



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, FEBRUARY 10, 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 6:00 p.m. Work Session with Fairbanks Metropolitan Area Transportation System (FMATS), 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:                        Paul Ewers, City Attorney  
                                         Janey Hovenden, City Clerk  
                                         Jim Williams, Chief of Staff  
                                         Ryan Rickels, IT Director  
                                         Tony C. Shumate, Director Personnel/Purchasing/RM  
                                         Laren Zager, Police Chief

**INVOCATION**

The Invocation was given by City Clerk Janey Hovenden.

**FLAG SALUTATION**

**Mayor Eberhart** led the Flag Salutation.

**CITIZEN'S COMMENTS**

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that in 2000 he and John Shackley requested that a resolution be introduced recognizing Dr. Martin Luther King, Jr. He stated that prior to that, former Mayor Hayes introduced legislation in Dr. King's honor. He indicated that one of the resolutions was approved and one was not. Mr. Turney expressed appreciation to Council Member Hilling for having introduced Resolution No. 4613 pertaining to medical marijuana. He spoke to numerous studies and articles indicating that children may benefit by using the drug for various ailments and suggested a change to the resolution that would allow children to legally obtain the drug for medical purposes. Mr. Turney spoke to Marinol, a synthetic marijuana that is used to treat cancer patients. Mr. Turney recognized Mr. Fred Knutson for his service to the Fairbanks community.

Mystiek Lockery, 1870 Dawson Road, North Pole – Ms. Lockery stated her support for Resolution No. 4613 and spoke to various medical benefits that the drug offers. She indicated that adults and children can benefit from medical marijuana use. She reported a story about a child who suffered from uncontrollable tantrums and stated that the child's fits were greatly reduced by smoking marijuana. Ms. Lockery stated that in some cases medical marijuana has not only stopped certain types of cancers from growing but has begun to kill cancer cells. She stated that medical marijuana is less harmful and has fewer side effects than many other pharmaceuticals.

**Mr. Matherly** asked Ms. Lockery if the child who smoked marijuana to help with tantrums was cured by the drug.

Ms. Lockery stated that the child was not fully cured but indicated that it helped improve the child's quality of life. She stated that even if the child had to smoke a joint every day for the rest of their life, the drug would not physically harm them.

**Mr. Matherly** questioned the harmful effects of inhaling the drug.

Ms. Lockery stated that studies have shown that the only effect on the lungs from smoking marijuana is pre-cancerous lesions in the main bronchial tube. She stated that even that side effect can be eliminated if the drug is first vaporized then inhaled. Ms. Lockery spoke in favor of Mr. Turney's suggested amendment.

**Mr. Hilling** asked Ms. Lockery to speak to the difference between a doctor's authority to prescribe or recommend the drug according to state law.

Ms. Lockery stated that she spoke with a doctor who gave recommendations for marijuana. She stated that the doctor informed her that in Alaska, doctors cannot legally prescribe marijuana but can only medically recommend its use.

**Mr. Hilling** asked Ms. Lockery if there was any immediate urgency for the approval of Resolution No. 4613 in relation to the efforts to introduce the proposition to voters in the fall.

Ms. Lockery indicated that the sooner the resolution is passed, the better it will be. She offered a suggestion in writing to Mr. Hilling for a possible amendment.

Amy Geiger, 4400 Stanford Drive, Fairbanks – Ms. Geiger, on behalf of the Fairbanks Convention and Visitors Bureau (FCVB), introduced and distributed the 2014 Explore Fairbanks Visitor's Guide. She credited the work in creating the guide to FCVB's photographer, designers and staff. She pointed out new elements, improvements and changes to the guide. She spoke to the uniqueness of the Fairbanks community and to how local residents sometimes take living here for granted.

**Mayor Eberhart** commented that the pamphlet looks great. He asked Ms. Geiger to pass on thanks to FCVB for allowing the City to use some of their photographs on the City website.

Floyd Terry, PO Box 73514, Fairbanks – Mr. Terry stated that there should be a proclamation or some sort of recognition given to all the local fire departments that participated in fighting the recent fire at a Fairbanks apartment complex. He commended a neighboring business, Krazee Zeek's, for providing temporary shelter for the victims at the time of the disaster. He suggested that there be recognition by the City Council for not only the fire departments but also Krazee Zeek's and the Red Cross. Mr. Terry spoke to his dream of having a skating rink in the Fairbanks area. He stated that he would like to hold a community meeting to see how much local interest there is in a roller skating rink. He asked members of the public to mail him a letter if they are interested in the idea. Mr. Terry stated that a roller skating rink is needed in the community to get kids off of the streets and away from drugs.

Donna Gilbert, 2223 South Cushman Street, Fairbanks – Ms. Gilbert stated that Mayor Eberhart's campaign opened a "can of worms" with Alaska Public Offices Commission (APOC) shortly before the 2013 election. She stated that the issue involved a corporation that she holds stock in and another mayoral candidate, Vivian Stiver. Ms. Gilbert stated that she did not complain and was more than willing to pay the price if a mistake was made. She indicated that the APOC complaint may have cost Ms. Stiver the election. Ms. Gilbert accused Mr. Eberhart's attorney, Mike Walleri, of making disparaging comments and spreading rumors about not only her but also Mr. Dennis Wise. She stated that she will not allow the defamation to go unaddressed. Ms. Gilbert stated that she has remained silent until now because of Mayor Eberhart's recent inauguration and because of other sensitive issues that have been before the Council recently such as the resolution regarding Dr. Martin Luther King, Jr. She expressed her intent to itemize all of Mayor Eberhart's campaign contributions and bring them to light. She suggested that some organizations should not have contributed to Mayor Eberhart's campaign due to a possible conflict of interest. She spoke to the use by Mayor Eberhart of his former employer's time and equipment and suggested that it may have been a violation of APOC regulations. Ms. Gilbert questioned the process by which the City's new Chief of Staff was appointed. She stated that she is not accusing Mayor Eberhart of having violated any laws or regulations but clarified that there is certainly an appearance of such.

Sean Reilly, 1507 21st Avenue, Fairbanks – Mr. Reilly stated that he feels compelled to speak to Resolution No. 4613 and that there may have been a lot of misinformation provided on the topic of medical marijuana. He commented that previous speakers did not present any evidence that medical marijuana can help individuals with autism, particularly children. Mr. Reilly stated that he has a son with autism and strongly cautioned the Council not to amend the resolution to include the recommended use of the drug by children. He explained that a child's lungs, brain and other major organs are very immature compared to those of an adult. He pointed out that children are not legally able to make decisions for themselves.

**Mr. Hilling** asked Mr. Reilly if he could produce facts to support his belief that marijuana may be harmful to children due to their physical immaturity.

Mr. Reilly suggested that Mr. Hilling explore autism websites such as [www.autismspeaks.org](http://www.autismspeaks.org) or [www.nationalautismassociation.org](http://www.nationalautismassociation.org). He stated that he did not come to the meeting prepared or with the intent to speak to Resolution No. 4613. He stated that while his 9-year-old son suffers from verbal and physical issues he believes that "drugging him up" would be unbecoming and would not be best for the child.

Bill Robertson, 3270 Sunstead Avenue, Fairbanks – Mr. Robertson spoke to Ordinance No. 5936 pertaining to the Clay Street Cemetery Commission and stated that he serves as the Commission’s Chair. He expressed concern with finding qualified individuals to serve on the Commission if the requirements state that they must be residents of the City. He suggested that the size of the Commission be increased from five members to seven members and stated that the positions could remain vacant until a special need arose. He stated that the Commission has received large contributions through grant organizations to place new headstones throughout the cemetery. Mr. Robertson reported that there is an increasing number of youth visiting the cemetery who enjoy listening to the stories behind the individuals buried there.

**Ms. Staley** asked Mr. Robertson how difficult it is to find new members to join the Commission.

Mr. Robertson replied that it may require a little arm twisting but joked that he is good at that. He stated that he also noticed in Ordinance No. 5936 that the Commission is required to file minutes with the City Clerk to be approved by the City Council. He added that the Commission is already doing that.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger referenced an article in the Fairbanks Daily News Miner on February 2, 2014 that indicated that good customer service starts with the restroom. He commented that tourists could be considered “customers” of Fairbanks and should be treated as such. Mr. Buberger stated that he has seen individuals publically relieve themselves in Fairbanks. He spoke to the lack of public restrooms in Fairbanks and stated that maybe the City should ask FCVB to advertise that we are a City without public restrooms. He commented that the City’s newly-constructed roundabouts pale in comparison to some he has seen in other countries.

Mr. Matherly had to leave the meeting due to a family emergency.

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

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

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

**Mr. Hilling** pulled Resolution No. 4613 and Ordinance No. 5936 from the Consent Agenda.

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

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

### **MAYOR’S COMMENTS AND REPORT**

**Mayor Eberhart** stated that when he came into office there were a number of existing and upcoming vacancies on City Boards and Commissions. He stated that the current City Code

pertaining to the Clay Street Cemetery Commission states that all members of the Commission must be City residents. He recognized that not all current members of the Commission meet that requirement and that the City Clerk's Office has suggested that the ordinance be amended to allow some members to live outside the City limits. He mentioned that since there have been times that the minutes from the Clay Street Cemetery Commission have not been submitted to the City in a timely manner, the Clerk's Office may also be able to assist the Commission with those types of administrative duties. **Mayor Eberhart** stated that he had not considered expanding the Commission and indicated that it may be difficult to try to find more citizens to serve. He asked Mr. Robertson if there was anything else he would like him to address.

Mr. Robertson stated that it may be helpful to the Commission if the membership could be expanded by two members. He added that the two additional seats might only be filled as needed for special projects on a temporary basis.

**Mayor Eberhart** pointed out that if the size of the Commission grows, the minimum number of members for a quorum also goes up. He suggested that another option may be to form a subcommittee or ask for citizens in the community to volunteer their time to help with special projects. **Mayor Eberhart** stated that there are no City Boards or Commissions that have part-time members.

Mr. Robertson stated that the Commission plans to have a website available to the public with all the names of the individuals buried at the Clay Street Cemetery. He stated that the website will also have photos of all the monuments at the cemetery.

**Mayor Eberhart** read aloud a Proclamation recognizing Fred Knutson as an outstanding citizen for his service to the Fairbanks community. **Mayor Eberhart** stated that February is Black History Month in the U.S. and Canada and gave a brief explanation of how it came to be celebrated. He stated that the first celebration of Black History Month was in 1970 at Kent State University and that it became a nationally-recognized celebration under President Ford in 1976. **Mayor Eberhart** thanked City Clerk Hovenden for the quarterly report. He welcomed new Chief of Staff, Jim Williams, and stated that Mr. Williams is an Air Force veteran and was most recently employed by Tanana Chief's Conference as the IT Director and CIO. **Mayor Eberhart** briefed the Council on the numerous meetings he has attended since the last Regular City Council Meeting. He stated that he was fortunate enough to have participated as a guest in the official start of the Yukon Quest. He stated that the Fairbanks Memorial Hospital will need a resolution from the City of Fairbanks to conduct an \$81 million expansion in 2015. He shared that he and the Chief of Staff will begin meeting with Department Heads to discuss executive summaries and to explore ways to become more efficient and reduce costs. **Mayor Eberhart** stated that his administration is also looking into the possibility of starting an Employee Assistance Program at the City. He stated that he and Department Heads recently attended an Emergency Operations Plan (EOP) meeting to discuss and to continue developing a hazard mitigation plan and a Continuity of Operations Plan (COOP) for the City. **Mayor Eberhart** stated that he and Ms. Staley will be flying to Juneau the following day to meet with the Interior Delegation and lobbyists concerning the City's capital requests. He announced that the Fairbanks North Star Borough (FNSB) Assembly would be considering a budget amendment at their next meeting to appropriate \$25,000 in funding to the Community Service Patrol (CSP).

## NEW BUSINESS

- a) Resolution No. 4611 – A Resolution Amending the Schedule of Fees and Charges for Services by Adjusting Refuse Collection Rates and Certain Occupational License Application Fees. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4612 – A Resolution Awarding a Contract to NC Machinery for a Self-Contained Snow Blower in the Amount of \$436,040.00. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4613 – A Resolution Pleading with the Alaska Governor and Legislature to Restore the Rights of Sufferers to Obtain Medical Marijuana, with Prescription and without Prejudice. Introduced by Council Member Hilling.

**Mr. Hilling**, seconded by **Mr. Anderson**, moved to APPROVE Resolution No. 4613.

**Mr. Hilling** stated that the issues brought up during Public Testimony may be reason to postpone Resolution No. 4613. He stated that he would like Ms. Lockery to supply him with documentation to support her claim that marijuana can be beneficial to children with certain types of ailments. **Mr. Hilling** expressed appreciation to Mr. Reilly for speaking for the other side of the issue. He stated that he has always believed that marijuana should not be used by children but indicated that he would keep an open mind. He discussed the difference between using the word prescription versus recommendation and welcomed input from the City Attorney and fellow Council Members.

**Mr. Gatewood** stated that if it is true that doctors cannot actually prescribe marijuana to patients, it would be misleading to leave the term “prescription” in Resolution No. 4613. He spoke to the fourth whereas where it refers to “enormous suffering” and asked if there is a quantification associated with the term.

**Mr. Hilling** agreed that the term “prescription” should not be used unless it is allowable under Alaska statute. He stated that there is certainly enormous suffering in the world and spoke to his belief that marijuana may help alleviate some of that suffering.

**Ms. Staley** asked if anyone has thought about bringing in a medical professional to speak to the issue.

**Mr. Hilling** thanked Ms. Staley for her suggestion and stated that it may be beneficial to hear from two medical professionals who speak from opposing sides of the medical marijuana issue.

**Mr. Hilling**, seconded by **Mr. Anderson**, moved to POSTPONE Resolution No. 4613 to the Regular Meeting of February 24, 2014.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE RESOLUTION NO. 4613 TO THE REGULAR MEETING OF FEBRUARY 24, 2014 AS FOLLOWS:

YEAS: Hilling, Walley, Staley, Gatewood, Anderson

NAYS: None

ABSENT: Matherly

**Mayor Eberhart** declared the MOTION CARRIED.

- d) Ordinance No. 5936 – An Ordinance Amending FGC Sections 2-486 and 2-487 Regarding the Clay Street Cemetery Commission. Introduced by Mayor Eberhart.

**Mr. Gatewood**, seconded by **Ms. Staley**, moved to ADVANCE Ordinance No. 5936 to the Regular City Council Meeting of February 24, 2014.

**Mr. Hilling** stated that he took Mr. Robertson's testimony regarding the membership makeup of the Clay Street Cemetery Commission to heart.

**Mr. Hilling**, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 5936 by increasing the membership from five to seven members.

**Ms. Staley** commented that since the Golden Heart Parking Services Board increased its membership to seven members, it has been more difficult to gather a quorum to hold a meeting.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5936 BY INCREASING THE MEMBERSHIP FROM FIVE TO SEVEN MEMBERS AS FOLLOWS:

YEAS: Staley, Gatewood, Hilling, Anderson, Walley

NAYS: None

ABSENT: Matherly

**Mayor Eberhart** declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 5936, AS AMENDED, TO THE REGULAR MEETING OF FEBRUARY 24, 2014 AS FOLLOWS:

YEAS: Walley, Gatewood, Hilling, Anderson, Staley

NAYS: None

ABSENT: Matherly

**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 5936, as Amended, ADVANCED.

## **DISCUSSION ITEMS**

Committee Reports

Golden Heart Parking Services Board – Ms. Staley stated that the Board has not met yet in 2014 and shared that the body has changed its meeting schedule to bi-monthly. She reminded everyone that tickets are on sale for the Arctic Winter Games and stated that the event has gathered about 2,600 volunteers.

### COMMUNICATIONS TO COUNCIL

- a) Permanent Fund Review Board Meeting Minutes of October 23, 2013.

ACCEPTED on the CONSENT AGENDA.

- b) Appointment to the Landscape Review and Appeals Commission.

APPROVED on the CONSENT AGENDA.

### COUNCIL MEMBERS' COMMENTS

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

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

**Ms. Staley** thanked Mr. Anderson for agreeing to substitute for her at the next Borough Assembly meeting. She expressed appreciation for the informative Work Session with FMATS. **Ms. Staley** requested to be excused from the Regular City Council Meeting of March 24, 2014.

**Mayor Eberhart** called for objection to Ms. Staley's request to be excused on March 24, 2014 and hearing none, so ORDERED.

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

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

**Mr. Anderson**, seconded by **Ms. Staley**, moved to go into Executive Session for the purpose of discussing IBEW and PSEA Labor Contract Negotiations.

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

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

### EXECUTIVE SESSION

- a) Labor Contract Negotiations – IBEW and PSEA

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

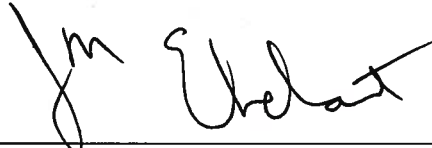


**ADJOURNMENT**

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

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

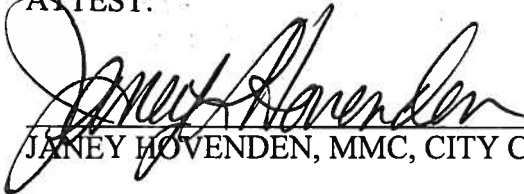
**Mayor Eberhart** declared the meeting adjourned at 9:30 P.M.



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JOHN EBERHART, MAYOR

ATTEST:



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JANEY HOVENDEN, MMC, CITY CLERK

Transcribed by: DS