



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, SEPTEMBER 11, 2017
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 Jim Matherly presiding and with the following Council Members in attendance:

Council Members Present: Joy Huntington, Seat A
 June Rogers, Seat B
 Valerie Therrien, Seat C
 Jonathan Bagwill, Seat D
 Jerry Cleworth, Seat E
 David Pruhs, Seat F

Absent: None

Also Present: Paul Ewers, City Attorney
 Emily Braniff, Deputy City Clerk II
 Stephanie Johnson, Dispatch Center Manager
 Angela Foster-Snow, HR Director
 Eric Jewkes, Police Chief
 Jackson Fox, City Engineer
 Jim Styers, Fire Chief

Deputy City Clerk Emily Braniff read aloud the Mission Statement of the City of Fairbanks.

INVOCATION

The Invocation was given by Deputy Clerk Braniff.

FLAG SALUTATION

Mayor Matherly led the Flag Salutation.

Mayor Matherly spoke to the horrible tragedy that occurred on September 11, 2001, when over 3,000 people were killed. He spoke to the honored first responders, fire fighters and police officers who ran toward the fallen towers hoping to save lives. He drew attention to a steel cross that had been cut out of the twin tower building as well as some other memorabilia from some of the fire fighters who responded that day.

CITIZEN'S COMMENTS

Brittany Smart, 907 Terminal Street, Fairbanks – Ms. Smart thanked Mayor Matherly for the 9/11 presentation and shared her memory of visiting ground zero after it happened. She spoke

about the Borough's Central Recycling Facility grand opening and thanked Mayor Matherly for attending the event. She stated that there will be a "Clear the Air" conference later in the month at Wedgewood Resort, and she encouraged everyone to take a flyer. Ms. Smart stated that the downtown Fairbanks community planning meeting is scheduled for September 27 from 6 – 9 p.m. She reported that she will soon be on personal leave but that Ms. Krista Major would be filling in for her while she is out of the office.

Representative Tammie Wilson, 301 Santa Claus Lane, North Pole – Rep. Wilson asked if the City of Fairbanks Building and Fire Departments could inspect properties outside the City. She stated that developers wait long periods of time for a State inspector to inspect properties, and deals end up falling through. She stated the State Fire Marshal is way behind, and the State is too broke to hire more staff. She spoke of a specific situation that occurred with a project in North Pole.

Mr. Cleworth asked how many State inspectors are in the area. Ms. Wilson stated plans are not inspected locally; she stated that the process is statewide—you put in your plans and wait in line.

Tim Berg, 3536 Vian Way, Fairbanks – Mr. Berg reported that his wells have tested positive for PFCs, and he asked where he falls in the water hook-up list. He stated one well is over the limit and one is not; he asked what the City is planning to do for him.

Mr. Pruhs asked Mr. Berg if he has a water holding tank; Mr. Berg stated he that he does have a holding tank. **Mr. Pruhs** stated the City would hook him up but that he would not get the \$2,500 credit with the water company because he is currently hauling water. **Mr. Pruhs** stated the City would get him hooked up as soon as possible.

Morgan Evans, 302 Cushman Street, Fairbanks – Mr. Evans stated that Rep. Wilson's testimony compelled him to speak. He stated he has been working to get inspections from the Anchorage Fire Marshal all summer long, but it has taken them months and months to get back to him. He reported it is a much faster process when dealing with the City of Fairbanks; he stated they only take a couple of weeks.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated he hopes the City will do the right thing and pay for everyone's water service; he added that the City is the reason they have to hook up to the water. He spoke to the importance of remembering everyone who died on September 11, not just the first responders. He spoke to the conspiracy theories that came about after the attacks. Mr. Turney stated that many people do not shovel their sidewalks, and many businesses do not plow their parking lots.

Fatima Mancuso, 3350 Holden Road, Fairbanks – Ms. Mancuso stated the City should have to pay for her water because they are the reason she has to hook up to water service. She stated her family should be compensated for the 33 years they have lived at the property without knowing about the contamination. She stated she did not care about the City's budget problems and that the City should fear being sued. Ms. Mancuso spoke about concerns for the health of her and her family. She stated she has been exposed to the contamination her entire life and that paying for two years' of water service is not adequate compensation. She stated the soil has not been tested and shared concern about animals being affected. She stated she has been brushed off and has

not received information others were provided by the City. She stated that Alaskans seem to have a laissez-faire attitude toward environmental issues.

Ms. Therrien asked Ms. Mancuso if she would waive her claims against the City if the City paid for unlimited water. Ms. Mancuso stated that she feels people would not resort to those types of things if they had felt like they were being heard and taken care of. Ms. Mancuso stated that there have been no neighborhood notifications about the agenda item pertaining to the contamination issue. **Ms. Therrien** clarified that the ordinance is only up for advancement at the meeting, not adoption. Ms. Mancuso stated that she and her father are engineers and that she has done undergrad studies on water contamination; she added that many people are not even aware of the contamination issue. Ms. Mancuso stated her family is used to well water and that the usage on their last water bill was 5,000 gallons.

Ms. Rogers asked Ms. Mancuso who at the City brushed her off. Ms. Mancuso stated she called the City Engineering Department, and she was told her property is far enough from the plume that she did not need to worry. She reported being so concerned about it that she persisted and insisted her water be tested. **Ms. Rogers** acknowledged her concern. Ms. Mancuso stated she is calling everyone to get information; she stated that there should be more public notification. She stated two years of “free” water service is ridiculous.

David Berry, 3174 Davis Road, Fairbanks – Mr. Berry stated he has spoken to the Council before, and he was guaranteed he would be made whole. He stated he would like the City Attorney to give him the definition of “being made whole” and he would like to know what the Council’s definition of being made whole is. **Ms. Huntington** clarified that Council members can only ask questions during public comment; she stated they can address citizens’ concerns under Council members’ comments. Mr. Berry stated his family has not been made whole.

Mr. Pruhs asked Mr. Berry if he read Ordinance No. 6060. Mr. Berry stated he only heard about the meeting the day before and that he had not had time to read the ordinance. He stated if a person has a milk cow and someone comes and kills the cow then offers to sell milk back to you, you would not feel whole. Mr. Berry stated it is the same for the City of Fairbanks contaminating his well; he stated that two years of free water does not make him whole. He stated any court of law would arrive at the same conclusion. **Mr. Pruhs** asked Mr. Berry to read the ordinance and come to the next meeting to express his concerns for what the Council could do to make the situation better. Mr. Berry stated he heard that \$2.4 million dollars was set aside for the water hook up project which has not yet happened. **Mr. Pruhs** again requested that Mr. Berry read the ordinance so he can let the Council know what changes he would like to see.

Mr. Berry stated he wanted an opinion from the City Attorney about being made whole. **Mayor Matherly** implored Mr. Berry to read the ordinance; he stated he personally went to Mr. Berry’s house twice, and he can see the water connection is being made. Mr. Berry asked which ordinance he is supposed to take a look at; **Mayor Matherly** stated it is Ordinance No. 6060 that they are discussing. Mr. Berry whether the ordinance was just being proposed at this Council meeting; **Mayor Matherly** clarified the ordinance is just being introduced. Mr. Berry stated he wants answers about being made whole and about what was encumbered for the project. He stated the work is not the only part of being made whole.

Michael Farrell, P.O. Box 83327, Fairbanks – Mr. Farrell spoke to the forms the people at the Visitor's Center provided him with, and he reported that the numbers are different than those provided by the City Clerk's Office. Mr. Farrell spoke to the bonus program which was not reported to the City but was reported to the federal government. He asked why the Council is not taking an issue with the salary of the top employees at the Visitor's Center.

Tom Benson, 3330 Holden Road, Fairbanks – Mr. Benson stated he owns several plots of land in the contaminated area that he would like to develop. He stated that the City should have to pay for those hook-ups also. He stated the future costs should be covered fully because the City is responsible for the contamination.

Arlette Eagle-Lavelle, 828 8th Avenue, Fairbanks – Ms. Eagle-Lavelle reported on the many events that took place at the Taphouse over the summer and stated that the events raised \$44,286 for good causes in the community. He stated that one of her employees donated all of his tips to the causes. Ms. Eagle-Lavelle stated when she opened the Taphouse she did not want it to be considered a bar and that she thinks they are proving it to be an asset to the community. She expressed hope that she can use the outdoor serving area again in the future.

Mr. Cleworth stated Ms. Eagle-Lavelle had a great summer but that blocking the road when it is not under construction probably will not happen. He stated the City owns some property between 1st and 2nd Avenue that she could possibly use. Ms. Eagle-Lavelle stated she knows the space he is referring to but that she is concerned about pigeons falling off the Polaris Building onto patrons. She reported she also sees young teenagers breaking into the Polaris Building and questioned what would stop them from vandalizing her space.

Dan Peters, 2604 Davis Road, Fairbanks – Mr. Peters asked the Council to support onsite consumption for cannabis. He asked everyone to vote no on Proposition 1, and he asked the Council to support the marijuana licenses on the agenda. He stated people should not be penalized because they have a holding tank, and the City should pay the water service for those who have them.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger thanked Public Works for focusing on the potholes on the Southside.

Linda Kershner, 3455 Vian Way, Fairbanks – Ms. Kershner stated she attended the Finance Committee meeting relating to the water ordinance because her family owns two properties in the contamination zone; she stated that the City will only hook up one of them. She stated her family has a well on the property which services their house and a duplex on the adjacent property. Ms. Kershner stated the City contaminated her groundwater, and she should not have to pay \$140 for water service. She stated if the City does not hook up the duplex it would decrease the property value. She stated there are many people in her neighborhood that have major health problems.

Mr. Pruhs stated the ordinance affects those who have water needs at the present time only.

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

Mayor Matherly called for a five minute recess.

APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Pruhs, seconded by Ms. Huntington, moved to APPROVE the Agenda and Consent Agenda.

Mayor Matherly requested that the Executive Session be removed from the Agenda.

Mr. Pruhs pulled Ordinance No. 6060 from the Consent Agenda.

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

Deputy City Clerk Braniff read the Consent Agenda, as Amended, into the record.

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of July 10, 2017.

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	Premises Address
10869	Grass Station 49	Retail Marijuana Store	The Grass Station, LLC	1326 Cushman Street
10278	GoodSinse, LLC	Retail Marijuana Store	GoodSinse, LLC	2604 Davis Road
10279	GoodSinse, LLC	Standard Marijuana Cultivation Facility	GoodSinse, LLC	2604 Davis Road

Mayor Matherly stated that the Council would hear the renewals for the different businesses separately. He called for public comment on The Grass Station, LLC license.

Ms. Therrien, seconded by Ms. Huntington, moved to WAIVE PROTEST on The Grass Station, LLC Retail Marijuana Store License Application for Renewal.

Frank Turney – Mr. Turney spoke in favor of the retail marijuana license. He stated the place is nice and clean and is operated very professionally. He reported that the edibles they sell are delicious.

Gary Evans, 1326 Cushman Street, Fairbanks – Mr. Evans thanked Mr. Turney for his kind words about his store. He stated that the marijuana issue is controversial and emotional, but he asked the Council to consider the application based on the law and regulations.

Ms. Huntington stated the Council gets to see public safety call lists when licenses renew, and she asked if he could speak to the police activity that occurred at the business. Mr. Evans stated the first call was a trespasser who had broken in and needed to be removed so they could start construction. He stated that two of the callouts were caused by intoxicated individuals who walked across Airport Way from Thrifty Liquor and were screaming at customers and employees. Mr. Evans reported the other call involved a person who broke into the shed in the back that was trying to sleep in it.

Morgan Evans – Mr. Evans stated that the Grass Station is paying about \$20,000 a month in sales taxes which must help the City. He stated the business has helped to employ 13 to 14 people, and he spoke in favor of the renewal.

Greg Allison, 1430 Porchet Way, Fairbanks – Mr. Allison spoke in support of the renewal of the retail marijuana license. He spoke highly of others in the industry and stated that they all want to make the community better.

Tom Benson – Mr. Benson encouraged people to vote “no” on October 3.

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

Ms. Huntington stated that there has been very little crime related to the retail marijuana license; she stated that she feels okay with voting to renew their license.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE GRASS STATION, LLC MARIJUANA RETAIL STORE LICENSE APPLICATION FOR RENEWAL AS FOLLOWS:

YEAS: Huntington, Therrien, Pruhs, Cleworth, Rogers

NAYS: Bagwill

Mayor Matherly declared the MOTION CARRIED.

Council Members agreed to consider the GoodSinse, LLC licenses separately.

Mr. Pruhs, seconded by **Ms. Therrien**, moved to WAIVE PROTEST on the GoodSinse, LLC Retail Marijuana Store License Application for Renewal.

Frank Turney – Mr. Turney spoke in support of GoodSinse, LLC. He encouraged the Council to approve the application and indicated that liquor is the problem.

Dan Peters – Mr. Peters thanked the Council for supporting his license and asked that they vote in support of renewing it.

Ms. Huntington asked Mr. Peters about the police calls to his location. Mr. Peters stated that when they first opened, someone broke in and stole some product. He stated that he has performed major safety upgrades since that time. He stated the second call was the result of staff

error. He stated he is unsure about the 1036 referenced on the list. Police Chief Eric Jewkes stated that a 1036 is a code for a traffic stop which happened to be near the GoodSinse business.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON GOODSINSE, LLC RETAIL MARIJUANA STORE LICENSE APPLICATION FOR RENEWAL AS FOLLOWS:

YEAS: Cleworth, Pruhs, Rogers, Huntington, Therrien

NAYS: Bagwill

Mayor Matherly declared the MOTION CARRIED.

Mr. Pruhs, seconded by **Ms. Therrien**, moved to WAIVE PROTEST on GoodSinse, LLC Standard Marijuana Cultivation Facility License Application for Renewal.

Frank Turney – Mr. Turney spoke in support of the cultivation license; he stated that they are putting people to work.

Dan Peters – Mr. Peters spoke in favor of the Council supporting the renewal of his cultivation license. He shared that the new head of the Laborers Union apologized for how GoodSinse was treated by his predecessor. Mr. Peters stated he was told he is a good neighbor and that is exactly what he wanted to prove he could do for the industry.

Ms. Huntington asked Mr. Peters to speak to some of the challenges he has faced in getting his facility up and running. Mr. Peters stated that there were many unknowns when he began. He stated he is surprised there are still people trying to defeat the marijuana industry even though it is legal.

Gary Evans – Mr. Evans stated when he was working to get his store up and running he ran into many cutthroat competitors but that the Peters family was kind and helpful at every turn. He stated they were there to offer help and honest advice.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE GOODSINSE, LLC STANDARD MARIJUANA CULTIVATION FACILITY LICENSE APPLICATION FOR RENEWAL AS FOLLOWS:

YEAS: Huntington, Therrien, Pruhs, Cleworth, Rogers

NAYS: Bagwill

Mayor Matherly declared the MOTION CARRIED.

b) The Fairbanks City Council heard interested citizens concerned with the following application for a new Retail Marijuana Store License:

Type: Retail Marijuana Store, License #12325
DBA: Good, LLC
Licensee/Applicant: Good, LLC
Physical Location: 356 Old Steese Hwy, Fairbanks, Alaska

Ms. Therrien, seconded by **Mr. Pruhs**, moved to PROTEST the Good, LLC Retail Marijuana Store License until a Certificate of Occupancy is issued by the Building Department.

Cindy Olson, 222 Second Street, Fairbanks – Ms. Olson stated she has lived in her home for over 55 years, and it is within two blocks of the retail location. She stated there are needles in the parking lot across from her home, and she is worried that GOOD, LLC might exacerbate the problem. She reported that there is a school across the street from the license location.

Ms. Rogers asked Ms. Olson where the school is; Ms. Olson reported it is in the same mall as Jazzercise. She stated she did not know the address, but it is across the street from her house.

Gayle Garrigues, 1991 Perkins Drive, Fairbanks – Ms. Garrigues stated she came to speak on behalf of the Girl Scouts Council; she stated that they do not want a marijuana store so close to their headquarters. She stated there are often children onsite, and it is too close to a place of learning to have a marijuana store. She stated her office is not technically a school or a church, but because of the nature of their business, they should qualify as a youth facility. She thanked the Council for their service to the community.

Ms. Therrien stated she is looking at the map provided by the Borough, and it says that the locations are 672 feet apart. Ms. Garrigues stated she did not know the exact distance, but if it says 672 feet that must be the case.

Frank Turney – Mr. Turney spoke in favor of GOOD, LLC getting their retail license.

Shaun Huot, Representative of Protect Cannabis Access, Fairbanks – Mr. Huot stated that crime has not increased since marijuana has been legalized. He stated that if the Council is not going to allow for a marijuana store, they should ban all alcohol establishments in the same area.

Dan Peters – Mr. Peters stated he has met with the owners of GOOD, LLC and that they are good community members with good hearts and intentions. He stated that Mr. Allison has done a lot of community outreach, and he will not allow youth to purchase marijuana.

Greg Allison – Mr. Allison stated he understands people's concerns with the industry, but his business will follow the industry's best practices. He stated he is proud to be a leader in the industry, and he looks forward to giving back to the community. He thanked his team members for working hard every day to better the community. Mr. Allison stated he is ecstatic about opening a business in the City, and invited anyone with questions to call him.

Mr. Pruhs asked Mr. Allison if he is aware of the ballot question that will be presented in less than a month; he stated it has the potential to shut his business down. Mr. Allison replied that he is aware of the issue, and it is a risk they are willing to take.

Ms. Huntington thanked Mr. Allison for attending and for his testimony. She stated that when the license is up for renewal, the Council will be provided with call out history from the Police Department. **Ms. Huntington** stated those kind of issues are important to the Council, and she asked Mr. Allison if he is aware of the importance the Council places on those reports. Mr. Allison stated he would attend any meeting to discuss any issues they may have in full detail. **Ms. Huntington** asked Mr. Allison what the outside of his business would look like. Mr. Allison stated his storefront is low-key, and his sign will only say GOOD in black and white. He stated the door has a mural painted on it.

Ms. Rogers asked what kind of personal interest he has in helping keep the community safe. Mr. Allison stated that each time a sale takes place the message will be to discourage driving under the influence; he stated that his customers will be encouraged to consume responsibly. He stated that safety has to be consistent in the messaging, and every patron needs to hear it.

Ms. Therrien asked about the other owners of the LLC. Mr. Allison introduced Christian Hood and stated they are fortunate to have her as the owner. He stated that Linda Lewis is another owner, but she was unable to attend the meeting.

Gary Evans, 1326 Cushman Street, Fairbanks – Mr. Evans stated he has worked with Mr. Allison quite a bit over the past few months and that he knows him to be a stand-up guy who cares about the community. He stated children will not be allowed inside a marijuana store. He stated that parents have tried to bring their kids into his store, but he turns them around immediately.

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

Mr. Pruhs stated GOOD, LLC is the first marijuana store in the City on the north side of the Chena River. He stated that he has not heard complaints from any of the other business owners in the mall. He stated that density is not an issue, so he would be voting in favor of the license.

Ms. Therrien stated she heard Ms. Garrigues' testimony but that she does not believe that Girl Scouts will be breaking down the door to get into the marijuana facility.

Mr. Bagwill stated he does not have a personal vendetta against the licenses presented, but he will be voting against the license. He stated that no one should ever trust the bling of a drug dealer. He stated he understands that the industry brings revenue to the City, but he does not see that it increases the quality of life for anyone outside of its medicinal uses. He commended owners for trying to get their businesses up and running. **Mr. Bagwill** stated the industry won the vote to legalize by a slim margin, and he will not forget about those who voted "no." He stated that he feels the marijuana industry is not a safe direction for the future.

Ms. Rogers stated that while she is not in favor of marijuana, the applicants have followed the path to opening a legal business, so she will vote in their favor.

Mr. Cleworth stated he has voted for and against marijuana license issues but that he has to vote against this one because of its location. He stated it is a sensitive use area and that he needs to

listen to the people who live in the area; he stated that based on earlier testimony, the residents do not want it in their neighborhood.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE GOOD, LLC RETAIL MARIJUANA STORE LICENSE UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED BY THE BUILDING DEPARTMENT AS FOLLOWS:

YEAS: Pruhs, Huntington, Therrien, Matherly
NAYS: Cleworth, Rogers, Bagwill
Mayor Matherly declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Matherly stated that he used his comments to speak to the tragedy that occurred on September 11, 2001 earlier in the meeting.

NEW BUSINESS

- a) Ordinance No. 6060 – An Ordinance to Provide a Stipend and Resolutions to Residents and Businesses with Drinking Water Contamination by Perfluorinated Compounds (PFCs). Introduced by Council Members Pruhs and Rogers.

Mr. Pruhs, seconded by **Ms. Huntington**, moved to ADVANCE Ordinance No. 6060.

Mr. Pruhs stated the issue is an emotional one because it deals with contamination of private property. He stated the City is proposing to pay for residents' water hook-up and two years of water service. He stated no scenario on how to deal with the problem is perfect because of the nature of the problem itself. **Mr. Pruhs** spoke to the different categories of properties that are included in the contamination zone and to what kind of service they can expect the City to cover. He stated that the Department of Environmental Conservation (DEC) was impressed with how quickly the City has responded to the contamination issue.

Ms. Huntington asked if the City would pay for two years of service or for a \$2,500 stipend.

Mr. Pruhs stated the \$2,500 proposal is based on average household use; he stated that it should cover two years' worth of water service.

Ms. Therrien asked Attorney Ewers if the City would recover all the money paid towards water service. Mr. Ewers responded that it is likely the City would not recover all the funds. **Ms. Therrien** stated that she was not satisfied with a two-year cap on stipend for water bills.

Ms. Huntington asked whether the Council should pay for residents' water service costs as long as they own their home or for as long as they have lived at the location that has contaminated water. She stated the contamination started in the 1990s. **Mr. Pruhs** stated there is no way to prove when the contamination hit a property, so it is an unknown variable. **Ms. Huntington** asked Mr. Fox if there is a way to pinpoint when a home became contaminated. She indicated

that she could not put a number on making someone whole. She asked the Council what their thoughts were on alternatives to the two-year proposal.

Ms. Rogers asked about the meaning of being “made whole.” **Mr. Pruhs** stated it is up for interpretation and could mean different things to different people. **Ms. Rogers** spoke to the issue of communication; she stated that communication is key in identifying what people interpret as being made whole. She shared concern that there was a citizen who was not properly updated on the progress of the project.

Mayor Matherly stated he gets a lot of phone calls from residents, and he has been authorized by Mr. Fox to give out his cell phone number. He stated the situation has been addressed at a very rapid pace and that he cares about every single property in the contamination plume. He reported that 1,000 feet of water main piping was laid earlier that day.

Mr. Cleworth reported that many entities around the State have used the Fire Training Center, including the military and the university. He stated there needs to be some kind of parameter as to how much the City is willing to pay. He stated that no matter what happens he believes there will be lawsuits.

Mr. Pruhs stated there was not supposed to be wells in the area because there are so many different sources of contamination in the vicinity.

Ms. Huntington stated it would be helpful to discuss the parameters of the timeframe to pay for residents’ water at the Finance Committee meeting. She stated the City cannot pay for everyone’s water forever because it would go broke.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6060 AS FOLLOWS:

YEAS: Bagwill, Cleworth, Rogers, Huntington, Therrien, Pruhs

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

- b) Ordinance No. 6061 – An Ordinance Amending Fairbanks General Code Section 70-321 Regarding Responsibility for Removal of Snow and Ice from Sidewalks and Moving Snow from Private Property onto a Street or Sidewalk. Introduced by Mayor Matherly.

ADVANCED on the CONSENT AGENDA.

COMMUNICATIONS TO COUNCIL

- a) Recommendation for Appointment to the FNSB Planning Commission (POSTPONED from the Regular Meeting of August 21, 2017; motion to APPROVE was made by Mr. Pruhs, seconded by Ms. Huntington)

Mr. Pruhs asked if Mr. Sims had worked on the FNSB Planning Commission; **Mayor Matherly** reported that he had not; he added that Mr. Sims was the only applicant for the position.

Mr. Cleworth spoke to a conditional use permit appeal that the Council was involved with a couple of years prior for a homeschool/business office in Slaterville. He stated that many residents in the area opposed the conditional use permit, but the Planning Commission ultimately approved the conditional use permit. He explained that the residents appealed the decision, and the City Council served as the Board of Adjustment. **Mr. Cleworth** stated that the Council overturned the Planning Commission's decision and not long after that, the Borough amended their Code to remove the City Council as the Board of Adjustment for Planning Commission appeals. **Mr. Cleworth** stated the Borough now handles appeals in-house because they want to control the process. He expressed concern with placing a longtime Borough employee on the Planning Commission as a City representative; he stated it is imperative that City representatives have the City's best interest in mind. He stated he will not support the appointment.

Ms. Therrien stated she has worked with Mr. Sims, and he has proven to be an honorable man; she stated he is a good candidate for the position.

Mr. Bagwill asked how soon Mr. Sims would begin after being recommended by the Council; he stated that the term will run out at the end of 2017. He stated that if any issues arise, the Council could choose not to reappoint him.

Mr. Cleworth asked Mr. Ewers when the Planning Commission will take up the litigation. Mr. Ewers explained that the Superior Court ruling on the appeal was remanded to the Planning Commission and to the Board of Adjustment for a determination on whether the procedural errors were significant. He indicated that he would have to receive permission from the Borough Assembly to continue to provide representation in the appeal since they are now serving as the Board of Adjustment. Mr. Ewers stated that since the deadline is quickly approaching and because the City is no longer the Board of Adjustment, he has moved to withdraw from the case. He stated he is not sure about the timeline of the appeal or who may represent the Borough Assembly as the Board of Adjustment; he stated that an attorney in the Borough Attorney's Office is representing the Planning Department in the appeal.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE RECOMMENDATION FOR APPOINTMENT TO THE FNSB PLANNING COMMISSION AS FOLLOWS:

YEAS: Rogers, Bagwill, Therrien, Pruhs, Huntington

NAYS: Cleworth

Mayor Matherly declared the MOTION CARRIED.

b) Memo Regarding Change Order for Bjerremark Subdivision Improvement Project

APPROVED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Bagwill stated he will have to call in for the next Council meeting because he will be in Kansas City. He spoke to the events that occurred on September 11, 2001, and to where he was

when it happened. He stated he honors all those who lost their lives on that tragic day in New York. He stated that being made whole is making something like it was; he indicated that there is no way to make the contaminated property residents whole. He asked how the contamination issue came about and stated that everyone is working together to remediate the problem.

Mr. Cleworth stated the Building Department needs to serve the citizens of the City first and foremost, but if they have extra time and they find a way to bill for it they could inspect other projects outside the City. He spoke to the citizen concern about wages in other organizations, and he shared that he is surprised with the wages people are being paid. He spoke specifically to the wages at Explore Fairbanks and the Fairbanks Economic Development Corporation (FEDC) since they receive annual funding from the City of Fairbanks. He commented that some employees are being paid a higher wage than the highest paid City employee. **Mr. Cleworth** suggested a discussion on limiting the salary of employees of organizations that receive bed tax funds. He stated that the City Council unanimously approved a resolution in support of a smoke-free Alaska. He shared that that the Borough Assembly will consider a resolution requesting that the State of Alaska Marijuana Control Board adopt regulations allowing onsite consumption of marijuana or approved designated areas for onsite consumption in licensed retail establishments. **Mr. Cleworth** asked the Council Member representing the City at the next Borough Assembly meeting to speak against the ordinance because it conflicts with City legislation. He thanked Mayor Matherly for speaking to the September 11, 2001 tragedy earlier in the evening.

Mr. Pruhs stated he does not look at the salaries within organizations the City allocates bed tax funds to; he stated that he looks only their budgets. He stated he received a call from Vivian Stiver who asked him to speak at an event on Friday evening at Raven's Landing. He thanked the Mayor for speaking to the September 11 tragedy.

Ms. Therrien stated she attended the September 11 memorial at the Fire Department and commented on how few people were at the event. She stated people are still suffering from the tragedy. She stated she feels badly for the residents living on contaminated property because there is no way to make them whole; she stated she would like to extend the stipend beyond two years.

Ms. Rogers thanked everyone for attending the recent memorial. She expressed appreciation for the silent moments at the event, because remembering and honoring the fallen is important. She indicated that the Director of Explore Fairbanks deserves the salary that is paid.

Ms. Huntington suggested the Council be consistent with members of the public; she stated that if they are going to make changes to the order of business, they need to be consistent in doing so.

CITY ATTORNEY'S REPORT

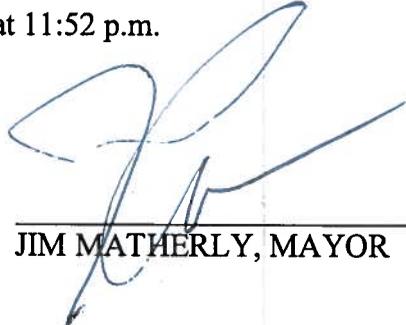
City Attorney Ewers stated that he and Clerk Snider have been working with Mr. Bagwill to draft proposed amendments to the City's Order of Business; he stated that an ordinance will be introduced soon.

ADJOURNMENT

Mr. Bagwill, seconded by **Ms. Huntington**, moved to ADJOURN the meeting.

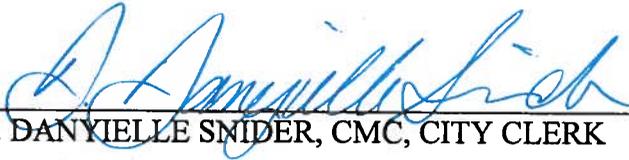
Mayor Matherly called for objection and, hearing none, so ORDERED.

Mayor Matherly declared the meeting adjourned at 11:52 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB