



# CITY OF NORTH POLE *Alaska*

## **REGULAR CITY COUNCIL MEETING** **Monday, February 2, 2015**

**Committee of the Whole – 6:30 p.m.**  
**Regular City Council Meeting – 7:00 p.m.**

**MAYOR**

Bryce Ward 888-4444

**CITY CLERK**

Kathy Weber, MMC 488-8583

**COUNCIL MEMBERS**

Michael Welch- <i>Mayor Pro Tem</i>	488-5834
Thomas McGhee- <i>Deputy Mayor Pro Tem</i>	455-0010
Preston Smith – <i>Alt. Deputy Mayor Pro Tem</i>	488-8824
Elizabeth Holm	488-6125
Sharron Hunter	978-5591
Kevin McCarthy	590-0800

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance to the US Flag -**
3. **Invocation**
4. **Approval of the Agenda**
5. **Approval of the Minutes**
6. **Communications from the Mayor**
7. **Council Member Questions of the Mayor**
8. **Communications from Department Heads, Borough Representative and the City Clerk**

## **9. Ongoing Projects Report**

## **10. Citizens Comments (Limited to Five (5) minutes per Citizen)**

## **11. Old Business**

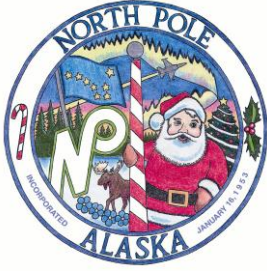
## **12. New Business**

- a. Approval of SDEU Dodge Pickup sale
- b. Ordinance 15-01, An Ordinance of the City of North Pole, Alaska to Amend Chapter 8.04 Nuisances and Add Section 8.04.05 to prohibit the extraction of marijuana oils within city limits
- c. Ordinance 15-02, an ordinance of the City of North Pole, Alaska to amend title 12 Streets, Sidewalks and Public Places by adding Chapter 03 Marijuana use in public places, to regulate the consumption of marijuana in a public place
- d. Resolution 15-08, a Resolution of the City of North Pole to request clarification from the State of Alaska on ballot measure 2, the legalization of marijuana

## **13. Council Comments**

## **14. Adjournment**

*The City of North Pole will provide an interpreter at City Council meetings for hearing impaired individuals. The City does require at least 48 hours' notice to arrange for this service. All such requests are subject to the availability of an interpreter. All City Council meetings are recorded on CD. These CD's are available for listening or duplication at the City Clerk's Office during regular business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. or can be purchased for \$5.00 per CD. The City Clerk's Office is located in City Hall, 125 Snowman Lane, North Pole, Alaska.*



**Committee of the Whole – 6:30 P.M.  
Regular City Council Meeting – 7:00 P.M.**

A regular meeting of the North Pole City Council was held on Tuesday, January 20, 2015 in the Council Chambers of City Hall, 125 Snowman Lane, North Pole, Alaska.

**CALL TO ORDER/ROLL CALL**

Mayor Ward called the regular City Council meeting of Tuesday, January 20, 2015 to order at 7:00 p.m.

***There were present:***

**Ms. Holm  
Ms. Hunter  
Mr. McCarthy  
Mr. McGhee  
Mr. Smith  
Mr. Welch  
Mayor Ward**

***Absent/Excused***

**Absent**

**CALL TO ORDER/ROLL CALL**

Mayor Ward called the regularly scheduled meeting of the North Pole City Council to order on Tuesday, January 20, 2015 at 7:02 p.m.

**PLEDGE OF ALLEGIANCE TO THE U.S. FLAG**

Led by Mayor Ward

**INVOCATION**

Invocation was given by Mr. McGhee

**APPROVAL OF AGENDA**

**Mr. McGhee moved to Approve the Agenda of January 20, 2015**

**Seconded by Mr. Welch**

**Discussion**

None

**Mr. McGhee moved to consent the following items:**

**New Business**

- a. 2015 Waste Water Compliance Monitoring and 2014 Sanitary Survey professional services proposal
- c. Resolution 15-07, A resolution in support of the Fairbanks Metropolitan Area Transportation System (FMATS) participation in the development Memorandum of Understanding (MOU) for the highway project review process

**Seconded by Mr. Welch**

**On the Amendment**

Yes: 6 - Holm, McGhee, Welch, McCarthy, Smith, Ward

No: 0-

Absent: 1 - Hunter

**On the main motion as amended**

**PASSED**

Yes: 6 - Holm, McGhee, Welch, McCarthy, Smith, Ward

No: 0-

Absent: 1 - Hunter

**APPROVAL OF MINUTES**

**Mr. Welch moved to Approve the minutes of January 5, 2014.**

**Seconded by Mr. McGhee**

**Discussion**

None

**PASSED**

Yes: 6 – McGhee, Welch, Holm, Smith, McCarthy, Ward

No: 0

Absent: 1 - Hunter

**COMMUNICATIONS FROM THE MAYOR**

- Attended the small group discussion on dispatch today. The meeting was productive in the sense that we all have a lot of methodologies to sort out. The group agreed to meet in the next 10 days to decide on a methodology to bring to the large group. We also briefly discussed the governance of the Dispatch Center and how it could be improved upon.

- The meeting in regards to marijuana was cancelled due to Mayor Hopkins family emergency and was rescheduled to January 28<sup>th</sup>. I will keep the council posted on the details from this meeting.
- I will be traveling to Juneau with the Fairbanks Chamber's annual legislative fly-in. The trip will be from February 3<sup>rd</sup> to the 5<sup>th</sup> and will be action packed. I look forward to speaking to our delegation and other legislators. If council is interested in traveling to Juneau for the winter session please let the City Clerk know as soon as possible.
- Mrs. Fogarty, Mrs. Weber and I met with the auditors last week to go over the upcoming audit. We discussed implementation of a new chart of accounts and some of the things they are looking for when we submit draft statements. It will be an exciting year as we move forward with new ideas.
- I was able to visit the Alaska Center for Unmanned Aircraft Systems Integration (ACUASI) last week and meet with Barbara Johnson about the UAV's and what they are doing for Alaska. The Technology is quite impressive as they are designing components and testing them in the field with the aid of a 3d printer and stellar staff.



### **COUNCIL MEMBER QUESTIONS OF THE MAYOR**

Mr. Welch asked who some of the other users are that are under City of Fairbanks dispatch and when we would have those numbers.

Mayor Ward listed of some of the users and said that the City of Fairbanks dispatch does a very good job. They are looking at the methodology of how each entity pays for dispatch.

Mr. McGhee asked who the other people are that will be meeting with Mayor Hopkins on the marijuana issue and to pass that information on to the council.

Ms. Holm wanted to know the date and time of the meeting on marijuana.

**COMMUNICATIONS FROM DEPARTMENT HEADS, BOROUGH  
REPRESENTATIVE AND THE CITY CLERK**

**Fire Department, Chief Lane**

- None

**Finance, Tricia Fogarty**

- December 2014 bank rec is completed.
- The Mayor, Kathy and I met with Gary Hutchison; Lori will be out this week to take a look at our Gant files.
- We will be scheduling interviews for the Accounts Payable position this week.
- Next week I will be sitting in with Kathy to cross train on Payroll.

**Police Department, Chief Dutra**

- Discussed Coffee with a Cop – please set your calendars for February 7, 2015 between 9:00 and 10:00 am. We will spend time talking to people about police related matters and give people a chance to meet and talk.
- I am signed up for Guys Read program where we go into schools and read to 4<sup>th</sup> grade boys. It is meant as a way to give boys a good male role model.
- Sgt. Bellant has been chosen to attend DRE class and we are likely to send another.
- Learned a lot in Denver Colorado and are looking forward to our discussions with council.

**Director of City Services, Bill Butler**

- Mr. Butler went over the new website with the council.

**Borough Representative**

- Mayor attended the last meeting.
- Air quality workshop is on Thursday, January 22<sup>nd</sup>.
- Discussion on air quality. The second reading on air quality ordinance will be January 29<sup>th</sup>.

**City Clerk, Kathy Weber**

- We are in the process of hiring for the position of AP Clerk/Receptionist. The position closed on Friday and we will start interviews on Thursday.
- Things have been very busy this past month. Staff is working on the year end and W2's should be out by 5:00 p.m. tomorrow.
- On January 21<sup>st</sup> I will be attending the luncheon at Santa's Senior Center and swearing in their new officers.

- There will be a workshop for council on Thursday, January 22, 2015 at 6:30 p.m. in the North Pole Council Chambers.
- Remind council that the website that is still up and running has a lot of information on it and connects with all departments in the city. All forms are online and most are pdf fillable.

## **ONGOING PROJECTS**

None

## **CITIZENS COMMENTS**

Sharon Beeman, 2540 Honey Bee Lane

Ms. Beeman said she has some concerns about the rates for NTL. She had other concerns about the contract and encouraged the council to look at the contract and other companies that could do it cheaper.

## **NEW BUSINESS**

### **APPROVAL OF 2015 COMMITTEES**

Mayor Ward introduced his committees for ratification of council.

### **Public Comment**

None

**Mr. McGhee** *moved to* **approve the 2015 City of North Pole Committees**

**Seconded by Mr. Welch**

### **Discussion**

Mr. McGhee asked the Mayor to removed Tammy Randolph and Jeff Jacobson.

Mr. McCarthy said he agreed to have Ms. Randolph removed from the list.

Mr. Welch said that Ms. Randolph has said things in the past that does not best serve the City.

Mr. Smith asked if the members on the list have been notified.

Ms. Holm said that she didn't feel that it was fair for other council members to attack Ms. Randolph as she does own land within the City and has a business here. Any comments that she made were not meant against anyone or the City.

**FAILED**

Yes: Smith, Holm, Mayor Ward  
No: McGhee, McCarthy, Welch  
Absent: Hunter

### **COUNCIL COMMENTS**

Mr. Welch – thanked everyone for coming out tonight. He is looking forward to talking with the Chief on his travels to Colorado. He is also looking forward to the outcome of the dispatch contract.

Ms. Holm – goodnight.

Mr. Smith – thanked everyone for coming out and having people come and testify.

Mr. McCarthy – happy to see resolution that Sharron Hunter did and felt this is something that council needs to have a discussion on. He is looking forward to the workshop.

Mr. McGhee – thanked the young people for coming out and attending the meeting. He hopes that the council does their best to study the issue on the workshop and takes into consideration the vote of the people. He hopes that they continue to represent everyone and not just a select few.

Mayor Ward – thanked everyone for coming out.

### **ADJOURNMENT**

**Mr. McGhee adjourned the meeting at 8:08 p.m.**

**Seconded by Mr. Welch**

The regular meeting of January 20, 2015 adjourned at 8:08 p.m.

**These minutes passed and approved** by a duly constituted quorum of the North Pole City Council on Monday, February 2, 2015.

---

Bryce J. Ward, Mayor

**ATTEST:**

---

Kathryn M. Weber, MMC  
North Pole City Clerk





**North Pole Police Dept.  
125 Snowman Ln.  
North Pole, AK 99705**

**Chief Steve Dutra  
Phone: 907-488-8459  
Fax: 907-488-5299**

To: North Pole City Council  
City Clerk Kathy Weber

Re: Sale of SDEU Vehicle

The North Pole Police Department needs to sell the old SDEU Dodge pickup. The vehicle has reached its useful end of life and has been replaced with a new vehicle. In researching the process to sell such an asset it has been determined that I must sell the vehicle at "fair market value." I have determined the "fair market value," by the following means.

Verbal quote from Affordable Used Cars Value \$4,000  
NADA values range from \$4,250 - \$9,000  
Kelly Blue Book range was \$6,372 - \$6501

The truck is a 2002 Dodge pickup in good-fair condition with 131,386 miles on it. The City of North Pole purchased this vehicle in 2010 for substantially less than its current value. Since this vehicle was purchased using Equitable Sharing funds, all proceeds from the sale must be returned to the fund from hence they originally came. I am asking to sell this vehicle for \$6,000. I will place an ad in the Newspaper and request sealed bids with a minimum bid of \$6,000.

Thank you

  
Chief Dutra

**CITY OF NORTH POLE**

**ORDINANCE 15-01**

**AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA TO  
AMEND CHAPTER 8.04 NUISANCES AND ADD SECTION 8.04.005 TO  
PROHIBIT THE EXTRACTION OF MARIJUANA OILS WITHIN CITY  
LIMITS.**

**WHEREAS**, Ballot Measure 2 – An act to Tax and Regulate the Production, Sale and Use of Marijuana, and codified as Alaska Statutes 17.38, provides for the legalization of marijuana, was passed by the voters in the recent state election and certified on November 28, 2014 by the State of Alaska, Division of Elections; and

**WHEREAS**, the effective date of the state marijuana statute is February 24, 2015; and

**WHEREAS**, marijuana extraction of “hash oils” is an extremely dangerous process, and

**WHEREAS**, cooking of “hash oils” poses an extreme danger to our residents, homes and businesses, and

**WHEREAS**, “hash oil” cookers are not listed as approved devices in Alaska for commercial or home use, and

**WHEREAS**, the personal use and consumption of marijuana is not affected by the decision to ban the extraction of marijuana oils within North Pole City Limits, and;

**WHEREAS**, The state of Alaska has yet to determine regulations for the extracting of marijuana oils, and

**WHEREAS** it is extremely unlikely that the State of Alaska will establish guidelines for personal extraction of marijuana oils, and

**WHEREAS**, North Pole is interested in keeping its neighborhoods as safe as possible from fire and explosion risk.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of North Pole:

**Section 1.** This ordinance is of a general and permanent nature and shall be codified.

**Section 2.** Title 8 Chapter 4 Section .005 Marijuana oil extraction-prohibited, is hereby added to the North Pole Municipal Code of Ordinances as follows [new text in underlined italicized red font; deleted text in ~~striketrough~~ font]:

**Title 8**  
**Chapter 04**

**Section 8.04.005 Marijuana oil flammable extraction-prohibited.**

- A. Methods to process marijuana oil using a flammable extraction method is hereby prohibited within North Pole City Limits.
- B. “Flammable extraction method” is defined as using a flammable or explosive chemical, series of chemicals or fluid to extract oil from a marijuana plant.
- C. Methods of marijuana oil extraction that do not involve flammable or explosive materials are not a violation of this section.
- D. A person or corporation that processes marijuana oil using an extraction method is in violation of this section and subject to a \$1,500 (fifteen hundred dollar) fine.

**Section 3. Effective date.**

This ordinance shall become effective on the first City business day following its adoption.

**PASSED AND APPROVED** by a duly constituted quorum of the North Pole City Council this 17<sup>th</sup> day February, 2015.

\_\_\_\_\_  
Bryce J. Ward, Mayor

ATTEST:

\_\_\_\_\_  
Kathryn M. Weber, MMC  
North Pole City Clerk

PASSED/FAILED

Yes:  
No:  
Absent:

**CITY OF NORTH POLE**

**ORDINANCE 15-02**

**AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA TO  
AMEND TITLE 12 STREETS, SIDEWALKS AND PUBLIC PLACES  
AND ADDING CHAPTER 12.03, MARIJUANA USE IN PUBLIC  
PLACES, TO REGULATE THE CONSUMPTION OF MARIJUANA IN  
A PUBLIC PLACE**

**WHEREAS**, changes to the North Pole Municipal Code is a continually changing requirement; and

**WHEREAS**, the City of North Pole Municipal Code should be amended to conform to the requirements of the City and to clarify questionable areas; and

**WHEREAS**, Ballot Measure 2 – An act to Tax and Regulate the Production, Sale and Use of Marijuana, and codified as Alaska Statutes 17.38, provides for the legalization of marijuana, was passed by the voters in the recent state election and certified on November 28, 2014 by the State of Alaska, Division of Elections; and

**WHEREAS**, newly enacted AS 17.38.040 states;

Public consumption banned, penalty.

It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100; and

**WHEREAS**, the state statute does not define “public”; and

**WHEREAS**, the state statute does not discuss or mandate any enforcement mechanism; and

**WHEREAS**, the effective date of the state marijuana statute is February 24, 2015.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of North Pole:

**Section 1.** This ordinance is of a general and permanent nature and shall be codified.

**Section 2.** Title 12, Chapter 12.03, Marijuana use in Public Places, is hereby added to the North Pole Code of Ordinances as follows [new text in underlined italicized red font; deleted text in ~~striketrough~~ font]:

**Title 12**  
**Chapter 12.03**

**12.03.010 Consuming marijuana in a public place.**

**A. It is unlawful for any person to knowingly consume marijuana when the person is :**

- 1. On, in or upon any public place, except as permitted by ordinance, regulation, statute or permit; or**
- 2. Outdoors on property adjacent to a public place, and without consent of the owner or person in control thereof.**
- 3. A person who consumes marijuana must take reasonable precautions to ensure consumption is not a nuisance to neighboring properties.**

**B. For purposes of this section, the definitions of the words and phrases below shall apply:**

- 1. Consume shall have the meaning, in all conjugated forms, of "consumption" set forth in AS 17.38.900.**
- 2. Marijuana shall have the meaning set forth in AS 17.38.900.**
- 3. Public place means a place to which the public has access and includes, but is not limited to, streets, highways, sidewalks, alleys, transportation facilities, parking areas, convention centers, sports arenas, schools, places of business or amusement, shopping centers, malls, parks, playgrounds, prisons, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence such as hollways, lobbies, and doorways.**

**12.03.020 Violation**

**A. Violation of this section is a minor offense punishable by a fine of \$100 as set forth in AS 17.38.040.**

**Section 3. Effective date.**

This ordinance shall become effective at 5:00 p.m. on the first City business day following its adoption.

**PASSED AND APPROVED** by a duly constituted quorum of the North Pole City Council this 17<sup>th</sup> day of February, 2015.

---

City of North Pole  
Ordinance 15-02

Page 2

74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88

---

Bryce J. Ward, Mayor

ATTEST:

---

Kathryn M. Weber, MMC  
North Pole City Clerk

PASSED/FAILED Yes: No: Absent:
---

**CITY OF NORTH POLE**

**RESOLUTION 15-08**

**A RESOLUTION OF THE CITY OF NORTH POLE TO REQUEST  
CLARIFICATION FROM THE STATE OF ALASKA ON BALLOT MEASURE 2, THE  
LEGALIZATION OF MARIJUANA**

**WHEREAS**, in the primary election, registered Alaskan voters voted in favor of Ballot Measure 2, *An Act to tax and regulate the production, sale, and use of marijuana*; and

**WHEREAS**, some clarification is needed to properly evaluate the regulations to put in place; and

**WHEREAS**, clarification is needed regarding the powers granted to borough's and the cities within those boroughs; and

**WHEREAS**, clarification is needed on the "one-ounce" for personal and recreational use and if it will include the liquid concentrate; and

**WHEREAS**, international transport and shipping is illegal, the State must consider prohibiting non-Alaskan produced marijuana to curb the black market sales and support Alaskan agriculture and business; and

**WHEREAS**, it is not clear if the per person rules are for each adult over the age of 21, or if that the maximum limit is per household;

**WHEREAS**, we also request to restrict certain packaging that is enticing to minors; and

**WHEREAS**, a large number of people were concerned about access to medicinal cannabis, there is currently no differentiation between recreational marijuana high in Tetrahydrocannabinol (THC), medicinal cannabis high in Cannabinoids (CBD), and Industrial hemp or the State should consider differentiation by both definition and distinct regulations; and

**WHEREAS**, there is currently no control of contaminants or potency in marijuana products, minimum standards need to be established and appropriate labeling required to include both THC and CBD levels; and

**WHEREAS**, please clarify by law whether a passenger vehicle is considered a non-public place and whether "public" for purposes of the prohibition on consumption of marijuana in "public" include things such as private baseball fields, smoking clubs or standing on the edge of your private property; and

**WHEREAS**, will there be an agricultural farm use tax exemption for locally produced marijuana; and

**WHEREAS**, it is suggested that a percentage of the marijuana initiative authorized taxation be put toward prevention, treatment, testing, enforcement, and security;

**WHEREAS**, one possibility for the control of marijuana has been using the Alcohol Control Board we recommend, based on corroborating testimony, the State should set up a separate board for the regulation of marijuana; and

**WHEREAS**, unanswered questions have arisen pertaining to marijuana production, processing and sales outside municipalities in the unorganized borough and the State should address these issues; and

**WHEREAS**, other states have found infused edible products to be problematic and their regulation should be addressed very clearly in Alaska; and

**WHEREAS**, licensing for commercial production, processing, and sales should not disallow or limit the number of small (which needs to be defined) local, vertically integrated operations that are suitable for many other of Alaska's agricultural products; and

**WHEREAS**, licensing and regulation for commercial production and processing should be consistent throughout the state and should be regulated at the state level; and

**WHEREAS**, the sale of marijuana products can be regulated at a local level, and

**WHEREAS**, the Alaska landlord/tenant act needs to be clear on what rights both the landlord and tenant have, with respect to personal marijuana use, production and the right to evict; and

**WHEREAS**, whether any public advertising for marijuana and related products should be prohibited; and

**WHEREAS**, the State should consider allowing permits for cultivation facilities three to four months before retail sales and consider how people would obtain seeds and original cuttings.

**NOW THEREFORE BE IT RESOLVED**, that the North Pole City Council asks the Alaska legislature to consider the following issues in regards to the marijuana ballot initiative.

**NOW BE IT FURTHER RESOLVED**, that this resolution shall be sent to the Governor of the State of Alaska and all Alaska State Legislators.

**PASSED AND APPROVED** by a duly constituted quorum of the North Pole City Council this 2<sup>nd</sup> day of February, 2015.

\_\_\_\_\_  
Bryce J. Ward, Mayor

PASSED/FAILED

Yes:

No:

Absent

ATTEST:

\_\_\_\_\_  
Kathryn M. Weber, MMC  
North Pole City Clerk