



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, AUGUST 22, 2022
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 6:30 p.m. on the above date, following a 5:00 p.m. Work Session on the Fairbanks Downtown Plan, 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: Jerry Cleworth, Seat A
 June Rogers, Seat B
 Valerie Therrien, Seat C
 Lonny Marney, Seat E
 Jim Clark, Seat F

Absent: Aaron Gibson, Seat D (excused)

Also Present: Margarita Bell, Chief Financial Officer (remotely)
 D. Danyielle Snider, City Clerk
 Paul Ewers, City Attorney
 Michael Sanders, Chief of Staff
 Kristi Merideth, FECC Manager (remotely)
 Teal Soden, Communications Director
 Clem Clooten, Building Official (remotely)
 Jeff Jacobson, Public Works Director
 Robert Pristash, City Engineer
 Nathan Werner, FPD
 Travis Kulp, FFD

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

At the request of **Mayor Matherly**, **Mr. Clark** lead the Flag Salutation.

CEREMONIAL MATTERS

Battalion Chief Kulp recognized citizen Tayde Mendez for her life-saving actions in a recent fire at an assisted living facility. He added that she had personally saved seven out of eight residents with mobility issues and was able to help locate the remaining individual. He expressed his admiration for her quick response and presence of mind. **Mayor Matherly** read the official commendation into the record for Ms. Mendez's life-saving actions in a life-threatening situation.

CITIZENS' COMMENTS

Aaron Lojewski, Fairbanks – A. Lojewski spoke to matters that would affect both the City and the Fairbanks North Star Borough (FNSB), clarifying that he was representing himself and not the FNSB Assembly. He provided further explanation regarding FNSB Ordinance No. 2022-46 and the limitations the ordinance would place on participation of City representatives at FNSB Assembly meetings. A. Lojewski spoke also to FNSB Ordinance No. 2022-51, which would return Board of Adjustment powers to the cities of Fairbanks and North Pole; he added that he would appreciate the support of the City Council at the upcoming Assembly meeting.

Ms. Therrien asked A. Lojewski about the intent behind limiting the City representatives' reporting time; A. Lojewski stated that he was not the sponsor of the ordinance, but he could assume that the reason would be to help keep the meetings running efficiently. He added that he did not believe the ordinance was necessary, as the presiding officer had a lot of control in that regard. **Ms. Therrien** indicated that it would be helpful for the City and Borough to discuss how they can better work together, and A. Lojewski stated that he would help facilitate that discussion.

Mr. Cleworth asked A. Lojewski for information on FNSB Ordinance No. 2022-51. A. Lojewski stated that he drafted the ordinance based on feedback from the failed City ordinance regarding broadband utility powers. He stated that he understood the City may be willing to transfer its broadband utility powers if the Board of Adjustment authority is returned.

Ms. Rogers asked about the Assembly's public testimony rules regarding extensions of time. A. Lojewski stated that the Assembly rules allow for an extension of time by one minute but only after all persons interested in speaking have had the opportunity. He added that Assembly Members can ask questions of the individual testifying, which may provide them the opportunity to finish their point.

Victor Buberger, Fairbanks – V. Buberger spoke to the extreme pothole issues within the City, noting that the Public Works employees have been working very hard. He asked if the Mayor had a pothole plan to go along with the Fairbanks Downtown Plan. He expressed frustration at seeing employees repeatedly getting increases while City services declined. He spoke to nationwide political corruption and expressed hope that it was not occurring in Fairbanks.

Mr. Marney asked V. Buberger if he had a list or could make note of the potholes he sees. V. Buberger stated that he has done that in the past and provided the list to Public Works; he commented that he did not have enough time to make a note every pothole he sees.

Tammie Wilson, North Pole – T. Wilson shared that she was the FNSB Assembly member who introduced FNSB Ordinance No. 2022-46, adding that she did not think it was appropriate for non-voting representatives to have the ability to introduce Borough ordinances. She stated that the intent behind limiting representatives' reporting time is to ensure more time for public testimony and Borough business. T. Wilson noted that many Assembly meetings are pressed to the 11:30 p.m. time limit, and the public's ability to testify on later agenda items is unfairly hindered. She added that it would be helpful to know whether a representative is testifying on behalf of their local governing body or themselves, and the current rules do not clearly express that.

Mr. Cleworth thanked T. Wilson for her testimony and provided a history on the relationship between the local municipalities, adding that his father had served as both a City Council member and the FNSB Assembly presiding officer. He expressed concern that the proposed limitations discourage City involvement in Assembly meetings and would further erode the relationship between the municipalities. He pointed out that, to his knowledge, the City has never introduced an ordinance at an Assembly meeting, and did not feel that was a valid concern. T. Wilson stated that she would welcome further conversation and possible amendments to the ordinance, with the hope that more cooperation could occur, as suggested by Ms. Therrien. **Mr. Cleworth** asked T. Wilson if she would be willing to postpone the ordinance. T. Wilson replied that she would but that she would not want to postpone it for too long.

Ms. Therrien stated that it may be difficult timing-wise for the City Council to approve a resolution regarding a Borough matter before the Assembly meets. She asked T. Wilson whether she would be willing to accept an informal position based on a discussion by the Council; T. Wilson stated that she would if it could be verified.

Ms. Rogers asked if T. Wilson was in favor of working with the City Council further on this matter; T. Wilson responded affirmatively.

Mr. Clark asked if Assembly members were assigned to attend Council meetings, and T. Wilson indicated that they were only assigned to School Board meetings.

Ms. Therrien ask T. Wilson if it would be easier to garner Assembly member participation at Council meetings if it was on a quarterly basis. T. Wilson indicated that it might be difficult to guarantee Assembly presence, but they would like to be notified of important topics.

Ms. Rogers asked T. Wilson if she believed there was value in hearing from the City Council twice per month. T. Wilson agreed that there was value, but there is a tendency to go off-track; she added that her intent is to protect the citizens' right to public testimony. **Ms. Rogers** suggested a shorter reporting period with the option that the presiding officer may increase it to five minutes. T. Wilson stated that she did not want to limit the reporting time to less than five minutes, as there are often things happening at the City level that the Assembly needs to know about.

T. Wilson thanked Chief of Staff Mike Sanders for his participation with the Emergency Operations group, adding that he had been asked a lot of hard questions and had done a great job.

David van den Berg, Fairbanks Downtown Association (DTA) – D. van den Berg expressed his desire for the City, the Borough, and the DTA to join forces and address important issues in the Fairbanks Downtown Plan.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Cleworth pulled item 14(a), a Memorandum from the Purchasing Agent Regarding 2022 Sole Source Procurement, 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.

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) Regular Meeting Minutes of April 11, 2022

APPROVED on the CONSENT AGENDA

SPECIAL ORDERS

- a) The Fairbanks City Council heard interested citizens concerned with the following New Liquor License Application:

Type: Restaurant/Eating Place
License No.: 6069
DBA: Hari Om Cuisine of India
Applicant: A Paul, LLC
Location: 1528 S. Cushman Street, Fairbanks

Ms. Therrien, seconded by **Ms. Rogers**, moved to PROTEST the New Liquor License Application, pending the correction of deficiencies and violations of code.

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

Ms. Therrien questioned the number of liquor licenses authorized by State law. City Clerk Snider stated that the State updated the number of authorized licenses since the application the prior year.

Mr. Cleworth asked how population was considered in regard to the number of allowable licenses. Clerk Snider explained that the number is based on the population of the City, excluding certain populations such as inmates and possibly students. **Mr. Cleworth** questioned the State's calculation, and Clerk Snider stated she would do some research; she pointed out that the number of authorized licenses may have also been affected by businesses that have closed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE NEW LIQUOR LICENSE APPLICATION, PENDING THE CORRECTION OF DEFICIENCIES AND VIOLATIONS OF CODE AS FOLLOWS:

YEAS: Clark, Rogers, Cleworth, Marney, Therrien
NAYS: None
ABSENT: Gibson

Mayor Matherly declared the MOTION CARRIED.

- b) The Fairbanks City Council heard interested citizens concerned with the following application for a New Retail Marijuana Store:

Type: Retail Marijuana Store
License No.: 30593
DBA: Pipe and Leaf: Premium Alaskan Cannabis
Applicant: Pipe and Leaf, LLC
Location: 899 Old Steese Highway, Fairbanks

Mr. Marney, seconded by **Ms. Therrien**, moved to WAIVE PROTEST on the application for a New Retail Marijuana Store license.

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

Mr. Clark asked how many retail locations were allowed in the City. Clerk Snider noted that there were currently 13 retail stores operating and that 25 were allowed.

Mr. Marney asked for clarification on the location. The owner, Haley Essig, shared that it would be in one side of the building where Club Alaskan used to be.

Mr. Cleworth asked about possible conflicts in sharing a building with a business that serves alcohol. H. Essig indicated that they were not planning to offer onsite consumption at the location, adding that the State allows the businesses to operate in the same building if spaces do not overlap.

Ms. Rogers thanked the owners for coming to the meeting.

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

YEAS: Cleworth, Clark, Marney, Therrien, Rogers
NAYS: None
ABSENT: Gibson
Mayor Matherly declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

- a) Special Reports

Fairbanks Emergency Communications Center (FECC) Manager Kristi Meredith reported that her department had received accreditation from the International Academy of Emergency Dispatch (IAED), adding that it provided City dispatchers with the necessary training and resources to better serve the public. She noted that this has been in process since 2013, and they were able to complete the program with the help of the Council approving the Quality Assurance position.

Public Works Director Jeff Jacobson expressed concerns about City streets, noting that the last winter and break-up season had been particularly hard on road surfaces. He stated that the Public

Works Department has been working extra hard to repair roads, noting that he scheduled twice as many weeks for nightshift and four extra days of overtime. He reported that, so far in 2022, 25% more asphalt had been used than in the previous year. He stated that he is currently working on a plan to continue repairs when the hot mix plant closes for the season.

Mayor Matherly reported that he had attended an event at Pike's Riverfront Lodge for the opening of the Aurora Institute, noting that the owners plan to celebrate the start of aurora season in the area annually. He noted that they have identified a specific time of the year when the aurora borealis begins.

COUNCIL MEMBERS' COMMENTS

Mr. Marney stated he had no comments.

Mr. Clark asked if the Mayor had any authority to pressure contractors working on the Cushman Street Bridge, noting that there had not been any penalties included in the contract. He added that it was clogging a main artery in the downtown area and the City needed to express its frustration.

Mayor Matherly added that Chena Park would be having its grand opening on Friday, noting that a lot of the timber would be given away to the public.

Ms. Therrien thanked Ms. Mendez for her brave actions. She went on to express concerns regarding the Council's ability to participate at Borough Assembly meetings, adding that further collaboration is important to maintain the working relationship between the two municipalities.

Ms. Rogers agreed with Ms. Therrien regarding collaboration with the Borough, adding that she was thankful for the testimony from Assembly members. She expressed concern for people speeding on the Cushman Street Bridge while it is under construction and hoped that pedestrians and bicyclists would use caution when riding on or near busy City streets. She was grateful for her ability to speak openly to the Council, acknowledging that she sometimes takes longer than most to express her thoughts; she noted that each person's voice and opinions deserve to be heard.

Mr. Cleworth recognized the FECC on its accomplishment, especially given their staffing shortages. He went on to speak to the Downtown Plan and stated that he would like to meet with concerned City departments and address the potential conflicts. He asked that a work session be planned with City staff. He spoke about drafting a resolution in support of FNSB Ordinance No. 2022-51 and to coming up with solutions for FNSB Ordinance No. 2022-46 that would be beneficial to both governing bodies.

Mayor Matherly asked about the availability of work sessions, and Clerk Snider stated that the Council was booked with work sessions at every meeting till the 2nd meeting in October.

Clerk Snider informed the Council that there would not be sufficient time to draft a resolution in support of FNSB Ordinance No. 2022-51 based on the Council's regular meeting schedule.

Ms. Rogers asked Mr. Cleworth to take her place at the Assembly meeting to speak to Ordinance No. 2022-51 as he is the most informed. Mr. Cleworth agreed to attend as the City representative.

UNFINISHED BUSINESS

- a) Ordinance No. 6217 – An Ordinance Amending the Public Safety Employees Association/City of Fairbanks Collective Bargaining Agreement to Add Public Safety Assistant Positions. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Mr. Marney, seconded by **Mr. Cleworth**, moved to ADOPT Ordinance No. 6217.

Mayor Matherly called for testimony.

David van den Berg, Downtown Association of Fairbanks – D. van den Berg spoke in favor of the ordinance.

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

Mr. Clark, Mr. Marney, Ms. Therrien, Ms. Rogers, and Mr. Cleworth requested to be added as ordinance sponsors.

Mr. Cleworth spoke in support of the ordinance, adding that the public safety assistant (PSA) program is becoming more popular nationwide. He noted that using PSAs will free up police officers for other tasks. He asked about the necessity to amend the collective bargaining agreement (CBA), as he understood that PSAs had been allowed under the original agreement.

City Attorney Paul Ewers clarified that the CBA needed to be amended to include the PSA position and its compensation, as they had not been included in the original agreement.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6217 AS FOLLOWS:

YEAS: Rogers, Clark, Marney, Therrien, Cleworth

NAYS: None

ABSENT: Gibson

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6217 ADOPTED.

NEW BUSINESS

- a) Resolution No. 5026 – A Resolution Opposing FNSB Ordinance No. 2022-46, An Ordinance Amending FNSBC Title 3 Regarding City and Schoolboard Member Participation in Borough Assembly Meetings. Introduced by Council Member Gibson.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Ordinance No. 6218 – An Ordinance Amending the 2022 Operating and Capital Budgets for the Third Time. Introduced by Mayor Matherly.

ADVANCED on the CONSENT AGENDA.

WRITTEN COMMUNICATIONS TO THE CITY COUNCIL

a) Memorandum from Purchasing Agent Regarding 2022 Sole Source Procurement

Mr. Cleworth, seconded by **Mr. Clark**, moved to ACCEPT the Memorandum from the Purchasing Agent Regarding 2022 Sole Source Procurement.

Mr. Cleworth inquired to the necessity of the memorandum as he could not recall seeing similar ones in the past.

Public Works Director Jacobson noted that the Purchasing Agent, Christina Rowlett, and CFO Margarita Bell had been reviewing the Fairbanks General Code (FGC) regarding purchasing and discovered that this type of notification to the Council was a requirement that had been missed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ACCEPT THE MEMORANDUM FROM THE PURCHASING AGENT REGARDING 2022 SOLE SOURCE PROCUREMENT AS FOLLOWS:

YEAS: Therrien, Cleworth, Clark, Marney, Rogers

NAYS: None

Absent: Gibson

Mayor Matherly declared the MOTION CARRIED.

COUNCIL MEMBERS' COMMENTS & COMMITTEE REPORTS

With no objection, Council Members' Comments and Committee Reports were combined.

Ms. Rogers shared that she had attended the Fairbanks Diversity Council (FDC) meeting where a quorum had been lost; she noted that there were currently two vacancies on the FDC. She thanked everyone who had been involved with the "Pizza with Police" event at the Golden Heart Plaza, including Chief Dupee, Deputy Chief Sweet, Officers Zenuch, Brubeck, and Winter, and the many volunteers. She stated she felt the event was extremely successful and indicated that she would be helping to plan similar events in the future.

Mr. Cleworth asked the City Attorney for advice on how to proceed with providing support for FNSB Ordinance No. 2022-51 regarding Board of Adjustment powers, given the time constraints. CA Ewers stated that the most appropriate action would be to introduce a motion giving direction to the City representative to express support before the Assembly.

Mr. Cleworth, seconded by **Mr. Clark**, moved to DECLARE that that Fairbanks City Council expresses support for FNSB Ordinance No. 2022-51 and that the City representative express that action at the next Borough Assembly meeting.

Mr. Marney asked if there would be value in other Council members attending the meeting in support of the declaration.

Mr. Cleworth indicated that there was value in their attendance. He asked the Council to consider the loss of broadband utility powers as it had been an issue in the past.

Mayor Matherly asked if attendance by all City Council members would result in a violation of the Open Meetings Act (OMA), and CA Ewers stated it would not.

Mr. Cleworth clarified that the City could express an opinion with this action, but they would have to follow up the action with an ordinance in order to relinquish broadband utility powers.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO DECLARE THAT THAT FAIRBANKS CITY COUNCIL EXPRESSES SUPPORT FOR FNSB ORDINANCE NO. 2022-51 AND THAT THE CITY REPRESENTATIVE EXPRESS THAT ACTION AT THE NEXT BOROUGH ASSEMBLY MEETING AS FOLLOWS:

YEAS: Marney, Cleworth, Rogers, Therrien, Clark

NAYS: None

Absent: Gibson

Mayor Matherly declared the MOTION CARRIED.

Mr. Marney shared that he heard the Cushman Street Bridge would not be completed until October, adding that the information had not been verified. He asked Public Works Director Jacobson about the progress at the nuisance property at 707 Cowles Street. Director Jacobson stated that they have had issues communicating with the owner, but some progress had been made. **Mr. Marney** asked about possible fines, and Director Jacobson stated that the owner had been given a deadline.

Mr. Clark, referencing the Downtown Plan, predicted that the Cushman Street Bridge would not be finished until 2044.

Ms. Therrien gave a land acknowledgment. She recognized FECC Manager Kristi Meredith for achieving department accreditation. She shared that she had recently played golf with Vickie Croll from the City Finance Department. **Ms. Therrien** shared various updates from the AML Summer Legislative Meeting, noting that there were 75 bills that passed in the legislature, compared to 33 bills the year prior. She noted that with the redistricting, there would be a lot of turnover in the legislature, which opens educational opportunities for newly elected officials. **Ms. Therrien** noted that there was some discussion around a possible Constitutional Convention and how that could impact local governments. She reported that they had also discussed the change in population demographics and the loss of population throughout the State over the past nine years. She stated that Senator Murkowski had offered to write letters of support for any infrastructure grants the City may consider applying for.

Mr. Clark, seconded by **Mr. Marney**, moved to ENTER Executive Session to discuss AFL-CIO 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) AFL-CIO Labor Negotiation Strategy

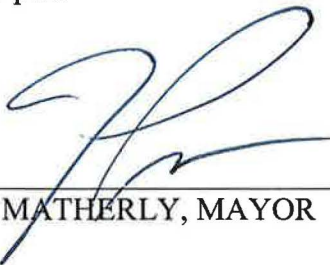
The City Council met in Executive Session to discuss AFL-CIO Labor Negotiation Strategy. Direction was given to the negotiating team, and no action was taken.

ADJOURNMENT

Mr. Marney, seconded by **Mr. Cleworth**, moved to ADJOURN the meeting.


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

Mayor Matherly declared the meeting adjourned at 8:56 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYELLE SNIDER, MMC, CITY CLERK

Transcribed by: RR