



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, JUNE 28, 2021  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 6:30 p.m. on the above date 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 (remotely)  
Lonny Marney, Seat E  
Jim Clark, Seat F

Absent: None

Also Present: Margarita Bell, Chief Financial Officer (remotely)  
Paul Ewers, City Attorney  
D. Danyielle Snider, City Clerk  
Kristi Merideth, FECC Manager (remotely)  
Angela Foster-Snow, HR Director  
Ron Dupee, Police Chief  
Rick Sweet, Deputy Police Chief  
Travis Koerner, FPD Officer

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

**INVOCATION**

The Invocation was given by City Clerk Snider.

**FLAG SALUTATION**

**Mayor Matherly** asked **Ms. Kun** to lead the Flag Salutation.

**CEREMONIAL MATTERS**

**Mayor Matherly** welcomed new officer Travis Koerner and his family. He stated that Ofc. Koerner is a local and went on to provide a brief bio about him. Chief Dupee and Deputy Chief Sweet administered the Oath of Office, and Ms. Koerner pinned Ofc. Koerner's badge on him.

## CITIZENS' COMMENTS

David Pruhs, Fairbanks – Mr. Pruhs thanked the Council for its sponsorship of Resolution No. 4978 and spoke to the time and effort that has gone into solving the Polaris Building issue.

Scott McCrea, President/CEO of Explore Fairbanks – Mr. McCrea spoke in favor of Resolution No. 4977, regarding the distribution of the City's Coronavirus Funds. He added that tourism is at 40%, and Alaska is lacking visitors that typically arrive by driving or cruise ships; he stated that international travel is also down. He noted that there is some growth, and they are optimistic for the future. Mr. McCrea added his support of Resolution No. 4978 regarding the Polaris Building, adding that it will be a great moment for the City when that building is demolished.

**Ms. Therrien** asked if Mr. McCrea knew the current needs of small businesses. Mr. McCrea stated that the criteria and amount offered by the City is a fair amount to provide to small businesses and commended the City for allocating the other portion of the Coronavirus funds to infrastructure, which is also important to the success of the City.

**Mr. Marney** thanked Mr. McCrea for the work done on behalf of small businesses. Mr. McCrea stated that tourism is on the right track and improving, but challenges still exist that are making it difficult for small businesses.

**Ms. Kun** asked about Explore Fairbanks' projections for 2022. Mr. McCrea stated that they hope cruise-land tours are available again, adding that the organization is still trying to determine the expected difference between next year and pre-COVID tourism. **Ms. Kun** asked if he had any ideas behind the current shortage of employees, to which Mr. McCrea responded that any ideas are purely speculation with many causations, including J-1 student working visas.

Victor Buberger, Fairbanks – Mr. Buberger asked that the Council and the Mayor make clear what infrastructure the COVID funds would be used for; he asked that they consider repairing the roads and installing a public restroom. He asked that none of the COVID funds be used in the demolition of the Polaris Building, but he wished the City luck with its request of the federal funds for the same purpose.

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

## APPROVAL OF AGENDA AND CONSENT AGENDA

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

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

City Clerk Snider read the Consent Agenda into the record.

## APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) Regular Meeting Minutes of April 26, 2021

PASSED and APPROVED on the CONSENT AGENDA.

- b) Regular Meeting Minutes of May 10, 2021

PASSED and APPROVED on the CONSENT AGENDA.

## MAYOR'S COMMENTS AND REPORT

**Mayor Matherly** stated that there was no intent by the City to put COVID funds towards the demolition of the Polaris Building and that any future development of that property will be done by the private sector, not the City. He went on to remind the public that City Hall would be closed on Monday, July 5, 2021, in observance Independence Day. **Mayor Matherly** offered a reminder that fireworks are not legal within City limits, adding that the hot and dry weather conditions make fireworks dangerous; he asked that people refrain from any fireworks in or around the City. He also asked that citizens watch the Fire Department and City Facebook page for burn ban information, as it changes often. **Mayor Matherly** noted the high number of missing people and the social media posts that are circulated to help locate them; he asked that everyone keep their eyes open for those individuals. He went on to share the large attendance at his grandmother's celebration of life, who passed away at 101 years old, and shared a brief history about her. He added that his entire family had come to town for the celebration, and they had a nice time remembering her. **Mayor Matherly** thanked those who are still wearing masks in public and asked that people respect businesses that request masking. He also thanked those who commented in support of the resolutions presented on the agenda. He spoke about the feverish attempts the road crews are making to finish construction and thanked citizens for their patience while it is being completed. He added that the improvements will be worth it in the end.

## COUNCIL MEMBERS' COMMENTS

**Mr. Gibson** expressed his appreciation for patience during road construction. He stated that he lives off of Trainor Gate Road, which has seen a lot of extra traffic lately.

**Ms. Rogers** thanked Mr. Buberger for his recommendation to install a public restroom, and she mentioned that this may be a great opportunity for that to happen. She went on to speak about the road construction and the advantages the improved arterials will provide for businesses and growth in the City. She asked citizens to be thankful for the improvements and mindful of the workers who are facing multiple hazards and weather conditions. **Ms. Rogers** went on to share some memories of the Mayor's grandmother and the positive impact she had on the community.

**Mr. Marney** stated that he had no comments.

**Mr. Clark** apologized for his outbursts in previous meetings. He shared his appreciation of Mr. Pruhs and his support for Resolution No. 4978. He added that there are multiple ways to take

care of the issue and that it is important that progress continues. He expressed concerns about the safety of homeless people, including youth, who are spending time in the Polaris Building.

**Ms. Therrien** congratulated Ofc. Koerner and welcomed his family. She thanked Mr. Pruhs and Mr. McCrea for their support of the resolutions pertaining to the Polaris Building and expressed hope that Mr. Clark might consider adding his name as a sponsor. She passed on her condolences to the Mayor for the loss of his grandmother.

**Mayor Matherly** welcomed Ms. Therrien's brother, Allen, to Council Chambers.

**Ms. Kun** thanked Mr. Pruhs for his work on the Polaris Building and Mr. McCrea for his comments. She also thanked Mr. Buberger for his continued participation in Council meetings.

### **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. SECOND READING AND PUBLIC HEARING.

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

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

**Ms. Rogers** acknowledge the conflicted opinions regarding the Ordinance but stated that the intent is to remain compliant with the Open Meetings Act (OMA).

**Mr. Gibson** stated that he would not support the ordinance and that it needed more work.

**Ms. Therrien** spoke in favor of the ordinance, stating that it is important for the Council to not be perceived as violating the OMA. She added that penalties for violating the OMA are severe, and the Council has an obligation to the public.

**Ms. Rogers** added that it would be wise for the Council to take action on this issue prior to any State mandate.

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

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

- b) Ordinance No. 6172 – An Ordinance to Repeal and Reenact Fairbanks General Code Chapter 74 Taxation. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

**Ms. Therrien**, seconded by **Ms. Kun**, moved to ADOPT Ordinance No. 6172.

**Mayor Matherly** called for Public Testimony. Clerk Snider stated that there were no comments to be heard in person or over Zoom and proceeded to read the following written comment into record:

Alex McDonald, Fairbanks – Mr. McDonald stated that he is the owner of Ice Fog Vapor, located in downtown Fairbanks. He apologized for his inability to attend the meeting. He stated that the current language regarding vaping products would include many everyday items that are not related to taxable substances. He added that other sections of the taxation code are very clear on the taxable items and asked that the Council use his suggested language as an amendment to the tax code.

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

**Ms. Therrien**, seconded by **Mr. Marney**, moved to AMEND Ordinance No. 6172 by striking the existing language under item 10 on page 21 and replacing it with, “Any nonrefillable closed system device that is either disposable and contains nicotine, or any closed pod system that contains nicotine when sold. Any nicotine containing liquid intended to be used in a refillable open system device.”

**Mr. Gibson** clarified that the ordinance is similar to that of other Alaska municipalities.

**Mr. Clark** stated that he believed the intent of the ordinance was to help deter youth from using vaping products, with or without nicotine, and this amendment would effectively kill that intent.

**Mr. Gibson** asked the City Attorney if this language provides for the same intent as the City Attorney’s draft of an amendment.

City Attorney Ewers stated that it was similar. He asked that the Council allow staff some leeway in cleaning up the language in the proposed amendment in regard to style and typos.

**Mr. Gibson** stated that he would like to substitute the City Attorney’s draft language for the current amendment.

**Ms. Therrien** stated that she is content with the motion on the floor and assumed the City Attorney and City Clerk would perform any necessary cleanup.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6172 BY STRIKING THE EXISTING LANGUAGE UNDER ITEM 10 ON PAGE 21 AND REPLACING IT WITH, “ANY NONREFILLABLE CLOSED SYSTEM DEVICE THAT IS EITHER DISPOSABLE AND CONTAINS NICOTINE, OR ANY CLOSED POD SYSTEM THAT CONTAINS NICOTINE WHEN SOLD. ANY NICOTINE CONTAINING LIQUID INTENDED TO BE USED IN A REFILLABLE OPEN SYSTEM DEVICE.”, AS FOLLOWS:

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6172, AS AMENDED, AS FOLLOWS:

YEAS: Therrien, Rogers, Gibson, Kun, Marney, Clark  
NAYS: None  
**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6172, as Amended, ADOPTED.

- c) Ordinance No. 6173 – An Ordinance Amending Fairbanks General Code Chapter 46 by Adding Theft as a Minor Offense. Introduced by Council Member Clark. SECOND READING AND PUBLIC HEARING.

**Ms. Marney**, seconded by **Ms. Clark**, moved to ADOPT Ordinance No. 6173.

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

**Ms. Kun** spoke against the ordinance, stating that an individual who is stealing an item would not have the means to pay for an additional fine. She added that the ordinance would punish those who are already in compromised situations.

**Mayor Matherly** added that not everyone who steals lacks the means to purchase the item(s).

**Mr. Gibson** asked for clarification on the changes the ordinance would make to the current process. Attorney Ewers stated that, under the new ordinance, individuals would have the ability to pay the minor offense fee with the City Clerk's Office or exercise their option to have a court trial, rather than be arrested. **Mr. Gibson** asked to be added as a sponsor of the ordinance. **Mr. Marney** and **Ms. Therrien** indicated they would like to be added as sponsors also.

**Ms. Rogers** asked to hear from Police Chief Dupee. **Mayor Matherly** stated that Chief Dupee was not present but had expressed his support of the ordinance.

**Mr. Clark** stated that the ordinance came about from a conversation he had with Chief Dupee. He stated that the Chief related officers' frustration in arresting individuals for theft only to have their charges later dropped by the District Attorney. He went on to state that he also spoke with loss prevention departments in the box stores, who indicated that shoplifting is a big problem, but nothing is being done to deter repeat offenders.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6173 AS FOLLOWS:

YEAS: Rogers, Therrien, Clark, Marney, Gibson

NAYS: Kun  
**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6173 ADOPTED.

### **NEW BUSINESS**

- a) Resolution No. 4976 – A Resolution Authorizing the City of Fairbanks to Accept Funding from the Bureau of Justice Assistance for the FFY2021 Edward Byrne Memorial Justice Assistance Grant. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4977 – A Resolution Authorizing the City of Fairbanks to Distribute Coronavirus Local Fiscal Recovery Funds. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4978 – A Resolution Requesting Funds for Demolition of the Polaris Building from Federal Infrastructure Appropriations. Introduced by Council Members Therrien, Kun, Marney, and Rogers.

PASSED and APPROVED on the CONSENT AGENDA.

### **DISCUSSION ITEMS AND COUNCIL MEMBERS' COMMENTS**

**Ms. Kun** stated she had no committee reports. She went on to give a land acknowledgment and thanked the Firefighters and Dispatchers. She provided the Care Line for those who might need it and reminded people to reach out to their friends and family.

**Ms. Rogers** shared that she had attended a community outreach social at Fort Wainwright, where she learned that the General would be leaving his post in the coming month. She added that there was a large turnout of people and that there has been a concerted effort to build community outreach through cultural and social events.

**Mr. Gibson** stated he had no comments.

**Mr. Marney** wished everyone a happy and safe Fourth of July with their families and friends, and he added that he is honored to be an American.

**Mr. Clark** concurred with Mr. Marney's statements.

**Ms. Therrien** shared that there is a very large pothole on Barnette Street between 7th and 8th Avenues; **Mayor Matherly** stated that he had spoken to Public Works the day before about that pothole. **Ms. Therrien** added that she had also attended the social event at Fort Wainwright and emphasized their desire to have more communication with the local community. She stated that she expects a message from City Lobbyist Yuri Morgan the following day regarding the State

budget and was hopeful for more information in August. **Ms. Therrien** wished everyone happy Fourth of July and added that she and her brother would be travelling to Valdez with family.

**Mayor Matherly** stated that the heat wave in the Pacific Northwest has caused rolling blackouts in the Portland and Seattle area and that Mr. Meeks' flight had been delayed.

### CITY CLERK'S REPORT

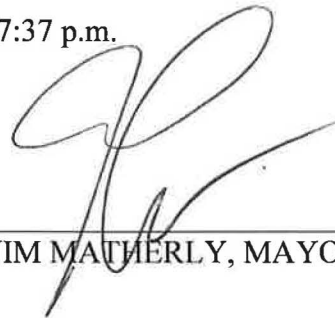
City Clerk Snider acknowledged all the of work done by staff and the Council on the taxation code rewrite, especially the work done by the City Attorney Ewers and Chief Financial Officer (CFO) Bell.

### ADJOURNMENT

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

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


**Mayor Matherly** declared the meeting adjourned at 7:37 p.m.



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JIM MATHERLY, MAYOR

ATTEST:



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D. DANYELLE SNIDER, MMC, CITY CLERK

Transcribed by: RR