



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, SEPTEMBER 12, 2016  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 7:00 p.m. on the above date, following a 6:00 p.m. Work Session on the Gillam Way Project, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor John Eberhart presiding and with the following Council Members in attendance:

Council Members Present: Joy Huntington, Seat A (Telephonic)  
June Rogers, Seat B  
Bernard Gatewood, Seat C  
Jim Matherly, Seat D  
Jerry Cleworth, Seat E  
David Pruhs, Seat F

Absent: None

Also Present: Paul Ewers, City Attorney  
D. Danyielle Snider, City Clerk  
Jackson Fox, City Engineer  
Stephanie Johnson, Dispatch Center Manager  
Jim Styers, Fire Chief  
Brad Johnson, Deputy Police Chief  
Carmen Randle, Chief Financial Officer  
JB Brainerd, Deputy City Attorney

**INVOCATION**

The Invocation was given by City Clerk Danyielle Snider.

**FLAG SALUTATION**

Mayor Eberhart led the Flag Salutation.

**CITIZEN'S COMMENTS**

Helen Renfrew, 1915 Central Avenue, Fairbanks – Ms. Renfrew spoke on behalf of Explore Fairbanks. She called attention to the Meeting Planner Guide and the Winter Guide that were distributed to the Council and spoke to the highlights of the guides.

Mr. Cleworth asked if the meeting guide was for members only or if non-members were included. Ms. Renfrew stated only members were included.

Asa Dowdy Jr., 1051 Eastwood Lane, Fairbanks – Mr. Dowdy stated he has been a member of Mothers Against Drunk Driving (MADD) since 2000 and recommended to Mayor Eberhart that

he let Chief of Staff Jeff Jacobson go. Mr. Dowdy spoke to his intolerance of people driving under the influence and shared stories of lost loved ones due to drunk driving.

Sarah Lafave, 2009 McCullam Avenue, Fairbanks – Ms. Lafave passed pictures out to Council Members of a homeless camp that has taken residence on her property. She spoke to issues with the homeless camp and stated that there were multiple police call-outs to the area over the summer. She stated that she understands it is private property but that the issue is a community problem because it creates a public nuisance. Ms. Lafave stated that when she and her husband were trying to get the individuals off of their property, someone fired two shots in the air; she stated that is a public safety issue. She stated that there are human feces all over the area and listed several reasons why the City should help her take action on the issue.

**Mr. Pruhs** asked Ms. Lafave for her phone number, and she provided it to him.

Jerald Harrison, 723 27th Avenue, Fairbanks – Mr. Harrison spoke to the false hope that politicians give people. He spoke to programs that are offered at the Rescue Mission that are supposed to help homeless people but commented that they only help citizens. He stated that the system is hypocritical and the programs that are offered are a joke.

Vivian Stiver, 1420 Moore Street, #10, Fairbanks – Ms. Stiver spoke to the citizens' initiative to ban commercial marijuana inside City limits, which she recently submitted to the Clerk's Office. She spoke to the problems relating to commercial marijuana and stated that the substance is very addictive and dangerous to use.

Mark Lockwood, P.O. Box 382, Ester – Mr. Lockwood applauded the City Council for introducing a resolution to help support the Avalanche Center's efforts to provide support and education for backcountry travel. He spoke to the deaths that have occurred in the past few years from avalanches and shared the Center's mission to educate people on how to avoid avalanches.

Brittany Smart, 809 Pioneer Road, Fairbanks – Ms. Smart provided the Council with an update of the many happenings at the Fairbanks North Star Borough (FNSB). She encouraged everyone to attend the Air Quality Conference scheduled for September 26-28 and stated that it is free to the public.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney spoke to the homeless camp and asked if the police investigated Ms. Lafave's claim of shots fired. He spoke to the Native man shot by police and stated that he heard the man's body lay uncovered on the ground for several hours after the shooting. Mr. Turney stated there should be a policy that a blanket be put over a body if someone is killed in a shooting. He spoke to non-lethal bullets made of rubber that can be fired from standard issue guns as an alternative to ammunition. He spoke to the Cushman Street upgrade and shared his belief that the City overspent on street lights and planter boxes. He stated that the Council should allow Bill Robertson to remain on the Clay Street Cemetery Commission.

Bill Robertson, 3270 Sunstead Avenue, Fairbanks – Mr. Robertson gave a history of all the non-profit and public service projects he has been involved with in Fairbanks. He stated that his appointment to the Commission recently expired. He spoke to all the work that he has done at

the Clay Street Cemetery. Mr. Robertson stated he still is working at the cemetery, and he likes speaking with visitors and sharing the history of the cemetery with them.

**Mr. Cleworth** thanked Mr. Robertson for all of his hard work.

Terry Rahlfs, 1003 8th Avenue, Fairbanks – Mr. Rahlfs spoke to the Clay Street Cemetery maintenance contract and to the emails that were released following his public record request. He shared his disappointment that the City of Fairbanks paid \$1,200.00 for Mayor Eberhart's Alaska Bar Association dues. He stated that the Council needs to look after the management of the City and that sometimes they may have to ask tough questions.

**Mr. Cleworth** asked Mr. Rahlfs if he worked in the Procurement Department at the university. Mr. Rahlfs stated he has worked in procurement at the university for nine years. **Mr. Cleworth** asked Mr. Rahlfs what he thinks of the City's procurement code. Mr. Rahlfs replied that the code is old-fashioned and that it needs updating.

**Mr. Pruhs** asked Mr. Rahlfs if he would be willing to help review and rewrite the procurement code. Mr. Rahlfs replied that he would be willing and that he would have a lot of suggestions.

Amy Geiger, 4400 Stanford Drive, Fairbanks – Ms. Geiger spoke on behalf of Explore Fairbanks in regard to the Winter Guide. She thanked the Council for supporting destination marketing. She explained the contents of the Winter Guide and to whom Explore Fairbanks provides it.

Floyd Terry, P.O. Box 73514, Fairbanks – Mr. Terry stated that he hoped the Mayor's March for Homeless Youth turned out well. He spoke to the issues of homelessness, drugs, alcohol, DUI's, suicide, theft, and assault and stated that Fairbanks needs to deal with the problems. He stated he has read many articles about it and that Alaska has some of the highest rates in the nation for some of the crimes.

Keenan Hollister, 1138 Coppet Street, Fairbanks – Mr. Hollister stated that Pakalolo Supply Company hosted an Alaska Marijuana Industry Association (AMIA) meeting and that members from all over the State attended. He stated they discussed outreach and education about the marijuana industry. He asked the Council to be careful with information that is presented to them because anyone can find material on the internet and call it factual. He encouraged the Council to do research about the marijuana industry from credible internet sites like drugabuse.gov. Mr. Hollister stated that he would be happy to have an educational session with both the City Council and the Borough Assembly.

Michael Ferrell, P.O. Box 83327, Fairbanks – Mr. Ferrell stated that the Council's job is to protect citizens' private property rights and to spend their tax dollars in the best way possible. He stated that the "Black Lives Matter" endorsement by the administration was expedient but that it was immoral because they are a domestic terrorist organization. Mr. Ferrell spoke to the police shooting on South Cushman Street and stated that it was wrong for the officers to not cover the man's body. He stated it was immoral for the City to be scouting trained officers from other states because someone else has already invested money to train them.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger complimented the City for the work recently done at the Clay Street Cemetery; he stated that the cemetery looks very nice. He spoke to the pothole problem in Fairbanks and stated that the South Side and Hamilton Acres are disgusting. He spoke to the lack of public restrooms in the downtown area and stated that it is an issue of racism.

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

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

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

**Mr. Gatewood** pulled Resolution No. 4757 from the Consent Agenda.

**Mr. Cleworth** pulled the Appointment to the Clay Street Cemetery Commission from the Consent Agenda.

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

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

### **APPROVAL OF PREVIOUS MINUTES**

a) Regular Meeting Minutes of July 11, 2016.

APPROVED on the CONSENT AGENDA.

### **SPECIAL ORDERS**

a) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the following Application for a New Retail Marijuana Store License:

Type:	Retail Marijuana Store, License #10131
DBA:	Pakalolo Supply Company, Inc.
Licensee/Applicant:	Pakalolo Supply Company, Inc.
Physical Location:	1851 Fox Avenue, Fairbanks, Alaska

**Mr. Pruhs**, seconded by **Mr. Matherly**, moved to PROTEST the Retail Marijuana Store License until a Certificate of Occupancy is issued.

Frank Turney – Mr. Turney spoke in support of the retail license being issued.

Cole Hollister, 1138 Coppet Street, Fairbanks – Mr. Hollister stated that the cultivation facility is up and running and that they were the first license issued by the State of Alaska. He stated that they have done everything by the book. He recognized City staff for all their help.

**Mr. Cleworth** stated that the marijuana industry is multi-layered; he listed the different licenses that are needed for each layer and asked Mr. C. Hollister if he was correct. Mr. C. Hollister stated there are only two types of licenses currently being issued by the State: cultivation and retail. He stated that it is still unknown whether the State will issue consumption licenses. **Mr. Cleworth** stated he thought there were also manufacturing licenses; Mr. C. Hollister stated that Mr. Cleworth was correct.

**Ms. Huntington** stated that on the first set of floor plans there was a café area; she asked for more information about it.

Keenan Hollister – Mr. K. Hollister stated that there is no current plan for a café but that there is space for it if the State of Alaska allows consumption licenses.

Mr. C. Hollister stated that they are currently using the café space as storage; he added that they have not looked into an insurance policy that would allow for consumption.

**Mr. Cleworth** asked if he agrees with having warning labels on marijuana products. Mr. C. Hollister stated it is good business to put warning labels on all of the products he sells. He stated that he was given permission by Gary Wilken, the owner of the building, to use his facility for a marijuana shop. He read aloud a letter of support from Mr. Wilken.

**Ms. Rogers** thanked Mr. C. Hollister for his thoroughness throughout the process; she asked how he would handle the bank not accepting money from the business for deposit. Mr. C. Hollister stated that he believes the banking industry will allow for legal marijuana sales deposits very soon. He stated that all the employees are covered by worker's compensation and that they will all receive paychecks.

Kellen Spillman, 809 Pioneer Road, Fairbanks – Mr. Spillman stated that he is representing the Borough Community Planning Department; he stated that Pakalolo Supply Company has been issued a zoning permit and that they have met all Borough requirements to operate the facility.

Jonathan Bagwill, 1571 Dogwood Street, Fairbanks – Mr. Bagwill stated that he has learned that if you do not tell your children no, then it is the same as saying yes. He questioned whether the Council should allow the retail sale of marijuana in the Fairbanks community.

Jerry Norum, 945 McGown Street, Fairbanks – Mr. Norum encouraged the Council to postpone the marijuana license because it may be made illegal by Fairbanks citizens in 2017. He stated that there is too much uncertainty in the marijuana industry and that the Council should not approve Pakalolo Supply Company's retail license.

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

**Mr. Gatewood** stated that while he is not a fan of marijuana, he would be respectful of the democratic process. He stated that majority rules and the marijuana industry won. He stated he would be voting in favor of the marijuana license because he sees no reason to vote against it.

**Mr. Pruhs** expressed agreement with Mr. Gatewood. He stated that the Hollister's understand the risk that voters may make commercial marijuana illegal in Fairbanks.

**Ms. Rogers** stated that she agrees with Mr. Gatewood and Mr. Pruhs that the Hollisters have followed the letter of the law and should be allowed to receive the license. She stated that they understand that voters could overturn the industry in 2017.

**Mr. Cleworth** stated he agrees with the other Council Members but that he will take issue with a consumption license if the State begins approving them. He stated that the warning on the product label tells people not to operate vehicles after consumption. He spoke to the decriminalization of marijuana and that when voters chose to make it legal, they did not consider that marijuana stores may go into business.

**Ms. Huntington** stated that the City needs to better define appropriate locations for marijuana stores. She stated that she will vote in favor of the license.

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

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

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

**Mayor Eberhart** called for a five minute recess.

**Mr. Matherly**, seconded by **Mr. Pruhs**, moved to SUSPEND THE RULES to allow Jerry Norum five more minutes of public testimony.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUSPEND THE RULES AS FOLLOWS:

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

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

**Mr. Matherly**, seconded by **Mr. Pruhs**, moved to ALLOW Mr. Norum five more minutes of public testimony.

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

Jerry Norum – Mr. Norum encouraged everyone to get out and vote on October 4, 2016. He spoke to the marijuana industry and stated that he has faith in the City Council.

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

**Mayor Eberhart** stated that he spoke with Hannah Monzingo about the Clay Street Cemetery maintenance contract and that she has made it clear she is no longer interested in the contract. He stated that the decision was made to handle the contract in-house so extra maintenance that is outside the parameters of the contract could be done. **Mayor Eberhart** stated that the City has paid his bar dues since his first Mayor's budget, and it has remained that way. He stated that he still gives legal advice even though he is the Mayor. He spoke to the many events and meetings his office has participated in since the last Regular Council Meeting.

### **UNFINISHED BUSINESS**

- a) Resolution No. 4756 – A Resolution Supporting the Alaska Avalanche Information Center's Efforts to Provide Training on Safe Winter Backcountry Travel. Introduced by Mayor Eberhart. POSTPONED from the Regular Meeting of August 22, 2016.

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

**Mr. Gatewood**, seconded by **Mr. Pruhs**, moved to SUBSTITUTE Resolution No. 4756, as Amended, for Resolution No. 4756.

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

**Mr. Gatewood** asked what changes were made to the amended version of the resolution. Mr. Lockwood reported the amended version removed a whereas paragraph that did not belong.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4756, AS AMENDED, AS FOLLOWS:

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

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED and Resolution No. 4756, as Amended, APPROVED.

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

**Mr. Pruhs**, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 6030.

**Mayor Eberhart** called for Public Testimony.

Frank Turney – Mr. Turney spoke against the ordinance because it did not include a fine for people who do not pick up after their dogs.

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

**Mr. Cleworth** stated the City of Fairbanks adopted an ordinance addressing a fine, but that Ordinance No. 6030 only addresses traffic matters.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6030 AS FOLLOWS:

YEAS: Pruhs, Gatewood, Huntington, Cleworth, Matherly, Rogers  
NAYS: None  
**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 6030 ADOPTED.

### NEW BUSINESS

- a) Resolution No. 4757 – A Resolution Authorizing the City of Fairbanks to Accept Funds from the Alaska Division of Homeland Security for the FFY2016 Emergency Management Performance Grant. Introduced by Mayor Eberhart.

**Mr. Gatewood**, seconded by **Mr. Pruhs**, moved to APPROVE Resolution No. 4757.

**Mr. Gatewood** asked Fire Chief Jim Styers for a Staff Report on the resolution. Chief Styers stated that pre-fire planning for large-scale emergencies and live shooter training is what are being proposed.

**Mr. Pruhs** asked questions about budgeting. Chief Styers stated that staff time is already taken care of in the City budget.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4757 AS FOLLOWS:

YEAS: Gatewood, Rogers, Pruhs, Matherly, Huntington, Cleworth  
NAYS: None  
**Mayor Eberhart** declared the MOTION CARRIED and Resolution No. 4757 APPROVED.

- b) Resolution No. 4758 – A Resolution Authorizing the City of Fairbanks to Accept Funds from the Alaska Division of Homeland Security for the FFY2016 State Homeland Security Program. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.



- c) Resolution No. 4759 – A Resolution Honoring Warren B. Cummings by Dedicating and Renaming Fire Station One in His Honor. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Ordinance No. 6031 – An Ordinance Amending Fairbanks General Code Section 2-491 to Clarify and Update the City’s Administrative Departments. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

### **DISCUSSION ITEMS**

Polaris Building Work Group – **Mr. Pruhs** stated that FNSB Mayor Karl Kassel assigned two grant writers to the group. He stated that they are leaving no stone unturned to find funding for demolition of the building.

Golden Heart Parking Authority Board of Directors – **Mr. Cleworth** stated that at the last meeting, City Engineer Jackson Fox presented ideas for added parking in the downtown area.

### **COMMUNICATIONS TO COUNCIL**

- a) Memo Regarding Marijuana Establishment Regulations

ACCEPTED on the CONSENT AGENDA.

- b) Reappointment to the Interior Gas Utility Board

APPROVED on the CONSENT AGENDA.

- c) Appointment to the Clay Street Cemetery Commission

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

**Mr. Cleworth** stated that he pulled the item because he thinks the City is losing a good member.

**Mr. Pruhs** stated that the Clay Street Cemetery Commission seems to always have a vacancy.

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

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

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

## COUNCIL MEMBERS' COMMENTS

**Mr. Gatewood** spoke to his retirement from work and to his soon-to-be-ending term on the City Council. He congratulated all of the individuals who filed for candidacy.

**Ms. Rogers** spoke to meetings that are being held at the Noel Wein Library relating to opioid problems in the community. She spoke to Ms. Lafave's request for help in cleaning up the homeless camp that has taken residence on her property and stated that the City should help her. She thanked Mr. Pruhs for offering to contact Ms. Lafave and requested that she be included in helping find a solution.

**Ms. Huntington** thanked members of Dispatch and the Fairbanks Police Department (FPD) for a job well done.

**Mr. Matherly** stated that he is going to miss serving on the City Council with Mr. Gatewood and hearing about youth sports in the community. He spoke to the memorial service he attended with his family in remembrance of September 11, 2001. He tipped his hat to first responders and stated he is happy to serve with all of the Council Members.

**Mr. Cleworth** requested to be excused from the Regular Council Meeting of September 19, 2016.

**Mayor Eberhart** called for objection to Mr. Cleworth's request and, hearing none, so ORDERED.

**Mr. Cleworth** spoke to the homeless camp and shared that it has been an issue for many years. He commented that FPD officers very humanely give them notice. He stated that if an expert on procurement is willing to help re-write the Code, the Council should take him up on it. He stated that he was not on the Council when Mayor Eberhart's bar dues were discussed in the budget and added that he does not believe it is appropriate.

**Mr. Pruhs** congratulated Mayor Eberhart on the successful March for Homeless Youth from North Pole to Fairbanks. He commended the Clerk's Office for providing professional service while being short staffed. He stated that the street construction in Gateway and Rickert is unacceptable because roads have been torn up for two months without any attention.

## CITY CLERK'S REPORT

a) Approval of Election Judges for the 2016 Municipal Election

APPROVED on the CONSENT AGENDA.

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

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

**Mayor Eberhart** called for a five minute recess.

**EXECUTIVE SESSION**

a) Fairbanks Firefighters Union Labor Negotiations

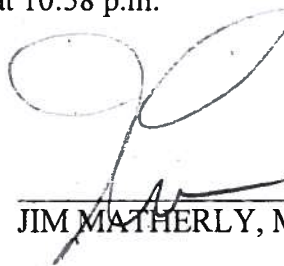
The City Council met in Executive Session to discuss FFU Labor Negotiations. Direction was given to staff, and no action was taken.

**ADJOURNMENT**

**Mr. Matherly** moved to ADJOURN the meeting.

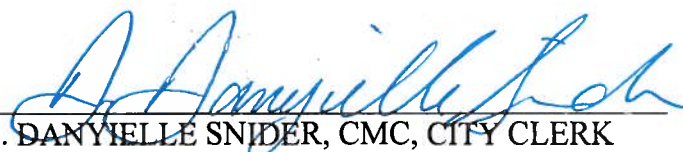
**Mayor Eberhart** called for objection and, hearing none, so ORDERED.

**Mayor Eberhart** declared the meeting adjourned at 10:58 p.m.



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JIM MATHERLY, MAYOR

ATTEST:

  
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D. DANYELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB