



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, SEPTEMBER 19, 2016
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 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
David Pruhs, Seat F

Absent: Jerry Cleworth, Seat E (Excused)

Also Present: JB Brainerd, Deputy City Attorney
D. Danyielle Snider, City Clerk
Stephanie Johnson, Dispatch Center Manager
Carmen Randle, Chief Financial Officer
Angela Foster-Snow, HR Director
Jim Styers, Fire Chief
Brad Johnson, Deputy Police Chief
Tom Borce, Risk Manager

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

CITIZEN'S COMMENTS

Vivian Stiver, 1420 Moore Street, #10, Fairbanks – Ms. Stiver distributed a handout to the Council relating to the impacts of marijuana. She read aloud a letter written by Dan Hoffman that was published in the Fairbanks Daily News Miner regarding Police Chief Randall Aragon.

Jerald Harrison, 723 27th Avenue, Fairbanks – Mr. Harrison stated that Chief Aragon tried to silence his freedom of speech the day he held an anti-Eberhart sign on Cushman Street in front of City Hall. Mr. Harrison spoke to social issues between law enforcement and former felons.

Dale Durrwachter, 2107 Central Avenue, Fairbanks – Mr. Durrwachter stated that he sat through the process for hiring Chief Aragon, and he was the most qualified candidate for the position. Mr. Durrwachter spoke to the funds that Walmart wants to give to the City of Fairbanks and to the amount of criminal activity that take place at Walmart stores nationwide. He spoke to an

article published in Bloomberg magazine. Mr. Durrwachter stated that the City Council should not accept the funds from Walmart because it is a farce.

Mr. Matherly asked which issue the article was published in. Mr. Durrwachter replied that the article was published in the August 22-26, 2016 issue.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney spoke to the allegations against Chief Aragon and his private security business. He stated that now there are non-lethal bullets that officers can use in their stock issue guns. He stated that standard operating procedures for the Fairbanks Police Department (FPD) should be to use non-lethal bullets because they will save lives.

Allen Wilson, P.O. Box 249, Ester – Mr. Wilson spoke to his unfair arrest and stated that he was arrested because he was poor. He stated that people become police officers because they want to kill poor people and put poor people in jail.

Larry Morris, 1203 21st Avenue, Fairbanks – Mr. Morris stated that he lives on the corner of 21st Avenue and Lisga Street and that the intersection has been closed for two months with no work being done. He stated that the City has closed too many intersections in his neighborhood. Mr. Morris complimented the Engineering Department on the several visits they have made to his property to fix issues.

Valerie Therrien, 665 10th Avenue, Suite 212, Fairbanks – Ms. Therrien stated she has read the decision regarding the Public Safety Employee Association (PSEA) / City of Fairbanks labor dispute; she advised the Council not to appeal it. She stated that the officers have earned their raise and they deserve to be paid what they were promised.

Asa Dowdy, Jr., 1051 Eastwood Lane, Fairbanks – Mr. Dowdy stated that he is a member of Mothers Against Drunk Driving (MADD). He stated that drunk drivers cause many deaths and that driving under the influence needs to be taken seriously.

Jerry Norum, 945 McGown Street Fairbanks – Mr. Norum spoke of his love of Fairbanks. He urged the Council to fund the PSEA labor contract and to stop acting in bad faith.

Warren Cummings, 3292 Jefferson Drive, Fairbanks – Mr. Cummings thanked Mayor Eberhart for introducing Resolution No. 4759, renaming Fire Station One in his honor. He spoke to the issue of Chinook Charter School being permitted to use the land near the Fire Training Center for a ski trail.

Mr. Matherly stated that it is the Council's duty to honor Mr. Warren Cummings.

Michael Farrell, P.O. Box 83327, Fairbanks – Mr. Farrell stated that the people who were involved in awarding the Clay Street Cemetery maintenance contract should be fired. He stated that the person who was initially awarded the contract did not even own gardening tools and was cheating the tax payers. Mr. Farrell stated that the City should not be involved with the Polaris Building because too many Council Members have vested relationships with Marc Marlow. He stated that the City could do more with less government.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger spoke to the pay scale of police officers, and he stated that they always want more. He stated that all of the past Police Chiefs were crooked and that Chief Aragon is the best one Fairbanks has ever seen. He asked why former Police Chief Dan Hoffman got shoved out of the position.

Darlene Herbert, 906 Woodlawn Road, Fairbanks – Ms. Herbert stated she is a full Athabascan Native and that she does not like to see her people using alcohol or drugs. She stated that her people should not be shot in the head for nothing. She stated that Native people do not go out and kill people, but that Russians kill people. Ms. Herbert stated that officers should start carrying non-lethal weapons so that they will stop killing Native men. She stated she would be voting for Mayor Eberhart because he is strong. She commented that she has grandkids who will be teenagers soon, and she does not want them to get shot. She stated that she wants them to live good, long lives.

Mo Duncan, P.O. Box 74469, Fairbanks – Ms. Duncan stated she would like to mention Scott Johnson and Gabe Rich who were murdered by a Native man. She spoke to how many hours her husband had to work when he was employed at FPD because of low staffing levels. She stated that FPD is losing officers because the administration is busy pointing fingers but getting nothing done. She spoke to Chief Aragon's issues with his private security business. Ms. Duncan spoke to Kevin Kent being promptly fired from the Volunteers in Policing when it was discovered that he was operating a private security business on the side. She suggested that immediate termination of Chief Aragon is the only acceptable solution to the issue. She stated that if the City does not fire him, Mr. Kent should receive all of his back pay and be offered his job back.

Shirley Lee, 457 Cindy Drive, Fairbanks – Ms. Lee stated that the Alaskan Federation of Natives (AFN) would be in town in one month and that there will be a celebration for the release of the Fairbanks Four. She stated that the Council has been silent on the Fairbanks Four issue and that she hopes they will take a positive stance.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Gatewood, seconded by **Ms. Huntington**, moved to APPROVE the Agenda and Consent Agenda.

Mr. Gatewood pulled Resolution No. 4760 and the Memo Regarding Notification of Increases to Construction Contracts 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.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart reported that he has directed Human Resources Director Angela Foster-Snow to open an investigation into the accusations against Chief Aragon. He stated that he would never allow the selling of a private service through FPD, and that the facts need to come out. **Mayor Eberhart** stated that Chief Aragon has not had an opportunity to speak for himself because he is attending FBI training in Washington D.C. He stated that he does not have the authority to fire Chief Aragon, only to recommend to the Council the hiring or firing of a Police Chief. **Mayor Eberhart** spoke of the many meetings and activates the Mayor's Office has been involved with since the last Regular Council Meeting. He shared upcoming events and meetings, and encouraged people to get out and vote on October 4, 2016.

UNFINISHED BUSINESS

- a) Ordinance No. 6031 – An Ordinance Amending Fairbanks General Code Section 2-491 to Clarify and Update the City's Administrative Departments. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Ms. Huntington, seconded by **Mr. Pruhs**, moved to ADOPT Ordinance No. 6031.

Mayor Eberhart called for Public Testimony.

Frank Turney – Mr. Turney asked if the ordinance has a standard operating procedure and asked if it was part of City Code. **Mayor Eberhart** stated that procedures for the Police Department are not the same as the Fairbanks General Code.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6031 AS FOLLOWS:

YEAS: Pruhs, Gatewood, Huntington, Matherly, Rogers

NAYS: None

ABSENT: Cleworth

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 6031 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4760 – A Resolution Authorizing the City of Fairbanks to Apply for and Accept Funding from the Walmart Foundation for Community Policing. Introduced by Mayor Eberhart.

Mr. Pruhs, seconded by **Ms. Huntington**, moved to APPROVE Resolution No. 4760.

Mr. Gatewood requested a staff report from Deputy Chief Brad Johnson. **Mr. Gatewood** asked Deputy Chief Johnson which new neighborhoods FPD is going to include in the community policing program. Deputy Chief Johnson replied that there are five neighborhoods currently included in community policing efforts but that he could not recall the new neighborhood.

Mr. Matherly asked if FPD keeps tabs on how many call outs they get to Walmart. Deputy Chief Johnson stated that Walmart is a large user of police resources but that they are not reliant on the money they are offering to provide. Deputy Chief Johnson stated that Walmart is only offering the money as a nice gesture.

Ms. Rogers stated that her car was stolen years ago from the Lamonts parking lot and that she believes crime has gotten worse since then. She stated that parking lots can bring on a slew of crimes. She stated she would be in favor of accepting the funds from Walmart.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4760 AS FOLLOWS:

YEAS: Gatewood, Rogers, Pruhs, Matherly, Huntington

NAYS: None

ABSENT: Cleworth

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4760 APPROVED.

- b) Resolution No. 4761 – A Resolution to Extend the City’s Contract with Kohler, Schmitt & Hutchison for Auditing Services. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

DISCUSSION ITEMS

Polaris Building Work Group – **Mr. Pruhs** gave an informational update. He stated that the Downtown Association of Fairbanks has an interest in taking down the Polaris Building. He spoke to the other hotels that the City has torn down and added that the economics of the Polaris Building show that it needs to be demolished. **Mr. Pruhs** stated he walked Kevin Baird around the building and gave him his entire file; he expressed hope that Mr. Baird and Mr. Farrell can get together to discuss the issue.

COMMUNICATIONS TO COUNCIL

- a) Memo Regarding Notification of Increases to Construction Contracts

Mr. Pruhs, seconded by **Mr. Gatewood**, moved to APPROVE the Memo Regarding Notification of Increases to Construction Contracts.

Mr. Gatewood requested a staff report from Grants Administrator Carrie Peterson; he asked her if the money for the increases had a source. Ms. Peterson stated that there was plenty of money

in the Capital Budget to cover the Gateway and Rickert subdivision improvements, and that Hamilton Acres only required change orders.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE MEMO REGARDING NOTIFICATION OF INCREASES TO CONSTRUCTION CONTRACTS, AS FOLLOWS:

YEAS: Matherly, Rogers, Huntington, Gatewood, Pruhs
NAYS: None
Mayor Eberhart declared the MOTION CARRIED and the Memo APPROVED.

COUNCIL MEMBERS' COMMENTS

Mr. Gatewood stated he was glad to hear that Ms. Foster-Snow has been directed to look into Chief Aragon's issue. He stated that personnel issues need to be handled carefully. He stated that given everything he has read about the case, it is not acceptable behavior for a City Employee. He stated that he thought he heard the Mayor say that the City Council determined whether to hire or fire the Police Chief.

Mayor Eberhart stated that the Mayor can only make recommendations for hiring and firing but that the City Council is the final authority. He stated that the Mayor has authority to discipline.

Mr. Gatewood stated that was not his understanding of the Code. He stated that he thought the Council only had that authority with their employees, the Clerk and the Attorney.

City Clerk Snider read aloud the Code section relating to Mr. Gatewood's question. It stated that the Council is the final authority on hiring and firing the Police Chief based on the Mayor's recommendation.

Ms. Rogers echoed her disappointment in hearing the accusations brought against Chief Aragon, and shared that she is pleased the investigation will be led by Ms. Foster-Snow. She stated that Ms. Foster-Snow is an admirable and fair HR Director with competent expertise. **Ms. Rogers** admired Mr. Gatewood for his years of service on the City Council and stated that she will miss him. She encouraged everyone to get out and vote on October 4, 2016.

Ms. Huntington stated that she takes very seriously the accusations that are being made against Chief Aragon. She recommended that an independent party perform the investigation to help create transparency. She explained that Ms. Foster-Snow works directly for the Mayor and that having an outside investigation would alleviate public concern of inappropriate behavior. **Ms. Huntington** spoke to the issue of people dying while in custody at the Fairbanks Correctional Center (FCC). She spoke to the problem of lifestyle and addiction and to the decisions made by caretakers at FCC.

Mr. Matherly spoke to his disappointment with the issues that have arisen with Chief Aragon, and stated it is not acceptable behavior of a Police Chief. He stated that the issue goes above Ms. Foster-Snow's head and that the Fact Finding Commission should meet to discuss the issue.

Mr. Matherly stated that there have been too many controversies since the current Mayor took office. He addressed Mr. Farrell's comments and stated that he has no vested interest in the Polaris Building and that he just communicates with Mr. Marlow. **Mr. Matherly** spoke to Mr. Morris' issue and stated that he did not know that Lisga Street was a problem; he stated that he would look into it. He offered well wishes to all of the candidates in the upcoming election, and commended them all. He stated that whatever the future holds he wants the controversies to end and transparency to begin.

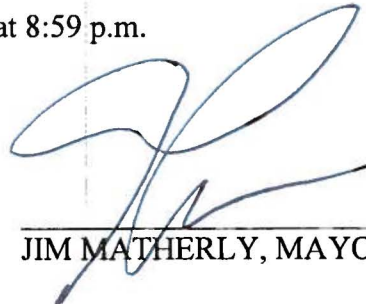
Mr. Pruhs stated that the Superior Court decision on the PSEA labor contract did not say that the City Council owes them any money. He stated that Attorney Ewers advised that either party can appeal the decision. He stated that Gateway and Rickert subdivisions have taken way too long to fix and that citizens should not be subjected to that kind of inefficiency. **Mr. Pruhs** stated that he would like to see dates of completion from HC Contractors on both projects. He stated that under the next administration he would like to put together a review and update to the Fairbanks General Code relating to procurement.

ADJOURNMENT

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

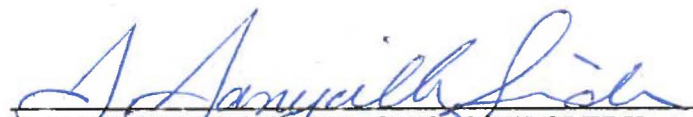
Mayor Eberhart called for objection and, hearing none, so ORDERED.

Mayor Eberhart declared the meeting adjourned at 8:59 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB