

to read the Bill of Rights aloud. **Mayor Matherly** called Boy Scout Troop 92 forward to read the Bill of Rights. After the reading, he thanked the young men and called for a brief recess so everyone could have some cake. The meeting resumed at 7:15 p.m.

CITIZENS' COMMENTS ON CONSENT AGENDA ITEMS

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

APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Bagwill, seconded by **Mr. Pruhs**, moved to APPROVE the Agenda and Consent Agenda.

Mr. Cleworth pulled the Memo Regarding Change Orders for the Rickert Project from the Consent Agenda.

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

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

SPECIAL ORDERS

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

Type: Package Store, License #995
DBA: Oaken Keg #2754
Applicant: Safeway, Inc.
3627 Airport Way, Fairbanks
From: Oaken Keg #2754/Safeway, Inc.
3627 Airport Way, Fairbanks

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

Mayor Matherly called for Public 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: Bagwill, Cleworth, Rogers, Huntington, Therrien, Pruhs
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: Package Store, License #999
DBA: Oaken Keg #3410
Applicant: Safeway, Inc.
30 College Road, Fairbanks
From: Oaken Keg #3410/Safeway, Inc.
30 College Road, Fairbanks

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

Mayor Matherly called for Public 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, Bagwill, Therrien, Pruhs, Cleworth, Huntington
NAYS: None

Mayor Matherly declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Matherly stated that City employees have been working hard all year; he stated he is honored to serve as Mayor. He wished everyone a Merry Christmas and a Happy New Year, and he wished a happy birthday to Poldine Carlo who turned 97 years old. He asked everyone to remember their grandparents and great grandparents during the holidays and wished his grandmother Angela Geraghty a happy 99th birthday. **Mayor Matherly** thanked the Council and City departments for working so hard together. He thanked the media for covering the Council meetings and thanked each department for the job they do for the City.

UNFINISHED BUSINESS

- a) The Fairbanks City Council considered the following Liquor License Application for Transfer of Ownership. This item was POSTPONED from the Regular Meeting of December 4, 2017; the motion to PROTEST is on the floor (made by Ms. Therrien, seconded by Mr. Pruhs)

Type: Beverage Dispensary, License #725
DBA: Midnight Mine
Applicant: Midnight Mine, LLC
308 Wendell Avenue, Fairbanks
From: Midnight Mine/Borealis Investments, Inc.
308 Wendell Avenue, Fairbanks

Mr. Pruhs spoke to the combined experience as bar owners of Rick Mensik, Robert Maloney, and Sharon Mensik. He read aloud the Fairbanks Police Department's reasons for recommending protest of the Midnight Mine license.

Robert Maloney, 1050 Kellum Street, Fairbanks – Mr. Maloney stated he welcomes bar checks by the Fairbanks Police Department (FPD) and stated there are only a few calls per month. He stated that many of the calls on the list are random bar checks. He stated the call of shots fired discussed at the last Council meeting had nothing to do with the Midnight Mine. He stated there are often incidents in Griffin Park which is adjoining land, but those should not reflect poorly on the bar.

Mr. Pruhs asked Mr. Maloney how long he owned the Midnight Mine; Mr. Maloney stated he has owned it for 46 years. **Mr. Pruhs** asked Mr. Maloney whether he would continue to operate the bar in the same manner he has been operating if he did not sell the license. Mr. Maloney stated he has worked very closely with Ms. Mensik and that he would like sell the license because she is interested in a small neighborhood bar environment. **Mr. Pruhs** asked Ms. Mensik if the application was hers alone or if she intended to be part owner with Mr. Mensik.

Sharon Mensik, 2701 Chief Alexander, Fairbanks – Ms. Mensik stated she has been divorced from Mr. Mensik since 1989 and that they are good friends who work well together. **Mr. Pruhs** asked Ms. Mensik if she has any share of ownership in Kodiak Jack's; Ms. Mensik replied that she has had no form of ownership of Kodiak Jack's in over two years. **Mr. Pruhs** asked Ms. Mensik if she intended to put a microbrewery in the Midnight Mine; she replied affirmatively. She indicated that a taproom may be another option.

Mr. Pruhs asked Mr. Mensik about the high volume of police calls to at Kodiak Jacks.

Rick Mensik, 115 Chief Evan Drive, Fairbanks – Mr. Mensik stated he looked through the list of calls and that only 107 of the 139 incidents occurred during Kodiak Jacks' business hours. He stated he should not be penalized for calls that occur on the property when the business is not open. He stated that of the 107 calls, 53 were bar checks that occur when the police stop by to do a walk-through. Mr. Mensik reported that he is happy when the police stop by at random, and he encourages his security staff to help officers in any way they can. He stated some of the calls were field contacts and flag downs that occurred in the parking lot; he clarified that very few of the calls were instigated by a call for help from the bar. Mr. Mensik stated there is a very young clientele at Kodiak Jack's. He explained that it is different from any other bar he owns because it has a huge dance floor, a dunk tank, several pool tables, a mechanical bull, and a rock climbing wall. He stated it is an entertainment establishment and that 80% of the patrons are young, military folks. Mr. Mensik stated that on the weekends when they open BoomTown Grill they are able to occupy 450 patrons; he stated that the Midnight Mine occupancy is only 85. He stated he and his father were military and that he is proud of the military. He stated that he meets with military officials to try and mitigate issues that arise with enlisted personnel. Mr. Mensik stated many of the soldiers have been overseas in combat situations and have a difficult time reintegrating into society but that he tries his best to handle situations on a case-by-case basis. He stated that the issues have no bearing on the license transfer of the Midnight Mine.

Ms. Therrien stated there have been many calls to Kodiak Jack's within the last year. **Mr. Mensik** stated there are five times more people frequenting Kodiak Jack's than the Midnight Mine; he stated they should not be compared. He stated he owns a bar called The Marlin that brings in a live music crowd, and he also owns the Arctic Fox Bar that brings in an older crowd; he added that both bars have a different vibe than Kodiak Jack's. He stated he employs many former military members and that there is only so much that can be done about the young crowd that frequents Kodiak Jack's; he added that they take every preventative measure they can.

Ms. Therrien asked **Ms. Mensik** what type of management would be at the Midnight Mine if the transfer is approved. **Ms. Mensik** stated that she does not understand why her ex-husband's bar would affect the application for transfer of the Midnight Mine. She stated it is offensive that the Council thinks a woman cannot run a business without the help of her ex-husband. She stated that the transfer is her plan with her grandson to help him learn how to run a successful business in the hopes he will purchase it in the future. **Ms. Mensik** stated her grandson is a brew master and a college student and that he works for the Borough Parks and Recreation Department. She asked about the relevancy of **Mr. Mensik** and Kodiak Jack's to her independent business venture. She stated it has been over two years since she has had any ownership in Kodiak Jack's and that her only role in that business is bookkeeping.

Mayor Matherly assured **Ms. Mensik** that the Council does not believe that a woman cannot run a bar; he stated that there was confusion on the Council's part because she did not come to testify at the prior hearing. **Ms. Mensik** stated she had a death in the family, and that is why she missed the last meeting. She explained that her plan is to keep the Midnight Mine downstairs and renovate the upstairs into a taproom. She spoke to her plans for the building and to how she could possibly boost tourism in the downtown area. **Ms. Mensik** stated she will be selling pull tabs at the Midnight Mine which would directly help many local non-profit organizations.

Ms. Therrien, with the concurrence of the second, withdrew the motion to PROTEST.

Mr. Pruhs, seconded by **Mr. Bagwill**, moved to WAIVE PROTEST on the Liquor License Application for Transfer of Ownership.

Mr. Cleworth stated **Ms. Mensik** will be the 100% owner of the new establishment once the sale goes through, and she will be the person entirely responsible for it. He stated that is all the consideration of the transfer should be based upon.

Mr. Bagwill echoed **Mr. Cleworth's** thoughts and thanked everyone for coming down to speak.

Ms. Rogers thanked the parties involved for coming to speak to the Council about the transfer.

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

YEAS: Cleworth, Pruhs, Rogers, Huntington, Bagwill, Therrien

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

Chief Financial Officer Carmen Randle requested that the order of items (b) and (c) on the agenda be swapped, because item (c) may impact the outcome of item (b).

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

- c) Ordinance No. 6068 – An Ordinance Amending the 2017 Operating Budget for the Sixth Time. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Mr. Pruhs, seconded by **Mr. Bagwill**, moved to ADOPT Ordinance No. 6068.

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

Mr. Cleworth stated he would like to hear from Public Works Director Jeff Jacobson because of the memo he provided to the Council. **Mayor Matherly** asked Mr. Jacobson to come forward for a staff report.

Mr. Jacobson requested that more funds be added to the 2017 budget to provide City-wide snow removal before the year's end. He stated he spoke with his staff about the shortage of funds, and residents are becoming impatient with the process. He stated keeping the sidewalks and streets clear of snow is a safety feature that his department is expected to provide. He stated that, barring more significant snow fall, he would like to allow for overtime crews to get the City streets cleared before the end of the year.

Mayor Matherly thanked the public for calling in and letting the City know where the streets need attention; he expressed appreciation for citizens' patience. He stated there was record snowfall in November, and it has hit the Public Works Department particularly hard.

Mr. Cleworth asked Mr. Jacobson if Island Homes, Slaterville and Arctic Park had been cleared of snow. Mr. Jacobson stated he brought on three operators who helped remove the snow; he stated those neighborhoods are difficult to clear because of the amount of on-street parking. He stated Walden Estates has also been cleared, and he reported other areas that have been addressed. He spoke to Public Works' next plan for snow removal.

Ms. Rogers stated she received thanks from a resident in the Aurora area; she thanked Mr. Jacobson for his direction of the Public Works Department.

Ms. Therrien asked Ms. Randle if there were any available funds to pay the additional \$174,000 for snow removal. Ms. Randle asked if the money would be in addition to the \$150,000 increase already in the budget amendment. Mr. Jacobson reported that the \$174,000 would be in addition to the \$150,000 to add 30 temporary employees working six days of overtime to clear City streets before the end of 2017. Ms. Randle asked whether the total snow removal request would be \$324,000; Mr. Jacobson suggested the Public Works Department could absorb some of the surplus from the FPD budget.

Ms. Randle stated she has not vetted Mr. Jacobson's request, but she believes it would leave the City with only \$10,000 remaining in the 2017 budget.

Mr. Cleworth spoke in support of providing the Public Works Department budget with \$87,000 rather than \$174,000. Mr. Jacobson stated that would be the minimum he would need.

Mr. Cleworth, seconded by **Ms. Therrien**, moved to AMEND Ordinance No. 6068 by increasing the Public Works budget by \$87,000.

Mr. Cleworth stated snow removal is one of the most important services that the City provides, because it impacts the elderly; he added there are lots of calls about it. He stated the budget was short for snow removal at the beginning of the year and that the City needs to do its best to clear the streets.

Ms. Therrien asked if Weeks Field, Moreland Acres, and Memorial Park could be prioritized at for snow removal. Mr. Jacobson stated there is a rotating schedule, and each year a different subdivision gets placed at the top of the list to make it fair.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6068 BY INCREASING THE PUBLIC WORKS BUDGET BY \$87,000 AS FOLLOWS:

YEAS: Huntington, Therrien, Pruhs, Cleworth, Rogers

NAYS: Bagwill

Mayor Matherly declared the MOTION CARRIED.

Ms. Huntington thanked Mr. Jacobson for the update and for the work his crews do in the City.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6068, AS AMENDED, AS FOLLOWS:

YEAS: Therrien, Rogers, Pruhs, Bagwill, Huntington, Cleworth

NAYS: None

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6068, as Amended, ADOPTED.

b) Ordinance No. 6065 – An Ordinance Adopting the 2018 Operating and Capital Budgets. Introduced by Mayor Matherly. SECOND READING AND PUBLIC HEARING.

Mr. Therrien, seconded by **Mr. Bagwill**, moved to ADOPT Ordinance No. 6065.

Ms. Therrien, seconded by **Mr. Bagwill**, moved to SUBSTITUTE Ordinance No. 6065, as Amended, for Ordinance No. 6065.

Ms. Therrien stated the change in the substitute would add \$5,000 to the Mayor's travel budget for Council Members to advocate for the City's legislative priorities in Juneau, and it may allow for more than one Council member to attend the AML Conference in Anchorage.

Mayor Matherly called for objection to the SUBSTITUTION.

Mr. Cleworth objected.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUBSTITUTE ORDINANCE NO. 6065, AS AMENDED, FOR ORDINANCE NO. 6065 AS FOLLOWS:

YEAS: Therrien, Bagwill, Rogers
NAYS: Pruhs, Huntington, Cleworth, Matherly
Mayor Matherly declared the MOTION FAILED.

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

Ms. Therrien, seconded by **Mr. Pruhs**, moved to AMEND Ordinance No. 6065 to retain one of the firefighter positions through January 31, 2018 instead of January 1, 2018.

Ms. Therrien stated that the budget calls for two firefighter positions to be eliminated effective January 1, 2018. She stated that one firefighter will retire on January 1 and the other on January 31. She explained that her amendment would help to avoid a firefighter having to have multiple physicals done due to the timing of the position elimination.

Mr. Pruhs stated it is the right thing to do, and it affects the budget very little. **Ms. Rogers** and **Ms. Huntington** expressed support for Ms. Therrien's amendment.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6065 TO RETAIN ONE OF THE FIREFIGHTER POSITIONS THROUGH JANUARY 31, 2018 INSTEAD OF JANUARY 1, 2018 AS FOLLOWS:

YEAS: Therrien, Rogers, Pruhs, Bagwill, Huntington, Cleworth
NAYS: None
Mayor Matherly declared the MOTION CARRIED.

Mr. Cleworth stated he sees a problem coming. He stated that there are no proposed pay increases for the other unions, but the Firefighters Union is greatly benefiting with pay increases. He stated their insurance benefits and pay increases are like that of no other union, which goes against the City's labor Code. **Mr. Cleworth** stated there is only \$400,000 left on the table in the 2018 budget, and if every employee at the City got a 1% increase it would use all the remaining funds. He stated the firefighters got a 4.1% increase the previous year and are now asking for another 3.5% increase. He stated there is no room in the budget for that increase.

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to AMEND Ordinance No. 6065, as Amended, by retaining one firefighter position facing a lay off and to non-fund the firefighter pay increases for 2018.

Mr. Cleworth clarified that the amendment would not affect the increases the firefighters saw in 2017. He stated it would put the firefighters on even footing with the other unions at the City.

Ms. Therrien asked City Attorney Paul Ewers if the Council would encounter problems if they non-funded the arbitrator's award. Mr. Ewers stated the award is subject to annual funding.

Ms. Huntington stated she supported funding the arbitrator's award earlier in the year and that she would like to continue honoring the commitment. She stated she would not be supporting the amendment to non-fund.

Ms. Rogers asked Mr. Ewers if the Council would be going against the City's labor Code. Mr. Ewers replied that the Code sets goals for labor negotiations but that, historically, union contracts have not been identical to one another.

Ms. Therrien stated she would not support the amendment because there is money in the budget to fund the increase with the elimination of two positions. She spoke in favor of continued funding of the arbitrator's award for the firefighters.

Mr. Pruhs stated he would rather keep a firefighter in a position than lay off two in order to give increases to the department. He read aloud AS 23.40.215 regarding legislative approval for agreements with monetary terms.

Mr. Cleworth stated that revenue sharing disappeared weeks after the arbitrator's award. He stated the arbitrator's award was one of the worst he has ever had to deal with. He questioned how consistency amongst bargaining units would be achieved if the firefighters are awarded an increase while other unions are not.

Ms. Therrien stated she feels that Mr. Cleworth is ambushing the Council with the proposed motion. She stated there have been numerous budget meetings where the issue was never raised.

Mr. Cleworth stated he spoke about the issue at the Finance Committee meeting and that no consensus was reached; he stated that, per the process, it has to be discussed on the floor.

Mr. Bagwill stated he is having difficulty with his decision on the issue. He stated he has heard other bargaining units talk about holding out like the firefighters in order to get what they want.

Ms. Therrien stated young firefighters may choose not to stay with the City because of the low wages, causing an attrition issue. She stated the Council gave the PSEA a bonus two years in a row, and the firefighters should be treated similarly.

Mr. Pruhs stated the firefighters are being treated better than other bargaining units, and that it is not right.

Mr. Cleworth stated the IBEW sees what the firefighters are getting, and now they want similar compensation in their package. He stated he has never seen negotiations with the IBEW drag on this long, and he indicated that it is because they want the same thing as the firefighters. He indicated the firefighter's contract has set the benchmark so high that the City cannot afford similar increases for other unions. **Mr. Cleworth** asked Chief Financial Officer Carmen Randle to come forward. He stated that if every City employee got a 1% package increase it would cost approximately \$250,000. He stated that if the City tried to mirror the firefighters' increase with other unions, it would cost more than \$800,000. **Mr. Cleworth** stated the City does not have difficulty filling positions at the Fire Department, and City firefighter wages are good. He stated that he does not believe the Fire Department has a difficult time retaining employees. He

commented that Anchorage may pay better, but at some point they are going to hit a wall and not be able to provide such compensation.

Ms. Randle reported that the cost for all City employees to receive 80/20 health coverage and a 4% increase would be \$831,000; she clarified that the estimate does not include a 4% increase for PSEA employees, because they already received a 4% increase during the year. She also clarified that the number includes an adjusted increase for AFL-CIO and non-represented employees since they received a 1.4% increase during the year. She stated that without pay increases (only the 80/20 health coverage) for all other employees besides the firefighters, the estimate would be approximately \$630,000.

Mr. Pruhs stated that in the last three years the City has gone from a \$36 million to a \$33 million dollar budget; he stated that sustaining raises such as that is not possible.

Ms. Huntington stated she is having a hard time reaching a decision, because she would like to give everyone a raise to show appreciation. She stated she feels the same way as Mr. Bagwill, because it is such a struggle to make the right decision for the City and its employees.

Mr. Cleworth stated arbitrators are not City Council members, and they do not get to make final decisions with the City's bottom line. He stated arbitrators typically do not live in the City and do not understand the uniqueness of Fairbanks. He stated the Council gets to make the final decision and does not have to blindly accept an arbitrator's award.

Mr. Bagwill asked how the numbers would change if Mr. Cleworth's amendment was approved.

Ms. Huntington stated that when the Council funded the contract they had hoped the ballot measure to raise property taxes would pass and generate more revenue. She stated she recently brought up a discussion on the bed tax but did not receive support.

Ms. Rogers stated the Council made a commitment, and she does not want to go back on her word. She stated that she respects Mr. Cleworth, but she cannot support the amendment.

Mr. Bagwill stated the firefighters received a 4.3% raise prior, and if the Council does not fund the current raise he does not view it as going backwards. He quoted Spock by stating, "The needs of the many outweigh the needs of the few." He stated he is leaning toward supporting the amendment, and he indicated that it is a very difficult decision to make.

Mayor Matherly called for a brief recess. The meeting recessed for about five minutes.

Ms. Randle stated that by non-funding the 1% wage increase, non-funding the 5% healthcare increase, and by retaining one firefighter position, it would increase the budget by \$30,329.

Mr. Cleworth asked what the estimated cost of the contract would be over 2017 if the firefighter was not added back in. Ms. Randle explained that 2018 Fire Department personnel costs without Mr. Cleworth's amendment would be \$5,952,992; she stated the 2017 cost is \$5,610,499. She stated that the difference includes step increases for some employees moving up in the ranks.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6065, AS AMENDED, BY RETAINING ONE FIREFIGHTER POSITION FACING A LAY OFF AND TO NON-FUND THE FIREFIGHTER PAY INCREASES FOR 2018 AS FOLLOWS:

YEAS: Bagwill, Cleworth, Huntington, Pruhs

NAYS: Rogers, Therrien

Mayor Matherly declared the MOTION CARRIED.

Mr. Cleworth thanked Mayor Matherly for getting his proposed budget out early so there was extra time to work on it. He shared his concern for some of the pending lawsuits against the City and expressed frustration that the PSEA is suing the City again. He stated he is also concerned about the water contamination issues and the possible lawsuits that may come in the future.

Mayor Matherly agreed with Mr. Cleworth; he stated that he did not budget any revenue sharing funds for 2018. He stated the Council owes it to the City residents and employees to come up with new revenue sources. He stated everyone should spend some time over the Christmas holiday thinking about new forms of revenue for the City.

Ms. Huntington thanked everyone for all the hard work they put into the City's budget.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6065, AS AMENDED, AS FOLLOWS:

YEAS: Cleworth, Pruhs, Rogers, Huntington, Bagwill

NAYS: Therrien

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6065, as Amended, ADOPTED.

NEW BUSINESS

- a) Resolution No. 4818 – A Resolution Stating the City of Fairbanks Legislative and Capital Priorities for 2018. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

DISCUSSION ITEMS

- a) Committee Reports

Hotel/Motel Discretionary Fund Committee – **Ms. Rogers** reported that the Committee met and voted to allocate funds to 23 organizations. She stated it was an exhilarating meeting, because so many people have great ideas about how to make Fairbanks a better place.

Fairbanks Diversity Council – **Mayor Matherly** reported the Fairbanks Diversity Council will meet on Tuesday, December 12, 2017.

WRITTEN COMMUNICATIONS TO COUNCIL

- a) Memo Regarding Change Orders for the Rickert Project

Mr. Pruhs, seconded by **Mr. Bagwill**, moved to ACCEPT the Memo Regarding Change Orders for the Rickert Project.

Mr. Cleworth asked for an update on the memo. Ms. Randle explained the items included in the memo and stated that they had been previously approved.

Mayor Matherly called for objection on the motion to ACCEPT, and hearing none, declared the Memo ACCEPTED.

- b) Reappointment to the Chena Riverfront Commission

APPROVED on the CONSENT AGENDA.

- c) Clay Street Cemetery Commission Meeting Minutes of November 1, 2017

ACCEPTED on the CONSENT AGENDA.

- d) Hotel/Motel Discretionary Fund Committee Meeting Minutes of November 6, 2017

ACCEPTED on the CONSENT AGENDA.

CITIZENS' COMMENTS

David Berrey, 3174 Davis Road, Fairbanks – Mr. Berrey asked Mr. Ewers what the legal definition of being “made whole” is. Mr. Ewers stated he is not at liberty to answer questions during public comment. **Mayor Matherly** informed Mr. Berrey that he could ask questions, and Council Members may address the questions during their comments. Mr. Berrey stated that he was told by Mayor Matherly that he would be made whole over the summer. He stated that residents of the contaminated area were told their water would be free, and that is not the case; he stated that the City should honor its word. He stated that he is currently looking at a disconnection notice for water service. He referenced AS 44.62.310 and questioned why a pending litigation discussion is being held during an Executive Session closed to the public. He requested that the Council work with the Interior Delegation on the contamination issue.

Ms. Rogers asked Mr. Berrey what being “made whole” means to him. Mr. Berrey stated that because of the City’s gross negligence, his water has been taken away; he stated that he should not have to pay for water. He indicated that connecting a pipe to his house does not make him whole, and he wants water in exchange for water. Mr. Berrey again spoke to being made whole. He stated he believes the City is in violation of Alaska Statutes pertaining to closed meetings.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated he saw graders downtown clearing snow and expressed concern that sidewalks are not being cleared. He suggested that the

funds used to give PSEA members a bonus could have gone towards clearing sidewalks. He commented that the Cowles Street sidewalk is a mess. He wished everyone a merry Christmas.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney thanked the boy scouts for coming to read the Bill of Rights. He wished everyone a merry Christmas; he explained the origins of the term “holiday.”

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

COUNCIL MEMBERS' COMMENTS

Ms. Huntington thanked Council Members and City staff for working together with mutual respect. She thanked Mr. Berrey for attending Council meetings and for advocating for himself. She stated that focusing only on being made whole is like saying something is fair or unfair. **Ms. Huntington** stated that the City has been very proactive in dealing with the water contamination situation. She wished everyone a merry Christmas and safe travels over the holiday season.

Mr. Bagwill thanked Mayor Matherly for bringing the budget for the Council to dissect, and he thanked the Council for tireless work on it. He thanked citizens for providing their opinions on what should be in the 2018 budget. He thanked Boy Scout Troop 92 for coming to the meeting and reading the Bill of Rights. **Mr. Bagwill** stated he would like to see the meeting minutes that Mr. Berrey spoke of where he claims that the Council promised to make him whole. He wished everyone a merry Christmas.

Mr. Cleworth stated that being made whole means different things to different people. He asked Mr. Ewers to speak to the grounds the Council has to discuss potential claims in an Executive Session. Mr. Ewers stated that the wording in AS 44.62.310(c)(1), in reference to items that may be considered in an Executive Session, includes “matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity.” He stated that it is clear that a discussion on potential litigation relating to the contamination would fit under that subject. He further clarified that “potential claims” may include claims against the City and claims by the City. **Mr. Cleworth** thanked Mr. Turney for having the boy scouts read the Bill of Rights and for bringing the cake to share. He expressed concern that the Bill of Rights is continually being watered down. He wished everyone a merry Christmas.

Mr. Pruhs offered his condolences in the recent loss of Cliff Everts; he acknowledged all that Mr. Everts has done for the Interior and for Fairbanks. **Mr. Pruhs** recognized Chief of Staff Mike Meeks for the work he has done on the Interior Gas Utility (IGU) Board. He thanked Mr. Turney and the Boy Scouts for coming to the meeting and reading the Bill of Rights. He wished everyone a merry Christmas and a happy New Year.

Ms. Therrien stated the Homeless Symposium was a well-attended and organized event. She requested to be excused from the Regular Council Meeting of January 8, 2018.

Mayor Matherly called for objection to Ms. Therrien’s request to be excused on January 8, 2018 and, hearing none, so ORDERED.

Ms. Therrien thanked Mr. Turney and the Boy Scouts for coming to the meeting and reading the Bill of Rights. She stated she does not think Mr. Berrey should let his water get disconnected.

Ms. Rogers thanked Mr. Berrey for continuing to come to meetings and for keeping the dialogue going. She stated that she joined Mr. Pruhs in introducing a resolution to help make restitution to residents who are affected by the water contamination. She thanked Mr. Turney for coordinating with the boy scouts to have the Bill of Rights read at the meeting. **Ms. Rogers** echoed Ms. Therrien's comments about the Homeless Symposium being a success, and she thanked Mike Sanders and Scott Wisner for all their efforts in planning the event. She thanked City staff for being a pleasure to work with and for always being efficient and professional. She stated she attended the tree lighting ceremony at City Hall and shared her hope that the event grows next year. She wished everyone a merry Christmas.

Mr. Pruhs, seconded by **Mr. Bagwill**, moved to enter an Executive Session for the purpose of discussing potential claims relating to the Regional Fire Training Center.

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

Mayor Matherly called for a brief recess.

EXECUTIVE SESSION

a) Regional Fire Training Center - Potential Claims

The City Council met in Executive Session to discuss potential claims relating to the Regional Fire Training Center, and no action was taken.

ADJOURNMENT

Mr. Bagwill, seconded by **Ms. Rogers**, moved to ADJOURN the meeting.

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

Mayor Matherly declared the meeting adjourned at 10:57 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB