



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JUNE 22, 2015
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, following a 6:00 p.m. Work Session on the Affordable Care Act, at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor pro tem Jerry Cleworth presiding and with the following Council Members in attendance:

Council Members Present: Renee Staley, Seat A (telephonic)
 Perry Walley, Seat B
 Bernard Gatewood, Seat C
 Jim Matherly, Seat D
 Jerry Cleworth, Seat E
 David Pruhs, Seat F

Absent: Mayor John Eberhart (excused)

Also Present: Warren Cummings, Fire Chief
 Paul Ewers, City Attorney
 D. Danyielle Snider, City Clerk
 Jim Williams, Chief of Staff
 Angela Foster-Snow, HR Director
 Shannon Kumpula, Purchasing/Risk Manager
 JB Brainerd, Deputy City Attorney
 Verg Scott, Interim Director of Public Works

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor pro tem Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

Mayor pro tem Cleworth called for Public Testimony.

Donna Gilbert, 2223 South Cushman, Fairbanks – Ms. Gilbert stated her dissatisfaction that Mayor Eberhart was not in attendance for the Regular Council Meeting. Ms. Gilbert expressed her disappointment that she had not been contacted by a City employee after testifying at the last City Council meeting regarding her property issue. Ms. Gilbert stated that if she needed to go and get an attorney in order to have her property restored to its original condition, per the signed contract, that she would do so. Ms. Gilbert stated she would bill the City for any attorney fees incurred. Ms. Gilbert stated the Mayor and the Council are supposed to take care of the City and

its community and that it is no longer happening. Ms. Gilbert stated that Development Manager Patrick Smith has been wonderful to work with but that her property issues are not his problem; she stated she should have been contacted by Mayor Eberhart. Ms. Gilbert stated her disappointment in the direction the City is moving; she stated she wants the City to fix what was promised to her in the contract that was signed.

Mr. Pruhs asked Ms. Gilbert if he could make an appointment with her to come and look at her property. **Mr. Pruhs** stated he would do everything he could to help solve her property issue. Ms. Gilbert stated she has an open schedule and that her phone number is 456-8031. **Mr. Pruhs** stated he would be at her residence at 10:00 a.m. Wednesday, June 24, 2015, and Ms. Gilbert stated she would be available for his appointment.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated Mayor pro tem Cleworth should have ran for Mayor in the last election. Mr. Turney spoke to the unsolved murder of Durga Owens in Chatanika in July of 1999 and expressed his sadness that such a vicious murder was still unsolved. Mr. Turney voiced his appreciation for Chief of Police Randall Aragon’s public accessibility and transparency. Mr. Turney stated he admired Chief Aragon and stated his dissatisfaction that KFAR took him off the air. Mr. Turney stated he is the caretaker of the Clay Street Cemetery and that the wrong gravesite was exhumed when the Ketzler family was looking for the remains of Chief Nagita. Mr. Turney expressed his appreciation to the City for authorizing a GPS study of the cemetery and stated that the whole row in the north east section at this time is not accurate. Mr. Turney stated Mr. Pruhs misspoke when he told a reporter that Felix Pedro was buried in the Clay Street Cemetery and that Mr. Pruhs should call the Daily News Miner and request a correction.

Helen Renfrew, 1915 Central Avenue, Fairbanks – Ms. Renfrew stated she is the Director of Meetings and Conventions and that she is speaking on behalf of Explore Fairbanks. Ms. Renfrew stated that in 2014 meetings brought more than \$8 million dollars to the community and that the next two years are projected to bring even more money to the community. Ms. Renfrew reported the many meetings that are scheduled to take place in the upcoming years. Ms. Renfrew presented City Attorney Paul Ewers with a Golden Heart Meeting Ambassador Award for inviting attendees from the International Municipal Lawyers Association to visit Fairbanks when they met in Alaska the previous year. Ms. Renfrew thanked the Council for the reinvestment of Bed Tax dollars in destination marketing.

Mr. Matherly thanked Ms. Renfrew for the preview of upcoming events. **Mr. Matherly** asked Ms. Renfrew how many days or nights a typical meeting lasts. Ms. Renfrew stated all meetings are different, from two day events to week-long events. **Mr. Matherly** asked how far in advance the events book out. Ms. Renfrew stated she is already scheduling a meeting for 2020.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated he has heard positive and negative comments on the radio regarding Police Chief Randall Aragon. Mr. Buberger stated his disappointment that the murder of John Kavairlook, Jr. had not been solved yet. Mr. Buberger stated Chief Aragon is doing a great job and shared his appreciation for being so open to the public. Mr. Buberger thanked Chief Aragon for his professional communications both at the Regular Council Meetings and when sending articles into the newspaper. Mr. Buberger stated there are a lot of potholes around the town and he noted that the City workers are doing a good

job attacking the problem. Mr. Buberger stated the City should fund public restrooms because the Borough restroom that is down by the visitor's center does not have regularly-kept hours.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Matherly pulled Ordinance No. 5984 from the Consent Agenda.

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

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

SPECIAL ORDERS

- a) Memo Requesting Write-off for Duke Investments Alcohol Tax (bankruptcy)

Mr. Matherly, seconded by **Mr. Walley**, moved to APPROVE the Write-off for Duke Investments Alcohol Tax.

Mayor pro tem Cleworth called for Public Testimony and, hearing none, declared Public Testimony closed.

A ROLL CALL VOTE WAS TAKEN TO APPROVE THE WRITE-OFF FOR DUKE INVESTMENTS ALCOHOL TAX.

YEAS: Gatewood, Walley, Pruhs, Matherly, Staley, Cleworth

NAYS: None

Mayor pro tem Cleworth declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor pro tem Cleworth spoke to the unsolved murders that have occurred both inside City limits and outside City limits. **Mayor pro tem Cleworth** requested Chief Aragon give the Council an update in the future regarding unsolved murders. **Mayor pro tem Cleworth** stated he would specifically like an update on the John Kavairlook, Jr. murder case.

UNFINISHED BUSINESS

- a) Ordinance No. 5982 – An Ordinance Amending Fairbanks General Code Chapter 86 Vehicles for Hire. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Walley, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5982.

Mayor pro tem Cleworth called for Public Testimony and, hearing none, declared Public Testimony closed.

Mayor pro tem Cleworth asked City Attorney Paul Ewers about the language of Ordinance No. 5982; he asked if the two-year maximum permit period needed to be notated twice in the ordinance. Mr. Ewers stated that the first citation is for the chauffeurs permit and the second citation is for the transport company permit so they are not notating the same thing twice. **Mayor pro tem Cleworth** asked why the word shall was changed to may. Mr. Ewers stated that the change was relating to style but that both words are appropriate.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5982 AS FOLLOWS:

YEAS: Staley, Matherly, Gatewood, Pruhs, Cleworth, Walley

NAYS: None

Mayor pro tem Cleworth declared the MOTION CARRIED and Ordinance No. 5982 ADOPTED.

- b) Ordinance No. 5983 – An Ordinance Amending Fairbanks General Code Sections 54-40 Formal Written Contracts and 54-247 Informal Purchasing to Increase the Purchasing Threshold. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Mr. Walley**, moved to ADOPT Ordinance No. 5983.

Mayor pro tem Cleworth called for Public Testimony and, hearing none, declared Public Testimony closed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5983 AS FOLLOWS:

YEAS: Cleworth, Pruhs, Walley, Staley, Matherly, Gatewood

NAYS: None

Mayor pro tem Cleworth declared the MOTION CARRIED and Ordinance No. 5983 ADOPTED.

NEW BUSINESS

- a) Ordinance No. 5984 – An Ordinance Amending the 2015 Operating and Capital Budgets for the Fifth Time. Introduced by Mayor Eberhart.

Mr. Matherly, seconded by **Mr. Walley**, moved to ADVANCE Ordinance No. 5984.

Mr. Matherly shared his frustration that the Fairbanks Firefighters Union (FFU) arbitration award was back in front of the Council and included in Ordinance No. 5984.

Mr. Matherly, seconded by **Mr. Walley**, moved to AMEND Ordinance No. 5984 by striking the Firefighters Arbitration Award.

Mayor pro tem Cleworth stated if the budget amendment is adopted the operating budget would be \$203,000.00 into the red. **Mayor pro tem Cleworth** shared his concern for the operating cost of funding the FFU arbitration award. **Mayor pro tem Cleworth** stated that if the award was taken out of the ordinance that the operating budget is still \$55,000.00 in the red.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5984, BY STRIKING THE FIREFIGHTERS ARBITRATION AWARD, AS FOLLOWS:

YEAS: Walley, Matherly, Gatewood, Pruhs, Cleworth, Staley

NAYS: None

Mayor pro tem Cleworth declared the MOTION CARRIED.

Mr. Walley shared his concern for the projected budget shortfall.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 5984, AS AMENDED, AS FOLLOWS:

YEAS: Matherly, Cleworth, Walley, Staley, Gatewood, Pruhs

NAYS: None

Mayor pro tem Cleworth declared the MOTION CARRIED and Ordinance No. 5984 ADVANCED.

DISCUSSION ITEMS

a) Committee Reports

FMATS Policy Committee – **Mr. Walley** provided updated information on a variety of road improvement projects going on around the City. **Mr. Walley** stated that the issues regarding the maintenance of the lawn area on Airport Road was addressed at the FMATS Policy Committee meeting and that the State will take care of it but that due to budget constraints it will not be a top priority.

Golden Heart Parking Services (GHPS) - **Ms. Staley** stated there is a major problem with pigeons on the top floor of the parking garage. **Ms. Staley** discussed GHPS shortage of funds and the need for a future budget amendment. **Ms. Staley** thanked Grants Administrator Margarita Bell for her help in moving the accounting information into the new system.

COMMUNICATIONS TO COUNCIL

a) Re-appointments to the Fairbanks Diversity Council

APPROVED on the CONSENT AGENDA.

- b) Re-appointment to the Board of Plumber Examiners

APPROVED on the CONSENT AGENDA.

- c) Fairbanks Diversity Council Meeting Minutes of March 10, 2015

ACCEPTED on the CONSENT AGENDA.

- d) Fairbanks Diversity Council Meeting Minutes of April 14, 2015

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Ms. Staley thanked Mr. Pruhs for following up with Ms. Gilbert's property issue.

Mr. Gatewood stated he had no comments.

Mr. Walley asked if City Staff was instructed to take care of Ms. Gilbert's property issue at the last meeting. He requested her problem to be attended to prior to the next meeting.

Mr. Pruhs stated he met with Senator Lisa Murkowski regarding the Polaris Building and the need for Federal Funds to move forward in the demolition of the property. **Mr. Pruhs** stated he discussed the Community Service Patrol (CSP) program with Senator Murkowski and relayed the importance it has in the Fairbanks community. He stated the CSP saves the Fairbanks Police Department (FPD) money due to the service they provide. **Mr. Pruhs** stated he met with City Attorney Paul Ewers and a representative from Senator John Coghill's office regarding marijuana legislation. **Mr. Pruhs** stated Mr. Ewers has drafted the ordinance language regarding assessing a sales tax on marijuana.

Mr. Matherly directed attention to how much smoke had rolled into town and warned everyone to not light fireworks or fires. **Mr. Matherly** reported he has been in contact with Marc Marlow, owner of the Polaris Building; he stated there are tax credits out there that Mr. Marlow could apply for and that Mr. Marlow remains optimistic. **Mr. Matherly** thanked Mr. Turney for always bringing an update on the Clay Street Cemetery to each meeting and for bringing the local unsolved murders up in his public testimony. **Mr. Matherly** commended Police Chief Randall Aragon for stepping up and involving the community in attempting to solve local unsolved murders.

Mayor pro tem Cleworth shared Ms. Staley's concern for the pigeon issue at the parking garage. He stated that the pigeons are making a home on the top floor and causing a Hazmat issue. **Mayor pro tem Cleworth** stated the shortfall of State funding is going to affect the City's budget for roadway improvements. **Mayor pro tem Cleworth** thanked Mr. Buberger for coming to the Council Meetings and reporting on potholes around town; he agreed that 10th Avenue and 4th Avenue's potholes need to be addressed. **Mayor pro tem Cleworth** thanked Mr. Pruhs for looking into Ms. Gilbert's property issue and requested Chief of Staff Jim Williams follow-up with City Engineer Robert Pristash to ensure the issue is corrected. **Mayor pro tem Cleworth**

asked Mr. Ewers to report on any grievances that have been filed at the City. Mr. Ewers stated that grievances that cannot be solved in a timely matter do come to the City Attorney's Office. **Mayor pro tem Cleworth** asked Mr. Ewers if there are any new grievances that have come to his attention. Mr. Ewers stated the FFU has filed a grievance relating to Firefighter overtime and that the International Brotherhood of Electrical Workers (IBEW) has filed a grievance relating to the appointment of the Interim Public Works Director. **Mayor pro tem Cleworth** asked Mr. Williams to give summary of the grievances. Mr. Williams stated the FFU filed their grievance because the firefighters were called out to a fire but then not utilized and sent home and that they want a minimum overtime payment for their call out of two hours of overtime pay. Mr. Williams stated the IBEW grievance is in a holding pattern because the decision to appoint a new Public Works Director has not yet been made.

CITY ATTORNEY'S REPORT

City Attorney Ewers stated that the entirety of Ms. Gilbert's property issue does not fall on the City; he stated the DOT is also responsible. Mr. Ewers stated Mr. Williams may be a better person to report on the matter, and **Mayor pro tem Cleworth** asked for a staff report. Mr. Williams stated that Mr. Pristash has communicated with the DOT and HC contractors and that the issue will be resolved. Mr. Williams stated he would follow-up on the issue to ensure it would be fixed.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to go into Executive Session for the purpose of discussing Labor Negotiations: Fairbanks Fire Fighters Union (FFU).

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

Mayor pro tem Cleworth called for a ten minute recess.

EXECUTIVE SESSION

a) Labor Contract Negotiations - FFU

The City Council met in Executive Session to discuss FFU labor negotiations. Direction was given to staff and no action was taken.

ADJOURNMENT

Mr. Gatewood, seconded by **Mr. Matherly**, 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.

John Eberhart for Mayor Eberhart

JOHN EBERHART, MAYOR

ATTEST:

D. Danielle Snider

D. DANIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB