



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, JANUARY 20, 2014  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 7:00 p.m. on the above date, following a 6:15 P.M. Work Session with Alaska Permanent Capital Management, 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  
   Perry Walley, Seat B  
   Bernard Gatewood, Seat C  
   Jim Matherly, Seat D  
   Lloyd Hilling, Seat E  
   Chris Anderson, Seat F

Absent:                                None

Also Present:                        Warren Cummings, Fire Chief  
   Paul Ewers, City Attorney  
   Janey Hovenden, City Clerk  
   Stephanie Johnson, Dispatch Center Manager  
   Brad Johnson, Deputy Police Chief  
   Ryan Rickels, IT Director

**INVOCATION**

The Invocation was given by City Clerk Janey Hovenden.

**FLAG SALUTATION**

Mayor Eberhart led the Flag Salutation.

**CITIZEN'S COMMENTS**

Wendy Dominique, PO Box 84494, Fairbanks – Ms. Dominique spoke in favor of Resolution No. 4609 to make Dr. Martin Luther King, Jr. Day a City-observed holiday. She stated that she serves on the Fairbanks North Star Borough (FNSB) School Board and that the same type of resolution came before the board a few years ago. She stated that the resolution passed by a 4-3 vote. Ms. Dominique stated that Dr. King believed that all people should be united and she emphasized the importance of educating the community about Dr. King's vision. She asked the Council to approve Resolution No. 4609 and make the holiday a day off for City employees.

Mr. Matherly asked Ms. Dominique to speak to the reason for the close vote when a similar resolution went before the School Board.

Ms. Dominique explained that the Borough has always allowed students to have Dr. Martin Luther King, Jr. Day off school, but required Borough employees to work the holiday until that time. She stated that once the majority of the Board realized that the cost to give all employees the day off would be minimal compared to the cost of adding any other holiday as a Borough-recognized holiday they voted to pass the resolution.

**Mr. Gatewood** asked Ms. Dominique if she realized that Resolution No. 4609 calls for Dr. Martin Luther King, Jr. to be a day of service instead of a holiday.

Ms. Dominique replied that she was not aware that the intent of the resolution was to create a day of service instead of a holiday.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney spoke in support of Resolution No. 4609. He stated that although it did not pass, there was a City resolution introduced about twelve years ago to make the holiday a City-observed holiday. He pointed out that the holiday is recognized at the federal, state and borough levels and encouraged the Council to make Dr. Martin Luther King, Jr. Day a day of service for City employees. Mr. Turney stated that he, like Dr. King, believes in justice for all races and commented that he shares the same birthday as Dr. King.

Joe Blackburn, PO Box 72157, Fairbanks – Mr. Blackburn thanked Mayor Eberhart for introducing Resolution No. 4609. He stated that the Borough School District, the State of Alaska and the Federal Government all recognize Martin Luther King Day as a holiday. He stated that he sees the resolution as a formality.

**Mr. Hilling** asked Mr. Blackburn what he meant by the resolution being a formality.

Mr. Blackburn replied that he believes the process of voting on the resolution is a formality.

Helen Renfrew, 4097 Yvonne Avenue, Fairbanks – Ms. Renfrew stated that she represents Fairbanks Convention and Visitor's Bureau (FCVB) and referenced the report distributed to the Council on the Alaska Federation of Natives (AFN) Convention that took place in October. She stated that there were 135 volunteers who donated over 1,500 hours to prepare on the event. She briefed the Council on the highlights of the AFN Convention.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger thanked past mayors, Mayor Eberhart and the Council for following through on some of his complaints in regard to potholes and road repair. He spoke to what an advantage it would be to have public restrooms in the downtown area. He indicated that it is ridiculous to be required to surrender your ID in order to use the restroom at the downtown transit station. Mr. Buberger suggested that the Council do some research on the advantages of placing public restrooms throughout downtown Fairbanks. He stated that there always seems to be enough City funds to give pay increases to fire and police department employees. Mr. Buberger spoke in support of honoring Dr. Martin Luther King, Jr. He stated that he recalls tough times living in New Orleans in 1958 during the Civil Rights Era.

Montean Jackson, 1018 27th Avenue, Fairbanks – Ms. Jackson encouraged support for Resolution No. 4609 and stated that City employees should have the option to honor, recognize and celebrate Dr. Martin Luther King, Jr. Day if they so choose. She stated that in 1985 Governor Bill Sheffield

recognized it as a state holiday and commented that it is time for the City of Fairbanks to do the same. She stated that she is a part of the local Martin Luther King Holiday Committee that has existed for 29 years. She stated that the committee has provided wonderful opportunities for the community to participate in the celebration of the holiday by encouraging volunteering and togetherness. Ms. Jackson expressed appreciation to the Council for their consideration of the resolution.

Debra Pearson, 4705 Pal Verde Avenue, Fairbanks – Ms. Pearson stated that she has been a Fairbanks citizen for many years and urged the Council to approve Resolution No. 4609. She stated that she was going to Main School at the time of Dr. King's assassination. She stated that she participated in the televised program on August 23, 2013 to celebrate the 50th anniversary of Dr. King's speech. She stated that the event brought many different races and backgrounds of people together and stressed the importance of acknowledging Dr. Martin Luther King, Jr. Day. Ms. Pearson stated that change comes about when people acknowledge and remember. She thanked the Council for allowing her to speak and commented that the City Hall building has not changed much since it was Old Main School.

Dorothy Jones, 172 Purdue Way, Fairbanks – Ms. Jones spoke in support of Resolution No. 4609. She stated that she attended a youth breakfast earlier in the day that was so crowded there was standing room only. She stated that the keynote speaker spoke to parents about the importance of their children seeing them perform service in the community. Ms. Jones stated that City employees cannot currently do that because the holiday is not recognized by the City of Fairbanks. She stated that she has served on the Martin Luther King Committee since it was created in 1985 and commented that there have been many celebrations in honor of the holiday. Ms. Jones spoke to the many noteworthy speakers the committee has hosted throughout the years. She indicated that if Resolution No. 4609 is not approved it would tell her a great deal about the Council. She pointed out that it would not necessarily give City employees the day off but it would enable them to feel free to participate in volunteer work in the community.

Tyrone Burkhead, 829 17th Avenue, #147, Fairbanks – Mr. Burkhead stated that he supports the approval of Resolution No. 4609 and requested the Council also do some research to see if it would be possible to recognize the day as a true holiday. He commented that he has spent 50 years in the Fairbanks community and has seen many changes throughout the years, both good and bad. He stated that many individuals sitting in the room may not realize that they are where they are because of the works of Dr. King. He stated that Dr. King made the ultimate sacrifice and opened doorways in society that people should never allow to be closed. Mr. Burkhead stated that he felt great hurt when Dr. King was assassinated and spoke to other great civil rights leaders that have been killed. He suggested that the City research how other government entities went about recognizing Dr. Martin Luther King, Jr. Day as a true holiday. Mr. Burkhead stated that it saddens him that he is sitting before the Council requesting that the holiday be recognized but thanked the Mayor and Council for allowing him the opportunity to speak.

Chrya Sanderson, 3498 Rosehip Drive, North Pole – Ms. Sanderson stated that she is the Education Support Staff Association President representing 900 diverse jobs within the FNSB School District. She spoke to the Interest Based Bargaining (IBB) process the school district went through in order to make Dr. Martin Luther King, Jr. Day an observed holiday. Ms. Sanderson stated that she has been a member of the community since 1973 and spoke to the

diverse population of the Fairbanks area with the Army and Air Force nearby. She spoke also to the many local events and celebrations that bring all the diversities of the community together. Ms. Sanderson commended Mayor Eberhart for his way of thinking about celebrating diversity in Fairbanks.

**Mr. Gatewood** asked Ms. Sanderson to speak further to the IBB process.

Ms. Sanderson explained that the process used individuals of various backgrounds to work with about ten different school district leaders to train on the need for professional development days and holidays like Dr. Martin Luther King, Jr. Day. She stated that the IBB process enables traditional negotiators to become joint problem-solvers in order for parties to achieve positive results.

Cleveland Bartley, 120 Chapman Court, Fairbanks – Mr. Bartley stated that as a local pastor and religious leader in the community it is his responsibility to speak in support of Resolution No. 4609. He spoke to all the good comments that others have made. He stated that it would not have mattered to him if Dr. King had been of any other ethnicity because of the great work he did for society. He stated that Dr. King paid a high price but paved a better way for many people. Mr. Bartley recalled a story of a woman who wanted to do harm to Dr. King until she realized that Dr. King preached equality for people of all backgrounds and races, not just for people of color. He encouraged the Council to take the step to show the heart of “The Golden Heart City.”

Lee Despain, 352 Driveway Street, Unit B, Fairbanks – Mr. Despain expressed his support for Resolution No. 4609 and stated that the legislation is long overdue. He applauded Mayor Eberhart’s efforts and suggested that Mayor Eberhart make the administrative changes soon.

Sean Rice, 2521 Clydesdale Drive, North Pole – Mr. Rice stated that although he is not a City resident he is a recipient of the Dr. Martin Luther King, Jr. Community Service Award. He expressed his support for Resolution No. 4609 and stated that without the work of Dr. King he would not be able to participate in the community the way he does.

Tommy Battle, 3256 Adams Drive, Fairbanks – Mr. Battle echoed prior testimonies encouraging the Council to approve Resolution No. 4609. He recited portions of a poem about Dr. King that a stranger once recited to him at a waffle house in Virginia in 1967. He stated that recognizing the holiday is not about being black or white but is about all people being equally deserving.

Thomas Lee, Jr., 519 Lily Drive, Fort Wainwright – Mr. Lee stated that he is a soldier at Fort Wainwright and is new to the Fairbanks community. He commented that he comes from a younger generation than the citizens who testified before him. He stated that he grew up in Salisbury, NC and that he remembers observing Dr. Martin Luther King, Jr. Day in his community and school although he did not live in Dr. King’s era. He spoke to Dr. King’s peaceful way of knocking down barriers and how Dr. King has taught him to participate in efforts to better his community. Mr. Lee spoke to the importance of teaching the youth in the community about Dr. King’s vision. He stated that if people do not know and understand the past they cannot progress in the future. In stressing the impact Dr. King’s teachings can have on a person, he commented that his wife can still quote Dr. King’s famous speech that she learned as a child.



Ron Arnold, PO Box 74512, Fairbanks – Mr. Arnold stated that the diversity of the audience warms his heart. He urged the City Council to do the right thing and approve Resolution No. 4609. He stated that he would like it if the City would observe Dr. Martin Luther King, Jr. Day as a holiday. Mr. Arnold stated that sometimes he has felt that progress has been pushed back. He stated that a good example of that was about 20 years ago when the Dr. Martin Luther King, Jr. Performing Arts Center in Anchorage was renamed with the promise that another facility would be renamed in Dr. King's honor. He stated that nothing was ever renamed in its place.

Mystiek Lockery, 1870 Dawson Road, North Pole – Ms. Lockery expressed her support for Resolution No. 4609 and stated that prejudice stems from ignorance. She stated that she also supports the placement of public restrooms throughout downtown Fairbanks. She commented that she has spoken four times to the Council already on her idea of opening a medical marijuana dispensary in Fairbanks. She spoke to the current situation in Alaska that allows for legal medical use but does not allow a way for an individual to obtain the drug. Ms. Lockery stated that her intent was to go to the state legislature and lobby for a bill that would define medical marijuana and ultimately allow for dispensing. She stated that after writing a letter to legislators she was informed that there is a voter initiative to place the legalization of marijuana on the state ballot. She stated that she has been actively working in gathering signatures for the initiative and expressed hope that it would appear on the ballot in the fall. Ms. Lockery expressed her belief that no one would oppose the legalization of marijuana if they knew the truth and that some who oppose it may have ulterior motives. She stated that she intends to open a dispensary in Fairbanks when marijuana is legalized in Alaska. She announced that she is working on creating a website and would share the information with the Council when it is complete.

**Mr. Gatewood** asked Ms. Lockery what type of ulterior motive someone may have if they oppose the legalization of marijuana.

Ms. Lockery stated that if marijuana were legalized that hemp would likely be legalized soon after. She indicated that marijuana and hemp may create competition with products that some people are currently profiting from and that those individuals may be against the legalization for those monetary reasons. She stated that the correctional system would also lose a lot of prisoners if marijuana were legalized.

**Mr. Hilling** asked Ms. Lockery if she is testifying in support of marijuana for medical purposes only or if she is pushing for the legalization of marijuana in general.

Ms. Lockery indicated that she supports the full legalization of marijuana.

Sam Morton, 3809 Mitchell Avenue, Fairbanks – Mr. Morton stated that he grew up in a small town in North Carolina, about 30 miles from the grand wizard of the Ku Klux Klan (KKK). He stated that he never attended a school with white students until college. He stated that his grandfather explained to him as a child how important Dr. King's message was to the survival of society. He agreed with Dr. King's idea that no citizen should be second-class because of the color of their skin, but should be judged on their character. He spoke in support of Resolution No. 4609.

**Mr. Matherly** asked Mr. Morton if he would agree that Dr. King advocated just as much for white people as he did for his own race.

Mr. Morton agreed that Dr. King fought for the rights of all people. He stated that Dr. King would be appalled to see what is currently taking place in some parts of the world. He stated that he has personally experienced racism many times throughout his travels. He indicated that it is difficult for people to change because they see change as a subtraction instead of progress. Mr. Morton emphasized that it is very important to never forget the ideals and principles that Dr. Martin Luther King, Jr. stood for.

**Mr. Matherly** asked Mr. Morton to share his opinion on how the City should recognize Dr. Martin Luther King, Jr. Day.

Mr. Morton replied that it should be a nationally-recognized holiday. He stated that it should be a day off for City employees.

Robert Kinnard, III, 3020 Davis Road, Fairbanks – Mr. Kinnard stated that Dr. Martin Luther King, Jr. once said, “The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.” Mr. Kinnard expressed his support for Resolution No. 4609 and stressed the importance of giving back to the community.

Stacy Frantela, 1109 26th Avenue, Fairbanks – Mr. Frantela spoke in favor of approving Resolution No. 4609. He spoke to the dreams and legacies that people leave when they pass on and stated that Americans are living Dr. King’s dream. He recommended that if Resolution No. 4609 is approved, the City then form a committee to look into the possibility of making Dr. Martin Luther King, Jr. Day an observed City holiday.

Johnny Lee Napier, 4575 Wood River Drive, Fairbanks – Mr. Napier stated his support for Resolution No. 4609 and thanked Mayor Eberhart for introducing it. He also expressed his support for a future resolution to name a street in Fairbanks after Dr. Martin Luther King, Jr.

Cory Perrin, 1811 Southern Avenue, Fairbanks – Mr. Perrin spoke to the possibilities of what could have happened if Dr. King would have lived just one more day. He stated that it seems everyone agrees that the holiday should be recognized by the City of Fairbanks and encouraged the approval of Resolution No. 4609.

Athena Mann, 248 Ellingson Street, Fairbanks – Ms. Mann read aloud parts of an article by John Coville in the Alaska Dispatch speaking to the increasing prison population and costs in Alaska. She stated that she would like to see a change that starts in the Fairbanks jail and spreads across Alaska. She recommended that neuro-linguistic programming (NLP) life coaching be taught in schools and in prisons statewide. Ms. Mann stated that some people take for granted their ability to make good decisions and choose the right friends. She indicated that a lot of problems stem from poverty a need to survive. She referenced a handout to the Council which summarized the curriculum she has been developing since 2011 called Wielding the Future. She asked the Council for any information they may have that would help her get the program started.

**Mayor Eberhart** clarified for Ms. Mann that the Council is only permitted to ask questions to members of the public during Public Testimony.

**Mr. Matherly** asked Ms. Mann for clarification on what she was seeking from the Council.

Ms. Mann stated that she is trying to gather support and gain exposure for the program. She indicated that the Council may be able to help educate her on what steps need to be taken to move the program forward.

**Mr. Matherly** stated that any projects that help others are worthwhile. He asked Ms. Mann if she has been in contact with the Greater Fairbanks Chamber of Commerce, the United Way or other local organizations that deal with homelessness or rehabilitation.

Ms. Mann replied that she would be willing to speak to any organization that may be willing to help. She stated that speaking to the City Council was her first attempt at putting the program out into the community. She stated that the City's mission statement seems right in line with what she envisions to accomplish with the Wielding the Future program.

**Mr. Anderson** asked what the "AU" in AUNLP represents in the handout.

Ms. Mann replied that it stands for American Union or American University of NLP. She stated that the man who trained her is currently lobbying the federal government to create standardized requirements for life coaches.

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

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

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

**Mr. Gatewood**, seconded by **Mr. Matherly**, moved to ADD Hand-carried Resolution No. 4610 to the Agenda.

**Mayor Eberhart** explained that Resolution No. 4610 is being hand-carried because the City just became aware of the Air Force's plan to make a decision on the F-35's within a few days. He informed the Council that it would take a unanimous vote to add the resolution to the agenda.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADD HAND-CARRIED RESOLUTION NO. 4610 TO THE AGENDA AS FOLLOWS:

YEAS: Gatewood, Walley, Anderson, Matherly, Staley, Hilling

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

**Mr. Hilling** pulled Resolution No. 4609 from the Consent Agenda.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE AGENDA AND CONSENT AGENDA, AS AMENDED, FOLLOWS:

YEAS: Anderson, Gatewood, Staley, Hilling, Matherly, Walley  
NAYS: None  
**Mayor Eberhart** declared the MOTION CARRIED.

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

### **SPECIAL ORDERS**

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the following Application for a New Liquor License and Restaurant Designation Permit:

Type: Restaurant/Eating Place  
DBA: Friar Tuck's Hoagie House, License #5270  
Licensee/Applicant: Stafford Roach & Joshua Roach  
Location: 427 Merhar Avenue, Unit #2, Fairbanks, AK

**Mr. Gatewood**, seconded by **Mr. Anderson**, moved to PROTEST the Application for a New Liquor License and Restaurant Designation Permit until a Certificate of Occupancy is issued by the City.

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

**Mr. Matherly** pointed out that the Building and Fire Departments have recommended a protest of the New Liquor License and Designation Permit until a Certificate of Occupancy is issued by the City. He requested a staff report.

Clem Clooten, City Building Official, stated that the contractor is currently working on the improvements and that he anticipates project completion in early March.

**Mr. Hilling** asked Mr. Clooten what he would recommend.

Mr. Clooten indicated that he would recommend waiting until the property owner is compliant with all City Codes before waiving protest.

Council Members discussed the proper way to make the motion.

**Mayor Eberhart** stated that the proper motion would be to Protest the application until a Certificate of Occupancy is issued.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE APPLICATION FOR A NEW LIQUOR LICENSE AND RESTAURANT DESIGNATION PERMIT UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED BY THE CITY AS FOLLOWS:



YEAS: Walley, Matherly, Gatewood, Hilling, Anderson, Staley  
 NAYS: None  
**Mayor Eberhart** declared the MOTION CARRIED.

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

Type: Restaurant/Eating Place  
 DBA: Fushimi Japanese Restaurant, License #5266  
 Licensee/Applicant: Fushimi, LLC  
 Location: 607 Old Steese Hwy, Fairbanks, AK

**Mr. Anderson**, seconded by **Mr. Gatewood**, moved to PROTEST the Application for a New Liquor License and Restaurant Designation Permit until a Certificate of Occupancy is issued by the City.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE APPLICATION FOR A NEW LIQUOR LICENSE AND RESTAURANT DESIGNATION PERMIT UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED BY THE CITY AS FOLLOWS:

YEAS: Staley, Matherly, Gatewood, Hilling, Anderson, Walley  
 NAYS: None  
**Mayor Eberhart** declared the MOTION CARRIED.

- c) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the following Liquor License Applications for Renewal:

Lic #	Establishment Name	License Type	Premise Location	Owner Name
54	American Legion Post #11	Club	129 1st Avenue	Dorman H Baker Post #11
252	Club Alaskan	Beverage Dispensary	901 Old Steese Hwy	Jerwater Inc.
710	Mecca Bar	Beverage Dispensary	549 2nd Ave	JRB Inc.
1639	Alaska Salmon Bake	Restaurant/Eating Place-Seasonal	2300 Airport Way	Malemute Inc.
3969	Boomtown Grill and Bar	Beverage Dispensary	537 Gaffney Road, Ste. #1	JSR Inc.
3997	BPO Elks Lodge #1551	Club	1003 Pioneer Road	BPO Elks Lodge #1551
4232	Kodiak Jack's	Beverage Dispensary	537 Gaffney Road	JSR Inc.
4247	Brewster's	Beverage Dispensary	3578 Airport Way	Restaurant Concepts LLC
4395	Boston's	Beverage Dispensary	1243 Old Steese Hwy	Goethe LLC
4819	The Antler Room	Beverage Dispensary	1003 Pioneer Rd #A	The Antler Room Inc.
4846	Wal-Mart Supercenter #2722	Package Store	537 Johansen Expressway	Wal-Mart Stores Inc.
4941	Seoul Gate Restaurant	Restaurant/Eating Place	958 Cowles Street	Chong Pak

**Mr. Matherly**, seconded by **Mr. Hilling**, moved to WAIVE PROTEST on the Liquor License Applications for Renewal.

**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 APPLICATIONS FOR RENEWAL AS FOLLOWS:

YEAS: Hilling, Anderson, Walley, Staley, Matherly, Gatewood

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

- d) The Fairbanks City Council convened as a Board of Adjustment to consider scheduling the appeal and possible appointment of a hearing office in the matter of the following decision of the Fairbanks North Star Borough Planning Commission:

A request by Kal Kennedy for an additional lot size variance to the Multiple-family (MF) Residential zone minimum lot size requirement of 90,000 square feet to allow for a 69,606 square foot lot on Lots 1A, 1B & 1C, Block 04 of Executive Park Subdivision.

City Attorney Ewers clarified that the appeal is not being heard at this time. He stated that there are still a number of steps to be taken before the appeal will be ready for a hearing. He explained that the scheduling of the appeal is on the agenda because: (1) the Council should know in advance who the appellant is in order to avoid ex-parte contact; and (2) the Council may choose to appoint a hearing officer to hear the appeal instead of sitting as a Board of Adjustment.

**Mr. Matherly** stated that he does not recall the Council appointing a hearing officer during his time as a Council Member. He asked if there is a benefit to appointing a hearing officer.

Mr. Ewers stated that the most recent trend of the Council has been to hear the appeal. He stated that the Council may decide to appoint a hearing officer in some cases that are particularly lengthy or technical in nature.

**Mr. Hilling**, seconded by **Ms. Staley**, moved to SCHEDULE the APPEAL to be heard by the City Council.

Mr. Ewers indicated that the appeal would likely be ready for a hearing within 60 days.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SCHEDULE THE APPEAL TO BE HEARD BY THE CITY COUNCIL AS FOLLOWS:

YEAS: Anderson, Gatewood, Staley, Hilling, Matherly, Walley

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

- e) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the following Appeal of Denied Application for a New Chauffeur License:

Applicant: Carey C. Noble

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

**Mayor Eberhart** called for Public Testimony.

Carey Noble, 2431 Loomis Drive, North Pole – Mr. Noble stated that he was denied a Chauffeur License because of a confrontation he had with an Airport Police Officer which resulted in a “resisting arrest by force” conviction. He explained that he was handcuffed at the time of the altercation and was trying not to allow the officer to retrieve his wallet from his back pocket. He claimed that the officer had no grounds for initially making the traffic stop. Mr. Noble stated that he works as a window cleaner during the summer and drives a cab during the winter months.

**Mr. Hilling** asked Mr. Noble if he had any other convictions of any type within the last eight years.

Mr. Noble replied that he did not.

**Mr. Gatewood** stated that Mr. Noble’s statements indicate that he did not understand the charges against him. He asked Mr. Noble if he attended the court trial when his case was heard.

Mr. Noble replied affirmatively. He stated that the original charge against him was “assault on a police officer” but was reduced to the lesser charge. He explained that on the day he was stopped by the officer, he was headed to pick up a friend. He stated that the officer was in training at the time. Mr. Noble stated that the senior officer, Officer Martinez, witnessed the event and could speak on his behalf if contacted.

**Mr. Anderson** pointed out that Mr. Noble pled guilty to the “resisting arrest by force” charge in court. He asked Mr. Noble if he felt he was guilty of the offense.

Mr. Noble replied that he did not feel he was guilty because he was handcuffed at the time.

**Mr. Gatewood** asked Mr. Noble how he knew it was a rookie officer at the time of the stop.

Mr. Noble replied that he knows most of the Airport Police because of his history as a cab driver.

**Mr. Gatewood** asked Mr. Noble why he did not bring Officer Martinez with him as a witness.

Mr. Noble stated that he did not think of asking Officer Martinez to attend the appeal and indicated that he is not familiar enough with the appeal process to know better.

**Mr. Gatewood** stated that the appropriate time to ask questions about the appeal process would have been at the time the appeal was filed with the Clerk’s Office.

**Mayor Eberhart** clarified that under City Code, a misdemeanor conviction of this type would bar an applicant from obtaining a Chauffeur License for four years, not eight.

**Mr. Hilling** stated that he is inclined to vote in favor of granting Mr. Noble's appeal on the grounds that his criminal record has been fairly clean for the past eight years with the exception of the resisting arrest conviction.

**Mr. Gatewood** indicated that he does not feel inclined to vote in favor of the appellant because he feels that Mr. Noble could have done more to present his case by bringing witnesses to testify on his behalf. He stated that he would have liked to have heard both sides of the story.

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

YEAS: Anderson, Hilling  
NAYS: Gatewood, Walley, Matherly, Staley  
**Mayor Eberhart** declared the MOTION FAILED.

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

**Mayor Eberhart** stated there is some good news in the community with the City's Permanent Fund balance reaching \$114.2 million and the news that Fort Wainwright will be bringing in 300-400 new soldiers. He announced that additional funding for the Chief Andrew Isaac Health Center (CAIHC) will bring about 170 new health care jobs to the community. **Mayor Eberhart** stated that the City Building Department brought in \$50,000 more in building permit revenues than was originally anticipated for 2013. He stated that the decision will soon be made by the Air Force as to whether Eielson Air Force Base (EAFB) will make the short list to base F-35 fighter jets. **Mayor Eberhart** shared that the natural gas trucking project continues to progress and stated that the Interior Alaska Natural Gas Utility (IANGU) Board has chosen a company called MWH Americas, Inc. to manage the project. He spoke to the various meetings he has attended at the City and throughout the community since the last Council Meeting. **Mayor Eberhart** mentioned that he also attended the memorial service for his friend and colleague Patrick Cole and stated that the event was a wonderful tribute to Mr. Cole. He announced that Congressman Don Young would be visiting City Hall the following day to discuss bills affecting the Fairbanks community. **Mayor Eberhart** referenced an email he sent to Borough Mayor Hopkins regarding the possible changes to the makeup of the Joint Commission on Historic Preservation. He stated that the draft of the Borough ordinance precludes the City from making appointments to the commission. He stated that he does not want to see that type of change made to the commission and that he is awaiting a response from Mayor Hopkins. He thanked those members of the community who have applied to serve on a City Board or Commission. **Mayor Eberhart** spoke to the day being a time to honor Dr. Martin Luther King, Jr. who preached and used non-violent methods to try to reduce poverty, racism and discrimination. He stated that Dr. King's March on Washington helped lead to the Civil Rights Act of 1964 and the Voting Rights Act of 1965. **Mayor Eberhart** spoke to Dr. King's idea of achieving a "beloved community" where people of all diversities and backgrounds unite and work together.



## NEW BUSINESS

- a) Resolution No. 4606 – A Resolution Adding a Capital Request Project to the City's Priorities for the State 2014-15 Fiscal Year. Introduced by Mayor Eberhart.

**Mr. Anderson**, seconded by **Ms. Staley**, moved to APPROVE Resolution No. 4606.

**Mr. Gatewood** asked why the capital request is being added at this time.

**Mayor Eberhart** stated that there was a lot of discussion on the expansion of the Emergency Service Patrol (ESP) but that the idea of asking the state legislature for capital funding for the expansion did not occur to him until later. He stated that there was a discussion at the last Public Safety Commission (PSC) meeting about the issue and that Commission Chair Peter Stern suggested that the City look into requesting the capital funding for the expansion. He stated that it is up to the Council to decide if the request should be sent and how to rank the priority if it is submitted.

**Mr. Anderson**, seconded by **Mr. Hilling**, moved to AMEND Resolution No. 4606 by ranking the City's ESP capital funding request at number eight.

**Mr. Gatewood** stated that there may have been hesitation to second the ranking motion because of the low rank of number eight. He stated that the Council may want to consider ranking the request at higher priority on the list.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESOLUTION NO. 4606 BY RANKING THE CITY'S ESP CAPITAL FUNDING REQUEST AT NUMBER EIGHT AS FOLLOWS:

YEAS: Walley, Matherly, Gatewood, Hilling, Anderson, Staley

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

Council Members discussed the priorities of the City's capital requests. They spoke about how some legislators may choose which projects to fund based on ranking while some may choose based on dollar amounts or preference.

**Mr. Anderson** spoke to his hope of getting the community more involved to raise funds for the ESP.

**Mr. Hilling** recalled Police Chief Zager's comments at a prior Council Meeting indicating that the City is not currently dedicating sufficient funds to the service patrol project.

**Mr. Hilling**, seconded by **Ms. Staley**, moved to AMEND Resolution No. 4606, as Amended, by re-ranking the ESP funding request to number one.

**Mr. Walley** pointed out that the additional \$75,000 the City agreed to give to the ESP in 2014 is contingent upon another local government entity funding match for the project. He indicated that he would like to see an increase to the capital request dollar amount.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESOLUTION NO. 4606, AS AMENDED, BY RE-RANKING THE ESP FUNDING REQUEST TO ITEM NUMBER ONE AS FOLLOWS:

YEAS: Staley, Matherly, Hilling, Anderson, Walley

NAYS: Gatewood

**Mayor Eberhart** declared the MOTION CARRIED.

**Mr. Walley**, seconded by **Ms. Staley**, moved to AMEND Resolution No. 4606, as Amended, by increasing the ESP capital funding request from \$150,000 to \$250,000.

**Mr. Walley** stated that there are many variables involved with the ESP funding. He spoke to his fear is that the Borough may fail to approve an ESP funding match and that there will not be enough community donations to fund the expansion of the ESP. He indicated that if those things happen the project may either fail or be completely reliant on City funding.

**Mr. Matherly** asked who proposed the original \$150,000 request in Resolution No. 4606, as Amended. He asked Mayor Eberhart to speak to his thoughts on increasing the dollar amount of the capital request. He commented that the total dollar amounts of the capital requests are already high.

**Mayor Eberhart** stated that he proposed a request of \$150,000 because it is twice the amount of the \$75,000 the City agreed to dedicate to the ESP expansion contingent upon a match. He stated that Mr. van den Berg with the Downtown Association has estimated that it will cost about \$380,000 to operate the Community Service Patrol (CSP) City-wide, 16 hours a day, seven days a week. He stated that he hopes to meet with the City's lobbyists soon to discuss the requests.

**Mr. Gatewood** indicated that he is skeptical of the \$380,000 estimate to operate the CSP. He stated that the Council should ask for only what is needed in the capital request.

**Mayor Eberhart** stated that \$250,000 may be a good number to request because of the \$130,000 the CSP receives each year in donations.

**Ms. Staley** expressed concern with the contribution match from the Borough. She stated that as time goes by it seems less likely that the Borough will agree to the funding match. She spoke in support of increasing the dollar amount of the request.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESOLUTION NO. 4606, AS AMENDED, BY INCREASING THE ESP CAPITAL FUNDING REQUEST FROM \$150,000 TO \$250,000 AS FOLLOWS:

YEAS: Anderson, Walley, Staley, Matherly, Gatewood

NAYS: Hilling

**Mayor Eberhart** declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4606, AS AMENDED, AS FOLLOWS:

YEAS: Matherly, Hilling, Walley, Staley, Gatewood, Anderson

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED and Resolution No. 4606, as Amended, APPROVED.

- b) Resolution No. 4607 – A Resolution Accepting Agreements for Mutual Aid in Fire Protection and Emergency Medical Services. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4608 – A Resolution Authorizing the Mayor to Negotiate Mutual Aid and Cooperative Agreements for Fire Aid. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Resolution No. 4609 – A Resolution Recognizing a Day of Service in Honor of Dr. Martin Luther King, Jr. Introduced by Mayor Eberhart.

**Mr. Anderson**, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4609.

**Mr. Hilling** expressed appreciation for the public testimony on Resolution No. 4609. He spoke to the problems associated with trying to make Dr. Martin Luther King, Jr. Day an observed City holiday. He stated his belief that making the holiday a day of service for City employees would be more effective and would have more impact on the community.

**Mr. Hilling**, seconded by **Mr. Gatewood**, moved to AMEND Resolution No. 4609 by adding the language, “and his principle of justice for all” at the end of the first sentence in the fifth paragraph.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESOLUTION NO. 4609 BY ADDING THE LANGUAGE, “AND HIS PRINCIPLE OF JUSTICE FOR ALL” AT THE END OF THE FIRST SENTENCE IN THE FIFTH PARAGRAPH AS FOLLOWS:

YEAS: Gatewood, Walley, Anderson, Matherly, Staley, Hilling

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

**Mr. Matherly** expressed hope that City employees use Dr. Martin Luther King, Jr. Day to model community service in Fairbanks. He stated that service in the community should happen throughout the year, not just on the holiday.

**Mr. Gatewood** stated that he fully supports Resolution No. 4609, as Amended. He recommended that the City be cautious to put guidelines in place in order to carry out the true purpose of community service.

**Mr. Hilling** stated that his only hesitation with Resolution No. 4609, as Amended, is the money the City will lose by allowing employees to perform community service during the work day. He asked Mayor Eberhart how many hours of the work day he intends to allow City employees to perform community service.

**Mayor Eberhart** stated that if Resolution No. 4609, as Amended, is approved the City will need to come up with some guidelines for community service. He indicated that there will be parameters and supervision in place for the program. He stated that there is no standard number of hours that will be set because of the varying types of community service. **Mayor Eberhart** stated that he would like to see the City observe Dr. Martin Luther King, Jr. Day as a true holiday for City employees. He commented that he does not have the authority to make such a change since it would affect various union labor contracts.

**Mr. Hilling** asked how much implementing the day of service would cost the City.

**Mayor Eberhart** stated that if the City observed Dr. Martin Luther King, Jr. Day as a paid holiday it would cost \$83,626. He stated that observing the day as an optional day of service is already budgeted as a normal work day. He commented that he does not equate the day of service to a dollar amount because it would be a tradeoff for volunteering good work in the community.

**Mr. Hilling** asked if employees would be permitted to perform community service during the work day on other days of the year if they were unable to do so on Dr. Martin Luther King, Jr. Day.

**Mayor Eberhart** replied that it is conceivable that alternate days may be permitted if necessary.

**Mr. Gatewood** stated that he envisions the day of service being only on Dr. Martin Luther King, Jr. Day. He commented that hours of service will likely be dependent on the number of employees within each department and the type of community service being performed. He indicated that it may be unfair to try to place a dollar figure on the City's cost to support the day of service.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4609, AS AMENDED, AS FOLLOWS:

YEAS: Anderson, Gatewood, Staley, Hilling, Matherly, Walley

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED and Resolution No. 4609, as Amended, APPROVED.

- e) Hand-carried Resolution No. 4610 – A Resolution Urging the Secretary of the United States Air Force, the Chief of Staff of the United States Air Force, and the Commander of



the Pacific Air Forces to Base F-35 Aircraft Assigned to the Pacific Air Forces at Eielson Air Force Base. Introduced by Mayor Eberhart.

**Mr. Anderson**, seconded by **Mr. Hilling**, moved to APPROVE Resolution No. 4610.

**Mayor Eberhart** stated that he attended a Tiger Team meeting held at the Borough on January 17. He stated that Borough Mayor Hopkins had just returned from visiting the Luke Air Force Base in Arizona where they are planning to base F-35's. He stated that at the meeting he learned that the short list of locations to base F-35's will be released this week. **Mayor Eberhart** commented that basing F-35's at Eielson Air Force Base would offer future security for the community. He encouraged the approval of Resolution No. 4610.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4610 AS FOLLOWS:

YEAS: Matherly, Hilling, Walley, Staley, Gatewood, Anderson

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED and Resolution No. 4610 APPROVED.

## **DISCUSSION ITEMS**

### Committee Reports

Permanent Fund Review Board – **Mr. Gatewood** stated that the Board met for a work session earlier in the day. He distributed a report prepared by Chief Financial Officer Jim Soileau listing year-by-year transactions of the Permanent Fund from 1997 through 2013. **Mr. Gatewood** pointed out that at the end of 2013, the Fund balance was \$113.4 million and that as of January 16, 2014 the balance had risen to \$114.2 million. He directed the Council to the back page of the handout that outlined the drawdown schedule for the Fund. **Mr. Gatewood** gave a brief summary of the major changes to the Fund over the past 6 – 7 years.

2014 Arctic Winter Games – **Ms. Staley** stated that she is serving on the 2014 Arctic Winter Games Board and is co-chairing the PR Committee for the games with Amber Courtney, the City's Executive Communications Director/PIO. She announced that the events will start on March 15 and will continue through March 22. **Ms. Staley** stated that the games will make a significant positive impact on the community. She encouraged everyone to get involved with the Arctic Winter Games. She stated that the next meetings of the Golden Heart Parking Services Board and the Public Safety Commission will not be until February.

FMATS Policy Committee – **Mr. Walley** asked Mayor Eberhart to speak to the last meeting of the Policy Committee since he was unable to attend.

**Mayor Eberhart** stated that since the permit with the Alaska Railroad to build a pedestrian/bike path was approved FMATS will move forward with that project.

## COMMUNICATIONS TO COUNCIL

- a) Hotel/Motel Discretionary Fund Meeting Minutes of December 13, 2013

ACCEPTED on the CONSENT AGENDA

- a) Appointment to the Factfinding Commission

APPROVED on the CONSENT AGENDA

- a) Recommendation for Appointment to the FNSB Planning Commission

APPROVED on the CONSENT AGENDA

## COUNCIL MEMBERS' COMMENTS

**Mr. Anderson** stated that he had no comments.

**Mr. Hilling** addressed the medical marijuana issue stating that those in authority should not deny suffering individuals the medicine they may need. He expressed his support for opening a medical marijuana dispensary. He spoke to the problem with state law that allows for the use of the drug for medical purposes but prohibits individuals from obtaining it. **Mr. Hilling** stated that he plans to introduce a resolution in support of a medical marijuana dispensary. He thanked the public for their respective comments during Public Testimony. **Mr. Hilling** stated that in doing research on the names of city halls throughout the country, he found that typically a City Hall is named after its city. He stated that while he supports the renaming of the City Hall building to Patrick B. Cole, he does not believe it is appropriate to call it Patrick B. Cole City Hall. He stated that he lost his phone connection during the last Council Meeting when the issue was being discussed. **Mr. Hilling** spoke to his role as a Council Member and to the importance of abiding by the rules of order at City Council meetings. He thanked Mayor Eberhart for his aggressive approach to the issues at Eielson Air Force Base and to other City matters. He also thanked former Mayor Cleworth for his active role in the issues that faced Eielson.

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

**Mr. Gatewood** gave a "shout out" to local students. He spoke to his partiality for high school athletics and stated that Lathrop High School hosted a tournament over the weekend and invited teams. He stated that Monroe High School won the Diamond Tournament the weekend before in Anchorage where they played West Valley High School in the championship game. He stated that the students' performance made him proud to be from Fairbanks. **Mr. Gatewood** encouraged everyone to support local youth by attending local events.

**Mr. Walley** stated that it is good to be home from vacation and spoke to the high taxes of some of the other U.S. states. He expressed thanks to the Council for excusing him in his absence.

**Ms. Staley** stated that she is also glad to be back in Fairbanks. She thanked Mayor Eberhart for introducing Resolution No. 4606, as Amended.

**CITY ATTORNEY'S REPORT**

City Attorney Ewers requested that the Gavora Inc. vs. City of Fairbanks case be the first item of discussion in Executive Session since it would be very brief.

**Mr. Anderson**, seconded by **Mr. Hilling**, moved to go into Executive Session for the purpose of discussing the IBEW, PSEA and FFU Labor Contract Negotiations and the Gavora Inc. vs. City of Fairbanks lawsuit.

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

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

**EXECUTIVE SESSION**

- a) Labor Contract Negotiations – IBEW, PSEA and FFU
- b) Gavora Inc. vs. City of Fairbanks


**Mr. Gatewood** stated that the City Council met in Executive Session to discuss IBEW, PSEA and FFU Labor Contract Negotiations and the Gavora Inc. vs. City of Fairbanks lawsuit. He stated that direction was given to staff and no action was taken.

**ADJOURNMENT**

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

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

**Mayor Eberhart** declared the Meeting adjourned at 11:20 P.M.

  
*John O. Weber for Mayor Eberhart*  
*Chief of Staff*  
\_\_\_\_\_  
JOHN EBERHART, MAYOR

ATTEST:

  
\_\_\_\_\_  
JANEY HOVENDEN, MMC, CITY CLERK

Transcribed by: DS