



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, DECEMBER 9, 2019
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 6:30 p.m. on the above date, following a 6:00 p.m. Work Session to set the date, location, and agenda for a 2020 Strategic Planning Session, 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
 Aaron Gibson, Seat D
 Jerry Cleworth, Seat E
 David Pruhs, Seat F

Absent: None

Also Present: Clem Clooten, Building Official
 Margarita Bell, Controller/Acting Chief Financial Officer
 Paul Ewers, City Attorney
 D. Danyielle Snider, City Clerk
 Jeff Jacobson, Public Works Director
 Mike Meeks, Chief of Staff
 Kristi Merideth, FECC Manager
 Angela Foster-Snow, HR Director
 Nancy Reeder, Police Chief
 Bob Pristash, City Engineer
 Jim Styers, Fire Chief
 Christina Rowlett, Risk Manager/Purchasing Agent

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 everyone to join him in the Pledge of Allegiance.

CEREMONIAL MATTERS

Mayor Matherly stated Deputy Police Chief Dan Welborn could not attend but that he is retiring. He spoke about DC Welborn's accomplishments. Mayor Matherly thanked DC Welborn for his service to the City of Fairbanks and wished him well in future endeavors.

Mayor Matherly asked Lt. Peyton Merideth and his family to come forward. He thanked Lt. Merideth for his service and announced that he would be retiring from the City and moving to Idaho. **Mayor Matherly** shared that he has known Lt. Merideth for many years; he summarized Lt. Merideth's career at the Fairbanks Police Department (FPD) and shared some of his many accomplishments over his years of service. He asked everyone to join him in recognizing Lt. Merideth and Ms. Merideth for their years of service to the community.

Lt. Merideth stated he has worked at FPD since he graduated. He shared some stories about his family and thanked them for their support. He shared that it is time to relocate but stated that he loves FPD. He stated that his two favorite memories of City service were the conviction of Anthony Jenkins and the arrest of Marvin Wright.

Mayor Matherly stated he knew the day would come when many veteran FPD officers would be eligible for retirement. He spoke well of Chief Reeder and stated that FPD is a good department. He encouraged people to apply.

a) Reading of the Bill of Rights

Mayor Matherly spoke about how Frank Turney always helped each year by providing a cake for everyone to share and in helping organize a group of youth to do the reading. He announced that Cub Scouts Pack 92 would be reading the Bill of Rights this year. He stated a cake has been provided to help memorialize Mr. Turney's efforts. Cub Scout Pack 92 read the Bill of Rights.

CITIZENS' COMMENTS

Gary Evans, 159 Sacia Avenue, Fairbanks – Mr. Evans stated he is in attendance to speak in support of the Spur liquor license; he stated they have been good neighbors. He stated he has seen a noticeable improvement in the business over the past two years.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger thanked Public Works for putting effort into clearing the snow from sidewalks this year. He asked what the City's plan for the Polaris Building is and asked if the City could afford to demolish it. He asked about the subsidies involved in its demolition and in the reconstruction of a new performing arts center. He stated the Council has been dealing with the building for years and alleged that the Council has its thumb in the pie. He stated the community should be let in on what is going on.

Greg Foster, P.O. Box 70935, Fairbanks – Mr. Foster stated he works for FPD, but he is speaking tonight about his own personal views. He congratulated DC Welborn and Lt. Merideth on their well-deserved retirements and shared that Lt. Kurt Lockwood has recently left FPD for another agency. Mr. Foster stated he will continue to come and testify until an agreement can be reached; he stated the department is in crisis in regard to hiring and retention. He stated the issue of funding must be addressed, and the department needs to be supported.

Chris Miller, 413 Cowles Street, Fairbanks – Mr. Miller thanked the Council for taking care of the community through City services.

Alex Jafre, 393 Droz Drive, Fairbanks – Mr. Jafre stated The Spur has cleaned up significantly since the new owner took over. He stated they have good security and staff, and they cut people off when they have had too much. He stated he frequents the location, but he used to not go there because he did not feel safe.

Rachel Hanks, 2681 Scotch Pine Drive, North Pole – Ms. Hanks stated she is a CPA in town and a patron of The Spur. She spoke to the increased security at the location, which includes pat downs at all entrances. She stated many people came to The Spur after the HIPOW event, and they danced and had a wonderful time; she stated it is not a bad place. Ms. Hanks explained that under the new ownership there are cards hanging in the women’s restroom stalls that advise what drink to order if they want to alert the bartender that they feel unsafe. She stated if someone feels unsafe walking to their car they can request a security escort. She stated security is present and known, and it did not feel that way when it was Kodiak Jacks. She stated if the police are called because of an issue in the parking lot unrelated to the business, it reflects on the license, and it should not.

Mayor Matherly asked about the cards in the women’s restroom. Ms. Hanks explained it is a list of drinks to order if you feel unsafe – different drinks for different situations. **Mayor Matherly** stated he likes the concept. Ms. Hanks stated the security guards now have earpieces to communicate with one another; she stated they move around and do not just post at entrances.

Randy Griffin, P.O. Box 73653, Fairbanks – Mr. Griffin stated he came to honor Frank Turney by having a piece of cake; he expressed appreciation for Mr. Turney’s support of the reading of the Bill of Rights. Mr. Griffin spoke of the presidential impeachment and discussed an article about it that was in the Fairbanks Daily News Miner. He stated he did not think the impeachment of President Clinton was right either.

Sue Sprinkle, 211 5th Avenue, Fairbanks – Ms. Sprinkle thanked the Council for having the streets plowed; she stated she would like the Council to make snow removal an essential service. She expressed sadness that DC Welborn retired.

Karen Perdue, 204 Front Street, Fairbanks – Ms. Perdue stated she heard snowplows during the night, but she was so happy to be awakened by the sound. She stated she does not have the budget information, but when she hears that there are only three police officers on duty she is alarmed. She asked what the police to citizen ratio is. She stated there are big challenges, but everyone wants to feel safe.

David van den Berg, 332 Slater Drive, Fairbanks – Mr. van den Berg asked how much it would cost to add one more plow rotation to the City and asked whether that number could be isolated. He complimented Public Works for their focus on plowing the downtown core area but stated that they did not prioritize it on Black Friday or Small Business Saturday. He stated that put the downtown businesses at a competitive disadvantage. He mentioned various new businesses that have sprung up in the downtown area; he stated that businesses have done fine even with the downturn in the level of services. He asked for one more full plow rotation City-wide.

Irina Derguleva, 211 Clarkson Drive, Fairbanks – Ms. Derguleva stated she is a regular customer at The Spur, and it is her favorite place to go. She stated the staff is helpful, and she feels safe

there. She shared that the staff cares, the bartenders are attentive, and if you leave you have to go through a complete security check to get back inside. She stated there are other ways to work on problems without closing the bar down.

Kemp Lankford, 929 Cranberry Ridge, Fairbanks – Mr. Lankford stated he is the owner of Aurora Apothecary on 2nd Avenue and suggested a workshop to repurpose some existing local agencies, such as the Parking Authority. He stated there needs to be some City code enforcement. Mr. Lankford stated there needs to be a local drug, mental, and veterans court in Fairbanks and a workplace for people in rehabilitation to help them prosper.

Jack Lanam, 123 Steelhead Road, Fairbanks – Mr. Lanam spoke in support of The Spur liquor license; he stated he plays there and feels very safe. He stated if the Council revokes the license the bad crowd will simply move to another establishment. He stated it is not the business's fault that there is a lack of police, and that needs to be dealt with by the department. He stated the officers do so much with so little, and they deserve more help. He stated the locations that hire local musicians are starting to dwindle, and he asked the Council to support local musicians and arts. He added that The Spur has a quality stage to play on.

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

Ms. Kun asked when she could ask follow-up questions to those who spoke. **Mayor Matherly** stated the first round of Council member comments is coming up for Council members to respond to those who testified. **Ms. Kun** stated she has a question for nearly everyone who testified; **Mayor Matherly** stated that now is not the time to ask questions of those who testified.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Ms. Kun pulled the Reappointment to the Public Safety Commission from the Consent Agenda.

Mayor Matherly called for objection to the APPROVAL of the Agenda, as Amended, and, hearing none, so ORDERED.

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

SPECIAL ORDERS

- a) Request for Reconsideration by Council Member Therrien of the Motion to Protest the Renewal of The Spur Liquor License (Lic. #4232) from the Regular Meeting of December 2, 2019. The written request to reconsider was filed on December 3.

Ms. Therrien, seconded by **Mr. Gibson**, moved to Reconsider the Motion to Protest the Renewal of the Spur Liquor License.

Ms. Therrien stated she was contacted by City Clerk Snider who advised her that the liquor license owner was not notified about the public hearing for the license renewal because there were no department-recommended protests filed. She stated she requested reconsideration as a courtesy to the owners.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO RECONSIDER THE MOTION TO PROTEST THE RENEWAL OF THE SPUR LIQUOR LICENSE AS FOLLOWS:

YEAS: Cleworth, Pruhs, Rogers, Gibson, Therrien

NAYS: Kun

Mayor Matherly declared the MOTION CARRIED.

The motion to PROTEST (made by Mr. Pruhs, seconded by Ms. Therrien at the December 2, 2019 meeting) was back on the floor.

Ms. Therrien requested that the owners come forward. She asked the owners why they did not attend the previous meeting and shared her concerns about security in the parking lot. She stated there were 89 police calls to the location.

Jori Clawson, 537 Gaffney Road, Fairbanks – Ms. Clawson apologized for not being present at the last Council meeting. She explained that she was travelling with a sick child, but she would never miss another renewal hearing. She stated the parking lot has just been equipped with 32 new cameras. She stated the breakdown of calls can be confusing because there are two liquor licenses at the location. Ms. Clawson stated in 2018 there were only 36 self-initiated visits from police, which was less than half of the calls to the location under the previous owner. She shared that in 2019 there were only 22 self-initiated calls. Ms. Clawson asked for reconsideration because they have worked so hard to improve the business.

Nicholas Nyquist, Fairbanks – Mr. Nyquist stated there was no protest from any departments, so he did not think it was necessary to attend the last meeting. He stated they are working hard to keep the establishment safe and fun for the community.

JD Clawson, 537 Gaffney Road, Fairbanks – Mr. Clawson stated when they opened their doors they had an initial meeting with security staff and instructed them to not let individuals in the bar who had been a problem in the past. He stated their business strategy is to not only make a profit, it is also to provide a fun and safe environment for the community. He stated he and Jori have four children, and they want them raised in a safe community. Mr. Clawson stated Jerry and Glenner are now performing comedy shows again at the location. He stated they just spent \$10,000 on new video surveillance equipment, so if the police need footage, they can provide it. He stated he was shocked by the results of the vote at the last Council meeting.

Ms. Kun stated her concern is the REDI reports; she stated there were nine in 2016 and four in 2018, and those are the most dangerous calls. Ms. Clawson stated she likes to be proactive – not reactive. She stated The Spur staff is trained to look out for fake identifications and to cut people off when they have had too much. She stated there was only one REDI call in 2019. **Ms. Kun** asked if the amount of alcohol taxes they are paying to the City is covering the cost of police staff time for the callouts to the location. Ms. Clawson stated the City brings in about \$2 million

dollars a year in alcohol taxes, and they pay their portion in order to secure police services when needed. She stated that over the last 19 months, they have paid over \$70,000 in City alcohol taxes. She stated since they took over the business, calls have decreased by more than half.

Mr. Pruhs advised the owners to show up to City Council meetings from now on. Ms. Clawson again apologized for missing the last meeting. **Mr. Pruhs** stated when the only person who shows up to testify is a police officer who has three pages of data, there is a lesson to be learned. Ms. Clawson acknowledged Mr. Pruhs' statements. **Mr. Pruhs** asked Ms. Clawson if she feels she is taking the brunt of the issues leftover from the previous owner. Ms. Clawson stated she listened to the meeting audio four times in preparation to speak to the Council, and she reiterated that their business is The Spur – not Kodiak Jacks. She stated they support the community and youth sports, and she was born and raised in Fairbanks. She stated she wants to continue trying to better the community, and she actively looks for ways to improve her establishment.

Mr. Pruhs asked for more information about the new cameras. Mr. Clawson stated they met with the security design person, and now there are no blind spots in the parking lot. He stated they now have very clear images, and it helped the previous weekend when they were accused of having an assault in the bar. He stated the police came and reviewed the video footage, and the woman had never entered the establishment. **Mr. Pruhs** asked if they have had any issues with the Alcoholic Beverage Control (ABC) Board. Mr. Clawson replied that they have not.

Ms. Therrien stated there are still 70 incidents on the call report since they took over The Spur. Ms. Clawson stated that 22 of the calls are self-initiated, and she tried to provide information about some of the other calls. She stated it should not reflect negatively on her business if she calls the police because she sees someone making a drug sale on the property; she stated that is her responsibility. **Ms. Therrien** asked if there is enough security in the parking lot at the end of the night when the location clears. Ms. Clawson responded that most of the security staff goes outside at the end of the night. She explained that security staff goes outside and roves the area, and staff does not provide drink service right up until closing time.

Mayor Matherly stated that at the Department Head meeting, Fairbanks Emergency Communications Center (FECC) Director Kristi Merideth shed some light on the callout list. He asked Ms. Merideth to come forward for a staff report. **Ms. Rogers** asked if Lt. Foster could come forward again also.

FECC Director Kristi Merideth explained the difference between assault, disturbance, and domestic violence calls. She shared that in looking through The Spur's reporting, she sees 42 calls that are based on protocol only. She stated she can pull the call information from the CAD system that includes only calls that have the words "The Spur" associated with them. She spoke to how FECC codes calls and stated that the total number of calls reported initially included supplementary and follow-up calls, which should not be counted against the establishment.

Lt. Foster stated his involvement with The Spur has a history. He stated he was assigned to the night shift for a month when he returned from the national academy, and he noticed similarities to Kodiak Jacks in the nature of the calls to The Spur. He stated, however, he has recently spoken with night shift lieutenants who have assured him that things have substantially improved at the location. He apologized for misconstruing information at the last meeting. Lt. Foster

stated the camera system will be a huge resource for FPD and stated he is more comfortable knowing they are doing a better job than when it was Kodiak Jacks.

Ms. Therrien thanked Lt. Foster and stated there is no need to apologize for sharing concerns.

Ms. Rogers thanked everyone for coming before the Council and for the conversations they have shared. She stated that it shows how important it is for owners to come to the Council to discuss issues. She invited the owners to attend future meetings to give updates to the Council.

Mr. Pruhs stated it was a series of unfortunate events, but everyone did their jobs; he thanked Ms. Therrien for requesting reconsideration. He stated he would be voting against the protest because it has become clear that the owners have worked hard to make The Spur a safe place.

Ms. Therrien shared that she still has concerns with the number of events that occur in the parking lot. She stated she would like to see a lower number of calls in the next year.

Mr. Cleworth pointed out that there was no department-recommended protest for the license, and the opinion of an officer was in conflict with the department’s recommendation. He stated that since the Council had been given mixed messages, they should have postponed the vote until the owners could speak for themselves.

Mayor Matherly thanked everyone for the back-and-forth on the issue.

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

YEAS: Kun
NAYS: Pruhs, Therrien, Cleworth, Gibson, Rogers
Mayor Matherly declared the MOTION FAILED.

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

Lic. #	DBA	License Type	Licensee	Premises Address
3969	Tony’s Sports Bar	Beverage Dispensary	JNJ, Inc.	537 Gaffney Road, Suite 1
4170	The Library (formerly Tapas)	Beverage Dispensary	Tapas, LLC	603 Lacey Street

Mr. Pruhs, seconded by **Ms. Kun**, moved to WAIVE PROTEST on the Liquor License Applications for Renewal.

Ms. Kun, seconded by **Ms. Therrien**, moved to DIVIDE THE QUESTION and take each renewal application separately.

Mayor Matherly called for objection on the motion to DIVIDE THE QUESTION, and hearing none, SO ORDERED.

Ms. Kun stated she is concerned with the amount of REDI calls reported for Tony’s Sports Bar.

Mr. Pruhs stated he has been to Tony’s Sports Bar many times because they have great food and friendly staff; he stated he has seen no issues.

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

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

Frank Eagle, 912 Kellum Street, Fairbanks – Mr. Eagle stated he has never had a problem with the location. He stated it has been remodeled, and it is a beautiful establishment.

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

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

MAYOR’S COMMENTS AND REPORT

a) Special Reports

Charity Gadapee, Explore Fairbanks – Ms. Gadapee gave a report on some of the events that took place in Fairbanks since the last Council meeting. She thanked the Council for reinvesting bed tax dollars into the local tourism industry.

Mayor Matherly asked Chief of Staff Mike Meeks for a staff report on downtown issues. Mr. Meeks stated that they define a “snow event” as six inches of snowfall as reported by the Fairbanks International Airport. He explained that when that occurs, Public Works will post signage downtown, then a night shift snow removal crew will begin. He stated they will test the standard, and the City welcomes feedback as to how the new process is working.

Mayor Matherly stated he appreciates the reading of the Bill of Rights and thanked the Scouts for coming to read them. He wished everyone a wonderful holiday and shared that volunteering is a wonderful way to spend time during the holidays. He stated Fairbanks is a great town and asked everyone to put aside differences and recognize their blessings this time of year.

COUNCIL MEMBERS’ COMMENTS

Ms. Kun listed several questions she had for those who testified earlier. She stated she had questions for everyone but was not asked after each person testified. She stated that for the sake of decorum, she would like the continuity at every meeting, and she would like to have the opportunity to ask questions to those who testify.

Ms. Rogers thanked the Scouts for attending and for reading the Bill of Rights; she also thanked everyone else who attended the meeting. She thanked the owners of The Spur for attending and shining a positive light on the establishment.

Ms. Therrien congratulated the two retiring police officers and agreed with Lt. Foster that the City should make recruiting more of a priority.

Mr. Pruhs thanked the Scouts for coming and reading the Bill of Rights, and he thanked Mr. Buberger for continuing to care about the Polaris Building. He stated the City has not spent any funds on the Polaris Building and explained that the taxes were paid by private funds. He gave assurance that nothing would happen to the Polaris Building without complete transparency and added that he works on the project pro bono because he enjoys it.

Mr. Cleworth thanked both the retiring officers for their years of service to the City and for the knowledge they have shared throughout their careers. He shared his frustration in hearing all the negativity about FPD because there has been a great deal of success with hiring over the past year. He stated three new officers were recently sworn in, and one of them, who had applied for the Chief position earlier in the year, stated that he had applied to FPD previously with no response. **Mr. Cleworth** stated internal problems like that are being corrected and spoke well of the Chief Reeder's efforts. He stated the City has budgeted for 45 sworn officer positions, a labor contract was ratified, and changes were made to help the officers with step increases. He stated there are some vacancies and some individuals on light duty, but hearing that there is only a staff of two or three is not acceptable. He stated that the City of Fairbanks staffs at a higher level than other municipalities, and employees are saving a tremendous amount of money since switching to different health care plan. He stated the conversation should be more balanced.

Mr. Gibson thanked Troop 92 specifically for attending, and he thanked everyone for attending to address issues of concern. He wished DC Welborn and Lt. Merideth well in their retirements.

UNFINISHED BUSINESS

- a) Ordinance No. 6117, as Amended – An Ordinance Amending the 2019 Operating and Capital Budgets for the Fifth Time. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Ms. Kun, seconded by **Ms. Therrien**, moved to ADOPT Ordinance No. 6117, as Amended.

Chris Miller – Mr. Miller stated he is learning the City's budgeting process. He stated that while he is thankful for the attention to the core area, more efforts are needed. He stated he wished the City would have used more of the 2019 funds rather than kicking the can down the road.

Mr. Pruhs explained that \$50,000 is being added to the Public Works snow removal budget; he spoke briefly to the transfer to the Capital Fund.

Ms. Kun asked Mr. Miller if he approved of the proposed version of the ordinance. **Mr. Cleworth** pointed out that the proposed substitute is not yet on the floor. **Mayor Matherly** stated that he should have taken a motion to substitute prior to opening the public hearing.

Ms. Therrien, seconded by **Mr. Pruhs**, moved to SUBSTITUTE the proposed version of Ordinance No. 6117, as Amended.

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

David van den Berg – Mr. van den Berg asked how having a budget surplus helps support the idea to increase revenue. He stated the City wins budget awards every year, and he expressed confusion with why snow removal standards are so low while there is a budget surplus.

Hearing no more requests for comment, **Mayor Matherly** declared the public hearing closed.

Ms. Therrien, seconded by **Ms. Kun**, moved to AMEND Ordinance No. 6117, as Amended, by increasing the Police Department budget by \$100,000 for uniform replacement.

Mr. Pruhs asked Police Chief Reeder to provide a staff report because he needed to understand why uniforms and equipment cost so much.

Chief Reeder explained that uniforms include gun belts, holsters, magazine pouches, and hand cuffs – it is not just money for pants and shirts. She stated there are no winter coats available for new officers, and former DC Welborn gave his to one of the officers to use for the winter. She stated the supply needs to be replenished. She stated she had two officers on light duty go through the supply locker, and they found that it had not been stocked.

Mr. Gibson asked if the closet is empty. Chief Reeder stated it is not completely empty; she stated there are some odd sizes and no women's uniforms. She stated it needs to be restocked so that new officers can get the uniform and equipment required to do the job.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6117, AS AMENDED, BY INCREASING THE POLICE DEPARTMENT BUDGET BY \$100,000 FOR UNIFORM REPLACEMENT AS FOLLOWS:

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

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

Ms. Therrien, seconded by **Ms. Kun**, moved to AMEND Ordinance No. 6117, as Amended, by reducing the transfer to the Capital Fund by \$500,000.

Ms. Therrien stated she is concerned about putting so much of the surplus into the Capital Fund. She stated union contracts will need funding.

Mr. Cleworth stated he has seen years where there has been no money left at the end of the year; he explained the reasoning behind transferring money into the Capital Fund. He stated roads have not been resurfaced, and it causes snow removal issues and potholes in the summer. He stated that Capital funds allow the City to have available resources if the need arises, and he

spoke to the decline in State revenue sharing. **Mr. Cleworth** stated a labor contract should not be funded with an annual budget surplus, and one-time money should go towards equipment.

Mayor Matherly agreed with Mr. Cleworth and spoke against the amendment. **Mr. Pruhs** echoed Mr. Cleworth and the Mayor's statements.

Ms. Kun expressed support for the transfer to Capital for a variety of reasons; she stated the Council should work on increasing revenue the following year.

Mayor Matherly asked Ms. Kun what her ideas are for increasing revenue. **Ms. Kun** stated there are fees that could be introduced.

Mr. Gibson, seconded by **Ms. Therrien**, moved to AMEND the amendment to Ordinance No. 6117, as Amended, by reducing the Capital Fund transfer by only \$250,000 (not by \$500,000).

Ms. Rogers asked Director Jeff Jacobson for a staff report regarding the equipment at Public Works. Mr. Jacobson spoke to future capital costs and used the City Hall heating system replacement project as an example.

Mr. Cleworth asked how much replacing the heating system would cost. Mr. Meeks stated it will cost an estimated \$5 million. **Mr. Cleworth** stated that is a perfect example because the State is not going to give the City the money to replace the system.

Mr. Gibson, seconded by **Ms. Kun**, moved to CALL THE PREVIOUS QUESTION.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO CALL THE PREVIOUS QUESTION AS FOLLOWS:

YEAS: Gibson
NAYS: Cleworth, Pruhs, Rogers, Kun, Therrien
Mayor Matherly declared the MOTION FAILED.

Mr. Pruhs stated it is easy to say the Council can transfer the money to the Capital Fund at a later date, but the transfer usually happens only once at the end of the year. He spoke in support of building up a reserve for things that will need to be replaced.

Ms. Rogers stated she understands both views on the issue. She expressed appreciation for the Council's concern about the issue.

Mayor Matherly stated that he does not like to cut the discussion off when Council members still have things to say. **Mr. Gibson** stated that perhaps he should have called a point of order instead of moving the previous question because the discussion was not relevant to the motion on the floor at the time.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE AMENDMENT TO ORDINANCE NO. 6117, AS AMENDED, BY REDUCING THE CAPITAL FUND TRANSFER BY ONLY \$250,000 (NOT BY \$500,000) AS FOLLOWS:

YEAS: Kun, Gibson, Therrien
NAYS: Pruhs, Cleworth, Rogers, Matherly
Mayor Matherly declared the MOTION FAILED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6117, AS AMENDED, BY REDUCING THE TRANSFER TO THE CAPITAL FUND BY \$500,000 AS FOLLOWS:

YEAS: Therrien, Kun
NAYS: Rogers, Pruhs, Gibson, Cleworth
Mayor Matherly declared the MOTION FAILED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6117, AS AMENDED, AS FOLLOWS:

YEAS: Gibson, Therrien, Pruhs, Cleworth, Rogers
NAYS: Kun
Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6117, as Amended, ADOPTED.

