



FAIRBANKS CITY COUNCIL  
SPECIAL MEETING MINUTES, JANUARY 27, 2022  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 7:00 a.m. on the above date to conduct a Special 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 (remotely) and with the following Council Members in attendance:

Council Members Present:        Jerry Cleworth, Seat A  
   June Rogers, Seat B (remotely)  
   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)  
   D. Danyielle Snider, City Clerk  
   Paul Ewers, City Attorney (remotely)  
   Tish Gonzales, Deputy City Attorney  
   Mike Sanders, Chief of Staff  
   Kristi Merideth, FECC Manager (remotely)  
   Angela Foster-Snow, HR Director (remotely)  
   Christina Rowlett, Purchasing Manager (remotely)  
   Ron Dupee, Police Chief  
   Rick Sweet, Deputy Police Chief  
   Tod Chambers, Fire Chief  
   Teal Soden, Executive Assistant (remotely)  
   Clem Clooten, Building Official (remotely)

**CITIZENS' COMMENTS**

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

**UNFINISHED BUSINESS**

- a)        Disclosure of Potential Conflict of Interest by Council Member Rogers on Resolution No. 5001 – A Resolution Approving the 2021 Allocation for the Employee Capital Incentive Program (ECIP).

**Ms. Rogers** apologized for not recognizing the potential conflict of interest when Resolution No. 5001 was approved at the last Regular City Council meeting and provided the following statement: "In seeking to provide opportunities for retention of City Public Safety Employees I attended the recent work session of this topic. With the progression of Ordinance No. 6184, I have become aware that my participation in any further discussion may be perceived as a conflict of interest. I

hereby withdraw my name as a sponsor of Ordinance No. 6184, and request that I be excused from any meetings or votes on this topic. I will more carefully remember the full potential of Ordinance No. 6184, declare possible or perceived conflict of interest, request a ruling from the Chair, and abstain from any vote that may be perceived as connected to the City ECIP.”

**Mayor Matherly** stated that he did not believe there to be a disqualifying conflict of interest in the vote to approve Resolution No. 5001. He noted that Ms. Rogers had abstained from passing Ordinance No. 6184, which established the ECIP, and that she routinely votes on budgetary items that affect all departments, not solely the IBEW, which is the source of the perceived conflict.

**Mayor Matherly** ruled that Ms. Rogers did not have a conflict of interest.

**Mr. Clark** stated that because Ms. Rogers acknowledged and abstained from voting on Ordinance No. 6184, it seemed obvious that there is a conflict of interest regarding Resolution No. 5001. He noted that the Council is not in full agreement with the ECIP, and an inappropriate vote can make a significant difference.

City Clerk Snider noted that the proper procedure did not allow for debate at this time. She went on to state that a Council Member may appeal the ruling of the Chair, which would not be debatable according to the Fairbanks General Code (FGC).

**Mr. Cleworth**, seconded by **Mr. Clark**, moved to OVERRIDE THE DECISION OF THE CHAIR.

**Mayor Matherly** asked City Clerk Snider to explain the process if the decision is overturned.

City Clerk Snider explained that if it is determined that a conflict exists, the Council may entertain a motion to reaffirm the vote to approve Resolution No. 5001, as Amended. She stated that if the motion to reaffirm does not receive four votes in favor, the Council will reconsider the resolution in its original form. She clarified that Council Member Rogers would abstain from the motion to override as well as any subsequent motions based on that outcome.

**Mr. Cleworth** asked for clarification regarding a yes or no vote on the motion to appeal.

City Attorney Paul Ewers stated that while the procedure as outlined in the FGC states that a yes vote would be in favor of the Chair’s ruling, the question as posed by Mr. Cleworth is such that a yes vote would overturn the ruling of the Chair. He suggested that the language of the motion state that intention.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO OVERRIDE THE DECISION OF THE CHAIR AS FOLLOWS:

YEAS: Cleworth, Clark, Gibson

NAYS: Marney, Therrien

ABSTAIN: Rogers

**Mayor Matherly** declared the MOTION CARRIED.

**Ms. Therrien**, seconded by **Mr. Marney**, moved to REAFFIRM Resolution No. 5001, as Amended.

**Mr. Clark** stated that he does not agree with the ECIP program, but he is also not in favor of going back on a decision that was previously made. He added that he felt the original ordinance needs to be repealed and stated that the process is extremely messy, unbalanced, and potentially an unwise way to spend the City's salary savings.

**Ms. Therrien** spoke in favor of reaffirmation, stating that the ECIP has already been adopted; she pointed out that the resolution is strictly for distribution amounts. She spoke in favor of the program but noted that the ordinance is not up for debate at this time.

**Mr. Cleworth** spoke again to the parity issue between bargaining units and stated that the discussion is about Ordinance No. 6184 as much as it is about Resolution No. 5001. He went on to state that it is a discriminatory policy and stands to create more dissatisfaction amongst employees. **Mr. Cleworth** shared that he had received many phone calls from unhappy employees, adding that the Capital Fund is receiving one of the lowest contributions it has in years. He went on to state that the City is on a dangerous path, and he felt that the Council made a very big mistake with the adoption of Ordinance No. 6184.

**Mayor Matherly** stated that Mr. Cleworth's statements were catastrophizing the situation, adding that it is difficult to recognize and avoid all conflicts of interest. He shared that he had not received any complaints from employees and felt that the intention behind the ECIP was to help the employees who were working extremely long hours due to being short-staffed for long periods of time. He added that he understood the concerns expressed about the program but noted that this was not the appropriate time to address those issues. He asked that the Council stay on task regarding the resolution and reaffirm Resolution No. 5001, as Amended. He indicated that the ECIP program could be readdressed at a different time.

**Mr. Marney** agreed with the Mayor's comments, adding that he had originally been in favor of increasing the distribution to 20%. He went on to state that the ordinance had passed and the ECIP had been adopted, noting that the intention was to fix the issues at the Fairbanks Police Department (FPD) and Dispatch. He asked that the other members approve the motion to reaffirm and work to fix the issues in Ordinance No. 6184 later in the year.

**Mr. Cleworth** stated that if the motion to reaffirm fails the Council will have to vote on the original 5%, adding that the Mayor has the ability to apply bonuses at any time, regardless of the ECIP program. He noted that he had authored a new version of an Employee Incentive Program, which is currently being reviewed by the Human Resources department. He reiterated the dangerous trend the resolution and ECIP program was creating for the Capital Fund.

**Mayor Matherly** acknowledged the plan put forth by Mr. Cleworth but again asked that Resolution No. 5001, as Amended, be reaffirmed and the discussion around changing the incentive program take place at a more appropriate time. He added that while there may be a few employees who were displeased with the resolution, there would be far more unhappy employees if the allocation was taken away after being approved by a five-to-one vote at the last meeting.

**Mr. Gibson** noted that while the amended version of Resolution No. 5001 was approved five-to-one, the amendment increasing the percentage was only passed by the Mayor's tie-breaking vote. He clarified that if Ms. Rogers had abstained from the vote on the amendment, it would have failed.

**Ms. Therrien** asked about the status of the amendment. City Attorney Ewers stated that if the motion on the floor fails, the resolution would be reconsidered in its original form with a 5% distribution.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO REAFFIRM RESOLUTION NO. 5001, AS AMENDED, AS FOLLOWS:

YEAS: Clark, Therrien, Gibson, Marney

NAYS: Cleworth

ABSTAIN: Rogers

**Mayor Matherly** declared the MOTION CARRIED and Resolution No. 5001, as Amended, REAFFIRMED.

**ADJOURNMENT**

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

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

**Mayor Matherly** declared the meeting adjourned at 7:38 a.m.



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JIM MATHERLY, MAYOR

ATTEST:



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D. DANYIELLE SNIDER, MMC, CITY CLERK

Transcribed by: RR