



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JUNE 25, 2018
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, following a 6:00 p.m. Work Session on Public Safety Employee Life Insurance, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Jim Matherly presiding and with the following Council Members in attendance:

Council Members Present: Joy Huntington, Seat A
June Rogers, Seat B
Valerie Therrien, Seat C
Jonathan Bagwill, Seat D (telephonic)
Jerry Cleworth, Seat E
David Pruhs, Seat F

Absent: None

Also Present: Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Jeff Jacobson, Public Works Director
Mike Meeks, Chief of Staff
Stephanie Johnson, Dispatch Center Manager
Carmen Randle, Chief Financial Officer
Angela Foster-Snow, HR Director
Eric Jewkes, Police Chief
Jim Styers, Fire Chief
Christina Rowlett, Risk Manager/Purchasing Agent
Scott Raygor, Fire Fighter

City Clerk Danyielle Snider read the Mission Statement of the City of Fairbanks.

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Matherly asked Ms. Therrien to lead the Flag Salutation.

CITIZENS' COMMENTS ON CONSENT AGENDA ITEMS

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Cleworth pulled Resolution No. 4839 and Ordinance No. 6079 from the Consent Agenda.

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

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

MAYOR'S COMMENTS AND REPORT

Mayor Matherly complimented everyone that helped with the Third Thursday events and the Midnight Sun Festival. He stated the festival brought thousands of people to the downtown area. He stated he received notification that Deputy Fire Marshal Kyle Green would be resigning, and his departure would leave a hole in the Fire Department. **Mayor Matherly** asked Chief of Staff Mike Meeks to report on the Firefighters Union (FFU) labor contract ordinance.

Mr. Meeks thanked the FFU negotiating team for their professionalism. He listed the wants of the City and the FFU during the negotiating process and discussed how an agreement was reached. He spoke in support of the Council funding the FFU ordinance and stated that it contains an escape clause. He thanked the FFU for working hard to reach an agreement with the City.

Mayor Matherly closed his comments by announcing that his grandmother would soon be turning 100 years old and wished her a happy birthday.

a) Special Reports

Brittany Smart, 907 Terminal Street, Fairbanks – Ms. Smart stated there are two upcoming zoning ordinances that will be before the Borough Assembly relating to brewpubs and urban and agricultural zoning. She invited Council Members to attend the next Assembly meeting.

UNFINISHED BUSINESS

- a) Ordinance No. 6076 – An Ordinance Amending Fairbanks General Code Section 2-119 Order of Business, to Change the Time Limits for Citizens' Comments. Introduced by Mayor Matherly and Council Members Pruhs, Bagwill, Therrien, Rogers, and Huntington. SECOND READING AND PUBLIC HEARING.

Mr. Pruhs, seconded by **Ms. Huntington**, moved to ADOPT Ordinance No. 6076.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated he did not like that public testimony has been reduced to three minutes. He stated the Mayor plays favorites in giving people extra minutes to speak.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated if the Council is going to limit public comment they should also limit Council Members' comments. He suggested that the Council open Executive Sessions to the public and have it broadcast on the radio for all to hear.

Darlene Herbert, 906 Woodlawn Road, Fairbanks – Ms. Herbert stated she did not agree with the Council cutting public comment time to three minutes. She stated she thinks the Council will eventually try to get rid of citizens' comments completely, and she does not support that.

Mike Farrell, P.O. Box 72822, Fairbanks – Mr. Farrell stated he did not support reducing the public comment time limit, because sometimes it is not enough time for people to say what they need to say. He stated he thinks the Council is targeting a few citizens who talk all the time, but it has caused them to attack all members of the public by shortening the comment time. He stated the Council should come up with a compromise.

Sandra Nelson, 1209 Warren Street, Fairbanks – Ms. Nelson stated she is a long-time resident who loves Alaska. She questioned why there is so much road work being done in the City when there is such a need for staffing at the police department.

Mayor Matherly informed Ms. Nelson that the current hearing is for comments relevant to Ordinance No. 6076. He stated that she could come up to speak a little later in the meeting.

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

Mr. Cleworth stated he takes time every day at his store to listen to citizens speak about issues that are important to them. He encouraged the Council to consider moving the public comment period back to the beginning of the meeting so citizens would not have to guess what time general citizens' comments will be. He stated three minutes may not be enough time and that citizens should not have to wait until City business is finished to address the Council.

Ms. Huntington stated that while she was serving on the Planning Commission she witnessed the effectiveness of a three-minute time limit. She stated she did not think that everyone needed a five-minute limit because if a person needs more than three minutes, the Council is good at giving extra time.

Mr. Pruhs stated the Council never stifles the free speech of citizens; he stated that they allow plenty of time for citizens to deliver their comments. He stated he would be interested in having citizens' comments earlier in the meeting.

Ms. Rogers agreed that citizens should have a designated time to speak so they can plan their evenings. She stated that at every other hearing/public testimony she participates in around the State, they allow only three minutes no matter the issue. She stated she supports the three-minute time limit because the Council is always willing to allow for more time if needed.

Ms. Therrien stated that she supports the ordinance and that she does not think that it limits free speech. She believes three minutes of public testimony is sufficient.

Mayor Matherly stated the reasons he supports Ordinance No. 6076 and that the ordinance is not aimed at certain speakers. He stated he has been at public meetings when not everyone had an opportunity to speak because of time restrictions; he pointed out that the Council has historically given speakers extra time when they need it.

Mr. Cleworth stated that not everyone gets extra time to speak; he stated it can depend on the Council and Mayor. He stated he is glad others are showing interest in making a specific time for public comment.

Mr. Bagwill stated that he likes the direction the Council is taking on the public comment issue and that he would not mind revisiting public comment in the future.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6076 AS FOLLOWS:

YEAS: Therrien, Rogers, Pruhs, Bagwill, Huntington

NAYS: Cleworth

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6076 ADOPTED.

- b) Ordinance No. 6077 – An Ordinance Amending Fairbanks General Code Chapter 22, Elections. Introduced by Council Member Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Pruhs, seconded by **Ms. Huntington**, moved to ADOPT Ordinance No. 6077.

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

Mr. Cleworth asked City Clerk Danyielle Snider to speak to the purpose of the ordinance. Ms. Snider explained that the Borough recently made some changes to their election code, and the Cities of Fairbanks and North Pole try to remain consistent with one another on election procedures and codes. She stated that the ordinance incorporates some of the Borough's recent changes. She added that much of the chapter had not been updated in more than two decades and that the ordinance also cleans up some grammar throughout.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6077 AS FOLLOWS:

YEAS: Bagwill, Cleworth, Rogers, Huntington, Therrien, Pruhs

NAYS: None

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6077 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4839 – A Resolution to Extend the Deadline for the December 31, 2017 Audit. Introduced by Mayor Matherly.

Mr. Cleworth, seconded by **Ms. Rogers**, moved to POSTPONE INDEFINITELY Resolution No. 4839.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE INDEFINITELY RESOLUTION NO. 4839 AS FOLLOWS:

YEAS: Rogers, Bagwill, Therrien, Pruhs, Cleworth, Huntington

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

- b) Ordinance No. 6078 – An Ordinance Amending the 2018 Operating and Capital Budgets for the Second Time. Introduced by Mayor Matherly.

ADVANCED on the CONSENT AGENDA.

- c) Ordinance No. 6079 – An Ordinance Ratifying a Labor Agreement Between the City of Fairbanks and the Fairbanks Firefighters Union, IAFF Local 1324. Introduced by Mayor Matherly.

Ms. Therrien, seconded by **Ms. Huntington**, moved to ADVANCE Ordinance No. 6079.

Mr. Cleworth stated he had a conversation with Mr. Meeks about the FFU contract and that he was stunned that an ordinance was already being introduced. **Mr. Cleworth** stated the contract was never brought to the Finance Committee where it could be thoroughly discussed. He stated the Council should have been able to discuss the contract in Executive Session before its ratification was introduced in an ordinance. He thanked the Finance Department for all the backup they provided to further understand the impact of the contract. **Mr. Cleworth** stated he did not support increasing minimum manning from nine to eleven because of the increased cost in overtime. He commented that, from a management point of view, significantly increasing overtime is the least effective way to spend money. He stated a Fire Department Captain spoke to the Council about the amount of overtime being paid at the department and reported that one staff member earned \$33,000 in overtime in 2017. **Mr. Cleworth** stated that the proposed contract spends every dime of new revenue, with nothing going to the General Fund. He stated the cost of funding the second year of the contract is \$407,933, which is four times the 2019 cost of the AFL-CIO contract; he spoke to the importance of treating all bargaining units the same. **Mr. Cleworth** stated it is not consistent to have one contract so much richer than the others. He spoke against bonus leave and explained that it became a nightmare for management because there were too many people on leave, and work was not getting done. He stated the proposed contract is not logical, and he is shocked it is already being introduced to the Council. He stated he would not be voting in favor of advancement.

Mr. Pruhs stated he agrees that the contract should have been discussed in Executive Session because of the way it affects the finances of the City. He stated he would like to take the time to study the financial documents that have been presented before making a decision on the contract. **Mr. Pruhs** stated he would like to hold an Executive Session on the contract so he could ask questions about the fiscal impact of the contract. He stated he would like to postpone the ordinance so that all Council Members' questions could be answered before bringing it to a vote.

Ms. Rogers stated that the issue is so important that the Council should be given the time to make an informed decision.

Mr. Bagwill stated he does not want to postpone the contract for too long but that he is okay with having more time to review it.

Ms. Therrien stated she would like to discuss the item at the next Finance Committee meeting.

Ms. Huntington asked if the contract could be discussed in an Executive Session since the ratification ordinance had already been introduced. City Attorney Paul Ewers stated it could not be discussed in Executive Session while an ordinance is pending. **Ms. Huntington** stated she feels that the negotiation teams did a good job working together, but she would accept that other Council Members may not feel the same.

Ms. Therrien stated the ordinance is only up for advancement, so the Council could still discuss it at the next Finance Committee meeting. Mr. Ewers confirmed that it could be discussed at a Finance committee meeting.

Mr. Cleworth again spoke against the contract and indicated that it was unaffordable. He expressed frustration that the ordinance had been introduced.

Ms. Therrien stated it is important to advance the ordinance and reminded the Council that it could be further discussed at the next Finance Committee meeting.

Mayor Matherly reminded the Council that the contract includes an escape clause, so if it becomes unaffordable the Council could choose to non-fund.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6079 AS FOLLOWS:

YEAS: Huntington, Bagwill, Therrien, Rogers
NAYS: Pruhs, Cleworth
Mayor Matherly declared the MOTION CARRIED.

DISCUSSION ITEMS

a) Committee Reports

Polaris Work Group – **Mr. Pruhs** reported the group brought a check to the City to cover the cost of the taxes, the Borough has been paid, and the City now owns the Polaris Building.

WRITTEN COMMUNICATIONS TO COUNCIL

- a) Reappointment to the AMLJIA Board of Trustees
APPROVED on the CONSENT AGENDA
- b) Reappointment to the Fairbanks Diversity Council
APPROVED on the CONSENT AGENDA
- c) Appointment to the Hotel/Motel Discretionary Fund Committee
APPROVED on the CONSENT AGENDA
- d) Board of Plumber Examiner Meeting Minutes of March 20, 2018
ACCEPTED on the CONSENT AGENDA

CITIZENS' COMMENTS

Sandra Nelson – Ms. Nelson asked whether it is the Council's job to protect the community. She stated that the police are so understaffed that there is no possibility of a safe community. She stated she witnessed her neighbor being beaten, and the police did not come to protect him.

Mayor Matherly asked if a police report was filed on the case she spoke about; Ms. Nelson stated that she hopes it was reported. She stated the Fairbanks Daily News Miner is not transparent and is not reporting crimes.

Frank Turney – Mr. Turney inquired whether the beer garden at the Midnight Sun Festival was regulated by the ABC Board. He stated the marijuana industry is not being treated equally. He stated he would like to see someone on the City Council that does not own a small business. He asked if Mr. Bagwill received a stipend from the City for serving as the Chaplin for the police department; **Mayor Matherly** replied that he does not. Mr. Turney stated the Midnight Sun Festival was well-attended and had lots of vendors. He stated he read an interesting news article about a person being cited for a DUI after leaving the Taphouse.

Victor Buberger – Mr. Buberger stated he was walking around downtown at the Third Thursday event, and he noticed that the Taphouse appears to be a thriving business. He stated he counted 85-95 people in the bar and wondered if that was a fire safety concern. He stated he is thankful that one of the Council Members really cares about the City at heart; he added that other Council Members should get on board. He stated he is happy that the firefighters may start getting drug tested, but he wants the Police Department to do the same. He claimed that he has witnessed a police officer taking drugs.

Darlene Herbert – Ms. Herbert shared a picture of her granddaughter. She explained that her granddaughter had to take an ambulance to the hospital because she was assaulted. Ms. Herbert

reported the police never came to talk to her, and the offender is still walking the streets. She claimed that the same man tried to run over her mom's boyfriend and that the police are protecting him by not doing anything to stop him. Ms. Herbert stated she has never spewed hate toward the police because she is not a cop hater and she does not need retaliation from them. She stated the police contract should not be written by the department because the City cannot afford to pay them what they want. She stated she knows nothing will be done about her granddaughter because of what she just had to say.

Mayor Matherly asked Ms. Herbert where the incident occurred; Ms. Herbert replied that it occurred at Weeks Field. **Mayor Matherly** stated he would look into the incident.

Ms. Rogers thanked Ms. Herbert for sharing her stories and encouraged her to continue to do so.

Mike Farrell – Mr. Farrell stated he agrees with Mr. Cleworth on his views of public comment. He stated he has concerns about the FFU contract because of Mr. Cleworth's comment that he has never seen a contract move forward the way this one did. Mr. Farrell stated his belief that the Mayor should not be on social media as much as he is and that he should focus on the FFU contract. He agreed with Mr. Buberger that what is going on behind closed doors in Executive Sessions is obviously not getting resolved.

CITY CLERK'S REPORT

City Clerk Snider reported that there will be a candidate forum at the Fairbanks North Star Borough Assembly Chambers on Saturday, July 7 starting at 10:00 a.m.

COUNCIL MEMBERS' COMMENTS

Mr. Bagwill thanked everyone for coming to the meeting and for being involved.

Mayor Matherly stated he would be calling Police Chief Eric Jewkes forward for a Staff Report following Council Members' Comments regarding the case Ms. Herbert spoke about.

Ms. Huntington thanked the Council for their understanding with her missing the last Council meeting due to an unexpected death in her family. She requested to be excused from the Regular Council Meeting of July 9, 2018.

Mayor Matherly called for objection to Ms. Huntington's request to be excused on July 9, 2018 and, hearing none, so ORDERED.

Ms. Huntington stated she has loved being a Council Member, but her business has tripled in growth over the past couple years; she shared that she will not be running for office when her term ends. She stated her work takes her out of town so often that it has become difficult to balance family, work, and City Council.

Ms. Rogers thanked everyone for the comments that were made during the meeting both by the Council and the citizens. She stated she looks forward to hearing from Chief Jewkes about the circumstances that Ms. Herbert spoke about.

Ms. Therrien stated she was happy to attend the Juneteenth celebration, a great event with wonderful food. She commented that she is going to miss serving with Ms. Huntington.

Mr. Pruhs stated he already misses Ms. Huntington because they have served together in different capacities for a decade. He stated the City's representative to the Interior Gas Utility (IGU) was not in attendance at the IGU meeting when the vote was taken to purchase Pentex. He stated he attended the Third Thursday street fair, and it was a fun, successful event; he thanked the Mayor for his involvement in making it happen.

Mr. Cleworth thanked City Attorney Paul Ewers for all the work he has done on the Public Safety Employees Association (PSEA) court case. He stated it is not easy having a small business because you are subject to the economic conditions. He commended Ms. Huntington for her business success.

Mayor Matherly called Chief Jewkes forward for a Staff Report regarding the incident reported by Ms. Herbert. Chief Jewkes stated it is not standard operating procedure to speak about cases involving domestic violence allegations but that some of the insinuations were incorrect. He stated the police department responded to the residence with emergency medical services (EMS) personnel, and they accompanied the victim to the hospital.

Ms. Huntington asked if the case was closed. Chief Jewkes replied that the department has done everything they can to move the case forward, but since the victim is not raising the issue he did not want to comment on it much more.

Mr. Cleworth asked if moving the case forward means sending it to the District Attorney's Office; Chief Jewkes replied affirmatively.

CITY ATTORNEY'S REPORT

City Attorney Ewers advised that he has not yet received the deed for the Polaris Building from the Borough. He thanked Mr. Cleworth for acknowledging the four years of legal work on the PSEA case.

Ms. Therrien, seconded by **Ms. Huntington**, moved to go into Executive Session for the purpose of discussing PSEA and IBEW Labor Negotiations.

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

Mayor Matherly called for a brief recess.

EXECUTIVE SESSION

- a) PSEA Labor Negotiations
- b) IBEW Labor Negotiations

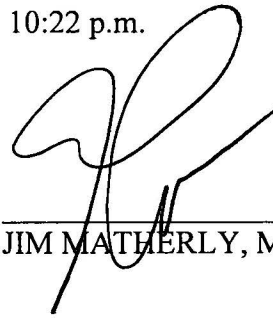
The City Council met in Executive Session to discuss PSEA and IBEW Labor Negotiations. Direction was given to the negotiating teams, and no action was taken.

ADJOURNMENT

Ms. Huntington, seconded by **Mr. Pruhs**, moved to ADJOURN the meeting.

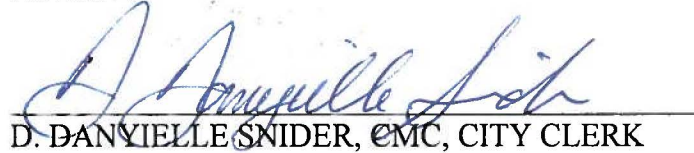
Mayor Matherly called for objection and, hearing none, so ORDERED.

Mayor Matherly declared the meeting adjourned at 10:22 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANVIELLE SNIDER, EMC, CITY CLERK

Transcribed by: EB