Mayor Matherly called for a ten-minute recess. The meeting resumed after the brief recess.

- b) Ordinance No 6118 – An Ordinance Adopting the 2020 Operating and Capital Budgets. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Ms. Therrien, seconded by **Mr. Gibson**, moved to ADOPT Ordinance No. 6118.

Chris Miller – Mr. Miller thanked the Council for adding funds to FPD and suggested the Public Works Department receive an additional \$400,000 for snow removal. He suggested ideas for projects the Council should focus funds toward to help make improve the community.

David van den Berg – Mr. van den Berg stated an extra \$400,000 toward the Public Works Department would fund a third snow removal rotation for the entire City. He stated that snow removal efforts in the downtown area need to increase, and he spoke to the need for abatement of problem properties.

Hearing no more requests for comment, **Mayor Matherly** declared the public hearing closed.

Ms. Kun stated she could not support the 2020 budget due to some of the things she heard during the meeting. She stated the budget is not balanced – it just follows Charter requirements.

Ms. Therrien, seconded by **Mr. Pruhs**, moved to AMEND Ordinance No. 6118 by adding \$2000 to the City Clerk’s Office budget for City Council travel.

Ms. Therrien stated sending two new Council members to the AML conference and also funding a trip to Juneau for the legislative session requires more funds.

Mr. Pruhs spoke in support of the amendment by stating that he and Mr. Cleworth will term out in 2020, and two new Council members will need to go to attend the AML conference.

Ms. Rogers stated she supports the amendment because the AML conference offers important education for new Council members.

Mr. Cleworth spoke in opposition to the amendment.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6118 BY ADDING \$2000 TO THE CITY CLERK'S OFFICE BUDGET FOR CITY COUNCIL TRAVEL AS FOLLOWS:

YEAS: Therrien, Rogers, Pruhs, Gibson, Kun

NAYS: Cleworth

Mayor Matherly declared the MOTION CARRIED.

Ms. Therrien, seconded by **Ms. Kun**, moved to AMEND Ordinance No. 6118, as Amended, by increasing the Engineering Department training budget by \$4,400.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6118, AS AMENDED, BY INCREASING THE ENGINEERING DEPARTMENT TRAINING BUDGET BY \$4,400 AS FOLLOWS:

YEAS: Rogers, Kun, Therrien, Pruhs

NAYS: Gibson, Cleworth

Mayor Matherly declared the MOTION CARRIED.

Mr. Cleworth, seconded by **Ms. Therrien**, moved to AMEND Ordinance No. 6118, as Amended, by increasing the Engineering Department "Other Outside Contracts" line item by \$15,000 and offsetting that expenditure by increasing "Fines, Forfeitures & Penalties" revenue by \$15,000.

Mr. Cleworth stated he would like to see more ticketing for moving violations. **Mr. Gibson** stated he does not want Fairbanks to be known for funding the budget by writing a lot of traffic citations. **Mr. Cleworth** stated he does not want that either, but he would like to highlight that it is an area that needs some attention.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6118, AS AMENDED, BY INCREASING THE ENGINEERING DEPARTMENT "OTHER OUTSIDE CONTRACTS" LINE ITEM BY \$15,000 AND OFFSETTING THAT EXPENDITURE BY INCREASING "FINES, FORFEITURES & PENALTIES" REVENUE BY \$15,000 AS FOLLOWS:

YEAS: Rogers, Gibson, Therrien, Pruhs, Cleworth

NAYS: Kun

Mayor Matherly declared the MOTION CARRIED.

Ms. Therrien, seconded by **Ms. Kun**, moved to AMEND Ordinance No. 6118, as Amended, by increasing the Police Department training budget by \$50,000.

Ms. Therrien stated she is concerned about having enough funds for the needed training for new police officers. She indicated that police officer training is good for the community. **Mr. Pruhs** stated he would support the amendment, but he would prefer it wait till a later time. **Ms. Rogers** agreed that the increase may be needed, but it could be dealt with in the future.

A ROLL CALL VOTE ON THE MOTION TO AMEND ORDINANCE NO. 6118, AS AMENDED, BY INCREASING THE POLICE DEPARTMENT TRAINING BUDGET BY \$50,000 AS FOLLOWS:

YEAS: Kun, Therrien
NAYS: Gibson, Pruhs, Cleworth, Rogers
Mayor Matherly declared the MOTION FAILED.

Ms. Therrien, seconded by **Ms. Kun**, moved to AMEND Ordinance No. 6118, as Amended, by increasing the Capital Fund by \$100,000 to cover replacement of the Dispatch alarm system.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6118, AS AMENDED, BY INCREASING THE CAPITAL FUND BY \$100,000 TO COVER REPLACEMENT OF THE DISPATCH ALARM SYSTEM AS FOLLOWS:

YEAS: Cleworth, Pruhs, Rogers, Gibson, Therrien
NAYS: Kun
Mayor Matherly declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6118, AS AMENDED, AS FOLLOWS:

YEAS: Pruhs, Therrien, Cleworth, Gibson, Rogers
NAYS: Kun
Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6118, as Amended, ADOPTED.

- c) Ordinance No. 6119 – An Ordinance to Amend FGC Sec. 74-151 to Include E-Cigarettes and Vaping Devices in the Definition of Tobacco Products Subject to Taxation Under Article V of Chapter 74. Introduced by Council Member Gibson. SECOND READING AND PUBLIC HEARING.

Mr. Gibson, seconded by **Mr. Kun**, moved to ADOPT Ordinance No. 6119.

Austin Decker, 541 Baranof Avenue, Fairbanks – Mr. Decker stated there is no tobacco in e-cigarettes, so grouping it with tobacco products makes no sense. He stated he was smoking three packs of cigarettes a day before he began using e-cigarettes; he stated they are not the same.

Ms. Kun asked if there is nicotine in e-cigarettes. Mr. Decker stated they do contain nicotine.

Mr. Gibson asked where the nicotine comes from. Mr. Decker stated the nicotine is added to it. **Mr. Gibson** asked whether the consumer knows what they are consuming. Mr. Decker stated the ingredients are on the label.

Jonathan Wilson, 3900 Hurst Road, North Pole – Mr. Wilson stated he used to smoke, but he saves a lot of money by vaping instead. He stated nicotine comes from tobacco and organic plants like eggplants. He spoke about how his senses have improved since he stopped smoking.

Ms. Kun asked whether the products used for vaping are taxed in other areas of Alaska. Mr. Wilson stated that, so far, they are not.

Mr. Pruhs asked if vaping products could be purchased online and, if so, whether they are taxed. Mr. Wilson stated he can buy online without paying taxes.

Mr. Gibson asked about the concentration of nicotine in an eggplant. Mr. Wilson replied it is about 0.2%.

Mr. Cleworth asked Mr. Wilson if he works in the industry; he also asked how much he pays for e-liquid. Mr. Wilson stated he is not in the industry, and e-liquid costs about \$17.00.

Alex Jafre, 393 Droz Drive, Fairbanks – Mr. Jafre stated he is a cigarette smoker, and he believes vaping products should be taxed the same.

Alex McDonald, 1215 Lance Lane, Fairbanks – Mr. McDonald spoke against the ordinance and stated that vaping products should not be taxed like tobacco products because they are not tobacco products. He stated that vaping is healthier than smoking tobacco.

Mr. Pruhs asked Mr. McDonald if he works in the industry. Mr. McDonald stated that he has a small “mom and pop” store. He stated he is not going to get rich; he just likes helping people.

David van den Berg – Mr. van den Berg stated that nicotine is an addictive substance, and vaping should be taxed. He stated he would not want his kids to use the products.

Mr. Gibson asked Mr. van den Berg how old his children are; Mr. van den Berg replied that his children are in the fourth and sixth grades. He stated his children talk about things they hear at school, but he does not know how kids are getting access to vaping products.

Hearing no more requests for comment, **Mayor Matherly** declared the public hearing closed.

Mr. Gibson explained why he introduced the ordinance. He stated he empathizes with small businesses, but big companies are profiting. He gave some statistics on underage consumption and stated addiction is happening early. He stated it is taxed in the Mat-Su Borough at 55%.

Ms. Kun stated it is not federally cleared to be taxed. She stated it is up to the courts to determine how it should be handled because it is not tobacco.

Mr. Pruhs stated that from a revenue aspect, he does not see it creating enough funds to make a difference. He stated, however, that he appreciates Mr. Gibson introducing the ordinance.

Ms. Therrien stated that a News Miner article reported that someone in the state has been diagnosed with a vaping-related illness. She stated the Council should support the ordinance if for no other reason than to deter youth from vaping.

Ms. Rogers stated that if more information is provided she may consider supporting it in the future. She stated that for now she would not be supporting the ordinance.

Mr. Cleworth stated that to him it is not a matter of health, it is a matter of consistency in City code. He stated he believes e-liquids should be taxed; he stated he actually thought it was already being taxed. He stated the devices used for vaping should not be taxed. He asked City Attorney Ewers if only the liquid would be taxed. Mr. Ewers stated he believes some of the products come inside a vaping device.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6119 AS FOLLOWS:

YEAS: Therrien, Cleworth, Gibson
NAYS: Pruhs, Kun, Rogers, Matherly
Mayor Matherly declared the MOTION FAILED.

d) Ordinance No. 6120 – An Ordinance to Combine the Landscape Review and Appeals Commission with the Building Code Review and Appeals Commission. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Ms. Kun, seconded by **Ms. Therrien**, moved to ADOPT Ordinance No. 6120.

Mayor Matherly called for comment and, hearing none, declared the public hearing closed.

Mr. Cleworth, seconded by **Ms. Therrien**, moved to AMEND Ordinance No. 6120 by changing the word “shall” to “which” in Sec. 2-483(c).

Mr. Ewers stated he would work with the Clerk to edit the commas in the sentence.

Mayor Matherly, called for objection to the motion to AMEND, and hearing none, so ORDERED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6120, AS AMENDED, AS FOLLOWS:

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

- e) Ordinance No. 6121 – An Ordinance to Amend FGC Chapter 62, by Adding Article II Regarding Regulation of Unmanned Aircraft Systems. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Mr. Cleworth, seconded by **Ms. Therrien**, moved to ADOPT Ordinance No. 6121.

Tom Nomer, 2767 Goldhill Road, Fairbanks – Mr. Nomer stated he works with the unmanned aircraft at the University of Alaska Fairbanks (UAF). He stated it seems that the ordinance only reiterates the Alaska Statute, with the exception of the portion on annual reporting. He stated Federal Aviation Administration (FAA) restrictions are already in place, and the ordinance would not change those.

Hearing no more requests for comment, **Mayor Matherly** declared the public hearing closed.

Ms. Therrien asked Lt. Foster for a staff report. Lt. Foster stated that FPD adopted emerging technology, unmanned aerial vehicles (UAV). He spoke to the benefits of using drones in police work and stated that it is basically a flying camera to assist with investigations. He stated he has pushed hard for this program because there are such limited resources, and the drone technology will save time and money. He explained there is controlled airspace in Fairbanks because of the army base and the airport. Lt. Foster stated drone technology is helpful when vulnerable people go missing. He told of an incident in Texas where a suspect committed suicide in a field, and an officer had his own drone that he launched over the field. He stated that the officer saved the department time and resources because they did not have to dispatch an armored vehicle and additional officers. He explained that the ordinance is a policy and that if the Alaska State Troopers (AST) use the technology, a City-trained officer will be operating the equipment.

Mr. Cleworth stated he is happy to see the ordinance because people inquire about the City’s policy on drone use.

Ms. Rogers stated she is particularly pleased about the use of drone technology for search and rescue. Lt. Foster spoke of a time a senior citizen wandered off from Wedgewood Resort, and they dispatched the drone. He stated the individual was found and returned to his family .

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6121 AS FOLLOWS:

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

NAYS: None

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6121 ADOPTED.

WRITTEN COMMUNICATIONS TO COUNCIL

- a) Reappointment to the Public Safety Commission

Ms. Kun, seconded by **Mr. Gibson**, moved to APPROVE the Reappointment to the Public Safety Commission (PSC).

Ms. Kun stated she just wanted to advise the Council that it has not been decided as to whether the PSC will continue. She clarified that she does not have a problem with the reappointment.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE REAPPOINTMENT TO THE PUBLIC SAFETY COMMISSION AS FOLLOWS:

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

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

b) Commission on Historic Preservation Meeting Minutes of July 15, 2019

ACCEPTED on the CONSENT AGENDA.

c) Commission on Historic Preservation Meeting Minutes of August 19, 2019

ACCEPTED on the CONSENT AGENDA.

d) Commission on Historic Preservation Meeting Minutes of September 23, 2019

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Ms. Gibson stated he had no comments.

Mr. Cleworth reported he saw a news story where a firefighter at the Fairbanks Fire Department (FFD) spoke highly about his job; **Mr. Cleworth** told Fire Chief Styers that the firefighter represented the City well. **Mr. Cleworth** thanked everyone for participating in the budget process. He shared that the Parking Authority allowed food donations in lieu of paying fines for two-hour parking violations.

Mr. Pruhs read an article titled *Life of a Councilman* that was published in the Fairbanks Daily News Miner on December 1, 1953. He stated that the more things change, the more they stay the same.

Ms. Therrien wished everyone Happy Holidays and a Merry Christmas. She stated she hopes for a prosperous New Year.

Ms. Rogers echoed Ms. Therrien's comments.

Ms. Kun gave a land acknowledgement and wished everyone Happy Holidays. She provided a help line phone number for those who may need help.

Mr. Pruhs, seconded by **Mr. Gibson**, moved to ENTER Executive Session for the purpose of discussing AFL-CIO and FFU Labor Negotiation Strategies.

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
- b) FFU Labor Negotiation Strategy

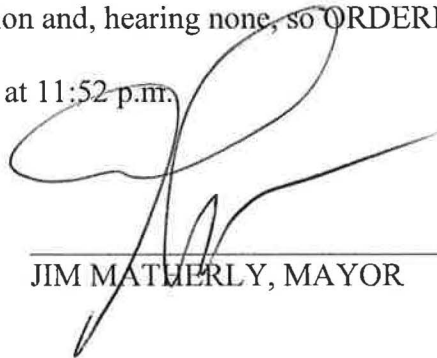
The City Council met in Executive Session to discuss AFL-CIO and FFU Labor Negotiation Strategies. Direction was given to the negotiating team, and no action was taken.

ADJOURNMENT

Ms. Kun, seconded by **Mr. Gibson**, moved to ADJOURN the meeting.

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

Mayor Matherly declared the meeting adjourned at 11:52 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB