



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, SEPTEMBER 9, 2019
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: Shoshana Kun, Seat A
 June Rogers, Seat B
 Valerie Therrien, Seat C
 Kathryn Ottersten, Seat D
 Jerry Cleworth, Seat E
 David Pruhs, Seat F

Absent: None

Also Present: Paul Ewers, City Attorney
 Emily Braniff, Deputy City Clerk
 Jeff Jacobson, Public Works Director
 Mike Meeks, Chief of Staff
 Kristi Merideth, FECC Manager
 Angela Foster-Snow, HR Director
 Bob Pristash, City Engineer

Deputy Clerk Emily Braniff read the Mission Statement of the City of Fairbanks.

INVOCATION

The Invocation was given by Deputy Clerk Emily Braniff.

FLAG SALUTATION

Mayor Matherly asked everyone to join him in the flag salutation.

CITIZENS' COMMENTS

Lakesha Jordan, 505 Stewart Street, Fairbanks – Ms. Jordan stated she has heard from a few thousand citizens who do not think Finance Committee meetings should be held at 7:00 a.m., and she suggested that the meetings be held at a more convenient time. She asked the Council to consider a time that makes it easier for citizens to attend.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated winter is coming, and he hopes the City is ready to take care of snow removal. He stated that Executive Sessions should be open to the public and broadcast on the radio.

Frank Turney, 1434 Lacey Street, B, Fairbanks – Mr. Turney spoke to the Council’s recent review of City Boards and Commissions; he thanked the Clerk’s Office for continuing to help the Clay Street Cemetery Commission with its meeting minutes. He spoke in favor of alternative ballistics for police officer use. He stated he has heard complaints about City police officers using excessive force, and he spoke to the use of tasers at the Fairbanks Police Department (FPD). He spoke briefly about the Cody Eyre case. He encouraged the Council to take a look at alternative ballistics, and he reminded everyone to get out and vote.

Randy Griffin, P.O. Box 73653, Fairbanks – Mr. Griffin urged everyone to carefully evaluate who they vote for based on how each candidate views Ordinance No. 6093. He asked people not to fall for the creative advertising that is being done by outside interest groups. He commented that the City is in extreme danger.

David van den Berg, 332 Slater Drive, Fairbanks – Mr. van den Berg provided an update on new businesses and organizations willing to help support the Community Service Patrol (CSP) following the letter sent by the Mayor’s Office. He reported that donations total \$2,225, and there are two more businesses who have indicated they will make a donation. He stated there is genuine concern that the program may discontinue. He thanked the City for implementing a CSP foot patrol downtown over the summer. He stated the Downtown Association (DTA) is having quarterly meetings with the City Administration to discuss snow removal standards in the downtown area. He stated he was directed by the DTA Board to draft a resolution in regard to snow removal.

Mr. Cleworth asked Mr. van den Berg to speak about the large corporate donors to the CSP. Mr. van den Berg stated the Borough’s Health and Social Services Commission is the only official grant source for the CSP. He mentioned other large donors such as Foundation Health Partners, Doyon, and Dr. Hogenson.

Hearing no more requests for comment, **Mayor Matherly** declared Citizens’ Comments closed.

APPROVAL OF AGENDA AND CONSENT AGENDA

Ms. Therrien, seconded by **Mx. Ottersten**, moved to APPROVE the Agenda and Consent Agenda.

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

Deputy Clerk Emily Braniff read the Consent Agenda into the record.

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of May 13, 2019

APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of May 20, 2019

APPROVED on the CONSENT AGENDA.

- c) Regular Meeting Minutes of June 10, 2019

APPROVED on the CONSENT AGENDA.

- d) Regular Meeting Minutes of June 24, 2019

APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

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

Lic. #	DBA	License Type	Licensee	Address
18187	The Fairbanks Cut, LLC	Retail Marijuana Store	The Fairbanks Cut, LLC	188 Bentley Trust Road, Suite A

Ms. Kun, seconded by Mx. Ottersten, moved to WAIVE PROTEST on the Marijuana License Application for Renewal.

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

Ms. Therrien stated there were no departmental objections to the license. She stated there was only one incident on the call-out list, and it had nothing to do with the license.

Ms. Kun pointed out that the consumption endorsement is separate from the renewal application.

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

YEAS: Pruhs, Therrien, Kun, Cleworth, Ottersten, Rogers
NAYS: None

Mayor Matherly declared the MOTION CARRIED.

- b) Vacation of Public Right-of-Way (VA 001-20) — Request by Stutzman Engineering Associates, Inc. on behalf of the Greater Fairbanks Community Hospital Foundation, Inc., to replat Lot 1, Greater Fairbanks Community Hospital Foundation Subdivision and Lots 1, 2, 9A, and 10A, USS 3148, a total of approximately 41.82 acres, into one lot by vacating their interior common lot lines. The replat also included a request to vacate utility easements and to vacate the two remaining portions of 19th Avenue between Lathrop Street and Cowles Street.

NOTE: AS 29.40.140(b) states that “Vacation of a city street may not be made without the consent of the Council.” It further states that “The governing body shall have 30 days from the decision of the platting authority in which to veto a vacation of a street. If no veto is received by the platting authority within the 30-day period, consent is considered

to have been given to the vacation.” Unless the Council wishes to veto the decision of the FNSB Platting Board, no action is needed. The memo from the Engineering Department is for informational purposes only.

Mr. Pruhs, seconded by **Mx. Ottersten**, moved to APPROVE the Vacation of Public Right-of-way (VA 001-20).

Mayor Matherly asked City Engineer Bob Pristash to come forward with a staff report. Mr. Pristash explained that the hospital foundation wants to clean up their interior lot lines, which would affect City streets. He stated there is a small portion near Cowles Street that they wish to remove as an easement and declare as a right-of-way. He stated there is also a section which was part of 19th Avenue that goes through their property – underneath one of their buildings – and they wish for that right-of-way to be vacated.

Mr. Pruhs asked Mr. Pristash if he was involved in the process. Mr. Pristash stated he has been aware of the issue for a long time, and he is satisfied it is being resolved.

Mr. Cleworth asked whether the hospital intends to maintain the portion being vacated near their entrance. Mr. Pristash replied that he believes they intend to maintain those portions.

Mx. Ottersten asked Mr. Pristash to explain what a “vacation of land” is for the benefit of listeners. Mr. Pristash explained that, normally, property owners own to the center line of a right-of-way. He stated that when a right-of-way is vacated, it goes back to the adjoining owners on either side, and that is considered a vacation of right-of-way.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE VACATION OF PUBLIC RIGHT-OF-WAY (VA 001-02).

YEAS: Therrien, Rogers, Pruhs, Ottersten, Kun, Cleworth

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

MAYOR’S COMMENTS AND REPORT

Mayor Matherly commended FPD for holding the “Pizza-with-a-Po-Po” event and thanked everyone for attending; he thanked The Hungry Robot for supplying the pizza. He thanked FPD for escorting deploying soldiers to the airport. He announced plans to create a committee to discuss the needs of the growing population of senior citizens in the community. He shared that committee members will include Council Member Therrien, Chief of Staff Mike Meeks, Housing and Homeless Coordinator Mike Sanders, and North Star Council on Aging Director Darlene Supplee.

a) Special Reports

Mayor Matherly asked Mr. Pristash to give a staff report on the painting of City Hall. Mr. Pristash stated City Hall has not been painted since 1998, and it needs to be done. He stated that the plaster underneath the paint is failing in some places, and there was concern about lead in the

paint underneath. He stated that tests confirmed the presence of lead. He stated a consultant helped with specifications, the bid was advertised, and the bid came in at \$127,000. He stated he believes that is a good price, and it includes patching and lead abatement. He explained that they will pressure wash the building before repainting, and some of the old paint may come off. He stated preventative measures need to be taken to ensure lead does not get into the air, storm drains, or other areas. He clarified that the project would not remove all the lead paint, but it would encapsulate it.

COUNCIL MEMBERS' COMMENTS

Ms. Kun asked whether the first round of Council Members' Comments is meant for addressing citizens' comments. **Mayor Matherly** stated the first round of Council Members' Comments is an opportunity for the Council to respond to citizens, and the second set of Council Members' Comments is for the Council to speak about any other items. **Ms. Kun** asked Mr. Griffin to talk with her about statistics on medical discrimination against LGBTQIA individuals and people of color. She stated she was happy to hear Mr. van den Berg's report about donations to the CSP.

Ms. Rogers thanked all of those who came to speak at the meeting. She thanked Mr. Turney for keeping the Council updated on the use of less-lethal weapons.

Ms. Therrien stated she would like the City to continue to support the CSP. She stated that staff and overtime costs would have to be looked at if the Council were to consider changing the time of Finance Committee meetings. She stated she is not a fan of 7 a.m. meetings, but it allows for Council members who have jobs get to work on time.

Mr. Pruhs thanked Mr. Buberger for bringing snow removal to the attention of the Council. He stated snow removal is a recurring issue in Fairbanks.

Mr. Cleworth stated finding the time for seven people to meet for a Finance Committee meeting is tough, and many evenings are filled with other obligations. He stated the CSP was not funded by the City or the Downtown Association when it was formed – it was grant-funded. He explained that when the grant ran out the City grew concerned that the program may go away. He stated he fears the City will ultimately end up being responsible for the CSP. He stated the Alaska Mental Health Trust should share in funding the CSP, and pressure should be put on them. He stated the large box stores that cause a high emergency call volume should be donating to the CSP.

Mx. Ottersten stated that they were going to have a few minutes with Mr. Meeks. They referenced the Fairbanks Diversity Council's (FDC) Memorandum of Acknowledgement of its Purpose and Role. They asked Mr. Meeks if he was the person who sounded the alarm after the FDC meeting where there was an incident; Mr. Meeks confirmed that he was. **Mx. Ottersten** asked what prompted him to do so. Mr. Meeks stated he thought the display by a member of a board sanctioned by the City Council was in poor taste; he stated he spoke to the FDC Vice Chair and stated that type of behavior cannot be associated with the City Council and the Mayor. He stated he requested that the problem be fixed internally. He reported that the individual would not return the Vice Chair's calls. Mr. Meeks indicated that he wanted the issue to be resolved at the FDC level; he stated he did not want the issue to be brought to the City Council

level because it would be embarrassing for everyone. Mr. Meeks stated he met with another FDC member, and they worked in collaboration to draft the Memorandum of Acknowledgement. He explained that the memo is a basic “how to” for member conduct, and the FDC approved it. He stated all members have not signed the acknowledgement due to lack of attendance at subsequent meetings. **Mx. Ottersten** spoke to the use of City staff time on the memorandum, and they questioned whether specific staff members were involved. They calculated that the salary of the employees involved totals about \$.5 million. They indicated that salaried staff often works more than a 40-hour workweek, and they raised the issue of comp time. **Mx. Ottersten** shared that in 2018, four non-union City employees cashed out leave for a combined value of over \$40,000. Mr. Meeks clarified that comp time for non-union employees cannot be cashed out; he further explained that the comp time of the nine non-union employees has no value upon termination. **Mx. Ottersten** stated there is a financial impact to the City for non-union employee comp time, and they have never had a salaried job with comp time. Mr. Meeks stated other government organizations such as Fort Wainwright and the Borough have similar comp time systems. **Mx. Ottersten** questioned who monitors comp time and why City staff was used to address the FDC issue. They stated that the Mayor’s Office could have released a statement. Mr. Meeks stated the FDC gets more City management’s time than any other board or commission. He stated that he, the Clerk, the HR Director, and the Mayor attend meetings, along with a City Council Member. He stated it is the most labor-intensive board that the City has.

Mx. Ottersten stated they have spoken to various members of the public who say they will not testify at a City Council meeting after a Council Member said publicly in February that they were “full of [expletive].” **Mx. Ottersten** stated nothing came from the Mayor’s Office following that incident to defend the people of the City, yet staff time was devoted to defending the process when a member of the FDC spoke out publicly against the Mayor. **Mx. Ottersten** questioned the priorities of the City administration. Mr. Meeks insisted that he would address disrespectful incidents he witnesses in any meeting he attends. **Mx. Ottersten** stated that a citizen attended a Council meeting to talk about the language and hate speech used by a Council Member, and no City resources went into validating their claim. **Mx. Ottersten** stated the Council Member stated that they stood by their statements, and nothing was done. Mr. Meeks explained that he does not control elected officials and that Mx. Ottersten is playing politics. He stated that someone in the audience is probably recording the current discussion. **Mx. Ottersten** stated they are asking the Council where the priorities are.

Mayor Matherly called a Point of Order. **Mx. Ottersten** argued that they have unlimited rights as a Council Member to question City staff on what they do. They stated that from what they can see, there is no one minding the till and nobody setting policy. **Mx. Ottersten** asked who approves the cashing out of vacation time. Mr. Meeks stated the Mayor approves the cashing out of leave time according to union contracts. **Mx. Ottersten** stated they were not talking about union employees, rather non-union employees. Mr. Meeks stated the Mayor approves non-union employee cash-outs also.

Mayor Matherly again called a Point of Order. He asked Mx. Ottersten if they had any comments relating to citizens’ comments given earlier in the meeting. **Mx. Ottersten** insisted that they could speak to anything they wanted to during this time, and there is no Point of Order. **Mx. Ottersten** stated they are interested in how City funds are spent, and the Council has to

defend the public's right to come to meetings and not be verbally assaulted. Mr. Meeks stated that what Mx. Ottersten is doing is an ambush, and the issue could have been addressed elsewhere. **Mx. Ottersten** stated that if it was an ambush, they would have asked the media to be present. They stated they are deeply disturbed that people are not being protected but the process is.

UNFINISHED BUSINESS

- a) Ordinance No. 6111 – An Ordinance to Enter into a Contract with the Fairbanks North Star Borough for Fire Service for the Borough's Land Fill. Introduced by Mayor Matherly. POSTPONED from the Regular Meeting of August 26, 2019; public hearing was held at that time.

The motion to ADOPT, made by Mr. Pruhs, seconded by Mx. Ottersten, was made at the August 26, 2019 Regular Meeting and was on the floor.

Ms. Therrien, seconded by **Mr. Cleworth**, moved to POSTPONE Ordinance No. 6111 to the Regular Meeting of October 14, 2019.

Mayor Matherly asked Mr. Meeks for an update. Mr. Meeks stated the City has not received the information from the Borough in order to proceed. He stated once it is received the ordinance will be ready to move forward.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE ORDINANCE NO. 6111 TO THE REGULAR MEETING OF OCTOBER 14, 2019 AS FOLLOWS:

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

- b) Ordinance No. 6112 – An Ordinance Amending Fairbanks General Code Sec. 2-487, Composition of the Clay Street Cemetery Commission, to Remove the City Clerk as Administrative Support. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Ms. Kun, seconded by **Ms. Therrien**, moved to ADOPT Ordinance No. 6112.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6112 AS FOLLOWS:

YEAS: Rogers, Ottersten, Therrien, Pruhs, Cleworth, Kun
NAYS: None
Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6112 ADOPTED.

DISCUSSION ITEMS

a) Committee Reports

Polaris Work Group – **Mr. Pruhs** stated the group recently held a Work Session, and they will soon be making a presentation to the Council.

F.A.S.T. Planning – **Mr. Cleworth** gave a report on future TIP projects, and he spoke to how projects are funded.

Public Safety Commission – **Ms. Kun** shared that there will be a meeting at the Fairbanks Emergency Communication Center (FECC) on October 8, 2019.

WRITTEN COMMUNICATIONS TO COUNCIL

a) Chena Riverfront Commission Meeting Minutes of June 12, 2019

ACCEPTED on the CONSENT AGENDA.

b) Historic Preservation Commission Meeting Minutes of June 17, 2019

ACCEPTED on the CONSENT AGENDA.

c) Memo to Approve Appointment of 2019 Election Officials

APPROVED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Ms. Therrien thanked all the election officials for the time and effort they put forth.

Mr. Pruhs spoke to the lives lost during 9/11. He stated that five of six Council members voted in favor of the current budget and asked everyone to be ready for the next budget season.

Mr. Cleworth apologized for missing the last meeting due to a medical emergency. He thanked the Clerk's Office for gathering signatures on a get well card. He spoke to the need for civil discourse during meetings and to the importance of communicating at a higher level.

Mx. Ottersten spoke to the tragedy of 9/11 and recalled where they were when it occurred. They talked about how horrible it was to witness and thanked first responders for their sacrifices.

Mayor Matherly stated the service that is typically held at the Fire Department will be at Monroe Catholic High School this year.

Ms. Kun gave a land acknowledgement and spoke to the importance of everyone having high standards of conduct during meetings. She reminded everyone that the suicide hotline is available and shared that there is also a local office for suicide prevention.

Ms. Rogers thanked everyone for attending the meeting and for testifying. She reminded everyone of the importance of respectful behavior at meetings.

CITY CLERK'S REPORT

Deputy Clerk Braniff reported that absentee ballots will be available at the end of the week, and absentee voting will begin Monday, September 16 at 8:00 a.m. She reported that the North Pole and Borough Clerk's Offices will also be open for absentee voting at that time.

CITY ATTORNEY'S REPORT

Mr. Pruhs, seconded by Mx. Ottersten, moved to ENTER Executive Session for the purpose of discussing AFL-CIO labor negotiation strategy.

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

Mayor Matherly called for a brief recess. The Council entered Executive Session following the brief recess.

EXECUTIVE SESSION

a) AFL-CIO Labor Negotiation Strategy

The City Council met in Executive Session to discuss AFL-CIO Labor Negotiation strategy. Direction was given to the negotiating team, and no action was taken.

ADJOURNMENT

Mr. Pruhs, seconded by Mx. Ottersten, moved to ADJOURN the meeting.

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

Mayor Matherly declared the meeting adjourned at 8:37 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB