



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, SEPTEMBER 27, 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, following a 5:30 p.m. Work Session to discuss the Employee Capital Incentive Program, 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  
Valerie Therrien, Seat C  
Aaron Gibson, Seat D  
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  
Mike Meeks, Chief of Staff  
Kristi Merideth, FECC Manager (remotely)  
Jeff Jacobson, PW Director  
Christina Rowlett, Risk Manager  
Angela Foster-Snow, HR Director (remotely)  
Ron Dupee, Police Chief  
Rick Sweet, Deputy Police Chief  
Tod Chambers, Fire Chief

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** recognized Lisa Howard for her 18 years of service at the City of Fairbanks Fire Department and congratulated her on her upcoming retirement. Chief Tod Chambers spoke about her exceptional service to the City and presented her with a City of Fairbanks gold pan.

## CITIZENS' COMMENTS

Andrew Wixon, Fairbanks – Mr. Wixon shared that he and his wife have been lifelong residents of Fairbanks, and he has worked at the Fairbanks Police Department (FPD) for nearly five years. He went on to share his concerns about FPD staffing levels and emphasized the hardship that forced overtime has placed on the department. He added that recently he has considered leaving the community to find a job better suited to maintaining his family life. He concluded by adding his support for Ordinance No. 6181 regarding paid family leave, adding that he and his wife are expecting their second child.

**Ms. Therrien** asked Mr. Wixon for suggestions to remedy the problem. Mr. Wixon stated that it was a very long and varied list, but more money and benefits would be a good place to start; he compared his wages to the wages of Alaska State Troopers (AST).

**Ms. Rogers** asked if there were other considerations he would like to add. Mr. Wixon shared that he was involved in the FPD Union activities and did not wish to speak inappropriately. He noted, however, that consideration of the cost of living and incentive pay for taking on extra roles such as Field Training or SWAT would help.

**Mr. Clark** confirmed that that Council has been aware of the situation the FPD has had with staffing and asked Mr. Wixon if he knew the reasons some officers are considering leaving the City. Mr. Wixon stated that forced overtime is a huge issue.

**Mr. Marney** asked Mr. Wixon about the shift that he worked. Mr. Wixon stated that he is on a specialized traffic unit that typically works the midnight shift.

Rebecca Burcell, Fairbanks – Ms. Burcell stated she is a 30-year resident of Fairbanks and the wife of an FPD officer. She questioned statements made by Council members that were printed in the Daily News-Miner regarding the City's inability to compete with the AST regarding wages and that the benefit of City officers being able to go home to their families is worth something. She added that she and others feel that the Council is out of touch with officer wages throughout the state and that the statements made by the Council indicate they either want less qualified officers or they simply value officers less. She concluded by adding that every day officers go to work tired from working multiple overtime shifts, and they are in danger. She indicated that the retention crisis will not be solved until the City is willing to pay its officers a competitive wage.

**Ms. Kun** asked Ms. Burcell about the date of the newspaper article, and Ms. Burcell thought it might have been in the August 24, 2021 issue.

**Mr. Clark** expressed his appreciation for Ms. Burcell's comments and asked her whether the environment at the City was still an issue, regardless of the pay. Ms. Burcell confirmed that it was. **Mr. Clark** asked if the overtime wages help compensate for the long hours her husband works. Ms. Burcell stated that it felt more like the backfilling of a hole that cannot be filled and that a good wage would help keep more officers. She added that overtime wages are not a fix.

**Ms. Rogers** stated that the comments Ms. Burcell quoted are not necessarily those of the entire Council and asked Ms. Burcell to rephrase her statements more clearly. Ms. Burcell stated that the rules of public testimony ask that she not address individual Council members.

**Mr. Marney** shared that he had stated that the City could not compete with the state, but the officers had the benefit of going home every night. He stated that he had meant no offense. He clarified that the City is on a tighter budget than the state, adding that he was trying to find positives in a negative situation.

Cameron Gladowski, Fairbanks – Mr. Gladowski shared that he is an FPD officer, a licensed minister, a father, and a citizen of Fairbanks. He shared his concern for the safety of the overworked officers and for that of the underserved community. He emphasized the City's retention issues and asked the Council for their help, adding that he may also be forced to move on. He concluded by reading from Romans 5:7.

**Mr. Gibson** asked if a lack of training was part of the retention issue. Mr. Gladowski stated that he had been pleasantly surprised by the high-quality training he received at the FPD, adding that unfortunately, training cannot make up for understaffing and the lack of retention.

**Mr. Clark** asked Mr. Gladowski if he could provide some examples of some changes introduced by Chief Dupee that changed the environment at the FPD. Mr. Gladowski said that could be better answered in a session with more time for discussion.

**Ms. Rogers** asked Mr. Gladowski if he would like to have a Work Session scheduled. Mr. Gladowski stated that any opportunity that provided open dialogue would be helpful.

Arlette Eagle-Lavelle, Fairbanks – Ms. Eagle-Lavelle stated that the property located at 707 Cowles Street borders her property and has been a nuisance for the past several years; she added that it has recently become a safety issue as well. She stated that the owner of the property often uses power tools and yells long into the night, but due to his intimidating behavior and the fact that he always carries a firearm, it is not practical for her to approach him on her own. She stated she placed numerous complaints with the Borough; however, it was only recently that she was able to talk to the Code Enforcement Officer. She stated she learned about the long and difficult process of Code enforcement. Ms. Eagle-Lavelle shared that one of her neighbors had been operating an Air BnB out of his home, providing a direct benefit to the City through room rental tax and tourism promotion; however, the nuisance property nearby already resulted in complaints from his tenants. She concluded by citing the inequity in the application of the local ordinances, explaining that last winter she had received a fine for piling hardpacked snow and ice too close to a City stop sign. She stated that another neighbor had received a fine for their hedges encroaching on the sidewalk while the nuisance property has gone largely unaddressed for years.

**Mr. Gibson** asked Ms. Eagle-Lavelle if she had called the FPD while the neighbor is creating a nuisance during the night. She stated that she has not, but her neighbors have.

**Mr. Clark** asked Ms. Eagle-Lavelle whether the violations she mentioned were cited by the City or the Borough. Ms. Eagle-Lavelle confirmed that they were from the City.

Robert Hanson, Fairbanks – Mr. Hanson shared that he was speaking on behalf of his mother-in-law, Sheryl Eagan, who is also a neighbor to the nuisance property located at 707 Cowles Street. He noted that she has made over \$100,000 in permitted improvements to her property over the last three years and has a valid concern with the effects the nuisance property may have on the value of and ability to sell her home in the future. Mr. Hanson shared his experience as Operations Manager for Fountainhead Development which manages over 600 rental properties in the Fairbanks area. He also shared his knowledge of the Landlord-Tenant Act and listed multiple violations that continue to occur at the 707 Cowles Street property. He concluded by acknowledging that enforcement will take time but asked that forward progress be initiated.

Victor Buberger, Fairbanks – Mr. Buberger addressed concerns at the Fairbanks Fire Department (FFD), inquiring about the ability to enlist volunteers. He added that it would be good practice for students taking firefighting classes at UAF while saving the City money.

Clint Brubeck, Fairbanks – Mr. Brubeck stated that he had spent 21 years in the military before joining the FPD over 4 years ago. He added that while the community has been very supportive of the FPD, he would like to see more active support from the City. He stated that kind words are not enough to retain officers, and they cannot afford to lose any more. He went on to state that it is an obvious problem when officers are leaving to take jobs at lesser pay. Mr. Brubeck asked that the Council take time to talk to the officers on a personal level and directed their attention to the many officers and families who have shown up to support the FPD. He added that more would have come had it not been for COVID-19 exposure issues, which is another daily problem for the department.

**Ms. Therrien** thanked Mr. Brubeck for his time and asked if a Work Session or individual conversations would be more valuable. He indicated that one-on-one conversations would likely provide more information than a formal Work Session.

**Mr. Clark** asked if Mr. Brubeck was aware that the Council is grateful for the comments shared. Mr. Brubeck confirmed that he was.

**Ms. Rogers** asked if it would be appropriate to follow up the personal conversations with a City Council Work Session. Mr. Brubeck stated that would help ensure everyone had a better understanding of both sides.

Brian Beal, Fairbanks – Mr. Beal thanked the Council for being approachable, adding that the Council had been very helpful in a situation he recently experienced. He stated that good staff is key and added his blessings.

Robert Shields, Fairbanks – Mr. Shields shared his frustration at not being able to find an open forum to discuss the future of the Polaris Building. He stated that food security is a real threat to the Fairbanks community. He stated he felt that the City is only interested in demolishing the Polaris Building and is uninterested in his ideas. He stated that the recommendations he has received have him going in circles, and he added that there are already many empty lots in town.

**Mr. Clark** asked if Mr. Shields had considered any other properties to apply the grant funds to. Mr. Shields said that he has looked at other buildings in the past, but his interest in the Polaris



Building is based on its cultural significance. **Mr. Clark** asked Mr. Shields if the Polaris Building was the best option for the idea, and Mr. Shields confirmed based on its location.

**Ms. Rogers** asked Mr. Shields if he had identified other communities that have implemented such a facility within their downtown commercial districts. Mr. Shields stated that there are successful operations in Anchorage as well as Jackson Hole, Colorado. He added that he has a real concern about food supply and what will happen when that is disrupted.

Dennis Kelley, Fairbanks – Mr. Kelley spoke about the property at 530 Front Street that was deemed unsafe to enter after a fire occurred there. He stated that he had been told to hire an engineer but had been unable to do so within the timeline provided by the City. He stated that he did not agree with the City's determination that it would be costlier to repair than to demolish and that he would like the City to provide a cost estimate on repairs. He concluded by stating he has taken the matter to the Superior Court under case number 4FA-21-02064CI and asked that the matter be placed on hold until a judge makes a decision.

**Ms. Therrien** asked if Mr. Kelley had filed a suit against the City to stop the condemnation. Mr. Kelley confirmed and repeated the case number. **Ms. Therrien** asked for a summary of progress made at the property since the last time Mr. Kelley came before the Council. Mr. Kelley stated he had cleaned up some things, but the City had told him he could not be on the property; he stated progress stopped when the extension of time was denied. **Ms. Therrien** asked if any of the abandon vehicles had been removed from the property, and Mr. Kelley replied that three of them had been. **Ms. Therrien** asked if anything else had been done to improve the looks of the property while waiting for the results of the lawsuit. Mr. Kelley said he had disposed of 4 large trailers full of trash, adding that he did not feel he was given a good faith opportunity to fulfill the City's request. He stated he did not feel the building should have been condemned.

City Clerk Snider stated that it was 7:26 p.m., and the Council agreed to extend Citizens' Comments to hear all citizens who signed up to speak remotely.

Bill Wright, Explore Fairbanks – Mr. Wright gave an update for Explore Fairbanks, describing the different ways they have reached out to travel agencies and trade shows to promote tourism. He spoke also to Explore Fairbanks' participation in the US Travel Association's IPW, a premier platform to present to international journalists, agencies, and other trades which can enhance local tourism. He added that Fairbanks' current tourism numbers are 86% of pre-pandemic numbers. Mr. Wright thanked the Council for their reinvestment of room rental tax dollars.

Jared Lundgren, Fairbanks – Mr. Lundgren stated he shares a property line with 707 Cowles Street. He stated that the nuisance property is visibly unlivable, adding that the owner is extremely disruptive and unapproachable. He stated that there is a safety issue with his ramshackle fences that are falling in an attempt to contain the garbage and that there are frequently people living in tents on the property. Mr. Lundgren shared his disappointment in the degradation of the neighborhood and noted that while FPD has been contacted, he does not wish to burden an already taxed police force. He went on to add that he has tried to mitigate the situation by covering his windows so that the mess cannot be seen and added white noise machines to help drown out the noise, but it does not solve the issue.

**Mayor Matherly** asked for additional comments from citizens present in the Council Chambers.

Tyler Hanson, Fairbanks – Mr. Hanson shared that he had recently transferred to the FPD after retiring from 20 years of service in Utah, adding that the crew he works with has made FPD a fantastic place to work. He stated that his previous role included hiring officers and that the issue Fairbanks is facing is not uncommon nationwide. He went on to state that city councils often claim there is not enough money, when in reality it is an issue of priority. Mr. Hanson stated that the safety of officers and citizens should be the Council's top priority.

**Ms. Rogers** asked Mr. Hanson how long he had been with the FPD, and Mr. Hanson stated that he has been with the FPD for one month.

Trevor Norris, Fairbanks – Mr. Norris shared that he had recently resigned from the FPD. He stated that it was not the wages or the schedule that made his decision to leave, but his experiences with the Administration. He went on to state that he had heard from other previous FPD officers that it was a difficult place to work, and shortly after leaving the academy he was told he had to pay back funds to the City due a payroll accounting error. He concluded by stating that he did not want to leave his co-workers, but ultimately, he did not feel supported by the City.

**Ms. Rogers** asked Mr. Norris if the circumstances described are unique and whether he is currently employed. Mr. Norris stated that he is currently working for the AST.

**Ms. Therrien** asked Mr. Norris to provide his phone number during the break, and he agreed.

**Mr. Clark** asked Mr. Norris whether he had been through an exit interview. Mr. Norris said he has one he needs to complete, but he has not sat down with anyone regarding his resignation.

**Mr. Gibson** asked if Mr. Norris had a position lined up when he resigned, and Mr. Norris confirmed that he had accepted the job with the AST.

**Mayor Matherly** asked for any remaining remote Citizens Comments to be heard.

Liz Lyke, Fairbanks – Ms. Lyke spoke in favor of the resolution regarding the Land Acknowledgment, adding that it is important to remember that the land belongs to the Alaska Natives. She stated it is good to give respect and acknowledgment.

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

### **APPROVAL OF AGENDA AND CONSENT AGENDA**

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

**Mr. Marney** requested to pull Ordinance No. 6181.

**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.

**APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

- a) Regular Meeting Minutes of August 23, 2021

APPROVED on the CONSENT AGENDA.

**SPECIAL ORDERS**

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

Lic. #	DBA	License Type	Licensee	Address
10589	Nature's Releaf, LLC	Retail Marijuana Store	Nature's Releaf, LLC	503 7th Avenue
12325	Good Cannabis	Retail Marijuana Store	Good, LLC	356 Old Steese Highway
16006	Arctic Bakery, LLC	Marijuana Product Manufacturing Facility	Arctic Bakery, LLC	1409 Well Street

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

**Mayor Matherly** called for Public Testimony.

Kelly Paschall, Nature's Releaf, LLC – Mr. Paschall stated that they have been good community members by always paying their taxes and working to improve the neighborhood. He added that they had purchased the neighboring lot and demolished the abandoned building to use the land as a parking lot. He clarified that his wife, Barb Paschall, owns the license.

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

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

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

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

- b) The Fairbanks City Council heard interested citizens concerned with the following Liquor License Application for Transfer of Controlling Interest:

Type/License: Package Store/License #435

DBA: Garden Island Party Store

Applicant: Market Basket, Inc.

Location: 246 Illinois Street, Fairbanks

From Owner: Market Basket, Inc.

From DBA: Garden Island Party Store  
From Location: 246 Illinois Street, Fairbanks

**Mr. Marney**, seconded by **Mr. Clark**, moved to WAIVE PROTEST on the Liquor License Application for Transfer of Controlling Interest.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATION FOR TRANSFER OF CONTROLLING INTEREST AS FOLLOWS:

YEAS: Marney, Clark, Therrien, Gibson, Rogers, Kun  
NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

c) The Fairbanks City Council heard interested citizens concerned with the following Liquor License Application for Transfer of Controlling Interest:

Type/License: Package Store/License #703  
DBA: Gavora's Fine Wine  
Applicant: Market Basket, Inc.  
Location: 250 Third Street, Fairbanks  
From Owner: Market Basket, Inc.  
From DBA: Gavora's Fine Wine  
From Location: 250 Third Street, Fairbanks

**Mr. Marney**, seconded by **Mr. Gibson**, moved to WAIVE PROTEST on the Liquor License Application for Transfer of Controlling Interest.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATION FOR TRANSFER OF CONTROLLING INTEREST AS FOLLOWS:

YEAS: Rogers, Therrien, Clark, Kun, Marney, Gibson  
NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

d) The Fairbanks City Council heard interested citizens concerned with the following Liquor License Application for Transfer of Controlling Interest:

Type/License: Package Store/License #1134  
DBA: Thrifty Liquor  
Applicant: Market Basket, Inc.  
Location: 1410 Cushman Street, Fairbanks

From Owner: Market Basket, Inc.  
From DBA: Thrifty Liquor  
From Location: 1410 Cushman Street, Fairbanks

**Mr. Clark**, seconded by **Mr. Marney**, moved to WAIVE PROTEST on the Liquor License Application for Transfer of Controlling Interest.

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

**Ms. Therrien** asked for clarification on the number of calls made to FPD regarding the property as the memo states that there is one call, but the report indicates otherwise. City Clerk Snider stated that she made an error in the memo. **Ms. Therrien** stated that she has had concerns about the establishment in the past and hopes that the owners take the Council's concerns seriously.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATION FOR TRANSFER OF CONTROLLING INTEREST AS FOLLOWS:

YEAS: Gibson, Kun, Marney, Clark, Therrien, Rogers  
NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

### **MAYOR'S COMMENTS AND REPORT**

**Mayor Matherly** gave an update on the property located at 520 Front Street. He reported that contractors had visited the property earlier in the day, and the demolition process had begun. He recognized Mr. Kelley's multiple attempts to prolong the process, reminding the Council that the process has been thorough. He stated that the issue went before the Building and Landscape Review and Appeals Commission prior to coming before the Council. **Mayor Matherly** expressed his gratitude for the comments from the FPD officers and their families, adding that he has spoken with Chief Dupee and Deputy Chief Sweet about the same issues. He went on to share his support for the ordinance regarding family and funeral leave. He stated that the City is fortunate to have the support of the public behind the FPD, while other cities are struggling. **Mayor Matherly** encouraged Council members to have one-on-one conversations with employees and to go on a ride-along if they have the opportunity; he added that it is important for all City employees to feel valued and respected. He noted that early voting is ongoing and encouraged citizens to vote and volunteer to help in the election process; he emphasized the importance of local elections. He spoke about the Polaris Building and to Mr. Shields' comments. He stated that the building needs to come down, and while food security is a real issue, it should be addressed differently. He commented on the complaints received about the Cowles Street property, stating that it has only recently been brought to his attention. He requested for a staff report from Public Works Director Jeff Jacobson.

Mr. Jacobson empathized with the neighboring property owners. He explained the recently formed team of City employees who have been tasked with identifying and addressing nuisance properties within the City, adding that the Cowles Street property is included. He stated it is unfortunate that his temporary worker budget has been depleted, resulting in a slower response.



**Mayor Matherly** spoke about the City's outreach regarding nuisance properties as well as homeless camps. He expressed his pride in remaining open to the public, encouraging public comment and electronic participation.

### **COUNCIL MEMBERS' COMMENTS**

**Mr. Gibson** thanked everyone who took the time to comment on all the various issues and expressed appreciation for the high level of involvement. He added that Officer Hanson was correct that prioritizing money is part of the issue and stated that the Council needs to look at where they want to prioritize the spending of tax dollars. He recognized that no one wants to make cuts to departments, but considerations need to be made on how to best prioritize spending.

**Mr. Marney** stated that he is an advocate for the FPD, FFD, and Public Works. He stated that he has done his best to try and understand the intricacies of each department, including meeting with detectives and participating in a ride-along. He stated that by the time he leaves the City Council he hopes that all three departments are improved.

**Mr. Clark** thanked everyone who participated in the meeting, stating that type of involvement is the exact thing needed to make things happen. He shared that his family had made doughnuts and asked Dispatch to invite officers to stop by, which resulted in great conversation. He agreed with Mr. Gibson regarding prioritizing expenditures but added that money does not answer all problems. He stated that an environment change may solve many issues.

**Ms. Therrien** wished Lisa Howard good luck in her retirement and thanked her for all her hard work. She expressed her appreciation of FPD officers and family members who gave comments and asked that they contact her with their phone numbers. She asked that the Council consider a work session with the FPD sometime in early November. **Ms. Therrien** expressed her concern over the lawsuit filed by Mr. Kelley. She commented that Mr. Shields' request should not be dismissed and asked that the Mayor consider writing a letter in support of his grant application. She concluded by sharing her concerns over the Cowles Street issue.

**Ms. Rogers** shared her agreement with previous comments, adding that everyone is in this together. She stated that if the Council, staff, and community can maintain that connection they will all be able to move forward in a better fashion. She expressed her confidence in the City of Fairbanks staff and shared appreciation for all of those who spoke at the meeting.

**Ms. Kun** echoed the comments of the other Council Members, recognizing the courage of officers and their families who came to speak in the public forum. She shared her experience on a ride-along with the FPD. She noted that Chief Dupee is the third Chief since she was elected three years ago and stated that she has confidence in his ability to stick with it and work with the Administration to make the FPD the best place to work. **Ms. Kun** shared that she has seen the issue at 707 Cowles Street grow over the years and expressed excitement to hear that it would be taken care of. She thanked Explore Fairbanks for their report.

## UNFINISHED BUSINESS

- a) Ordinance No. 6178, as Amended – An Ordinance to Amend FGC Chapter 78, Article XXII Motor Vehicle Impoundment and Forfeiture, to Remove Driving While License Suspended and No Insurance Convictions. Introduced by Council Member Gibson. POSTPONED from the Regular Meeting of August 23, 2021; Public Hearing was held on August 9, 2021.

*The motion to ADOPT Ordinance No. 6178, as Amended, was made by Mr. Gibson and seconded by Mr. Clark at the August 9 Regular Meeting and remained on the floor.*

**Ms. Therrien** asked if Mr. Gibson would care to comment on the correspondence sent from Public Works Director Jeff Jacobson.

**Mr. Gibson** stated that there are several issues with the impoundment and appeal procedures, adding that the current ordinance often harms the non-operating owner of the vehicle. He stated that even if the Council is within their legal rights to keep the ordinance the same, it is not necessarily the most ethical solution. He questioned whether the City should be in the business of impoundment and forfeiture. He concluded by stating he was open to more discussion and ideas.

**Mr. Clark** stated he felt swayed to change the administrative fee based on the previous Council discussions and asked Mr. Gibson what other options he would be willing to entertain.

**Mr. Gibson** indicated that a step or scaled impoundment time for the two offenses when the operator is not the owner could be considered.

**Ms. Kun** stated that her intent behind the failed amendment to change the impoundment period to 7 days was to lessen the pain of the cost of impoundment; however, since hearing from FPD and Public Works it has become apparent that there are many drivers being arrested for no license. She added that it is in the interest of public safety to remove unlicensed and uninsured drivers from the City streets.

City Attorney Paul Ewers clarified that roughly 55% of DUI drivers and 60% of those driving without insurance or licenses are not the owners of the vehicle. He went on to state that the Council cannot staircase the punishment for DUI second offenses and refusals, but they could staircase the punishment for violations for no insurance and driving without a license. He provided a handout demonstrating how such an amendment might look. He clarified that by approving the amendment to Sec. 78-963(b), language throughout the ordinance would be changed for consistency.

**Mr. Clark**, seconded by **Ms. Rogers**, moved to AMEND Ordinance No. 6178, as Amended, Sec 78-963(b) to read as follows: A vehicle used in the alleged violation of AS 28.35.030 or AS 28.35.032 shall be impounded for 30 days if the person driving, operating or in the actual physical control of the vehicle has not been previously convicted, and shall be forfeited to the city if the person has been previously convicted. A vehicle used in the alleged violation of AS 28.15.291 or FGC Sec. 78-929 shall be impounded for 10 days if the person driving, operating or

in the actual physical control of the vehicle has not been previously convicted, and shall be forfeited to the city of the person has been previously convicted.

*Based on the City Attorney's prior advisement that other sections of the ordinance would require a change if the amendment were adopted, there was an understanding that changes would be made to Sec. 78-966(f) and Sec. 78-973(c) and (d) if the amendment passed.*

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6178, AS AMENDED, SEC 78-963(b) TO READ AS FOLLOWS: A VEHICLE USED IN THE ALLEGED VIOLATION OF AS 28.35.030 OR AS 28.35.032 SHALL BE IMPOUNDED FOR 30 DAYS IF THE PERSON DRIVING, OPERATING OR IN THE ACTUAL PHYSICAL CONTROL OF THE VEHICLE HAS NOT BEEN PREVIOUSLY CONVICTED, AND SHALL BE FORFEITED TO THE CITY IF THE PERSON HAS BEEN PREVIOUSLY CONVICTED. A VEHICLE USED IN THE ALLEGED VIOLATION OF AS 28.15.291 OR FGC SEC. 78-929 SHALL BE IMPOUNDED FOR 10 DAYS IF THE PERSON DRIVING, OPERATING OR IN THE ACTUAL PHYSICAL CONTROL OF THE VEHICLE HAS NOT BEEN PREVIOUSLY CONVICTED, AND SHALL BE FORFEITED TO THE CITY OF THE PERSON HAS BEEN PREVIOUSLY CONVICTED. AS FOLLOWS:

YEAS: Clark, Gibson, Rogers, Marney

NAYS: Therrien, Kun

**Mayor Matherly** declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6178, AS AMENDED AS FOLLOWS:

YEAS: Marney, Clark, Therrien, Rogers, Gibson

NAYS: Kun

**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6178, as Amended, ADOPTED.

- b) Resolution No. 4980 – A Resolution Amending the City Schedule of Fees and Charges for Services by Reducing the Administrative Fee for City Impounds. Introduced by Council Member Therrien. POSTPONED from the Regular Meeting of August 23, 2021

*The motion to APPROVE Resolution No. 4980 was made by Ms. Therrien and seconded by Ms. Kun at the August 23 Regular Meeting and remained on the floor.*

Chief of Staff Mike Meeks stated that the new towing contract will increase the tow fee from \$135 to \$175. He added that he did some research and determined the total employee time spent in the impound process, and the average cost in administrative time is \$350 per impound without consideration of overtime and with the elimination of the appeal process.

**Mr. Gibson** asked about the process in an impound situation when the offender is not arrested.

Chief Dupee explained that unless it is extremely cold or there is a safety issue, the officer may assist in making phone calls to procure a ride for the occupant, if necessary, before leaving the scene once the vehicle has been removed.

**Ms. Therrien** spoke in favor of the resolution, adding that reducing the administrative fee to \$500 was reasonable given the numbers provided by Mr. Meeks.

**Mr. Gibson**, seconded by **Ms. Therrien**, moved to AMEND Resolution No. 4980 by increasing the towing fee from \$135 to \$175.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESOLUTION NO. 4980 BY INCREASING THE TOWING FEE FROM \$135 TO \$175 AS FOLLOWS:

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

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

**Ms. Therrien** asked if public notice was required prior to approving the increase in fees. Mr. Ewers advised that, in order to give the public proper notice, the increase in the towing fee should be made in a separate resolution to be decided at the next Regular City Council meeting.

**Mr. Gibson**, with concurrence of the Second and with no objection by the Council, WITHDREW his amendment to increase the towing fee from \$135 to \$175.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT RESOLUTION NO. 4980 AS FOLLOWS:

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

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED and Resolution No. 4980 APPROVED.

- c) Resolution No. 4981 – A Resolution Approving the Reading of a Land Acknowledgement at the Beginning of Regular City Council Meetings. Introduced by Council Members Kun, Therrien, and Rogers. POSTPONED from the Regular Meeting of August 23, 2021.

*The motion to APPROVE Resolution No. 4981 was made by Ms. Kun and seconded by Ms. Therrien at the August 23 Regular Meeting and remained on the floor.*

**Ms. Therrien** asked if the Fairbanks Diversity Council (FDC) had provided a recommendation.

**Mayor Matherly** shared that the FDC had been unable to establish a quorum at their last meeting.

**Ms. Therrien** stated that she would prefer not to wait any longer to address the resolution.

**Mr. Gibson** stated that he would prefer to hear from the FDC prior to voting on the resolution.

**Ms. Rogers** shared her understanding of Ms. Therrien's preference but spoke in favor of waiting for a recommendation from the FDC.

**Ms. Therrien** asked when the FDC would meet again. City Clerk Snider stated that the next scheduled FDC meeting is October 12, 2021.

**Ms. Therrien**, seconded by **Mr. Gibson**, moved to POSTPONE Resolution No. 4981 until the Regular City Council Meeting of November 8, 2021.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE RESOLUTION NO. 4981 UNTIL THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 8, 2021 AS FOLLOWS:

YEAS: Gibson, Therrien, Clark, Rogers

NAYS: Kun, Marney

**Mayor Matherly** declared the MOTION CARRIED.

d) Ordinance No. 6179, as Amended – An Ordinance to Amend Fairbanks General Code Sec. 46-81 Curfew for Minors. Introduced by Council Member Kun. SECOND READING AND PUBLIC HEARING.

**Ms. Kun**, seconded by **Mr. Clark**, moved to ADOPT Ordinance No. 6179, as Amended.

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

**Mr. Gibson**, seconded by **Mr. Marney**, moved to AMEND Ordinance No. 6179, as Amended, by changing the curfew from 1:00 a.m. to 12:00 a.m.

**Mr. Gibson** stated that there is nothing good that happens after midnight. He added that there are many exceptions to be considered and that he would be working with the City Attorney to clean up those exceptions, but, in general, midnight is a good time for reasons that are not already covered by exemptions within the ordinance.

**Mr. Marney** asked for input from Police Chief Dupee. Chief Dupee stated that the difference between midnight and 1:00 a.m., without looking at the exemptions, will effectively be the same. He stated, however, that it will be beneficial to have one standard time rather than different times for weekdays and weekends for officers to remember.

**Ms. Therrien** spoke against the amendment, stating that it would be cumbersome for the FPD to memorize the exemptions and that 1:00 a.m. is reasonable and less confusing.

**Mr. Gibson** stated that the exemptions already exist in code and should be enforced. He asked Chief Dupee how often the violation is enforced. Chief Dupee stated that the curfew violation is enforced relatively often, but he stated he does not know the exact citation count.



**Ms. Rogers** asked Chief Dupee to confirm that he would approve of the 1:00 a.m. curfew time. Chief Dupee stated that he did, adding that given the social events that end near midnight, such as movies, 1:00 a.m. may be the better option.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6179, AS AMENDED, BY CHANGING THE CURFEW FROM 1:00 A.M. TO 12:00 A.M. AS FOLLOWS:

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6179, AS AMENDED, AS FOLLOWS:

YEAS: Kun, Gibson, Rogers, Therrien, Clark, Marney  
NAYS: None  
**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6179, as Amended, ADOPTED.

- e) Ordinance No. 6180, as Amended – An Ordinance Amending Fairbanks General Code Chapter 50, Article XIII, to Add American Flag Standard. Introduced by Council Member Clark. SECOND READING AND PUBLIC HEARING.

**Ms. Kun**, seconded by **Mr. Clark**, moved to ADOPT Ordinance No. 6180, as Amended.

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

**Ms. Kun** asked Mr. Clark his reasons for introducing the ordinance.

**Mr. Clark** stated that the American flag has become very commercialized, including adaptations for the support of different factions of government such as the blue version to support law enforcement. He added that this makes a statement of limited support and while he has no issue with those modifications personally, he felt that as a City it was important to show respect for the entirety of what the American flag stands for.

**Ms. Kun** asked if that would pertain to vehicles with American flag decals.

**Mr. Clark** clarified that the ordinance would only apply to City vehicles and City property.

**Ms. Kun** asked for clarification on the definition of “property” as used in the ordinance.

**Mr. Clark** clarified that property pertains to any City property, real or otherwise, including but not limited to vehicles and equipment owned by the City.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6180, AS AMENDED, AS FOLLOWS:

YEAS: Therrien, Marney, Rogers, Gibson, Kun, Clark  
NAYS: None  
**Mayor Matherly** declared the MOTION CARRIED and Ordinance No. 6180, as Amended, ADOPTED.

**NEW BUSINESS**

- a) Resolution No. 4983 – A Resolution to Extend the Sunset Date for the Incentive Bonus Program with the Fairbanks Police Department for Recruitment and Hiring. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4984 – A Resolution to Extend the Sunset Date for the Incentive Bonus Program with the Fairbanks Emergency Communications Center for Recruitment and Hiring. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4985 – A Resolution Authorizing the City of Fairbanks to Expend Coronavirus Local Fiscal Recovery Funds. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Resolution No. 4986 – A Resolution Awarding a Contract to Stryker Corporation for Ambulance Equipment in the Amount of \$1,478,300. Introduced by Mayor Matherly and Council Members Kun and Rogers.

PASSED and APPROVED on the CONSENT AGENDA.

- e) Resolution No. 4987 – A Resolution Authorizing the City of Fairbanks Participation in Settlement Agreements Related to the Nationwide Opioid Litigation. Introduced by Mayor Matherly and Council Member Rogers.

PASSED and APPROVED on the CONSENT AGENDA.

- f) Ordinance No. 6181 – An Ordinance to Amend Fairbanks General Code Chapter 50, Article VIII, to Add Paid Family Leave and Paid Funeral Leave. Introduced by Mayor Matherly and Council Members Therrien, Rogers, Kun, and Marney.

**Ms. Therrien**, seconded by **Ms. Kun**, moved to ADVANCE Ordinance No. 6181.

**Mr. Marney**, seconded by **Mr. Gibson**, moved to AMEND Ordinance No. 6181 Sec. 50-288(b)(2) by changing 17 to 3.

**Ms. Therrien**, seconded by **Ms. Kun**, moved to AMEND the amendment to Ordinance No. 6181 by changing 3 to 5.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE AMENDMENT TO ORDINANCE NO. 6181 BY CHANGING 3 TO 5.

YEAS: Clark, Therrien, Rogers, Kun, Gibson, Marney  
NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

**Ms. Rogers** asked for input from HR Director Angela Foster-Snow. Ms. Foster-Snow stated that she had a conversation with Mr. Marney about finding something more reasonable regarding the availability of childcare, which is typically available at 3 years.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6181 SEC. 50-288(B)(2) BY CHANGING 17 TO 5.

YEAS: Kun, Clark, Rogers, Marney, Therrien, Gibson  
NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

**Mr. Marney**, seconded by **Ms. Rogers**, moved to AMEND Ordinance No. 6181, as Amended, Sec. 50-288(a) and (b) by changing the eligibility requirements for medical maternity leave and parental leave from a six-month minimum to a one-year minimum.

**Mr. Gibson** asked for clarification about the statement in Sec. 50-288(a)(2) not requiring years of employment to be consecutive. Ms. Foster-Snow explained that temporary employees are included in the benefit; however, seasonal employees are not. She stated that if a temporary employee was later hired as a permanent employee it would allow for them to use all their service time to qualify for leave.

City Clerk Snider stated that she and the City Attorney had a concern about conflicting language between Sec. 50-288(a)(2) and (b)(3). Mr. Ewers clarified that the consecutive employment language had been removed from subsection (b) but not from subsection (a) and that he and the Clerk were unsure whether that was an oversight.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6181, AS AMENDED, SEC. 50-288(a) AND (b) BY CHANGING THE ELIGIBILITY REQUIREMENTS FOR MEDICAL MATERNITY LEAVE AND PARENTAL LEAVE FROM A SIX-MONTH MINIMUM TO A ONE-YEAR MINIMUM AS FOLLOWS:

YEAS: Therrien, Rogers, Gibson, Kun, Marney, Clark  
NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

**Mr. Marney**, seconded by **Ms. Rogers**, moved to AMEND Ordinance No. 6181, as Amended, Sec. 50-289(a) by inserting the phrase “regardless of length of employment” after the first occurrence of the word employee.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6181, AS AMENDED, SEC. 50-289(a) BY INSERTING THE PHRASE “REGARDLESS OF LENGTH OF EMPLOYMENT” AFTER THE FIRST OCCURRENCE OF THE WORD EMPLOYEE AS FOLLOWS:

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

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

**Ms. Therrien**, seconded by **Ms. Kun**, moved to AMEND Ordinance No. 6181, as Amended, by striking the last sentence of Sec. 50-288(a)(2).

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6181, AS AMENDED, BY STRIKING THE LAST SENTENCE OF SEC. 50-288(a)(2) AS FOLLOWS:

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

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6181, AS AMENDED, AS FOLLOWS:

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

NAYS: None

**Mayor Matherly** declared the MOTION CARRIED.

- g) Ordinance No. 6182 – An Ordinance Amending the 2021 Operating and Capital Budgets for the Fourth Time. Introduced by Mayor Matherly.

ADVANCED on the CONSENT AGENDA.

### **WRITTEN COMMUNICATIONS TO COUNCIL**

- a) Appointment to the Discretionary Fund Committee

APPROVED on the CONSENT AGENDA.

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

- a) Committee Reports

**Mr. Clark** expressed his concern that a vaccine mandate may be another driving factor for employees to leave the City and suggested that the City avoid that topic if possible.

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

**Mr. Gibson** stated that FAST Planning had met but did not have a quorum. He addressed the Cowles Street property issue and stated that there is an ordinance that makes it uncomfortable for violators, but it requires calls to the FPD for enforcement.

**Ms. Kun** spoke to suicide awareness, noting that it does not limit itself to one class of people. She provided the Careline and encouraged citizens to check on their neighbors. She respected the Council's desire to have the FDC weigh in on the land acknowledgment, and she provided a land acknowledgement.

**Ms. Rogers** shared that she had attended the Fairbanks North Star Borough Assembly meeting and had the pleasure to provide her support to the Yukon Quest tax exemption request. She thanked everyone for their comments and discussion, adding that it was an exceptional meeting.

**Ms. Therrien** asked when the Polaris Building Work Group would be meeting again, and **Ms. Rogers** stated the group would meet at 2:00 p.m. the following day. **Ms. Therrien** asked the Council to review the Polaris Work Group meeting minutes that had been emailed by the Clerk and to reach out to her if they had any questions. She asked if there would be a meeting to discuss legislative priorities. Mr. Meeks stated there would be a meeting in November. **Ms. Therrien** asked for a work session to be scheduled with the FPD staff and encouraged Council members to talk to them individually beforehand.

**Ms. Therrien** asked to be excused from the October 25, 2021 Regular City Council Meeting.

**Mayor Matherly** called for objection to Ms. Therrien's request to be excused, and no Council Members objected.

### **CITY CLERK'S REPORT**

City Clerk Snider reported that election polls would be open on October 5, 2021 from 7:00 a.m. to 8:00 p.m. and encouraged everyone to get out and vote.

**Ms. Kun**, seconded by **Mr. Clark**, moved to ENTER Executive Session to discuss the Fairbanks Firefighters Union Labor Negotiation Strategy.

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

### **EXECUTIVE SESSION**

a) Fairbanks Firefighters Union Labor Negotiation Strategy

The City Council met in Executive Session to discuss the Fairbanks Firefighters Union Labor Negotiation Strategy. Direction was given to the negotiating team, and no action was taken.

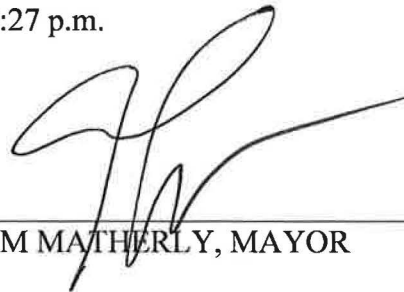


**ADJOURNMENT**

**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 9:27 p.m.



Handwritten signature of Jim Matherly in black ink, consisting of stylized initials and a long horizontal stroke extending to the right.

\_\_\_\_\_  
JIM MATHERLY, MAYOR

ATTEST:



Handwritten signature of D. Danyelle Snider in blue ink, written in a cursive style.

\_\_\_\_\_  
D. DANYELLE SNIDER, MMC, CITY CLERK

Transcribed by: RR