



FAIRBANKS CITY COUNCIL  
AGENDA NO. 2015-14  
**REGULAR MEETING JULY 20, 2015**  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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PRELIMINARY MEETINGS

5:00 p.m. Work Session – Fairbanks Emergency Communications Center (FECC) Business Plan

6:00 p.m. Work Session – Fuel Storage Capital Project Plan Discussion

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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 April 6, 2015

7. SPECIAL ORDERS

8. MAYOR'S COMMENTS AND REPORT

- a) Cold Cases Report from Police Chief Aragon

9. UNFINISHED BUSINESS

- a) Ordinance No. 5985 – An Ordinance Amending Fairbanks General Code Section 2-149 to Add an Additional Requirement for Fiscal Notes. Introduced by Council Member Cleworth. SECOND READING AND PUBLIC HEARING.
- b) Ordinance No. 5986 – An Ordinance Enacting a Retail Sales Tax on Marijuana and Referring the Ordinance for Ratification at the Next General Election. Introduced by Council Member Pruhs. SECOND READING AND PUBLIC HEARING.

10. NEW BUSINESS

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

- a) Committee Reports

12. COMMUNICATIONS TO COUNCIL

- \*a) Appointment to the Clay Street Cemetery Commission
- \*b) Appointment to the Building Code Review & Appeal Commission
- \*c) Appointment to the Hotel/Motel Discretionary Fund Committee
- \*d) Re-appointment to the Board of Plumber Examiners
- \*e) Clay Street Cemetery Commission Meeting Minutes of June 3, 2015
- \*f) Chena Riverfront Commission Meeting Minutes of May 13, 2015
- \*g) Chena Riverfront Commission Meeting Minutes of June 10, 2015
- \*h) Board of Plumber Examiner Meeting Minutes of April 7, 2015

13. COUNCIL MEMBERS' COMMENTS

14. CITY CLERK'S REPORT
15. CITY ATTORNEY'S REPORT
16. EXECUTIVE SESSION – Labor Negotiations: Fairbanks Firefighters Union (FFU)
17. ADJOURNMENT



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, APRIL 6, 2015  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 7:00 p.m. on the above date, 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: Renee Staley, Seat A, Telephonic  
Perry Walley, Seat B  
Bernard Gatewood, Seat C  
Jim Matherly, Seat D  
Jerry Cleworth, Seat E  
David Pruhs, Seat F

Absent: None

Also Present: John Eberhart, Mayor  
Warren Cummings, Fire Chief  
Amber Courtney, Communications Director/PIO  
Ernie Misewicz, Assistant Fire Chief  
Paul Ewers, City Attorney  
D. Danyielle Snider, City Clerk  
Jim Williams, Chief of Staff  
Angela Foster-Snow, HR Director  
Pat Smith, Development Manager  
Jim N. Soileau, Chief Financial Officer  
Randall Aragon, Police Chief

### INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

### FLAG SALUTATION

**Mayor Eberhart** led the Flag Salutation.

### APPROVAL OF AGENDA AND CONSENT AGENDA

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

**Mr. Gatewood** pulled Ordinance No. 5973 from the Consent Agenda.

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

City Clerk Snider read the Consent Agenda into the record.

### **CITIZEN'S COMMENTS**

Frank Turney 329 6<sup>th</sup> Avenue, Fairbanks – Mr. Turney addressed the Council regarding Resolution 4286 that was advocated for private funding for a fishing dock for the handicap. Mr. Turney stated that the dock secured by Festival Fairbanks does not grant handicap access and he wanted to know if that issue had been brought up during the planning of the dock. He shared his concern for discriminating against people who are wheelchair bound particularly for veterans. Mr. Turney stated he researched other docks in the State and stated that other cities have docks that are wheelchair accessible. Mr. Turney stated that he was happy to see Chief Aragon downtown earlier in the day and stated he wished he had a camera with him. Mr. Turney reported he was pleased to walk down 2nd Avenue next to the Chief of Police. Mr. Turney stated he believes that the FPD needs to have an internal affairs department. Mr. Turney stated his disappointment over no public bathrooms in the City.

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

### **APPROVAL OF PREVIOUS MINUTES**

- a) Regular Meeting Minutes of January 5, 2015

APPROVED on the CONSENT AGENDA.

- b) Regular Meeting Minutes of January 19, 2015.

APPROVED on the CONSENT AGENDA.

### **SPECIAL ORDERS**

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, will hear interested citizens concerned with the below-referenced Liquor License Application for Transfer of Ownership (stock only). Public Testimony will be taken and limited to five minutes.

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

**Mr. Matherly**, seconded by **Mr. Gatewood** motioned to WAIVE PROTEST of the Liquor License 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 TRANSFER**

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

NAYS: None

**Mayor Eberhart** declared MOTION WAIVE PROTEST APPROVED

- b) The Fairbanks City Council, Sitting as a Committee of the Whole, will hear interested citizens concerned with the below-referenced Liquor License Application for Transfer of Ownership (stock only). Public Testimony will be taken and limited to five minutes.

Type: Beverage Dispensary, License #4232

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

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

**Mr. Matherly**, seconded by **Mr. Walley** motioned to WAIVE PROTEST of the Liquor License 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 TRANSFER**

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

NAYS: None

**Mayor Eberhart** declared MOTION WAIVE PROTEST APPROVED

- c) Oath of Office – City Clerk

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

**MAYOR'S COMMENTS AND REPORT**

**Mayor Eberhart** congratulated Ms. Snider for her new position as City Clerk; he stated she has done a great job so far and will continue to do so. **Mayor Eberhart** stated that April is national volunteer month; he thanked all the people who volunteer throughout the community. He presented a proclamation and called for C.B. Bettisworth to come forward, he listed the vast

projects that Mr. Bettisworth has worked on throughout the City. **Mayor Eberhart** proclaimed Mr. Bettisworth as Outstanding Citizen of 2014 throughout the City of Fairbanks and he then congratulated him on his retirement. He presented Mr. Bettisworth with a gold pan and offered him the opportunity to talk.

Mr. Bettisworth stated he was honored and humbled by the recognition. He stated he and his wife retired the past fall, he introduced his wife, Ms. Karen Pardue. (OR IS IT PARR?) Mr. Bettisworth stated they will not be moving out of State because their roots are in Fairbanks. He stated his concern for the loss of population in the City of Fairbanks. He stated his concern for Fairbanks having the highest housing vacancy rating within the State. He stated that one of the reasons population is weaning in Fairbanks is because it not an attractive place, he said it lacks an economically vibrant downtown. He announced his excitement for the Cushman Complete Street project and applauded the Mayor for attending the Mayor's Institute of City Design. He encouraged the Council to focus on economic development with a specific focus on Public/Private partnerships. He stated the project he is most proud of is the Fairview Manner to Raven's Landing project as it is an example of a Public/Private partnership working.

**Mayor Eberhart** introduced Angela Foster-Snow to the Council and asked her to share a little bit about herself with the Council. Ms. Foster-Snow stated she has lived in Alaska for ten years. During that time she worked as senior management with the Fairbanks Native Association. Ms. Snow stated she was the director of Head Start and most recently the director of Planning & Development. She stated that prior to moving to Alaska she was the housing director for the South Eastern Idaho Community Action Agency. She her supervisory experience and training in the areas of reflective supervision. Ms. Foster-Snow stated she has experience with goal setting and at FNA she was the primary grant writer. She stated she was excited about working for the City and that she is happy to be part of the team.

**Mayor Eberhart** addressed Mr. Turney's request for the FPD to have an internal affairs department. He stated that he and Chief Aragon have been in intense discussions about forming an Office of Professional Responsibility. **Mayor Eberhart** stated a person has been designated for the position. He stated that person will take citizen complaints and requests for internal affair reviews and work directly with the Police Chief. He stated working directly with the Police Chief will create a point of contact and eliminate confusion.

**Mayor Eberhart** stated the importance of the F-16 and F-35 scoping meetings and he encouraged the Council and public to attend. He stated that if the community can keep the F-16's and get the F-35's then military construction loan over a four year period would be in excess of \$300 million dollars and would bring a \$2 billion a year financial injection to the community. He stated the addition of the two squadrons would bring 3000 plus new personal to the community and that the life of the aircraft is forty years.

**Mayor Eberhart** provided a summary of events, meetings and activities he and his staff have been involved in since the last City Council Meeting. He stated the cold case relating to the murder of Mahogany Davis 12 years ago has been reopened and he thanked Chief Aragon for the attention to the case.

## **UNFINISHED BUSINESS**

- a) Ordinance No. – An Ordinance No. 5967 – An Ordinance Amending the 2015 Operating and Capital Budgets for the Second Time. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

**Mr. Gatewood**, seconded by **Mr. Cleworth**, moved to ADOPT Ordinance No. 5967.

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

**Mr. Cleworth** requested Mr. Soileau come forward. **Mr. Cleworth** asked Mr. Soileau to provide an update regarding encumbrances in the budget. Mr. Soileau stated that encumbrances in the budget happen when cash is committed to a vendor but does not change hands during that calendar year. Mr. Soileau stated that incorporating encumbrances in the budget is done so that the current years' budget is not affected; he stated the funds carry over from the previous year. Mr. Soileau stated the encumbrance accounting has been approved by the auditors and it follows the principals of accounting. **Mr. Cleworth** thanked Mr. Soileau for making clear what was in the budget.

**Mayor Eberhart** asked if there were any further questions, seeing none he seeing none he requested a roll call vote.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5967 AS FOLLOWS:

YEAS: Pruh, Gatewood, Staley, Cleworth, Matherly, Walley  
NAYS: None  
**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 5967 ADOPTED.

- b) Ordinance No. 5968 –An Ordinance Repealing Fairbanks General Code Chapter 14, Article VII Massage Practitioners Effective July 1, 2015. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

**Mr. Pruhs**, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5968.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5968 AS FOLLOWS:

YEAS: Gatewood, Walley, Pruhs, Matherly, Staley, Cleworth  
NAYS: None  
**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 5968 ADOPTED.



- c) Ordinance No. 5969 – An Ordinance Amending Fairbanks General Code Section 54-102 Change Orders by Increasing the Amounts Allowed for Change Orders by Administration. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

**Mr. Matherly**, seconded by **Mr. Cleworth**, moved to ADOPT Ordinance No. 5969.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5969 AS FOLLOWS:

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

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 5969 ADOPTED.

- d) Ordinance No. 5970 – An Ordinance Amending Fairbanks General Code Section 46-42 Disturbing the Peace by Adding a New Subsection Relating to Marijuana Smoke. Introduced by Council Member Pruhs. SECOND READING AND PUBLIC HEARING.

**Mr. Pruhs**, seconded by **Mr. Cleworth**, moved to ADOPT Ordinance No. 5970.

**Mayor Eberhart** called for Public Testimony.

Frank Turney 329 6<sup>th</sup> Avenue, Fairbanks – Mr. Turney stated he did not know how the Ordinance could be workable and he hoped the Council would reconsider passing it. Mr. Turney stated the term marijuana is racist and that he prefers to call it cannabis. Mr. Turney stated there is no scientific proof that airborne byproducts of cannabis cause any harm in close proximity. Mr. Turney stated there is scientific data that the Harvard Medical School and the National Institute of Health have released relating to the harmful effects of barbeque smoke. He asked if the Council would consider a disturbing the peace violation for barbeque smoke. He stated the Ordinance is a waste of police time. Mr. Turney stated a person should talk to their neighbor if they are offended by cannabis smoke and not send over the smoke police over. Mr. Turney asked what would be coming next the police ticketing for wood smoke or the smell of Mexican food. Mr. Turney stated the Ordinance itself smells and that if Joe Vogler were here he would call it a posy sniffer Ordinance.

**Mr. Gatewood** stated the issue was not the smell of marijuana but that a person could possibly be affected by a contact high as a result of smelling it. Mr. Turney stated he was not buying it, he stated something that is airborne outside cannot result in a person getting a contact high. **Mr. Gatewood** clarified he has heard people complain about getting a contact high from marijuana smoke and that is what the Ordinance is addressing. Mr. Turney stated he wanted scientific data to prove that airborne smoke can cause a contact high.

**Mayor Eberhart** called for Public Testimony and, hearing none, declared Public Testimony closed. He called upon the Council for questions or comments.

**Mr. Pruhs** stated Ordinance 5970 was an extension of a prior Ordinance, he stated that it bans the use of marijuana in public but allows use on private property. **Mr. Pruhs** read the Ordinance stating it reads “in a private place consume marijuana with the intent to disturb or in reckless disregard of peace and privacy of others after having been informed that the conduct is disturbing the peace and privacy of others not in the same place.” He noted Mr. Turney’s request to speak with a neighbor and stated that would be the correct thing to do, he clarified the Ordinance was not designed so that if one smells marijuana it is wrong but if it is in reckless disregard with the product then it should result in a disturbing the peace violation. **Mr. Pruhs** stated item two of the Ordinance explains that an individual using marijuana would first be informed by a police officer that the marijuana was reported as a disturbance and only then if they refused to abate would they be issues a disturbing the peace violation. **Mr. Pruhs** directed attention to item four of the Ordinance and read “to disturb the peace and privacy of others, the consumption of marijuana must be of such a nature that it would disturb a not unduly individual.” He stated that if the consumption of marijuana was to disturb a \$100 fine would be issues and could be adjudicated by paying the Clerk or fighting the ticket by going to Court.

**Mr. Gatewood** asked Mr. Pruhs if the disturbing the peace violation could be issued if the person making the request to cease and desists was in the same place. **Mr. Pruhs** stated the violation would occur across property line. **Mr. Gatewood** questioned what if it was in a condo situation that would be considered the same place and not a public location. **Mr. Pruhs** responded the owner of the condo could call the police and report a disturbing the police violation.

**Mr. Cleworth** thanked Mr. Pruhs for the work he had done on Ordinance 5970, Mr. Cleworth handed out an amended version the Ordinance. **Mr. Cleworth** stated that when he was Mayor had a hard time with disturbing the peace reports and they were usually regarding multiple animals on a property with an owner that would not clean up after them. He stated property owners would call and report the overwhelming odors were disturbing the peace and wanting the City to fix the problem. **Mr. Cleworth** stated he would research the code to see what grounds the City stood on to tackle the issue but the language was not specific enough. He stated another complaint he ran into was of people littering in their yards and trash blowing across property lines causing property owners to call in about the public nuisance. **Mr. Cleworth** stated it was difficult because he would not want to go overboard making all types of rules because he believes it to be counterproductive for Government. He stated that over the years many things had been eliminated from the code book did not need to be regulated. **Mr. Cleworth** stated that a violation based on smell is a dangerous path and recommended for an amended version of the Ordinance. He cited the smell of the coffee roasting companies stating that some are offended by it while others are not. He stated he did not want to create a quagmire by approving an Ordinance that did not make sense to everyone. He requested the Council take a holistic approach to disturbing the peace and have marijuana fall under a broader category.

**Mr. Cleworth**, seconded by **Mr. Walley**, moved to POSTPONE Ordinance 5970 to the Finance Committee Meeting of April 14, 2015.

**Mayor Eberhart** asked if there were any further questions, seeing none he seeing none he requested a roll call vote.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE ORDINANCE NO. 5970 AS FOLLOWS:

YEAS: Staley, Matherly, Gatewood, Pruhs, Cleworth, Wallet

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 5970 POSTPONED.

- e) Ordinance No. 5971 – An Ordinance Authorizing a Limited Real Property Tax Exemption for the Retirement Community of Fairbanks – Raven Landing Expansion Project and Setting an Effective Date. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

**Mr. Matherly**, seconded by **Mr. Gatewood**, moved to APPROVE Ordinance 5971.

Karen Parr, 949 McGowen Street #3E, Fairbanks – Ms. Parr stated Raven Landing was built by a non-profit named Retirement Community of Fairbanks that was incorporated in 2004. Ms. Parr stated Raven Landing was built to provide independent living for unsubsidized seniors in the community. Ms. Parr stated Raven Landing was a good example of public/private partnership and used the 10% tax exemption the City granted over a 10 year period as an example. Ms. Parr stated the people involved in the planning were all volunteers and that many businesses helped as well. She stated that without the help of CB Bettisworth the project may never come to fruition. Ms. Parr stated the success of Raven Landing and noted it has been at full occupancy since the time the project was complete. Ms. Parr stated there is a 100 person waiting list and as soon a unit vacates it is immediately occupied by another senior from the community. Ms. Parr stated Raven Landing is a great resource to prevent the decline in the Fairbanks population because seniors have a decent place to live in the community. Ms. Parr stated appreciation for the help the support the City Council has provided. Ms. Parr stated the Ordinance the City Council passed in 2010 only covered the four existing buildings and Raven Landing is now struggling for funding. Ms. Parr requested the City Council to extend the exemption until the project is complete for the rest of the property. Ms. Parr stated Community Development, Inc. (CDI) is not the correct owner as is listed on page three of the ordinance; the correct owner is SWELL, LLC.

**Mr. Cleworth** asked Ms. Parr if the developer of the project was successful in finding additional commercial property. Ms. Parr stated Mr. Bettisworth would be a better person to answer his question. Mr. Bettisworth stated the developer never planned to use the property for any commercial development outside of affordable senior housing. Mr. Bettisworth stated one of the goals of the development is to build an assisted living facility on the property. Mr. Bettisworth stated retail and commercial units were never intended for construction on the property due to the limited access off Cowles Street. Mr. Bettisworth stated SWELL, LLC owns the property because CDI an Idaho based company sold their interest in Weeks Field Development. **Mr. Cleworth** asked if any future expansion was planned. Ms. Parr stated the plan is to complete one more senior living facility that would house 35 apartments for local seniors and if her dreams

could come true eventually an assisted living facility would be constructed. Mr. Bettisworth stated the goal is to get the retirement community of Fairbanks in property control for the development of the remainder of the project.

**Mayor Eberhart** asked if there were any further questions, seeing none he seeing none he requested a roll call vote.

**Mayor Eberhart** requested Pat Smith come forward and give a staff report. Mr. Smith stated he likes to take a step back and look at this project as a whole while also considering the City's bottom line. Mr. Smith stated he would be speaking in favor of Ordinance 5971 and there were a few points he wants to mention to the Council. He stated that when Fairview Manor was occupying the property it was a constant drain of City funds due to the high volume of police visits. He stated that the final calendar year that Fairview Manor paid taxes the City's tax share was \$19,470.00. Mr. Smith stated that for the year of 2014 the City's tax share was \$70,000.00, he noted that was including 50% tax exemption. Mr. Smith stated that amount was an astonishing return on the investment. Mr. Smith stated that if the Ordinance passes and new building is constructed that \$85,000.00 in tax revenue will be the City's proposed share. Mr. Smith shared the other impacts of the Weeks Field project to include affordable, safe housing, the community center and the injection of funds to the construction industry.

**Mr. Cleworth** stated Mr. Smith's testimony brought forth many memories of the Fairview Manor. He stated that it was the premier housing facility when he was growing up in Fairbanks. **Mr. Cleworth** stated that in his 10 years working in accounting he saw many retired couples moving away from the community, specifically to the Seattle area. **Mr. Cleworth** stated school enrollment is declining but the Fairbanks population is remaining stagnant due to seniors staying within the community. **Mr. Cleworth** stated when he looks around his neighborhood many homeowners are staying even after their children leave because there is an option for affordable care after retirement.

**Mayor Eberhart** asked if there were any further questions, seeing none he seeing none he requested a roll call vote.

**Mr. Pruhs**, seconded by **Mr. Walley**, motioned to AMMEND the MOTION TO APPROVE to SWELL, LLC as the recipient of the tax exemption.

A ROLL CALL VOTE WAS TAKEN TO AMMEND THE MOTION TO APPROVE ORDINANCE NO. 5971 AS FOLLOWS:

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

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 5971 APPROVED as AMENDED.

## **NEW BUSINESS**

a) Resolution No. 4663 – A Resolution Authorizing the City of Fairbanks to Apply for Funds from the United States Department of Homeland Security for the FFY2014 Fire Prevention and Safety Grant. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

b) Resolution No. 4664 – A Resolution Authorizing the City of Fairbanks to Apply for Funds from the Alaska Division of Homeland Security for the FFY2015 Emergency Management Performance Grant. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

c) Resolution No. 4665 – A Resolution to Accept Funding from the Alaska Division of Homeland Security and Emergency Management for SFY2016 Local Emergency Planning Committee Grant. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

d) Ordinance No. 5972 – An Ordinance Amending the Collective Bargaining Agreement Between the City of Fairbanks and the Fairbanks AFL-CIO Crafts Council. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

e) Ordinance No. 5973 – An Ordinance Amending Fairbanks General Code Chapter 2-119. Order of Business; Citizens Addressing City Council. Introduced by Mayor Eberhart.

PULLED from the CONSENT AGENDA.

**Mayor Eberhart** asked Mr. Gatewood if he would discuss why he pulled the item from the consent agenda.

**Mr. Cleworth**, seconded by **Mr. Gatewood**, motioned to ADVANCE

**Mr. Gatewood** asked for clarification as to what has changed in the Ordinance. **Mayor Eberhart** requested Ms. Snider to explain to the Council what was changing. Ms. Snider stated that the current order of business does not allow citizens to comment on Resolutions prior to the approval of the Consent Agenda. She stated there is a need to amend the order of business to allow citizens comments before the Council approves the consent agenda. **Mr. Gatewood** stated he understood and that he did not have a problem with the change. **Mr. Cleworth** asked when the order of business was changed because a year ago that was not the sequence of the meetings. Mr. Ewers stated the former City Clerk made a change because she noticed the agenda did not comply with City Code; as a result of that correction the order of business changed but never made official. Mr. Ewers stated that passing Ordinance would correct the sequence of the Council meetings. **Mr. Pruhs** asked Mr. Ewers if the change stating citizens are allowed to speak for 5 minutes per topic meant that if a citizen had 3 topics they could speak for 15 minutes. Mr. Ewers stated a citizen only gets 5 minutes.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE 5973

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 5973  
ADVANCED.

### DISCUSSION ITEMS

**Mayor Eberhart** asked the Council if any committees had met since the last City Council meeting. Seeing no comments met **Mayor Eberhart** requested Ms. Snider move to the next agenda item.

### COUNCIL MEMBERS' COMMENTS

**Mr. Gatewood** stated he had no comments.

**Mr. Walley** stated he had no comments.

**Mr. Matherly** stated he had no comments.

**Mr. Cleworth** asked the Council to consider an abatement project at the old dairy on 3<sup>rd</sup> Avenue if an abatement project has not been assigned for the year. He stated it is time to address the issue and requested a work session to discuss. **Mr. Cleworth** stated he is concerned with the \$4450 fee the Borough is charging; he stated he does not think the amount is justified. **Mr. Cleworth** asked Mayor Eberhart if he had been in talks with the Borough regarding the price. **Mayor Eberhart** stated he had not been in contact with the Borough but Ms. Hovenden had been in contact with Borough Clerk's Office. **Mayor Eberhart** asked Ms. Snider if she had been in communication with the Borough about the municipal election fee. Ms. Snider stated she had not been in contact with the Borough; she stated she had spoken with Ms. Hovenden about the cost of the election. Ms. Snider stated it is her recommendation the Council pay the bill but that she understands that it is up to the Council. **Mr. Cleworth** stated he was concerned that after decades of holding joint elections the Borough is unilaterally changing the way things are done. **Mr. Cleworth** stated he did not believe the bill was appropriate. **Mr. Cleworth** requested engineering to look at the dock plans to see if there was any way the dock could be made handicap accessible.

**Ms. Staley** stated she had no comments.

**Mr. Pruhs** stated if the Borough is going to send the City a bill that an amount needs to be agreed to prior to services rendered. Ms. Snider stated the Borough is at this time quoting for the 2015 elections; the amount is not a bill for the 2014 elections. Ms. Snider stated the Borough is requesting the fee or the City to provide staff to work in preparation for the elections; Ms. Snider stated she did not have the staff to support the man hours the Borough would require of the City Clerk's Office. **Mr. Pruhs** stated Mr. Ewers should review the Charter of Election to verify the Borough is able to make this change.

**CITY CLERK'S REPORT**

City Clerk Snider stated she had no comments.

**CITY ATTORNEY'S REPORT**

City Attorney Ewers stated he had no comments.

**Mr. Matherly**, seconded by **Mr. Wally**, moved to go into Executive Session for the purpose of discussing Labor Negotiations for the FFU and the IBEW.

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

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

**EXECUTIVE SESSION**

a) Labor Contract Negotiations

The City Council met in Executive Session to discuss labor negotiations. Direction was given to staff and no action was taken.

**ADJOURNMENT**

**Mr. Pruhs**, seconded by (it's not on the note sheet and I didn't hear a voice), moved to ADJOURN the meeting.

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

**Mayor Eberhart** declared the Meeting adjourned at 10:33 P.M.

\_\_\_\_\_  
JOHN EBERHART, MAYOR

ATTEST:

\_\_\_\_\_  
D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB

**ORDINANCE NO. 5985**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE  
SECTION 2-149 TO ADD AN ADDITIONAL REQUIREMENT  
FOR FISCAL NOTES**

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

**SECTION 1.** Fairbanks General Code Section 2-149, Fiscal note on ordinances and resolutions, subsection (b), is hereby amended as follows [new text in **underlined bold** font; deleted text in ~~striketrough~~ font]:

**Sec. 2-149. Fiscal note on ordinances and resolutions.**

\* \* \* \* \*

(b) The fiscal note of an ordinance or a resolution includes:

- (1) Changes in expenditures;
- (2) Changes in revenue;
- (3) The source of funds to be used;
- (4) The number of new positions which may be required, identified as full-time, part-time, or temporary; ~~and~~
- (5) **A summary of budget changes to date for the current calendar year showing budget revenues, expenses, and net balance after the proposed ordinance; and**
- (6)** Any additional fiscal information that may be useful to the council in its deliberations.

\* \* \* \* \*

**Section 2.** The effective date of this ordinance is the \_\_\_\_ day of \_\_\_\_\_ 2015.



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**JOHN EBERHART, MAYOR**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, CMC, City Clerk

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Paul J. Ewers, City Attorney

**ORDINANCE NO. 5985, AS AMENDED**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE  
SECTION 2-149 TO ADD AN ADDITIONAL REQUIREMENT  
FOR FISCAL NOTES**

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

**SECTION 1.** Fairbanks General Code Section 2-149, Fiscal note on ordinances and resolutions, subsection (b), is hereby amended as follows [new text in **underlined bold** font, AS AMENDED in **bold italic** font; deleted text in ~~strikethrough~~ font]:

**Sec. 2-149. Fiscal note on ordinances and resolutions.**

\* \* \* \* \*

(b) The fiscal note of an ordinance or a resolution includes:

- (1) Changes in expenditures;
- (2) Changes in revenue;
- (3) The source of funds to be used;
- (4) The number of new positions which may be required, identified as full-time, part-time, or temporary; ~~and~~
- (5) **A summary of budget changes to date for the current calendar year showing budget revenues, expenses, and net balance after the proposed ordinance. The summary will not include interfund transfers or prior year encumbrances which amend the original budget; and**
- (6) Any additional fiscal information that may be useful to the council in its deliberations.

\* \* \* \* \*

**Section 2.** The effective date of this ordinance is the \_\_\_\_ day of \_\_\_\_\_ 2015.

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**JOHN EBERHART, MAYOR**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, CMC, City Clerk

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Paul J. Ewers, City Attorney

**ORDINANCE NO. 5986**

**AN ORDINANCE ENACTING A RETAIL SALES TAX ON MARIJUANA  
AND REFERRING THE ORDINANCE FOR RATIFICATION AT THE  
NEXT GENERAL ELECTION**

**WHEREAS**, Alaska Statute 17.38 was adopted by Ballot Measure 2, An Act to Tax and Regulate the Production, Sale and Use of Marijuana, and provided for legal sale of marijuana in Alaska; and

**WHEREAS**, under the provisions of AS 17.38, retail sales of marijuana will begin sometime in 2016; and

**WHEREAS**, Fairbanks Charter Section 6.5 provides that any new or additional sales tax levied by the City Council, other than hotel/motel, alcohol, or tobacco, must be approved by the voters in a general election; and

**WHEREAS**, in order to be in place when the legal sale of marijuana begins in 2016, the ratification of an ordinance imposing a sales tax on the sale of marijuana must be on the ballot for the City's general election in October of 2015;

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

**SECTION 1.** Fairbanks General Code, Chapter 74, is hereby amended by adding a new Article VI – Marijuana Sales Tax, as follows:

**ARTICLE VI. MARIJUANA SALES TAX**

**Sec. 74-200. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Marijuana* means all parts of the plant (genus) Cannabis, whether growing or not, the seed thereof, the resin extracted from any part of the plant, and any compound, manufacture, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; *marijuana* does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

*Buyer means* without limiting the scope thereof, any person or other entity that purchases or contracts to purchase marijuana.

*Certification of registration* means the certificate issued by the chief financial officer under section 74-204.

*Consideration* means anything of value, including but not limited to money, credit, rights, goods, services, and property, received by a seller from a buyer.

*Estimated tax* means the tax determined under section 74-207.

*Retail sale* means the transfer of any marijuana to any consumer, for any consideration.

*Sale made within the city* means any retail sale where: (1) the buyer takes possession of, or title to, the purchased marijuana within the city; and/or (2) the seller receives consideration for the purchased marijuana within the city.

*Sales price* means the price of any marijuana.

*Seller* means any person or any other entity that sells or contracts to sell any marijuana to a buyer and includes persons who are vendors of and lessors of property and persons furnishing services.

*Tax* means the marijuana sales tax as levied under this article.

*Taxable retail sale* means any sale made within the city that is not entirely exempt from the tax levied under this article.

*Unremitted tax* means

- (1) Any tax not remitted to the city that a seller is required by this article to collect from a buyer, notwithstanding whether the seller actually collects such tax from a buyer; and
- (2) Any estimated tax not remitted to the city.

**Sec. 74-201. Marijuana sales tax levy.**

There is levied within the corporate limits of the city a tax equal to five percent of the sales price upon all retail sales of marijuana made within the corporate limits of the city.

**Sec. 74-202. Due date; delinquency.**

The obligation for the payment of the tax is upon the buyer. All taxes imposed by this article are due and payable by the buyer at the time of sale, or with respect to credit transactions at the time of collection, and are delinquent if not paid when due.

**Sec. 74-203. Obligation of seller to collect.**

Every seller making sales taxable under this article shall collect the tax from the buyer at the time of sale, or with respect to credit transactions at the time of collection of sales price, and shall deliver the same to the City of Fairbanks in accordance with the requirements in this article. The seller will be compensated the amount of two percent of the taxes transmitted to the city for the use of seller's resources in collecting the taxes. This compensation will only occur when the seller submits reports and pays the taxes on time.

**Sec. 74-204. Seller registration; certification; revocation.**

(a) All sellers of marijuana within the City of Fairbanks must possess a current certificate of registration, for the purpose of collecting and remitting the tax under this article, prior to engaging in any retail sales or opening additional places of business.

(b) All sellers requiring a certificate of registration under subsection (a) of this section must first possess current State of Alaska and City of Fairbanks business licenses, a current state marijuana license as required by AS 17.38, and, if applicable, a City of Fairbanks marijuana license. Copies of the business licenses and the state marijuana license must be provided to the city before a certificate of registration will be issued.

(c) Upon receipt of a properly executed application for the certificate of registration, on a form prescribed by the chief financial officer, the chief financial officer will issue without charge to the seller a certificate of registration. The certificate of registration shall bear the name of the seller and the address of the registered place of business. The certificate must be prominently displayed at the place of business along with all business and marijuana licenses.

(d) The certificate of registration is neither assignable nor transferable. The seller must immediately surrender the certificate to the chief financial officer if the seller ceases to do business at the location named on the certificate, or if the seller otherwise sells, assigns, transfers, conveys, or abandons the seller's business to any person or any other entity. When there is a change of address for the seller's place of business, a new certificate of registration is required bearing the same registration number, but showing the new location address.

(e) A seller must submit an updated application as prescribed by the chief financial officer upon any change in form of ownership, business name, or contact information. The chief financial officer, after receipt of the updated application, shall then determine whether a new certificate of registration should be issued. If a new certificate of registration is issued, the seller must first surrender the prior certificate of registration to the chief financial officer before taking possession of the new certificate.

(f) The chief financial officer may revoke a certificate of registration if a seller fails to comply with any of the provisions of this article. A seller may not engage in retail sales while the certificate of registration is revoked.

(g) Any seller who violates any requirement of this section is subject to the penalties provided under this article. The city is also entitled to injunctive relief to prevent the seller from engaging in retail sales until the seller complies with the requirements of this section.

**Sec. 74-205. Segregation of taxes collected; title.**

Upon collection by the seller of the taxes imposed in this article, title to the collected taxes vests in the city. Pending transmittal to the city, the seller shall hold the tax funds in trust for the benefit of the city.

**Sec. 74-206. Sales tax returns; transmittal; payment of taxes due.**

(a) Every seller possessing a current certificate of registration shall, on or before the 15th day of the month, file a properly completed return for the preceding month upon forms furnished by the city and remit payment for the amount received from the following:

- (1) All retail sales made within the city.
- (2) The amount received from nontaxable sales.
- (3) The amount received from all taxable sales.
- (4) The amount of tax.
- (5) The taxes collected.
- (6) Such other information and supporting papers as the chief financial officer may require.

(b) Every seller holding a certificate of registration in the city shall sign and transmit the return together with taxes collected to the city on or before the proper date.

(c) A report shall be filed by every seller possessing a current certificate of registration even if the seller has not engaged in taxable retail sales during the reporting period.

(d) All returns must be received by the city clerk's office no later than 4:00 p.m. on the 15th day of the month following tax collection. Postmarks will not be considered.

**Sec. 74-207. Estimated tax.**

If the city is unable to ascertain the tax due to be remitted by a seller by reason of the failure of the seller to keep accurate books, allow inspection, failure to file a return or falsification of records, the city may make an estimate of the tax due based on any available evidence. Notice of the city's estimate of taxes due will be mailed to the seller. Unless the seller files an accurate monthly report covering the time period subject to the city's estimate or files a written appeal within 30 days of the mailing of the city's estimate, the city's estimate becomes final for the

purpose of determining the seller's tax liability.

**Sec. 74-208. Administrative appeals.**

(a) A seller or buyer may appeal to the city mayor any estimated tax, penalties, costs, fees, or other decision under this article made by the chief financial officer. Any appeal must be filed within 30 days after the notice of any decision is mailed to the seller or buyer. The failure to appeal a decision of the chief financial officer renders the decision final.

(b) The appeal must state the legal and factual basis for the appeal and include all written evidence relevant to the appeal within the appellant's possession. If the appeal raises relevant questions of fact, the mayor shall conduct a hearing. At the hearing, the parties shall have the right to present testimony and cross-examine witnesses. The mayor shall then issue a written decision that includes findings of fact.

(c) An administrative appeal decision by the city mayor is a final decision that shall be enforced under this article unless stayed by court order or by agreement of the city and appellant. The city mayor's final decision may be appealed to superior court in the fourth judicial district as provided by state law.

**Sec. 74-209. Presumption; credit.**

(a) Every sale made within the city, unless explicitly exempted by this article, is presumed to be subject to the tax imposed under this article in any action to enforce the provisions of this article.

(b) A credit will be allowed for taxes erroneously collected. Such credit will be made by the chief financial officer after receipt and review of documentation and amended return supporting such request. Upon receipt of such documentation, the chief financial officer will examine the documentation and submit a written decision within 15 days.

**Sec. 74-210. Sales tax returns; confidential information.**

(a) All returns filed with the city for the purpose of complying with the terms of this article and all data obtained from such returns are declared to be confidential, and such returns and data obtained from such returns will be kept from inspection of all persons, except the chief financial officer and the city attorney; nevertheless, upon the advice of the city attorney, the chief financial officer may present to the finance committee or city council in private sessions assembled, any return or data obtained from such returns.

(b) It is unlawful for any city employee to publicly divulge any financial information obtained from any return filed with the city or from any data obtained from any such returns unless authorized by the seller or unless the person receiving such information is permitted to view such returns under the terms of this article.

(c) It is the duty of the chief financial officer to safely keep the returns referred to in this article and all data taken from such returns secure from public inspection and secure from all private



inspection except as provided in the article. The chief financial officer may, after six years from the date any such return has been filed, destroy the return.

(d) The use of such returns in a criminal or civil action brought to enforce the terms of this article against any person is not a violation of this article. The city in the prosecution of any such action may allege, prove, and produce any return filed by and on behalf of the defendant, including any data obtained from such return.

(e) Nothing in this article will be construed to prohibit a seller or their duly authorized representative from receiving a copy of any return or report filed by the seller, or to prohibit the publication by the city of statistics classified so as to prevent the identification of particular reports or returns.

**Sec. 74-211. Recordkeeping duty; investigation.**

(a) A seller shall keep complete and accurate books, records, and accounts, showing all inventory purchases and the gross receipts for all sales made within the city, for a period of three years from the date of each sale. In addition to all their record keeping requirements under this article, a seller shall maintain all written and electronic records relating to any marijuana sale, for a period of three years after such sale, including but not limited to:

1. All local, state, and federal tax reports and forms;
2. All accounting records;
3. All sales receipts; and
4. All documentary evidence supporting any exemption provided under this article.

(b) Upon reasonable notice, a seller must make all records and materials specified in subsection (a) of this section available for inspection by the chief financial officer or authorized representative during customary business hours.

(c) The chief financial officer may conduct random audits of seller's monthly reports by examining any of the records and materials specified in subsection (a) of this section and other data deemed necessary.

(d) For the purpose of ascertaining the correctness of a return or for the purpose of determining the amount of tax collected or which should have been collected by any person, the chief financial officer or mayor may hold investigations and hearings concerning any matters covered by this article and may examine any relevant books, papers, records or memoranda of any such person, and may require the attendance of such person, or any officer or employee of such person. The mayor shall have the power to administer oaths to such persons. The mayor shall issue all formal subpoenas to compel attendance or to require production of relevant books, papers, records or memoranda.

(e) All subpoenas issued under the terms of this article may be served by any person. The fees of witnesses for attendance and trial shall be the same as the fees of witnesses before the superior court, such fees to be paid when the witness is excused from further attendance. When a witness is subpoenaed at the instance of any party to any such proceeding, the mayor may require that the cost of service of the subpoena and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case the mayor may, at his discretion, require a deposit to cover the cost of such service and witness fees. A subpoena issued shall be served in the same manner as a subpoena issued out of a court of record.

(f) The superior court, upon the application of the mayor, is empowered to compel obedience to such subpoena and compel the attendance of witnesses, the production of relevant books, papers, records or memoranda, and the giving of testimony before the city attorney or any of his duly authorized representatives in the same manner and extent as witnesses may be compelled to obey the subpoenas and order of the court. For purposes of this section, the term "witness," in addition to any person covered under the terms of this article, shall include any person or entity with knowledge or information relevant to sales made under this article.

(g) The mayor, or any party in an investigation or hearing before the mayor, may cause the deposition of witnesses residing within or outside the state to be taken in the manner prescribed by law for like depositions in civil actions in courts of this state, and to that end compel the attendance of witnesses and the production of relevant books, papers, records or memoranda.

#### **Sec. 74-212. Recovery of taxes.**

(a) Taxes due but not paid may be recovered by the city by an action at law against the buyer. Taxes collected but not transmitted may be recovered by an action against the seller, and sales tax returns shall be prima facie proof of taxes collected but not transmitted.

(b) In addition to any other remedies and administrative procedures provided under this article, the city may file a civil action against any seller or buyer for recovery of any tax, unremitted tax, penalties, interest, costs, and fees, that have not been paid or remitted when due.

(c) Any person who holds an ownership interest in a seller, or any other person who is an agent of the seller, is personally liable for all taxes, penalties and interest due from such seller under this article.

#### **Sec. 74-213. Tax lien.**

(a) Any tax, unremitted tax, penalties, interest, costs and fees that this article requires a seller or buyer to pay or remit shall constitute a lien in favor of the city upon all assets, earnings, revenue and property of the seller, other persons liable under subsection 74-212(c) (recovery of taxes), or the buyer. This lien arises when any such payment or remittance is not made when due and continues until the payment or remittance is fully satisfied through execution, foreclosure sale, or any other legal means. This lien is not valid as against a mortgagee, pledgee, purchaser, or judgment creditor until notice of the lien is recorded in the office of the district recorder for the fourth judicial district.

(b) When recorded, a lien authorized under this section has priority over all other liens except those for property taxes and special assessments and all liens perfected before the recording of the sales tax lien for amounts actually advanced before the recording of the sales tax lien and mechanics' and materialmen's liens which have been recorded before the recording of the sales tax lien. Upon such filing, the lien is superior to all other liens except as otherwise provided by state or federal law.

**Sec. 74-214. Foreclosure.**

(a) Delinquent sales tax liens on real property shall be enforced by quarterly foreclosures on March 31, June 30, September 30 and December 31.

(b) Tax liens shall be foreclosed in the manner provided for in sections 58-49 through 58-61.

**Sec. 74-215. Interest rate; administrative costs.**

(a) A simple interest rate of 1.25 percent per month, or a lesser rate if required by state law shall accrue on all unremitted taxes, not including penalty and administrative fees, from the original due date provided under this section until remitted in full.

(b) In addition to any other penalties imposed under this article, a seller shall pay any administrative fees, outside collection agency fees, attorney fees, and other costs and fees incurred by the city or its agent(s) in connection with any collection, or attempted collection, from the seller of any unremitted tax, unpaid interest, or unpaid penalties due under this article.

(c) The city will apply a seller's payment in the following order: first to any unpaid administrative fees, outside collection agency fees, attorney fees, and other collection costs and fees; second to any unpaid penalties; third to any unpaid interest that has accrued on un-remitted taxes; and fourth, to the principal of any un-remitted taxes.

**Sec. 74-216. Penalties for violations.**

(a) *Failure to file or remit.* A seller who has made sales in the city and who thereafter fails to file a sales tax return or remit the collected tax as required by this article shall incur a civil penalty of \$100.00 if the return or the tax is received later than the last day of the month in which it is due and shall incur a civil penalty of \$1,000.00 if the return or the tax is received later than the last day of the next month following the month in which it was due.

(b) *Non-retention of records.* A seller who does not provide required records upon request as listed in Section 74-211 shall incur a civil penalty of \$1,000.00.

(c) *Collection of taxes.* A seller who in the course of his business makes sales upon which a tax is levied under this article and who fails to collect such taxes shall incur a civil penalty of double the tax which should have been collected.

(d) *False statements.* Any person who makes any false statement to a seller or to the chief financial officer or mayor which is material in determining whether a sale is taxable under this article is guilty of a misdemeanor and shall be punished as provided in section 1-15.

(e) *Certificate of registration.* Any seller and any officer of a corporate seller failing to file a certificate of registration or failing to furnish the data required in connection with such certificate or failing to display or surrender the certificate of registration as required by this article, or attempting to assign or transfer such certificate shall be guilty of a misdemeanor and shall be punished as provided in section 1-15.

(f) *Penalty.* Any person who violates any of the provisions of this article shall be punishable as provided in section 1-15. A separate offense shall be deemed committed upon each day of a continuing violation.

**Sec. 74-217. Collection policy.**

It shall be the policy of the city that delinquent taxes shall be promptly collected without offset, compromise or time extensions for payment.

**Sec. 74-218. Rules and regulations.**

(a) The mayor is empowered to enact rules and regulations to implement the sales tax levied under this article.

(b) The chief financial officer shall take all lawful and necessary actions to administer this article including, but not limited to, adopting and revising procedures, fees, and written guidelines for the determination of the taxability of sales.

(c) The chief financial officer may also take other lawful actions to administer this article including, but not limited to, issuing written determinations of the taxability of specific sales upon request and contracting services for collection of delinquent accounts.

(d) With the approval of the chief financial officer, the finance department staff shall prepare, implement, and revise forms for the administration of this article.

**Section 2.** The City Clerk is directed to place this ordinance on the ballot for ratification by the voters of the City of Fairbanks at the next general election, with the ballot proposition to read as follows:

**Ballot Question No. \_\_\_\_\_**

**Information:** On July 20, 2015, the Fairbanks City Council passed Ordinance No. 5986, which enacted a five percent retail sales tax on Marijuana sold within the City of Fairbanks. Fairbanks Charter Section 6.5 provides that any new or additional sales tax

levied by the City Council must be approved by the voters in a general election.

Should Ordinance No. 5986, An Ordinance Enacting a Retail Sales Tax on Marijuana and Referring the Ordinance for Ratification at the Next General Election, be ratified?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

A “Yes” vote ratifies Ordinance No. 5986 and allows the City of Fairbanks to impose a 5% retail sales tax on any sale of marijuana within the City of Fairbanks.

A “No” vote rejects Ordinance No. 5986, and no sales tax may be imposed by the City of Fairbanks on the sale of marijuana.

**Section 3.** This ordinance was passed by this Council on the 20th day of July 2015 but does not become effective until ratified by the voters of the City of Fairbanks.

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**JOHN EBERHART, MAYOR**

AYES:

NAYS:

ABSENT:

ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, CMC, City Clerk

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Paul J. Ewers, City Attorney

**ORDINANCE NO. 5986, AS AMENDED**

**AN ORDINANCE ENACTING A RETAIL SALES TAX ON MARIJUANA  
AND REFERRING THE ORDINANCE FOR RATIFICATION AT THE  
NEXT GENERAL ELECTION**

**WHEREAS**, Alaska Statute 17.38 was adopted by Ballot Measure 2, An Act to Tax and Regulate the Production, Sale and Use of Marijuana, and provided for legal sale of marijuana in Alaska; and

**WHEREAS**, under the provisions of AS 17.38, retail sales of marijuana will begin sometime in 2016; and

**WHEREAS**, Fairbanks Charter Section 6.5 provides that any new or additional sales tax levied by the City Council, other than hotel/motel, alcohol, or tobacco, must be approved by the voters in a general election; and

**WHEREAS**, in order to be in place when the legal sale of marijuana begins in 2016, the ratification of an ordinance imposing a sales tax on the sale of marijuana must be on the ballot for the City's general election in October of 2015;

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

**SECTION 1.** Fairbanks General Code, Chapter 74, is hereby amended by adding a new Article VI – Marijuana Sales Tax, as follows [note: text to be added to the original ordinance shown in **underlined bold** font; text to be deleted from the original ordinance shown in ~~strike through~~ font]:

**ARTICLE VI. MARIJUANA SALES TAX**

**Sec. 74-200. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Marijuana* means all parts of the plant (genus) Cannabis, whether growing or not, the seed thereof, the resin extracted from any part of the plant, and any compound, manufacture, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; *marijuana* does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

*Buyer* means without limiting the scope thereof, any person or other entity that purchases or contracts to purchase marijuana.

*Certification of registration* means the certificate issued by the chief financial officer under section 74-204.

*Consideration* means anything of value, including but not limited to money, credit, rights, goods, services, and property, received by a seller from a buyer.

*Estimated tax* means the tax determined under section 74-207.

*Retail sale* means the transfer of any marijuana **from a marijuana retail establishment to any person or entity consumer, for any consideration. If state law is amended to allow other marijuana establishments to conduct sales of marijuana directly to buyers who are not licensed marijuana establishments, such sales will also be considered retail sales subject to taxation under this Article.**

*Sale made within the city* means any retail sale where: (1) the buyer takes possession of, or title to, the purchased marijuana within the city; and/or (2) the seller receives consideration for the purchased marijuana within the city.

*Sales price* means the price of any marijuana.

*Seller* means any person or any other entity that sells or contracts to sell any marijuana to a buyer ~~and includes persons who are vendors of and lessors of property and persons furnishing services.~~

*Tax* means the marijuana sales tax as levied under this article.

*Taxable retail sale* means any sale made within the city that is not entirely exempt from the tax levied under this article.

*Unremitted tax* means

- (1) Any tax not remitted to the city that a seller is required by this article to collect from a buyer, notwithstanding whether the seller actually collects such tax from a buyer; and
- (2) Any estimated tax not remitted to the city.

~~*Wholesale sales (sale for resale)* means the act of selling any marijuana to any person or to any other entity for reselling such marijuana in its original form.~~

**Sec. 74-201. Marijuana sales tax levy.**

There is levied within the corporate limits of the city a tax ~~equal to five percent of~~ upon the sales price ~~upon~~ of all retail sales of marijuana made within the corporate limits of the city. The sales tax rate is initially set at five percent of the sales price but may not exceed eight percent.

**Sec. 74-202. Due date; delinquency.**

The obligation for the payment of the tax is upon the buyer. All taxes imposed by this article are due and payable by the buyer at the time of sale, or with respect to credit transactions at the time of collection, and are delinquent if not paid when due.

**Sec. 74-203. Obligation of seller to collect.**

Every seller making sales taxable under this article shall collect the taxes from the buyer at the time of sale, or with respect to credit transactions at the time of collection of sales price, and shall deliver the same to the City of Fairbanks in accordance with the requirements in this article. The seller will be compensated the amount of two percent of the taxes transmitted to the city for the use of seller's resources in collecting the taxes. This compensation will only occur when the seller submits reports and pays the taxes on time.

**Sec. 74-204. Seller registration; certification; revocation.**

(a) All sellers of marijuana within the City of Fairbanks must possess a current certificate of registration, for the purpose of collecting and remitting the tax under this article, prior to engaging in any retail sales or opening additional places of business.

(b) All sellers requiring a certificate of registration under subsection (a) of this section must first possess current State of Alaska and City of Fairbanks business licenses, and a current state marijuana license as required by AS 17.38, and, if applicable, a City of Fairbanks marijuana license. Copies of the business licenses and all applicable ~~the state~~ marijuana licenses must be provided to the city before a certificate of registration will be issued.

(c) Upon receipt of a properly executed application for the certificate of registration, on a form prescribed by the chief financial officer, the chief financial officer will issue without charge to the seller a certificate of registration. The certificate of registration shall bear the name of the seller and the address of the registered place of business. The certificate must be prominently displayed at the place of business along with all business and marijuana licenses.

(d) The certificate of registration is neither assignable nor transferable. The seller must immediately surrender the certificate to the chief financial officer if the seller ceases to do business at the location named on the certificate, or if the seller otherwise sells, assigns, transfers, conveys, or abandons the seller's business to any person or any other entity. When there is a change of address for the seller's place of business, a new certificate of registration is



required bearing the same registration number, but showing the new location address.

(e) A seller must submit an updated application as prescribed by the chief financial officer upon any change in form of ownership, business name, or contact information. The chief financial officer, after receipt of the updated application, shall then determine whether a new certificate of registration should be issued. If a new certificate of registration is issued, the seller must first surrender the prior certificate of registration to the chief financial officer before taking possession of the new certificate.

(f) The chief financial officer may revoke a certificate of registration if a seller fails to comply with any of the provisions of this article. A seller may not engage in retail sales while the certificate of registration is revoked.

(g) Any seller who violates any requirement of this section is subject to the penalties provided under this article. The city is also entitled to injunctive relief to prevent the seller from engaging in retail sales until the seller complies with the requirements of this section.

**Sec. 74-205. Segregation of taxes collected; title.**

Upon collection by the seller of the taxes imposed in this article, title to the collected taxes vests in the city. Pending transmittal to the city, the seller shall hold the tax funds in trust for the benefit of the city.

**Sec. 74-206. Sales tax returns; transmittal; payment of taxes due.**

(a) Every seller possessing a current certificate of registration shall, on or before the 15th day of the month, file a properly completed return for the preceding month upon forms furnished by the city and remit payment for the amount received from the following:

- (1) All retail sales, ~~retail or otherwise, rentals and services~~ made within the city.
- (2) The amount received from nontaxable sales, ~~rentals and services~~.
- (3) The amount received from all taxable sales, ~~rentals and services~~.
- (4) The amount of tax.
- (5) The taxes collected.
- (6) Such other information and supporting papers as the chief financial officer may require.

(b) Every seller holding a certificate of registration in the city shall sign and transmit the return together with taxes collected to the city on or before the proper date.

(c) A report shall be filed by every seller possessing a current certificate of registration even if the seller has not engaged in taxable retail sales during the reporting period.

(d) All returns must be received by the city clerk's office no later than 4:00 p.m. on the 15th day of the month following tax collection. Postmarks will not be considered.

**Sec. 74-207. Estimated tax.**

If the city is unable to ascertain the tax due to be remitted by a seller by reason of the failure of the seller to keep accurate books, allow inspection, failure to file a return or falsification of records, the city may make an estimate of the tax due based on any available evidence. Notice of the city's estimate of taxes due will be mailed to the seller. Unless the seller files an accurate monthly report covering the time period subject to the city's estimate or files a written appeal within 30 days of the mailing of the city's estimate, the city's estimate becomes final for the purpose of determining the seller's tax liability.

**Sec. 74-208. Administrative appeals.**

(a) A seller or buyer may appeal to the city mayor any estimated tax, penalties, costs, fees, or other decision under this article made by the chief financial officer. Any appeal must be filed within 30 days after the notice of any decision is mailed to the seller or buyer. The failure to appeal a decision of the chief financial officer renders the decision final.

(b) The appeal must state the legal and factual basis for the appeal and include all written evidence relevant to the appeal within the appellant's possession. If the appeal raises relevant questions of fact, the ~~city~~ mayor shall conduct a hearing. At the hearing, the parties shall have the right to present testimony and cross-examine witnesses. The mayor ~~hearing officer~~ shall then issue a written ~~or recorded~~ decision that includes findings of fact.

(c) An administrative appeal decision by the ~~city~~ mayor is a final decision that shall be enforced under this article unless stayed by court order or by agreement of the city and appellant. The ~~city~~ mayor's final decision may be appealed to superior court in the fourth judicial district as provided by state law.

**Sec. 74-209. Presumption; credit.**

(a) Every sale made within the city, unless explicitly exempted by this article, is presumed to be subject to the tax imposed under this article in any action to enforce the provisions of this article.

(b) A credit will be allowed for taxes erroneously collected. Such credit will be made by the chief financial officer after receipt and review of documentation and amended return supporting such request. Upon receipt of such documentation, the chief financial officer will examine the documentation and submit a written decision within 15 days.

**Sec. 74-210. Sales tax returns; confidential information.**

(a) All returns filed with the city for the purpose of complying with the terms of this article and all data obtained from such returns are declared to be confidential, and such returns and data

obtained from such returns will be kept from inspection of all persons, except the chief financial officer and the city attorney; nevertheless, upon the advice of the city attorney, the chief financial officer may present to the finance committee or city council in private sessions assembled, any return or data obtained from such returns.

(b) It is unlawful for any city employee to publicly divulge any financial information obtained from any return filed with the city or from any data obtained from any such returns unless authorized by the seller or unless the person receiving such information is permitted to view such returns under the terms of this article.

(c) It is the duty of the chief financial officer to safely keep the returns referred to in this article and all data taken from such returns secure from public inspection and secure from all private inspection except as provided in the article. The chief financial officer may, after six years from the date any such return has been filed, destroy the return.

(d) The use of such returns in a criminal or civil action brought to enforce the terms of this article against any person is not a violation of this article. The city in the prosecution of any such action may allege, prove, and produce any return filed by and on behalf of the defendant, including any data obtained from such return.

(e) Nothing in this article will be construed to prohibit a seller or their duly authorized representative from receiving a copy of any return or report filed by the seller, or to prohibit the publication by the city of statistics classified so as to prevent the identification of particular reports or returns.

**Sec. 74-211. Recordkeeping duty; investigation.**

(a) A seller shall keep complete and accurate books, records, and accounts, showing all inventory purchases and the gross receipts for all sales made within the city, for a period of three years from the date of each sale. In addition to all their record keeping requirements under this article, a seller shall maintain all written and electronic records relating to any marijuana sale, for a period of three years after such sale, including but not limited to:

1. All local, state, and federal tax reports and forms;
2. All accounting records;
3. All sales receipts; and
4. All documentary evidence supporting any exemption provided under this article.

(b) Upon reasonable notice, a seller must make all records and materials specified in subsection (a) of this section available for inspection by the chief financial officer or authorized representative during customary business hours.

(c) The chief financial officer may conduct random audits of seller's monthly reports by

examining any of the records and materials specified in subsection (a) of this section and other data deemed necessary.

(d) For the purpose of ascertaining the correctness of a return or for the purpose of determining the amount of tax collected or which should have been collected by any person, the chief financial officer or mayor may hold investigations and hearings concerning any matters covered by this article and may examine any relevant books, papers, records or memoranda of any such person, and may require the attendance of such person, or any officer or employee of such person. The mayor shall have the power to administer oaths to such persons. The mayor shall issue all formal subpoenas to compel attendance or to require production of relevant books, papers, records or memoranda.

(e) All subpoenas issued under the terms of this article may be served by any person. The fees of witnesses for attendance and trial shall be the same as the fees of witnesses before the superior court, such fees to be paid when the witness is excused from further attendance. When a witness is subpoenaed at the instance of any party to any such proceeding, the mayor may require that the cost of service of the subpoena and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case the mayor may, at his discretion, require a deposit to cover the cost of such service and witness fees. A subpoena issued shall be served in the same manner as a subpoena issued out of a court of record.

(f) The superior court, upon the application of the mayor, is empowered to compel obedience to such subpoena and compel the attendance of witnesses, the production of relevant books, papers, records or memoranda, and the giving of testimony before the city attorney or any of his duly authorized representatives in the same manner and extent as witnesses may be compelled to obey the subpoenas and order of the court. For purposes of this section, the term "witness," in addition to any person covered under the terms of this article, shall include any person or entity with knowledge or information relevant to sales made under this article.

(g) The mayor, or any party in an investigation or hearing before the mayor, may cause the deposition of witnesses residing within or outside the state to be taken in the manner prescribed by law for like depositions in civil actions in courts of this state, and to that end compel the attendance of witnesses and the production of relevant books, papers, records or memoranda.

#### **Sec. 74-212. Recovery of taxes.**

(a) Taxes due but not paid may be recovered by the city by an action at law against the buyer. Taxes collected but not transmitted may be recovered by an action against the seller, and sales tax returns shall be prima facie proof of taxes collected but not transmitted.

(b) In addition to any other remedies and administrative procedures provided under this article, the city may file a civil action against any seller or buyer for recovery of any tax, unremitted tax, penalties, interest, costs, and fees, that have not been paid or remitted when due.

(c) Any person who holds an ownership interest in a seller, or any other person who is an agent of the seller, is personally liable for all taxes, penalties and interest due from such seller under

this article.

**Sec. 74-213. Tax lien.**

(a) Any tax, unremitted tax, penalties, interest, costs and fees that this article requires a seller or buyer to pay or remit shall constitute a lien in favor of the city upon all assets, earnings, revenue and property of the seller, other persons liable under subsection 74-212(c) (recovery of taxes), or the buyer. This lien arises when any such payment or remittance is not made when due and continues until the payment or remittance is fully satisfied through execution, foreclosure sale, or any other legal means. This lien is not valid as against a mortgagee, pledgee, purchaser, or judgment creditor until notice of the lien is recorded in the office of the district recorder for the fourth judicial district.

(b) When recorded, a lien authorized under this section has priority over all other liens except those for property taxes and special assessments and all liens perfected before the recording of the sales tax lien for amounts actually advanced before the recording of the sales tax lien and mechanics' and materialmen's liens which have been recorded before the recording of the sales tax lien. Upon such filing, the lien is superior to all other liens except as otherwise provided by state or federal law.

**Sec. 74-214. Foreclosure.**

(a) Delinquent sales tax liens on real property shall be enforced by quarterly foreclosures on March 31, June 30, September 30 and December 31.

(b) Tax liens shall be foreclosed in the manner provided for in sections 58-49 through 58-61.

**Sec. 74-215. Interest rate; administrative costs.**

(a) A simple interest rate of 1.25 percent per month, or a lesser rate if required by state law, shall accrue on all unremitted taxes, not including penalty and administrative fees, from the original due date provided under this section until remitted in full.

(b) In addition to any other penalties imposed under this article, a seller shall pay any administrative fees, outside collection agency fees, attorney fees, and other costs and fees incurred by the city or its agent(s) in connection with any collection, or attempted collection, from the seller of any unremitted tax, unpaid interest, or unpaid penalties due under this article.

(c) The city will apply a seller's payment in the following order: first to any unpaid administrative fees, outside collection agency fees, attorney fees, and other collection costs and fees; second to any unpaid penalties; third to any unpaid interest that has accrued on un-remitted taxes; and fourth, to the principal of any un-remitted taxes.

**Sec. 74-216. Penalties for violations.**

(a) *Failure to file or remit.* A seller who has made sales in the city and who thereafter fails to file a sales tax return or remit the collected tax as required by this article shall incur a civil

penalty of \$100.00 if the return or the tax is received later than the last day of the month in which it is due and shall incur a civil penalty of \$1,000.00 if the return or the tax is received later than the last day of the next month following the month in which it was due.

(b) *Non-retention of records.* A seller who does not provide required records upon request as listed in Section 74-211 shall incur a civil penalty of \$1,000.00.

(c) *Collection of taxes.* A seller who in the course of his business makes sales upon which a tax is levied under this article and who fails to collect such taxes shall incur a civil penalty of double the tax which should have been collected.

(d) *False statements.* Any person who makes any false statement to a seller or to the chief financial officer or mayor which is material in determining whether a sale is taxable under this article is guilty of a misdemeanor and shall be punished as provided in section 1-15.

(e) *Certificate of registration.* Any seller and any officer of a corporate seller failing to file a certificate of registration or failing to furnish the data required in connection with such certificate or failing to display or surrender the certificate of registration as required by this article, or attempting to assign or transfer such certificate shall be guilty of a misdemeanor and shall be punished as provided in section 1-15.

(f) *Penalty.* Any person who violates any of the provisions of this article shall be punishable as provided in section 1-15. A separate offense shall be deemed committed upon each day of a continuing violation.

#### **Sec. 74-217. Collection policy.**

It shall be the policy of the city that delinquent taxes shall be promptly collected without offset, compromise or time extensions for payment.

#### **Sec. 74-218. Rules and regulations.**

(a) The mayor is empowered to enact rules and regulations to implement the sales tax levied under this article.

(b) The chief financial officer shall take all lawful and necessary actions to administer this article including, but not limited to, adopting and revising procedures, fees, and written guidelines for the determination of the taxability of sales.

(c) The chief financial officer may also take other lawful actions to administer this article including, but not limited to, issuing written determinations of the taxability of specific sales upon request and contracting services for collection of delinquent accounts.

(d) With the approval of the chief financial officer, the finance department staff shall prepare, implement, and revise forms for the administration of this article.

**Section 2.** The City Clerk is directed to place this ordinance on the ballot for ratification by the voters of the City of Fairbanks at the next general election, with the ballot proposition to read as follows:

**Ballot Question No.** \_\_\_\_\_

**Information:** On July 20, 2015, the Fairbanks City Council passed Ordinance No. 5986, **as Amended**, which enacted a ~~five percent~~ retail sales tax on Marijuana sold within the City of Fairbanks, **with the rate initially set at five percent but not to exceed eight percent**. Fairbanks Charter Section 6.5 provides that any new or additional sales tax levied by the City Council must be approved by the voters in a general election.

Should Ordinance No. 5986, **as Amended**, An Ordinance Enacting a Retail Sales Tax on Marijuana and Referring the Ordinance for Ratification at the Next General Election, be ratified?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

A “Yes” vote ratifies Ordinance No. 5986, **as Amended**, and allows the City of Fairbanks to impose a 5% retail sales tax on any sale of marijuana within the City of Fairbanks, **with the rate initially set at 5% but not to exceed 8%**.

A “No” vote rejects Ordinance No. 5986, **as Amended**, and no sales tax may be imposed by the City of Fairbanks on the sale of marijuana.

**Section 3.** This ordinance was passed by this Council on the 20th day of July 2015 but does not become effective until ratified by the voters of the City of Fairbanks.

\_\_\_\_\_  
**JOHN EBERHART, MAYOR**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, CMC, City Clerk

\_\_\_\_\_  
Paul J. Ewers, City Attorney

*City of Fairbanks*



**MEMORANDUM**

To: City Council Members  
From: John Eberhart, City Mayor *John E*  
Subject: Request for Concurrence – Clay Street Cemetery Commission  
Date: July 8, 2015

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In order to fill the vacancy of Seat F on the Clay Street Cemetery Commission created by the recent resignation of Ms. Cyndie Warbelow-Tack, I hereby request your concurrence to the appointment of the following new member:

Seat F: Mr. David Mann Term to Expire: August 31, 2017

Mr. Mann's application and resume are attached.

Thank you.

dds/



# Application Form

Status: for review

## Profile

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

David  
First Name

Mann  
Last Name

[REDACTED]  
Email Address

[REDACTED]  
Street Address

[REDACTED]  
Suite or Apt

Fairbanks  
City

AK  
State

[REDACTED]  
Postal Code

## Mailing Address

## City Resident

Choose your residency status.

[REDACTED]  
Primary Phone

Alternate Phone

BLM DOI  
Employer

Administrative Assistant  
Job Title

## Which Boards would you like to apply for?

Clay Street Cemetery 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?**

---

I recently moved back to Alaska after Service in the United States Air Force. I feel compelled to serve my City and the people within it, in any capacity that I can. Service to others and to ones community, I believe, is an essential aspect of life. Regarding the Clay Street Cemetery, I have always felt that this is a very sacred place and an essential part of Fairbanks' history. I personally walk through and pick up trash, knowing I would appreciate that done for me. Although deceased, those who Rest at Clay Street Cemetery are still as much members of Fairbanks and worthy of respect while being shown dignity.

**Brief Personal Biography (or attach resume):**

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\*See Attached Resume

  
Upload a Resume

**Professional Licenses/Training:**

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N/A

**David M. Mann, USAF**

Fairbanks, AK

**Summary of Qualifications**

- Qualifications for None-Competitive Federal Hiring under 30% or more Disabled, VEOA, VRA, and the ADA
- OIF Combat Veteran
- Over Ten Years Experience in Clerical/Administrative Duties
- Active Notary for the State of Alaska
- Nine Years' Experience in the Handling and Maintenance of Sensitive Monetary Documents
- Managerial Experience
- Computer proficiency
- Customer Service Expertise
- Able to Make Difficult Decisions in Stressful Situations

**Experience**

2014-Present **Administrative Assistant, Fed Govt. Bureau of Land Management (Full Time)**, Fairbanks, AK

- Coordination of various official documents for appropriate routing and signatures.
- Serve as receptionist and first point of contact for both company employees and customers.
- Coordination of both travel reservations and itineraries, ensuring reconciliation of funds upon return.
- Utilization of records management guidelines for various paper and electronic filing needs.
- Monitor Office training, ensuring annual requirements compliance.
- Reallocation of Charge Card expenditures through the Financial Business Management System (FBMS).
- Maintain Charge Card files for office staff, auditing for proper Charge Codes and legal expenditures.
- Maintain time-keeping records for department employees, ensuring bi-weekly accuracy of employee time on Quicktime while troubleshooting any errors.
- Serve as weekly Collections Officer for two separate Departments, exceeding \$2,0000 each.
- Maintain Office Supply stock while conducting the purchase of over \$3,000 worth of supplies, bi-weekly.
- Daily reception and distribution of company-wide mail.
- Serve as Official Notary.

2012-2014 **Administrative Assistant (Full Time)**, University of North Dakota, Grand Forks, ND

- Provided secretarial support for duties including typing, copying, faxing, distributing mail, and filing.
- Scheduled Meetings between supervisor and students/ staff .
- Daily proficiency in work with Microsoft Word, Excel, Outlook, and PowerPoint.
- Daily assistance in the monitoring of budget and grant expenditures.
- Weekly processing of accounting paperwork for purchases and travel expense reimbursements.
- Weekly dictation of meeting-minutes for two office staff meetings.
- Point of contact in the creation of travel arrangements and reservations for entire office staff.
- Responsible in the facilitation and procurement of office supplies.
- Responsible for the daily distribution and dispatching of office mail.

2010-2012 **Military Outreach Specialist (Full Time/Temporary)**, Office of the Adjunct General, Grand Forks, ND

- Assisted over 750 Veterans and their families in finding resources to meet their needs in various areas to include financial, medical, personal, educational, employment, and Military issues.
- Consulted with Veterans regarding current medical issues and concerns, insuring proper forms were completed and medical staff consulted within the VA and local healthcare facilities.
- Assisted Veterans in filling out various forms for VA Medical Care to include the VA Form 1010EZ (Application for VA Health Benefits).

- Responsible for driving Veterans to various medical and benefits appointments as the need arose.
- Kept a special emphasis on the assistance of needs concerning newly Disabled Combat Veterans and their families.
- Assisted with Reintegration, Soldier Readiness Processing and other key events identified by management as requiring Military Outreach assistance.
- Educated Veterans about Veterans Preference in Federal Hiring regarding Disabled Veterans, VEOA, and VRA as well as various aspects of employment helps which gear themselves specifically to Veterans.
- Daily performance of office automation duties.
- Continually sought out and evaluated new resources in Area of Operation (AO) to expand local, regional, state and national resources that are available.
- Developed, scheduled, and controlled Military Outreach Events within the AO.
- Continually sought out groups, organizations and events within the AO to maximize outreach to veterans.
- Provide PowerPoint briefings to over 375 groups and organizations about the Outreach Program and what it provides to veterans.
- Developed and kept current a conduit to ensure information about new resources is made available at all times.
- Performed interviews with clients and evaluated their needs and identified resources to meet those needs.
- Maintained daily computer generated case logs and written reports on clients, their needs, and various daily Outreach activities.
- Participated in weekly conference calls.
- Developed weekly detailed Action Reports in summary of all weekly activities, correspondence, and events.

**2010-2010 Administrative Assistant (Full Time), Rehab Services Inc., Minot, ND**

- Assisted accounting department in preparing information and clerical duties.
- Schedule meetings between Director and staff/customers.
- Maintained and assisted with monthly billing and accounts receivable.
- Manage daily correspondence with Board of Directors and outside agencies.
- Transcription of minutes, letters, memos, reports, and narrative notes from dictation.
- Maintain Web Sites, process mail daily, developed and implemented agency marketing materials.
- Received and communication messages for over 92 inbound calls daily.
- Receptionist for all staff, guests, and customers; commended daily for outstanding oral communication.
- Expertise in Microsoft Word, Microsoft Excel, PowerPoint, Publisher, ext.
- Maintained office wide calendar; documenting appointments, schedules, and events.

**2010-2010 Sales Associate (Part Time- Hours per week: 15), Old Navy, Minot, ND**

- Ensure that each customer receives outstanding service by providing a friendly environment, which includes greeting and acknowledging every customer, maintaining solid product knowledge and all other aspects of customer service.
- Assist in processing and replenishing merchandise and monitoring floor stock.
- Communicate customer requests to management.
- Daily Cash handling, following Company guidelines.

**2008-2010 Security Officer (Part Time- Hours per week: 25), Trinity Security, Minot, ND**

- Maintain the security of hundreds of employees and over a million dollars in government equipment.
- Investigate security and safety violations and wrote detailed incident reports when needed.
- Patrol industrial and commercial premises to prevent and detect signs of intrusion and ensure security of doors, windows, and gates.
- Circulate among visitors, patrons, and employees to preserve order and protect property.
- Warn persons of rule infractions or violations, and apprehend or evict violators from premises, using force when necessary.

**2005-2009 Chaplain Assistant (Full Time), U.S. Air Force, Minot AFB, ND**

- Received and coordinated budget execution; managed personnel requirements and training; input and retrieved statistical data.

- Scheduled Medical Appointments for Service Members and followed through with care in deployed environment.
- Developed computer graphic presentations; Skillful receptionist; served over 1.5k chapel customers monthly.
- Exceptional task driven follower; always-exceeded NCOIC's expectations for tasking's.
- Government Purchase Card holder, totaling orders and filing records of \$250,000 quarterly.
- Organized and executed travel arrangements for Command Staff through the Defense Travel System (DTS).
- Deployed in support of Operation Iraqi Freedom; phenomenal combat care; awesome work performance in a high stress, high pace atmosphere.
- Received two USAF Achievement Medals for outstanding Military duty and achievement.
- Received a 100% compliance rating on an Office Records Management assessment for 4 years.
- Daily word processing master experience, typing 40+ WPM and providing weekly PowerPoint presentations
- Transcription of weekly staff meeting minutes through dictation.
- Maintained office wide calendar; documenting appointments, schedules, and events.

2005-2005 **Planogram Team (Full Time)**, Target Department Store, Aberdeen, MD

- Coordinate and maintain over a million dollars worth of merchandise for a multi-million dollar corporation.
- Through the display of new merchandise, promoted the sales of over a thousand dollars of store goods daily.
- First-rate customer relations; helped find solutions to problems and coordinate answers to customer questions.
- Firm work ethic; arrived on time for every work shift and left only when work was complete.

2003-2004 **Sales Associate (Full Time)**, Savers Value Village, Fairbanks, AK

- Daily contact with customers, addressing merchandise needs and concerns, which added to the overall financial gain for both department and customer.
- Responsible for sorting and pricing over a hundred dollars in donations daily.
- Taught and addressed daily concerns for tax exemption status from customers regarding donated material.

2002-2003 **Opening Manager (Full Time)**, McDonalds, North Pole, AK

- Daily technical supervision of restaurants computer system; recording facility, equipment, and employee productivity.
- Responsible for the daily counting and recording of over \$3,000 in Restaurant Earnings.
- Supervised over 15 employees daily, keeping them accountable to all food preparation and safety.
- Meticulous attention to detail in the managing of food quality and productiveness; adding to a 10% increase in daily sales.
- Sincere customer relations; complemented countless times for adding to a sense of a safer, happier, and productive environment.

## Education

**Saint Michael's Academy**, Spokane, WA

- High School Diploma- Graduated with honors; 3.38 GPA

**Saint Charles Borromeo Seminary**, Wynnewood, PA

- Theology and Philosophy- 15 Credits; 2.50 GPA

**Chaplain Service Institute**, Maxwell AFB, AL

- Chaplain Apprentice Course- Graduated; 30 Academic Days and 11 College of the Air Force Credits

### **Honors, Awards**

11/2007 Named Airmen of the Quarter while deployed to Balad, Iraq.

02/2008 Awarded the Iraqi Campaign Badge with 1 Silver Star.

02/2008 Awarded USAF Achievement Medal for outstanding service while deployed to Balad, Iraq.

09/2009 Awarded USAF Achievement Medal for outstanding service while stationed on Minot AFB.

### **Other Information**

I certify that I can type 40+ words per minute and that the information within this resume is accurate.

*City of Fairbanks*



**MEMORANDUM**

To: City Council Members  
From: John Eberhart, City Mayor  
Subject: Request for Concurrence – Building Code Review & Appeal Commission  
Date: July 9, 2015

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In order to fill the vacancy of Seat G on the Building Code Review & Appeal Commission created by the recent resignation of Mr. Michael Sexton, I hereby request your concurrence to the appointment of the following new member:

Seat G: Mr. Thomas Fisher Term to expire: December 31, 2015

Mr. Fisher's application is attached.

Thank you.

dds/

A handwritten signature in blue ink, appearing to read "John Eberhart", is written over the typed name.

# Application Form

Status: submitted

## Profile

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

Thomas  
First Name

Fisher  
Last Name

[Redacted]  
Email Address

[Redacted]  
Street Address

Suite or Apt

Fairbanks  
City

AK  
State

[Redacted]  
Postal Code

## Mailing Address

[Redacted]

## City Resident

Choose your residency status.

[Redacted]  
Primary Phone

[Redacted]  
Alternate Phone

Aaron Plumbing & Heating  
Company  
Employer

President / Owner  
Job Title

## Which Boards would you like to apply for?

Building Code Review & Appeals 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?

---

I feel that i could bring some value to the committee with respect to the plumbing and heating aspect of items and issues related to the interpretation and enforcement of the plumbing and mechanical code.

## Brief Personal Biography (or attach resume):

---

I have been in the plumbing and heating industry since 1978 - starting out working at Fairbanks Plumbing and Heating Company. I served a 4 year apprenticeship as a plumber apprentice between 1980 and 1984. Earned my Bachelor of Science Degree in Mechanical Engineering in 1992 and worked as a mechanical engineer at USKH between 1992 and 1995. Also have taken Masters of Science coursework in Mechanical Engineering at UAF and University of Texas - Austin. I was first hired by Aaron Plumbing & Heating Company in 1987 - where i have worked part time during my Mechanical Engineering Studies, with the exception of my time at USKH. I am currently the owner of Aaron Plumbing & Heating Company and have been a full time employee of the company since 1995.

---

Upload a Resume

## Professional Licenses/Training:

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City of Fairbanks Master Plumbers License State of Alaska - Mechanical Administrator and General Contractor State of Alaska - Department of Labor Certificate of Fitness - Plumber Journeyman UAF - Bachelor of Science in Mechanical Engineering active member of ASHRAE and ASME

*City of Fairbanks*



**MEMORANDUM**

To: City Council Members  
From: John Eberhart, City Mayor  
Subject: Request for Concurrence – Hotel/Motel Discretionary Fund Committee  
Date: July 16, 2015

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One member of the Committee, Vivian Stiver, reached her term limit in service on the Committee as of June 30, 2015. In order to fill the vacancy of Seat E, I hereby request your concurrence to the **appointment** of the following citizen:

Seat E      Ms. Kathryn Fitzgerald      Term to Expire: June 30, 2018

Ms. Fitzgerald's application is attached.

Thank you.

dds/

# Application Form

Status: submitted

## Profile

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

Kathryn  
First Name

Fitzgerald  
Last Name

[REDACTED]  
Email Address

[REDACTED]  
Street Address

\_\_\_\_\_  
Suite or Apt

Fairbanks  
City

AK  
State

[REDACTED]  
Postal Code

## Mailing Address

[REDACTED]

## Non-Resident

Choose your residency status.

[REDACTED]  
Primary Phone

[REDACTED]  
Alternate Phone

K4 Management  
Employer

Program Coordinator  
Job Title

## Which Boards would you like to apply for?

Hotel/Motel Discretionary Fund Committee

## 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?

---

I am very familiar with Chapter 74, Article IV, Section 74-117, the City of Fairbanks Taxation ordinance - Hotel/Motel Tax section. I have personally applied for, and received Hotel/Motel Discretionary funds on behalf of a local organization, having first applied for funds in 1982. I believe in the purpose of the Discretionary Fund, the process for applying, and the accountability that goes along with receiving funds. I would like to give back to the community by serving.

## Brief Personal Biography (or attach resume):

---

I moved to Fairbanks on July 30, 1978 from New Jersey. I have four children ages 22, 21, 17, 13, who all attend local schools, and the University of Alaska (one in Fairbanks, one in Anchorage.) I have volunteered hundreds of hours in the community for a variety of events, and organizations, most importantly clubs and sports teams that my kids are, and have been involved in. I served as the Sport Chair for Dog Mushing for Arctic Winter Games. I am Treasurer for the Lathrop High School PTSA, Program Coordinator for a local youth organization, and current Board member of another. I am a "non-resident" of the City, but a resident of the FNSB.

---

Upload a Resume

## Professional Licenses/Training:

---

*City of Fairbanks*



**MEMORANDUM**

To: City Council Members  
From: John Eberhart, City Mayor  
Subj: Request for Concurrence – Board of Plumber Examiners  
Date: July 9, 2015

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The term of Seat B on the Board of Plumber Examiners currently filled by Mr. Michael Davis expired on June 30, 2015.

Mr. Davis has applied for continued service on the Board. I hereby request your concurrence to the following **re-appointment**:

Seat B      Mr. Michael Davis      Term to Expire: June 30, 2018

Mr. Davis' application is attached.

Thank you.

dds/

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

# Application Form

Status: submitted

## Profile

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

Michael  
First Name

Davis  
Last Name

[REDACTED]  
Email Address

[REDACTED]  
Street Address

\_\_\_\_\_  
Suite or Apt

Fairbanks  
City

AK  
State

[REDACTED]  
Postal Code

## Mailing Address

## City Resident

Choose your residency status.

[REDACTED]  
Primary Phone

[REDACTED]  
Alternate Phone

Chinook Fire Protection  
Employer

Superintendent  
Job Title

## Which Boards would you like to apply for?

Board of Plumber Examiners

## 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?**

---

I have worked in the plumbing field for 40 years. I am a Master Plumber license holder and have enjoyed filling the role on the plumbing examining board for the last year. I would like to continue to serve on that board.

**Brief Personal Biography (or attach resume):**

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Nothing has changed from my previous application. My resume was attached at that time.

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Upload a Resume

**Professional Licenses/Training:**

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Plumbing Certificate of Fitness Master Plumber License Certified Backflow Assembly/Tester License  
Mechanical Administrator License



CLAY STREET CEMETERY COMMISSION  
REGULAR MEETING MINUTES, JUNE 3, 2015  
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: Dave Erickson, Seat A  
Anne Castle, Seat C  
Frank Turney, Seat D

Absent: Jevon Stone, Seat B (excused)  
Cyndie Warbelow-Tack, Seat F (excused)  
Seat G (vacant due to resignation of Kate Ripley)

Also Present: D. Danyielle Snider, Deputy City Clerk  
Paul Ewers, City Attorney (arrived at 5:20)

**APPROVAL OF PREVIOUS MINUTES**

a) Regular Meeting Minutes of May 6, 2015.

**Ms. Castle**, seconded by **Mr. Erickson**, moved to APPROVE the Meeting Minutes of May 6, 2015.

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

**APPROVAL OF AGENDA**

**Ms. Castle**, seconded by **Mr. Erickson**, moved to APPROVE the Agenda.

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

**CITIZEN'S COMMENTS**

**Chair Robertson** called for Public Testimony and, hearing none, declared Public Testimony closed.

**COMMUNICATIONS TO COMMISSION**

a) Kate Ripley Resignation

**Chair Robertson** stated that Ms. Ripley has indicated that she currently has too many personal obligations to continue participating as a member of the Clay Street Cemetery Commission.

City Clerk Snider stated that the nomination of Scott McCrea will be considered by the City Council at their next regular meeting on June 8, 2015.



## UNFINISHED BUSINESS

### a) Update on Re-interment of Remains

*City Attorney Ewers had planned to be present to provide an update on the re-interment of remains; however, he was not yet present. Clerk Snider contacted him telephonically. Commissioners agreed to move on to the next agenda item and return to the item upon Mr. Ewers' arrival.*

### b) City Survey

**Ms. Castle** provided an update on the progress of the survey. She stated that it is not a marker inventory but the survey will physically locate the graves at Clay Street Cemetery. She stated that the City has had some equipment problems and some staffing changes that have slowed the progress of the project down. She stated that, moving forward, they plan to survey smaller sections of the cemetery at a time. **Ms. Castle** stated that the survey she is working on will not have to be repeated in the future and is unlike other marker surveys that have been done in the past.

**Mr. Turney** expressed frustration with maintenance efforts while flags are posted throughout the cemetery.

Members discussed the cinderblock markers in the Catholic section of the cemetery.

### c) John Burnett Grave Update

**Ms. Castle** stated that she has been trying to identify a pattern for how people were buried. She stated that there are five individuals who were supposedly buried in the Eagles section and that their graves have not been located. She explained that the problem is that there are only four "unknown" spots in the Eagles section. **Ms. Castle** stated that, for now, she is okay with leaving the wooden cross where April Schumacher placed it on one of the unknown sites. She stated that the Commission may want to ask Ms. Schumacher to remove the cross before winter.

Clerk Snider stated that Ms. Schumacher's application for placement is in the Clay Street Cemetery Commission file.

Members discussed the definition of a *temporary* placement.

Clerk Snider reminded Commissioners that the approved placement policy indicates that *temporary* means seasonal.

**Ms. Castle** stated that she is about 80% sure that the site where the cross is placed is the actual burial place of John Burnett.

*City Attorney Ewers arrived to provide an update to the Commission on the re-interment of remains; the Commission went back to item "a" of Unfinished Business.*

City Attorney Paul Ewers stated that the City has requested a Burial Transit Permit from the Bureau of Vital Statistics. He stated that he explained to the agency that there are many unknowns in regard to the remains and indicated that he has not heard back from Vital Statistics. He stated that since the last Clay Street

Cemetery Commission meeting, he has spoken with both Ben Potter from UAF and Alex Ketzler from Nenana. Mr. Ewers stated that UAF would like the City to take possession of the remains. He stated that theoretically, if the City obtained a Burial Transit Permit, the remains could be brought to City Hall for storage. He stated that Alex Ketzler stated that the DNA test done on the remains some years ago was inconclusive. Mr. Ewers stated that Mr. Ketzler said he would go to UAF and talk to Ben Potter about the issue. He stated that the family is undecided as to whether they would like to do more DNA testing or whether the body should be reinterred at the Clay Street Cemetery. Mr. Ewers stated that UAF cannot perform the DNA testing and did not have a recommendation for the testing. He commented that the City should have something in writing from the family stating that they do not wish to do more testing and that they would like to turn the remains back over to the City. Mr. Ewers stated that there are two banker's boxes, one with remains and one with artifacts.

**Mr. Turney** claimed that Chief Nagita is still in the cemetery and that he believes the remains that were exhumed belong to August Anderson.

Mr. Ewers stated that without a written statement from the Ketzler family, the City will not take action.

Members discussed the location of the exhumation. Clerk Snider stated that she will place the item back on the agenda after the City receives a written statement from the Ketzler family.

d) New Kiosk Update/Boy Scout Participation at the Cemetery

**Chair Robertson** stated that he and Kyle Williams got two posts in the ground for the new kiosk. He stated that the area is prepped for the rest of the project to be done. He stated that Kyle's Eagle Scout project deadline is the end of June. **Chair Robertson** stated that the historic sign from the Borough Historic Preservation Commission will be placed at the end of the new kiosk. Members briefly discussed the maps and name directory that will go into the new kiosk.

e) Concrete Bases Order

**Chair Robertson** stated that the base order has been placed and that 45 bases will be arriving sometime in June. He stated that they will have a total of 90 bases to place new markers.

f) Potential Commission Member Replacement

Clerk Snider stated that Ms. Warbelow-Tack emailed her and stated that she feels her schedule does not allow her to be an active participant on the Commission and that she would like to resign as soon as a replacement can be found. Ms. Snider stated that without a formal resignation, she cannot advertise the vacancy. She asked Commissioners to keep an eye out for anyone interested in serving on the Commission.

g) Donations to the Commission

**Chair Robertson** stated that there will be a \$4,000 donation coming in for the Commission. He stated that he will not mention the name of the individual/organization until the check is received. He stated that last time he checked, the Commission had roughly \$5,000 in the bank.

h) Work Group & Date for 2014 Marker Placement

Members discussed potential work group volunteers and possible dates for holding a work day. **Chair Robertson** asked which month will work for everyone.

Members discussed the difficulty in scheduling a work day the prior year due to the heavy rainfall. A date near the end of July was mentioned and **Chair Robertson** stated that he would work with the boy scouts to figure out a date.

### OPEN AGENDA

**Mr. Turney** stated that his friend Larry Nelson was able to chisel the brass from dog tag of Private John White's headstone. He shared that the dog tag is in the possession of City Facilities Manager Phil Sanders for safe keeping. He stated that he thanked Representative David Guttenberg's office for getting involved and for helping get the new headstone ordered.

Members discussed how to affix the dog tag to the new headstone.

**Mr. Turney** stated that the News Miner did a story about Private John White about 10 years ago and that they will be doing an update on the story soon.

**Mr. Erickson** asked if the changes to the headstone order he received from Anne Castle are the only changes that need to be made before the marker order is finalized.

**Ms. Castle** confirmed that those were the only changes needing to be made.

**Chair Robertson** asked how much time Ms. Castle would need to place flags on gravesites before new markers are placed.

**Ms. Castle** replied that she only needs a few days' notice.

### NEXT MEETING DATE

The next meeting of the Clay Street Cemetery Commission is scheduled for July 1, 2015.

### ADJOURNMENT

**Ms. Castle**, seconded by **Mr. Erickson**, moved to ADJOURN the meeting.

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

**Chair Robertson** declared the meeting adjourned at 5:52 p.m.

  
\_\_\_\_\_  
Bill Robertson, Chair

  
\_\_\_\_\_  
D. Danyielle Snider, CMC, City Clerk

Transcribed by: DS

**Fairbanks North Star Borough / City of Fairbanks**  
**CHENA RIVERFRONT COMMISSION**  
**MINUTES**  
**May 13, 2015**

The Fairbanks North Star Borough/City of Fairbanks Chena Riverfront Commission (CRFC) met on Wednesday, May 13, 2015 with Vice Chair McEnteer presiding. The following Commission members were in attendance: Anna Plager (via phone), Lee Wood, John Jackovich, Ian Olson, Susan Rainey, Gordy Schlosser, Buki Wright and Bob Henszey.

Also present were: Jewelz Barker, TVWA; Jackson Fox, City of Fairbanks; Alicia Giamichael, FMATS; Barry Hooper, DOT; Christine Nelson, FNSB Community Planning; Steve Taylor, FNSB Parks & Recreation

**1. CALL TO ORDER**

**McEnteer** called the meeting to order at 12:00 p.m.

**2. APPROVAL OF AGENDA**

*A motion was made by Rainey, seconded by Henszey to approve the Agenda for May 13, 2014, 2014. There were no objections.*

**3. APPROVAL OF MINUTES OF April 8, 2015**

A minor edit was made to the date under item 10.

*A motion was made by Rainey, seconded by Schlosser to approve the minutes for April 8, 2015. There were no objections.*

**4. COMMUNICATIONS TO THE COMMISSION**

None

**5. PUBLIC COMMENTS**

None

**6. NEW BUSINESS**

None

**7. UNFINISHED BUSINESS**

A. Ex-Officio / Liaisons

**Nelson** addressed the Commission. She provided the Commission with a handout which had information regarding what Code and the Rules currently say about Ex-Officio and Liaisons. Currently there are seven Ex-Officio members with the Commission and no Liaisons.

She stated that in order for an amendment to be made, a member of the Commission can direct staff to come forward with an amendment, or the Board as a whole can vote on directing staff to come forward with an amendment.

**Wright** asked if folks have just “evolved” into liaisons. **Nelson** responded affirmatively. **Nelson** continued that chapter 2.37.030 lists who the ex-officio members are. **Wright** questioned if an amendment was needed to add those who are not already on said list. **Nelson** confirmed this.

**Plager** questioned why the Commission wanted more Ex-Officio members. **Nelson** responded that Plager had sent an e-mail back in April wanting to add additional Liaisons to the Commission. **Nelson** replied that there is nothing in the code that addresses Liaisons. Liaisons do not exist for the CRFC. **Wright** added that although these members are referred to as “Liaisons” they actually are Ex-officio members.

**Wright** summarized that if the Commission called them ex-officio, it fits with the ordinance as it exists. If the Commission wants to call them “liaisons”, a much bigger change would be needed. **Plager** stated that she does not agree with this. She states that Ex-officio members are specified by ordinance and Liaisons are specified by the Commission making sure that those people who we choose to consult with at any given time are recognized in our own unofficial documents that list Ex-officios and Liaisons.

**Nelson** commented that Liaisons should be defined in the Rules and Procedures for the CRFC. Nelson further commented that the current Rules and Procedures for the CRFC state (Rule #11) “Anyone not a Commission member must be recognized by the Chair before speaking.” **Henszey** asked what an Ex-officio member does. **Nelson** replied that they are members of the Commission, they just do not have voting powers. **Olson** added that he thinks of Ex-officio members as being conduits to stakeholders while Liaisons are more an ad hoc group.

**Wood** asked what is required to fix this. **Nelson** replied that the codified part, Section 2.37, is codified. It requires a code amendment to go through the process and the Assembly would then have to adopt it. The CRFC Rules and Procedures does not have that same requirement. The Rules and Procedures can be changed by a vote of this body. **McEnteer** suggested that we “clean-up” both Section 2.37 and the CRFC Rules and Procedures.

*A motion was made by Plager, seconded by Wright to form a sub-committee to discuss this issue and then report back to the Commission at a later date.*

**McEnteer** inquired if there was a deadline for this “clean-up.” **Nelson** responded that there is no deadline. This is just “housekeeping.”

**Rainey** suggested that the easiest thing to do is to change 2.37.030 to read “...and others as needed.”

**Olson** suggested that a clause be created in the Rules and Procedures to say “...recognize the existence of Liaisons...” therefore not requiring this to go before the Assembly.

**Nelson** agreed with Olson, stating that this solution would not require putting it in code. **Olson** stated that that seems like a more flexible route for something that is inherently flexible.

**Rainey** stated that by not adding Liaisons you have added another “status” that is not defined.

**McEnteer** inquired what was Borough standard and is the Community Planning Department attempting to clean-up all the codes. **Nelson** stated that this came up as a result of Plager requesting to add more liaisons. It is just for clarification.

**Wright** asked if specific liaisons could be invited to attend meetings when their expertise was desired. He wonders if the CRFC is spending a lot of time trying to change rules that don't necessarily need to be changed.

**Rainey** asked why these "liaisons" could not just be members of the public attending the meetings at the CRFC request. **Wright** gave an example of Rainey's suggestion.

**Nelson** stated that if the CRFC is giving someone a special status, she would have to check with Legal to see if the code would need to be required.

**McEnteer** questioned if it facilitates discussion between all whether or not Liaisons are identified. Can there be a free flow of information without having to be recognized and only speaking at a certain time? If you give someone a Liaison designation, are they able to talk more freely back and forth during the actual meeting? **Nelson** responded that Rule 11 would potentially have to be changed. Nelson will follow up with legal on this particular question.

**Barker** stated that ex-officio comes from Roman republic. It just means "from the office of". She stated that TVWA and FMATS are the only "problem children" as the others are all appointed by code. She further commented that she does not have a problem being part of the general public and that if her name was not called during roll call and she had to raise her hand to speak, she would not feel offended.

**Plager** stated that the only difference between Commissioners and Ex-officio members or Liaisons is that they are not appointed through the Mayors or the CRFC enabling ordinance. The reason that the Liaisons are so useful to the CRFC is because as an agency, if you are in regular contact and needed for your expertise by the Commission, that gives you a legitimacy in the eyes of the agency. She stated that when she was a Liaison for the Department of Natural Resources, it was really important for her to be able to get work credit to attend the meeting. She needed to be designated as something. She feels that not everyone needs to be called a Liaison if they are only going to attend meetings regarding a specific issue.

*A roll call vote was taken on the motion to form a sub-committee to discuss this issue and then report back at a later date. All were in favor. There were no objections.*

Plager, Jackovich and Olson volunteered to be members of the sub-committee.

## B. TVWA Forestry Grant update

**Barker** addressed the Commission. She stated that the Fairbanks Green Infrastructure Group met with Patricia Joiner who is the Forestry representative. Joiner is the one who will be distributing the funds from this grant. The US Fish and Wildlife Service, DEC, Forestry and TVWA met in terms of a communications plan. This Commission was identified in the original application as being a targeted group that they would like to partner with. She stated that there will be a demonstration project in the fall connecting the Borough's stream bank restoration to the Barnett Street bridge. Forestry and a couple of other grants are getting together to make this happen. At this point, Barker distributed a flyer which describes some of the areas in which they are requesting feedback on. The monies from this grant will be distributed based largely on the feedback that they receive.

**Barker** continued that at this point, they are looking for feedback from individuals, not necessarily from Commissioners or the Chena Riverfront Commission. At this point there is an opportunity for the CRFC Plan to overlap with their plan in certain places and this grant will provide money to execute some of those components.

**Nelson** inquired what the deadline was for submitting comments. **Barker** responded June 5<sup>th</sup>. Feedback can be given at ESCAPEwrap.com.

**Plager** inquired if there two or three objectives that really overlap more so than others. **Barker** responded that there are seven objectives. She would make the assumption that the Commission would be fully supportive of all seven objectives. The question is, which objective and action item would the Commission like to see acted on more so than others. What are the Commissions' priorities?

**Nelson** suggested that this topic be placed on the June 17 agenda and have the CRFC Plan, as it is going forward, look at these and have that discussion then.

**Jackovich** praised the ESCAPEwrap project.

**Plager** praised those parties involved in this project, but stated that she does not feel that the public was fairly represented, as we make an effort to through the Commission. She further commented that she feels that there was a "voice" missing from the discussion. She thanked **Barker** for bringing this topic before the Commission and allowing the Commission to perhaps influence the priorities that need funding.

**Barker** stated that she is interested in the opinion of the Commissioners, not the opinion of the Commission.

**Olson** questioned why the Commissioners should comment. **Barker** responded that she feels that each of the Commissioners representing your shareholder stake of the Commission is more valuable than anything that the Commission could come up with in the future. **Olson** questioned if by giving their private opinion, are they (the Commissioners) affiliating the Commission as endorsing the WRAP project. **Barker** replied that unless the Commission officially tries to endorse it, it is merely personal opinion.

**Olson** questioned if there was a conflict as a private voice as opposed to the voice of the Commission. **Plager** stated "Clearly not. We have not given up any of our individual rights by agreeing to be on the Commission. We just cannot speak for the Commission."

#### C. Chena Riverfront Plan update

**Nelson** addressed the Commission. She stated that on June 19, 2015, the CRFC Plan updated is scheduled to go before the Planning Commission. She stated that staff has all of the edits that were suggested by the Commission. Staff will be re-organizing the order of the sections so that the background information goes forward and will be part of the plan. This is how it is done for every other plan that is part of the Comprehensive Plan. **Nelson** further commented that the Legal department has said that because changes were made to the background section, it needs to go back through the Planning Commission. After the Planning Commission sees the updates, it will then need to go back to the City Council for their approval. From there it will go to an Assembly Work Session on July 23, 2015. Public hearing will then be on Thursday, July 30, 2015.

**Wright** asked if the 30<sup>th</sup> of July was an Assembly meeting. **Nelson** responded affirmatively. **Nelson** added that public testimony will be heard on the 30<sup>th</sup> but there are also other public comment opportunities at the Planning Commission and at the City of Fairbanks meetings, but not at the work session.

**Plager** commented that this is the first that she has heard about adopting the whole background section. She stated that there is a whole section of recommendations that the

Commission has not even looked at for well over ten years. She questioned what the Commission thought about trying to include the newly-edited resource information section with the plan. She reiterated that this is the first she has heard about going beyond the first twelve pages. She stated that she is very uneasy about including sections that the Commission has not even worked on yet.

**Nelson** stated that she did not know that there are sections that the Commission has not worked on yet. It is her understanding that all the goals and policies were staying the same. She further commented that she was of the understanding that the background section and the goals and policies sections were it. If there is a recommendation section, this should not be going forward. This whole piece-meal thing, she does not understand. It is not the way plans are typically dealt with. If there is another section that needs to be updated, it all needs to be updated now before it goes to the Planning Commission.

**Plager** suggested that they (CRFC) just stick with the Plan Goals and Objectives and if the rest of the Plan is going to have to become part of the Plan then we (CRFC) should jettison it. That is her recommendation because the rest of it just changes from year to year and the CRFC does not have the capacity as a volunteer organization to keep up with it. She further commented that she does not feel that Nelson wants to assign her staff to try and do that either. It is just too much.

**Plager** questioned if the Comprehensive Plan has all of the projects that the Borough is going to want to tackle in that Comp Plan. She stated that the CRFC was just trying to get the background information updated because it was so out of date. They wanted to keep their members informed and keep the information fresh so that there is a good basis for decision making as the CRFC moves forward.

**Nelson** stated that if there is a work plan that changes from year to year, that is not part of your overall plan. It can be an addendum or it can be a separate document that you change every year. It does not have to be part of the Comprehensive Plan.

**Wright** commented that it was his understanding that the first twelve pages were the pages that needed to go before the Planning Commission for approval. Now Nelson is stating that the background section, which the Commission has spent a fair amount of time on, needs to go as well.

**Nelson** stated that the background section sets the context for the goals and policies. Those two pieces need to be together. It makes no sense to separate them. But an action plan or a projects list that hasn't been reviewed and edited and does not need to be included can be completely separate. The way that they are adopting this plan this time is that it is not an amendment of an existing plan. It is an adoption of a new plan. Therefore, it can be adopted in the Ordinance. They don't have to show every strike and underline. This will be provided to the Planning Commission and the Assembly as an attached document so that they can see where all the changes are but it won't be in Ordinance form. That is how other plans within the Comprehensive Plan are done.

**Nelson** stated that she has not had a chance to sit down with Durham and go through the organization of this. They will look at this and will be in contact with Plager. Nelson offered to send out the proposed re-organization of what the Plan will look like with all of the changes. **Plager** commented that she appreciates Nelson paying attention to all of the details, but it is really difficult for her as Chair to discuss these things with Nelson during an actual meeting. She felt it would be much better if Nelson could give a little warning of a new direction that she may want to go. For example, the issue of Liaison and Ex-Officio changes. This is a whole new thing that they haven't discussed before it was brought to the Commission. This is a whole new thing that the Chair was unaware of before it was brought to the Commission. **Plager** further commented that she would really like to know



about these things beforehand. She feels that the way that we are approaching this here is that Nelson is encouraging the CRFC to put the resource information into the adopted plan and to tell the truth, this has not even gone out to the public. She is not supportive of it. She further commented that she feels the ideas that Nelson suggested of having an addendum to the plan would be much more appropriate. The Planning Commission doesn't need to go through and review the edits that have been made to the resource information. It really is going to change from year to year and is outdated the moment it is written. The land changes all the time, but the goals and objectives do not change, except when the CRFC goes through a very public process. She commented that she hates to see the delaying and delaying of something that the Commission has put a lot of time and effort into.

**Nelson** stated that this is the public process. The Planning Commission, the City of Fairbanks and the Assembly, that is the public process for any plan. **Plager** added that the CRFC had rounds and rounds where they went out to Kiwanis Clubs, advertised meetings at the library, other clubs like the Parks and Recreation Commission and spent probably three months at all those hearings so that they could get feedback from the public. They weren't just at the City Council and the Assembly. Those were the perfunctory required public meetings. When the CRFC talks about a public process and when the Commission speaks with a voice that represents the public they need to be honest about that and not perfunctory.

**Olson** inquired what Plager would like to do next. What are the Commission's next steps?

**Plager** responded that she thought that they had agreed in November that the Planning Commission did not need to look at the Riverfront Plan again because the three changes that the attorneys recommended were not substantive changes and everyone was comfortable with the plan. The Planning Commission had approved it and we were ready to go to the Assembly and she did not realize that we were talking about including all of the background information. She suggested that they carry on with the process that the Planning Department has put in place to give the final review for those first twelve pages. The rest of it can be considered updated at this point as background information and it would just stay in our files for our use as we need it. She stated that she feels that they got a lot out of the process of updating the background resource information.

**Nelson** responded that the attorneys do not agree with Plager. The attorneys have said that yes it does have to go back to the Planning Commission and apparently it did not get conveyed to you. **Nelson** stated that she has been discussing this with Durham since at least January that the background information can't be adopted as part of the plan without going through the Planning Commission. That has been the intent of the Community Planning Department since that time. **Nelson** further commented that goals and policies are without context if there is not any background information. She stated that she does not think this is a big deal. It is merely different than it has been done in the past.

**Wood** interjected and stated that she feels that this is a big deal. She stated that she thinks a lot of people put a lot of work into the background section with a deadline in mind. To say that it is not a big deal really lessens what these people did. **Nelson** added that that is not what she meant. **Wood** continued that it boggles her mind that the CRFC is at the 11<sup>th</sup> hour and are just finding this out. She stated that she understands Plager's frustration.

**McEnteer** commented that she was under the impression that the entire thing had to go back before the Planning Commission. That was the reason for having the deadlines for the background section, so that they could get ready and get it on the schedule to move it through and get it approved so that it could be wrapped up. She commented that the objectives and the goals are the "meat" that the public needed to be engaged on. The

CRFC has done an awesome job of reaching out to the public in many different ways. The background section, not that it's not important, is a big deal, but she stated that she does not feel that they are losing as much if the CRFC does not go out and have that concerted public effort. She does not feel that they would lose as much as if they didn't do that with the goals and policies.

**McEnteer** continued that she thinks the goal is to get this plan completed and approved. She feels that this is the opportunity to do that. There are hard dates in front of the CRFC and the CRFC is not going to lose anything by sticking with these dates. It is her recommendation that the CRFC move forward with having the plan go in front of the Planning Commission on June 19<sup>th</sup> in the state that it is in.

**Plager** stated that she does not have any objection to having the background information go through all of these hoops. She thinks that is fine. But, to call it the "Plan" then makes it very expensive to make copies of the "Plan" available to every applicant who comes to the Borough for a Waiver or Conditional Use Permit or Rezone. That is something that we have really been trying to get the Planning Department to do. When it was just a little two page document with all of the goals and objectives, that was great. But if the "Plan" itself ends up having twice as much text in it with things that are immediately outdated then she feels that the people who come in and get copies of the plan are going to look at it and roll their eyes.

**Plager** asked if there was some way that they could have a compromise that would have the resource information, but have it be a supplement to the Goals and Objectives.

**Nelson** responded that it could be done. She further commented that in the Commission Rules, under Rule 16, it states that the CRFC pocket plan summary may be used when available. All we have to do is provide the pocket plan to applicants. They do not have to have a copy of the entire document. If they want the entire document, it is available. The whole "Plan" gets adopted and it is available to all in depth. But, we have the pocket plan available to anyone at the counter.

**Plager** questioned if the recommendations section will be cut out. **Nelson** stated that it could be left out and dealt with later.

**Wood** asked what was presented to the public as the "Plan". **Plager** responded that the first twelve pages were presented.

**Henszey** asked if when giving the powerpoint presentations was some of the background information kind of indirectly presented to justify the goals. **Plager** replied "No." She commented that Hegarty-Lammers did a great job giving a lot of the history of how the plan came to be created and put in place. But for each of the goals and objectives, she did not give history or resource background information. She may have alluded to why a particular goal or objective is important. There was no reference at all to the resource information or resource background or there being any addendum.

**Barker** commented that Plager was with her at the Watershed Resource Action Plan and Plager saw the Excel document and the amount of data which was collected. It was intense and she feels that the general public does not want to go through this process again. This group is Commissioners appointed by Mayors' to serve and put together a plan. This group has done a bang-up job. She just wanted to say that the Commission has done such an amazing job and she feels the "plan" is perfect just the way it is. She urged the Commission to move forward and accept what they have done. If there are minor changes or typos or anything else that needs to be changed or edited, do it in five years.

*A motion was made by McEnteer, seconded by Olson to keep the plan (the entire document minus the recommendations) and go with the schedule recommended by the Borough Planning Department.*

*A roll call vote was taken on the motion with Henszey, Jackovich, McEnteer, Olson, Rainey, Schlosser and Wright voting affirmatively and Wood and Plager voting negatively. The motion passed 7-2.*

D. Airport Way West project update

**Schlosser** addressed the Commission. He stated that he has a letter to deliver to the Mayor following this meeting. The letter is regarding the land transfer between DOT and the Borough at this location. Copies of the letter were distributed to all.

**Taylor** added that there is a Resolution of Support for this project going before the Parks and Recreation Commission on Monday the 18<sup>th</sup>.

E. Chena River Summit

**Barker** informed the Commission that one of the main grants funding this years' Chena River Summit is the Alaska Department of Environmental Conservations Alaska Clean Waters Actions Grant Funding. It is referred to as A.C.W.A. The main emphasis about the Summit this year is the rollout of the Watershed Resource Action Plan. The schedule is set and they are scheduled to open for registration on the 19<sup>th</sup> of May.

**Barker** stated that if the Commission would like an official role, she is totally open to incorporating that. There was no expectation this year as far as the Commission needing to be or do something. The Commission is invited to have their booth at the Summit again this year if so desired.

**Schlosser** commented that he has the booth in his office. **Plager** questioned the Commission and wanted to know if the Commission wanted to have a booth at the Summit again this year. **Nelson** stated that the CRFC Plan will not be adopted before the Summit therefore the "pocket plan" will not be available for the Summit. The dates for future hearings for the CRFC Plan have been set and they can inform folks when those dates are so that they can attend the hearing(s) and testify.

**Plager** reiterated that pages 1-12 have already been through the City Council review and through the Borough Assembly review. All seem enthusiastic about it. The only thing that has changed since the fall was the Resource background information that has never been part of a public presentation. **Plager** further commented that at this point she would feel completely comfortable making copies of the changes that will be brought back to the City Council and Borough Assembly. The copies could be stamped with "Draft" on the front.

*A motion was made by Jackovich, seconded by Schlosser, to have a CRFC booth at the Chena River Summit on June 12, 2015. All were in favor. There were none opposed.*

**Plager** questioned who was going to man the booth and if the Commission had everything that was needed.

**Schlosser** reiterated that he and Jackovich will be setting up the booth and will coordinate the rest.

**Plager** commented that she will contact Durham to get a draft of the CRFC Plan for the Summit. **Nelson** added that as long as the pamphlet reflected everything that is going before the Assembly that was fine.

## 8. STAFF AND LIASION COMMENTS

**Fox** spoke to the Commission. He wanted to inform the Commission that the Noble Street storm drain art will happen on Saturday, May 16<sup>th</sup>. They are expecting roughly a dozen drains to be painted by various artists. There may be additional storm drains painted over the next few weeks following.

**Fox** also wanted to remind the Commission of the annual Spring Stream Clean-up Day. It will be held on June 13, 2015. The flyer for this event will be ready later in the week and he will forward it to McLean for distribution.

## 9. COMMISSIONERS COMMENTS

**Jackovich** thanked everyone for all of their hard work. He added that having Liaisons at the meeting is important and using them for the value that they have to the community and the CRFC is fortunate to have them.

**Schlosser** commented that a good meeting starts on time and ends on time.

**Henszey** thanked Plager and Hegarty-Lammers for putting together a certificate to present to Doug Sims at his retirement celebration. He also commented that there continues to be a serious safety concern at the bicycle underpass under Peger Road. He questioned who would be the one to contact, DOT or FMATS. He further commented that he wishes that as a Commission there could be something done about this.

**Nelson** questioned what he would like to see done. **Henszey** stated that a warning sign might be a solution.

**Plager** suggested that the Commission invite someone from DOT to the next meeting to discuss this situation.

**Hooper** commented that he is taking notes and will be asking questions at DOT when he returns.

**Plager** also inquired if Hooper would be able to give an update on the Wendell Street Bridge project at the June meeting. He confirmed he would do that.

**Plager** stated that she thought it was a really good meeting. She doesn't mind controversy and she appreciates differences of opinion. She wanted to thank the sub-committee for all of their hard work as well as the Planning Department staff.

**McEnteer** addressed the Commission. She wanted to advise the Commission that the entrance to the area on Ft. Wainwright that is called Chena Cove Lagoon is filling up with sediment and limiting access to the lagoon via the river. There are no plans in the near future to dredge the access point. Funding and permitting are the primary reason for not dredging.

**Rainey** commented that this was a great meeting and she agrees that it is important to get discussions going. She is glad to see the Plan moving forward. She also commented that she is really excited about the property on the river at Pikes becoming public accessible.

## 10. AGENDA SETTING FOR June 10, 2015 COMMISSION MEETING

### Peger Road bicycle underpass

**Wendell Street Bridge project update**  
**Chena River Summit briefing**  
**Airport Way West project update**  
**ESCAPEwrap update**

**Plager** requested dates of upcoming hearing dates for the CRFC Plan update.

## **11. ADJOURNMENT**

*A motion was made by Schlosser, seconded by Wood to adjourn. All were in favor. There were no objections.*

**Fairbanks North Star Borough / City of Fairbanks**  
**CHENA RIVERFRONT COMMISSION**  
**MINUTES**  
**June 10, 2015**

The Fairbanks North Star Borough/City of Fairbanks Chena Riverfront Commission (CRFC) met on Wednesday, June 10, 2015 with Chair Plager presiding. The following Commission members were in attendance: Kelley Hegarty-Lammers, Julie Jones, Lee Wood, Ian Olson, Susan Rainey, Gordy Schlosser and Bob Henszey.

Absent were: Buki Wright, John Jackovich, and Carrie McEnteer.

Also present were: Christine Nelson, FNSB Community Planning; Lissa Hughes, TVWA; Barry Hooper, DOT; Nancy Durham, FNSB Community Planning; Donna Gardino, FMATS; Steve Taylor, FNSB Parks & Recreation; Jackson Fox, City of Fairbanks; Merritt Helffrich, Public; Manish Singh, FNSB Community Planning; Laura McLean, FNSB Recording Clerk;

**1. CALL TO ORDER**

**Plager** called the meeting to order at 12:10 p.m.

**2. APPROVAL OF AGENDA**

*A motion was made by Rainey, seconded by Schlosser to approve the Agenda for June 10, 2015. There were no objections.*

**3. APPROVAL OF MINUTES OF May 13, 2015**

*Commissioner **Plager** postponed approval of the Minutes of May 13, 2015 until later in the meeting, time allowed.*

**4. COMMUNICATIONS TO THE COMMISSION**

**Plager** addressed the Commission. She stated that a few agenda items from last month's meeting have been postponed to allow time to discuss the CRFC Plan Update and the vote which was taken at the last CRFC meeting regarding the CRFC Plan Update. The discussion about the WRAP program, the Wendell Street Bridge projects update, and the Elodea treatment report have been postponed.

**Plager** also provided the Commission with a copy of the draft Public Comment Report that will become an "official" document after the Commission has had an opportunity to review it and approve it. This will be discussed at the July meeting.

**Nelson** addressed the Commission. She stated that at the last meeting there was a decision made. Afterward, a couple of members of the Commission came to her and were concerned about the decision and how it could be revisited. Nelson checked with Legal as well as the Borough Clerk and there are a couple of ways that a decision can be revisited. Nelson distributed the Rules and Procedures that the CRFC has adopted as well as excerpts from Roberts Rules of Order and the section in Roberts Rules of Order pertaining to Reconsiderations. She stated that there are not any rules that talk about reconsideration of decisions made by the Commission, therefore the Commission must follow Roberts Rules of Order. Nelson further commented that reconsiderations has a time limit attached. It is the same day of the motion. Therefore, that option has expired. The decision which was voted on at the last meeting cannot be reconsidered. Even if it had been within time limit, the request or the motion would have to have been made by someone on the prevailing side of the opinion or the

vote. Nelson stated that she is bringing this up so that the Commission understands in the future the limitations.

**Nelson** then continued that the other option is what is called “rescinding the vote.” She further commented that “...the effect of a rescind is to strike out an entire main motion, resolution, rule, bylaw, etc. that had been adopted at a previous time.” This is the only way that an issue can be revisited. The process for this is at the next meeting, a motion would have to be made to rescind the vote then the voting members would vote on that. With a majority vote for, a discussion can be reopened. It cannot be done today because of the lack of specificity in the agenda regarding revisiting the vote.

**Wood** asked what will happen to the CRFC Plan update while the Commission is waiting for the next meeting to deal with the rescind issue.

**Nelson** stated that the Plan is ready to go, however she has pulled all of the scheduled meetings until the rescind issue could be resolved. She reiterated that this Plan will not be going to the Parks & Recreation Commission, Planning Commission, the Fairbanks City Council or the Borough Assembly until this issue is resolved. She did comment that the CRFC could hold a special meeting in the interim so long as adequate public notification is made.

**Olson** inquired if the Commission could simply pass a new Plan. **Nelson** answered that the CRFC could but the group will have to a) rescind the first decision; and b) decide what the Plan is. Then the CRFC would have to take the new Plan through the whole review process again.

**Nelson** continued that the Borough Clerk, Legal department and the Mayors’ office have all commented that the agenda for the CRFC is too general and not specific enough. In the future, moving forward, any time the Commission feels that there will be some kind of a vote, the agenda needs to reflect the item to be voted on in more detail.

**Nelson** explained to the Commission their options regarding the Plan. She distributed two versions of the Plan to the Commission and explained the differences between the two. Olson inquired when was the last time the Goals, Policies and Objectives component was reviewed. **Durham** stated that that part was amended on March 29, 2009 and adopted with Ordinance No. 2009-08.

**Nelson** continued that the first version distributed is what will go forward if the vote which was made last month is not rescinded. **Hegarty-Lammers** asked if the changes will be shown in Track Changes. **Durham** responded that they had.

**Nelson** continued that the other option is to just adopt the Goals and Policies. **Durham** added that there would not be any Track Changes on the Background section because they were never adopted to begin with. Everything for that section is new.

**Nelson** added that the Commission could do something between the two, but whatever is published has to be what was adopted. Therefore, Background information will not be published if it has not been adopted.

**Hegarty-Lammers** stated that one of the Commissions primary goals is public education and that is what the Resource sections are intended to be about to provide people with background as to where and why these Goals and Objectives are important. In the past, the Commission has published them in the booklet but have made it clear that the Ordinance that they need to comply with is only the first twelve pages. **Nelson** added that there could be separate brochures, but in order to represent as being part of the Comprehensive Plan, it has to be adopted.

**Rainey** inquired what Nelson thought the pros and cons were if the more expanded plan were the one to be adopted. **Nelson** responded that the expanded version gives more information regarding the plan and the background information. It also sets the context for the Goals and Policies. She further commented that without the background information, it is hard to understand the Plan in the larger picture. It just feels more complete.

**Wood** inquired what the Legal Department thought about the Commission trying to adopt something into the Comprehensive Plan that has not had any public process. **Nelson** reminded the Commission that the minimum public process is to present the Plan to the Parks & Recreation Commission, the Planning Commission, the City of Fairbanks and the Assembly. If the CRFC wants to do more, that is fine.

**Plager** addressed the Commission. She distributed and read a letter that she composed following last month's meeting. She stated that she wrote the letter in an effort to clearly state her case.

**Wood** stated that the Resource Information is really valuable and important, but was not included. She stated that she would feel very uncomfortable adding more information to what was already presented to the public as the Plan. She does not feel that this is doing right by the public.

**Henszey** questioned what is "The Plan." He stated that the maps that accompanied the last version have been deleted. **Nelson** reminded the Commission that this was specifically removed from the vote and referred the Commission to the minutes of the prior meeting.

**Plager** agreed with Henszey. Is the "Plan" the complete document that includes all 5 or 6 sections or is it just the part that the Borough Assembly and Fairbanks City Council has adopted as the Goals and Objective? **Hegarty-Lammers** commented that the Resource Section is just that, background information. The Plan is what the CRFC has asked the Planning Commission, the Fairbanks City Council and the Borough Assembly to adopt. When a consistency review is done by the department for a proposed development, it would be just the Ordinance, which is the shorter version, that a developer would be required to be in compliance with.

**Durham** added that in 1997, all of the background information that was originally done was not part of the Plan as it was not adopted. Therefore, Durham added, that is the decision that the Commission needs to make. Which version does the Commission want to see as "The Plan?" Once the Commission decides which version they want, all will move forward accordingly.

**Rainey** asked for clarification. She wanted to know if the supplemental information was ever adopted by an official body. This was confirmed that it was not. **Durham** added that the City of Fairbanks needs to adopt the Plan. The City approved the Plan, but they never adopted it. There was never an Ordinance, only a Resolution.

**Hegarty-Lammers** inquired if another option would be to call the expanded version "The Chena Riverfront Plan and Background Information" and to be very clear, have a page that says "Background Information" with another page that says "The Ordinance". **Nelson** responded that she would have to check with Legal. **Hegarty-Lammers** added that she feels it is a great thing to provide the background information. She does not think it is great to take the public's time yet again, to review more. She further stated that she feels that it is very disingenuous to now not go back to those groups if the CRFC is adding twice as much information to an adopted plan.

**Durham** added that if the Background Information is not included in the Plan, it can be adopted as a different brochure to provide as a handout to go with the Plan.



**Hegarty-Lammers** asked for clarification regarding Rule 14 of the Commissions' Rules and Procedures and if the vote could be rescinded. Nelson responded with an e-mail that she received previously from Legal regarding this matter. She quoted "if they have not been noticing specific actions, they need to start. They are also subject to the Open Meetings Act". This would not be a suspension of the CRFC rules but rather a violation of the Open Meetings Act. The Mayor, Legal and Borough Clerk all agree that the CRFC cannot make a motion today. **Jones** disagreed. She argued that by placing a topic on an agenda that means that action may be taken on that item at any time at any meeting. **Nelson** countered that that is not the interpretation of the Legal department. She added that she will attempt to have a representative from the Legal Department attend the next meeting.

**Olson** inquired what wording would have to be used to make this something effective to comply. **Nelson** gave several examples.

**Wood** asked if there was some way to declare last months' vote as invalid because it was an inappropriate vote because of the lack of public process. **Nelson** responded that either at a special meeting or at the next meeting the CRFC can go through the rescind process.

**Schlosser** asked if one of the options today was to vote whether or not to maintain the vote from last month. **Nelson** responded that that vote exists. Unless that vote is rescinded, at a subsequent meeting, that is the decision. **Olson** added that it sounds as if the CRFC needs to speak with the Legal department and ask them for clarification.

**Gardino** added that if the CRFC is holding a special meeting to have discussion on procedures and not to have an action, she believes that the CRFC can just move to continue this meeting to a certain date and advertising is not necessary. You don't move to adjourn, just to continue. She further added that if the CRFC is going to have a special meeting just to get informed, and advertise it, then the CRFC might as well put on the same agenda the potential actions that the CRFC wants to take. That way volunteers' time would not be wasted.

**Plager** questioned if the CRFC would rather hold a special meeting or not. It was determined that no special meeting will be held.

**Jones** asked if Actions items are required to be advertised how specific do these items have to be? **Nelson** replied she will check this with Legal.

## 5. PUBLIC COMMENTS

None

## 6. NEW BUSINESS

None

## 7. UNFINISHED BUSINESS

### A. CRFC Plan Update

This topic was discussed in detail during Communications to the Commission

### B. Elodea update

This item was postponed due to time constraints.

### C. Airport Way West project update

**Plager** asked Schlosser if the letter he was tasked with composing on behalf of the Commission had been signed by Mayor Hopkins and sent to DOT. **Schlosser** replied that it had. He also added that Steve Taylor with Parks & Recreation did a resolution which was adopted by the Parks & Recreation Commission.

**Taylor** commented that there were some questions but they mainly centered around the design of the project. He added that there were no concerns raised at the meeting with the Parks & Recreation Commission.

**Durham** added that Mayor Hopkins did submit a letter concerning the roundabout to Dave Miller with DOT and to Land Management.

**Hooper** added that he believes that the letter from Mayor Hopkins is basically indicating that the Borough is requesting the property from DOT once construction has been completed. DOT is currently looking into this process. He added that it is their intention to move forward on this request but that would not be until after the construction.

**Gardino** stated that it was expressed to her that DOT may still have some concern if the letter from the Mayor is not enough. They know that the property transaction will have to go through the Assembly and DOT questions if the letter from the Mayor will be enough.

**Schlosser** added that the last time that the sub-committee met with the Mayor, they offered their support when it has to go before the Assembly.

**Plager** asked Gardino if she had any sense of what the best process is. **Gardino** deferred this question to Nelson. **Nelson** stated that she can talk to the Mayor and get suggestions from them. Durham will be the contact for this as Nelson will be out of town for the next month. She further stated that the Commission can do a Resolution to the Assembly.

### D. Peger Road bicycle underpass update

**Hooper** addressed the CRFC. He stated that there is a DOT project in the works entitled "Peger Road Resurfacing," but that it does not include the underpass. He has talked with the project manager who indicated that they also worked on a project nomination by FMATS to improve the underpass. At this point with DOT Maintenance and Operations' limited budget, they are not in a position to accept more maintenance.

**Gardino** stated that improving it, in her mind, could be as simple as putting up mirrors. **Henszey** added that signage could be added. **Plager** asked if Gardino could look into this matter further. **Gardino** stated that there are currently several projects that could be lumped together to make them more cost effective. **Plager** asked Henszey if he would be so inclined to draft a resolution to bring to the next meeting regarding this issue. **Henszey** responded that he would.

**Henszey** inquired who is responsible for the underpass. **Hooper** stated that DOT owns it and it is maintained by DOT, Maintenance and Operations. **Nelson** recommended that it might be beneficial to have two resolutions, so that there are options.

## 8. STAFF AND LIASION COMMENTS

**Lissa Hughes**, TVWA, distributed several fliers regarding events that they are hosting in the near future.

**Nelson** commented that, regarding the Summit, Community Planning can provide the Goals & Policies version of the Plan in "draft" form.

## 9. COMMISSIONERS COMMENTS

**Henszey** thanked DOT for the new striping at crosswalks. It is very helpful.

**Henszey** also commented that he had a member of the public e-mail him to ask about clearing on the Noyes Slough as part of the College Road project. **Henszey** questioned if the CRFC is as concerned about the Noyes Slough as they are the Chena Slough. He commented that it would have been nice to know in advance that there would be clearing along the Noyes Slough with this particular project.

**Jones** expressed her concerns regarding the Rules and Procedures for voting. She also added that the permits are in for the Golden Heart Plaza dock. The dock is waiting on a trailer to be delivered to Festival Fairbanks. A contractor is in place and they are ready to move forward with improvements at Golden Heart Plaza.

**Hegarty-Lammers** commented that when the attorney joins the CRFC at the next meeting, she hopes that she comes in the spirit recognizing that this group is made of volunteers and that this group has no budget nor does it make any decisions that are anything but advisory to the City Council and the Borough Assembly. **Plager** seconded Hegarty-Lammers comments.

## 10. AGENDA SETTING FOR July 8, 2015 COMMISSION MEETING

- A. Cynthia Klepasky, FNSB Attorney
- B. Chena Riverfront Plan Update
- C. Approval of Minutes of May 13, 2015
- D. Peger Road underpass (2 Resolutions)

## 11. ADJOURNMENT

A motion was made by Schlosser, seconded by Henszey, to adjourn. The meeting was adjourned at 1:39 p.m.

/l

BUILDING DEPARTMENT

PHONE 459-6723

FAX 459-6719

April 7, 2015

**Board of Plumbing Examiners**

**Minutes**

**Meeting location and time:** Council Chambers, 800 Cushman St., 12:00pm

**Agenda:**

Review recent examination results covering Ordinances 5830, 5837 and 5838 as adopted by the City Council.

**Members Present:**

Kraig Hogenson, Mike Davis, Mike Desmond, Sean Randle and Clem Clouten

**Meeting convened** at 12:00 with the reading of the minutes of the prior meeting. A call to accept the minutes was made. Minutes were accepted as read. A discussion over the recent test results and review and scoring was made. A letter to the test candidate(s) will be sent by Chairman Mike Desmond. Member Kraig Hogenson asked if the Board could be copied the revised amendments relating to the upcoming code change cycle. A discussion on residential fire sprinkler systems followed.

Motion to adjourn was seconded. Meeting ended 1:00pm.

Chairman Mike Desmond

