



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JUNE 14, 2021
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 6:30 p.m. on the above date, following a 5:30 p.m. Work Session for a legislative update with City Lobbyist Yuri Morgan, to conduct a Regular Meeting of the Fairbanks City Council via Zoom webinar and 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 (remotely)
Valerie Therrien, Seat C
Aaron Gibson, Seat D
Lonny Marney, Seat E
Jim Clark, Seat F (remotely)

Absent: None

Also Present: Margarita Bell, Chief Financial Officer
Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Mike Meeks, Chief of Staff
Kristi Merideth, FECC Manager (remotely)
Angela Foster-Snow, HR Director
Geoff Coon, Assistant Fire Chief
Sean Rice, Public Works Laborer Foreman

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 Mr. Marney to lead the Flag Salutation.

CEREMONIAL MATTERS

Mayor Matherly read into the record a Proclamation recognizing the week of June 14-18 as Waste and Recycling Workers Week. He continued by recognizing Sean Rice, Laborers Foreman at Public Works, for his work as a supervisor.

CITIZENS' COMMENTS

Wendell Zesiger, Fairbanks – Mr. Zesiger thanked the Council for the opportunity to speak and spoke to his belief in the U.S. Constitution. He read the Oath of Office for the Governor of Alaska, adding that by taking the Oath, elected officials swear to protect and uphold the Constitution of Alaska and the United States. Mr. Zesiger went on to add his opinion that many man-made laws, while their intentions may be good and true, violate the Constitution. He implored the administration to come together to protect common law and preserve the God-given rights of the people. He concluded by stating that the rights given by people can be stripped away but his rights, as given by God, cannot.

Mr. Clark asked if there had been a specific issue that brought Mr. Zesiger to testify. Mr. Zesiger stated that he had been arrested under the unconstitutional law requiring a driver's license. He added that his vehicle has been taken away and is not likely to be returned. He stated he was a farmer and a father of six and asked the Council to look carefully at the Constitution.

Tim Staton, Fairbanks – Mr. Staton thanked the Council for the opportunity to complain about the Downtown Association (DTA). He stated that the DTA has been putting on the Midnight Sun Festival each year without consulting the local business owners. Mr. Staton added that when the festival first began, he saw a big increase in sales due to the increased foot traffic; however, once the booths were moved to the curb instead of the center of the closed road, foot traffic has been directed away from the local businesses, and sales have suffered dramatically. He added that he has spoken to the DTA director and has also heard similar opinions from other business owners downtown. He asked the Council to support his efforts as his requests have been ignored.

Ms. Therrien asked about the response from the DTA director. Mr. Staton stated that he has not received a response. **Ms. Therrien** asked if Mr. Staton was a DTA member, and he replied that he was not. Mr. Staton stated that the only thing he has heard is that placing the booths in the center of the street creates a fire hazard by preventing emergency vehicle access. Mr. Staton stated that is a moot point as many other streets are blocked, used, or closed off.

Victor Buberger, Fairbanks – Mr. Buberger chided the Mayor for his interruption of his testimony at the previous meeting, which caused him to lose his train of thought. He added that Robert's Rules of Order likely addresses the issue. He commented on the Mayor's accomplishment with limiting testimony to only three minutes. Mr. Buberger went on to speak about the large number of potholes and asked the Council to consider putting in some public restrooms.

Sean Rice, Fairbanks – Mr. Rice stated that it had been an honor working for the City of Fairbanks. He stated that he began working at the City as a temporary hire in 1999 before becoming a permanent employee in 2003. He went on to share some highlights of his career and thanked the Council for allowing him the opportunity to be part of a great organization.

Mr. Marney thanked Mr. Rice and his crew for their hard work.

Ms. Rogers stated that Mr. Rice's crew deserves the Council's accolades as they are hard workers who do their best to serve the community.

Louis Detucci, Fairbanks – Mr. Detucci thanked the Council members for their service to the Fairbanks community.

Hearing no more requests for in-person comments, **Mayor Matherly** turned to Council Member Kun who had a written comment from a citizen to read into the record:

Diane Preston, Fairbanks – Ms. Preston provided information on tax credits and grant discounts for individuals who install solar panels on their homes in certain areas of the City. She provided a web address, <https://akcenter.org/climatecleanenergy/solarizefairbanks>, where citizens can sign up for a free assessment until June 18, 2021.

City Clerk Danyielle Snider stated that there were no more written comments to be read into the record and called on those who wish to testify over Zoom.

Shaun D’Sylva, Fairbanks – Mr. D’Sylva spoke regarding Ordinance No. 6172 regarding the proposed change to City Code to include vaping devices under the tobacco tax. He added that his business helps adult smokers stop smoking cigarettes, and he hoped to work with the Council to clarify the difference between nicotine and non-nicotine products within the ordinance.

Ms. Therrien asked Mr. D’Sylva to provide his contact information when he submits his documentation.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Clark pulled Ordinance No. 6166 from the Consent Agenda.

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

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

SPECIAL ORDERS

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

Lic. #	DBA	License Type	Licensee	Address
4678	Fairbanks Junior Ice Dogs	Recreational Site	Fairbanks Junior Ice Dogs, Inc.	1920 Lathrop Street

Mr. Marney, seconded by **Mr. Gibson**, moved to WAIVE PROTEST on the Liquor License Application for Renewal.

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

Mr. Gibson noted that there were only two items on the report provided by the Fairbanks Police Department (FPD) and asked if the calls were related to the license. Deputy Chief Sweet stated that the items marked were not related to the license – only the location.

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

YEAS: Therrien, Rogers, Gibson, Kun, Marney, Clark

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Matherly thanked Yuri Morgan for the legislative update. He welcomed the new business, Arby's, to Fairbanks and shared that there are already plans for a second location on the east side of town. He went on to share his consideration for the issues presented by Mr. Staton regarding the Midnight Sun Festival, stating that he was unsure of his influence on the placement of booths but added that he would look into it. **Mayor Matherly** expressed his appreciation for the hard work provided by the Public Works, Police, and Fire Departments, noting the very high number of sirens that have been heard lately. He spoke to the many complaints he has received about road construction; he asked people to be patient and stated that things will be better once construction is completed. **Mayor Matherly** asked that people be aware of the potential spread of COVID-19 when attending large gatherings, such as the upcoming festival. He added that many people have been not wearing masks but encouraged everyone to respect the business owners who request that masks be worn. He added that, while not required, vaccinations are being made more easily available through multiple venues. **Mayor Matherly** shared his experience in recently attending a celebration of life and spoke about the cathartic effect of being able to mourn with friends and family.

COUNCIL MEMBERS' COMMENTS

Mr. Clark stated that he had no comments.

Ms. Rogers thanked the Mayor for his commitment to follow through with the issues presented by Mr. Staton. She added that she too believes the new roads will be an asset to the community. She went on to share her appreciation for Waste and Recycling Workers week, stating that she is a big advocate for recycling; she noted that her Council agenda packet had been provided in a recycled file folder.

Mr. Gibson addressed the construction on the 3rd Street extension, stating that the City had the opportunity to pay matching dollars or take over maintenance of the street. He added that he was glad the City chose to pay the match and thought the benefit of maintenance far outweighed the initial cost to the City.

Mr. Marney shared that he had been asked about the lack of street sweeping. He reported that he contacted Jeremiah at Public Works where he learned that two of the three sweepers had been out of commission for repairs. He thanked the Public Works department for their communication and hard work.

Ms. Kun thanked Mr. Rice for the many years he has worked for the City. She expressed hope that there would be an amicable resolution to the situation presented by Mr. Staton and thanked Mr. D'Sylva for his close attention to Article VI of Ordinance No. 6172. She concluded by acknowledging Mr. Zesiger's testimony and confirmed that Council Members take an oath upon entering public office.

Ms. Therrien thanked the Public Works Department and added her support of the Proclamation presented by the Mayor.

UNFINISHED BUSINESS

- a) Ordinance No. 6166 – An Ordinance Adopting an Electronic Communication Device Use Policy During City Council Meetings. Introduced by Council Members Rogers and Therrien. First reading was postponed from the Regular Meeting of April 26, 2021.

Ms. Therrien, seconded by **Ms. Rogers**, moved to ADVANCE Ordinance No. 6166.

Mr. Clark asked for clarification on why the Ordinance was placed under Unfinished Business on the Consent Agenda.

Clerk Snider explained that the first reading had been postponed, removing it from New Business; however, advancement to a second reading is typically done on the Consent Agenda.

Mr. Clark spoke to possible future amendments to the ordinance.

Mr. Gibson spoke against the ordinance.

Ms. Therrien asked Mr. Clark to circulate his amendments before the next meeting, if possible.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6166 AS FOLLOWS:

YEAS: Marney, Clark, Therrien, Rogers
NAYS: Gibson, Kun

Mayor Matherly declared the MOTION CARRIED.

- b) Ordinance No. 6169 – An Ordinance Ratifying a Collective Bargaining Agreement Between the City of Fairbanks and the Public Safety Employees Association Fairbanks Police Command Unit. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Ms. Therrien, seconded by **Ms. Kun**, moved to ADOPT Ordinance No. 6169.

Jerry Cleworth, Fairbanks – Mr. Cleworth spoke against the ordinance. He stated that the current version had still not received a legal review, which was evident with the typos present in section 4.3. He went on to express his concerns with having two bargaining agreements underneath the same union, specifically regarding the concept of acting up from one unit to the other. Mr. Cleworth addressed the issue of memorializing overtime costs within salaries and noted that, while the staff report emphasized the overtime cost, he wished the issue had been discussed at the Finance Committee. He concluded by adding another concern that by creating this contract, the City may be looking at similar contracts in other departments in the future.

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

Mayor Matherly asked for a staff report.

Police Chief Dupee stated that he felt he has good insight on the contract as he has sat on both sides of the negotiating table in his time at the City. He addressed the assumption that the current budget has removed officers from patrol, and he clarified in what ways that was not the case. He added that 14 out of 21 officers are performing patrol duties; he explained the overtime and compensatory time calculations and how that factored into the salaries listed within the contract. Chief Dupee stated that he felt this contract was the best way to move forward with the department and asked that the Council, who confirmed his appointment to Chief of Police, trust him in this matter. He stated he believed it to be the best option for the City and for the FPD.

Chief of Staff Meeks pointed out the changes made in response to the questions brought up at the last Council Meeting regarding the qualifications of the Deputy Chief, Captain, and Lieutenant positions as well as the conflicting language regarding promotions from Sergeant to Lieutenant.

HR Director Foster-Snow addressed the issue of employees acting between two unions, and she noted that it commonly happens in Public Works and in other City departments. She added that in many organizations, managers and employees are not permitted to be part of the same union as it can cause authority, HR, and morale issues.

Mr. Meeks shared his disappointment that the corporate representative was unable to be present and stated that the City's current Public Safety Employees Association (PSEA) contract is the only one the representative has worked with that represents both employees and their supervisors. He addressed many of the questions brought up at the previous meeting and discussed the PowerPoint presentation regarding salaries, overtime, and other differences between the existing PSEA contract and the proposed one.

Mayor Matherly thanked staff for the report, emphasizing that the FPD is the only department under a PSEA contract where supervisors and employees are part of the same bargaining unit.

Mr. Gibson asked for clarification on officers acting up from a Sergeant position to a Lieutenant position and the cost the City would incur. Mr. Meeks explained that the existing contract for the officers will not be changing, and the cost will remain the same. Chief Dupee noted that "acting up" is not something he anticipates will be common moving forward. **Mr. Gibson** ask about

leave accrual and why it is not addressed in the fiscal note. CFO Bell explained that it does not affect the City financially and would not require a budget amendment, but it would increase the leave liability. **Mr. Gibson** asked for clarification on the idea of promotions and demotions, and Mr. Meeks indicated that the current contract reflects the same process as the new one; Ms. Foster-Snow confirmed.

Ms. Rogers asked for clarification on the legal review process. City Attorney Ewers stated that he did review legal portions of the contract, but he did not review it for grammar and spelling.

Mr. Gibson asked how Attorney Ewers determined which portions are legal. Mr. Ewers stated that most of the contract relates to policy, not legal issues.

Mr. Gibson asked for clarification on whether he heard staff say that FPD is the only department in the state that has management and employees in the same union. Mr. Meeks clarified that he stated that FPD is the only department in the state working under a PSEA contract that has management and employees in the same bargaining unit. **Mr. Gibson** asked about Anchorage's situation, and Chief Dupee stated that the supervisors in Anchorage are non-bargaining.

Mayor Matherly noted the amount of time and effort that went into the contract and the support from different departments. He pled with the Council to vote in favor of the ordinance, stating that it is good for the City, the FPD, and the employees.

Ms. Rogers stated that she had expected a work session to discuss the issues that were raised by the FPD sensing session. She reported that she had not received any public comment or any requests by the public for her to vote in favor of the contract. Mr. Meeks stated that there was an effort to not actively request public support; he stated that the negotiating team felt it was disingenuous to ask people to express support for something that they may not fully understand.

Ms. Therrien stated that she had spoken with former Police Chief Hoffman who expressed support for the contract and who indicated that it was long overdue.

Mr. Marney asked who had generated the sensing session report. Mr. Meeks stated that the original purpose of the sensing session was to discover areas within FPD that needed work. He stated that the information was intended to be kept confidential, but, unfortunately, the report had been used as a weapon. He stated that now he does not think that some staff would feel comfortable giving their honest opinion about issues within the department. He spoke in more detail about the original objectives for the sensing session and gave more details about how the session was facilitated.

Ms. Kun asked whether it was requested that the contract be brought back before the Finance Committee. Mr. Meeks stated that the contract had been brought before the Finance Committee, but it was not brought back before the second reading because there were no fiscal changes.

Ms. Rogers expressed appreciation for the information and all the hard questions, stating that an ordinance of this magnitude deserves much discussion and effort.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6169 AS FOLLOWS:

YEAS: Therrien, Kun
NAYS: Rogers, Clark, Marney, Gibson
Mayor Matherly declared the MOTION FAILED.

Mayor Matherly called for a brief recess. The Council reconvened at Item (c) of New Business following the brief recess.

- c) Ordinance No. 6170 – An Ordinance to Repeal and Reenact Fairbanks General Code Chapter 2, Article VI. Public Records. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Ms. Kun, seconded by **Mr. Marney**, moved to ADOPT Ordinance No. 6170.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6170 AS FOLLOWS:

YEAS: Gibson, Kun, Marney, Clark, Therrien, Rogers
NAYS: None
Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6170 ADOPTED.

- d) Ordinance No. 6171 – An Ordinance Authorizing Conveyance of an Easement Requested by GVEA for Location of Electrical Facilities in Golden Heart Plaza. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Ms. Therrien, seconded by **Mr. Gibson**, moved to ADOPT Ordinance No. 6171.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6171 AS FOLLOWS:

YEAS: Kun, Marney, Clark, Therrien, Rogers, Gibson
NAYS: None
Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6171 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4972 – A Resolution Establishing the Rate of Levy of 2021 Real Property Taxes for the City of Fairbanks. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4973 – A Resolution Reviewing the Charges for Garbage Collection and Amending the City Schedule of Fees and Charges for Services by Adjusting the Public Record Request Fees. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4974 – A Resolution Extending the Mayor's Declaration of a Disaster Emergency and Extending the Temporary Provisions of Ordinance No. 6126 Regarding Telephonic Participation of Council Members and Conduct of Council Meetings. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Resolution No. 4975 – A Resolution to Apply for and Accept Funds from the Alaska Division of Homeland Security for the FFY2021 Emergency Management Performance Grant. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- e) Ordinance No. 6172 – An Ordinance to Repeal and Reenact Fairbanks General Code Chapter 74 Taxation. Introduced by Mayor Matherly.

ADVANCED on the CONSENT AGENDA.

- f) Ordinance No. 6173 – An Ordinance Amending Fairbanks General Code Chapter 46 by Adding Theft as a Minor Offense. Introduced by Council Member Clark.

ADVANCED on the CONSENT AGENDA.

WRITTEN COMMUNICATIONS TO COUNCIL

- a) Reappointment to the Fairbanks Diversity Council

APPROVED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS AND COMMITTEE REPORTS

Mr. Clark stated he had no committee reports. He shared that he had been helping his mother move and that it is important to reach out to loved ones.

Ms. Rogers stated that the Fairbanks Diversity Council (FDC) did not have a quorum at their last meeting. She reported she attended the Crisis Now meeting on June 11, which was very well attended. She shared that she met with the Polaris Work Group earlier in the day and shared information on the resolution the City planned to introduce regarding the Polaris Building. She also gave information on the VISTA group and the communications available from them.

Ms. Kun stated she had no committee reports. She gave a land acknowledgment and wished everyone a happy LGBTQIA+ Pride Month. She went on to express her thanks to all City staff for the hard work they do. She encouraged everyone to check in on their friends and family, and she gave the CARE line for listeners. She concluded by wishing everyone a good Summer Solstice.

Ms. Therrien thanked Yuri Morgan for his hard work with the legislature and for speaking to the Council. She shared that it might be better to forego a formal legislative meeting the following week and, instead, speak with legislators individually. She reminded Council Members to register for the August AML Summer Conference through the Clerk's Office. She expressed concern regarding the resignation of the FFD Battalion Chief and suggested an Executive Session to discuss the situation. **Mayor Matherly** stated that he would look into the issue.

Mr. Marney thanked City staff for the hard work on the PSEA ordinance and expressed that it was a difficult decision to make.

Mr. Gibson wished a Happy Father's Day to all the dads. He stated he had no committee reports.

Ms. Rogers added that she had recently attended the celebration of life for Frank Turney. She stated that many of the people who attended spoke fondly and shared memories of Mr. Turney.

CITY CLERK'S REPORT

City Clerk Snider reminded everyone of the Special Finance Committee meeting the following morning.

Ms. Kun, seconded by **Ms. Therrien**, moved to ENTER Executive Session to discuss the Malloy v. City of Fairbanks Litigation Strategy and the Fairbanks Firefighters Union Labor Negotiation Strategy.

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

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

EXECUTIVE SESSION

- a) Malloy v. City of Fairbanks Litigation Strategy
- b) Fairbanks Firefighters Union Labor Negotiation Strategy

The City Council met in separate Executive Sessions to discuss Malloy v. City of Fairbanks Litigation Strategy and the Fairbanks Firefighters Union Labor Negotiations Strategy. Direction was given to legal counsel and the negotiating team, respectively, and no action was taken.

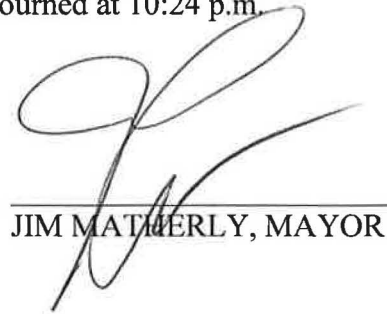
ADJOURNMENT

Mayor Matherly left the meeting during Executive Session; Mayor pro tem Valerie Therrien presided for the remainder of the meeting.

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

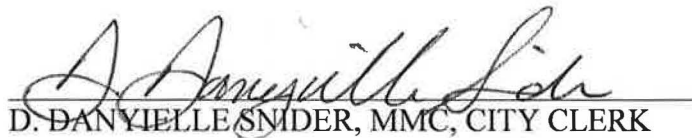
Mayor pro tem Therrien called for objection and, hearing none, so ORDERED.

Mayor pro tem Therrien declared the meeting adjourned at 10:24 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYIELLE SNIDER, MMC, CITY CLERK

Transcribed by: RR