



FAIRBANKS CITY COUNCIL
AGENDA NO. 2016-15
REGULAR MEETING AUGUST 8, 2016
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

REGULAR MEETING

7:00 P.M.

1. ROLL CALL
2. INVOCATION
3. FLAG SALUTATION
4. CITIZENS COMMENTS, oral communications to Council on any item not up for Public Hearing. Testimony is limited to five minutes. Any person wishing to speak needs to complete the register located in the hallway. Normal standards of decorum and courtesy should be observed by all speakers. Remarks should be directed to the City Council as a body rather than to any particular Council Member or member of the staff. In consideration of others, kindly silence all cell phones and electronic devices.
5. APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of Consent Agenda passes all routine items indicated by an asterisk (*). Consent Agenda items are not considered separately unless a Council Member so requests. In the event of such a request, the item is returned to the General Agenda.
6. APPROVAL OF PREVIOUS MINUTES
 - *a) Regular Meeting Minutes of May 23, 2016
 - *b) Regular Meeting Minutes of June 6, 2016

7. SPECIAL ORDERS

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, will consider the following Application for a New Marijuana Cultivation Facility License. POSTPONED from the Regular Meeting of July 25, 2016 (Public Hearing was held at the July 25 meeting).

Type: Marijuana Cultivation Facility, License #10279
DBA: GoodSinse, LLC
Licensee/Applicant: GoodSinse, LLC
Physical Location: 2604 Davis Road, Fairbanks, Alaska

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Mayor's Veto of Ordinance No. 6022, as Amended:

Ordinance No. 6022, as Amended – An Ordinance Amending Fairbanks General Code Section 14-178 to Clarify the City's Requirements for Downtown Liquor License Approvals. Introduced by Council Member Cleworth.

Information: Ordinance No. 6022, as Amended, was adopted by the City Council at the Regular Meeting of July 25, 2016 with an effective date of July 30, 2016. Mayor Eberhart filed a memorandum to veto the ordinance with the City Clerk on Thursday, July 28, 2016. Pursuant to Fairbanks City Charter Article IV, Section 4.2, the Mayor has veto power over all legislative action of the City Council. The veto was filed within the 5-day period following adoption and requires 5 affirmative votes of the Council to override. Council action to override must be taken within 14 days following the veto (August 11, 2016).

10. NEW BUSINESS

- *a) Resolution No. 4754 – A Resolution Authorizing the City of Fairbanks to Accept Funds from the Fairbanks Metropolitan Area Transportation System Transportation Alternatives Program and to Enter Into a Maintenance Agreement. Introduced by Mayor Eberhart.
- *b) Resolution No. 4755 – A Resolution to Approve a Maintenance Agreement Between the City of Fairbanks and the State of Alaska Department of Transportation & Public Facilities for the Steese Highway to Front Street Bicycle and Pedestrian Path Project. Introduced by Mayor Eberhart.

- *c) Ordinance No. 6029 – An Ordinance Authorizing the Sale of Former City Surplus Property from the Korean Community of Fairbanks to Fairbanks Community Food Bank Service, Inc., and Amending Deed Restrictions. Introduced by Mayor Eberhart.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

- a) Committee Reports

12. COMMUNICATIONS TO COUNCIL

- *a) Memo of Recommendation on Appointment to the FNSB Planning Commission (Postponed from the Regular Meeting of July 25, 2016)
- *b) Clay Street Cemetery Commission Meeting Minutes of July 6, 2016
- *c) Reappointment to the Clay Street Cemetery Commission

13. COUNCIL MEMBERS' COMMENTS

14. CITY CLERK'S REPORT

15. CITY ATTORNEY'S REPORT

16. EXECUTIVE SESSION

- a) Fairbanks Firefighters Union (FFU) Labor Negotiations

17. ADJOURNMENT



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, MAY 23, 2016
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, following a 6:00 p.m. Work Session to discuss Public Restrooms in Fairbanks, 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
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Jerry Cleworth, Seat E
David Pruhs, Seat F

Absent: Vacant, Seat B

Also Present: Clem Clooten, Building Official
Ernie Misewicz, Assistant Fire Chief
Angela Foster-Snow, HR Director
Shannon Kumpula, Risk Manager
Paul Ewers, City Attorney
Emily Braniff, Deputy City Clerk
Jim Styers, Fire Chief
Tammy Misrasi, Communication Director
Ben Barrio, IT Director
Margarita Bell, Controller
Stephanie Johnson, Dispatch Center Manager
Randall Aragon, Police Chief
Corey Bolduc, Help Desk Coordinator
Caleb Hellickson, Systems Administrator

INVOCATION

The Invocation was given by Deputy Clerk Emily Braniff.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation..

CITIZEN'S COMMENTS

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney spoke to the Clay Street Cemetery maintenance contract award and accused the Mayor of not being transparent. He stated he was very serious about signing up to run for Mayor and suggested that the City return to a City Manager form of government. He suggested that the Chief of Police should be elected by the people and not appointed by the Mayor.

Aldean Kilbourn, 3217 Riverview Drive, Fairbanks – Ms. Kilbourn stated that the Mayor’s decision to turn over the maintenance of the Clay Street Cemetery to Public Works was not a good decision. She stated that Mr. Turney does a lot more for the cemetery than just lawn maintenance and that should have been considered in selecting the maintenance contractor.

Sean Reilly, 1507 21st Avenue, Fairbanks – Mr. Reilly spoke against some of the wording included in Resolution No. 4736 and recommended that the word “disability” be replaced with “absence.”

Ms. Huntington agreed with Mr. Reilly and requested that Council make the change.

Hannah Monzingo, 501 Golden Leaf Drive, Fairbanks – Ms. Monzingo shared her disappointment with the City’s decision to turn over the maintenance of the Clay Street Cemetery to Public Works. She stated she received Mr. Turney’s 2015 bid amount, and her family bid \$100.00 less than that amount in the 2016 bid. She stated that Monzingo Mowing was awarded the contract on May 6, 2016 and that they spent \$1,400.00 before the cancellation of the award on May 13, 2016. She stated that her first dealing with the City has made her very uncomfortable.

Mayor Eberhart asked Ms. Monzingo how she received the bid amount from Mr. Turney’s 2015 bid. Ms. Monzingo stated she called the City and asked for the information and it was given to her because it was public information.

Mayor Eberhart asked which department she called to request the bid information. Ms. Monzingo stated that she called the main line and did not know which department it was.

Mr. Pruhs asked Ms. Monzingo how she found out about the bid. Ms. Monzingo replied that a friend told her she should look into the Clay Street Cemetery RFP.

Mr. Pruhs asked who her friend was. Ms. Monzingo replied that Mr. Pruhs’ question was not relevant and that she would not reveal who her friend was.

Mr. Matherly asked Ms. Monzingo how she was notified that Monzingo Mowing was the low bidder for the 2016 Clay Street Cemetery maintenance contract. Ms. Monzingo stated that she received an email addressed to all three bidders on May 6 alerting them that Monzingo Mowing was the low bidder; she stated that she was not notified of the non-award until May 13.

Mr. Pruhs stated that at the Regular Council Meeting of May 9, 2016, he asked Risk Manager Shannon Kumpula if the contract had been awarded yet and she responded that it had not. Ms. Monzingo again stated that she received an email stating that Monzingo Mowing had been awarded the contract on May 6, 2016.

Ms. Huntington asked Ms. Monzingo if she had signed the maintenance contract for the Clay Street Cemetery. Ms. Monzingo replied that she had not yet signed a contract.

Mr. Matherly asked Ms. Monzingo if she would bid on future City projects. Ms. Monzingo replied that she would shy away from bidding on City projects in the future because of the bad experience she has had.

Jerald Harrison, 723 27th Avenue – Mr. Harrison asked why Mr. Turney was allowed to sit on the panel to help select the Chief of Police. He stated that Mr. Turney bullies, threatens and intimidates and the City bends to his every wish. He asked why the City and the Council could not stand up to Mr. Turney. Mr. Harrison stated that Mr. Turney should not be able to come to Council Meetings and threaten the Council and the Mayor.

Jennifer Jolis, 3705 Quartz Road, Ester – Ms. Jolis introduced Aubree Pierce who is a Vista Volunteer and thanked Ms. Pierce for the service she has given to the Stone Soup Café.

Aubree Pierce, 1701 2nd Avenue, #3, Fairbanks – Ms. Pierce spoke to food security issues in the City of Fairbanks and reported how many residents within a one-mile radius of the Stone Soup Café have gone a day without food. She stated that many residents would like to see a grocery store in South Fairbanks as well as transportation assistance to emergency food programs. Ms. Pierce stated that many people in South Fairbanks have food insecurity issues.

Mr. Cleworth asked Ms. Pierce to explain the definition of food insecurity. Ms. Pierce explained that food insecurity is when people are not able to access enough food for a healthy lifestyle.

Mr. Cleworth stated that the Catholic Church puts on a weekend soup kitchen, the Fairbanks Food Bank delivers food boxes, and the Stone Soup Café is available to local residents. He asked Ms. Pierce what her ideal vision is of food security. Ms. Pierce stated that her vision is to educate people on how to eat healthy on a budget and teach them the importance of eating locally-grown produce.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated the City should not take over the maintenance on the Clay Street Cemetery and that Public Works' water system is a joke. He stated that the City should pay Mr. Turney and Ms. Monzingo \$5,000.00 each to do the maintenance at the cemetery. He stated that the City put too many trees on Cushman Street and it was a waste of tax dollars.

Randy Griffin, P.O. Box 73653, Fairbanks – Mr. Griffin spoke to the State of Alaska's (SOA) budget deficit and suggested people should donate their Permanent Fund Dividend (PFD) to the SOA General Fund. He stated that people could go to www.alaskagld76.com to learn more about his proposed plan.

Ms. Huntington complimented Mr. Griffin on his proposal and asked what kind of feedback he has received on his plan. Mr. Griffin replied that he has received positive feedback but not a lot of traction in regard to donations.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Pruhs pulled Resolution No. 4739 and Resolution No. 4740 from the Consent Agenda.

Ms. Huntington pulled Resolution No. 4736 from the Consent Agenda.

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

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

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of March 7, 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 Appeal of Denied Application for a New Chauffeur License:

Applicant: Tanya S L Andrews

Mr. Pruhs, seconded by **Mr. Gatewood**, moved to GRANT the Appeal of Denied Application for a New Chauffeur License.

Mayor Eberhart asked Ms. Andrews to come forward and explain why she feels the Chauffeur License should be granted.

Ms. Andrews stated she has changed from who she used to be and that she has received treatment for her issues. She stated that she was in an abusive relationship when she fell into legal trouble and that she has been a changed person for the last three years.

Mr. Cleworth asked Ms. Andrews if the program that she went to was court mandated or voluntary. Ms. Andrews replied that she went to treatment for a year and that she graduated from the program.

Mr. Cleworth asked when she completed the program, and Ms. Andrews stated she could not recall. **Mr. Cleworth** asked about a 2014 charge on her criminal record and whether the charge occurred after her treatment. Ms. Andrews stated that she could not remember the charge but that she has changed from who she used to be.

Ms. Huntington asked Ms. Andrews why she did not indicate the 2014 conviction on her application. Ms. Andrews stated she thought the conviction was removed because she attended all her court dates and followed all the processes.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated that the City Council should not have the authority to be court, judge and jury in determining Chauffeur License appeals.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that the City is a disgrace by the way it handles Chauffeur License appeals; he added that Ms. Andrews should get the license.

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

Ms. Huntington asked City Attorney Paul Ewers how much leeway the Council has in granting the license based on the rules of licensing. Mr. Ewers replied that the Council can consider the case on its merits and on the applicant's explanation of the appeal.

Mr. Matherly thanked Ms. Andrews for coming to the Council to appeal the City Clerk denial of the license and that he is happy that the process is in place. **Mr. Matherly** stated that the Council takes the appeals process very seriously as a public safety issue.

Mr. Pruhs spoke in favor of granting the Chauffeur License.

Ms. Huntington stated that she believes in giving second chances but that she would have liked it if Ms. Andrews had addressed the issue in her application.

Mr. Gatewood stated that he would have liked to have seen a longer record of good behavior and that he is not convinced enough time has elapsed for Ms. Andrews to be granted the appeal.

Mr. Cleworth shared Mr. Gatewood's concern that not enough time had passed since Ms. Andrews' last conviction, but stated that he would give her a chance.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO GRANT THE APPEAL OF DENIED APPLICATION FOR A NEW CHAUFFEUR LICENSE AS FOLLOWS:

YEAS: Pruhs, Matherly, Huntington, Cleworth

NAYS: Gatewood

Mayor Eberhart declared the MOTION CARRIED.

b) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the following Liquor License Application for Transfer of Ownership (stock only) and Restaurant Designation Permit:

Type: Restaurant / Eating Place, License #5266

To: Fushimi / Fushimi, LLC

607 Old Steese Hwy, Ste. E #105, Fairbanks, Alaska

From: Fushimi / Fushimi, LLC

607 Old Steese Hwy, Ste. E #105, Fairbanks, Alaska

Mr. Pruhs, seconded by **Mr. Matherly**, moved to WAIVE Protest on the Liquor License Application for Transfer of Ownership (stock only) and Restaurant Designation Permit.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATION FOR TRANSFER OF OWNERSHIP (STOCK ONLY) AND RESTAURANT DESIGNATION PERMIT AS FOLLOWS:

YEAS: Matherly, Cleworth, Huntington, Gatewood, Pruhs

NAYS: None

Mayor Eberhart declared the motion CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart spoke to the Work Session on Public Restrooms. He stated that he was away when the Clay Street Cemetery maintenance contract was handled. **Mayor Eberhart** stated that information was obtained through inappropriate channels in regard to the amount of Mr. Turney's 2015 bid. **Mayor Eberhart** stated that no request was submitted to the Clerk's Office. He stated that Chief of Staff Jeff Jacobson and HR Director Angela Foster-Snow advised that Public Works take over the maintenance for 2016 and have it go out for bid in 2017. **Mayor Eberhart** expressed his condolences to the family of Nancy Mendenhall. He congratulated the the Fire Department employees who were recently promoted. He spoke of his Sister City visit to Fanano, Italy and shared his desire to strengthen the relationship between Fairbanks and Fanano. **Mayor Eberhart** encouraged everyone to take a tour down Cushman Street to enjoy the Complete Street project.

UNFINISHED BUSINESS

- a) Ordinance No. 6009 – An Ordinance Amending Fairbanks General Code Section 50-461(c) Political Activity, to Clarify the Prohibition on Use of City Resources to Support Proposed Legislation. Introduced by Council Member Cleworth. POSTPONED from the Regular Meeting of April 25, 2016; Public Hearing was held on April 25, 2016.

Mr. Cleworth, seconded by **Mr. Gatewood**, moved to SUBSTITUTE Ordinance No. 6009, as Amended, for Ordinance No. 6009.

Mr. Cleworth explained the history of how the ordinance came about and why he believes it needs to be amended.

Mr. Ewers stated that the language of the ordinance is designed to stop what the court calls "government speech." He stated the ordinance is not a restriction on individual speech.

Ms. Huntington stated that she was concerned with the initial version of Ordinance No. 6009, but feels that she could support the as amended version.

Mayor Eberhart stated that he wrote a letter supporting a bill that would continue benefits to the families of police or fire fighters killed in the line of duty. He handed out the section of the City Charter relating to the responsibilities of the Mayor and five letters that Mr. Cleworth wrote to the legislature while he served as City Mayor. **Mayor Eberhart** explained why he was and should continue to be able to send the letter; he clarified that the letter was written on behalf of the Administration, not the City Council. He stated that the Mayor is elected to advocate on behalf of the City and that the Council should not restrict his ability to do so. He stated the ordinance imposes a restriction on all employees and elected officials at the City of Fairbanks.

Mr. Pruhs stated that he had requested that the Mayor write the letter supporting the bill Mayor Eberhart mentioned. He thanked the Mayor for expeditiously sending it. He stated that sometimes elected officials have to do things at a moment's notice and that the proposed ordinance is micro-management.

Mr. Cleworth stated that the Council should be able to communicate as a body when backing ballot propositions or proposed changes to law. He stated that opinions can be shared in Council meetings but that they should not be shared using City resources.

Mr. Pruhs gave an example of how he has used City resources; he stated that if the ordinance passes, he would no longer be able to do so.

Mayor Eberhart stated that having the Clerk write a follow-up letter to legislators was, in his opinion, rather rude. He stated that the letter he wrote was his opinion as the Mayor of the City of Fairbanks and that his hands and the hands of all employees should not be tied by the Council.

Mr. Matherly stated that the Council is a body and that opinion pieces should come from the team, not any one member. He stated that he did not see the ordinance as stifling anyone, just clarifying that issues needs to be discussed and debated before making an official statement on City letterhead.

Mr. Gatewood stated that he did not want to pass anything that would hamstring any of the Council Members. He stated that when the Mayor sends a letter believing that it only represents his own position, people may interpret it to represent the whole City and the Council. He stated that the Council should be able to play as a team and communicate with each other to create a consensus when the need to act is not urgent.

Ms. Huntington shared her appreciation for the information that the Mayor provided to the Council Members; she stated that she may now not be able to support the ordinance.

Mr. Cleworth stated that using City resources is what he takes issue with.

Mayor Eberhart stated that the ordinance is overreaching by the Council; he urged the Council to come up with a better solution to Mr. Cleworth's issue.

Mayor Eberhart called for objection to the SUBSTITUTING Ordinance No. 6009, as Amended, for Ordinance No. 6009 and, hearing none, so ORDERED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6009, AS AMENDED AS FOLLOWS:

YEAS: Matherly, Cleworth
NAYS: Gatewood, Pruhs, Huntington
Mayor Eberhart declared the MOTION FAILED.

- b) Ordinance No. 6010 – An Ordinance Amending Fairbanks General Code Chapter 46, Article IV, Division 3 Littering, by Adding a Violation for Failing to Remove Pet Excrement and Adding a Reference in Chapter 6 Animals. Introduced by Council Members Cleworth and Pruhs. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 6010.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to SUBSTITUTE Ordinance No. 6010, as Amended, for Ordinance No. 6010.

Mayor Eberhart called for objection to the SUBSTITUTING Ordinance No. 6010, as Amended, for Ordinance No. 6010 and, hearing none, so ORDERED.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney thanked Mr. Cleworth and Mr. Pruhs for drafting Ordinance No. 6010 and requested that cat feces be addressed in the ordinance. He stated that there is a problem with animal feces in the downtown area and spoke to the seriousness of the parvo disease.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated that he does not live in the City limits but that he has had issues with people allowing their pets to use his lawn as their restroom. He spoke to what he does to dogs that use the bathroom in his yard.

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

Mr. Matherly stated that he understands that parvo is a serious disease transmitted by animal feces and that it is time for the City to address the issue.

Mr. Pruhs, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 6010, as Amended, to increase the fine from \$50.00 to \$100.00.

Mr. Pruhs stated that if police officers have to write citations, the fine should be more than \$50.00.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6010, AS AMENDED, BY INCREASING THE FINE FROM \$50.00 TO \$100.00 AS FOLLOWS:

YEAS: Pruhs, Huntington, Matherly, Gatewood

NAYS: Cleworth

Mayor Eberhart declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6010, AS AMENDED, AS FOLLOWS:

YEAS: Huntington, Matherly, Gatewood, Pruhs, Cleworth

NAYS: None

Mayor Eberhart declared that MOTION CARRIED and Ordinance No. 6010, as Amended, ADOPTED.

NEW BUSINESS

- a) Resolution No. 4734 – A Resolution Awarding a Contract to HC Contractors, Inc. for the Rickert Subdivision Roadway Improvements Project ITB 16-01. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4735 – A Resolution Awarding a Contract to HC Contractors, Inc. for the Gateway Subdivision Improvement Project ITB 16-12. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4736 – A Resolution Designating Signing Authority to the Chief of Staff in the Absence or Disability of the Mayor. Introduced by Mayor Eberhart.

There was no motion to APPROVE Resolution No. 4736; however, the intent to APPROVE is clear. A roll call vote was taken to APPROVE Resolution No. 4736 and the vote was unanimous in the affirmative (see page 10).

Ms. Huntington, seconded by **Mr. Cleworth**, moved to AMEND Ordinance No. 4736 by striking the words “or disability” in all three occurrences.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESOLUTION NO. 4736 BY STRIKING THE WORDS “OR DISABILITY” IN ALL THREE OCCURRENCES AS FOLLOWS:

YEAS: Pruhs, Gatewood, Huntington, Cleworth, Matherly

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

Mayor Eberhart spoke to Mr. Reilly's request to strike the word "his" from Resolution No. 4736.

Mr. Cleworth stated that taking "his" out of the resolution is irrelevant because signing authority changes with changes in leadership, and similar resolutions are introduced often.

A ROLL CALL VOTE WAS TAKEN ON THE APPROVAL OF RESOLUTION NO. 4736 AS FOLLOWS:

YEAS: Gatewood, Pruhs, Matherly, Huntington, Cleworth

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4736, as Amended, APPROVED.

- d) Resolution No. 4737 – A Resolution Urging the Borough Assembly to Amend the Rules Governing Board of Adjustment Hearings to Allow for Oral Arguments by the Parties. Introduced by Council Member Huntington.

PASSED and APPROVED on the CONSENT AGENDA.

- e) Resolution No. 4738 – A Resolution Authorizing Matching Funds and Execution of the Maintenance Agreement for the 2016 FMATS Sidewalk Improvement Project. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- f) Resolution No. 4739 – A Resolution Awarding a Contract to AlasConnect, LLC for Information Technology Services RFP 16-02. Introduced by Mayor Eberhart.

Mr. Pruhs, seconded by **Mr. Cleworth**, moved to APPROVE Resolution No. 4739.

Mr. Pruhs spoke in support of Resolution No. 4739 and thanked IT Director Ben Barrio for all the work he did on the RFP.

Ms. Huntington stated it has been hard to make a decision on the issue and that she appreciates the services the IT Department has provided for the City.

Mr. Cleworth thanked Mr. Barrio for his service and asked him to pass thanks on to Applications Manager Keith Anderson for writing the letter to the Council regarding outsourcing the IT Department.

Mr. Matherly stated that he has agonized over whether to outsource the IT Department because it affects people, not just a budget number. He stated that the decision is a double-edged sword for the Council. He thanked Mr. Barrio for his honest assessment of the issue.

Mr. Gatewood stated that he has reservations about outsourcing the IT Department because he is concerned that it may end up costing the City more money in the long run.

Mayor Eberhart stated that he has not taken a position on whether the City should outsource the IT Department. He spoke to the dwindling staff in the IT Department and commented that AlasConnect has 35-40 employees which may make them more capable of serving the City. **Mayor Eberhart** spoke kindly of Mr. Anderson and stated that he appreciated his well thought out letter. He stated that the staff of the IT Department will receive a six month severance package and that they will all be given interviews for possible employment with AlasConnect.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4739 AS FOLLOWS:

YEAS: Matherly, Cleworth, Huntington, Gatewood, Pruhs

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4739 APPROVED.

- g) Resolution No. 4740 – A Resolution Designating the Fairbanks City Council as the Local Regulatory Authority under Alaska Statute Title 17, Chapter 38, Regulation of Marijuana. Introduced by Council Member Pruhs.

Mr. Pruhs, seconded by **Mr. Gatewood**, moved to APPROVE Resolution No. 4740.

Mr. Pruhs explained why it is important for the City to have regulatory authority over marijuana licensing. He asked Mayor Eberhart to encourage City staff to expedite Pakalolo Supply Company's marijuana license application on the next Regular Council Meeting agenda.

Mr. Cleworth asked City Attorney Paul Ewers whether the Borough would be the regulating authority for licenses within City limits if the City did not become an authority in marijuana licensing.

Mr. Ewers stated that the City will treat marijuana licenses the same way as liquor licenses but that the State dropped the ball and did not originally notify the City of the Pakalolo license. He stated that City Clerk Danyielle Snider has sent out the response forms to appropriate City departments and that the approval process is underway.

Mr. Pruhs stated that it is such a new industry that everyone is figuring things out as they go.

Ms. Huntington asked if other cities are proceeding in the same manner as the City of Fairbanks.

Mr. Pruhs stated that some municipalities are not setting up regulatory authority laws and are just leaving it up to the State to approve.

Mayor Eberhart asked Mr. Pruhs to clarify what he meant when he requested that the licensing process be expedited by City staff.

Mr. Pruhs stated that the license application has been received at the Fairbanks North Star Borough (FNSB) and that there has already been public comment on the license because the owner was issued a zoning permit.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4740 AS FOLLOWS:

YEAS: Matherly, Gatewood, Pruhs, Cleworth, Huntington

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4740 APPROVED.

- h) Ordinance No. 6011 – An Ordinance to Amend Chapter 10, Article III International Building Code, by Adopting the 2015 International Building Code with Local Amendments. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- i) Ordinance No. 6012 – An Ordinance to Amend FGC Chapter 10, Article XIII International Residential Code, by Adopting the 2015 International Residential Code with Local Amendments. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- j) Ordinance No. 6013 – An Ordinance to Amend FGC Chapter 10, Article IX National Electrical Code, by Adopting the 2014 National Electrical Code with Local Amendments. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- k) Ordinance No. 6014 – An Ordinance to Amend FGC Chapter 10, Article IV International Mechanical Code, by Adopting the 2015 International Mechanical Code with Local Amendments. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- l) Ordinance No. 6015 – An Ordinance to Amend FGC Chapter 10, Article V Uniform Plumbing Code, by Adopting the 2015 Uniform Plumbing Code with Local Amendments. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- m) Ordinance No. 6016 – An Ordinance to Amend FGC Chapter 10, Article XIV International Fuel Gas Code, by Adopting the 2015 International Fuel Gas Code with Local Amendments. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

FMATS Policy Committee – **Mr. Pruhs** stated there was a recent meeting but that he would report at a future because he is so new to the Committee.

Polaris Work Group – **Mr. Pruhs** stated the Polaris Work Group met and that he stepped down as the chair; he stated that Trina Bailey with Senator Lisa Murkowski’s Office has been assigned as the new chair of the group.

COMMUNICATIONS TO COUNCIL

a) Memo to Approve the Appointment to City Council Seat B

Mr. Matherly, seconded by **Ms. Huntington**, moved to APPROVE the Appointment of June Rogers to Council Seat B.

Ms. Huntington spoke in support of Ms. Rogers being appointed to Seat B on the Council.

Mr. Gatewood stated he whole heartedly accepts the Mayor’s recommendation to the Council and asked the Mayor if it was okay for her to come up and introduce herself.

Mayor Eberhart asked Ms. Rogers to introduce herself to the Council and the public.

Ms. Rogers stated she was born and raised in Fairbanks and that she is happy to continue to reside in the City. She shared the importance of putting down roots in the community and spoke to her involvement with the arts. She stated she is honored that the Mayor asked her to fill Mr. Walley’s seat and that she looks forward to participating in the future.

Mr. Matherly stated he was in Ms. Roger’s Cub Scout Troop many years ago and that he has a long history with her and her family. He spoke in support of her appointment.

Mayor Eberhart asked Ms. Rogers to speak to her relationship to Bill Rogers, Engineer II for the City of Fairbanks.

Ms. Rogers stated that Mr. Rogers is her husband and together they own McCafferty’s Coffee Shop in downtown Fairbanks. She stated that both she and Mr. Rogers have a vested interest in energizing the downtown area.

Mr. Pruhs complimented the Mayor on his wise selection for Seat B.

Mr. Cleworth welcomed Ms. Rogers to the Council. He asked Mr. Ewers to speak to the legalities of Ms. Rogers voting on issues that may concern Mr. Rogers’ employment.

Mr. Ewers stated that Ms. Rogers is qualified to serve because she would serve as a policy maker, not part of the Administration. He explained that Ms. Rogers may have to recuse herself from voting on some budgetary issues that would directly affect Mr. Rogers’ income. He stated

that he has spoken with the City Clerk, and if Ms. Rogers is confirmed, he and Ms. Snider plan to address the issue during her new Council Member orientation.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE APPOINTMENT OF JUNE ROGERS TO COUNCIL SEAT B AS FOLLOWS:

YEAS: Huntington, Matherly, Gatewood, Pruhs, Cleworth

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

b) Fairbanks Diversity Council Meeting Minutes of April 12, 2016

ACCEPTED on the CONSENT AGENDA.

c) Chena Riverfront Commission Meeting Minutes of April 13, 2016

ACCEPTED on the CONSENT AGENDA.

d) Reappointment to the Fairbanks Diversity Council

APPROVED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Gatewood congratulated Ms. Rogers for her appointment to City Council Seat B and shared that he looks forward to working with her.

Ms. Huntington welcomed Ms. Rogers to the Council and thanked fellow Council Members for pushing through so many items in such a short amount of time. She thanked the Council for passing Resolution No. 4737 because it may help allow for public input at Board of Adjustment hearings.

Mr. Matherly spoke to the moment of remembrance that was held at the Fairbanks Police Department (FPD) and thanked all law enforcement officers for their service. He shared his prayers for the family of Joseph Balko who passed away at a high school track meet. He welcomed Ms. Rogers to the City Council.

Mr. Cleworth requested that someone look into what kind of trees were planted along Cushman Street. He spoke to the bid war for the lawn maintenance contract at the Clay Street Cemetery and stated that the Code refers the issue to the Mayor, not the Council. He stated the only time the Council gets involved is if there is a bid protest for a large contract award; he added that the Clay Street Cemetery bid was not that large.

Mr. Pruhs echoed Mr. Matherly's condolences for the Balko Family. He wished Ms. Huntington a safe trip and congratulated Deputy Clerk Braniff for making it through her first meeting.

ADJOURNMENT

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

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

Mayor Eberhart declared the meeting adjourned at 10:02 p.m.

JOHN EBERHART, MAYOR

ATTEST:

D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JUNE 6, 2016
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 John Eberhart presiding and with the following Council Members in attendance:

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

Absent: None

Also Present: Clem Clooten, Building Official
Ernie Misewicz, Assistant Fire Chief
Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Stephanie Johnson, Dispatch Center Manager
Randall Aragon, Police Chief
Tammy Misrasi, Communication Director
Jim Styers, Fire Chief
Jeff Jacobson, Chief of Staff
Jackson Fox, City Engineer
Stephen Anderson, Plans Examiner
Eric Jewkes, Deputy Police Chief
Brad Johnson, Deputy Police Chief
Carrie Peterson, Controller

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

OATH OF OFFICE

a) Ms. June Rogers, Appointed to City Council Seat B on May 23, 2016

City Clerk Danyielle Snider administered the Oath of Office for Ms. Rogers, Council Seat B.

Mayor Eberhart recognized Pearl Watson, the City Hostess, for her 90th birthday and requested a short recess for refreshments. Ms. Watson thanked Mayor Eberhart for the honor and congratulated Ms. Rogers on being appointed to the City Council.

CITIZEN'S COMMENTS

Samantha Kirstein, 1170 Sunny Slope Road, Fairbanks – Ms. Kirstein spoke to community policing and to the Bjerremark Subdivision improvement project. She stated that she has lived in the Interior for 60 years and stated that the police have always been professional and responsive. She stated that she is grateful for all the officers' training and for their service. She stated that she served on the Steering Committee for the Bjerremark Subdivision project; she stated that while she did not agree with all of the decisions of the Committee, she believes the work will improve the overall area. Ms. Kirstein stated that she is in the 2016 Citizen's Police Academy and that she is impressed with the character of all of the Fairbanks police officers. She stated that the officers are daily examples of respect, courtesy and character to the youth in the community. She encouraged Council Members to participate in the Citizen's Police Academy so they can see the issues that officers have to deal with on a daily basis.

Lee DeSpain, 325 Driveway Street, Fairbanks – Mr. DeSpain stated that he has waited since October 2015 for a copy of the dismissed Alaska Public Offices Commission (APOC) appeal and that he finally received it. He asked Mayor Eberhart if he has paid his court-ordered fines relating to the case. He stated that the City Administration has not made a public announcement about the dismissed case which was closed in February of 2016. He asked Mayor Eberhart if he was going to reimburse City tax payers for the legal fees relating to the appeal. He accused Mayor Eberhart of lacking integrity.

Jerald Harrison, 723 27th Avenue – Mr. Harrison stated that when society places someone in prison, everything good inside that person is lost and they end up going to the dark side. He stated that while living in prison culture, a person is forced to manipulate everyone around them in order to survive. He stated that once the person is let out of prison manipulation is all they know, and they eventually end up back in jail. Mr. Harrison stated that when a criminal is released from jail, they should be appointed to become the Mayor of Fairbanks so they may do whatever they wish without consequence. He asked what would happen if a citizen complained about a criminal Mayor that rips off anything that is not nailed down. He stated that his proposed program would be perfect for the City of Fairbanks.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger shared his disappointment in the lawn maintenance at the Clay Street Cemetery; he stated that no one from Public Works has mowed the lawn. He stated that someone from the City gave Mr. Turney's bid amount out and speculated that it was a Council Member.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney thanked Mayor Eberhart for introducing him to the Pedroni family at the cemetery on Memorial Day. He stated he did not want a drone flying around the City spying on people and that he was not in favor of the resolution to fund the drone program. He spoke to the morale of City employees and read aloud a letter from former City Risk Manager Shannon Kumpula. Mr. Turney stated that contrary to Mr. Buberger's

statement, Public Works has been taking care of the lawn at the cemetery. He stated that citizens should call for a Charter change to go back to a City Manager form of government.

Darlene Herbert, 906 Woodlawn Road, Fairbanks – Ms. Herbert stated she did not want drones in the City of Fairbanks and recommended treatment centers instead. She stated that she knows a girl who stole a bicycle and was put in the halfway house; she stated that the girl escaped and will now serve six months in jail. She stated that the police punish young people too harshly and again spoke against the drone program. Ms. Herbert requested the police report in regard to the death of Tristan Vent. She stated he was a young Native boy who was killed by police for no reason; she stated she wants some answers. She stated she has a friend who witnessed the incident and that Tristan did nothing to deserve being shot.

Mr. Matherly asked Ms. Herbert if she had spoken to the police about the witness to the incident. Ms. Herbert replied that she had not.

Cole Hollister, 3264 Riverview Drive, Fairbanks – Mr. Hollister spoke to Ordinance No. 6002 and requested that it be amended to fall in line with the Borough's ordinance language. He stated that local governments should recognize any marijuana facility authorized by the State.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Pruhs pulled Ordinance No. 6002, Resolution No. 4743 and Resolution No. 4744 from the Consent Agenda.

Mr. Cleworth pulled Resolution No. 4741, Resolution No.4742, Ordinance No. 6022, and Ordinance No. 6023 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.

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 Marijuana License:

Type: Marijuana Cultivation Facility, License #10230
DBA: Pakalolo Supply Company, Inc.
Applicant: Pakalolo Supply Company, Inc.
Location: 1851 Fox Avenue, Fairbanks, Alaska

Mr. Cleworth, seconded by **Mr. Matherly**, moved to PROTEST the Application for a New Marijuana Cultivation Facility License until a Certificate of Occupancy is issued.

Cole Hollister, 3264 Riverview Drive, Fairbanks – Mr. Hollister stated that he is the owner of Pakalolo Supply Company and gave a brief history of his 50 years as a Fairbanks resident. He stated that he has a reputation for being an honest businessman and that his family decided to start Pakalolo together. Mr. Hollister stated that the business will employ nearly 20 people on a year-round basis and that most of the renovations are complete. He stated that he has obtained all the Borough zoning permits and that he will be going before the Alcohol and Marijuana Control Board later in the week.

Mr. Gatewood asked Mr. Hollister what Pakalolo means and if the facility will be all indoors. Mr. Hollister stated that Pakalolo is a Hawaiian word for marijuana or “crazy smoke.” He stated that the cultivation area is an indoor greenhouse lit with LEDs. He invited Council Members to come by the facility for a guided tour.

Mr. Cleworth asked Mr. Hollister what he would do if the citizen’s initiative to ban marijuana in the Borough passes. Mr. Hollister replied that he would end up working as a greeter at Walmart because he has invested so much in the business. He shared his belief that the residents of Fairbanks spoke loudly when they voted to legalize marijuana. **Mr. Cleworth** asked if the land under the facility is owned by the Alaska Railroad and if Gary Wilken owns the building. Mr. Hollister replied affirmatively to both.

Ms. Huntington asked Mr. Hollister what he would do if the State did not grant his application. Mr. Hollister stated that he has fulfilled all of the State requirements and that he believes he will be approved. **Ms. Huntington** asked Mr. Hollister if he has done any community outreach in the neighborhood where the facility will operate. Mr. Hollister shared that he has talked with the neighbors and that they are welcoming for the most part; he indicated that there are not many people in the area because it is an industrial zone. He stated that Pakalolo is on the same street as the HooDoo Brewery and that he hopes restaurants and coffee shops will move into the area.

Keenan Hollister, 1138 Coppett Street, Fairbanks – Mr. Keenan Hollister stated that Pakalolo has been welcomed in to the area and has held an open house to offer tours of the facility.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that the Council has not had an issue collecting revenue from alcohol over the years and they should allow the cannabis industry to operate. He stated that he did not know how much cannabis would cost, but cautioned that if it is taxed at too high a rate, people will continue to support the black market. Mr. Turney spoke against City taxation of cannabis due to the State’s taxation on the product. He spoke to the medicinal use of cannabis and requested that the Council approve Mr. Hollister’s application.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated that he has been around all types of drugs since the 1950’s. He stated that his parents used to get into terrible fights when they drank alcohol but that they never fought when they were smoking marijuana. He encouraged Council Members to try marijuana.

Darlene Herbert, 906 Woodlawn Road, Fairbanks – Ms. Herbert stated that the people of Alaska voted for marijuana to be legal and that there should be no issue with businesses who want to sell it. She stated that the City should collect more than a 5% tax because marijuana business owners would be making a lot of money.

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

Ms. Huntington and **Ms. Rogers** commented on how thorough Mr. Hollister's application was.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE APPLICATION FOR A NEW MARIJUANA CULTIVATION FACILITY LICENSE UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart congratulated Ms. Rogers for her appointment to City Council Seat B. He spoke to the Borough's proposed ordinance to take away the City Council's power to serve as the Board of Adjustment on zoning appeals. **Mayor Eberhart** recommended that a City Council representative be at the Assembly meeting when the ordinance is discussed. He stated that while a Council Member cannot vote on a Borough ordinance, they can suggest amendments or seek to introduce legislation. **Mayor Eberhart** spoke about the City taking back the Community Service Patrol (CSP) on June 1, 2016. He stated that the City and the Fairbanks Downtown Association continue to partner in raising funds for the CSP. **Mayor Eberhart** stated that the maintenance at the Clay Street Cemetery should not cost much more by having Public Works perform the labor. He stated that there are many projects Public Works will be working on at the cemetery that are outside the scope of the maintenance contract. **Mayor Eberhart** stated the project will go out for bid for the summer of 2017. He spoke of the activities the Mayor's Office since the last Regular Council Meeting.

UNFINISHED BUSINESS

- a) Ordinance No. 6002 – An Ordinance Amending Fairbanks General Code Chapter 46 Offenses by Adding a New Section to Prohibit Marijuana Clubs. Introduced by Council Member Pruhs. First Reading was POSTPONED from the Regular Meeting of January 11, 2016.

Ms. Huntington, seconded by **Mr. Matherly**, moved to ADVANCE Ordinance No. 6002.

Mr. Pruhs asked City Attorney Paul Ewers if the City would fall under what the Borough passed relating to marijuana clubs. Mr. Ewers stated that he would like to do some further research on the issue. **Mr. Pruhs** stated that if the Borough already has legislation that covers

marijuana clubs, there would be no reason to double regulate. He asked Mr. Ewers to review the issue and give a report at the next Council Meeting.

Mr. Cleworth asked Mr. Pruhs if he would prefer to table the ordinance so that it does not go on the agenda for the next Council Meeting.

Mr. Pruhs, seconded by **Mr. Cleworth**, moved to LAY ON THE TABLE Ordinance No. 6002.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO LAY ON THE TABLE ORDINANCE NO. 6002 AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

- b) Ordinance No. 6011 – An Ordinance to Amend FGC Chapter 10, Article III International Building Code, by Adopting the 2015 International Building Code with Local Amendments. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 6011.

Mayor Eberhart asked the Council if they would object to combining the public hearings for Ordinances 6011 through 6016.

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

Mayor Eberhart called for Public Testimony on Ordinances 6011, 6012, 6013, 6014, 6015 and 6016 and, hearing none, declared Public Testimony closed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6011 AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 6011 ADOPTED.

- c) Ordinance No. 6012 – An Ordinance to Amend FGC Chapter 10, Article XIII International Residential Code, by Adopting the 2015 International Residential Code with Local Amendments. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Cleworth, seconded by **Ms. Huntington**, moved to ADOPT Ordinance No. 6012.

Public Testimony on Ordinance No. 6012 was held prior to the adoption of Ordinance No. 6011.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6012 AS FOLLOWS:

YEAS: Huntington, Matherly, Gatewood, Pruhs, Cleworth, Rogers
NAYS: None
Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 6012 ADOPTED.

- d) Ordinance No. 6013 – An Ordinance to Amend FGC Chapter 10, Article IX National Electrical Code, by Adopting the 2014 National Electrical Code with Local Amendments. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Cleworth, seconded by **Ms. Huntington**, moved to ADOPT Ordinance No. 6013.

Public Testimony on Ordinance No. 6013 was held prior to the adoption of Ordinance No. 6011.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6013 AS FOLLOWS:

YEAS: Cleworth, Pruhs, Rogers, Huntington, Matherly, Gatewood
NAYS: None
Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 6013 ADOPTED.

- e) Ordinance No. 6014 – An Ordinance to Amend FGC Chapter 10, Article IV International Mechanical Code, by Adopting the 2015 International Mechanical Code with Local Amendments. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Ms. Huntington**, moved to ADOPT Ordinance No. 6014.

Public Testimony on Ordinance No. 6014 was held prior to the adoption of Ordinance No. 6011.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6014 AS FOLLOWS:

YEAS: Pruhs, Gatewood, Huntington, Cleworth, Matherly, Rogers
NAYS: None
Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 6014 ADOPTED.

- f) Ordinance No. 6015 – An Ordinance to Amend FGC Chapter 10, Article V Uniform Plumbing Code, by Adopting the 2015 Uniform Plumbing Code with Local Amendments. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 6015.

Public Testimony on Ordinance No. 6015 was held prior to the adoption of Ordinance No. 6011.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6015 AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 6015 ADOPTED.

- g) Ordinance No. 6016 – An Ordinance to Amend FGC Chapter 10, Article XIV International Fuel Gas Code, by Adopting the 2015 International Fuel Gas Code with Local Amendments. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Ms. Huntington**, moved to ADOPT Ordinance No. 6016.

Public Testimony on Ordinance No. 6016 was held prior to the adoption of Ordinance No. 6011.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6016 AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 6016 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4741 – A Resolution Fixing the Rate of Tax Levy for Municipal Purposes for the 2016 Real Property Tax. Introduced by Mayor Eberhart.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to APPROVE Resolution No. 4741.

Mr. Cleworth spoke to City revenues and to his concern for the budget. He stated that it is alarming how little money the City has to work with and spoke to the loss of revenue sharing.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4741 AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4741 APPROVED.

- b) Resolution No. 4742 – A Resolution to Extend the Date for the December 31, 2015 Audit. Introduced by Mayor Eberhart.

Mr. Cleworth, seconded by **Mr. Gatewood**, moved to APPROVE Resolution No. 4742.

Mr. Cleworth asked if the City will be out of compliance with the City Charter for the annual audit deadline of 180 days.

Ms. Randle stated that the State has not provided the numbers needed in regard to the Public Employees Retirement System (PERS) pension program; she stated that the City has everything else ready to go.

Mr. Ewers stated that it seems like every year new requirements are place on municipalities. He stated that the City cannot comply with the Charter without the State's numbers regarding PERS.

Mr. Cleworth suggested that a Charter amendment be proposed for the 2016 ballot.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4742 AS FOLLOWS:

YEAS: Huntington, Matherly, Gatewood, Pruhs, Cleworth, Rogers
NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4742 APPROVED.

- c) Resolution No. 4743 – A Resolution to Accept Funding from the Bureau of Justice Assistance (BJA) for the FFY2016 Edward Byrne Memorial Justice Assistance Grant (JAG). Introduced by Mayor Eberhart.

Mr. Matherly, seconded by **Mr. Huntington**, moved to APPROVE Resolution No. 4743.

Mr. Pruhs referred to the fiscal note of Resolution No. 4743 and asked if the \$7,000.00 line item for the unmanned aerial system (UAS) would have to be approved with the resolution.

Controller Carrie Peterson gave a breakdown of how the Fairbanks Police Department (FPD) would like to allocate the grant funds. She stated that the funds could be reallocated to a different program, subject to the grant guidelines.

Mr. Pruhs requested that the Council postpone the decision to accept the funds because he is hesitant for the City of Fairbanks to have a drone.

Deputy Chief Eric Jewkes stated that FPD expected push back when they requested funds for the drone. **Mr. Pruhs** asked if FPD has an officer trained on how to operate the drone. Mr. Jewkes replied that they need the drone in order to train an officer. **Mr. Pruhs** asked how the City would benefit from having a drone. Mr. Jewkes stated it would help with crime scene mapping, search and rescue, and hotspot fire searching. He stated that there will be policies in place to protect the privacy of citizens. Police Chief Randall Aragon stated that drones have become a national endeavor with law enforcement because they improve public safety. Deputy Chief Brad Johnson added that FPD has received these grant funds for many years and asked the Council to

not fail the resolution because of the UAS line item. Mr. Johnson stated they could make changes to the grant application but that the grant application submittal is time-sensitive.

Ms. Huntington asked how many Alaskan communities have drone systems. Mr. Jewkes replied that he did not have statistics for the State, but that nationwide it is becoming a common tool for law enforcement.

Ms. Rogers thanked Mr. Pruhs for pulling the resolution and stated that there is a lot of misinformation relating to drones. She stated that a drone would be helpful for river rescues.

Mayor Eberhart stated that if there is an active shooter hiding behind something the drone could be used so officers can see what is going on without being sent into harm's way.

Mr. Matherly asked what the weather restrictions were on the use of the drones. Mr. Jewkes stated that high wind would affect them but that they are battery powered and should work well in the cold weather.

Mr. Gatewood stated that he agreed with Mr. Johnson that the City should still apply for the grant and that he can see the importance of a drone in rescue operations. He stated that he understands the public distrust and thanked the officers for explaining the need for drones.

Mr. Cleworth shared his two concerns: ongoing costs and public resistance. He stated that he would not support the resolution.

Mr. Jewkes acknowledged the public resistance and stated that FPD would use the drone properly.

Mr. Matherly stated people are often resistant to something new but commented that once it is used with success people may change their minds. He expressed support for the resolution.

Mr. Gatewood agreed with Mr. Matherly but added that distrust may increase if power is abused.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4743 AS FOLLOWS:

YEAS: Pruhs, Rogers, Huntington, Matherly, Gatewood

NAYS: Cleworth

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4743 APPROVED.

- d) Resolution No. 4744 – A Resolution to Apply for Funds from the Alaska Division of Homeland Security and Emergency Management for SFY2017 Local Emergency Planning Committee Grant. Introduced by Mayor Eberhart.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4744.

Mr. Pruhs shared his concerns with increasing staffing levels at the Fire Department.

Ms. Randle stated that the resolution will not increase staff. She stated that the City applies for the grant every year to help pay for the administrative work on the Local Emergency Planning Committee (LEPC).

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4744 AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4744 APPROVED.

- e) Resolution No. 4745 – A Resolution to Apply for Funds from the Alaska Division of Homeland Security and Emergency Management for FFY2016 Emergency Management Performance Grant. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- f) Resolution No. 4746 – A Resolution to Accept Funding from the United States Attorney for FFY2016 Organized Crime Drug Enforcement Task Forces (OCDETF). Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- g) Ordinance No. 6017 – An Ordinance to Amend FGC Chapter 30, Article II International Fire Code, by Adopting the 2015 International Fire Code with Local Amendments. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- h) Ordinance No. 6018 – An Ordinance to Amend FGC Chapter 10, Article XVI International Energy Conservation Code, by Adopting the 2015 International Energy Conservation Code with Local Amendments. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- i) Ordinance No. 6019 – An Ordinance Adopting the 2015 International Existing Building Code with Local Amendments. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA

- j) Ordinance No. 6020 – An Ordinance to Amend FGC Chapter 10, Article VII, by Adopting the 2015 City of Fairbanks Code for the Abatement of Dangerous Buildings. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- k) Ordinance No. 6021 – An Ordinance to Amend FGC Chapter 10, Article II, by Adopting the 2015 City of Fairbanks Administrative Code. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- l) Ordinance No. 6022 – An Ordinance Amending Fairbanks General Code Section 14-178 to Clarify the City’s Requirements for Downtown Liquor License Approvals. Introduced by Council Member Cleworth.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to ADVANCE Ordinance No. 6022.

Mr. Cleworth stated that there is an issue needing correction before the ordinance advances.

Mr. Cleworth, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 6022 to change “west on Gaffney” to “east on Gaffney” on page two.

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

Mr. Pruhs stated that he has an issue with the language stating that the City Council “will” protest the renewal of liquor licenses. He stated that the ordinance is written in a way that will put owners out of business.

Mr. Cleworth explained his reasons behind the changes. **Mr. Pruhs** challenged Mr. Cleworth to identify when the existing ordinance has failed.

Mr. Cleworth stated it failed when the Council allowed one liquor establishment to open without food service and then the following month, approved another liquor license with the condition that the establishment must provide food service.

Mayor Eberhart stated that the language to require food service is not clear; he used his parents’ sandwich shop as an example.

Mr. Pruhs stated that under the proposed ordinance, the Mecca Bar would be forced to go out of business if they do not provide food service when they renew their liquor license. He stated that the language in the ordinance is too severe and the Council should not accept it.

Mr. Cleworth stated he brought the ordinance up at the last Finance Committee meeting and commented that no one had an issue with it at that time. He offered to take the ordinance back to the Finance Committee.

Mr. Pruhs stated that the Council needs to understand the ramifications before passing the ordinance. **Ms. Huntington** concurred with Mr. Pruhs’ request.

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to POSTPONE Ordinance No. 6022 to the July 11, 2016 Regular City Council Meeting.

Mr. Gatewood stated that he will be absent for the July 11 meeting. He stated that he understands both Mr. Cleworth's and Mr. Pruhs' points of view.

Mr. Cleworth, with the concurrence of the second, moved to AMEND the motion to POSTPONE by changing the date of postponement to July 25, 2016.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE ORDINANCE NO. 6022 TO THE REGULAR MEETING OF JULY 25, 2016 AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

m) Ordinance No. 6023 – An Ordinance to Approve Funding for a Job Sharing Agreement with the UAF Fire Department. Introduced by Mayor Eberhart.

Mr. Gatewood, seconded by **Ms. Huntington**, moved to ADVANCE Ordinance No. 6023.

Mr. Gatewood, seconded by **Ms. Huntington**, moved to SUBSTITUTE Ordinance No. 6023, as Amended for Ordinance No. 6023.

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

Mr. Cleworth stated that Fire Chief Jim Styers came to him and informed him that the University of Alaska Fairbanks (UAF) is at risk of losing their code compliance officer, so he proposed the job share program as a work around. **Mr. Cleworth** stated that four permanent positions have been added to the Fire Department since Mayor Strle, and all of them were intended to be temporary positions. He spoke of his concern for grant-funded employee becoming permanent employees when grant funding dries up. He stated that he is not interested in hiring another part-time employee.

Ms. Huntington asked Deputy Fire Chief Ernie Misewicz to speak to code compliance within the City. Mr. Misewicz stated code compliance is mandated by the State; he listed all of the types of inspections performed by the Fire Department. He spoke to the history of code compliance personnel within the City.

Mayor Eberhart asked whether the individual would be a UAF employee or a City employee if the City approved funding for the job sharing position. Mr. Misewicz replied that the person would remain a UAF employee.

Mr. Matherly asked what the City charges for a fire inspection.

Mr. Misewicz replied that the City charges \$85.00 per hour for fire inspections and that he thinks the fee should be waived. He explained that a fire inspection is an educational tool which helps businesses become safer; he added that it often costs business owners a lot of money to comply.

Mr. Cleworth stated the Council needs to prioritize expenditures; he recommended that any extra funding go to Public Works for pot holes repair.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6023 AS FOLLOWS:

YEAS: Huntington, Gatewood
NAYS: Cleworth, Pruhs, Rogers, Matherly
Mayor Eberhart declared the MOTION FAILED.

DISCUSSION ITEMS

Permanent Fund Review Board (PFRB) – **Mr. Gatewood** stated that the PFRB met and discussed the RFP for investment management services. He invited everyone to attend the pre-proposal meeting that will be held Friday, June 10, 2016.

COMMUNICATIONS TO COUNCIL

a) Appointment to the Board of Plumber Examiners

APPROVED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Pruhs stated that he had no comments.

Mr. Cleworth requested that an ordinance be prepared similar to the language the Borough adopted in regard to the sales tax rate on marijuana. He thanked Assembly Member Lance Roberts for giving the Council a heads up on the Borough ordinance regarding Board of Adjustment hearings. He spoke to the eroded relationship between the City and the Borough. **Mr. Cleworth** spoke to the use of City resources and the items the Mayor passed out at the last Regular Council Meeting. He asked Chief of Staff Jeff Jacobson to look into and follow-up on a pedestrian hazard in front of the Arctic Traveler's Gift Shop. He asked Deputy Chief Brad Johnson to address the possible witness Ms. Herbert spoke of during Public Testimony.

Mr. Johnson replied that the case Ms. Herbert referred to was an Alaska State Trooper case and that he could not comment.

Mr. Matherly spoke to the Clay Street Cemetery lawn maintenance contract issues and stated that the whole process turned into a mess. He spoke to the Council's decision to keep Terminal Street's name and stated that he did not speak to a single person who wanted the street name changed. **Mr. Matherly** spoke to Shannon Kumpula's letter and commented that it is distressing that so many people are leaving the City. He spoke to the importance of a leader empowering their employees. He stated it is an honor to serve with everyone on the Council.

Ms. Huntington welcomed Ms. Rogers to the Council and thanked Mr. Pruhs for calling in to the meeting. She spoke to the decisions of the Board of Adjustment and to the Borough's push to try to take the City's authority away.

Ms. Rogers thanked the Council for all of their support. She stated that she received a letter from William Biederman requesting the establishment of a drum group for incarcerated Native people. She spoke to the importance of having uplifting activities for incarcerated individuals.

Mr. Gatewood stated that he agrees that the Council needs to address the proposed Borough ordinance regarding Board of Adjustment appeals. He congratulated Joe Fields for being awarded the Alaska Distinguished Service Award and shared that Mr. Fields has done a lot of work on the Veterans Advisory Council.

CITY CLERK'S REPORT

City Clerk Snider asked Council Members to look at the marijuana license packet and consider what information the Council would like to see in future application packets.

CITY ATTORNEY'S REPORT

City Attorney Ewers congratulated the Building Code Review and Appeals Commission for all the work they did in proposing recommendations for City Building Code updates.

ADJOURNMENT

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

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

Mayor Eberhart declared the meeting ADJOURNED at 10:19 p.m.

JOHN EBERHART, MAYOR

ATTEST:

D. DANYIELLE SNIDER, CMC, CITY CLERK


Transcribed by: EB

MEMORANDUM

City of Fairbanks Clerk's Office

D. Danyielle Snider, City Clerk

TO: Mayor John Eberhart
City Council Members

FROM: D. Danyielle Snider, CMC, City Clerk 

SUBJECT: Application for New Marijuana Cultivation Facility License

DATE: July 18, 2016

Attached you will find a notification from the Alcohol and Marijuana Control Office (AMCO) of an application for a new marijuana cultivation facility license along with additional information for the following applicant:

License #: **10279**
License Type: **Standard Marijuana Cultivation Facility**
D.B.A.: GoodSinse, LLC
Licensee/Applicant: GoodSinse, LLC
Physical Location: 2604 Davis Road, Fairbanks Alaska

Pursuant to 3 AAC 306.060, the Council must determine whether or not to protest the marijuana license action after holding a public hearing.

This application for a new license has been advertised in the Fairbanks Daily News Miner, and a notice of the date, time and place of the public hearing has been mailed to all property owners within 500 feet of the proposed marijuana establishment.

The Building and Fire Departments recommend that this license be protested until the required building permits are obtained, alterations of the premises are inspected and in compliance with fire and life safety standards, and a Certificate of Occupancy is issued. There are no other departmental objections to the issuance of the license.



M E M O R A N D U M

TO: City of Fairbanks City Council

FROM: D. Christine Nelson, AICP
Director of Community Planning

DATE: August 4, 2016

SUBJECT: Marijuana Buffer Distances

FNSBC 18.96.240 Standards for commercial marijuana establishments, Section A(3) (formerly 18.50.300.A(3)) addresses buffer distances for commercial marijuana establishments. More specifically, FNSBC 18.96.240.A.3(a) establishes the distance of 500 feet from any primary or secondary school building (K-12) including vocational programs while FNSBC 18.96.240.A.3(b) establishes the distance of 200 feet from any post-secondary school buildings including but not limited to trade/technical/vocational schools, colleges and universities. Buffer distances are measured from the lot line of the lot containing the sensitive use or zone to the commercial marijuana establishment (building) in accordance with FNSBC 18.96.240.A.3(d).

Title 18 contains specific definitions for both “school buildings” and “trade/technical/vocational school”. Section 18.04.010 Definitions (formerly 18.06.010) states that “ *‘School buildings’ means buildings, except church buildings as defined, used primarily for teaching and instruction on a daily basis as its primary use, including elementary and secondary schools and colleges. This definition does not include trade/technical/vocational school.*” The same code section states that “ *‘Trade/technical/vocational school’ means a school on a secondary or post-secondary level that offers instruction and practical experience in skilled trades, including, but not limited to, aviation, mechanics, carpentry, plumbing and construction.*”

The Fairbanks North Star Borough interprets the above code sections such that a 500 foot buffer applies to primary or secondary (K-12) schools, including any K-12 vocational school programs, but that the 500 foot buffer does not apply to trade/technical/vocational schools or those types of programs that are not a K-12 school. Trade/technical/vocational schools are specifically excluded from the definition of “school buildings”. However, a 200 foot buffer distance does apply to trade/technical/vocational schools.

Laborer Union Classroom and Training Center meets the borough’s definition of a “trade/technical/vocational school” but does not meet the definition of “school buildings” nor does it appear that to be a K-12 vocational program within a school building. As measured by the FNSB, the property line of the Laborer Union Classroom and Training Center is 300 feet from the closest portion of the commercial marijuana establishment (building) (see Exhibit 1). The 200 foot FNSB buffer distance from a trade/technical/vocational school has been met.

Enc. Exhibit 1: Map depicting distance from sensitive use
FNSBC 18.96.240 Standards for commercial marijuana establishments
FNSBC 18.04.010 Definitions



Zion Lutheran Church/
Open Arms Day care

Laborers Union Classroom
and Training Center

MJ Building

709 Feet

300 Feet



This sheet only presents FNSB zoning/requirements and does not present state or city law/requirements. This information is presented for illustrative purposes only; it may not be accurate and should not be relied upon. For complete and accurate zoning information, please review Title 18 of FNSB code.

FNSB MARIJUANA FACILITIES ZONING																
TYPE OF MARIJUANA FACILITY	Zoning District															
	OR	RA	RF	RE	RR	SF	TF	MF	MFO	LC	GC	CBD	LI	HI	ML	GU
MJ CULTIVATION INDOOR SMALL		Z	Z							CUP	CUP		Z	Z		Z
MJ CULTIVATION INDOOR LARGE		Z	Z							CUP	CUP		Z	Z		Z†/CUP
MJ CULTIVATION INDOOR UNLIMITED		CUP	CUP								CUP		CUP	Z		Z†/CUP
MJ CULTIVATION OUTDOOR LIMITED		Z	Z													Z†/CUP
MJ CULTIVATION OUTDOOR UNLIMITED		CUP	CUP													CUP
MJ PRODUCT MANUFACTURING LIMITED		CUP	CUP							CUP	Z*/CUP**	Z*/CUP**	Z	Z		Z†/CUP
MJ PRODUCT MANUFACTURING UNLIMITED													CUP	Z		CUP
MJ RETAIL											Z	Z	Z	Z		Z†/CUP
MJ RETAIL AGRICULTURAL ACCESSORY		CUP	CUP													Z†/CUP
MJ TESTING		CUP	CUP							Z	Z	Z	Z	Z		Z

Residential Zones

Notes:

Z = Permitted Use: Zoning Permit Required

CUP = Conditional Use Permit: Public Hearing Required

* Only in conjunction with a marijuana retail facility on the same site

** If not in conjunction with a marijuana retail facility on the same site

† If not adjacent to a lot upon which a principal building used as a dwelling is located

In addition, marijuana establishments must be located:

- 1) 500 feet from primary and secondary schools (K-12) including vocational programs, playgrounds, adult and juvenile correctional facilities and housing facilities owned by a public housing authority with children as residents
- 2) 200 feet from any post-secondary school including but not limited to trade/technical/vocational schools, colleges and universities
- 3) 100 feet from youth centers, group homes serving persons age 18 and under, public swimming pools, state licensed daycare facilities, arcades, and state licensed substance use treatment provider or facility providing substance abuse treatment, church buildings and residential zones (RE, RR, SF, TF, MF, MFO)
- 4) Buffer distances shall be measured from the lot line of the lot containing a use or zone listed above to the marijuana facility
- 5) Buffer distance measurements shall not extend beyond rivers and lakes or beyond the nearest edge of a right-of-way (ROW) of an access-controlled highway

18.96.240 Standards for commercial marijuana establishments.**A. General Standards.**

1. Applicability. Standards of this section shall apply to commercial marijuana establishments regardless of whether they are a permitted or conditional use.

2. A commercial marijuana establishment may only be allowed with the written consent of the owner of the property.

3. No marijuana establishment, except a marijuana testing facility, shall be located within the following buffer distances:

a. Five hundred feet of primary and secondary school buildings (K-12) including vocational programs, playgrounds, adult and juvenile correctional facilities and housing facilities owned by a public housing authority with children as residents; and

b. Two hundred feet of any post-secondary school buildings including but not limited to trade/technical/vocational schools, colleges and universities; and

c. One hundred feet of youth centers, group homes serving persons ages 18 and under, public swimming pools, state licensed day care facilities, arcades, state licensed substance use treatment provider or facility providing substance abuse use treatment, church buildings and residential zones (RE, RR, SF, TF, MF, MFO).

d. Buffer distances shall be measured from the lot line of the lot containing a use or zone listed in subsections (A)(3)(a) through (c) of this section to the commercial marijuana establishment.

e. Buffer distance measurements shall not extend beyond the nearest ordinary high water (OHW) mark of a river or lake or beyond the nearest edge of a right-of-way (ROW) of a controlled access facility.

4. Outdoor Storage. No outdoor storage of marijuana, marijuana products or hazardous substances shall be allowed.

5. In all zones in which marijuana establishments, with the exception of a marijuana testing facility, are a permitted or conditional use, the applicant shall include an area map drawn to scale indicating all land uses on complete parcels within a 500-foot proximity of the lot upon which the applicant is seeking a zoning permit or conditional use permit.

6. Marijuana establishments other than marijuana cultivation facilities, indoor small and marijuana testing facilities located in GU-1 or GU-5 zoning and adjacent to a lot upon which a principal building used as a dwelling is located are a conditional use subject to the requirements of this title.

B. Cultivation Facility Standards.

1. Yard Setbacks. Outdoor marijuana cultivation facilities, including all land planted with marijuana, shall be located at least 50 feet from a lot line.

2. Height Limitations.

a. The maximum height for a marijuana cultivation facility, indoor small shall be 35 feet.

b. The maximum height for a marijuana cultivation facility, indoor large shall be 75 feet. (Ord. 2015-41 § 19, 2015; Ord. 2016-30 § 4, 2016)

“Professional office” means an enterprise, organization or place where consulting, record keeping and the work of a person or persons in the following occupations is done:

1. Accountants, auditors, tax experts;
2. Audio recording studios;
3. Architects, engineers, surveyors;
4. Consulting services;
5. Doctors, dentists, psychologists, optometrists, chiropractors;
6. Geologists, geophysicists;
7. Insurance offices;
8. Laboratory technicians and laboratories, excluding outdoor living facilities for animals;
9. Lawyers;
10. Messenger, telegraph, telecommunications, answering services;
11. Photography studios;
12. Public typists, stenographers, court reporters;
13. Real estate brokers, appraisers, abstractors;
14. Stockbrokers;
15. Other professional office uses comparable and similar in operation, appearance, conduct and occupation as those listed above.

“Public dumping site” means a site, containing one or more neighborhood dumpsters, intended for use by the general public as a depository and collection point for solid waste generated by households.

“Recreation building” or “community center” means a building or group of buildings offering recreational facilities including, but not limited to, gymnasiums, swimming pools, ice rinks, exercise facilities, meeting rooms and clubs, as distinguished from private clubs or lodges.

“Retail building” means a building whose principal use is the sale of goods or commodities in small quantities directly to consumers.

“Retail marijuana store” means a legally licensed commercial retail marijuana store as defined by state law. A retail marijuana store may sell marijuana accessories as defined by state law.

“Retaining wall” means a wall that holds back earth material, independent of any other structure.

“Roominghouse” means a dwelling unit or portion thereof, other than a hotel, motel or guest room, in which lodging is provided by the owner or operator to five or more boarders for consideration.

“Sanitary landfill” means an area of land used for final disposal of solid waste in a manner approved by the Alaska Department of Environmental Conservation. For purposes of this chapter, solid waste does not include biosolids (sewage sludge), when used for agricultural purposes or beneficial land application, compost material, or coal ash.

“School buildings” means buildings, except church buildings as defined, used primarily for teaching and instruction on a daily basis as its primary use, including elementary and secondary schools and colleges. This definition does not include trade/technical/vocational school.

“Street parking lot screening” means landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer between a street or public right-of-way and a parking lot.

“Street, road or highway” means a public or private right-of-way or easement which is designated as a permanent right-of-way for common use as the primary means of vehicular access to properties abutting it.

“Structure.” See “Building.”

“Substantial or significant” means, as it pertains to adult entertainment facilities, 25 percent or greater.

“Supreme Court, U.S.” The decisions on land use and uses, to which the borough will conform.

“Swimming pool” means any public facility, including any parking lot appurtenant thereto, intended for the purposes of swimming and other water-related recreational activities.

“Telecommunications” means the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.

“Trade/technical/vocational school” means a school on a secondary or post secondary level that offers instruction and practical experience in skilled trades, including, but not limited to, aviation, mechanics, carpentry, plumbing and construction.

“Trailer park” means a parcel of land used for the parking of two or more travel trailers occupied or intended to be occupied on the parcel.

“Transfer station” means a facility, located within a permanent building, designed to be used as a central solid waste depository and collection point for a subregion.

“Transit amenities” means transit passenger shelters and other related items or structures directly related to the purposes of transit stops and intended for use by transit passengers.

“Trash and garbage areas” means exterior centralized areas that include dumpsters, garbage receptacles, bins and trash cans.

“Travel trailer” means any vehicle or similar portable structure used or intended to be used as transient living or sleeping quarters for humans and which may be driven, towed or propelled from one location to another without change in structure or design, whether or not the same is supported by wheels.

“Use” means the purpose for which land and/or a building is arranged, designed, intended, occupied or maintained.

“Use, accessory” means a use which is clearly and customarily incidental and subordinate to the principal use of a building or premises and which is located on the same zoning lot as the principal use or building.

“Use, conforming” means the use of a building or premises which complies with all of the applicable use regulations of the zoning district in which said building or premises is located.

“Use, nonconforming” means a use which was lawfully established prior to the adoption, revision or amendment of this title, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is located.



**Fairbanks North Star Borough
Department of Community Planning**

P.O. Box 71267
Fairbanks, Alaska 99707-1267

Phone: (907) 459-1260

Fax: (907) 459-1255

planning@co.fairbanks.ak.us

Zoning Permit Number: 17529

This permit is issued based on the lot dimensions and zone applicable to the lot on the date of issuance. If prior to construction, the zone or the lot dimensions change, this permit will no longer be valid and a new permit must be obtained.

General Information

Date: 5/20/2016

Telephone: 907-347-7689

Applicant: PETERS DANIEL

Cell Phone:

Mailing Address: 2750 PARK WAY, NORTH POLE AK 99705

Email:

Property Description: 0127523 2014 T/R Assembled Now known as **Site Address:** 2604 DAVIS RD

Existing Use: Industrial **Structure:** Shop : Shop with three rental bays

Proposed Use: Commercial **Structure:** Marijuana cultivation facility, indoor large : Marijuana cultivation facility, indoor large - 3,929 square feet of 10,800 square foot building

Dwelling Units: 0 **New:** 0 **Existing:** 0

Building Height (stories): 1

Total Area of Structure: 10,800 SF **New:** 0 SF **Existing:** 10,800 SF

Lot Size: 40,000 SF

Est. Construction Cost: \$10,000

Note: This permit for a marijuana cultivation facility, indoor large is only for the 3,929 square feet shown in the floor plans within the existing building. No other portion of the building or property may be used for marijuana facility activities without appropriate land use approval. The marijuana facility shall be physically separated from other portions of the building as indicated on the floor plan provided. A separate permit is required for the marijuana retail store use.

- I certify that I am the owner or that I am authorized to act for the owner of the property.
- I certify that this information is to the best of my knowledge true and complete.
- I acknowledge and will comply with the conditions set forth in this zoning permit.
- I understand that the holder of this permit is required to comply with all other applicable laws, including city, borough, state and federal laws.
- I agree to submit current and accurate documents if the site plan or other application materials are changed subsequent to issuance of this permit.
- I understand that this permit is appealable and that this appeal must be submitted and perfected within 15 days of the date of the decision in accordance with FNSBC 18.54.070.
- This permit is issued contingent upon the applicant obtaining the appropriate State of Alaska Commercial Marijuana Facility License.



Applicant Signature

5-20-16

Date

Zoning Specifications

Existing Zone: LI (100%)
 Minimum Lot Size: 0
 Front Yard Req: 20
 Side Yard Req: 0
 Rear Yard Req: 0

Flood Zone: X PROTECTED BY LEVEE (100%)

Road Service Area: No
 Parking Spaces Req: 2
 Building Type: Principal

Conditions

Floodplain Permit Required: No

FNSB Driveway Permit Required: No

Conditions: Marijuana cultivation facility, indoor large

Reasons: Marijuana cultivation facility, indoor large meets Title 18 requirements

Permit Approval: Approved


 Zoning Official: Wasinger, S

5/20/2016
 Date

This is a Fairbanks North Star Borough Community Planning Department Zoning Permit. Please contact other departments and agencies to obtain permits as necessary.

Zoning Permit 17529 and 17530

5/19/2016, Additional Comments

The 500 foot buffer map submitted by the applicant for the proposed retail marijuana store and marijuana cultivation facility shows Alaska Laborers' Training School within the 500 foot buffer. Based on the information provided, this is a post-secondary vocational/trade school, which requires a 200 foot buffer. Also based on the information provided, any primary or secondary school programs are not provided on a daily basis and therefore do not qualify as primary and secondary school buildings. The proposed facility, based on the site plan, appears to be more than 200 feet from the post-secondary vocational/trade school, meeting all requirements in FNSBC 18.50.300(A)(3).

- Title 18 definitions:
 - *"Trade/technical/vocational school"* means a school on a secondary or post secondary level that offers instruction and practical experience in skilled trades, including, but not limited to, aviation, mechanics, carpentry, plumbing and construction.
 - *"School buildings"* means buildings, except church buildings as defined, used primarily for teaching and instruction on a daily basis as its primary use, including elementary and secondary schools and colleges. This definition does not include trade/technical/vocational school.
- MJ buffer requirements:
 - Five hundred feet of primary and secondary school buildings (K-12) including vocational programs, playgrounds, adult and juvenile correctional facilities and housing facilities owned by a public housing authority with children as residents
 - Two hundred feet of any post-secondary school buildings including but not limited to trade/technical/vocational schools, colleges and universities



CITY OF FAIRBANKS
MEMORANDUM

RECEIVED
JUL 28 2016
CITY CLERKS OFFICE

To: City Clerk, Danyielle Snider
From: Mayor John Eberhart
Subject: Veto of Ordinance No. 6022, As Amended
Date: July 28, 2016

Pursuant to Charter Sec. 4.2, I hereby veto Ordinance No. 6022, As Amended. My concerns with the Ordinance include its expansion of the restricted area and the "restaurant or eating place license" requirements or provisions in subsection 4. The Ordinance may be seen as an impediment to business and economic development, particularly in the core area of our city.

For the above and other reasons, I veto Ordinance No. 6022, As Amended.

A handwritten signature in blue ink, appearing to read "John Eberhart".

cc: Jeff Jacobson, Chief of Staff

ORDINANCE NO. 6022, AS AMENDED

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE
SECTION 14-178 TO CLARIFY THE CITY'S REQUIREMENTS FOR
DOWNTOWN LIQUOR LICENSE APPROVALS**

WHEREAS, Fairbanks General Code Section 14-178 addresses the City Council's review of issuance, renewal, and transfer of liquor licenses and needs to be updated.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

Section 1. Fairbanks General Code Chapter 14, Article V, Sec. 14-178(b), is repealed and reenacted as follows:

Sec. 14-178. City council review of license issuance, renewal or transfer.

(b) City council protests:

Mandatory: The council will protest the issuance, transfer or renewal of a license if it determines any of the following conditions exist:

- (1) The business operated under the license is, on the date the city council considers the application, delinquent in the payment of any sales tax or hotel/motel tax or penalty or interest on such taxes arising out of the operation of the licensed premises.
- (2) There are delinquent property taxes or local improvement district assessments or penalty or interest arising out of real or personal property owned in whole or in part by any person named in the application as an applicant where such property is used, or is to be used, in whole or in part, in the business conducted or to be conducted under the licenses.
- (3) There is a delinquent charge or assessment owing the city by licensee for a municipal service provided for the benefit of the business conducted under the license or for a service or an activity provided or conducted by the city at the request of or arising out of an activity of the business conducted under the license.
- (4) The business is for locations within the downtown Fairbanks area bounded by Barnette Street, extended from the north bank of the Chena River to Gaffney Road, east on Gaffney to Noble Street, north on Noble to Sixth Avenue, east on Sixth Avenue to Hall Street, north on Hall Street across the Wendell Street Bridge to Minnie Street, west on Minnie to Illinois

Street, then south on Illinois to the point of beginning. The only alcoholic beverage license applications for new licenses or transfer of existing licenses to locations within the boundaries specified in this subsection which the city will not protest are those that are for a “restaurant or eating place license” as defined under Alaska Statute 04.11.100(e). This subpart does not apply to license renewals for establishments in operation within the described area on the effective date of this ordinance.

Optional. The council may protest the issuance, transfer or renewal of a license if it determines any of the following conditions exist:

- (1) If the application is for the issuance of a package store license or a restaurant or eating place license and after the issuance there would be more than one license of the type for which the application is made for each 1,500 people, or fraction, residing within the city, or such higher number of people as may be established by state statute or regulation for such licenses.
- (2) The business to be operated under the license would violate the zoning code of the borough and/or increase the density of more than three beverage dispensary licenses within a two block radius of a zoned residential neighborhood. A beverage dispensary license applicant for initial transfer of the same who wishes to be located in an area zoned as commercial must conform to this requirement.

Section 2. That the effective date of this ordinance will be the 30th day of July 2016.

John Eberhart, City Mayor

AYES: Matherly, Cleworth, Rogers, Gatewood
NAYS: Huntington, Pruhs
ABSENT: None
ADOPTED: July 25, 2016

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul Ewers, City Attorney

RESOLUTION NO. 4754

A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO ACCEPT FUNDS FROM THE FAIRBANKS METROPOLITAN AREA TRANSPORTATION SYSTEM TRANSPORTATION ALTERNATIVES PROGRAM AND TO ENTER INTO A MAINTENANCE AGREEMENT

WHEREAS, the City of Fairbanks was notified by the Fairbanks Metropolitan Area Transportation System that the City of Fairbanks is eligible for funds from FMATS Transportation Alternatives Program (TAP) for programs and projects defined as Transportation Alternatives; and

WHEREAS, the City of Fairbanks has received an allocation from the FMATS TAP in the amount of \$227,744 with a required match of \$20,566; and

WHEREAS, the City of Fairbanks Engineering Department submitted three project applications for supplemental construction funding for a new sidewalk on Bjerremark Street in south Fairbanks, a sidewalk condition survey of all City-owned sidewalks, and purchase of pedestrian and bicycle count equipment; and

WHEREAS, all three projects were approved for funding by the FMATS Policy Committee on July 20, 2016; and

WHEREAS, the City of Fairbanks is required to provide a 9.03% match in the amount of \$20,566, which will be provided by the Mayor's Capital Contingency Fund; and

WHEREAS, the City will manage and maintain the sidewalk and equipment purchased with funding from FMATS;

NOW, THEREFORE, BE IT RESOLVED by the City Council that the Mayor is authorized to execute any and all documents required for accepting funds and maintenance agreements on behalf of the City for these grants.

PASSED and APPROVED this 8th day of August 2016.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 4754

Abbreviated Title: FMATS LOCAL TRANSPORTATION ALTERNATIVES PROGRAM

Department(s): ENGINEERING

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes _____ No x

2) additional support or maintenance costs? Yes _____ No x

If yes, what is the estimate? see below

3) additional positions beyond the current adopted budget? Yes _____ No x

If yes, how many positions? _____

If yes, type of positions? _____ (F - Full Time, P - Part Time, T - Temporary)

II. FINANCIAL DETAIL:

PROJECTS:	Equipment	Contracts	Personnel	Total
SIDEWALK CONDITION SURVEY		\$52,052		\$52,052
BJERREMARK SIDEWALK		\$136,918		\$136,918
BIKE/PEDESTRIAN COUNT EQUIPMENT	\$59,340			\$59,340
				\$0
				\$0
				\$0
TOTAL	\$59,340	\$188,970	\$0	\$248,310

FUNDING SOURCE:	Equipment	Contracts	Personnel	Total
FMATS LOCAL TRANSPORTATION ALTERNATIVES PROGRAM	\$54,425	\$173,319		\$227,744
MAYOR'S CAPITAL CONTINGENCY FUND	\$4,915	\$15,651		\$20,566
				\$0
TOTAL	\$59,340	\$188,970	\$0	\$248,310

The operations and maintenance costs associated with these improvements will be performed by Public Works and incorporated in the annual general fund budget. Sidewalk condition survey entails an evaluation of all city-owned sidewalks to verify ADA compliance as well as condition of the sidewalks to plan for future replacement. The Bike/Pedestrian count equipment will enable the city to verify usage of various paths and sidewalks throughout city and help plan where others might be needed. The Bjerremark Sidewalk is part of the Bjerremark Subdivision Revitalization Plan. This will supplement the Community Development Block Grant to enable additional work completed on the plan. The timing on these grants is very tight, with the match and maintenance agreements due by August 15th.

Reviewed by Finance Department: Initial cp Date 7/28/2016

RESOLUTION NO. 4755

A RESOLUTION TO APPROVE A MAINTENANCE AGREEMENT BETWEEN THE CITY OF FAIRBANKS AND STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES FOR THE STEESE HIGHWAY TO FRONT STREET BICYCLE AND PEDESTRIAN PATH PROJECT

WHEREAS, the State of Alaska Department of Transportation & Public Facilities (ADOT&PF) plans to construct a new bicycle and pedestrian path connection between the Steese Highway and Front Street at Graehl Park; and

WHEREAS, the ADOT&PF will coordinate all funding for design and construction of the project and maintain the portion of the path within the Steese Highway right-of-way; and

WHEREAS, the City of Fairbanks (City) currently manages and maintains Front Street and will continue to maintain Front Street and its associated street lighting and storm drain conveyance; and

WHEREAS, the ADOT&PF will enter into a separate agreement with the Fairbanks North Star Borough to maintain the new portion of the path and associated landscaping and railings within Graehl Park and adjacent to and within the Front Street right-of-way;

NOW, THEREFORE, BE IT RESOLVED by the City Council that the Mayor is authorized to execute any and all documents required for entering the maintenance agreement with the ADOT&PF.

PASSED and APPROVED this 8th day of August 2016.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 4755

Abbreviated Title: MAINTENANCE AGREEMENT STEESE HIGHWAY TO FRONT ST PATH PROJECT

Department(s): ENGINEERING

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes _____ No x

2) additional support or maintenance costs? Yes _____ No x

If yes, what is the estimate? see below

3) additional positions beyond the current adopted budget? Yes _____ No x

If yes, how many positions? _____

If yes, type of positions? _____ (F - Full Time, P - Part Time, T - Temporary)

II. FINANCIAL DETAIL:

PROJECTS:	Equipment	Contracts	Personnel	Total
				\$0
				\$0
				\$0
				\$0
				\$0
				\$0
TOTAL	\$0	\$0	\$0	\$0

FUNDING SOURCE:	Equipment	Contracts	Personnel	Total
				\$0
TOTAL	\$0	\$0	\$0	\$0

The operations and maintenance costs associated with this project will be performed by Public Works and incorporated in the annual general fund budget.

Reviewed by Finance Department: Initial cp

Date 8/2/2016

ORDINANCE NO. 6029

**AN ORDINANCE AUTHORIZING THE SALE OF FORMER CITY
SURPLUS PROPERTY FROM THE KOREAN COMMUNITY OF
FAIRBANKS TO FAIRBANKS COMMUNITY FOOD BANK SERVICE,
INC., AND AMENDING DEED RESTRICTIONS**

WHEREAS, the City formerly owned Lots 13, 14, 15, and 16, Block 31, Bjerremark Subdivision (“the Property”), which Lots together constitute a quarter-block parcel located at 24th Avenue and Rickert Street as shown on attached Exhibit A; and

WHEREAS, in 2011, the City Council, by Ordinance No. 5870, authorized sale of the Property to The Korean Community of Fairbanks (“the Korean Community”), an Alaska nonprofit corporation, without public sale and for less than market value, subject to certain conditions regarding use and development; and

WHEREAS, in 2012, the City executed and recorded a Statutory Warranty Deed (Exhibit B) conveying the Property to the Korean Community, subject to certain conditions regarding use and development; and

WHEREAS, one of the conditions attached to the City’s sale was that the Korean Community commence construction of a facility on the Property within 5 years; and

WHEREAS, the Korean Community no longer expects to construct a facility on the Property and wishes to sell the property to Fairbanks Community Food Bank Service, Inc. (“the Food Bank”) for \$32,000 plus closing costs and 2016 property taxes, which is less than the Korean Community’s investment in the Property (\$30,000 purchase price plus interest and prior years’ property taxes); and

WHEREAS, the Food Bank wishes to buy the Property for Food Bank operations and other nonprofit purposes; and

WHEREAS, the Food Bank already owns an adjacent quarter-block within Block 31 and would benefit by expanding its holdings to include the Property; and

WHEREAS, the City Council believes it is in the best interest of the public to amend the use and development restrictions in Ordinance No. 5870 and in the City’s deed to the Korean Community to enable the Korean Community to sell the Property to the Food Bank.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. That the City hereby approves the Korean Community’s sale of the Property to the Food Bank for \$32,000 (the Food Bank pays all closing costs and 2016 property taxes).

SECTION 2. That the City shall release the conditions stated in Sections 6 and 7 of Ordinance No. 5870 and in numbered paragraphs 1, 2, 3, and 4 of the Statutory Warranty Deed, effective upon sale of the Property to the Food Bank.

SECTION 3. That the City shall impose two new conditions:

(a) the Food Bank must use the Property for Food Bank operations or other nonprofit purposes (including snow storage, visitor and tenant parking, and shared use with other nonprofit organizations), for a period of ten years from the date of the recording of the deed to the Food Bank, after which this condition shall automatically expire; and

(b) if the Food Bank permanently stops using the Property for Food Bank operations or other nonprofit purposes before the date stated in (a), the City may elect to buy the Property from the Food Bank for \$32,000.

SECTION 4. That the Mayor is hereby authorized to execute such legal documents as may be necessary to complete this transaction.

SECTION 5. That the effective date of this Ordinance shall be the ____ day of August 2016.

JOHN EBERHART, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

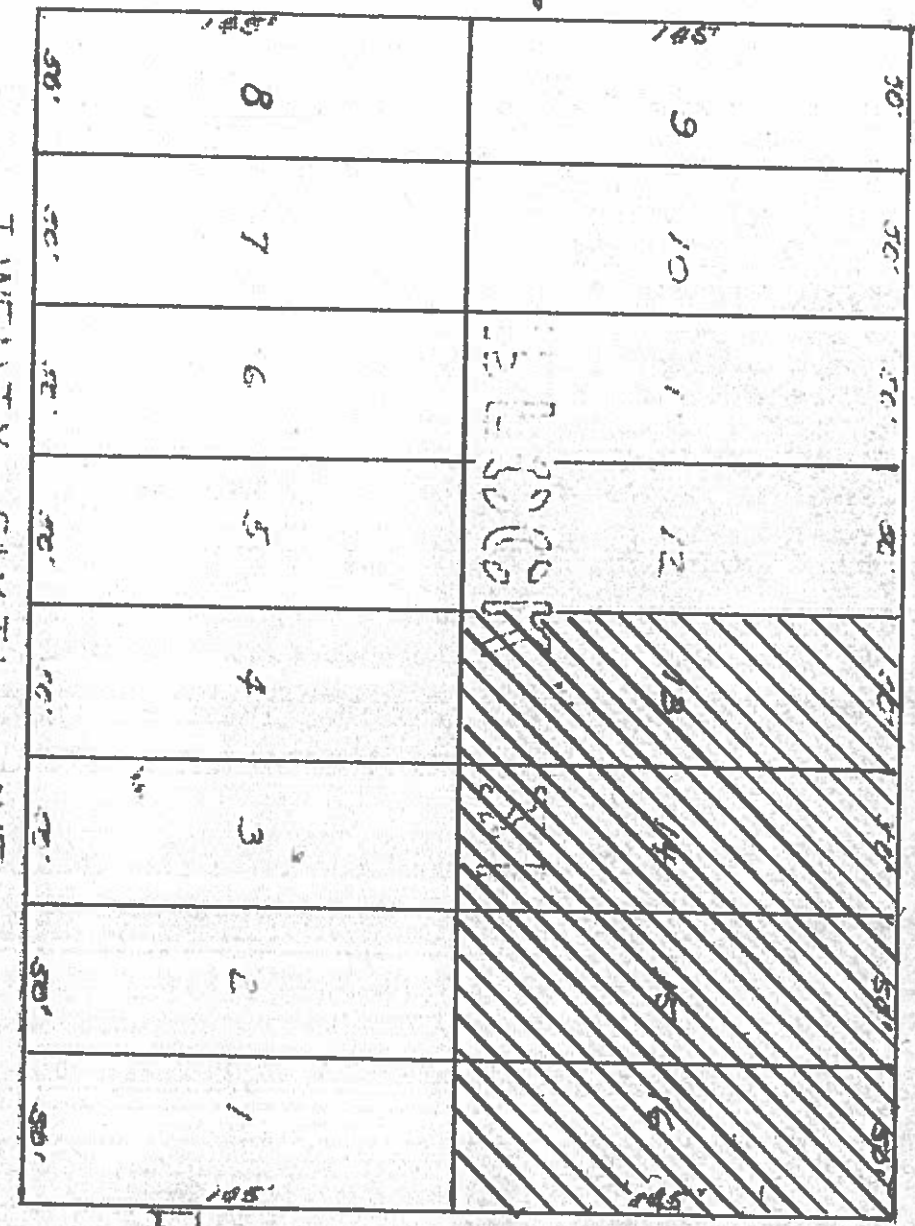
APPROVED AS TO FORM:

DANYIELLE SNIDER, CMC, City Clerk

PAUL EWERS, City Attorney

PROPOSED SUBDIVISION OF BLOCK 3/ OF
 SUBDIVISION OF THE BUEBREMARKE HOMESTEAD
 PATENT NO. 0355 ENTRY NO. 927387

TWENTY SIXTH AVE.



6-23
 9:55 A
 53
Rough
Plan

140-003

ORDINANCE NO. 6029
 'EXHIBIT A'

cc

A
L
A
S
K
A

2012-000725-0

Recording Dist: 401 - Fairbanks
1/13/2012 8:39 AM Pages: 1 of 2



RECORD: FAIRBANKS RECORDING DISTRICT

STATUTORY WARRANTY DEED

FA 77020

THIS INDENTURE made and entered into this 12TH day of January 2012 between the CITY OF FAIRBANKS, a municipal corporation of the State of Alaska, with address of 800 Cushman Street, Fairbanks, Alaska 99701, hereinafter called Grantor, and the Korean Community of Fairbanks, an Alaskan Non-Profit Corporation, with address of 1500 Airport Way, Fairbanks Alaska, 99701, hereinafter called Grantee.

WHEREAS, City Ordinance No. 5870, as Amended, authorized and directed the conveyance of the property described herein.

NOW, THEREFORE, the Grantor, duly seized with merchantable title, for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby convey and warrant to Grantee the following described property:

Lots 13, 14, 15, and 16, Block 31, BJERREMARK
HOMESTEAD SUBDIVISION, according to the plat filed *
Instrument Number 119,146, Records of the Fairbanks
Recording District, Fourth Judicial District, State of Alaska.
*June 23, 1953 as

SUBJECT TO reservations, restrictions and matters of public record, if any, and specifically subject to the following restrictions of title:

1. Use: that the property shall serve a non-profit purpose, in perpetuity.
2. Construction: that construction of a facility on the property shall commence within five years of date of this instrument. Commencement of construction is defined as construction of a completed building foundation.
3. Performance of Construction: if construction of such facility is commenced as defined and by the required date, the City shall issue such recordable document as necessary to release the construction requirement and associated reversion of title.
4. Reversion: if construction of such facility does not commence by the required date, title to the property shall, at the City's option, revert to the City. In such event, the City shall return to the Korean Community all principal funds paid under that certain Deed of Trust and Promissory Note of even date herewith and affecting said property, retaining interest paid as penalty for failure to perform. The Korean Community shall issue a Quit Claim Deed to the City upon receipt of principal funds returned.

ORDINANCE NO. 6029
'EXHIBIT B' PG.1

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances thereunto belonging, or in any way appertaining, unto said Grantee, the Grantee's heirs, executors administrators and assigns, forever.

IN WITNESS WHEREOF, the Grantor has on the date first written above executed this deed and affixed its corporate seal.



CITY OF FAIRBANKS, ALASKA

Jerry Cleworth
JERRY CLEWORTH, Mayor

ATTEST:
Janey Hovenden
JANEY HOVENDEN, CMC
City Clerk

APPROVED AS TO FORM:
Paul Ewers
PAUL EWERS, City Attorney

State of Alaska)
)ss
Fourth Judicial District)

ACKNOWLEDGMENT

THIS IS TO CERTIFY that on this 12TH day of JANUARY 2012, before me, the undersigned, a NOTARY PUBLIC in and for the State of Alaska, personally appeared Jerry Cleworth, the Mayor of the City of Fairbanks, and Janey Hovenden, the City Clerk of the City of Fairbanks, and that they acknowledged before me that they executed the same on behalf of said municipal corporation. IN WITNESS WHEREOF, my hand and official seal.



Amber B. Courtney
NOTARY PUBLIC: 4th Judicial District
Commission Expires: 9/11/2015

After recording, return to:

Insuk Frising
President
Korean Community of Fairbanks
1500 Airport Way
Fairbanks, Alaska 99701



City of Fairbanks



MEMORANDUM

To: City Council Members
From: John Eberhart, City Mayor
Subject: Request for Concurrence – FNSB Planning Commission
Date: July 15, 2016

One of the three City-recommended seats on the FNSB Planning Commission was filled without recommendation of the City Council by an individual who is not a City resident.

FNSB Code of Ordinances Section 2.40.011(A) states:

Members (of the Planning Commission) shall be appointed by the borough mayor, subject to confirmation by the assembly. The appointments of members from the cities shall be selected from a list of recommendations submitted to the borough mayor by the city councils.

The following individuals have applied to serve on the Planning Commission and I hereby request your concurrence to submitting the following list of recommendations for appointment to the FNSB Planning Commission:

- 1) Mr. Michael Stepovich
- 2) Mr. David Brandt
- 3) Ms. Mindy O'Neall (City resident currently serving as a Borough representative on the Planning Commission)

Thank you.


dds/

A handwritten signature in blue ink, appearing to read "John Eberhart", is written over the typed name "John Eberhart, City Mayor" in the header section of the memorandum.






FNSB - PLANNING COMMISSION

BOARD DETAILS



OVERVIEW

-  **SIZE** 3 Seats
-  **TERM LENGTH** 3 Years
-  **TERM LIMIT** N/A

The powers and duties of the Fairbanks North Star Borough (FNSB) Planning Commission are as outlined in FNSBC Chapter 2.40.



DETAILS

BOARD/COMMISSION CHARACTERISTICS

The FNSB Planning Commission shall consist of 11 members. Commission membership shall be apportioned so that the number of members from the cities of Fairbanks and North Pole reflects the proportion of the Borough population residing within those cities as determined by the Borough Assembly from time to time. Members shall be appointed by the Borough Mayor, subject to confirmation by the Assembly. The appointments of members from the cities shall be selected from a list of recommendations submitted to the Borough Mayor by the City Councils. Members appointed from outside the cities shall be as representative of the various geographic areas of the Borough as practical. The Borough Mayor, Planning Director and Engineer shall be ex officio members of the Commission with privilege of the floor but shall have no vote on any matter.

MEETINGS

The Commission shall annually elect from its membership a chairman and vice chairman and shall adopt rules for the conduct of its meetings. Robert's Rules of Order (newly revised) shall apply unless different rules are adopted by the Commission and approved by the Assembly. Meetings of the Commission are public in accordance with AS 44.62 and minutes shall be kept. Minutes of the Commission shall be filed with the Borough Clerk. Records of the Commission shall be retained as public records within the Planning Department. In addition to the eligibility and qualifications requirements in FNSBC 2.21.040, the Assembly shall not confirm the appointment or selection of a local elected official serving on the Assembly or City Council, including a Mayor. Any sitting planning commissioner who is elected or appointed as an Assemblymember, Councilmember or Mayor shall resign as a planning commissioner on or prior to being sworn in to the new position. Six members of the Commission shall constitute a quorum. All Commission actions shall be by vote of a majority of the Commission's membership who are present and voting.

<http://bit.ly/1my3Wlt>

ENACTING LEGISLATION

FNSBC 2.40.044 - 2.40.061

ENACTING LEGISLATION WEBSITE

<http://bit.ly/1fLFto9>

JOINT COMMISSION DETAILS

The Planning Commission is a FNSB Commission with appointments from multiple jurisdictions. Only City-recommended seats are listed on the City's membership roster. If there is a vacancy for one of the two City-recommended seats, you may

apply through this website. For a complete member listing, visit the Fairbanks North Star Borough website at <http://bit.ly/1my3Wlt>.

**EMAIL THE COMMISSION
MEMBERS**

N/A

Profile

Michael

First Name

Stepovich

Last Name

[REDACTED]

Email Address

[REDACTED]

Street Address

Suite or Apt

Fairbanks

City

AK

State

99701

Postal Code

Mailing Address

[REDACTED]

City Resident

What district do you live in?

Mobile: [REDACTED]

Primary Phone

Home:

Alternate Phone

Doyon Utilities

Employer

Finacial Specialist

Job Title

Which Boards would you like to apply for?

FNSB - Planning Commission

Interests & Experiences

Why are you interested in serving on a board or commission? What life experience can you contribute to the benefit of the board or commission?

•Interests 1) Learning opportunities 2) The ability to contribute to the community 3) Make a difference. •Life experiences 1) Collegiate athlete - taught me how to be a team player and the importance of commitment

2)Lifelong Fairbanksan - Born and raised in Fairbanks, AK. 3)Utility / Government Sector - Currently working as an accountant for a utility company that works directly with the Federal Government (Doyon Utilities).

Brief Personal Biography (or attach resume):

See Attached Resume



Upload a Resume

Professional Licenses/Training:

MSHA Certified

Michael A. Stepovich

Fairbanks, Alaska, 99707

CAREER OBJECTIVE

Motivated and hardworking individual seeking to advance my career by learning new and advanced roles, while benefiting the community and others.

EDUCATION

UNIVERSITY OF ALASKA FAIRBANKS
B.B.A : Accounting

Fairbanks, AK
December 2015

SKILLS

- Proficient in MS Office and Navision
- Excellent Interpersonal Skills
- Great Public Relation Skills

WORK EXPERIENCE

Doyon Utilities
Financial Specialist
Fixed Asset Intern

Fairbanks, AK
September 2015 - Present
October 2014 – September 2015

- Prepare the annual operating budget and report monthly variances
- Assist in the preparation of project deliverables including reviewing assets to GIS
- Coordinate and plan quarterly capital meetings

Fairbanks Basketball Officials Association
Basketball Official

Fairbanks, AK
November 2014 – Present

- Officiate elementary through high school basketball
- Responsible for a safe environment
- Working knowledge of ASAA rules and regulations

Airport Equipment Rentals / Fish Creek Mine
Heavy Equipment Operator/Gold Recovery

Fairbanks, AK
May 2012 – September 2015

- Maintained equipment service sheets
- 2000 hours in John Deere 844 front end loader, zoom boom, rock truck
- Working knowledge of plant operations

University of Alaska Fairbanks
Front Desk Attendant

Fairbanks, AK
January 2014 – January 2015

- Customer service through direct contact and via phone
- Accountable for inventory and stocking
- Cashier

ACCOMPLISHMENTS & ORGANIZATIONS

- Collegiate athlete - University of Alaska Fairbanks – Men's Basketball
- Extensive Community Service - ICC Soup Kitchen, Anne Wien Elementary, United Way of the Tanana Valley and the Relay for Life
- 1st Team All-State Men's Basketball 2008-2009
- Senior Class President 2008-2009

REFERENCES

Cindy Fields, Director, Immaculate Conception Soup Kitchen, [REDACTED]

Charla Davis, Director, Anne Wien Elementary after-school programs, [REDACTED]

Frank Ostanik, Monroe Catholic High School Athletic Director, [REDACTED]

Jeri Maxwell, University of Alaska Fairbanks Wood Center Director, [REDACTED]

Application Form

Status: [REDACTED]

Profile

Please note that profile information may be available to the public.

David

First Name

Brandt

Last Name

[REDACTED]

Email Address

[REDACTED]

Street Address

Suite or Apt

Fairbanks

City

AK

State

99701

Postal Code

Mailing Address

City Resident

Choose your residency status.

[REDACTED]

Primary Phone

[REDACTED]

Alternate Phone

Employer

Journeyman Carpenter

Job Title

Which Boards would you like to apply for?

Landscape Review & Appeals Commission, FNSB - Planning Commission

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission? What life experience can you contribute to the benefit of the board or commission?

Interested in serving local community without running for elected office.

Brief Personal Biography (or attach resume):
43-year Borough resident; 22-year Fairbanks property owner

Upload a Resume

Professional Licenses/Training:
Journeyman Carpenter

Profile

Mindy

First Name

O'Neall

Last Name

[Redacted]

Email Address

[Redacted]

Street Address

[Redacted]

Suite or Apt

Fairbanks

City

AK

State

[Redacted]

Postal Code

Mailing Address

[Redacted]

City Resident

What district do you live in?

[Redacted]

Primary Phone

[Redacted]

Alternate Phone

Self-Employed

Employer

Project Director, Owner

Job Title

Which Boards would you like to apply for?

FNSB - Planning Commission

Interests & Experiences

Why are you interested in serving on a board or commission? What life experience can you contribute to the benefit of the board or commission?

I am interested in serving on this commission to learn more about the FNSB's community development plans and to better understand the process to develop municipal planning, policies and ordinances through participation.

Brief Personal Biography (or attach resume):

see attached resume


Upload a Resume

Professional Licenses/Training:

MINDY L. O'NEALL

QUALIFICATIONS

Well-rounded public relations and communications leader with progressive management responsibilities, education and experience.

PROFICIENCIES

- Publication Coordination & Design
- Social Media
- Website Content & Design
- Event Planning
- Media Buying
- Content Management
- Public Relations
- Communications
- Writing & Editing
- Research
- Government Relations
- Group Facilitation & Performance Management

PROFESSIONAL EXPERIENCE

Owner & Founder, Jan 2010- present

Blue Canoe Media "Community + Media"

Enhancing community projects and facilitating messages to mass markets, with an emphasis on comprehensive strategy, interpersonal relationships and small business development.

Community Affairs Manager/Public Engagement, Jan 2014-July 2016

Interior Gas Utility/MWH Americas, Inc.

Promoted IGU as a new, non-operating municipal utility by developing a public image throughout planning and implementation of a six phase natural gas distribution project in Interior Alaska.

Project Manager, May 2013- December 2013

Fairbanks Economic Development Corporation

Managed multiple community projects in various capacities that served to stimulate the economy and growth of Fairbanks, Alaska.

Chief of Staff and Legislative Aide, Sept 2010 - July 2012/Jan 2013-April 2013

Alaska State Legislature

Assisted state legislators in community development through outreach, statewide capital projects, research and analysis, and legislation.

Radio Executive, June 2006-October 2009

TATI Broadcasting, New Northwest Broadcasters - Anchorage

Developed advertising, branding and marketing campaign to promote businesses through radio advertising and events.

EDUCATION

2014 - current

University of Alaska Fairbanks

Master of Arts, College of Liberal Arts

Major: Professional Communication & Organizational Culture

Anticipated graduation 2018

1999 - 2003

Iowa State University

Bachelor of Arts, College of Liberal Arts & Sciences

Major: Journalism and Mass Communication

Emphasis: Public Relations

Designated Area of Concentration: Event Planning and Business Communication

PROFILE

Experienced public relations practitioner seeking a part-time position or contract agreement for small businesses, non-profits, government and consulting agencies.

Dedicated to improving Alaskan communities through goal oriented, strategic initiatives that are flexible to changing environments and build the fabric of community.

COMMUNITY INVOLVEMENT

Fairbanks Police Citizen's Academy, 2016

CTC Small Business Workshop Presenter on Social Media for Beginner & Intermediate, 2016

Alaska General Contractors General Membership Keynote Lunch Speaker, 2016

FNSB Planning Commission, Jan. 2016 - current

Young Professional Council, 2012 - current

Public Relations Society of America, Alaska Chapter 2014 - current

Calypso Farms Board Member, 2011 - 2014

CONTACT

[REDACTED]
Fairbanks, AK 99701

[REDACTED]



CLAY STREET CEMETERY COMMISSION
REGULAR MEETING MINUTES, JULY 6, 2016
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA



The **Clay Street Cemetery Commission** convened at 5:00 p.m. on the above date to conduct a Regular Meeting at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Chair Bill Robertson presiding and with the following members in attendance:

Members Present: Aldean Kilbourn, Seat C
 Frank Turney, Seat D
 Michael Gibson, Seat B

Absent: Vacant, Seat G
 Vacant, Seat A
 Vacant, Seat F

Also Present: Emily Braniff, Deputy City Clerk
 Jeff Jacobson, Chief of Staff
 Karen Erickson, Member of Public

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of May 4, 2016.

Mr. Turney, seconded by **Ms. Kilbourn**, moved to APPROVE the Regular Meeting Minutes of June 1, 2016.

Chair Robertson called for objection and, hearing none, so ORDERED.

APPROVAL OF AGENDA

Ms. Kilbourn, seconded by **Mr. Gibson**, moved to APPROVE the Agenda as presented.

Chair Robertson called for objection and, hearing none, so ORDERED.

CITIZEN'S COMMENTS

Karen Erickson, 117 Duke Way, Fairbanks – Ms. Erickson stated she was in attendance to share information about the Clay Street Cemetery because she has been working on the history of it dating back to the 1970's.

Hearing no more requests for comment, **Chair Robertson** declared Citizen's Comments closed.

COMMUNICATIONS TO COMMISSION

Ms. Braniff shared Scott McCrea's resignation from the Clay Street Cemetery Commission.

Mr. Jacobson shared some updated photos of the grounds at the Clay Street Cemetery.

Mr. Turney requested that the Commission allow Public Works to dig the holes for marker placement at the cemetery.

EVENTS & PUBLIC RELATIONS

Mr. Turney stated that he has given a few tours to visitors at the cemetery.

UNFINISHED BUSINESS

a) Status of New Kiosk and Information Boards

Chair Robertson stated that the new Kiosk is complete and that it only needs to have the maps inserted into it.

NEW BUSINESS

a) Schedule Future Work Parties

Mr. Gibson stated that he has scheduled a work party for Saturday, July 9, 2016.

Mr. Turney requested that if for some reason the work party does not take place, Public Works be allowed to dig the holes for base and marker placement.

Chair Robertson asked permission to sign the Eagle Scout paperwork for a Boy Scout project at the cemetery.

Chair Robertson called for objection, hearing none, so ORDERED.

OPEN AGENDA

Mr. Jacobson asked the Commission for permission for Public Works to make improvements to the pedestrian gate.

Chair Robertson called for objection and hearing none, so ORDERED.

NEXT MEETING DATE

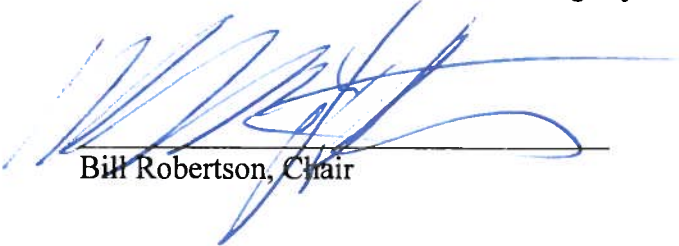
The next Regular Meeting of the Clay Street Cemetery Commission is scheduled for August 3, 2016.

ADJOURNMENT

Ms. Kilbourn, seconded by **Mr. Turney**, moved to ADJOURN the meeting.

Chair Robertson called for objection and, hearing none, so ORDERED.

Chair Robertson declared the meeting adjourned at 6:06 p.m.



Handwritten signature of Bill Robertson in blue ink, written over a horizontal line.

Bill Robertson, Chair



Handwritten signature of Emily Braniff in blue ink, written over a horizontal line.

Emily Braniff, Deputy Clerk

Transcribed by: EB

City of Fairbanks



MEMORANDUM

To: City Council Members
From: John Eberhart, City Mayor
Subject: Request for Concurrence – Clay Street Cemetery Commission
Date: August 3, 2016

The term of Seat D on the Clay Street Cemetery Commission currently filled by Mr. Frank Turney will expire on August 31, 2016.

Mr. Turney has indicated that he wishes to continue his service on the Commission. I hereby request your concurrence to the following **re-appointment**:

Seat D Mr. Frank Turney Term to Expire: August 31, 2019

Mr. Turney's application is attached.

Thank you.

dds/

Profile

Frank

First Name

Turney

Last Name

[Redacted]

Email Address

[Redacted]

Street Address

[Redacted]

Suite or Apt

Fairbanks

City

AK

State

[Redacted]

Postal Code

Mailing Address

[Redacted]

City Resident

What district do you live in?

[Redacted]

Primary Phone

[Redacted]

Alternate Phone

Self-employed

Employer

Caretaker at Clay Street Cemetery & Snowshoveler

Job Title

Which Boards would you like to apply for?

Fact Finding Commission

Interests & Experiences

Why are you interested in serving on a board or commission? What life experience can you contribute to the benefit of the board or commission?

I believe we need checks and balances in City government (complaints); Oregon Governor Task Force; Member of Multnomah Community Correction Advisory Commission (1975 - 1978)

Brief Personal Biography (or attach resume):

I'm a member of the Fully-Informed Jury Association and I'm 68 years of age. I've been a long-time court observer. I have three children currently living out of state. I believe I can be fair when it comes to listening to complaints.

[Upload a Resume](#)

Professional Licenses/Training:

Clay Street Cemetery Caretaker; Currently serving as a member of the Clay Street Cemetery Commission; I can speak hand language for the deaf; Former plumber's helper; Experienced in lawn maintenance; Professional Clown; Watchdog for Police Officers & Prisoner Advocate; Served on the Nomination Committee to select the City of Fairbanks Police Chief;