



**FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, OCTOBER 9, 2017
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA**

The City Council convened at 7:00 p.m. on the above date to conduct a Regular Meeting of the Fairbanks City Council 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: Joy Huntington, Seat A
June Rogers, Seat B
Valerie Therrien, Seat C
Jonathan Bagwill, Seat D
Jerry Cleworth, Seat E
David Pruhs, Seat F

Absent: None

Also Present: Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Jeff Jacobson, Public Works Director
Mike Meeks, Chief of Staff
Stephanie Johnson, Dispatch Center Manager
Christina Rowlett, HR Admin
Angela Foster-Snow, HR Director
Eric Jewkes, Police Chief
Jackson Fox, City Engineer
Ron Templeton, Deputy Fire Chief
Mike Sanders, Housing & Homeless Coordinator

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

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Matherly asked Mr. Cleworth to lead the Flag Salutation.

Mayor Matherly introduced the students interning at City Hall: Will Gottmeyer in Engineering, Shana Mattson in the Housing & Homeless Coordinator's Office, and Gwendolyn Daniels and Calista Elzey in the Human Resources Department.

CITIZEN'S COMMENTS

Krista Major, 907 Terminal Street, Fairbanks – Ms. Major stated that she is representing the Fairbanks North Star Borough (FNSB). She stated the Downtown Fairbanks Kickoff event was a success with great participation. She stated there will be another community meeting in January

after the feedback is thoroughly reviewed. Ms. Major stated the Borough will host a Procurement Vendor Fair on October 27 from 8 a.m. – 1 p.m. She stated Borough offices will be closed on October 18 in observance of Alaska Day.

Anna Nelson, 2545 Livingston Loop, Fairbanks – Ms. Nelson stated she is the Executive Director of the Interior AIDS Association and that they were awarded \$400,000 by a State grant to help with opioid treatment. She stated the program also helps to prevent overdose deaths for those without insurance. She stated case managers will work together with other organizations to help prevent the spread of AIDS among drug users. Ms. Nelson thanked Ms. Rogers for all the help she provided during the grant writing process.

Mayor Matherly stated he will be speaking later in the week at an opioid workshop, and he shared that the Fairbanks Police Department (FPD) has installed a takeback box for unused medication. He encouraged everyone to use it.

Mr. Cleworth asked if the grant process was competitive; Ms. Nelson stated that there were not enough proposals to make it very competitive but that two grants were awarded.

Ms. Rogers asked Ms. Nelson to elaborate on the strength of the grant; Ms. Nelson stated the proposal was very strong, and the group has united other groups and coalitions to spread the word on who to call if help is needed.

Christian Hood, 2101 Charlijo Loop, Fairbanks – Ms. Hood stated that the last time she attended a Council meeting the Council waived protest of her retail marijuana license. She reported they had a successful opening. She stated they held a First Friday event and donated 5% of the sales to the Stone Soup Café. She thanked the Council for the opportunity to give back.

Mr. Pruhs thanked Ms. Hood for the honor of introducing herself to him at a function a few nights earlier. He stated he admires what she does for the community.

Sam Hachey, 2008 Perkins Drive, Fairbanks – Mr. Hachey stated he is the representative for Tanana Herb Company, a marijuana cultivation facility. He stated he is thankful to be able to provide a service to the community and to generate tax revenue and jobs. He stated he has submitted an application to the State to move to a larger building, and he shared his excitement for the expansion.

Dave Berrey, 3174 Davis Road, Fairbanks – Mr. Berrey stated he just returned from Washington D.C. where he met with Senators Lisa Murkowski and Dan Sullivan and their staff. He stated he was able to work with the Environmental Defense Fund to network. He encouraged the City to work with the State and residents to alleviate the contamination problems. Mr. Berrey stated the Senators were very receptive, and they are anxious and willing to help. He stated they would like to identify funds so the City of Fairbanks does not have to shoulder the entire cost. He thanked the City for stepping up to the plate but stated that he believes it is shortsighted for the City to turn someone's water off because they refuse to sign the water stipend agreement. He stated that he was promised to be made whole at the July 10 Council Meeting, and he requested that the meeting minutes from that meeting be amended to reflect the "made whole" statement.

Ms. Therrien asked Mr. Berrey to clarify what the Senators said about financial help. Mr. Berrey started he does not know exactly what they can do but that they were very receptive. He mentioned the use of the facility by the federal government.

Michael Farrell, P.O. Box 83327, Fairbanks- Mr. Farrell stated the traffic on Lacey Street is hindered by the large dumpsters in the parking lot at the Co-op Market; he stated eventually someone is going to get hurt. He spoke to a handout he provided to the Council which was an excerpt from a 1984 book by George Orwell. He spoke to the Fairbanks Economic Development Corporation (FEDC) Form 990 handouts he provided, and he questioned whether City bed tax dollars should be funding that organization.

Maria Patricia, Fairbanks (no address provided) – Ms. Patricia spoke to a 2009 report produced by the U.S. Department of Homeland Security titled, “Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment.” She stated that the report was generated by the U.S. government to deter and prevent terrorist attacks and is an effort to influence domestic, public opinion. Ms. Patricia read aloud portions of the report. She stated that active, conservative groups who lobby and protest government are a terrorist threat in the eyes of the federal government.

Mr. Cleworth asked for the date of the report; Ms. Patricia replied it is dated April 7, 2009.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney celebrated the outcome of the vote on the local citizens’ initiative which allowed cannabis businesses to remain legal. He spoke against mind-altering drugs being given to children in order to correct behavior. He spoke against the ballot question that would have raised citizens’ property taxes. Mr. Turney stated Arlette Eagle-Lavelle knew that the Polaris Building was a mess when started her downtown business and that she should stop whining about the dead pigeons. He spoke against the City garnishing people’s dividend checks for not paying for City garbage collection.

Laurel Sliney, 500 Ketchikan Avenue, Fairbanks – Ms. Sliney stated that residents spoke loudly on the ballot issue regarding property taxes and that the Council and Mayor need to stop taking from residents. She stated all she hears about from the Council is that they need to find more revenue and that they need to look for more revenue sources. She stated the City should not have to pay electrician wages to employees who collect garbage and drive trucks. She suggested getting rid of garbage collection altogether and eliminating that department. She stated her road looks like a map of the moon with all the potholes, and something needs to be done about it.

Mr. Cleworth asked if the potholes are on Ketchikan Avenue; Ms. Sliney replied that E Street is the real problem.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger expressed thanks for the turnout at the October 4 election and shared his hope that it would continue in the future. He complained about the new speed humps around the City and stated that they should install temporary ones like the ones at the Tanana Valley Clinic. He stated it would create a tremendous cost savings to the City if they used those instead.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

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

City Attorney Ewers stated that the Executive Session for Gavora, Inc. v. City of Fairbanks, 4FA-16-01898CI: Offers of Judgement should be rescheduled to the next City Council Meeting.

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 Ownership, Location, Name, and Restaurant Designation Permit:

Type: Restaurant/Eating Place, License #4831
DBA: Irashai Japanese Restaurant
Applicant: 2GIRO, Inc.
419 Merhar Avenue, Ste. B, Fairbanks
From: Wasabi Bay Restaurant/Soon Teack Park
1448 Cushman Street, Fairbanks

Mr. Pruhs, seconded by Ms. Therrien, moved to WAIVE PROTEST on the Liquor License Application for Transfer of Ownership, Location, Name and Restaurant Designation Permit.

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 OWNERSHIP, LOCATION, NAME AND RESTAURANT DESIGNATION PERMIT AS FOLLOWS:

YEAS: Pruhs, Therrien, Huntington, Cleworth, Bagwill, Rogers
NAYS: None

Mayor Matherly declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Matherly thanked the public for coming out in droves to vote in the local election, and he thanked the City Clerk's Office for the hard work they put into it. He stated he will be speaking at an opioid conference later in the week and shared the importance of the issue to Alaskans. He encouraged everyone to use the prescription drop off box at FPD. He stated that Halloween is coming up and encouraged everyone to watch out for kids.

UNFINISHED BUSINESS

- a) Ordinance No. 6062 – An Ordinance Amending Fairbanks General Code Sec. 2-119 Order of Business; Sec. 2-121 Speaking, Recognition; and Sec. 2-122 Voting. Introduced by Mayor Matherly and Council Member Bagwill. SECOND READING AND PUBLIC HEARING.

Mr. Pruhs, seconded by **Mr. Bagwill**, moved to ADOPT Ordinance No. 6062.

Mr. Pruhs, seconded by **Mr. Bagwill**, moved to SUBSTITUTE Ordinance No. 6062, as Amended, for Ordinance No. 6062.

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

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated the Mayor is trying to stifle free speech by moving citizens comments to later in the meeting and that the ordinance smells bad.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated that the Council should look around the room and realize that most of the people who came to testify have already left. He spoke against changing the order of the meeting.

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

Mayor Matherly stated that he has had many complaints from people who have come to a Council meeting to speak to a specific agenda item, but they left before the agenda item came up because public testimony was so long. He stated dealing with City business is just as important as hearing citizens' comments.

Mr. Cleworth, seconded by **Ms. Rogers**, moved to AMEND Sec. 2-119(a)(5) of Ordinance No. 6062, as Amended, by rewording it to read, "Citizens' comments on consent agenda items up to 8 p.m. (testimony limited to five minutes). If comments do not utilize the entire allocated time, then public comments on any item not up for public hearing will be heard until 8:00 p.m."

Ms. Huntington stated it was her understanding that the ordinance was designed to allow for Council members' comments to be closer to citizens comments on the agenda.

Ms. Therrien stated she thinks allowing for an hour of public comment at the beginning of the meeting will lead to confusion and unfairness to citizens who come to testify.

Mr. Pruhs spoke to the time limits that other organizations allow; he stated that they do not offer additional time to speak. He stated citizens get five minutes for public testimony, and the Council is very liberal with giving extra time. He stated that splitting public testimony is not necessary.

Mr. Bagwill stated the Council is there to help run the City, so business should be handled first. He stated it is important that citizens have a time to speak, but meetings are not called "Citizens'

Comment” meetings for a reason. He stated people who want to testify on an ordinance or resolution should not have to wait so long to get to City business.

Mayor Matherly echoed Mr. Bagwill’s thoughts and stated the Council will never do away with Citizens’ Comments; he clarified he only wants to change the order of business.

Ms. Huntington stated she likes the intent of the ordinance and that she has heard community members express frustration about the Council’s inability to respond immediately to items addressed during Citizens’ Comments. She stated she thought moving Citizens’ Comments closer to Council Members’ Comments will keep the items a citizen wants addressed fresh in the Councils’ minds.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND SEC. 2-119(a)(5) OF ORDINANCE NO. 6062, AS AMENDED, BY REWORDING IT TO READ, “CITIZENS’ COMMENTS ON CONSENT AGENDA ITEMS UP TO 8 P.M. (TESTIMONY LIMITED TO FIVE MINUTES). IF COMMENTS DO NOT UTILIZE THE ENTIRE ALLOCATED TIME, THEN PUBLIC COMMENTS ON ANY ITEM NOT UP FOR PUBLIC HEARING WILL BE HEARD UNTIL 8:00 P.M.” AS FOLLOWS:

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

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to AMEND Sec. 2-119(g) of Ordinance No. 6062, as Amended, by adding “other than during public hearing” after “...a staff report at any time...”

Mr. Cleworth, with the concurrence of the Second, moved to AMEND the motion to amend by changing “public hearing” to “citizens’ comments.” There was no objection to the motion to amend the amendment.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND SEC. 2-119(g) OF ORDINANCE NO. 6062, AS AMENDED, BY ADDING “OTHER THAN DURING CITIZENS’ COMMENTS” AFTER “...A STAFF REPORT AT ANY TIME...” AS FOLLOWS:

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

Mr. Cleworth stated Citizens’ Comments is a time for the public to testify on anything they want and still get home at a decent time. He stated nobody will know when to testify if Citizens’ Comments are moved later into the meeting.

Ms. Rogers stated it is important to allow citizens to comment and that it makes sense to have Citizens’ Comments and Council Members’ Comments closer to each other.

Mr. Cleworth, seconded by **Ms. Huntington**, moved to POSTPONE Ordinance No. 6062, as Amended, to the next Regular Council Meeting.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE ORDINANCE NO. 6062, AS AMENDED, TO THE NEXT REGULAR COUNCIL MEETING AS FOLLOWS:

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

Mr. Pruhs stated the intent is to prioritize City business while allowing people time for public comment. He stated that the Council always allows additional time.

Ms. Rogers stated she agrees with Mr. Pruhs and that the Council historically has been very generous with giving extra testimony time to anyone who needs it.

Ms. Huntington thanked Mr. Cleworth for always being conscious of people's time and for respecting their right to have a voice. She stated she could hear the sincerity in each Council Member's voice in wanting to accommodate citizens.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6062, AS AMENDED, AS FOLLOWS:

YEAS: Therrien, Rogers, Pruhs, Bagwill, Huntington
NAYS: Cleworth
Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6062, as Amended, ADOPTED.

NEW BUSINESS

- a) Resolution No. 4812 – A Resolution Authorizing the City of Fairbanks to Apply for Funds from the Alaska Division of Homeland Security for the FFY2017 Pre-Disaster Mitigation Grant Program. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

DISCUSSION ITEMS

- a) Committee Reports

FMATS Policy Committee – **Mr. Cleworth** stated there was a special FMATS meeting where members discussed the future direction of FMATS. He stated they are seeking to become autonomous and he briefly spoke to the conflicts between their bylaws and the memorandum of agreement they signed.

Ms. Therrien asked whether FMATS would still be housed in City Hall. **Mr. Cleworth** stated that the City can still house them but that all four involved organizations need to bring something to the table to help cover personnel costs. He stated DOT, the City of North Pole, and the City of Fairbanks have all helped out, but it is not clear if the Borough is contributing. He added that it has been a controversial topic for years.

COMMUNICATIONS TO COUNCIL

a) Memo Regarding Change Orders to Hilton/1st Ave. and Gateway Projects

Mr. Pruhs, seconded by **Mr. Bagwill**, moved to APPROVE the Memo Regarding Change Orders to Hilton/1st Avenue and Gateway Projects.

Mr. Cleworth asked City Engineer Jackson Fox came forward to provide a staff report. Mr. Fox spoke to the change orders that were made to correct some drainage and sidewalks as well as the installation of speed humps.

Mr. Cleworth asked about the funding source for the speed humps; Mr. Fox replied that the Finance Department would know for sure but that he thought it came from a road maintenance account. **Mr. Cleworth** asked City Attorney Paul Ewers whether the Council should have approved the \$45,000 change order prior to the work being done; Mr. Ewers replied affirmatively. Mr. Fox stated the changes were approved through the Finance Department and the Purchasing Agent. **Mr. Cleworth** spoke of his dislike for speed humps.

Mr. Pruhs asked when the speed humps were installed; Mr. Fox stated they were done in August. **Mr. Pruhs** asked Mr. Fox if he has received any complaints about them, Mr. Fox stated he has received numerous thanks for putting them in. **Mr. Pruhs** stated that he believes the speed humps are necessary for safety on the street being discussed.

Ms. Therrien asked Mr. Fox if he was required to lump all of the items together or if he could have done a variety of smaller change orders. Mr. Fox stated he did not draft the memo; he stated it was written by the Finance Department and signed by him. **Ms. Therrien** stated it could have been brought to the Council broken into several different change orders.

Ms. Rogers stated that since the funds were in a pre-approved maintenance account she does not see any issue with the change orders.

Mr. Cleworth stated the City Council needs to be aware of change orders prior to the work being complete because they need to be a part of the process.

Ms. Rogers stated she understands Mr. Cleworth's concern, but she knows Mr. Fox to be a knowledgeable employee that regularly agonizes over every dollar spent. She stated she would rather recognize his qualities and not take a standpoint of mistrust.

Mr. Cleworth stated he did not know how 17th Avenue got speed humps but that they cannot just drop speed humps in every neighborhood; he stated it is too expensive. He stated that spending \$3,000 per speed hump is not right during a time where the City is counting pennies. **Mr. Cleworth** stated Public Works has to maintain the speed humps, and if they are hiring temporary snow removal crews they may not know where the humps and could hit them.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE MEMO REGARDING CHANGE ORDERS TO HILTON/1ST AVENUE AND GATEWAY PROJECTS AS FOLLOWS:

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

- b) Clay Street Cemetery Commission Meeting Minutes of August 2, 2017

ACCEPTED on the CONSENT AGENDA.

- c) Clay Street Cemetery Commission Meeting Minutes of September 6, 2017

ACCEPTED on the CONSENT AGENDA.

- d) Fairbanks Diversity Council Meeting Minutes of August 8, 2017

ACCEPTED on the CONSENT AGENDA.

- e) Appointment to the Public Safety Commission

APPROVED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Ms. Huntington acknowledged that the State recognized Indigenous People's Day on Columbus Day and that she is proud of her Athabascan heritage. She stated she is looking forward to trying out the new order of business at the next Council meeting. She thanked the Council for having patience with her attending telephonically.

Ms. Rogers shared that she was pleased with the increased voter turnout for the municipal elections. She stated the Council serves all of those who voted, not just those who are on a particular side of an issue. She stated that they also represent people who did not vote and asked that they be kept in mind. **Ms. Rogers** thanked everyone for the wonderful discussions during the meeting, and she stated that she values different opinions and diverse conversations.

Ms. Therrien, in regard to earlier discussion on opioids, stated that she took the least amount of prescription drugs that she could when she got her meniscus repaired. She asked Clerk Snider what the total voter turnout percentage was. Clerk Snider replied that absentee and questioned ballots have not yet been counted but that she estimates the City's 2017 voter turnout will be between 24% and 25%. **Ms. Therrien** thanked the News Miner for the good reporting they did throughout the election process.

Mr. Pruhs recognized FPD and Fire Department staff over the busy Permanent Fund Dividend (PFD) weekend. He stated he looks forward to seeing the Mayor's 2018 proposed budget.

Mr. Cleworth thanked Clerk Snider for the memo she provided to the Council, and he stated that the decline in citation revenue is alarming. He stated two citizens reported that an information sign is blocking a stop sign at the corner of Cushman and 7th Avenue. He asked Public Works to take a look at it.

Mr. Bagwill stated the voters have spoken, and now it is time to get busy with work that needs to be done. He stated he read that a person can get addicted to opioids in 3 days and that he has seen prescription drugs kill people and tear families apart. He stated he understands Mr. Berrey's frustration but that he does not know if there is a way to make residents in the water contamination area "whole."

Mr. Pruhs, seconded by Ms. Therrien, moved to go into Executive Session for the purpose of discussing IBEW Labor Negotiations.

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

Mayor Matherly called for a brief recess.

EXECUTIVE SESSION

a) IBEW Labor Negotiations

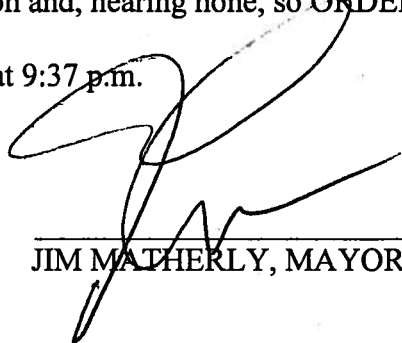
The City Council met in Executive Session to discuss IBEW labor negotiations. Direction was given to the negotiating team, and no action was taken.

ADJOURNMENT

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

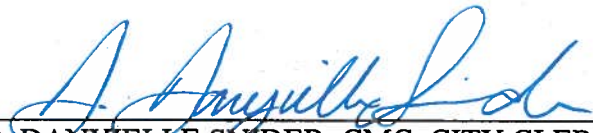
Mayor Matherly called for objection and, hearing none, so ORDERED.

Mayor Matherly declared the meeting adjourned at 9:37 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB