



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, AUGUST 12, 2019
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 6:30 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 Jim Matherly presiding and with the following Council Members in attendance:

Council Members Present: Shoshana Kun, Seat A (arrived at 7:46 p.m.)
 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 Center Manager
 Nancy Reeder, Police Chief
 Bob Pristash, City Engineer
 Jim Styers, Fire Chief
 Tod Chambers, Deputy Fire Chief
 Dan Welborn, Deputy Police Chief
 Payton Merideth, Lieutenant

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

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Matherly asked everyone to join him in the Pledge of Allegiance.

CEREMONIAL MATTERS

Mayor Matherly asked Officer Derrick Winter, a new lateral-hire officer at the Fairbanks Police Department (FPD), to come forward. **Mayor Matherly** gave a brief bio of Officer Winter and swore him into office. Everyone welcomed Officer Winter to the FPD. **Mayor Matherly** reported that FPD has hired 6 new officers since June.

CITIZENS' COMMENTS

David van den Berg, 332 Slater Drive, Fairbanks – Mr. van den Berg stated he is pleased that the new Police Chief has hired six new officers since joining the City. He stated he is working with Communications Director Teal Soden to put forth a fundraising campaign for the Community Service Patrol (CSP) program.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger asked why Executive Sessions are not open to the public. He asked why the City does not have public restrooms anywhere downtown. He asked why Explore Fairbanks is not insisting on a public restroom downtown.

Frank Turney, 1434 Lacey Street, B, Fairbanks – Mr. Turney read from the minutes of the Fairbanks Diversity Council (FDC) meeting relating to racism in the jury pool. He asked why the City Council was not doing anything about racism in the jury pool. He stated the Factfinding Commission has subpoena power, and the Commission should be used more than it is. He stated he is running for Mayor because he is a “Truther.” He asked Mayor Matherly why he does nothing about the use of non-lethal weapons at FPD or public restrooms downtown.

Lakesha Jordan, 505 Stewart Street, Fairbanks – Ms. Jordan asked if it is correct that the City of Fairbanks brought in a million dollars in revenue from the cannabis tax. She suggested the Council open an interest-bearing savings account to put away half of that revenue for a rainy day. She stated the funds could be used for community programs to help people who are struggling. She stated it would be helpful if the community was more widely informed of issues and asked why meetings are not live-streamed on Facebook.

Alex Gagne-Hawes, 1535 Mary Ann Street, Fairbanks – Mr. Gagne-Hawes stated the media does not do a good job of reporting incidents involving the police department. He stated former Police Chief Eric Jewkes was involved in many use of deadly force cases that went under-reported. He stated Chief Jewkes was not well-liked. He stated the Public Works Director was hired through backdoor channels, and the City is not accountable for its actions.

Shane Hurd, 5th Avenue, Fairbanks – Mr. Hurd stated he continues to have an issue with the parking signs that have been placed on 5th Avenue. He stated he tried contacting Deputy Chief Dan Welborn, left multiple messages, and did not hear back from him. Mr. Hurd stated he has been given the runaround from everyone at the City, to include the Chief of Staff, the Public Works Director, and the City Engineer. He stated he drove to City Hall and spoke with people in the Engineering Department, and they said they would follow up with him about the signage issue, but he did not receive a call back.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Cleworth pulled Ordinance No. 6111 from the Consent Agenda.

Mayor Matherly called for objection to the APPROVAL of the Agenda, as Amended, 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 February 25, 2019

APPROVED on the CONSENT AGENDA.

- b) Regular Meeting Minutes of March 11, 2019

APPROVED on the CONSENT AGENDA.

- c) Regular Meeting Minutes of March 25, 2019

APPROVED on the CONSENT AGENDA.

- d) Regular Meeting Minutes of April 8, 2019

APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

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

Lic. #	DBA	License Type	Licensee	Phone	Address
15124	Fairbanks Analytical Testing, LLC	Marijuana Testing Facility	Fairbanks Analytical Testing, LLC	907-687-6745	1521 Stacia Street, Suite A
10131	Pakalolo Supply Company, Inc.	Retail Marijuana Store	Pakalolo Supply Company, Inc.	907-479-9000	1851 Fox Avenue
15800	Baked Alaska, LLC	Marijuana Product Manufacturing	Baked Alaska, LLC	907-460-1903	2745 Hanson Road, Unit B
14467	Tanana Herb Company, LLC	Standard Marijuana Cultivation Facility	Tanana Herb Company, LLC	907-388-8023	1200 Well Street
12325	Good, LLC	Retail Marijuana Store	Good, LLC	907-322-4962	356 Old Steese Highway

Mr. Pruhs, seconded by **Mx. Ottersten**, moved to WAIVE PROTEST on the Marijuana License Applications for Renewal.

Cole Hollister, Fairbanks – Mr. Hollister stated he is the owner of Pakalolo Supply Company, and he gave a brief history about the business. He stated he hired Amanda Stonecipher, a former Alcohol and Marijuana Control Office (AMCO) employee, and they will now be running a consulting business. He shared that he takes the marijuana business very seriously. He stated he is present to answer any questions the Council may have.

Mr. Cleworth asked if Ms. Stonecipher is working for a company that he created. Mr. Hollister stated she works for Pakalolo Supply Company, but she will be working for Pakalolo Management Services as the consulting business expands.

Mr. Pruhs stated he has worked with Ms. Stonecipher and commended Mr. Hollister for hiring such a great person for the position.

Sam Hachey, 1200 Well Street, Fairbanks – Mr. Hachey stated he is present to represent Tanana Herb Company; he stated they are celebrating their third year of licensing. He stated they employ 14 local residents on a fulltime basis at their facility. He stated there is also a staffing agency operated out of the location that staffs nearly 40 people.

Frank Turney – Mr. Turney expressed his support for the licenses for renewal and shared that the Council cannot dedicate tax funds to anything except the General Fund. He stated he would like cannabis businesses to be allowed to do what they want with their tax dollars.

Victor Buberger – Mr. Buberger agreed that some of the marijuana tax revenue should be dedicated to community programs to help people.

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

A ROLL CALL VOTE ON THE MOTION TO WAIVE PROTEST ON THE MARIJUANA LICENSE APPLICATIONS FOR RENEWAL AS FOLLOWS:

YEAS: Pruhs, Therrien, Cleworth, Ottersten, Rogers
NAYS: None
ABSENT: Kun
Mayor Matherly declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

a) Special Reports

Housing and Homeless Coordinator Mike Sanders provided an update about the VISTA program and spoke to the steady decline of homelessness in Fairbanks. He reported on the cuts proposed by the Governor to the local non-profits that help with homelessness. He stated the cuts are going to be painful, and the need is still going to be there. Mr. Sanders spoke to the efforts of the organizations that work to eliminate homelessness, and he spoke to the importance of independent senior housing for retired senior citizens. He spoke of programs that help people get out of poverty. He introduced Ashton Varner the new VISTA Coordinator.

Ms. Varner stated she came to Fairbanks in March of 2018 and knew she wanted to come back. She spoke about the role of the VISTA program in the City of Fairbanks and talked about the online presence of the organization. She spoke to the different activities of VISTA volunteers throughout the community and to the goals of the organization. She shared her desire to introduce AmeriCore to university and high school students in the community, and she thanked Mr. Sanders for being such a wonderful person to work with.

Mayor Matherly spoke to the importance of the Housing and Homeless Coordinator's office in City Hall and thanked Mr. Sanders and Ms. Varner for the work they do. **Mayor Matherly** stated the Fairbanks North Star Borough (FNSB) Planning Commission is lacking a City representative and asked anyone who may be interested to let the Clerk's Office know. He spoke to the recent loss of his friend Senator Chris Birch and sent love and prayers to the Birch family.

COUNCIL MEMBERS' COMMENTS

Ms. Ottersten stated they would not be running for Council again because they are going to be studying for the bar exam to become an attorney in the State of Alaska.

Mr. Cleworth stated that he does not see why someone would go to a Public Safety Commission meeting with an issue when they could report their issue directly to the City Council. In response to Mr. Buberger's comments, he stated there are three reasons for holding an Executive Session: personnel issues, City litigation, and labor negotiation strategy. **Mr. Cleworth** asked City Attorney Ewers to address why Executive Sessions are not open to the public. Attorney Ewers stated that discussing things that would have a negative financial impact on the City is a reason why Executive Sessions are not open to the public.

Mr. Cleworth explained why marijuana tax dollars go into the General Fund. He asked City Engineer Bob Pristash to contact Mr. Hurd regarding the signage issue on 5th Avenue. He stated signage must meet national standards.

Mayor Matherly welcomed Ms. Kun to the meeting.

Mr. Pruhs stated the Polaris Group will hold a work session prior to the next Council meeting to provide an update to the City Council. He stated the City has not expended any funds on the Polaris Building.

Ms. Therrien stated she likes Ms. Jordan's idea of allocating funds to help with social programs, but this might not be the year to make those types of changes with all budget constraints. She stated she and Ms. Rogers had an opportunity to meet with Senator Birch while they were in Juneau, and he was a very kind man. **Ms. Therrien** shared that the Community Needs Drive will take place on Saturday, September 7 from 10 a.m. – 2 p.m. at Love, Inc.

Ms. Rogers, in reference to Mr. Hurd's testimony, spoke in disapproval of a citizen getting the runaround by City employees. She apologized to Mr. Hurd for the time he spent trying to resolve the issue. She thanked Mr. Pruhs for his work with the Polaris Group. She offered condolences to Mr. Birch's family and spoke to her friendship with him.

Ms. Kun stated she had no comments.

UNFINISHED BUSINESS

- a) The Fairbanks City Council considered the following Marijuana Onsite Consumption Endorsement Application. POSTPONED from the Regular Meeting of July 22, 2019; a public hearing was held at that time.

Type: Marijuana Onsite Consumption Endorsement
DBA: The Fairbanks Cut, LLC
Applicant: The Fairbanks Cut, LLC
Location: 188 Bentley Trust Road, Suite A, Fairbanks

*A motion was on the floor from the July 22, 2019 Regular Council Meeting, made by **Mr. Pruhs**, seconded by **Mx. Ottersten**, to PROTEST the Marijuana Onsite Consumption Endorsement until a Certificate of Occupancy is issued by the Building Official.*

Lily Bosshart, 4651 East 108th Avenue, Anchorage – Ms. Bosshart stated she has formally appealed the Marijuana Control Board’s (MCB) decision to deny the application. She stated there were only four voting MCB members, and it was a split decision, which resulted in the endorsement not being approved. Ms. Bosshart explained that there is no shared air between the upstairs and downstairs nor do they share an HVAC unit. Ms. Bosshart stated the owners of G2 Construction have asked that they not operate the onsite consumption room during Monday through Friday business hours, and they were more than happy to accommodate that request. She stated she has requested an administrative hearing, but it will not be held until November.

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

Mayor Matherly asked Ms. Bosshart to explain the tie vote by the MCB. Ms. Bosshart explained that Governor Dunleavy excused Brandon Emmett from the board, so there is a vacancy; she stated there are only four voting members, which resulted in a tie vote.

Mr. Pruhs asked if the hearing was held in Fairbanks; Ms. Bosshart replied that it was. **Mr. Pruhs** asked if the members did a tour of the facility; Ms. Bosshart stated they did not.

Ms. Therrien asked if the outdoor consumption area would be open in the winter time. Ms. Bosshart stated she would like to but will have to see if that is possible. She stated she would like to provide that experience for tourists.

Ms. Kun asked if the appeal addressed that it is an outdoor facility whereby “freestanding” does not apply. Ms. Bosshart stated they plan to address that in the appeal. She stated that tourists ask where they can consume marijuana, and it sends a confusing message when it is legal but there is no place to consume. She stated that providing a designated, regulated consumption area would allow people to consume legally.

Mr. Cleworth asked if the owner of the building is G2 Construction and whether they have come to an agreement for hours of operation. Ms. Bosshart replied yes to both questions. **Mr. Cleworth** asked what G2 Construction would do if she did not comply with their rules. Ms. Bosshart stated she is business partners with the daughter of the owners of G2 Construction, so she does not see an issue with following the rules. **Mr. Cleworth** stated he would have thought a “freestanding” building would be a building all by itself. Ms. Bosshart stated they do not share any walls or air with G2 Construction. She stated they only share a floor/ceiling.

Mayor Matherly stated he understands how the State is viewing the property, but he also understands Ms. Bosshart’s explanation of the state statute.

Ms. Kun asked what shared air is defined as. **Ms. Bosshart** stated she reads the statute to mean that the building has no crossed air intakes, and there are no buildings around being affected by the ventilation system.

Mx. Ottersten stated it is ludicrous to think that the state can regulate the use of a rental space. **Mx. Ottersten** stated there is no reason that an onsite consumption room would have to be in a stand-alone, one-story building and that there could be no way the State intended to be that restrictive. **Ms. Bosshart** stated it a very challenging restriction, especially in Anchorage.

Ms. Therrien thanked City Clerk Snider for gathering answers to the questions she had.

Mr. Pruhs thanked **Ms. Snider** for the information she gathered for the Council. He stated the issue before the Council is whether to protest pending a Certificate of Occupancy is issued, and the rest is in the State's hands.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE MARIJUANA ONSITE CONSUMPTION ENDORSEMENT APPLICATION UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED BY THE BUILDING OFFICIAL AS FOLLOWS:

YEAS: Therrien, Rogers, Pruhs, Ottersten, Kun, Cleworth
NAYS: None

Mayor Matherly declared the MOTION CARRIED.

b) Ordinance No. 6110 – An Ordinance Amending the 2019 Operating and Capital Budgets for the Third Time. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Mx. Ottersten, seconded by **Ms. Therrien**, moved to ADOPT Ordinance No. 6110.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6110 AS FOLLOWS:

YEAS: Ottersten, Cleworth, Rogers, Kun, Therrien, Pruhs
NAYS: None

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6110 ADOPTED.

NEW BUSINESS

a) Ordinance No. 6111 – An Ordinance to Enter into a Contract with the FNSB for Fire Service for the Borough's Landfill. Introduced by Mayor Matherly.

Ms. Kun, seconded by **Mr. Cleworth**, moved to ADVANCE Ordinance No. 6111.

Mr. Cleworth stated he pulled the resolution because he did not see an Attachment "A." Chief of Staff Mike Meeks explained why Attachment "A" was not in the agenda packet; he stated the attachment should be ready soon. **Mr. Cleworth** spoke to how billing for fire services was determined for properties in the Lakeview Terrace area. Mr. Meeks stated he has been working with Acting CFO Margarita Bell to determine a cost for fire services to the landfill.

Mx. Ottersten asked how many times the Fire Department has responded to calls at the landfill; Mr. Meeks stated they have responded twice. **Mx. Ottersten** stated \$5000 for a year's worth of fire service seems very low. **Mayor Matherly** stated the amount is being negotiated.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6111 AS FOLLOWS:

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

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

DISCUSSION ITEMS

a) Committee Reports

Permanent Fund Review Board – **Ms. Therrien** stated the Board recently met, and, as of July 23, the Permanent Fund balance was \$133,311,155. She stated the Board discussed review of the Fund and does not recommend funding changeovers to natural gas systems at this time.

Public Safety Commission (PSC) – **Ms. Kun** stated that the PSC discussed merging with the Factfinding Commission and abolishing or revamping the PSC. She stated it was a long meeting. She stated they also discussed meeting location and start time. She stated the PSC feels that the Council does not listen to their recommendations, and they do not feel appreciated for the work that they do.

Mr. Cleworth asked what recommendations the PSC feels were ignored by the Council. **Ms. Kun** asked Mr. Cleworth why he suggested abolishing the PSC. **Mr. Cleworth** stated did not say it should be abolished; he stated that over the past five years the PSC's work has been redundant to the work of the Council. He stated the PSC was formed for reasons that are long gone, and it has morphed into something different over time. He recommended restructuring it, abolishing it, or consolidating it with another Commission as politics have changed so much since the PSC was formed.

Ms. Kun spoke to reasons why the PSC is vital; she stated people get immediate answers when there are that many department heads in one room at one time. She stated a citizen who is in a wheelchair is currently concerned about the corner of Airport and Cushman because it is a dangerous road to cross in a wheelchair. She stated PSC members feel they do not have any decision-making power or Council support.

Mr. Pruhs stated as long as there is a Fire and Police Department, the City needs a PSC.

Mayor Matherly stated he would support a revamp of the PSC; he stated he does not agree that the Council does not listen to PSC recommendations.

Polaris Work Group – **Mr. Pruhs** stated the group continues to discuss options for the Polaris building, and he enjoys being a part of the group. **Mayor Matherly** stated the building needs to come down because it is dangerous and an eyesore.

WRITTEN COMMUNICATIONS TO COUNCIL

- a) Permanent Fund Review Board Meeting Minutes of May 2, 2019

ACCEPTED on the CONSENT AGENDA.

- b) Chena Riverfront Commission Meeting Minutes of April 10, 2019

ACCEPTED on the CONSENT AGENDA.

- c) Chena Riverfront Commission Meeting Minutes of May 8, 2019

ACCEPTED on the CONSENT AGENDA.

- d) Historic Preservation Commission Meeting Minutes of April 22, 2019

ACCEPTED on the CONSENT AGENDA.

- e) Historic Preservation Commission Meeting Minutes of May 20, 2019

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mx. Ottersten stated they have a friend who wants to reduce her opioid use by using marijuana, but she was told by her health administrator that if she tests positive for marijuana, she will be kicked out of the rehabilitation program. **Mx. Ottersten** stated they find it crazy that, in a state where marijuana is legal, people receive that kind of treatment.

Mr. Cleworth stated he had no comments.

Mr. Pruhs congratulated Ms. Kun and Ms. Snider for attending the Council meeting even though they are feeling under the weather.

Ms. Therrien requested to be excused from the Regular City Council Meeting of August 26.

Mayor Matherly called for objection to Ms. Therrien's request to be excused on August 26, 2019 and, hearing none, so ORDERED.

Ms. Rogers stated she had no comments.

Ms. Kun gave a land acknowledgement and asked that everyone be careful and watch for children now that school is back in session.

CITY ATTORNEY'S REPORT

City Attorney Ewers reported that Deputy Attorney Danielle Pensley has left the City, and he is looking for a new Deputy. He stated his other staff is in Anchorage with nothing new to report.

Ms. Kun, seconded by **Mx. Ottersten**, moved to ENTER Executive Session for the purpose of discussing AFL-CIO Labor Negotiations.

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

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

EXECUTIVE SESSION

a) AFL-CIO Labor Negotiations

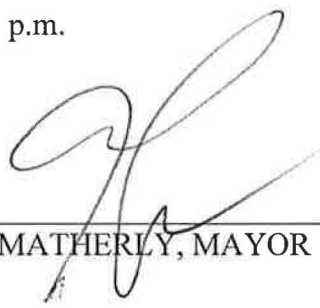
The City Council met in Executive Session to discuss AFL-CIO Labor Negotiations. Direction was given to the negotiating team, and no action was taken.

ADJOURNMENT

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

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

Mayor Matherly declared the meeting adjourned at 9:15 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB