



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JANUARY 11, 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
Perry Walley, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Jerry Cleworth, Seat E
David Pruhs, Seat F

Absent: None

Also Present: Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Brad Johnson, Deputy Police Chief
Ben Barrio, IT Director
Angela Foster-Snow, HR Director
Pat Smith, Development Manager
Bob Pristash, City Engineer
Shannon Kumpula, Purchasing Agent/Risk Manager
Stephanie Johnson, Dispatch Manager
Jeff Jacobson, Chief of Staff
Jim Styers, Fire Chief
J.B. Brainerd, Deputy City Attorney

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

CITIZEN'S COMMENTS

June Rogers, 1908 Esquire Avenue, Fairbanks – Ms. Rogers stated that she speaks on behalf of the Fairbanks Arts Association, and she is in attendance to thank the City Council for the opportunity to receive bed tax funds. She also thanked the Council for approving the cold case detective position at the Fairbanks Police Department (FPD); she stated that solving the unsolved homicides will bring peace to the community.

Patrice Lee, 676 Hillcrest Drive, Fairbanks – Ms. Lee commended the City Council for their input on monitoring air quality within the City limits. She stated that even though regulations have been put forth the air in the City is not clean. She spoke to the poor air quality in Hamilton Acers and shared that at times the air quality is worse there than in the highly contested area in North Pole. She asked the Council to consider doing something more about the issue. She thanked the Council for their time and future attention to the complex problem.

Shaun Tacke, 4720 Drake Street, Fairbanks – Mr. Tacke spoke to Ordinance No. 6002; he indicated that the ordinance is prohibitive in nature. He gave a brief history of how the marijuana laws came about in Alaska and stated that Alaskans voted for marijuana to be treated the same as alcohol. Mr. Tacke stated he is not present to speak about The Higher Calling rather the knee-jerk reaction to the opening of the club. He stated that if the Council passes the ordinance they will be going against the will of the people which is not acceptable.

Marcus Mooers, 1630 Coyote Trail, Fairbanks – Mr. Mooers shared that he is the owner of The Higher Calling located in downtown Fairbanks. He stated that the ballot measure Alaskans voted on made the use of marijuana legal. He stated the club is providing a service to the community because it gives people a place to consume marijuana rather than in a car or on a street corner. Mr. Mooers stated that the club gives the public a place to smoke their medical marijuana and many of the members of his clubs are veterans and cancer patients. He stated that cannabis clubs would be good for tourism and could create a niche market. He urged the Council to consider the impact of Ordinance No. 6002 to other potential businesses that would bring revenue to the downtown area. Mr. Mooers stated it is not logical to run off a potentially multi-million dollar industry. He responded to those who said they jumped the gun on opening the business by saying he does not provide any cannabis products to patrons. He stated his club is located on private property and that the adoption of Ordinance No. 6002 would strip citizens of their legal right to consume marijuana. Mr. Mooers stated that The Higher Calling has had no police incidents, is a safe place and provides a good service to the community.

Mr. Cleworth stated that the Council received a letter from the Alaska Cannabis Political Action Committee (ACPAC) expressing their belief that The Higher Calling should have waited until the State sent out their regulations.

Mr. Mooers stated that he disagrees and commented that the daycare zoning regulations are too stringent. He stated that he does not advertise a storefront and that the blinds and curtains are drawn because they do not want to influence children or anyone under the age of 21.

Mr. Pruhs asked Mr. Mooers if he was planning to get a retail license.

Mr. Mooers stated he had no intention of applying for a retail license because he would never be granted one being so close to the day care center. He explained that he has a City of Fairbanks business license so he can operate his business legally. Mr. Mooers asked Mr. Pruhs to show him the regulation that says he is not allowed to operate business the way he is currently operating. He explained that he is an American citizen and that it is a free market economy.

Mr. Pruhs stated that it is wonderful that he has opened a business. He stated, however, that operating as a marijuana lounge will require an on-site smoking license from the State of Alaska Alcohol and Marijuana Control Office.

Mr. Mooers stated that Mr. Pruhs is making the rules up as he goes and promoting his personal agenda. He stated that there is no regulation on the books making it illegal to operate a business where people can bring their own marijuana to a private club and smoke it.

Mr. Pruhs asked Mr. Mooers if he could legally operate a club in the State of Alaska where anyone could pay a membership fee and consume alcohol onsite.

Mr. Mooers stated marijuana is not alcohol and that he has no idea if that would be legal.

Mr. Pruhs stated that there is no license to grant Mr. Mooers the permission to operate his business.

Mr. Mooers argued that such a license does not exist.

Mayor Eberhart called a Point of Order and reminded the Council that they may only ask citizens questions during Public Testimony.

Ms. Huntington shared that at one of the AML presentations she attended there was a concern that marijuana clubs may become an ideal place for black market marijuana sales. She asked Mr. Mooers how he would regulate his members and not let them sidestep retail marijuana shops.

Mr. Mooers stated that when a member joins the club they must first sign a membership form which primarily addresses the code of conduct. He explained the code of conduct includes a statement members must agree to that says the buying and selling of marijuana is illegal without a license. Mr. Mooers stated that if a member is caught buying or selling marijuana in the club they are subject to a lifetime ban from the premises. He stated it sounds like people view the club as a seedy den where drug dealers hang out and that is not what The Higher Calling is about. He stated the code of conduct also says the purchase, sale or transfer by donation is not permitted and would also result in a lifetime ban if caught.

Ms. Huntington shared her concern with having a daycare near the location. She stated that marijuana affects everyone differently and she has concern that a member could become erratic or violent causing the safety of the children at the daycare to be in jeopardy. **Ms. Huntington** asked how Mr. Mooers would go about managing a situation like that.

Mr. Mooers stated that the club has two security doors so no children would be able to enter. He stated that never in his life has he seen an individual have a violent reaction to cannabis and all of the members of his club are peaceful. He stated that there are often intoxicated individuals outside on the street that cause a scene and that people should be more concerned with them harming the children at the daycare. Mr. Mooers stated that the club tailored their hours so they would not be open for the majority of the hours that the daycare operates. He stated that he is working on installing a heating, ventilating and air conditioning (HVAC) system to clean the exhausted air.

Megan Mooers, 1630 Coyote Trail, Fairbanks – Ms. Mooers stated she is the co-owner of The Higher Calling and thanked the City Council for their service to the community. She shared her desire for the cannabis industry to flourish in Fairbanks. She stated that private cannabis clubs are not currently regulated under AS 17.38 and that the state legislature has not yet addressed the issue. Ms. Mooers stated that the Marijuana Control Board (MCB) tried to regulate private clubs but they had to change it by the advice of their legal counsel. She stated that The Higher Calling did not jump the gun because they are not regulated by Ballot Measure 2. She stated that their business is a private social club and that there are many private social clubs in Fairbanks. Ms. Mooers stated that banning private clubs infringes on the rights of citizens and which is a direct violation of AS17.38. She stated that banning consumption will be bad for business and will send a message to other cannabis businesses that may be looking at opening in Fairbanks.

Alice Pharr, P.O. Box 10251, Fairbanks – Ms. Pharr stated that she believes it is an infringement of her civil rights to ban the consumption of marijuana. She stated the club is a private club and that some members need the club because of medical issues. She stated that there has been a strong need for a club of this type in Fairbanks and that everyone who comes to it is impressed with how comfortable and inviting it is. Ms. Pharr stated she has heard a number of people indicate that the adoption of Ordinance No. 6002 will hurt Fairbanks' tourism industry. Ms. Pharr stated that some members come to the club because they have landlords who will not let them smoke in their home and that clubs should not be under regulation of Ballot Measure 2.

Mr. Matherly thanked Ms. Pharr for her testimony and asked if she had a definition of how many clubs should be allowed in a community.

Ms. Pharr asked if there was a rule of how many bars or clubs could be in a community.

Mr. Matherly responded that there are regulations on how many alcohol establishments can be in a community.

Mr. Pruhs stated that at this time Fairbanks allows for 27 bars or clubs in City limits.

Ms. Pharr stated that she thinks that it would be odd to regulate how many clubs could be in a community.

Blake Cooper, 2114 Eagan Avenue, Fairbanks – Mr. Cooper challenged the Council to prove that marijuana is being sold at The Higher Calling. In regard to air pollution, he stated that he has come up with is a charcoal air filter that cleans the air before it reaches the outdoors. He suggested that rather than making marijuana clubs illegal if the Council would consider licensing them so the City could make some money. Mr. Cooper stated people will have clubs in their homes; he stated that The Higher Calling will generate tourism because it is open to the public. He stated that people will flock to the City and bring their tourist dollars; he commented that bringing revenue to the City should be a priority. He stated that banning the club is against the will of the people and it is wrong.

Charity Gadapee, 1576 Madeline Street, North Pole – Ms. Gadapee stated she works for Explore Fairbanks and that she is present to update the Council on summer tourism. She stated that just shy of 132,000 visitors came to the Morris Thompson Cultural and Visitors Center in 2015. Ms.

Gadapee shared that there is a tourism conference scheduled for January 27, 2016, at the Westmark Hotel and invited everyone to attend.

Ms. Huntington asked Ms. Gadapee if she believes tourists will come to Fairbanks specifically to partake in cannabis. She asked if there is cause for concern in declining tourism marijuana clubs are banned.

Ms. Gadapee stated that she does not have any background, knowledge or information on marijuana and tourism. She stated that the tourism conference is dedicating a session to the updated marijuana regulations.

Simone Trengrove, 2114 Eagan Avenue, #1, Fairbanks – Ms. Trengrove stated that she moved to Fairbanks to study but that her decision to stay was partially based on the legalization of marijuana. She spoke in favor of The Higher Calling and spoke to the stereotypes that the media gives people who smoke marijuana. She stated she did not understand why the club would need a license but that if that is the case, one should be created for them to obtain. Ms. Trengrove shared the importance of everyone being able to go to a safe place to smoke marijuana.

Mystiek Lockery, 1458 Lacey Street, Fairbanks – Ms. Lockery spoke to the statement that the City of Fairbanks made when they said they would not oppose marijuana businesses. She stated that Ordinance No. 6002 proposes doing just that: banning a marijuana club. She shared that the club opened in November of 2015 and there have been no police calls or problems since its opening. Ms. Lockery stated that the club is not in the business of marijuana but is a club that members can come to and bring their own marijuana. She urged the City Council to fail the ordinance. She stated that bars are limited in numbers within the City but that social clubs should not be regulated in the same way. Ms. Lockery stated that if tourists purchase marijuana from one of the legal marijuana shops that they will need a place to smoke it and that the club provides a community service. She stated that if someone had an adverse reaction they would not be let out on the street; she stated that the staff would take care of them until they were okay.

Dawn Cogan, 605 Betty Street, Fairbanks – Ms. Cogan stated that she speaks on behalf of Mothers Against Drunk Driving (MADD) and in favor of Ordinance No. 6002. She stated that she does not think Fairbanks need another location that will encourage people to drive impaired. Ms. Cogan voiced her concern for how people are transporting themselves to and from the establishment. She stated she is not in favor of establishments like The Higher Calling.

Suki Merica, 1117 20th Avenue, #3, Fairbanks – Ms. Merica stated that she began using marijuana when she was 22 years old and that she uses it for medical purposes. She stated that she has severe back problems and that marijuana helps relax her back and sleep. Ms. Merica stated she does not want to be looked at like a criminal because she is a college student with a 3.67 grade point average (GPA). She stated that she has been the designated driver for The Higher Calling and that she has been driven home by a patron of The Higher Calling. She stated that she is not breaking the law, but is advocating for the law.

Stephanie Sandberg, 1185 Chena Ridge Road, Fairbanks – Ms. Sandberg stated that the clearest evidence that The Higher Calling is not illegal is the discussion on Ordinance No. 6002. She stated the ordinance is an attack on the marijuana industry and it is anti-small business. Ms. Sandberg

stated that in a few months retail shops will be open with lounges attached and that the ordinance is spiteful in nature. She stated that she will be paying close attention to how Council Members vote and that she will campaign against those who vote in favor of the ordinance. She stated it is hypocritical of Council Members to vote for this ordinance because they allow bars on every corner.

Marcey Luther, 138 3rd Avenue, Fairbanks – Ms. Luther stated that she is a neighbor of The Higher Calling and that the problems that she has in her neighborhood have nothing to do with cannabis. She stated the problems she sees have to do with homelessness, vagrancy and alcohol abuse. She reported that since The Higher Calling opened, there has been no increase in criminal activity in the area. Ms. Luther stated that some of the biggest hotels in town are within walking distance of the club and there will likely be tourists that will want to use the club after purchasing legal cannabis. She stated that marijuana is part of Fairbanks' culture and that the City should be leading by example for the rest of the country. She stated that alcoholism is a bigger problem than marijuana and that there were two murders that occurred at local bars in the past year.

Kathryn Dodge, 665 8th Avenue, Fairbanks – Ms. Dodge spoke to the resolution pertaining to the non-attainment area. She stated she did not see the purpose of splitting the non-attainment area and that one monitor in Fairbanks does not prove that the air is clean. She stated there are hot spots on Dale Road, in Hamilton Acers and in North Pole. Ms. Dodge stated that some people are getting sick as a result of unclean air. She asked the Council to think very hard about voting for the resolution.

Barbara Sunday, P.O. Box 72474, Fairbanks – Ms. Sunday stated that Fairbanks air is not clean and that she may have to move away because of it. She spoke to the importance of City departments having a travel budget and to the importance of obtaining the Society of Human Resources Management (SHRM) certification. She stated that SHRM keeps Human Resources (HR) employees abreast of what is happening with HR laws. Ms. Sunday stated SHRM helps businesses make sure they do not do anything illegal and ensures that employees are treated fairly. She stated that the City of Fairbanks is lucky to have a Mayor who is an attorney and who is SHRM certified. She stated that she is no longer an employee of the City but that she is a concerned citizen and a local business owner. She pleaded with the Council not to cut travel budgets.

Ms. Dawn Cogan introduced Troop 1001 boy scouts who are working on their communication merit badge.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated that he has been around marijuana since 1959 but has not smoked in 12 years. He stated that he quit smoking marijuana because his house caught on fire and he experienced a lot of lung damage. He shared that he is tempted to go back to smoking marijuana to see if it helps him medically. He stated that he has operated motorboats, airplanes, heavy equipment and other types of vehicles all while under the influence of marijuana. Mr. Buberger stated he used to smoke 25 to 30 cigarette-sized marijuana joints a day and they had no effect on him operating motorized vehicles. He asked why there are no public restrooms in Fairbanks but there is a budget for fancy new street lights. He stated that he heard some of the side streets on Cushman have to be redone because of drainage issues and improper handicap ramps. Mr. Buberger stated he wanted to know how much the City has spent on the Cushman project and the cost of the future repairs. He stated if the City can afford the cost of

the Cushman Street project then they can certainly afford to install some public restrooms around town. He stated he hopes that tourists starting using the restroom in the street.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney urged the Mayor and the City Council to do an independent review of FPD in relation to the Fairbanks Four case. He suggested that the Fact Finding Committee be called upon to do the investigation rather than handpicking someone who will give a slanted report. He spoke to people bringing their dogs downtown to use the restroom on the street and neglecting to clean up after them. Mr. Turney stated that it seems the Council hates freedom and loves regulation. He stated that if Ms. Huntington is so concerned about children, she should speak to the school board about the medicating of children at school. Mr. Turney spoke to the studies done on the differences in impairment between driving under the influence of marijuana versus alcohol. He stated that cannabis users do not become impaired. He stated that he has never been to The Higher Calling and that the ordinance is about arrogance and power. Mr. Turney again spoke to the Fairbanks Four case and expressed hope that a fair and independent party would be selected to review the case. He stated that when he came to Fairbanks in 1982 the Natives would call him “White Cloud” because he used to hand out marijuana cigarettes to people on the riverbank who were drinking.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Cleworth pulled Resolution No. 4710 from the Consent Agenda.

Mr. Gatewood pulled Resolution No. 4709 from the Consent Agenda.

Mr. Matherly pulled Ordinance No. 6002 from the Consent Agenda.

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

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

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of September 21, 2015.

APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of October 5, 2015.

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 New Chauffeur License:

Applicant: Diane Moore Dillard

Mr. Pruhs, seconded by **Mr. Matherly**, moved to GRANT the appeal for a new Chauffeur License.

Mayor Eberhart called for Public Testimony.

Diane Dillard, 1250 Raymond Avenue, Fairbanks – Ms. Dillard stated that she is from Twin Hills, Alaska and that she is visiting family in town. She stated that she would like to earn some money so that she can relocate to Fairbanks. She stated that she would like to drive a cab because she knows the area.

Mr. Matherly asked if the only issue Ms. Dillard encountered in the application is the residency requirement.

Ms. Dillard replied affirmatively.

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

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

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

NAYS: None

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):

Type: Beverage Dispensary, License #4232

To: Kodiak Jack's / JSR, Inc.
537 Gaffney Road, Ste. 2, Fairbanks, Alaska

From: Kodiak Jack's / JSR, Inc.
537 Gaffney Road, Ste. 2, Fairbanks, Alaska

Mr. Matherly, seconded by **Mr. Walley**, moved to WAIVE PROTEST on the Liquor License Application for Transfer of Ownership.

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 AS FOLLOWS:

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

Mayor Eberhart declared the MOTION CARRIED.

- c) 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):

Type: Beverage Dispensary, License #3969
To: BoomTown Grill and Bar / JSR, Inc.
537 Gaffney Road, Ste. 1, Fairbanks, Alaska
From: BoomTown Grill and Bar / JSR, Inc.
537 Gaffney Road, Ste. 1, Fairbanks, Alaska

Mr. Matherly, seconded by **Mr. Gatewood**, moved to WAIVE PROTEST on the Liquor License Application for Transfer of Ownership.

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 AS FOLLOWS:

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

Mayor Eberhart declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart welcomed everyone to the New Year and asked City Engineer Bob Pristash to come forward and speak to Mr. Buberger's public testimony regarding the Cushman Street project. **Mayor Eberhart** asked how much cost overrun there was on the project. Mr. Pristash stated the project costs were about 8% over the projected amount. **Mayor Eberhart** asked what the standard cost overrun on a construction project was; Mr. Pristash replied an urban project typically overruns by 15%. **Mayor Eberhart** asked Mr. Pristash if there are issues with improper drainage on Cushman Street. Mr. Pristash stated he has not heard of any issues relating to improper drainage, and he is current on all of his emails. He stated that he has also not heard anything about handicap ramps being improperly installed. Mr. Pristash stated that the Americans with Disabilities Act (ADA) requires certain slope requirements for sidewalk ramps and that there are no problems he is aware of in regard to the new ramps that were installed; he stated that intersections also have metal detectors for visually impaired individuals. He stated that some of the recycled asphalt will be replaced next summer.

Mayor Eberhart spoke to the independent review of the Hartman/Fairbanks Four case that was brought up by Alaska Native leadership. He stated the review was discussed in the Finance Committee and that information will be coming out in the future as to how to proceed.

Mayor Eberhart stated that a new Chief of Staff has been hired by the City and invited Jeff Jacobson to come forward to introduce himself.

Mr. Jacobson stated that he was born in Palmer and moved to Ketchikan as a child. He stated he moved to Fairbanks during his freshman year of high school and eventually graduated from Lathrop High School. Mr. Jacobson stated he earned his bachelor's degree in elementary education and taught for 27 years at North Pole Middle School. He stated that in 2010, Mayor Hopkins asked him to serve as his Chief of Staff, and he worked there until recently. Mr. Jacobson stated he was on the North Pole City Council for eight years and served as Mayor of North Pole for nearly eight years during the time he was teaching at the middle school. He shared his excitement to work for the City of Fairbanks and his enthusiasm to meet all the staff and Council Members.

Mayor Eberhart listed the many activities and events his office had been involved in since the last Regular Council Meeting.

UNFINISHED BUSINESS

- a) Resolution No. 4689 – A Resolution Honoring Warren B. Cummings by Dedicating and Renaming Fire Station One in His Honor. Introduced by Mayor Eberhart. POSTPONED from the Regular Meeting of October 5, 2015.

Mr. Pruhs, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4689.

Mr. Pruhs asked for an update on the legal status of Chief Cummings' medical claims.

Mr. Ewers stated that the issue has not yet been finalized but that he does not foresee any obstacles.

Mayor Eberhart stated that the cost for the lettering that will be placed on the building would be about \$3,700.00.

Mr. Cleworth asked Mr. Ewers if it is a done deal; he requested that Mr. Ewers give a timeframe if the issue is not a done deal.

Mr. Ewers stated that it is not yet finalized and that he does not know when it may be.

Mr. Walley, seconded by **Mr. Pruhs**, moved to POSTPONE Resolution No. 4689 to the March 21, 2016 Regular City Council Meeting.

Mr. Matherly asked what the Council is waiting on by continuing to postpone Resolution No. 4689.

Mr. Ewers stated that several state, federal and union agencies have to sign off on Mr. Cummings' case before the workers' comp claim can be closed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE RESOLUTION NO. 4689 TO THE MARCH 21, 2016 AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

Mayor Eberhart called for a five minute recess before proceeding with the meeting.

NEW BUSINESS

- a) Resolution No. 4705 – A Resolution in Support of the State of Alaska’s Request to the EPA to Divide Fairbanks North Star Borough PM2.5 Non-Attainment Area. Introduced by Council Member Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4706 – A Resolution Allocating Discretionary Funds from Hotel/Motel Tax in the Amount of Two Hundred Seventy Thousand Dollars (\$270,000.00). Introduced by Council Member Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4707 – A Resolution Authorizing the City of Fairbanks to Apply for Funds from the United States Department of Homeland Security to Purchase an Aerial Platform. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Resolution No. 4708 – A Resolution to Apply for and Accept Funding from the Walmart Foundation for Community Policing. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- e) Resolution No. 4709 – A Resolution to Apply for Funding from the Alaska Department of Environmental Conservation for a Brownfield Assessment. Introduced by Mayor Eberhart and Council Member Pruhs.

Mr. Pruhs, seconded by **Mr. Matherly**, moved to approve Resolution No. 4709.

Mr. Gatewood asked for the reasoning behind the resolution.

Mr. Pruhs stated that the City is discussing whether to buy the note for the Polaris Building. He stated that the resolution would allow the City to accept grant money for environmental testing to document and report what is onsite to see if there are any existing hazards.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4709 AS FOLLOWS:

YEAS: Walley, Matherly, Gatewood, Pruhs, Cleworth, Huntington
NAYS: None
Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4709 APPROVED.

- f) Resolution No. 4710 – A Resolution Awarding a Contract to [CONTRACTOR] for the Waste Water Treatment Plant Generators Replacement Project RFP-15-19 in the Amount of \$XXX,XXX.XX. Introduced by Mayor Eberhart.

Mr. Gatewood, seconded by **Mr. Walley**, moved to APPROVE Resolution No. 4710.

Mr. Walley, seconded by **Mr. Gatewood**, moved to SUBSTITUTE Resolution No. 4710, as Amended, for Resolution No. 4710.

Mr. Cleworth asked how many responses to the RFP were received by the City and who prepared the RFP.

Mr. Ewers stated Development Manager Patrick Smith did the work on it and that there were four or five respondents.

Mr. Smith stated that the resolution would award about three quarters of the project to Fullford Electric in the amount of \$842,000. He spoke to the match of Golden Heart Utilities (GHU) and to the total cost of the project. He stated that the bulk of the remaining funds would be used to make a direct purchase of the generators through a separate RFP.

Mr. Cleworth asked Mr. Smith to clarify the source of the grant funds.

Mr. Smith stated the funds were grant funded through the Alaska Division of Homeland Security under the category of pre-disaster mitigation. Mr. Smith stated that GHU is providing matching funds so there are no City funds involved.

Mr. Cleworth asked if GHU initiated the project.

Mr. Smith stated the project was initiated after a vulnerability assessment that was conducted on City-owned facilities about two years ago.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUBSTITUTE RESOLUTION NO. 4710, AS AMENDED, FOR RESOLUTION NO. 4710 AS FOLLOWS:

YEAS: Gatewood, Walley, Pruhs, Matherly, Huntington, Cleworth
NAYS: None
Mayor Eberhart declared the MOTION CARRIED.

Mr. Cleworth stated that people sometimes forget that the utility is technically still owned by the City of Fairbanks. He explained that the utility company had an opportunity some years ago to take complete ownership of the utility but that since the City can apply for grant dollars to help maintain the property they did not opt to do so. **Mr. Cleworth** stated it is a great thing that they are putting a new generator in because if they let it fall into disarray the City would have to take back ownership and maintain the utility on its own.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION 4710, AS AMENDED, AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4710, as Amended, APPROVED.

- g) Ordinance No. 6001 – An Ordinance Amending Fairbanks General Code Chapter 14, Article X Towing Vehicles to Require Towing Company Clean Up After a Motor Vehicle Accident. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- h) 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.

Mr. Pruhs, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 6002.

Mr. Pruhs, seconded by **Mr. Matherly**, moved to POSTPONE Resolution No. 6002 to the June 6 Regular City Council Meeting.

Mr. Matherly stated he spoke with Mr. Mooers and Mr. Tacke and that he would like to see what comes out of Juneau before the City Council makes a decision. He stated that he would like to respect the will of the people.

Mr. Pruhs echoed Mr. Matherly's comments that he would like to see how Juneau regulates before the City of Fairbanks decides to how to regulate. He stated that he received a call from the landlord of The Higher Calling asking if he needed to find a new tenant; **Mr. Pruhs** said he told him that the Council discussion would be postponed until the end of the legislative session.

Mr. Gatewood stated that he appreciates all of the public testimony that he is not in favor of marijuana outside of the medical aspect. He stated it showed some foresight to start a club for tourists to come and smoke marijuana. **Mr. Gatewood** stated that he gets concerned when people say it is the will of the people; he clarified that it is the will of some of the people. He shared his concern with the club's proximity to a school or daycare, and he encouraged the marijuana industry to respect that there should be limitations.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE ORDINANCE NO. 6002 UNTIL THE JUNE 6 REGULAR CITY COUNCIL MEETING AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

DISCUSSION ITEMS

Golden Heart Parking Services (GHPS) Board – **Mr. Cleworth** stated that the Golden Heart Parking met recently. He stated that when he rejoined the group, the organization had been terribly mismanaged. He stated that over the past eight months the books have been cleaned up and the financial statements are looking healthy. **Mr. Cleworth** stated that it is the City's facility and that it is the City's responsibility to take care of it. He stated that GHPS cannot be subsidized by the City and looking back in the books it was hard to tell if that was happening. He stated the garage is in a much better financial state now, and it looks good going forward.

Hotel/Motel Discretionary Fund Committee – **Mr. Matherly** stated the Bed Tax presentations have been completed and the funds have been disbursed. He thanked everyone involved and shared what a fun committee it is to serve on, helping out local non-profit organizations.

COMMUNICATIONS TO COUNCIL

- a) Chena Riverfront Commission Meeting Minutes of November 12, 2015

ACCEPTED on the CONSENT AGENDA.

- b) Board of Plumber Examiner Meeting Minutes of October 6, 2015

ACCEPTED on the CONSENT AGENDA.

- c) Hotel/Motel Discretionary Fund Meeting Minutes of November 19, 2015

ACCEPTED on the CONSENT AGENDA.

- d) Hotel/Motel Discretionary Fund Meeting Minutes of December 15, 2015

ACCEPTED on the CONSENT AGENDA.

- e) Hotel/Motel Discretionary Fund Meeting Minutes of December 18, 2015

ACCEPTED on the CONSENT AGENDA.

- f) Public Safety Commission Meeting Minutes of January 13, 2015

ACCEPTED on the CONSENT AGENDA.

g) Public Safety Commission Meeting Minutes of April 14, 2015

ACCEPTED on the CONSENT AGENDA.

h) Public Safety Commission Meeting Minutes of July 14, 2015

ACCEPTED on the CONSENT AGENDA.

i) Re-appointments to the Building Code Review and Appeals Commission

APPROVED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Gatewood spoke to youth sports—especially basketball—and shared that he believes that at its core, Fairbanks is a basketball town. He encouraged everyone to support high school and UAF athletics.

Mr. Walley spoke to the cost overruns on the Complete Cushman Street project and explained that some projects come in under budget and some come in over budget. He stated that it was a long, tedious project and that an 8% cost overrun is not terrible; he commended everyone involved in the project.

Ms. Huntington thanked her mother for attending the meeting and thanked everyone for coming in for public testimony. She stated she was happy to be a part of the press conference about the Fairbanks Four and that the Mayor and Chief of Police did a great job during the interview. **Ms. Huntington** shared that there will be a Public Safety Committee meeting the following day and that she will have a report ready at the following Council Meeting.

Mr. Matherly wished everyone a Happy New Year and shared that it is an honor for him to serve the City. He stated that sometimes the News Miner gives the City Council a bad rap but that when groups come together the Council will listen. **Mr. Matherly** stated he is excited about his upcoming Mayoral race. He stated he had no update on Mr. Marlow on the Polaris Building. He wished his 97-year-old grandmother a happy birthday and gave a brief background of her life.

Mr. Cleworth echoed Mr. Gatewood's statements about supporting local sports. He spoke to the Citizen's Guidelines pamphlet that was distributed to the Council asked that they review it. He spoke to asset forfeiture and shared that it is wrong to seize peoples' money without cause. **Mr. Cleworth** requested that Chief Aragon review FPD's policy on asset forfeiture and give the Council an update on the policy. He stated that he would like to know the parameters of the investigation, who is conducting it, and what the goals of the investigation are. He stated there is a Fact Finding Commission as Mr. Turney pointed out, and he recommended using that group because they work at no cost to the City. **Mr. Cleworth** thanked the Council for approving Resolution No. 4705 and thanked everyone who came out to testify to it. **Mr. Cleworth** stated that air quality is important, and it helps retain the military in Fairbanks. He stated clean air is a step in the right direction and the individuals who are causing a problem are on the Department of Environmental Conservations' (DEC) radar.

Mr. Pruhs echoed Mr. Gatewood's statement that Fairbanks is a basketball town and commented that Mr. Gatewood is a resident expert in youth sports. He spoke to the issues at the Noyes Slough and the need to clean it out; he shared the possibility of putting a bike path with lights next to it. **Mr. Pruhs** stated that there should be annual audits of what is in FPD's evidence room; he added that a list of what is in it should be distributed out to Council Members.

CITY ATTORNEY'S REPORT

City Attorney Ewers stated that he spoke with the MCB regarding Ordinance No. 6002 and that The Higher Calling is illegal under state law. He stated that the City not shutting the business down does not make it legal.

Mr. Matherly, seconded by **Mr. Walley**, moved to go into Executive Session for the purpose of discussing AFL-CIO, IBEW, and FFU Labor Contract Negotiations.

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

Mayor Eberhart called for a five minute recess.

EXECUTIVE SESSION

- a) AFL-CIO Labor Contract Negotiations
- b) IBEW Labor Contract Negotiations
- c) FFU Labor Contract Negotiations

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

ADJOURNMENT

Mayor Eberhart declared the meeting adjourned at 10:46 p.m.



JOHN EBERHART, MAYOR

ATTEST:



D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB