



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JANUARY 17, 2022
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 6:30 p.m. on the above date, following a 5:30 p.m. Work Session for the City Permanent Fund Annual Presentation and Report, to conduct a Regular Meeting of the Fairbanks City Council via Zoom webinar and at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Jim Matherly presiding and with the following Council Members in attendance:

Council Members Present: Jerry Cleworth, Seat A
June Rogers, Seat B (remotely)
Valerie Therrien, Seat C (remotely)
Aaron Gibson, Seat D
Lonny Marney, Seat E
Jim Clark, Seat F

Absent: None

Also Present: Margarita Bell, Chief Financial Officer (remotely)
D. Danyielle Snider, City Clerk
Tish Gonzales, Deputy City Attorney
Kristi Merideth, FECC Manager (remotely)
Angela Foster-Snow, HR Director
Christina Rowlett, Purchasing Manager
Ron Dupee, Police Chief (remotely)
Tod Chambers, Fire Chief (remotely)
Teal Soden, Executive Assistant (remotely)
Clem Clooten, Building Official (remotely)
Jeff Jacobson, Public Works Director (remotely)
Robert Pristash, City Engineer (remotely)

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

INVOCATION

The Invocation was given by City Clerk Snider.

FLAG SALUTATION

Mayor Matherly lead the Flag Salutation.

CEREMONIAL MATTERS

Mayor Matherly shared that Chief of Staff Mike Meeks had passed away unexpectedly the previous Friday. He passed his love and condolences on to Mike's family, who was listening

through Zoom. He shared that Mike had been a dear friend and colleague who had a huge impact on the City and the greater community, adding that he would be greatly missed by everyone who knew him.

CITIZENS' COMMENTS

Victor Buberger, Fairbanks – Mr. Buberger stated that this had been the worst year for snow removal that he could remember since 1982 and asked that the Mayor refrain from shaking his head while he spoke. He mentioned that Second and Third Avenue were nearly impassible and noted that the roundabouts were extremely slick. He added that the sidewalks were so bad that people are having to walk in the street and acknowledged the work that had been done to Cushman Street. Mr. Buberger asked how raises to the City employee salaries were helping the taxpayers.

Hearing no more requests for in-person comment, individuals on Zoom were heard next.

Julie Smyth, Fairbanks – Ms. Smyth stated that she was a board member of Breadline Inc. and shared that they had served over 3,000 meals to people in need over the past season. She asked that the City consider more warming shelters for the homeless, adding that too many people are losing their lives to the cold weather. She added her personal support for Resolution No. 4981, regarding the reading of a land acknowledgment at City Council meetings.

Charity Gadapee, Fairbanks – Ms. Gadapee stated that she was the Director of Visitor Services and Partnership Development with Explore Fairbanks and invited the audience to attend the upcoming Interior Tourism Conference that would be held the following week at the Westmark Hotel. She shared that a job fair would be held at the same location following the conference

Lance Roberts, Fairbanks – Mr. Roberts stated that the City website currently states that all members of the public are required to wear a mask if they visit City Hall, adding that it was an inappropriate request of the City; he asked that it be removed. He spoke against Resolution No. 4981, stating that it singled out one group of people as more special or important than others. Mr. Roberts also spoke against Ordinance No. 6192, adding that the Borough was not fiscally responsible enough to handle utility powers, nor should they have broadband authority over the citizens of the City. He concluded by sharing that the snow removal in his area had not occurred on the day it had been announced on the snow removal schedule.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mayor Matherly requested to remove item 12(d), Resolution No. 5002, from the agenda.

Mayor Matherly called for objection to the removal of Resolution No. 5002 and, hearing none, so ORDERED.

Mr. Cleworth pulled item 12(c), Resolution No. 5001, from the Consent Agenda.

Mr. Gibson pulled item 12(e), Ordinance No. 6192, from the Consent Agenda.

Mayor Matherly called for objection to the APPROVAL of the Agenda, as Amended and, hearing none, so ORDERED.

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

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) Regular Meeting Minutes of November 8, 2021
APPROVED on the CONSENT AGENDA.
- b) Regular Meeting Minutes of November 22, 2021
APPROVED on the CONSENT AGENDA.
- c) Regular Meeting Minutes of December 6, 2021
APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

- a) The Fairbanks City Council heard interested citizens concerned with the following Liquor License Applications for renewal:

Lic. #	DBA	License Type	Licensee	Address
3969	Tony's Sports Bar	Beverage Dispensary	JNJ, Inc.	537 Gaffney Road
4232	The Spur	Beverage Dispensary	JNJ, Inc.	537 Gaffney Road
3074	Wedgewood Resort	Beverage Dispensary – Tourism	Fountainhead Development, Inc.	212 Wedgewood Drive
3616	Wedgewood Resort – Bear Lodge	Beverage Dispensary – Tourism Duplicate	Fountainhead Development, Inc.	212 Wedgewood Drive
2424	Sophie Station Hotel	Beverage Dispensary – Tourism	Fountainhead Development, Inc.	1717 University Avenue
1639	Alaska Salmon Bake	Restaurant/Eating Place – Seasonal	Malemute, Inc.	2300 Airport Way
3381	Bei Jing Hot Pot Asian Cuisine	Restaurant/Eating Place	CJ Hot Pot & Asian Cuisine, Inc.	1694 Airport Way
704	Costco Wholesale #1342	Package Store	Costco Wholesale Corporation	48 College Road
3118	V.F.W. Post #3629	Club	V.F.W. Post 3629 (Golden Heart Post)	324 2nd Street
1920	Salty's on 2nd	Beverage Dispensary	Tres Amigas, LLC	706 2nd Avenue

Mr. Gibson, seconded by **Mr. Marney**, moved to WAIVE PROTEST on the Liquor License Applications for renewal.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATIONS FOR RENEWAL AS FOLLOWS:

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

Mayor Matherly declared the MOTION CARRIED.

b) The Fairbanks City Council heard interested citizens concerned with the following Marijuana License Applications for renewal:

Lic. #	DBA	License Type	Licensee	Address
20829	Good Titrations	Standard Marijuana Cultivation Facility	FSE, Inc.	506 Merhar Avenue
15124	Fairbanks Analytical Testing, LLC	Marijuana Testing Facility	Fairbanks Analytical Testing, LLC	1521 Stacia Street, Suite A
26251	GoodSinse, LLC	Retail Marijuana Store	GoodSinse, LLC	29 College Road, Suite 8C

Mr. Cleworth, seconded by **Mr. Marney**, moved to WAIVE PROTEST on the Marijuana License Applications for renewal.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE MARIJUANA LICENSE APPLICATIONS FOR RENEWAL AS FOLLOWS:

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

Mayor Matherly declared the MOTION CARRIED.

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

Type/License: Brewpub/License #6004
DBA: Humble Roots Beer Project
Applicant: Humble Roots, LLC
Location: 314 Wendell Avenue, Fairbanks

Mr. Marney, seconded by **Mr. Clark**, moved to WAIVE PROTEST contingent upon the issuance of a Certificate of Occupancy on the New Liquor License Application.

Talon and Rick Mensik, Owners – T. Mensik shared that they hoped to begin construction this spring and to be open to the public by the end of the following year. R. Mensik shared his excitement for the opportunity, adding that they have received a lot of support from the neighboring businesses.

Ms. Rogers thanked the Mensiks for their participation in the City application process and for their work with the neighbors to garner support. She added that the plans looked beautiful, and it would make a very nice addition to downtown Fairbanks.

Mr. Cleworth asked if the business would be in the same building as the Midnight Mine. R. Mensik stated that it is in the old laundromat next to the Midnight Mine. T. Mensik explained that the proposed location is approximately 7,000 square feet and is separated from the Midnight Mine by an empty lot. R. Mensik added that the occupancy would remain under 90 patrons.

Mayor Matherly asked which of the two buildings were older. R. Mensik answered that the Midnight Mine had been built in 1972, whereas the laundromat had been there since 1950.

Mr. Marney complimented the owners on their ability to work with the neighbors and wished them good luck, adding that it would make a beautiful addition to the riverfront.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST CONTINGENT UPON THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY ON THE NEW LIQUOR LICENSE APPLICATION AS FOLLOWS:

YEAS: Rogers, Therrien, Clark, Cleworth, Marney, Gibson

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Matherly stated that the recent weather had proved very challenging for the Public Works Department and everyone else, noting that employees were working very long shifts. He added that the Coronavirus had also been making things difficult for the City, with lots of illnesses among employees. He noted that it had been a month since the City Council had met and thanked the Council for their support in the previous year. He added that there had been a lot of extra department head meetings lately in an attempt to fill the role of Mr. Meeks, and he thanked the department heads who were stepping up to keep the City running. **Mayor Matherly** recognized Dr. Anne Zink on her recent nomination for a statewide medical leader award. He shared that the State legislative session would begin the following day and that AML would be meeting in a couple of weeks, either virtually or in Juneau. He noted that Alaska was trailing the nation by a couple of weeks in regard to the newest COVID variant, adding that was the reason the plexiglass had temporarily been reinstalled in Council Chambers. He concluded by expressing his hope for a good upcoming year.

COUNCIL MEMBERS' COMMENTS

Ms. Rogers recognized all the employees who had been working long hours in undesirable conditions to deal with the great amount of snow and rain. She shared her feelings of loss and sadness regarding Mike Meeks, adding that he was a true gentleman and had become a great friend of hers over the years. She stated she shared his appreciation of the arts and for a love of learning and discovering things, adding that he would be greatly missed.

Ms. Therrien expressed her sympathies to Mike's wife and daughters. She shared that he was a good friend and that she would really miss him.

Mr. Clark shared his appreciation for Public Works and their ability to procure a side dump. He congratulated Vicky Persinger and Christopher Plys for their recent advancement to the Olympics, adding that Vicky was a member of the local curling club. He shared that he had last seen Mike Meeks after the last Council meeting where Mike had taken the time to show him the boiler room. He stated that Mike was a great guy who was always willing to accommodate those types of requests. He stated that he would really miss having him around.

Mr. Marney shared that Mike was the kind of guy you felt like you had known forever, even after just meeting him. He added that Mike was extremely knowledgeable on many topics and an expert when it came to labor negotiations. He stated that the City lost a great individual and passed along his prayers to the family.

Mr. Gibson applauded the Public Works Department and how they have handled the incredible amount of snow, adding that garbage pick up was only one day late. He shared that the last conversation he had with Mike Meeks was a call from him regarding the parking garage; he stated that Mike was always on task and accomplishing the City's mission as he saw best. He stated that people like him are very hard to find and that he would be missed. He added that he appreciated all the time and effort Mike had put into the City.

Mr. Cleworth shared that he first met Mike Meeks as a customer in his coin store and that they had held many conversations on strategies, including snow removal, over the years. He stated that during his term as Mayor he had appointed Mike to the Interior Gas Utility (IGU) Board, adding that Mike handled the incredibly tough and controversial position like a professional. He went on to share that Mike was the go-to person for any information regarding the City and while they did not always agree, they had always remained friends. He passed his prayers along to the family, adding that he would be mourning with them. **Mr. Cleworth** spoke to the recent weather, stating that it was very similar to the years of 1989-1991. He suggested that the Council consider having a meeting to discuss the good and the bad of this year's snow management and how they might better address it in the future. He agreed with Mr. Buberger regarding Second Avenue, stating that it was nearly impossible to steer down that road. He noted that not having the snow and ice removed in a timely fashion could lead to flooding issues and asked that the Council consider going to bid for contractors to help in these types of situations next winter.

Mayor Matherly noted that many employees had a difficult time getting to and from work. He stated that the City also leased some larger vehicles to help with the snow removal.

UNFINISHED BUSINESS

- a) Resolution No. 4981 – A Resolution Approving the Reading of a Land Acknowledgement at the Beginning of Regular City Council Meetings. Introduced by (former) Council Member Kun and Council Members Therrien and Rogers. REFERRED to the Fairbanks Diversity Council (FDC) on November 8, 2021.

The motion to APPROVE Resolution No. 4981 was made by Ms. Rogers and seconded by Ms. Therrien at the November 8, 2021 Regular Meeting and remained on the floor.

Ms. Rogers shared that the FDC had met but had been unable to garner the blessing of the Denakkanaaga Elders due to some family and health issues. She asked that the Council postpone the resolution until the first meeting in March so that the FDC could obtain the proper support.

Ms. Rogers, seconded by **Ms. Therrien**, moved to POSTPONE Resolution No. 4981 until the Regular City Council Meeting of March 14, 2022.

Mr. Cleworth stated that because the resolution had been postponed for such a long time, it may be appropriate to vote on the resolution presently.

Ms. Rogers shared that there had been a great deal of debate around approving the language without receiving the proper blessing of the Denakkanaaga Elders and expressed her desire to allow the FDC to continue their discussion with the Elders prior to voting.

Mr. Clark stated he felt that the resolution had gone back and forth several times and spoke against postponement.

Mr. Marney asked if the FDC provided a land acknowledgement at their meetings. **Ms. Rogers** stated that they currently did not but that this resolution was the first step in having something to present on behalf of the City.

Mr. Marney stated that he was not in favor of the resolution and preferred not to postpone it.

Ms. Therrien asked that the Council provide the Denakkanaaga Elders an opportunity to make a recommendation prior to changing the original resolution and spoke in favor of postponement.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE RESOLUTION NO. 4981 UNTIL THE REGULAR CITY COUNCIL MEETING OF MARCH 14, 2022 AS FOLLOWS:

YEAS: Therrien, Rogers, Gibson, Matherly

NAYS: Cleworth, Marney, Clark

Mayor Matherly declared the MOTION CARRIED.

- b) Ordinance No. 6190 – An Ordinance Amending FGC Sec. 2-651 to Change the Minimum Unassigned General Fund Balance. Introduced by Mayor Matherly and All City Council Members. SECOND READING AND PUBLIC HEARING.

Mr. Gibson, seconded by **Mr. Cleworth**, moved to ADOPT Ordinance No. 6190.

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

Mr. Gibson spoke in favor of the ordinance.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6190 AS FOLLOWS:

YEAS: Clark, Gibson, Rogers, Therrien, Marney, Cleworth

NAYS: None

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6190 ADOPTED.

- c) Ordinance No. 6191 – An Ordinance Amending FGC Sec. 2-118.1 to Clarify Finance Committee Meeting Procedures. Introduced by Council Members Cleworth, Rogers, Marney, and Clark. SECOND READING AND PUBLIC HEARING.

Mr. Marney, seconded by **Mr. Cleworth**, moved to ADOPT Ordinance No. 6191.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6191 AS FOLLOWS:

YEAS: Therrien, Rogers, Cleworth, Marney, Clark, Gibson

NAYS: None

Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6191 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4999 – A Resolution Allocating Discretionary Funds from Room Rental Tax in the Amount of Two Hundred Seventy Thousand Dollars (\$270,000). Introduced by Council Member Marney.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 5000 – A Resolution Accepting Alaska Permanent Capital Management (APCM) Proposal to Serve as the Permanent Fund Investment Manager. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 5001 – A Resolution Approving the 2021 Allocation for the Employee Capital Incentive Program (ECIP). Introduced by Mayor Matherly.

Ms. Therrien, seconded by **Mr. Clark**, moved to APPROVE Resolution No. 5001.

Mr. Cleworth shared his concern for the lack of funding sources for the Capital budget, adding that the ECIP took away one of the primary sources, salary savings. He stated he felt that the resolution was chipping away at future reserves, stating that he was not in favor of the original ordinance that established the ECIP. He stated that the ECIP is not an incentive program, rather it is a bonus program, and he added that bonuses should be used sparingly. He spoke to historic department head turnover and the difficulty of labor negotiations, stating that administration plays a large part in retaining good employees, in part by offering competitive benefit packages. **Mr. Cleworth** spoke against the resolution and advised the Council to repeal Ordinance No. 6184; he stated that the ordinance puts the Council in an awkward position year after year.

Mr. Marney spoke in support of Ordinance No. 6184, adding that it was passed during a time that the FPD was losing a lot of officers to the Alaska State Troopers (AST), and it appeared to have a positive impact on retention. He stated that the proposed 5% was not enough, and that while he was not sure of the impact in the coming years, he felt that the employees who have stuck around this year deserve at least 10%.

Mr. Cleworth stated that the departments most impacted for forced overtime were the Fairbanks Police Department (FPD) and Dispatch, adding that there had been bonuses issued previously to help deal with that situation. He spoke to the fairness of the ECIP, which is granting some employees a bonus, regardless of forced overtime requirements. He questioned the fairness of the resolution, adding that there are some who will not receive a bonus.

Mr. Gibson stated that he had voted for Ordinance No. 6184 but had also mentioned these issues when the ordinance was being debated. He stated that he would prefer to see a flat rate applied to all employees, however, that is not the language that was adopted.

Mr. Marney, seconded by **Ms. Therrien**, moved to AMEND Resolution No. 5001 by changing the allocation amount from 5% to 10%.

Ms. Therrien offered her support of the amendment, adding that the intention is to make employees aware that they are just as important as reserved Capital funds.

Mr. Clark noted that the Council was currently negotiating with PSEA for contract terms, which were going very well. He noted that Ordinance No. 6184 was pushed through during a time of stress between the administration and the FECC/FPD and questioned if it was necessary at this point. He added that it is not an easy thing to come back from once it has been offered and adopted.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESOLUTION NO. 5001 BY CHANGING THE ALLOCATION AMOUNT FROM 5% TO 10% AS FOLLOWS:

YEAS: Rogers, Marney, Therrien, Matherly
NAYS: Clark, Gibson, Cleworth
Mayor Matherly declared the MOTION CARRIED.

Mr. Clark asked for clarification on what a yes or no vote would mean to the amended resolution. CFO Bell stated that while the ECIP was created by Ordinance No. 6184, a no vote on the resolution would result in no ECIP distribution for the year.

Mr. Cleworth expressed concern for the valuable employees who will not receive any incentive pay since there were no salary savings in their department or bargaining unit, stating that it is discriminatory and unfair.

Mr. Clark agreed with Mr. Cleworth, stating that departments that are ran properly and do not have overtime or salary savings are essentially punished.

HR Director Angela Foster-Snow shared that she believed the ECIP to be a retroactive attempt to help the employees who have worked extremely long hours, missing out on family functions over the 2021 year. She added that the only employees who will not ever receive the ECIP are salaried department heads who do not earn overtime but who are paid accordingly.

Mr. Cleworth argued that employees who sign a labor contract are also aware of their obligations and that working overtime, for some departments, is part of the essential functions of the job. He clarified that he is opposed to a system that allows for some employees to receive large bonuses based on salary savings and provides little or nothing to others.

Mr. Marney stated that regardless of what the Council would like to do moving forward, he felt that the Council owed the employees who worked extreme hours in Dispatch and FPD this incentive of at least 10%, as was the intention when Ordinance No. 6184 was adopted.

HR Director Foster-Snow stated that 2021 was a difficult year with COVID and added that currently 20% of City staff is out sick. She noted that employees work with the public daily, exposing themselves and their families. She clarified that the intention of the ECIP was that the Council could look at the program on an annual basis, and she asked that the Council pass the resolution and let the employees know they are appreciated.

Mr. Gibson asked CFO Bell to compare a 10% ECIP between the FPD and the AFLCIO. CFO Bell stated that at 10%, each FPD employee would receive \$2,762 and each AFLCIO employee would receive \$365.

Mr. Gibson spoke to the vast difference in incentive pay. He commented that it did not seem fair given that both of those department's employees were working in the public during the pandemic.

Mr. Cleworth agreed with Mr. Gibson, adding that if he were one of the employees who did not receive the benefit, or only a very small amount, he would find it very unfair. He used the Clerk's Office as an example, noting that with a three-person staff it is very difficult to take leave or make up for planned time off in the case of illness. He added that staff is just as responsible to cover the office and serve the public as Dispatch and FPD employees are, yet Clerk's Office staff would receive a very small portion of the ECIP.

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

YEAS: Marney, Clark, Gibson, Rogers, Therrien
NAYS: Cleworth
Mayor Matherly declared the MOTION CARRIED and Resolution No. 5001, as Amended, APPROVED.

- d) Resolution No. 5002 – A Resolution Awarding a Contract to Rosenbauer South Dakota, LLC to Provide a Fire Apparatus in the Amount of \$800,347. Introduced by Mayor Matherly.

Resolution No. 5002 was removed from the agenda under Approval of Agenda and Consent Agenda.

- e) Ordinance No. 6192 – An Ordinance Transferring Broadband Utility Powers to the Fairbanks North Star Borough. Introduced by Mayor Matherly.

Mr. Clark, seconded by **Ms. Therrien**, moved to ADVANCE Ordinance No. 6192.

Mr. Gibson stated that he did not see a need to give utility powers to the Fairbanks North Star Borough (FNSB) for the Borough to perform the study to determine where broadband is lacking.

Mayor Matherly stated that he understood Mr. Gibson's point of view but did not see any issue with giving the FNSB the authority, as those powers can be revoked at any time. He added that it allows for the FNSB to conduct the study but does not allow for the financing of any broadband projects.

Ms. Rogers noted that she had received many letters expressing the same concerns presented by Mr. Gibson but felt that the discussion was regarding a study, not a larger project. She added that it could be beneficial for the City to work with the Borough on the issue.

Mr. Cleworth stated that his issue is with the FNSB's refusal to reappoint the City as an Appeals Board, noting that the FNSB has even taken the appeals process away from their own Assembly. He expressed concern with handing more powers to the Borough when they do not appear to have any desire to reciprocate in their cooperation with the City.

Mr. Cleworth, seconded by **Mr. Marney**, moved to AMEND Ordinance No. 6192 by adding a new Section 2 to read, "The transfer of these powers is contingent upon the City of Fairbanks acquiring the right to act as a Board of Adjustment for appeals involving property located within the City of Fairbanks as was established prior to the 2016 revocation by the Fairbanks North Star Borough."

Mayor Matherly stated that he saw the two items as completely different issues and would like to see them addressed as such.

Ms. Rogers spoke against the amendment, agreeing that they are two separate issues.

Mr. Gibson stated that if the amendment is approved, the Borough will very likely not participate.

Mr. Marney stated that he is not in favor of the ordinance, with or without the amendment.

Mr. Cleworth stated that while the issues are different, there is an element of fairness that the Borough does not participate in. He added that if the Borough wants the City to help them, they should at least consider the one request made by the City and restore the Board of Appeals.

Mayor Matherly noted that while the FNSB did not restore the Board of Appeals, they have helped the City in other ways, such as absorbing some of the costs to demolish the Polaris Building.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6192 BY ADDING A NEW SECTION 2 TO READ, "THE TRANSFER OF THESE POWERS IS CONTINGENT UPON THE CITY OF FAIRBANKS ACQUIRING THE RIGHT TO ACT AS A BOARD OF ADJUSTMENT FOR APPEALS INVOLVING PROPERTY LOCATED WITHIN THE CITY OF FAIRBANKS AS WAS ESTABLISHED PRIOR TO THE 2016 REVOCATION BY THE FAIRBANKS NORTH STAR BOROUGH" AS FOLLOWS:

YEAS: Cleworth, Gibson, Clark, Marney

NAYS: Rogers, Therrien

Mayor Matherly declared the MOTION CARRIED.

Mr. Cleworth asked City Attorney Ewers to review the term "partner" and come up with a definition so that the City avoids, or is at least aware of, any future legal ramifications.

Ms. Rogers agreed with Mr. Cleworth and expressed the same concerns.

Mayor Matherly asked FNSB Mayor Ward to weigh in on the discussion.

Mayor Ward spoke to the term "partnership," which pertains to the businesses participating in the funding programs to work with a local partner, or local government. He added that the Borough would serve as that partner and as a pass-through entity for the applying business to receive funds. He added that this is to keep the funds going to enhance broadband services for the intended underserved citizens.

Mr. Cleworth asked if the research was necessary given that the underserved areas are known. Mayor Ward stated that the survey would be used to ensure that businesses are not using the available funds to bolster areas that are not considered underserved.

Mr. Cleworth asked if the FNSB would support an agreement where the City states it does not support the Borough becoming a broadband utility provider.

Mayor Ward stated that Borough's intention is to draft a document with a very narrow scope, specifically to allow for the survey and for the Borough to serve in a pass-through capacity. He clarified that there is no intention to include language that would give the Borough the ability to serve as the utility.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6192, AS AMENDED, AS FOLLOWS:

YEAS: Gibson, Therrien, Clark, Cleworth, Marney, Rogers

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

- f) Ordinance No. 6193 – An Ordinance to Amend Fairbanks General Code Chapter 46 Article II by Adding Minor Offense Trespass. Introduced by Council Member Gibson.

ADVANCED on the CONSENT AGENDA.

- g) Ordinance No. 6194 – An Ordinance Authorizing the Sale of the Lavery Transportation Center. Introduced by Council Member Gibson.

ADVANCED on the CONSENT AGENDA.

Mayor Matherly left the meeting at 8:39 p.m. to deal with a family matter. Mayor pro tem Cleworth presided over the remainder of the meeting.

WRITTEN COMMUNICATIONS TO COUNCIL

- a) Memorandum Regarding Temporary FPD Clerk

ACCEPTED on the CONSENT AGENDA.

- b) Reappointments to the Building Code & Landscape Review & Appeals Commission

APPROVED on the CONSENT AGENDA.

- c) Appointment to the Board of Plumber Examiners

APPROVED on the CONSENT AGENDA.

- d) Chena Riverfront Commission Meeting Minutes of October 27, 2021

ACCEPTED on the CONSENT AGENDA.

- e) Chena Riverfront Commission Meeting Minutes of November 24, 2021

ACCEPTED on the CONSENT AGENDA.

- f) Historic Preservation Commission Meeting Minutes of November 2, 2021

ACCEPTED on the CONSENT AGENDA.

- g) Clay Street Cemetery Commission Meeting Minutes of November 3, 2021

ACCEPTED on the CONSENT AGENDA.

- h) Fairbanks Diversity Council Meeting Minutes of November 9, 2021

ACCEPTED on the CONSENT AGENDA.

- i) Discretionary Fund Committee Meeting Minutes of November 9, 2021

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS & COMMITTEE REPORTS

Ms. Therrien shared that the AML Legislative Committee would be meeting every Friday, adding that the City legislative meetings would also resume soon. She shared her appreciation for the report provided by the Permanent Fund Board, asking that the Council consider granting their request. She concluded by wishing everyone a happy Martin Luther King Day.

Ms. Rogers thanked Ms. Therrien for mentioning the MLK holiday. She shared that she had attended meetings for the Fairbanks Diversity Council (FDC), Reentry Coalition, Crisis NOW, and the Yakutsk Sister City, adding that she was very encouraged by the amount of involvement between the two cities. She passed along her condolences to the Meeks family, adding that Mike's words were echoing for her tonight during many of the discussions.

Mr. Gibson stated he had no comments.

Mr. Marney shared that the Discretionary Fund Committee would be meeting later in the week for their annual wrap-up meeting, adding that it was a good opportunity for the public to provide input on the process. He stated he missed Mike Meeks and passed his blessings on to the family.

Mr. Clark stated he had no comments.

Mr. Cleworth asked that a discussion regarding infrastructure funding be added to the next Finance Committee agenda. He noted that the budget books were out exceptionally early and complimented CFO Bell for the user-friendly layout. He asked that staff members who are helping to fill Mr. Meeks' shoes let the Council know if they require more support.

ADJOURNMENT

Mr. Gibson, seconded by **Mr. Clark**, moved to ADJOURN the meeting.

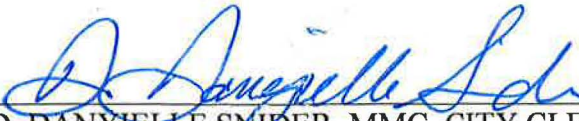
Mayor pro tem Cleworth called for objection and, hearing none, so ORDERED.

Mayor pro tem Cleworth declared the meeting adjourned at 8:47 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYIELLE SNIDER, MMC, CITY CLERK

Transcribed by: RR