



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, SEPTEMBER 10, 2018
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 6:30 p.m. on the above date to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor 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
Jerry Cleworth, Seat E
David Pruhs, Seat F

Absent: None

Also Present: Clem Clooten, Building Official
Margarita Bell, Controller
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
Pat Smith, Development Manager
Eric Jewkes, Police Chief
Bob Pristash, Acting City Engineer
Jim Styers, Fire Chief
Christina Rowlett, Risk Manager/Purchasing Agent
Jackson Fox, MPO Coordinator (FMATS)

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. Huntington to lead the Flag Salutation.

CITIZENS' COMMENTS

Jennifer Yuhas, 1150 Merganser Street, Fairbanks – Ms. Yuhas spoke to Ordinance No. 6080 and stated that she appreciates the Council taking a look at Chapter 42 of the Fairbanks General

Code (FGC). She stated that the Council has an opportunity to take the lead on labor issues, and she spoke in favor of postponing the ordinance again and possibly even referring it to a committee.

Mindy O’Neill, 234 Princess Drive, Fairbanks – Ms. O’Neill spoke in opposition to Ordinance No. 6080. She stated that there was a town hall meeting to look at the ordinance, and she stated that a letter asking the Council to postpone the ordinance resulted from that meeting. She suggested that the Mayor and Council form an ad hoc work group with members of the public, union organization representatives, and City Council Members to review and clean up the Code.

Mr. Cleworth stated that the letter he received stated there was a town hall meeting on September 4; he asked whether the Council was informed of that meeting. Ms. O’Neill replied that it was a public meeting, but she is not aware that there was a personal invitation sent to the City Council. **Mr. Cleworth** stated that he would have attended the meeting had he been aware of it. He asked Ms. O’Neill what part(s) of Ordinance No. 6080 she is opposed to. Ms. O’Neill replied that it is problematic that the section of Code has not been updated in 20 years; she added that to open it up under the guise of housekeeping is disingenuous. **Mr. Cleworth** asked Ms. O’Neill which part(s) of the ordinance she believed made significant changes to the Code. Ms. O’Neill stated that it is difficult to say since the public was not provided with a version that shows all the changes. **Mr. Cleworth** stated that he went through very carefully and compared the original language to Ordinance No. 6080 to ensure nothing was missed.

Ms. Therrien asked Ms. O’Neill if there is any specific portion of the ordinance she is concerned about. Ms. O’Neill stated that based on the public meeting, it seemed to be the consensus that the entire chapter needs to be reviewed more thoroughly. She added that she is not prepared to discuss specific parts of the ordinance.

Mr. Pruhs asked Ms. O’Neill when the section of Code has failed. Ms. O’Neill stated that there continue to be issues with labor contract negotiations. **Mr. Pruhs** stated that the Council was not notified of the meeting that was held.

Ms. Rogers asked how the recent public meeting was noticed. Ms. O’Neill replied that it was publicized mostly through Facebook and electronic media. She stated that they also emailed it out to their membership. **Ms. Rogers** stated that it seems the notice may have only gone to certain groups of people with access to social media. Ms. O’Neill stated that they are not subject to the Open Meetings law, and it was an honest attempt to give members and the public an opportunity that the Council was not able to give. **Ms. Rogers** stated that she does not feel that the Council was boxing things in but was giving an open-ended opportunity for discussion. She stated that she has a problem with using labels such as “disingenuous.” She asked Ms. O’Neill what has caused people to perceive that the rewrite of the ordinance was disingenuous. Ms. O’Neill expressed that she felt it was disingenuous to not provide the public with a strikethrough version of Ordinance No. 6080 and to call the ordinance “housekeeping” when there were substantial changes made to it. She stated she did not intend to hurt anyone’s feelings by using the term disingenuous.

Adrienne Helinski, 1435 3rd Avenue, Fairbanks – Ms. Helinski asked that a vote on Ordinance No. 6080 be postponed so that a work group could be convened to review it. She stated that a

well-noticed public meeting should be put together also. She stated that the Code as it is written has some problems that is likely causing some of the issues with labor negotiations. Ms. Helinski stated that the changes in the ordinance will cause more time, resources, and money to be expended. She stated that she does not see a reason for immediate action, and she urged the Council to postpone it.

Mr. Cleworth asked what changes in Ordinance No. 6080 would increase costs for the City. Ms. Helinski replied that she is not prepared to speak in detail about the ordinance.

Mr. Bagwill asked about the outcome of the September 4 meeting besides the letter requesting postponement. Ms. Helinski stated that the goal was to hear peoples' thoughts on the ordinance.

Kathy Ottersten, 1435 3rd Avenue, Fairbanks – Ms. Ottersten supported the idea of a working group to work on the ordinance. She expressed distaste for what she referred to as a gag rule in the ordinance which prohibits members of the community from communicating with Council Members just because they are a member of a bargaining unit at the City. She commented that the Fairbanks Firefighter's Union (FFU) contract on the consent agenda is a good move forward.

Mr. Cleworth asked Ms. Ottersten whether she believes it would be proper for a Council Member to communicate directly with members of a bargaining unit in regard to labor negotiations. Ms. Ottersten replied that it may not be proper for a Council Member to reach out to an individual union member but stated that if someone came to speak to a Council Member, the Council Member should be able to hear their concerns. She stated that it could be required that the Council Member disclose the conversation to the rest of the Council.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that he has witnessed local artists, musicians, demonstrations, and other activities downtown in the Golden Heart Plaza without a police presence. He stated that recently, there was a man preaching the gospel in the park, someone called the police, and two police officers showed up to question the man. He stated that this was not an isolated incident and spoke to the freedoms of speech and religion. Mr. Turney stated that he hopes the remains of the woman from Conway, Arkansas could be returned to her family. He stated that the remains had been stolen in a burglary and showed up on his doorstep. He stated that Police Chief Jewkes was out of line when he made a comment to the News Miner in regard to the case of the woman accused of killing her children.

Shoshana Kun, 326 Wedgewood Drive, #E-27, Fairbanks – Ms. Kun congratulated Green Life Supply on their license coming up for renewal. She stated that there is something to Ordinance No. 6080, and it would be a good idea for everyone to come together and discuss the ordinance. She spoke in favor of forming a committee and holding future meetings about the issue.

Mr. Bagwill asked Ms. Kun to provide a specific area of concern with Ordinance No. 6080. Ms. Kun stated that there are some words used throughout the ordinance that are not defined. She stated that if the whole chapter is being amended, it should be done correctly.

Ms. Rogers asked Ms. Kun if she would be willing to serve on an ad hoc committee to review Ordinance No. 6080; Ms. Kun replied affirmatively.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger agreed with Mr. Turney that Chief Jewkes should have used the term “alleged” or “suspect” when referring to case involving the children who died. He spoke about various potholes in the City and to the waste of labor he witnessed recently when observing street striping on 10th Avenue. He stated that the City could save some money on labor. He stated that he believes Police Chief Randall Aragon was the best police chief the City has ever had.

Mike Farrell, PO Box 72822, Fairbanks – Mr. Farrell read a letter to the editor that appeared in the News Miner on August 6, written by LeRoy Wiedeman. The letter spoke in opposition to building a new convention center downtown in the place of the Polaris Building. He spoke in agreement with the article. Mr. Farrell stated that he is happy Lloyd Hilling is running for City Council and spoke highly of him.

Morgan Clay, 1305 Ridgepointe Drive, Fairbanks – Ms. Clay stated that she is a board member of the American Foundation for Suicide Prevention Alaska Chapter, and she is attending on behalf of the AFSP board and the Fairbanks Wellness Coalition regarding the Proclamation declaring September 9 – 15 Suicide Prevention Week in Interior Alaska. She thanked Ms. Rogers for helping get the ball rolling, and she thanked local Mayors for signing the proclamation to help raise suicide awareness. Ms. Clay stated that it is safe to say that everyone has been touched by suicide, and she stressed the importance of education. She stated she is excited to hear the proclamation read.

Ms. Huntington asked Ms. Clay to provide one tip for what people can do to help. Ms. Clay encouraged everyone to ask questions when in a conversation with someone who may have something plaguing them or where one might see a red flag. She stated that often times people who have mental health issues feel isolated.

Mr. Bagwill asked Ms. Clay to leave behind some contact information for the local chapter. Ms. Clay stated that folks can get in touch with her on Facebook or call her at home. She listed some other local resources.

Mayor Matherly read the Proclamation signed by all three local Mayors recognizing September 9 – 15, 2018 as National Suicide Prevention week. He applauded the work of Morgan, Betty, and all of the group. He opened public comment to anyone who had not signed up to testify.

Darlene Herbert, 906 Woodlawn Road, Fairbanks – Ms. Herbert stated that she has been reading about the shooting of Cody Eyre, and she stated that police need to be trained not to shoot at young men who could have a long life ahead of them. She stated that everyone makes mistakes, but a person should not die from their mistakes. She suggested that the City use marijuana tax revenue to pay for the lawsuits against the City that have resulted. Ms. Herbert stated that marijuana tax revenue should also be used to provide beds for addicted persons in Fairbanks. She again spoke to the need for training police officers differently.

David van den Berg, Executive Director of Fairbanks Downtown Association – Mr. van den Berg thanked everyone who has supported the downtown block party over the summer. He thanked the City for agreeing to purchase the Polaris Building and for addressing problems with

the old dairy in the downtown area. He thanked the Public Works Department for the extra work they put in downtown trimming bushes and maintaining trees.

Ms. Rogers asked Mr. van den Berg whether he has encountered any of the problems folks were concerned about when the idea of the block party was being discussed. Mr. van den Berg replied that he did not hear of any problems resulting from the decrease in parking. **Ms. Rogers** stated that she had not heard reports of problems either.

Mr. Cleworth asked Mr. van den Berg whether there funding for the community service patrol (CSP) would change in 2019. Mr. van den Berg replied that he is not aware of any changes.

Mayor Matherly declared Citizens' Comments closed as the time was 7:30 p.m.

APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Pruhs, seconded by **Mr. Bagwill**, moved to APPROVE the Agenda and Consent Agenda.

Mr. Cleworth pulled Ordinance No. 6083 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.

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of June 11, 2018.

APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

a) The Fairbanks City Council heard interested citizens concerned with the following Marijuana License Applications for Renewal:

Lic. #	DBA	License Type	Licensee	Address
11927	Green Life Supply, LLC	Retail Marijuana Store	Green Life Supply, LLC	511 30th Avenue
10958	Green Life Supply, LLC	Standard Marijuana Cultivation Facility	Green Life Supply, LLC	511 30th Avenue

Ms. Therrien, seconded by **Ms. Rogers**, moved to WAIVE PROTEST on the Marijuana License Applications for Renewal.

Frank Turney – Mr. Turney expressed support for the license renewals. He stated that the owner has been taking care of the problem with the smell of cannabis in the air surrounding the business.

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

Ms. Rogers pointed out that the notice of violation from the state was taken care of by the applicant. She spoke highly of the business owner's character. **Mr. Pruhs** noted that this is the second renewal for the business, and the owner continues to be responsible.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE MARIJUANA LICENSE APPLICATIONS FOR RENEWAL AS FOLLOWS:

YEAS: Huntington, Therrien, Pruhs, Cleworth, Rogers

NAYS: Bagwill

Mayor Matherly declared the MOTION CARRIED.

- b) The Fairbanks City Council determined the costs and method of recovery of costs for the clean-up and securing of a property located at 124 2nd Avenue (Lots 11, 12, 13, & 16; Block 9, Fairbanks Townsite), Fairbanks, Alaska.

NOTE: The purpose of this hearing is to:

- 1) Hear and pass upon the report of expenses;
- 2) Consider written objections or protests to the proposed report;
- 3) Make such revision, correction or modification to the report or the charges as the City Council may deem just; and
- 4) Determine whether to assign a personal obligation of the property owner and/or create a lien against the property.

Ms. Therrien, seconded by **Ms. Rogers**, moved to ACCEPT the clean-up costs as presented in the amount of \$18,387.84.

Building Official Clem Clouten briefed the Council on the cleanup at 124 2nd Avenue.

Ms. Rogers asked whether the City has still been receiving complaints from neighbors about the property. Mr. Clouten replied that the City has received no recent complaints.

Mayor Matherly asked whether the property owner was present and wished to speak. No one came forward.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ACCEPT THE CLEAN-UP COSTS AS PRESENTED IN THE AMOUNT OF \$18,387.84 AS FOLLOWS:

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

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

Mr. Cleworth, seconded by **Ms. Huntington**, moved to AUTHORIZE that a lien be filed against the property in the approved amount of \$18,387.84.

Ms. Therrien requested that the amount also be made a personal obligation of the property owner. City Attorney Ewers clarified that the Abatement Code allows for both a lien and a personal obligation.

Mr. Cleworth, with the concurrence of the Second, moved to include a personal obligation of the property owner in the main motion.

Mr. Pruhs asked whether the City could foreclose if the amount was not paid within a certain timeframe. Mr. Ewers stated that there is such a process, but he does not believe it will get to that point. He stated that the lien can be filed as soon as the Council authorizes it.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AUTHORIZE THAT A LIEN BE FILED AGAINST THE PROPERTY IN THE APPROVED AMOUNT OF \$18,387.84 AND THAT THE AMOUNT BE MADE A PERSONAL OBLIGATION OF THE PROPERTY OWNER AS FOLLOWS:

YEAS: Pruhs, Therrien, Huntington, Cleworth, Bagwill, Rogers
NAYS: None
Mayor Matherly declared the MOTION CARRIED.

- c) The Fairbanks City Council determined the costs and method of recovery of costs for the clean-up and securing of a property located at 33 Timberland Drive (Lot 6, Block 1, Timberland Subdivision), Fairbanks, Alaska.

NOTE: The purpose of this hearing is to:

- 1) Hear and pass upon the report of expenses;
- 2) Consider written objections or protests to the proposed report;
- 3) Make such revision, correction or modification to the report or the charges as the City Council may deem just; and
- 4) Determine whether to assign a personal obligation of the property owner and/or create a lien against the property.

Ms. Therrien, seconded by **Ms. Rogers**, moved to ACCEPT the clean-up costs as presented in the amount of \$1,574.87.

Mayor Matherly asked whether the property owner was present and wished to speak. No one came forward.

Ms. Therrien stated that it appears a letter was sent to the property owner in Ireland; she asked the City Clerk whether there was any indication that the owner received the notice. Clerk Snider stated that she had not yet received confirmation of receipt of the letter she sent to the property owner in Ireland. She stated that she also sent a letter to another address on Timberland Drive the Borough had listed as a second address for the property owner.

Mr. Clouten stated that he does not have proof of receipt of the letter he sent to the property owner in Ireland in 2013. He indicated that the owner did receive the letter because she met with the former Mayor about the issue. Mr. Clouten briefed the Council on the history of incidents and cleanup at 33 Timberland Drive.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ACCEPT THE CLEAN-UP COSTS AS PRESENTED IN THE AMOUNT OF \$1,574.87 AS FOLLOWS:

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

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

Ms. Therrien, seconded by **Mr. Bagwill**, moved to AUTHORIZE that a lien be filed against the property in the approved amount of \$1,574.87 and that the amount be made a personal obligation of the property owner.

Mr. Ewers stated that since the property owner appears to reside in Ireland, it is unlikely that the City would be successful with a personal obligation. He suggested that the Council file only the lien against this property.

Ms. Therrien, with the concurrence of the Second, moved to exclude a personal obligation of the property owner in the main motion.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AUTHORIZE THAT A LIEN BE FILED AGAINST THE PROPERTY IN THE APPROVED AMOUNT OF \$1,574.87 AS FOLLOWS:

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

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

Mayor Matherly thanked the Building and Public Works Departments for their work in getting the two properties cleaned up.

MAYOR'S COMMENTS AND REPORT

a) Special Reports

Brittany Smart, Fairbanks North Star Borough Mayor's Office – Ms. Smart updated the Council on the upcoming Clear the Air Conference taking place September 21 and 22 from 8 a.m. to 5 p.m. at the Wedgewood Resort. She spoke to the format and agenda for the conference, and she invited the Council to attend.

Jerry Evans, Explore Fairbanks Public Relations Manager – Mr. Evans stated that they are on track to break a record by having 30 journalists/writers/reporters visit Fairbanks this year. He talked about the various in-flight magazines that have highlighted Fairbanks as a destination and to the value of that specific type of advertising. He stated that Explore Fairbanks makes an effort

to deliver a lot of bang for the buck. He thanked the City Council for reinvesting bed tax dollars into destination marketing.

Mayor Matherly clarified, in reference to Mr. Farrell's earlier comments, that any discussion of a convention center in the place of the Polaris Building is not coming from the City of Fairbanks. He stated that the City is working on a plan to demolish the Polaris Building. He stated that there will be a gathering at the Fairbanks Fire Department on September 11 at 9:30 a.m. to remember those who lost their lives on September 11, 2001. He stated that there will be another ceremony that day in Veteran's Memorial Park next door to City Hall. **Mayor Matherly** announced that the next Fairbanks Diversity Council meeting would be on September 11 at 5:30 p.m. He reminded folks of the upcoming FNSB mayoral debate and the October local election. He stated that he participated in the One Homeless Night event for the local youth shelter, The Door. He stated that he received some negative feedback about the event, accusing the participants of having too much fun and mocking the homeless. He clarified that was not the intent or what was actually happening at the event; he stated that it is a fundraiser, and participants were not mocking the issue of homelessness.

Mayor Matherly shared that there is nothing to report on IBEW labor negotiations and requested that the item be removed from the Executive Session. No members objected.

COUNCIL MEMBERS' COMMENTS

Ms. Huntington stated that she appreciates everyone's patience in the changes to the order of business, and she expressed appreciation for all those who came out to speak on Ordinance No. 6080. She stated that she is not as concerned as others that there was a separate meeting held on the issue that the Council was not invited to. She expressed hope that the Council could find a good way forward with the ordinance.

Ms. Rogers expressed appreciation for all those who came to testify; she specifically thanked Ms. Herbert for always reminding the Council of the tragedies that have happened in Fairbanks. She commended Ms. Yuhas for being a tremendous spokesperson, and she indicated that there is opportunity for a lot more discussion on Ordinance No. 6080.

Ms. Therrien echoed comments of Ms. Huntington and Ms. Rogers. She stated that she would have attended the town hall meeting if she had been aware it was happening.

Mr. Pruhs stated, in response to Mr. Farrell's earlier comments, that he would be excited about redevelopment of the property the Polaris Building sits upon once the building is demolished.

Mr. Cleworth stated that the protocol for the new format for Citizens' Comments should be such that anyone wishing to speak who did not sign up should be given the opportunity to speak until 7:30 p.m.

Mr. Bagwill expressed appreciation for the folks who met to discuss Ordinance No. 6080. He reminded everyone to do what they can to remember 9/11.

UNFINISHED BUSINESS

- a) Ordinance No. 6080, as Amended – An Ordinance Amending Fairbanks General Code Chapter 42, Labor Relations and Negotiations. Introduced by Council Members Cleworth, Pruhs, and Rogers. POSTPONED from the Regular Meeting of August 20, 2018; public hearing was held at that time.

The motion to ADOPT Ordinance No. 6080 was made on August 20, 2018 by Mr. Pruhs and was seconded by Mr. Cleworth.

Mr. Cleworth stated that he approached the City Attorney about making one change to Chapter 42; he stated that he knew that there were many parts of the chapter that were obsolete, and he and the Attorney agreed that the language in the chapter should be cleaned up. He referenced the letter from Ms. Yuhas and the letter the Council received from the group of citizens who met regarding Ordinance No. 6080. **Mr. Cleworth** asked City Attorney Ewers to go over the process in rewriting Chapter 42.

Mr. Ewers stated that he recommended cleaning up and reorganizing Chapter 42 when he was approached by Mr. Cleworth with a change. He stated that he began drafting the ordinance using the bold/underline/strikethrough format, but it would have been unreadable due to amount of reorganization. He stated that the only material change is the requirement that the Mayor must present the Council with full financial information prepared by the Chief Financial Officer prior to an ordinance being introduced to ratify the contract. Mr. Ewers stated that he is having difficulty grasping the concerns with changes in the ordinance. He stated that the process by which the Council directs the Mayor to conduct labor negotiations is not something that is negotiated with the unions. He stated that it sounds like people are trying to negotiate the terms of the ordinance, and it seems to have gotten off track. He stated that the ordinance does not change the way labor negotiations are conducted. Mr. Ewers stated that the ordinance can be amended, repealed, or reenacted. He briefly reviewed some of the changes that were made in an effort to remove outdated or obsolete language.

Ms. Therrien asked what would change in Chapter 42 if Ordinance No. 6080 were adopted. Mr. Ewers replied that the language in Sec. 42-2(b)(6) and Sec. 42-2(b)(3) varies from the existing language. **Ms. Therrien** asked whether the ordinance would affect the FFU contract which has already been introduced for ratification. Mr. Ewers replied that it would not affect the contract.

Mr. Pruhs stated that some of the comments he heard indicated that the ordinance is a waste of resources. He stated that if the ordinance had been in place four years ago, there would not have been a lengthy lawsuit with the Public Safety Employees Association (PSEA). He stated that the City Council could amend the ordinance at any time in the future.

Ms. Huntington spoke to finding a positive and productive path forward. She stated that she can see the reasoning behind the ordinance. She stated that she does not believe it is unreasonable for a person to request a bold/underline/strikethrough version of the ordinance so that changes could be easily seen. **Ms. Huntington** indicated that she may support postponement of the ordinance, and she asked what it would take to hold a work session where the City Attorney could go through the ordinance to explain the changes. She commented that

she would like people to be comfortable with the conclusion of the ordinance. City Attorney Ewers replied that he could do that.

Mr. Pruhs stated that the City Attorney went through the ordinance at the last Finance Committee meeting. He indicated that he would not support postponement.

Ms. Therrien expressed agreement with Ms. Huntington; she stated it does not hurt to postpone.

Ms. Therrien, seconded by **Ms. Rogers**, moved to POSTPONE Ordinance No. 6080, as Amended, to the first meeting in November so that a Work Session could be held before that date.

Mr. Pruhs stated that new Council Members would be seated before that November meeting, and he commented that it may not be productive to postpone.

Mr. Cleworth stated that the reason for the first postponement was so that people could have some time to review and digest the ordinance. He spoke against another postponement of the ordinance. He stated that the ordinance was never intended to be a big political issue.

Ms. Rogers stated that postponement is opportunity for collaboration and that collaboration is a learning experience. She stated the most productive thing to do is to listen to each other.

Ms. Huntington stated that she agrees that the ordinance would be a lot to throw at new Council Members. She commented that she would like the ordinance to be postponed to October.

Ms. Therrien, with the concurrence of the Second, moved to change the date of postponement to the first meeting in October with a Work Session to be set up prior to that meeting.

Ms. Huntington acknowledged others' hesitation with postponement. She stated, however, that a little bit more time will not hurt anyone.

Mayor Matherly stated that he fails to see the real controversy with the ordinance. He stated that people have had time to review the ordinance and speak to the Council. He reminded the Council that there are some big issues coming in the near future like the seating of new Council Members and the City budget. He stated that there is no need to postpone Ordinance No. 6080.

Mr. Bagwill stated that he asked about the outcome of the town hall meeting that was held, and there was not really an answer given. He stated that he has questions about the gag rule that was referenced earlier in the meeting. He spoke to the lack of specificity in the criticisms and comments given on the ordinance, and he questioned why the Council would postpone the ordinance.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE ORDINANCE NO. 6080, AS AMENDED, TO THE FIRST MEETING IN OCTOBER SO THAT A WORK SESSION COULD BE HELD BEFORE THAT DATE AS FOLLOWS:

YEAS: Huntington, Therrien, Rogers

NAYS: Bagwill, Pruhs, Cleworth, Matherly
Mayor Matherly declared the MOTION FAILED.

Mr. Cleworth stated that in the 1980s union negotiations were a failure. He stated that the current Code came about after that time and has been in effect ever since. He stated that Chapter 42 is a protocol for how the City should conduct negotiations. He read aloud the portion that has been referenced as a gag rule and stated that it prevents Council Members from undermining the negotiating team during negotiations. **Mr. Cleworth** stated that any union member or member of the public can speak to Council Members or write them an email at any time with their concerns or opinions. He stated that Council Members can listen to comments and concerns but cannot enter into separate negotiations. He spoke to the situation four years ago when inaccurate financial information was provided to the Council on the PSEA labor contract they were considering. He stated that the Council voted to approve the contract, but it was later reconsidered and failed. He explained that the action resulted in four years of litigation which is still ongoing. **Mr. Cleworth** stated that the contract was not affordable, and if the Council and administration had had complete and accurate financial information up front, litigation could have been avoided. He stated that it is fundamental for the Council to have sound financial information prior to voting on a contract. He applauded the City Attorney for the work he did on Ordinance No. 6080.

Ms. Therrien, seconded by **Mr. Pruhs**, moved to AMEND Ordinance No. 6080, as Amended, by changing the effective date to October 31, 2018.

Mayor Matherly stated that he does not feel that the effective date needs to be changed as it will have no effect on the FFU contract that the Council is currently considering. Chief of Staff Mike Meeks stated that he provided the Council with financial information from the CFO prior to the introduction of the ordinance to ratify; he stated that the new requirement in Ordinance No. 6080 has already been met.

Mr. Cleworth questioned why Ms. Therrien is requesting that the effective date be changed to the end of October if the FFU ordinance would be voted on September 24. **Ms. Therrien** replied that she would be okay with changing the effective date to coincide with the effective date of the FFU labor contract ordinance.

Mayor Matherly questioned why the effective date of Ordinance No. 6080 needs to be changed at all.

Ms. Therrien, with the concurrence of the Second, moved to WITHDRAW the motion to amend.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6080, AS AMENDED, AS FOLLOWS:

YEAS: Pruhs, Huntington, Cleworth, Bagwill, Rogers
NAYS: Therrien
Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6080, as Amended, ADOPTED.

NEW BUSINESS

- a) Resolution No. 4843 – A Resolution Authorizing Deputy Chief Johnson to Retain His Retention Bonus Received in December 2017. Introduced by Mayor Matherly and all City Council Members.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Ordinance No. 6082 – An Ordinance Ratifying a Labor Agreement Between the City of Fairbanks and the Fairbanks Firefighters Union, IAFF Local 1324. Introduced by Mayor Matherly.

ADVANCED on the CONSENT AGENDA.

- c) Ordinance No. 6083 – An Ordinance Authorizing the Lease of Space in City Hall to FAST Planning, Inc. Introduced by Mayor Matherly.

Mr. Cleworth, seconded by **Mr. Bagwill**, moved to ADVANCE Ordinance No. 6083.

Mr. Cleworth, in reference to Section 1.3 of the Real Estate Lease (Exhibit 'A'), asked Mr. Ewers whether it should be amended to make the use of space in City Hall more clear. Mr. Ewers stated that the clarification may be worthwhile.

Mr. Cleworth, seconded by **Ms. Rogers**, moved to AMEND Exhibit 'A' of Ordinance No. 6083 by adding the language "and Council Chambers" to the end of Section 1.3.

Ms. Huntington disclosed a possible conflict of interest; she stated that she has a professional contract through an Engineering firm working on a study related to FMATS. Mr. Ewers stated that he does not see a direct interest that would preclude Ms. Huntington from voting on Ordinance No. 6083. He explained that the Mayor may determine whether it is appropriate for Ms. Huntington to vote on the issue, and Council Members may object to the Mayor's ruling. He stated that Council Members have a strong obligation to vote. **Mayor Matherly** agreed with Mr. Ewers that Ms. Huntington may vote.

Mr. Meeks asked whether Section 1.2 should be amended to specify that the second floor conference room is a shared space. He stated that use of that conference room should not be exclusive to FAST Planning. **Mr. Cleworth** indicated that he may withdraw his motion to amend and request that the City Attorney go through the lease again prior to the second reading.

Mr. Cleworth, with the concurrence of the Second, moved to WITHDRAW the motion to amend Exhibit 'A' of Ordinance No. 6083 by adding the language "and Council Chambers" to the end of Section 1.3.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6083 AS FOLLOWS:

YEAS: Therrien, Rogers, Pruhs, Bagwill, Huntington, Cleworth
NAYS: None
Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6083 ADVANCED.

WRITTEN COMMUNICATIONS TO COUNCIL

- a) Appointment to the Fairbanks Diversity Council
APPROVED on the CONSENT AGENDA
- b) Reappointment to the Fairbanks Diversity Council
APPROVED on the CONSENT AGENDA
- c) Reappointment to the Clay Street Cemetery Commission
APPROVED on the CONSENT AGENDA
- d) Permanent Fund Review Board Meeting Minutes of July 24, 2018
ACCEPTED on the CONSENT AGENDA
- e) Hotel/Motel Discretionary Fund Committee Meeting Minutes of January 10, 2018
ACCEPTED on the CONSENT AGENDA
- f) Hotel/Motel Discretionary Fund Committee Meeting Minutes of May 23, 2018
ACCEPTED on the CONSENT AGENDA
- g) Sole Source Purchase Notification Memorandum
ACCEPTED on the CONSENT AGENDA

COUNCIL MEMBERS' COMMENTS

Mr. Bagwill stated that he loves the weather and school is back in session; he cautioned people to watch for children as it starts getting darker in the mornings. He encouraged everyone to get out and vote in the upcoming election.

Mr. Cleworth thanked the Council for changing the date of the Finance Committee meeting so that he could attend. He stated that he recently travelled to Vancouver, British Columbia, and it is a very difficult city to navigate. He stated that the city is rich with fancy cars and mansions. He spoke of how one route took him and his wife down East Hastings Street where they saw nothing but devastation, trash, closed businesses, and hundreds of people on the sidewalks. He stated that it made him appreciate Fairbanks so much more.

Mr. Pruhs spoke to the controversy over Ordinance No. 6080.

Ms. Therrien stated that she recently attended the Labor Day parade, and it was a wonderful sunny day. She encouraged everyone to get out and vote. She stated that she will be travelling to South Africa and will not return until October. She expressed hope that the Mayor would consider having an ad hoc meeting with the public to work on Chapter 42 of the FGC. She shared that she would be unable to attend the 9/11 events the following day.

Ms. Rogers expressed appreciation for the discussion the Council held during the meeting. She stated that the Council should be open to opportunities for collaboration. She stated that there is much collaboration happening in other areas such as the Opioid Task Force, the Housing and Homeless Coalition, and the Reentry Coalition.

Ms. Huntington commended the Mayor for participating in the One Homeless Night event and other tasks and events beyond daily duties. She stated she supports having more constructive dialogue with those who have expressed an interest in labor issues. She stated that the underlying goal is to build trust and respect.

Mayor Matherly acknowledged the great work of City Council Members and City staff. He spoke highly of the new City website and of the comments the City has received about it.

CITY CLERK'S REPORT

City Clerk Snider reminded everyone to vote in the upcoming election; she stated that early voting is open at the City Clerk's Office and will remain open until October 1.

Mr. Bagwill, seconded by **Mr. Pruhs**, moved to ENTER Executive Session for the purpose of discussing Roberts et al. v. City of Fairbanks, Litigation Strategy and PSEA Labor Negotiations.

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

EXECUTIVE SESSION

- a) Roberts et al. v. City of Fairbanks, Litigation Strategy
- b) PSEA Labor Negotiations

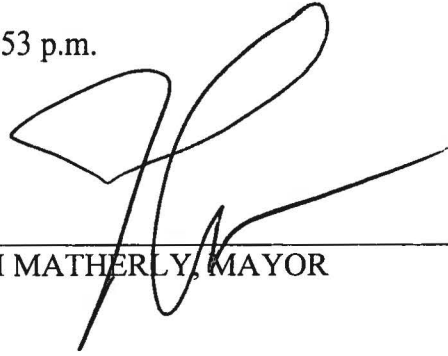
The City Council met in Executive Session to discuss Roberts et al. v. City of Fairbanks, Litigation Strategy and PSEA Labor Negotiations. Direction was given to legal staff and to the negotiating team, and no action was taken.

ADJOURNMENT

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

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

Mayor Matherly declared the meeting adjourned at 10:53 p.m.



JIM MATHERLY, MAYOR

ATTEST:


D. DANYELLE SNIDER, CMC, CITY CLERK

Transcribed by: DS