuana; she stated the Council needs to get on board with the state.

Mr. Cleworth stated he believes the issue will go on the October ballot as a citizens' initiative.

Mr. Cleworth, seconded by **Ms. Therrien**, moved to POSTPONE Ordinance No. 6101 until the Regular Meeting of April 22, 2019.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE ORDINANCE NO. 6101 UNTIL THE REGULAR MEETING OF APRIL 22, 2019 AS FOLLOWS:

YEAS: Cleworth, Pruhs, Rogers, Therrien

NAYS: Kun, Ottersten

Mayor Matherly declared the MOTION CARRIED.

NEW BUSINESS

- a) Resolution No. 4874 – A Resolution to Apply for Funds from the Alaska Division of Homeland Security and Emergency Management for the FFY2019 Emergency Management Performance Grant. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Ordinance No. 6102 – An Ordinance Establishing an Incentive Bonus Program within Fairbanks Emergency Communication Center for Recruitment and Hiring. Introduced by Mayor Matherly.

Mr. Pruhs, seconded by **Mx. Ottersten**, moved to ADVANCE Ordinance No. 6102.

Mr. Cleworth stated he missed the last Council meeting, and he has a few questions about the bonus for lateral hires. Dispatch Manager Kristi Merideth stated lateral hires are individuals who are experienced with the equipment used at the Dispatch Center. **Mr. Cleworth** asked specific questions about the Dispatch academy and training. Ms. Merideth explained that she is trying to avoid taking someone off the call center to train. She explained that someone would not be considered a lateral hire unless they were proficient on the computer-aided dispatch (CAD) system used in the Dispatch Center.

Mr. Cleworth asked whether the bonus would be paid all at once or staggered. Ms. Randle stated the employee would have to complete field training before the bonus would be paid. **Mr. Cleworth** stated that if someone qualifies for the bonus, there should be a minimum period of time for full payment to be made; Ms. Merideth stated she would be happy to look at options.

Mx. Ottersten asked why only dispatchers would qualify for the referral bonus. They suggested that all City employees should be eligible for the bonus if they recruit a lateral hire dispatcher. **Mr. Pruhs** agreed with Mx. Ottersten.

Ms. Kun stated the bonus may not a good idea because it may be friends hiring friends.

Mayor Matherly stated the bonus is needed because Police and Dispatch need to fill positions.

Ms. Rogers agreed with Ms. Kun that it could look like friends hiring friends. She reminded the Council that not having enough dispatchers is a public safety issue.

Ms. Therrien asked for clarification in the language to better explain what a lateral hire means.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6102 AS FOLLOWS:

YEAS: Pruhs, Therrien, Cleworth, Ottersten, Rogers

NAYS: Kun

Mayor Matherly declared the MOTION CARRIED.

DISCUSSION ITEMS

- a) Committee Reports

Legislative Committee – **Ms. Therrien** stated a meeting was recently held, and she will be heading to Juneau the following morning; she stated she will return Thursday. She stated there is not a lot of legislation right now because all the discussion is focused on the budget.

Reentry Coalition – **Ms. Rogers** stated the Coalition is working hand-in-hand with the Opioid Task Force. She stated she will be traveling to Juneau with Ms. Therrien and that Yuri Morgan is a good resource for the City of Fairbanks.

Public Safety Commission (PSC) – **Ms. Kun** stated the PSC will meet the following day.

Fairbanks Diversity Council (FDC) – **Mayor Matherly** stated there will be a meeting of the FDC the following evening. He stated the open forum for the hiring of the Police Chief is coming up soon, and the public is welcome to attend until the panel convenes privately.

WRITTEN COMMUNICATIONS TO COUNCIL

- a) Clay Street Cemetery Commission Meeting Minutes of March 6, 2019

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Pruhs stated he is happy to see that Deputy Clerk Emily Braniff will be attending training. He thanked the Council for postponing Ordinance No. 6101 because he thinks it may need tweaking before advancement. He asked Attorney Ewers whether they would need to redefine public and private places in the Code; Mr. Ewers replied the terms do not need to be redefined.

Mr. Cleworth stated there is a citizen that often shares concern for snow removal on City sidewalks. **Mr. Cleworth** stated Festival Fairbanks used to have a four-wheeler with a plow to remove snow from sidewalks and he asked Attorney Ewers whether the City would be exempt from liability if it granted someone a piece of equipment to use for snow removal. Mr. Ewers stated it would have to be a non-profit organization, and it may be cumbersome for a person to create a non-profit; he stated the City could work with Festival Fairbanks or the Fairbanks Downtown Association to have someone operate the equipment.

Mr. Cleworth stated he noticed street sweeping started earlier in the day, and the streets look better already. He stated he is glad to see that justice has been served in the death of Sgt. Brandt.

Mx. Ottersten thanked the students and staff of the University of Alaska Fairbanks (UAF) for the excellent job putting together the FemCon program. They stated they participated in a panel discussion about women working in male-dominated jobs and was deeply moved by things people had to say. **Mx. Ottersten** stated the community needs strong universities because they are a package of things – not just classrooms, sports, and dorms.

Ms. Kun congratulated Brenda Riley for winning the Alaska Children's Trust Award and encouraged everyone to check on their neighbors. She stated it is not right for the Council to approve marijuana businesses in the City but not allow users a place to go to consume it. She

stated public safety recruitment could be improved by allowing onsite consumption to be policed by training recruits.

Ms. Rogers stated she had no comments.

Ms. Therrien thanked Public Works for cleaning the roads. She thanked the Council for postponing the onsite consumption ordinance because she sees a need for further refinement. She stated she hopes the guilty verdict brings some peace to the Brandt family.

Ms. Kun, seconded by **Mr. Pruhs**, moved to ENTER Executive Session for the purpose of discussing Fairbanks Firefighter Union (FFU) and International Brotherhood of Electrical Workers (IBEW) labor negotiations.

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

Mayor Matherly called for a brief recess. The Council reconvened in Executive Session following the brief recess.

EXECUTIVE SESSION

- a) FFU Labor Negotiations
- b) IBEW Labor Negotiations

The City Council met in Executive Session to discuss FFU and IBEW labor negotiations. Direction was given to the negotiating teams, and no action was taken.

ADJOURNMENT

Ms. Kun, seconded by **Mx. Ottersten**, moved to ADJOURN the meeting.

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

Mayor Matherly declared the meeting adjourned at 10:40 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB