



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, OCTOBER 24, 2016
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, following a Work Session on City Marijuana Licensing Regulations, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor John Eberhart presiding and with the following Council Members in attendance:

Council Members Present: Joy Huntington, Seat A
June Rogers, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Jerry Cleworth, Seat E
David Pruhs, Seat F
Valarie Therrien, Seat C Elect
Jerry Norum, Seat D Elect

Absent: None

Also Present: Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Angela Foster-Snow, HR Director
Brad Johnson, Deputy Police Chief
Stephanie Johnson, Dispatch Center Manager
Randall Aragon, Police Chief
Jeff Jacobson, Chief of Staff
JB Brainerd, Deputy City Attorney
Tom Borce, Risk Manager
Jim Styers, Fire Chief
Clem Clooten, Building Official
Greg Foster, FPD Sergeant
Eric Jewkes, Deputy Police Chief
Carmen Randle, Chief Financial Officer
Pat Smith, Development Manager
Jackson Fox, City Engineer

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

CITIZEN'S COMMENTS

Brittany Smart, 809 Pioneer Way, Fairbanks – Ms. Smart thanked Mr. Gatewood and Mayor Eberhart for their years of service to the community. She congratulated Mayor Matherly, Mr. Norum and Ms. Therrien for being elected. She stated that at the next meeting, the Borough Assembly will discuss an ordinance to allow disabled veterans to camp for free at Chena Lakes.

Steve Ginnis, 288 Shannon Drive, Fairbanks – Mr. Ginnis thanked Mayor Eberhart for the work he has done for the Native community, and expressed hope that Mayor-Elect Matherly will do the same. He stated that racism is alive and that something needs to be done about it. Mr. Ginnis stated that representatives need to speak more to the Native community because the Native community contributes millions of dollars to the economy. He stated that the Fairbanks Four case is still an issue in the community and that it is wrong that they came out of prison without restitution.

Sean Reilly, 1507 21st Avenue, Fairbanks – Mr. Reilly thanked Mayor Eberhart for his service and congratulated the newly-elected members. He stated that Deputy Chief Brad Johnson and Mayor-Elect Matherly have acted unethically. He accused Mr. Matherly of not declaring a conflict of interest with Lori Kezer of the Party Palace. He stated that Mr. Matherly should not have any involvement in Chief Aragon's investigation because he is not an ethical man.

Mr. Pruhs, seconded by **Ms. Huntington**, moved to ALLOW Mr. Reilly an additional minute of testimony.

Mayor Eberhart called for objection, and hearing none, so ordered.

Mr. Reilly stated that Mr. Johnson frequents the Party Palace and posted on their Facebook page about his children attending their parties. He stated that Mr. Johnson should have disclosed his relationship with Ms. Kezer as the Deputy Chief of Police. Mr. Reilly questioned whether everyone receives the same benefits from Ms. Kezer or if he is receiving special benefits.

Mr. Pruhs, seconded by **Ms. Huntington**, moved to ALLOW Mr. Reilly an additional minute of testimony.

Mayor Eberhart called for objection, and hearing none, so ordered

Mr. Reilly stated that the optics look bad because Mr. Matherly has publically stated that Chief Aragon's behavior was not appropriate; he stated that Mr. Matherly is unethical. He stated that Mr. Matherly has been trying to hide his relationship with Ms. Kezer.

Mr. Pruhs, seconded by **Ms. Huntington**, moved to ALLOW Mr. Reilly an additional minute of testimony.

Mayor Eberhart called for objection, and hearing none, so ordered

Mr. Reilly stated that Mr. Matherly has acted in an immoral, reprehensible, unethical fashion; he requested that Mr. Matherly recuse himself from the disciplinary procedures regarding Chief Aragon. He requested that HR Director Angela Foster-Snow do an investigation into Mayor-Elect Matherly's unethical behavior.

Mr. Matherly stated that the picture Mr. Reilly provided with the caption "my victory" was from when he first won his seat on the City Council in 2010.

Ms. Huntington asked Mr. Reilly how Mr. Matherly benefited from Ms. Kezer. Mr. Reilly replied that Ms. Kezer donated to Mr. Matherly's campaign.

Mr. Pruhs asked Mr. Reilly if he had attempted to give the information he was providing the Council to an investigative body prior to the meeting. Mr. Reilly stated he had not. **Mr. Pruhs** stated that the way Mr. Reilly presented the information was disingenuous and that the matter should have been reported if Mr. Reilly felt there was wrongdoing.

Mr. Cleworth asked who filed the original complaint to the City regarding Chief Aragon's issue. Mr. Reilly stated he believed Vivian Stiver brought the issue forward.

Loretta Nullner, 1619 27th Avenue, Fairbanks – Ms. Nullner stated that she is in attendance to show support for Chief Aragon. She spoke highly of Chief Aragon and in support of the Citizen's Police Academy. She spoke to the importance of community policing.

Shirley Lee, 457 Cindy Drive, Fairbanks – Ms. Lee stated she is in attendance to speak on behalf of Victor Joseph and the Tanana Chiefs Conference (TCC). She thanked Mayor Eberhart for all that he has done for the community during his term. She presented Mayor Eberhart with a pair of hand beaded Athabascan gloves to symbolize the hand he has extended to the Native community. Ms. Lee congratulated Mr. Matherly on his mayoral win and stated she hopes he will continue to build bridges.

Geri Simon, 825 Ridgpointe Drive, Fairbanks – Ms. Simon thanked Mayor Eberhart for the relationship he built with the Native Community during his term. She stated that there is a large population of Natives in Fairbanks, and she shared her hope that Mayor-Elect Matherly would continue to build relationships. She made a pitch for Ballot Measure 1 that would automatically register people to vote when they apply for their Permanent Fund Dividend.

Mr. Matherly, seconded by **Ms. Huntington**, moved to SUSPEND THE RULES in order to read into the record Resolution No. 4766.

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

Ms. Rogers, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4766.

Mayor Eberhart stated that Sergeant Brandt is on his way to the meeting. He stated that they will continue to take public comment until his arrival.

Lyman Ketcham, 2650 W. 19th Avenue, Fairbanks – Mr. Ketcham welcomed all new Council Members and spoke in support of Chief Aragon.

Travis Cole, 1008 Pedro Street, Fairbanks – Mr. Cole congratulated Mayor-Elect Matherly on his mayoral victory. He thanked Mayor Eberhart for all that he has done for the Native Community and the Fairbanks Diversity Council (FDC). He spoke to the immersion of FPD officers to help them seem more approachable.

FPD Sergeant Allen Brandt walked into the meeting, and the audience applauded him.

Deputy Chief Brad Johnson read into the record Resolution No. 4766 in support of Sergeant Allen Brandt and his family.

New Business, Item (c) was considered by the City Council at this point of the meeting due to the presence of Sgt. Allen Brandt.

Resolution No. 4766 – A Resolution Supporting Sergeant Allen Brandt and His Family Following the Shooting that Occurred on October 16, 2016. Introduced by Council Member Cleworth.

Sergeant Allen Brandt, Fairbanks Police Department – Sgt. Brandt stated that he his humbled by the honor and stated that other officers have done greater things than he has. He thanked the community for all the support they have provided to him and his family and stated that the City support its police officers. He stated that he has seen the hand of the Lord in his situation, and he spoke to how remarkable it is that he is up and walking around after being shot five times. Sgt. Brandt thanked the Alaska State Troopers (AST), the Anchorage Police Department (APD), the North Pole Police Department (NPPD), and especially his friend Officer Phil McBroom for all the support. Sgt. Brandt stated that police officers do a hard job, and they need the support of the City and the community. He stated that he had never been called a racist until he put on a police uniform. He spoke to never being able to let his guard down and to the sacrifices that he and other police officers have made. Sgt. Brandt stated that the night of the shooting, he had told his family that he thought he would be shot that night. He again expressed appreciation for all the support.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4766 AS FOLLOWS:

YEAS: Rogers, Matherly, Gatewood, Pruhs, Cleworth, Huntington

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4766 APPROVED.

Ana Richards, 1244 Viewpointe Drive, Fairbanks – Ms. Richards spoke on behalf of the FDC and thanked Mayor Eberhart for all the work he has done for the City of Fairbanks. She stated Mayor Eberhart is different than other politicians because he listens to minorities and does not just shop for their votes. She thanked Mayor Eberhart for starting the FDC and thanked Chief

Aragon for all the work he has put into the FDC. Ms. Richards recognized new council members and congratulated Mr. Matherly for being elected as the new Mayor.

Joann Borges, 1130 Vicki Lane, North Pole – Ms. Borges called all FDC members up to take a photo with Mayor Eberhart; the group presented Mayor Eberhart with a gift.

Joe Blackburn, 3350 Liberty Court, North Pole – Mr. Blackburn thanked Mayor Eberhart for his service to the City of Fairbanks. He stated he hopes that Mayor-Elect Matherly will follow Mayor Eberhart's lead and reach out to minorities. He shared his joy in seeing Sgt. Brandt walk in to testify at the City Council meeting. Mr. Blackburn thanked police officers for doing their job and for risking their lives to serve and protect. He stated that he hopes Mayor Eberhart will still be active in the community.

Jeff Walters, 2454 Killarney Way, Fairbanks – Mr. Walters stated that he is an active FDC member and thanked the City Council for creating the group. He stated that things have changed a lot over the past three years and that there is more focus on creating diversity. He stated it is a privilege to be a member of the FDC, and he wished Mayor-Elect Matherly the best of luck.

Bennie Colbert, 966 Coppet Street, Fairbanks – Mr. Colbert thanked Mayor Eberhart for his years of service to the community and stated he has never seen a more involved mayor. He expressed hope that Mr. Matherly will continue to build bridges with minorities in Fairbanks. He shared his support for Chief Aragon and commented that that Aragon has done so much to help unify the community.

Floyd Terry, P.O. Box 73514, Fairbanks – Mr. Terry stated that he no longer campaigns for building a roller skating rink and promoting roller skating. He spoke to the damages that alcohol can do to the community.

Tim Calhoun, 1110 20th Avenue, Fairbanks – Mr. Calhoun thanked Mayor Eberhart for the good work he has done for the City of Fairbanks and for being available to the community. He shared his surprise that Mayor Eberhart showed up at one of the events put on by his church. Mr. Calhoun spoke in support of Chief Aragon and spoke to the positive things he has done for the community. He congratulated Mr. Matherly on being elected as the new City Mayor.

Tonya Brown, P.O. Box 72914, Fairbanks – Ms. Brown shared her gratitude for the work that Mayor Eberhart has done while in office. She stated that prior to Mayor Eberhart there was no communication with minorities from the mayoral level. Ms. Brown stated that she participated in the Volunteers in Policing (VIP) program about 20 years ago and that police and first responders need to be supported. She thanked Chief Aragon for the difference he has made in the community. She congratulated Mr. Matherly and thanked the FDC helping to bring the community together.

Ms. Huntington thanked Ms. Brown for all the work she has done in the community. She asked Ms. Brown if it was her birthday. Everyone sang happy birthday to Ms. Brown.

Doris Lenahan, 1022 Joyce Drive, Fairbanks – Ms. Lenahan thanked Mayor Eberhart and Chief Aragon for their excellent service to the City of Fairbanks. She stated that Mayor Eberhart is a

man of honor and integrity. Ms. Lenahan stated Mayor Eberhart's vision of bringing diversity to the City is how the community will prosper. She spoke to the many reasons that Chief Aragon is qualified to be the Chief of Police. She welcomed Mr. Matherly as the new City Mayor.

Misty Nickoli, P.O. Box 82606, Fairbanks – Ms. Nickoli thanked Mayor Eberhart for changing her perception of belonging in the Fairbanks community. She stated that her mother was in the National Guard and that she is a nurse in the U.S. Army reserves. Ms. Nickoli spoke to the history of violence between the FPD and Alaska Natives. She spoke to the Fairbanks Four case and stated the FPD lacks transparency. She stated that the City Council and the Mayor should apologize to the Fairbanks Four and asked Mayor-Elect Matherly if he plans to make transparency a priority when he takes office. **Mr. Matherly** stated it would be a priority in his administration.

Mr. Pruhs thanked Ms. Nickoli for her service to the country.

Darlene Herbert, 906 Woodlawn Road, Fairbanks – Ms. Herbert stated that her father was a police officer for many years and that he disappeared 1964 never to be heard from again. She stated she has a nephew who is a detective in Oregon. She spoke to other family members that are upstanding members of the community. Ms. Herbert stated that the City has become safer because of the influence of Chief Aragon. She encouraged Mayor-Elect Matherly to stay in touch with the citizens when he takes office. She stated people make mistakes and that Chief Aragon should not be judged based on one mistake. Ms. Herbert stated that Chief Aragon has done so much for the community and that he is friendly and talks to everyone. She stated that it makes the community members feel safe around police officers.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger congratulated the new City Council members and thanked Mayor Eberhart for his service to the community. He thanked Mayor Eberhart for placing Chief Aragon back on duty and he encouraged Mayor-Elect Matherly to keep him on staff. He stated that Chief Aragon is the best Police Chief the City has had dating back to 1975. Mr. Buberger spoke to the need for public restrooms in Fairbanks. He spoke to the upgrades to the South Side and compared them to Cartoon Land. He stated that the roads on the South Side are full of potholes, and the City put rock piles in the middle of each intersection. He asked who was paying for the traffic diverter on 27th Avenue and stated that it is a joke to navigate around. Mr. Buberger stated he almost wrecked his vehicle trying to drive around the rock piles and stated the residents of the South Side should come and share their opinions about the improvements.

Randy Griffin, P.O. Box 73653, Fairbanks – Mr. Griffin stated that seeing Sgt. Brandt walk into the Council meeting felt like a miracle. He thanked him for all his years of service and thanked God for allowing him to be in attendance. Mr. Griffin spoke to the State budget crisis and stated that he donates his dividend back to the State. He encouraged other citizens to do the same.

Ms. Huntington commended Mr. Griffin on his solution-based thinking and doing by donating his dividend back to the State. She asked Mr. Griffin when he would be running for office. Mr. Griffin stated he had no intention to run for public office.

Mr. Matherly thanked Mr. Griffin for defending Sgt. Brandt on the Steve Floyd radio show.

Rita McGrath, P.O. Box 78834, Fairbanks – Ms. McGrath expressed support for Chief Aragon. She stated that Dan Hoffman should not have posted his article in the newspaper but that he should have gone to Chief Aragon first. Ms. McGrath applauded the Mayor for being a good people person and stated that the Mayor’s wife Sylvia is just as kind and good-hearted as he is. She asked Mayor-Elect Matherly to keep Chief Aragon on duty because he has improved the South Side so much during his time of service.

Robert Kinnard, 827 17th Avenue, Fairbanks – Mr. Kinnard congratulated Mayor-Elect Matherly and thanked Mayor Eberhart for his service. He thanked the Council for allowing him to serve on the Public Safety Commission for the past three years. He thanked Mayor Eberhart for keeping his promises and for allowing Dr. King’s birthday to be a service day for employees.

Jim Soileau, 4725 Harvard Circle, Fairbanks – Mr. Soileau congratulated Mayor-Elect Matherly and thanked Mayor Eberhart for his service. He spoke highly of Mr. Gatewood and his good work on the Permeant Fund Review Board as well as the Finance Committee.

Tony Shumate, 809 Pioneer Way, Fairbanks – Mr. Shumate congratulated Mayor-Elect Matherly and thanked Mayor Eberhart for his service. He stated that Mr. Gatewood is always ready to work hard and thanked him for his eight-and-a-half years of service on the City Council.

Pearl Watson, 15 Farewell Avenue, Fairbanks – Ms. Watson shared how proud she is of Mayor Eberhart because she has known him since he was in his mother’s womb. She stated that Mayor Eberhart's devotion and love to all people is remarkable. She welcomed Mr. Matherly as the new mayor. Ms. Watson stated she has also known Mr. Matherly since he was in his mother’s womb and that she knows he is strong and will get the job done. She complimented Mr. Pruhs for his steadfast service to the City of Fairbanks.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Cleworth pulled Resolution No. 4765 and Ordinance No. 6032 from the Consent Agenda.

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

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

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of July 25, 2016.

APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, considered the following Appeal of Denied Public Records Request No. 2016-67.

Appellant: Terry Rahlfs

Mr. Pruhs, seconded by **Mr. Gatewood**, moved to GRANT the Appeal of Denied Public Records Request No. 2016-67.

Terry Rahlfs, 1003 8th Avenue, Fairbanks – Mr. Rahlfs stated that he was moved to see Sgt. Allen Brandt walk into Council Chambers to speak. He stated he is in attendance to appeal the decision of Deputy Chief Brad Johnson and City Attorney Paul Ewers to deny his request for footage of the shooting of James Richards by FPD. He stated that he read reports that the person who police thought was a hostage was actually a friend who was trying to get him to drop the gun. Mr. Rahlfs spoke to his belief in the importance of governmental transparency. He spoke to State statutes regarding public records. He stated that releasing the videos would not deprive anyone of a fair trial and that the footage should be released. Mr. Rahlfs spoke to the video footage of Sgt. Allen Brandt's shooting and stated that Mr. Richards' footage should be released as well. He stated that if people could see the video it may prove that the shooting was justified. He stated that the community may feel better toward police officers.

Mr. Cleworth stated that Council Members just received the appeal packet over the weekend; he asked Mr. Rahlfs if he would be offended if the Council discussed the appeal at the next meeting. Mr. Rahlfs replied he could attend the following Council meeting.

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to POSTPONE the Appeal of Denied Public Records Request No. 2016-67 to the Regular Meeting of November 7, 2016.

YEAS: Pruhs, Gatewood, Huntington, Cleworth, Matherly, Rogers

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart requested that everyone keep Allen Brandt in their thoughts and prayers; he thanked Brenda Riley for attending to Sgt. Brandt the night of the shooting. He wished Mr. Gatewood well and congratulated Mr. Matherly, Ms. Rogers, Mr. Norum, and Ms. Therrien for being elected. **Mayor Eberhart** listed the many activities of the Mayor's Office since the last regular Council meeting. He spoke to the fiscal good-standing of the City and stated that the City is virtually debt-free. He thanked Mr. Pruhs for all of his hard work with the Polaris Workgroup and shared that he hopes for a performing arts/convention center in Fairbanks. **Mayor Eberhart** spoke to the City's high school internship program and stated that Fairbanks is the only municipality in the State that has such a program. He stated that he is proud of all of the work everyone accomplished together.

2016 MUNICIPAL ELECTION

a) Certification of the 2016 Municipal Election Results

Mr. Pruhs, seconded by **Ms. Huntington**, moved to CERTIFY the 2016 Municipal Election Results.

Chief of Staff Jeff Jacobson stated that, traditionally, gold pans are given to outgoing Council Members and Mayors, but that the gold pans were not ready yet; instead he presented Mr. Gatewood and Mayor Eberhart with flowers.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO CERTIFY THE 2016 MUNICIPAL ELECTION RESULTS AS FOLLOWS:

YEAS: Gatewood, Rogers, Pruhs, Matherly, Huntington, Cleworth

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and the 2016 Municipal Election Results CERTIFIED.

b) Council Members' Comments

Mr. Gatewood reported on the Permeant Fund Review Board and stated that the Fund managers will be report at the second Council meeting in January. He stated the Fund managers will discuss the 4% annual drawdown. He requested a staff report from Chief Financial Officer Carmen Randle. Ms. Randle stated that the Board will discuss decreasing the drawdown from 4% to 3.5%.

Ms. Huntington asked if the Council could see some scenarios of how the change will affect the operating budget. Ms. Randle stated that it would decrease the annual operating budget by \$661,000.00.

Mr. Gatewood asked Mr. Matherly if he could attend the January Work Session even though he will no longer be serving on the Council. **Mr. Matherly** stated he had no issue with Mr. Gatewood attending. Ms. Randle thanked Mr. Gatewood for his desire to attend the meeting.

Mr. Gatewood stated he was hoping to get through his comments without choking up, but he has spent half of his time in Fairbanks serving on the City Council. He thanked his wife for her support and stated that he has enjoyed serving the City of Fairbanks. He stated he has made decisions to the best of his ability and that he stands by those decisions. **Mr. Gatewood** thanked all Mayors and Council Members he has worked with as well as department heads and City employees. He wished new Council Members good luck. He stated that while he has enjoyed serving the City of Fairbanks, he welcomes the break.

Ms. Rogers stated that she was happy to hear so many uplifting comments during public testimony and commented that the FDC is not going to go anywhere. She stated she was happy to meet Randy Griffin because she found the comments on the radio show disturbing. She stated that if Bill Walley was around to hear Mr. Floyd's comments, he would likely weep. **Ms.**

Rogers thanked Mr. Griffin for his positive comments even after being ridiculed. She thanked everyone in the room for the opportunity to serve with and for them.

Ms. Huntington stated she got goosebumps when the Pledge of Allegiance was recited at the beginning of the meeting. She thanked the community members who came to testify and who are still in attendance. She thanked Mayor Eberhart for his hard work and for all his work with the Native community. **Ms. Huntington** stated she would miss working with Mr. Gatewood and would especially miss his laugh. She congratulated those who were newly-elected. She stated that being a Council Member is not always easy but that she always looks forward to meetings.

Mr. Matherly thanked Mr. Gatewood and Mayor Eberhart for giving themselves to the community, despite the times they have disagreed. He thanked his family for the support they have given him during the mayoral race. He thanked the public for staying through the long Council Meeting to see him sworn in. **Mr. Matherly** stated that while he is so excited to become Mayor, the highlight of his evening was seeing Sgt. Brandt walk into Council Chambers.

Mr. Cleworth stated that he has worked with Mayor Eberhart for so many years he cannot even count. He stated that the mayor has done great work in reaching out to the community and making people feel included. He stated that Mr. Matherly will bring his own gifts to the table. **Mr. Cleworth** stated that he has never served on the Council with someone like Mr. Gatewood. He stated he can usually tell how a person is going to vote, but that he can never guess how Mr. Gatewood will vote. He stated that he appreciates that Mr. Gatewood is not always politically correct. He stated that when he attended Mr. Gatewood's retirement party he could see how loved he is by the Fairbanks community.

Mr. Pruhs congratulated Mr. Matherly and stated that he looks forward to working with him as the City Mayor. He thanked Mayor Eberhart for the help he has given him in working on wonderful things for the City of Fairbanks. **Mr. Pruhs** stated he has enjoyed every day he has served with Mr. Gatewood and wished him Godspeed.

c) Oaths of Office

City Clerk Danyielle Snider read the following 2016 Municipal Election results into the record:

JIM MATHERLY, having received the majority number of votes cast for CITY MAYOR, for a three-year term ending October 2019, is hereby declared elected as the Mayor of the City of Fairbanks.

JUNE ROGERS, having received the majority number of votes cast for CITY COUNCIL SEAT B, for a two-year term ending October 2018, is hereby declared elected as a Member of the Fairbanks City Council.

VALERIE THERRIEN, having received the majority number of votes cast for CITY COUNCIL SEAT C, for a three-year term ending October 2019, is hereby declared elected as a Member of the Fairbanks City Council.

JERRY NORUM, having received the majority number of votes cast for CITY COUNCIL SEAT D, for a three-year term ending October 2019, is hereby declared elected as a Member of the Fairbanks City Council.

PROPOSITION A (Passed)

Shall the City amend Home Rule Charter Section 11.3 to change the filing period for declarations of candidacy to “not more than 90 days and not less than 45 days prior to the election” to allow the City Council to adopt dates for filing declarations of candidacy that coincide with the Fairbanks North Star Borough’s filing period?

A “YES” vote amends Charter Section 11.3

A “NO” vote does not allow the amendment

YES: 2701 TOTAL VOTES NO: 526 TOTAL VOTES

PROPOSITION B (Passed)

Shall the City amend Home Rule Charter Sections 2.2 and 11.3 to correct the unconstitutional residency requirement from three years to one year and update the language of those sections to make them gender neutral?

A “YES” vote amends Charter Sections 2.2 and 11.3

A “NO” vote does not allow the amendment

YES: 2454 TOTAL VOTES NO: 795 TOTAL VOTES

PROPOSITION C (Passed)

Shall the City amend Home Rule Charter Section 8.7 to amend the current 180-day deadline for completion of the annual audit by adding the following sentence?

The City Council may by resolution extend the deadline for completion of the annual independent audit if the audit cannot be completed within 180 days due to regulatory changes beyond the City’s control.

A “YES” vote amends Charter Section 8.7

A “NO” vote does not allow the amendment

YES: 2615 TOTAL VOTES NO: 569 TOTAL VOTES

PROPOSITION D (Passed)

Shall the City Council be allowed to raise the sales tax rate on marijuana from 5% to 6% to maintain consistency if the Borough Assembly raises its tax rate by the same amount?

A "YES" vote would allow the City to raise the sales tax rate on marijuana from 5% to 6% if the Borough Assembly raised its tax rate on marijuana by the same amount.
A "NO" vote does not allow the City to raise its marijuana sales tax rate to 6%.

YES: 2555 TOTAL VOTES

NO: 720 TOTAL VOTES

City Clerk Snider swore in Council Members June Rogers, Valerie Therrien, and Jerry Norum. She swore in newly-elected Mayor Jim Matherly. All members assumed their respective seats.

NEW BUSINESS

- a) Resolution No. 4764 – A Resolution Supporting Ballot Measure 1 – An Act Allowing Qualified Individuals to Register to Vote When Applying for a Permanent Fund Dividend. Introduced by Council Member Huntington and Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4765 – A Resolution Approving a Change Order to the Rickert Subdivision Roadway Improvements Project in the Amount of \$296,309 for Partial Remediation of the 30th Avenue Fire Training Center Contamination. Introduced by Mayor Eberhart.

Mr. Pruhs, seconded by **Mr. Norum**, moved to APPROVE Resolution No. 4765.

Mr. Cleworth spoke to the high cost of the change order. He stated that he spoke with other contractors who agree that the price seems too high. **Mr. Cleworth** asked for a staff report.

City Engineer Jackson Fox summarized the presentation that he gave at the Finance Committee meeting. He stated that the City has continued testing wells and have now identified 21 homes with contamination. Mr. Fox stated the number they have right now is a non-competitive quote because they wanted to complete the project by the end of September. He stated that the City is delivering water to each of the affected homes for safe drinking and cooking.

Mr. Cleworth stated that he assumed the work by the Fire Training Center would have been done during the summer. Mr. Fox stated that there was a lot of design work that had to be done in order to make the connections. He stated that engineers have to go into each home to draw up a design for how their existing system could connect to Golden Heart Utilities (GHU).

Ms. Huntington asked what the original price would have been if things gone quickly and the summer work was able to have been completed. Mr. Fox stated that the estimate was \$238,000.00, but that it was a bad estimate.

Mr. Norum spoke of the dangers of change orders because they create government cost overrun. He asked about the monthly cost of providing drinking water. Mr. Fox stated it costs about \$100.00 per month, per home for the water delivery.

Ms. Huntington asked how much time it would take to put the project out for competitive bid. **Mr. Fox** stated it would take a week or two to get the bid package together; then it would be out for bid for 21 days. He stated that after the bid is turned in, it takes a week or two to review and prepare for Council approval. He stated that would mean the work would be performed in January when the ground is frozen; he recommended waiting until the ground is thawed in April.

Mayor Matherly asked **Mr. Fox** to expand on the difference of drinking and cooking with the ground water and bathing in it. **Mr. Fox** stated that a health specialist determined that the water is safe for bathing and washing laundry but not for drinking. He stated that, for the most part, homeowners have been understanding about the contamination. **Mr. Fox** stated that a water main went in on 30th Avenue in 2005 and that residents should have connected at that time. He stated that City Code requires residents to connect within two years after a connection is installed.

Mr. Cleworth stated that City Code is very particular on going to competitive bid; he stated that the only exception is in a case of emergency. He recommended that the project go out to competitive bid, and he stated that the work needs to be done right the first time.

Mr. Norum asked if there was any way to expedite the residents getting hooked up to GHU.

City Attorney Paul Ewers stated he anticipates problems if the process is rushed. He stated that there are no legal agreements drawn up between property owners and the City. He stated he did not believe it is an emergency because the residents are being provided an alternate water source.

Ms. Rogers asked **Mr. Fox** to speak to how the water affects small children, babies and pregnant mothers. **Mr. Fox** stated that there are multiple families in the neighborhood; he stated that one of the residents is pregnant and one has a three year old child. He stated that there are some sensitive homeowners in the area who would like to hook up to City water as soon as possible.

Ms. Rogers asked **Mr. Ewers** if the fact that there are children and a pregnant woman living in the neighborhood makes it an emergency. **Mr. Ewers** stated it is still not an emergency based on the information provided by the specialist.

Ms. Huntington stated that the health information is so limited, she is not confident that there is no health risk.

Ms. Therrien stated that she would vote in favor of the resolution to avoid any possible lawsuits.

Mr. Pruhs expressed agreement with **Ms. Therrien**; he stated it needs to get done and done right.

Mr. Norum called for the question; the motion was not seconded.

Ms. Therrien called for the question; the motion was not seconded.

Ms. Rogers stated she would like to allow public comment. **Ms. Therrien** requested that the Council allow for public comment. **Mr. Pruhs** stated that public comment should be limited to three minutes per person.

Mayor Matherly called for objection to opening public comment for Resolution No. 4765 and, hearing none, so ORDERED.

Mayor Matherly called for public testimony.

Terry Rahlfs, 1003 8th Avenue, Fairbanks – Mr. Rahlfs suggested placing an above-ground heated holding tank as a way to save money.

Aaron Gibson, 320 Charles Street, Fairbanks – Mr. Gibson asked why the Council is determining that the importance of six families with young children is greater than that of the other 21 families. Mr. Gibson stated that is not going to be fair to the other neighbors.

Jon Odsather, 2610 Pacific Place, Fairbanks – Mr. Odsather stated that he bought his property just over a year ago and was unaware of the contamination issues. He stated that his property value has declined due to the contamination. He spoke against performing the work on the six properties when the ground is frozen and without going through the competitive bid process.

Lisa Williamson, 111 Charles Street, Fairbanks – Ms. Williamson stated that she is so concerned about the contamination that will not let her dog drink water from the toilet in her shop off 30th Avenue. She indicated that the contamination has affected the value of her property also.

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

Mr. Pruhs thanked Mr. Fox for his hard work on this project and stated it is likely just the tip of the iceberg.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4765 AS FOLLOWS:

YEAS: Norum, Therrien, Pruhs, Rogers

NAYS: Huntington, Cleworth

Mayor Matherly declared the MOTION CARRIED and Resolution No. 4765 APPROVED.

- c) Resolution No. 4766 – A Resolution Supporting Sergeant Allen Brandt and His Family Following the Shooting that Occurred on October 16, 2016. Introduced by Council Member Cleworth.

Resolution No. 4766 was approved during public comment when the Council voted to suspend the rules and consider it out of the order of the agenda.

- d) Ordinance No. 6032 – An Ordinance Amending the 2016 Operating and Capital Budgets for the Third Time. Introduced by Mayor Eberhart.

Mr. Cleworth, seconded by **Ms. Therrien**, moved to ADVANCE Ordinance No. 6032.

Mr. Cleworth shared his concern with the small Fund balance that would remain in the budget if all of the proposed amendments are approved.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6032 AS FOLLOWS:

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

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

- e) Ordinance No. 6033 – An Ordinance Authorizing a Lease to the Chinook Montessori Charter School to Build a Ski Trail on City Property Adjoining the City Fire Training Center. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

Public Safety Commission (PSC) – **Ms. Huntington** stated that the PSC met and discussed FPD recruitment. She stated that there is one pending lateral hire and seven other new officers that are in the early stages of the hiring phase.

Polaris Work Group – **Mr. Pruhs** asked the City Council for approval to use City letterhead to write a letter to the legislative delegation explaining the condition of the Polaris Building.

Mayor Matherly called for objection to Mr. Pruhs' request and, hearing none, APPROVED the request.

COMMUNICATIONS TO COUNCIL

- a) Public Safety Commission Meeting Minutes of July 12, 2016

ACCEPTED on the CONSENT AGENDA

- b) Fairbanks Diversity Council Meeting Minutes of September 13, 2016

ACCEPTED on the CONSENT AGENDA

- c) Clay Street Cemetery Commission Meeting Minutes of August 3, 2016

ACCEPTED on the CONSENT AGENDA

- d) Chena Riverfront Commission Meeting Minutes of August 10, 2016

ACCEPTED on the CONSENT AGENDA

- e) Chena Riverfront Commission Meeting Minutes of September 14, 2016

ACCEPTED on the CONSENT AGENDA

- f) Re-appointment to the Chena Riverfront Commission

APPROVED on the CONSENT AGENDA

- g) Re-appointment to the Building Code Review and Appeals Commission

APPROVED on the CONSENT AGENDA

COUNCIL MEMBERS' COMMENTS

Ms. Therrien stated that her first vote as a Council Member was a difficult one. She thanked all the people who voted for her in the election.

Ms. Rogers stated that the whole evening has been exceptional with the pinnacle being Sgt. Brandt's appearance and testimony. She stated that the day before Sgt. Brandt was shot she had an opportunity to work with him, and she told her husband how professional he was. **Ms. Rogers** stated she enjoys having Ms. Therrien to her right because she has known her for a number of years. She addressed what she appreciates about each Council Member; she stated that the City Clerk, City Attorney and other staff are incredible assets to the City.

Ms. Huntington thanked God for allowing Sgt. Brandt to live and walk into the room to speak to the Council. She stated that she could not imagine what the Police Department has been through in the past week. **Ms. Huntington** commended Deputy Chief Brad Johnson and Deputy Chief Eric Jewkes for the respectful and thoughtful way that the investigation was conducted to find the shooter, Anthony Jenkins-Alexie. She welcomed the new Council Members.

Mr. Norum stated that he was humbled to be elected and that he looks forward to finding solutions to the City's problems.

Mr. Cleworth congratulated Ms. Therrien and stated that she served on the Council in the 1980's. He welcomed back Ms. Rogers and Mr. Norum and stated that Mr. Norum has a love for the City of Fairbanks. **Mr. Cleworth** congratulated Mayor Matherly for campaigning without special interest money. He complimented Matherly on his open door policy. He stated that he had no idea Sgt. Brandt would attend the meeting but commented that God is good.

Mr. Pruhs acknowledged and congratulated Ms. Huntington for the work she did with AFN; he stated that the presentations she put on were exceptional. He expressed concern with the contamination issue and the idea that it may not go away. **Mr. Pruhs** welcomed Chief Aragon back and commended the Deputy Chiefs for doing such a good job while Chief Aragon was away. He spoke to the need to find better healthcare for City employees.

Mayor Matherly stated he will give Council Members the opportunity to shuffle around on Committees/Boards in the near future. He stated that he has been impressed with the stellar job

Deputy Chief Johnson did during the press conference following the shooting of Sgt. Brandt. **Mayor Matherly** commended Johnson for staying very calm under extreme pressure.

Ms. Huntington, seconded by **Ms. Therrien**, moved to go into Executive Session for the purpose of discussing AFL-CIO Labor Negotiations and the City v. PSEA Superior Court Decision Appeal, Case No. 4FA-15-2868CI.

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

Mayor Matherly called for a ten minute recess.

EXECUTIVE SESSION

- a) AFL-CIO Labor Negotiations
- b) City V. PSEA Superior Court Decision Appeal, Case No. 4FA-15-2868CI

The City Council met in Executive Session to discuss AFL-CIO Labor Negotiations and the City v. PSEA Superior Court Decision Appeal, Case No. 4FA-15-2868CI. Direction was given to staff and no action was taken.

Mr. Pruhs, seconded by **Mr. Cleworth**, moved to ACCEPT the City v. PSEA Appeal to the Supreme Court filed by the City Attorney.

Ms. Huntington stated that in the spirit of keeping all options open, she would support the filing of the appeal.

Ms. Therrien stated that the contract needs to be resolved as quickly as possible and that she would not like to see appeals drawn out for two years.

Ms. Rogers echoed Ms. Therrien's comments.

Mr. Norum stated that trust cannot be developed if the motion is approved. He indicated that he would not support the appeal. He questioned whether the motion would cause an appeal to be filed.

City Attorney Ewers stated that both parties have already filed appeals to the Supreme Court. He explained that the filing deadline was prior to the date of the meeting and that the approval of the Council would certify the filing of the appeal.

Ms. Huntington stated that the judge's order was somewhat unclear. She stated that she does not believe that filing the appeal is just a bargaining tool. She indicated that no one wants to sign up for two more years of dispute between the City and the PSEA.

City Attorney Ewers clarified that the parties could agree to stay any action while they talk or that either party could withdraw their appeal at any time.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ACCEPT THE CITY V. PSEA APPEAL TO THE SUPREME COURT FILED BY THE CITY ATTORNEY AS FOLLOWS:

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

Mr. Pruhs expressed distaste for the outcome of the vote with an expletive.

Mr. Cleworth stated that the vote puts the Council into a non-funding situation because the City does not have millions of dollars to fund the contract.

Ms. Huntington indicated that she would like to reconsider the vote.

City Attorney Ewers explained that in order to reconsider the motion at the same meeting, the motion to reconsider would have to pass by at least four affirmative votes, excluding the Mayor.

Ms. Huntington, seconded by **Mr. Cleworth**, moved to RECONSIDER the motion to Accept the Appeal to the Supreme Court.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO RECONSIDER THE MOTION TO ACCEPT THE APPEAL TO THE SUPREME COURT AS FOLLOWS:

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

Mr. Cleworth asked whether the vote on the main motion is time sensitive and if it could wait until the next meeting. City Attorney Ewers stated that the issue is not time sensitive; he stated that the Council could postpone the vote on whether to accept the appeal to the next regular meeting.

Ms. Therrien, seconded by **Mr. Norum**, moved to POSTPONE the motion to Accept the City v. PSEA Appeal to the Supreme Court to the Regular Meeting of November 7, 2016, to be considered under Unfinished Business.

Mr. Pruhs, seconded by **Mr. Cleworth**, moved to AMEND the motion to postpone by stating that it will be considered after the Executive Session instead of under Unfinished Business.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE THE MOTION TO ACCEPT THE CITY V. PSEA APPEAL TO THE SUPREME COURT TO THE REGULAR MEETING OF NOVEMBER 7, 2016, TO BE CONSIDERED AFTER THE EXECUTIVE SESSION AS FOLLOWS:

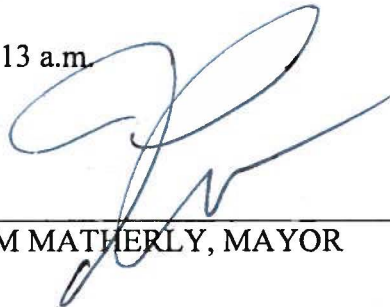
YEAS: Therrien, Rogers, Pruhs, Norum, Huntington, Cleworth
NAYS: None
Mayor Matherly declared the MOTION CARRIED.

ADJOURNMENT

Mr. Pruhs, seconded by Ms. Huntington, moved to ADJOURN the meeting.

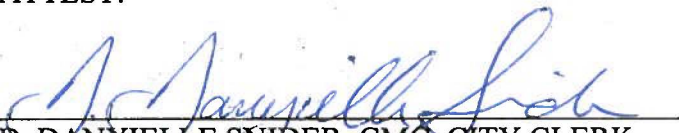
Mayor Matherly called for objection and, hearing none, so ORDERED.

Mayor Matherly declared the meeting adjourned at 1:13 a.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB