



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, OCTOBER 19, 2015  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 7:00 p.m. on the above date, following a 6:00 p.m. Work Session for a Polaris Building update, 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: Perry Walley, Seat B  
Bernard Gatewood, Seat C  
Jim Matherly, Seat D  
Jerry Cleworth, Seat E  
David Pruhs, Seat F  
Joy Huntington, Seat A (Council Member Elect)

Absent: Renee Staley, Seat A (Excused)

Also Present: Warren Cummings, Fire Chief  
Margarita Bell, Grants Administrator  
Paul Ewers, City Attorney  
D. Danyielle Snider, City Clerk  
Jim Williams, Chief of Staff  
Carmen Randle, Controller  
Ben Barrio, IT Director  
Angela Foster-Snow, HR Director  
Verg Scott, Public Works General Foreman  
Bob Pristash, Engineer IV  
Shannon Kumpula, Purchasing Agent/Risk Manager

### **INVOCATION**

The Invocation was given by City Clerk Danyielle Snider.

### **FLAG SALUTATION**

Mayor Eberhart led the Flag Salutation.

### **CITIZEN'S COMMENTS**

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney spoke to the Fairbanks Four and stated that he would like Mayor Eberhart to follow through on his promise to reopen the case. He indicated that there may have been wrongdoing by the Fairbanks Police Department (FPD) and that former Police Detective Chris Nolan admitted to making mistakes during the polygraph tests. Mr. Turney shared the definition of the term “false confession” from Webster’s Dictionary. Mr. Turney stated that he hoped Mayor Eberhart and the Chief of Police would perform a complete review of the John Hartman murder case in order to avoid it ever happening again. Mr.

Turney stated that the recordings of the defendant's testimony were turned off and on and that the interrogator was doing that to threaten witnesses in an attempt to obtain false confessions. Mr. Turney stated his desire for Chief Aragon to clean up FPD.

P. Alex Parker, 852 Crossman Road, Fairbanks – Ms. Parker stated that she has lived in Fairbanks for almost 44 years and that she is unhappy that there are no public restrooms. She expressed distaste for signs on businesses saying that restrooms are for paying customers only. Ms. Parker suggested that the City put porta-potties downtown and on South Cushman Street. She stated that she has been doing business with Sani-Can for years on her property and that they are a great company. Ms. Parker stated she spoke with them about putting porta-potties in Downtown Fairbanks and they gave her a few pros and cons to her request. She stated that she was told that there have been issues with individuals drinking the hand sanitizer and huffing the air freshener. Ms. Parker stated that Sani-Cans would give everyone a place to do their business. She stated that the Sadler's parking lot would be a great place to put a group of porta-potties with partitions around them for privacy. Ms. Parker stated that the big vacant lot on South Cushman Street would also be a great location for public restrooms.

Daisy Stevens, 1841 Hilton Avenue, Fairbanks – Ms. Stevens inquired as to who the City Mayor was in 1997 at the time of John Hartman's murder. She stated that murders are occurring and not being solved and that people should be less concerned about Mayor Eberhart's leave time and more worried about the police solving murders. Ms. Stevens stated that there have been many murders of Native Alaskans that have gone unsolved and questioned why the Fairbanks Four were so swiftly arrested in the killing of John Hartman, a white person. She stated that her car was stolen on Labor Day weekend is sitting in impound but that she cannot get ahold of Chief Aragon to speak to him about it. Ms. Stevens stated that Mayor Eberhart is doing a fine job and that he deserves to take time off. She stated that the Police Department is corrupt and that there should be an internal investigation into the problems that occur there.

**Mr. Cleworth** asked Ms. Stevens to clarify when her car was stolen.

Ms. Stevens stated that her car was stolen on Labor Day weekend and that she has called daily but that she is not getting any answers as to why it is now sitting at the City impound lot. Ms. Stevens stated that she wants answers regarding the unsolved murders of several native people.

Darlene Herbert, 906 Woodlawn Road, Fairbanks – Ms. Herbert stated that she is in attendance because she is a concerned citizen in regard to the Fairbanks Four trial. She stated that she has sat through the trial each day and that every day she hears how dishonest the Fairbanks Police and the State Troopers are. Ms. Herbert stated that there needs to be an internal investigation of the Police Department. She commented that she does not like that City employees sit at the table in the back of the room during Council Meetings instead of in the general audience. Ms. Herbert stated that the employees think that they are special and that she feels uncomfortable by them sitting together at the table. Ms. Herbert stated that the police have a very aggressive way of dealing with the Native Alaskan population and that something needs to change.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger congratulated Ms. Huntington on her successful election to the City Council. He stated that he has gone through four mayoral terms asking each Mayor to put some public restrooms downtown. He stated that when he needs to use

the restroom downtown that he uses the ground beneath him because there are no public restrooms. Mr. Buberger stated that the City should have a heated toilet and that if someone passes out inside the restroom then at least they have a warm place to sleep. He stated that he agrees that earlier comments that the Police Department is corrupt. Mr. Buberger stated that the officers need to do the right thing and that the Council should clean up that department.

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

### **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. 5993 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.

### **SPECIAL ORDERS**

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the following Liquor License Application for Transfer of Ownership, Location, Name Change and Restaurant Designation Permit:

Type: Beverage Dispensary, License #727  
To: Lavelle's Bistro / Café de Paris Catering Co.  
575 First Avenue, Fairbanks, Alaska  
From: No DBA / Franklin Eagle & Kathleen Lavelle  
No Premises

**Mr. Matherly**, seconded by **Mr. Walley**, motioned to WAIVE PROTEST on the Liquor License Application for Transfer.

Frank Eagle, 912 Kellum Street, Fairbanks – Mr. Eagle explained that he needs the license transferred because he is going to be building a new restaurant. He stated that, initially, he had planned to transfer a license from outside of City limits to the Noble Street location, but that state law prohibits the transfer of a liquor license from the limits of one municipality to another unless the new location is an existing restaurant. Mr. Eagle stated that that is why he is requesting the transfer of the Lavelle's Bistro license to the new location and the transfer of the Borough liquor license to Lavelle's Bistro.

**Mr. Pruhs** asked Mr. Eagle how many licenses he owns. Mr. Eagle explained that his wife owns one, and he owns three: one for the golf course, one for Lavelle's Bistro and License #727. **Mr. Pruhs** asked where he plans to build his restaurant; Mr. Eagle replied the restaurant will be

located in the old Alaska Rag Company Building. **Mr. Pruhs** asked when he plans to begin the renovation if the license is approved; Mr. Eagle responded as soon as possible.

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

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

YEAS: Gatewood, Walley, Pruhs, Matherly, Cleworth

NAYS: None

ABSENT: Staley

**Mayor Eberhart** declared the MOTION CARRIED.

- b) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the following Liquor License Application for Transfer of Ownership, Location and Name Change:

Type: Beverage Dispensary, License #4170

To: Tapas / Tapas, Inc.  
603 Lacey Street, Fairbanks, Alaska

From: Lavelle's Bistro / Café de Paris Catering Co.  
575 First Avenue, Fairbanks, Alaska

**Mr. Matherly**, seconded by **Mr. Walley**, moved to PROTEST the Liquor License Application for Transfer until a Certificate of Occupancy is issued for the premises.

Frank Eagle, 912 Kellum Street, Fairbanks – Mr. Eagle stated he would like to get stated on building Tapas as soon as possible.

**Mr. Cleworth** stated that he spoke with Mr. Eagle regarding free standing liquor licenses and that he is concerned that the Council has opened the door to other free standing bars. **Mr. Cleworth** stated that he wants to be sure that there be a condition put on the License that food must be served at the location.

**Mr. Cleworth**, seconded by **Mr. Gatewood**, moved to AMEND the MOTION TO PROTEST by placing a condition that food must be served at the new location until one hour before closing.

Mr. Eagle stated that he believes that a cocktail lounge downtown would not be a problem if the owner follows that law. He stated that if someone comes into the establishment inebriated, they would refuse service; he added that if someone is inebriated onsite they are asked to leave. **Mr. Cleworth** stated that he did not want the downtown area to suffer the way it did in the 1980's when the City had a problem with too many liquor licenses in the downtown area.

**Mr. Matherly** expressed agreement with Mr. Cleworth and stated that the Council should make liquor license decisions on an individual basis.

**Mr. Walley** asked **Mr. Eagle** if he was willing to serve food up to the last hour of operating hours. **Mr. Eagle** stated that if he had a New Year's Eve party he would not intend to keep the kitchen open until two o'clock in the morning. **Mr. Eagle** stated that he plans to serve food but that it is not cost effective to keep the kitchen open on special event nights.

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

**Mr. Pruhs** stated that he does not agree that the caveat be placed on **Mr. Eagle's** establishment. He stated that he agrees that looking at each license and voting it up or down is a better way for the Council to conduct business.

**Mr. Gatewood** stated that he and his wife love to go out to dinner at **Lavelle's** but that he also agrees with **Mr. Cleworth**. **Mr. Gatewood** stated that the Tap House was allowed because everyone in Fairbanks knows the history of the **Eagle-Lavelle** family, but that it would be very hard to grant the same allowances for someone that is unknown.

**Mr. Cleworth** stated that he is concerned with the consistency of the City Council on these types of issues.

**Mayor Eberhart** stated that his parents owned a restaurant and bar and that he does not believe that the Council should enforce food being served up to an hour before the establishment closes.

**Mr. Cleworth** stated that there are problems with the inebriate population downtown and that the Council should be smart and consistent in regard to the liquor license issue.

**Mayor Eberhart** stated that he believes the bar that is close to **Mr. Cleworth's** business may be of concern because there is a possibility that patrons are being over served.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE MOTION TO PROTEST BY PLACING A CONDITION THAT FOOD MUST BE SERVED AT THE NEW LOCATION UNTIL ONE HOUR BEFORE CLOSING AS FOLLOWS:

YEAS: Matherly, Gatewood, Cleworth  
NAYS: Walley, Pruhs  
ABSENT: Staley  
**Mayor Eberhart** declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE LIQUOR LICENSE APPLICATION FOR TRANSFER UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE PREMISES WITH THE CONDITION THAT FOOD MUST BE SERVED AT THE NEW LOCATION UNTIL ONE HOUR BEFORE CLOSING AS FOLLOWS:

YEAS: Matherly, Cleworth, Walley, Gatewood, Pruhs  
NAYS: None  
ABSENT: Staley  
**Mayor Eberhart** declared the MOTION CARRIED.

c) Memo Regarding Sale of Fire Chief Vehicle to Retiring Chief.

**Mr. Pruhs**, seconded by **Mr. Matherly**, moved to APPROVE the sale of the Fire Chief's vehicle to the retiring Fire Chief.

**Mr. Walley** expressed concern that if the retiring Chief purchased his City vehicle, a new Fire Chief would be left without a vehicle.

**Mayor Eberhart** stated that there is a backup vehicle for the new Chief if he is hired quickly.

**Mr. Gatewood** asked if the backup vehicle is only intended for temporary use or if it would be a permanent replacement for the Fire Chief's vehicle.

**Mayor Eberhart** stated that Chief Cummings included funding in his 2016 budget proposal for a new Fire Chief vehicle. **Mayor Eberhart** asked the City Purchasing Agent Shannon Kumpula for a staff report.

**Mr. Matherly** asked Ms. Kumpula for the year, make and model of the vehicle Chief Cummings would like to purchase from the City. Ms. Kumpula stated it is a 1997 Jeep Cherokee.

**Mr. Walley** stated that the Fairbanks General Code (FGC) prohibits the sale of City property to City employees.

**Mr. Cleworth** stated it is very rare for the City to sell things to an employee; he stated that if the Chief wants to purchase the vehicle, he should do so at auction.

**Mr. Gatewood** asked questions relating to the selling price of the vehicle. Ms. Kumpula stated that the price was based on Kelley Blue Book and National Automobile Dealers' Association (NADA) pricing and that the Chief's vehicle will be stripped of department-specific equipment. She stated it will lose value because of the "scars" remaining after all the extras are removed.

**Mr. Pruhs** asked if there would be any benefit to the Purchasing Department by selling the vehicle to the retiring Chief; Ms. Kumpula replied that it would make no difference.

**Mr. Cleworth** stated that he wishes that the Council could let the Chief purchase the vehicle but that it should be offered to all residents at public auction.

**Mr. Matherly** stated that a low-mileage, 19-year-old vehicle—even with minor damage—could sell at public auction for more than \$2,500.00. He added that the residents own the vehicle and that they should be given the opportunity to bid on it.

**Mr. Walley** stated that the City should keep the Chief's vehicle until a replacement is purchased.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE SALE OF THE FIRE CHIEF'S VEHICLE TO THE RETIRING FIRE CHIEF AS FOLLOWS:

YEAS: None  
NAYS: Matherly, Gatewood, Pruhs, Cleworth, Walley  
ABSENT: Staley  
**Mayor Eberhart** declared the MOTION FAILED.

### **MAYOR'S COMMENTS AND REPORT**

**Mayor Eberhart** stated that one of the reasons Randle Aragon was selected as Police Chief is because he wanted the department to have a shake-up; he added that Chief Aragon has a record of empathy. He stated that he had received several requests for an independent review of the handling of the Hartman/Fairbanks Four case and that Chief Aragon is in full support of it. **Mayor Eberhart** stated that the City supports an independent review of the case. He commented that the City will continue to follow the court proceedings and if some wrong doing by FPD comes to light, those at fault—assuming they are still employed by the City—would be disciplined or terminated. **Mayor Eberhart** stated that there are many fine employees at FPD and that he would like to see the rift that is seen in the community repaired. He stated that Chief Aragon has asked for two cold case investigators because some of the murders could be solved with more time and attention. **Mayor Eberhart** stated that there are 14 unsolved murders going back 30 years and that he supports the Chief's request to hire more help. **Mayor Eberhart** stated that he was unaware of Ms. Herbert's stolen car issue and requested that she contact his office or Chief Aragon to help resolve the issue. **Mayor Eberhart** stated that there was an earlier work session relating to the Polaris Building and that it is time for something to be done with the structure.

**Mayor Eberhart** thanked Ms. Staley for her service to the City over her three-year term. He presented Fire Chief Warren Cummings with a gold pan and thanked him for his 43 years of service to the City of Fairbanks. **Mayor Eberhart** presented Chief Financial Officer (CFO) Jim Soileau with a gold pan and thanked him for his 14 years of dedicated service to the City. Mr. Soileau thanked various employees for the help they had provided him over the years and stated he is going to miss them all.

**Mayor Eberhart** listed the many events and meetings he and his staff were involved in since the last Regular Council Meeting. He asked Council Members to address (during Council Members' Comments) Controller Carmen Randle's application for the CFO position or if they would like it to be publically advertised.

### **UNFINISHED BUSINESS**

- a) Ordinance No. 5991, as Amended – An Ordinance Amending the Operating and Capital Budgets for the Seventh Time. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

**Mr. Pruhs**, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5991, as Amended.

**Mr. Cleworth**, seconded by **Mr. Matherly**, moved to SUBSTITUTE Ordinance No. 5991, as Amended (Proposed Substitute), for Ordinance No. 5991, as Amended.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUBSTITUTE ORDINANCE NO. 5991, AS AMENDED (PROPOSED SUBSTITUTE), FOR ORDINANCE NO. 5991, AS AMENDED AS FOLLOWS:

YEAS: Pruhs, Gatewood, Cleworth, Matherly, Walley

NAYS: None

ABSENT: Staley

**Mayor Eberhart** declared the MOTION CARRIED.

**Mayor Eberhart** called for Public Testimony and, hearing none, declared Public Testimony closed.

**Mayor Eberhart** stated that he wanted to make a change to the Fire Department's budget and that he wants to keep the new hire on as a regular, full time employee. **Mayor Eberhart** asked Chief Cummings to come forward and explain the importance of the position. Chief Cummings stated that there should be a vacancy as early as next month so keeping the temporary, trained fire fighter as a regular full-time employee would save in training time and cost in the very near future. Chief Cummings stated that there are two fire fighters that will be moving out of state in the next calendar year.

**Mr. Cleworth** stated that he thought the department was fully staffed. Chief Cummings replied that there are three fire fighters leaving and that he needs the staff. **Mr. Cleworth** stated he does not like hiring temporary employees because it is like playing with a person's life. Chief Cummings stated in the past it was not a problem but with the future reduction in staff, it would behoove the City to make the temporary employee a full time staff member.

**Mr. Pruhs** asked Chief Cummings how many employees are on the payroll at the Fire Department; Chief Cummings replied there are 44 employees on the books. **Mr. Pruhs** asked if that number included the deployed fire fighter and Chief Cummings stated it did not include him because he is not currently on the payroll.

**Mr. Cleworth** agreed that if the department does not go above 44 employees he would support Ordinance No. 5991, as Amended.

**Mr. Cleworth**, seconded by **Mr. Pruhs**, moved to AMEND Ordinance No. 5991 to make the employee PERS-eligible effective immediately.

**Mr. Cleworth** stated the employee should be made full time and be fully-funded immediately. Chief Cummings requested that the employee be made full time and PERS-eligible as of the hire date of September 6, 2015. He stated that she was hired at the same time as two other employees and it would keep her equivalent with them.

**Mr. Cleworth**, seconded by **Mr. Pruhs**, moved to AMEND the MOTION TO AMEND by making the employee PERS-eligible effective back to the date of hire.

**Mr. Gatewood** requested that Chief of Staff Jim Williams give a staff report regarding the temporary employee before a vote is taken on the Motion to Amend. Mr. Williams stated that in



order to be compliant with the State of Alaska for PERS participation, he needs it to be made clear that the employee is no longer a temporary employee. Mr. Williams asked if the City would have to let the employee being discussed go if no one resigns before the deployed soldier returns to his position. He questioned whether the intent of the Council is to make the position a permanent position even if no one resigns before the deployed soldier returns.

Council Members reached a consensus that the intent is to keep the position in question and the deployed soldier as permanent employee, but that if no one resigns before the deployment ends, the next vacancy would not be filled. **Mr. Pruhs** stated that would bring the staffing level back down to 44 positions.

**Mr. Gatewood** asked when the soldier will return; Chief Cummings replied that he is scheduled to return in May of 2016.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5991, AS AMENDED, BY MAKING THE EMPLOYEE PERS-ELIGIBLE EFFECTIVE BACK TO THE DATE OF HIRE AS FOLLOWS:

YEAS: Gatewood, Walley, Pruhs, Matherly, Cleworth  
NAYS: None  
ABSENT: Staley  
**Mayor Eberhart** declared the MOTION CARRIED.

**Mr. Cleworth** stated that he wanted to be perfectly clear that when the next fire department vacancy occurs, the employee in question will fill that position and the City will not recruit.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5991, AS AMENDED, AS FOLLOWS:

YEAS: Cleworth, Pruhs, Walley, Matherly, Gatewood  
NAYS: None  
ABSENT: Staley  
**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 5991, as Amended, ADOPTED.

## 2015 MUNICIPAL ELECTION

### a) Certification of the 2015 Municipal Election Results

**Mr. Cleworth**, seconded by **Mr. Gatewood**, moved to CERTIFY the 2015 Municipal Election Results.

A ROLL CALL VOTE WAS TAKEN TO CERTIFY THE 2015 MUNICIPAL ELECTION RESULTS, AS FOLLOWS:

YEAS: Matherly, Cleworth, Walley, Gatewood, Pruhs  
NAYS: None

ABSENT: Staley

**Mayor Eberhart** declared the MOTION CARRIED and the 2015 Election Results CERTIFIED.

**Mr. Cleworth** requested that the Oaths of Office be completed prior to Council Members' Comments. No members objected to the change in the Order of Business.

b) Oaths of Office

City Clerk Danyielle Snider read the following 2015 Municipal Election results into the record:

**JOY HUNTINGTON**, having received the majority number of votes cast for CITY COUNCIL SEAT A, for a three-year term ending October 2018, is hereby declared elected as a Member of the Fairbanks City Council.

**PERRY WALLEY**, having received the majority number of votes cast for CITY COUNCIL SEAT B, for a three-year term ending October 2018, is hereby declared re-elected as a Member of the Fairbanks City Council.

**PROPOSITION A (Passed)**

Should City of Fairbanks Ordinance No. 5986, as Amended, An Ordinance Enacting a Retail Sales Tax on Marijuana and Referring the Ordinance for Ratification at the Next General Election, be ratified?

A "yes" vote ratifies Ordinance No. 5986, as Amended, and allows the City of Fairbanks to impose a 5% retail sales tax on any sale of marijuana within the City of Fairbanks.

A "no" vote rejects Ordinance No. 5986, as Amended, and no sales tax may be imposed by the City of Fairbanks on the sale of marijuana.

YES: 2901 TOTAL VOTES

NO: 556 TOTAL VOTES

City Clerk Snider swore in newly-elected Council Member Joy Huntington and re-elected Council Member Perry Walley.

**Ms. Huntington** assumed her seat on the City Council.

**Mayor Eberhart** called for a five-minute transition recess.

c) Council Member Comments

**Mr. Gatewood** thanked Ms. Staley for her service on the City Council and for always coming with a strong voice. **Mr. Gatewood** welcomed Ms. Huntington to the Council and stated that he appreciates the diversity she brings to the City Council.

**Mr. Matherly** stated that he enjoyed working with Ms. Staley and that he will miss her sense of humor. **Mr. Matherly** stated that he is happy Mr. Walley will remain on the Council and that he appreciates his financial mind. **Mr. Matherly** welcomed Ms. Huntington to the Council and remarked that he truly appreciates her name because she brought joy to him while he watched her campaign.

**Mr. Walley** stated that he was honored to serve on the Council with Ms. Staley and that he will miss working with her. **Mr. Walley** stated that the future is going to be more difficult because State funding is drying up. **Mr. Walley** welcomed Ms. Huntington to the Council.

**Mr. Cleworth** stated he said his goodbyes to Ms. Staley but that he wanted to add how helpful she had been on the Parking Authority Board. **Mr. Cleworth** stated that he hopes Ms. Huntington takes her time to get to know the Council and that she enjoys what she is doing. **Mr. Cleworth** stated that he is thankful that Mr. Wally is continuing to serve on the Council.

**Mayor Eberhart** thanked Ms. Staley for her service to the City of Fairbanks.

**Ms. Huntington** thanked the Council for their support and thanked Ms. Staley for giving her the push to run for Seat A. **Ms. Huntington** stated that she is a born and raised Fairbanksan and that she is honored to serve her City. **Ms. Huntington** thanked Mr. Pruhs for pushing her to run for office and for being a good mentor to her.

**Mayor Eberhart** gave Ms. Huntington a rundown on some of the projects the City Council is working on. **Mayor Eberhart** stated he is happy for the diversity that Ms. Huntington brings to the body and that he looks forward to working with her in the future.

## NEW BUSINESS

- a) Resolution No. 4693 – A Resolution Re-designating Check Signing Authority for Banking and Investment Accounts of the City of Fairbanks, Alaska. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Ordinance No. 5993 – An Ordinance to Amend FGC Section 2-61 Regarding the Mayor's Compensation. Introduced by Council Member Pruhs.

**Mr. Pruhs**, seconded by **Mr. Matherly**, moved to ADVANCE Ordinance No. 5993.

**Mr. Matherly** requested that Controller Carmen Randle to come forward to answer some questions. **Mr. Matherly** stated that he was confused about some of the numbers relating to the Mayor's compensation package.

**Mr. Pruhs** stated that he spoke with Ms. Randle and that currently, the Mayor's compensation package is \$80,000.00 per year. **Mr. Pruhs** stated the first year of his term he earns 120 hours of vacation, 200 hours in the second year, and 240 hours in the third. **Mr. Pruhs** stated he wanted

to make the Mayor's package neutral so he is proposing removing the vacation time and increasing the annual salary. He stated he did it to make the Mayor's package fall in line with those of other municipalities throughout the state.

Ms. Randle clarified that the Mayor earns leave for the first two years of his term at a rate of 120 hours per year and that his third term in office he earns 160 hours. Ms. Randle stated that leave only has value if it is cashed out and that if no leave is taken there is no value toward the Mayor's compensation package. Ms. Randle stated that the Mayor should be paid one salary amount and be given the choice whether to complete a timecard.

**Mr. Cleworth** thanked Mr. Pruhs for all the work he put into Ordinance No. 5993 and Ms. Randle for the information she presented. **Mr. Cleworth** stated that he used 22 days of leave during his three years in office and agreed with Mr. Pruhs that the Mayor's pay should be adjusted to compensate for the lost leave time.

**Mr. Matherly** stated that he was thinking that the Mayor's annual salary should be \$85,000.00-\$86,000.00.

Ms. Randle stated that the Mayor contributes \$3.96 per hour for his health care, which totals \$8,236.80 per year. Ms. Randle stated that the Council should take that into consideration when making their decision.

**Mr. Cleworth** pointed out that the Mayor does not have a choice to opt out of the pension plan. He explained that if a Mayor only serves one term, they lose all the money that they have contributed to the pension plan.

**Ms. Huntington** stated that Mr. Pruhs mentioned that many mayors throughout the state do not receive compensation packages and asked if there was any back-up information to illustrate that.

**Mr. Pruhs** stated that at the last meeting, the City Clerk provided Council Members with information relating to other Alaskan municipalities' mayoral compensation packages.

**Ms. Huntington** asked if the Mayor may cash in comp time. **Mayor Eberhart** stated he can cash out annual leave but that he cannot cash in comp time. **Ms. Huntington** asked how the mayor documents time off.

**Mr. Pruhs** stated that the Mayor would be a salaried position and that he would not have to submit a timecard. **Mr. Pruhs** stated that if the Mayor was not getting his job done that the Council would find out quickly.

**Mr. Matherly**, seconded by **Mr. Pruhs**, moved to AMEND Ordinance No. 5993 by setting the Mayor's salary at \$86,500.00.

A ROLL CALL VOTE WAS TAKEN TO AMEND ORDINANCE NO. 5993 BY SETTING THE MAYOR'S SALARY AT \$86,500.00, AS FOLLOWS;

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

NAYS: None  
**Mayor Eberhart** declared the MOTION CARRIED.

**Ms. Huntington** asked Mayor Eberhart how the salary change would affect him. **Mayor Eberhart** replied that he did not think it was right to change course mid-stream and that it should take effect when the next Mayor comes into office. **Mayor Eberhart** stated that he believes his package should be like all other employees and it should be subject to CPIU adjustments.

A ROLL CALL VOTE WAS TAKEN TO ADVANCE ORDINANCE NO. 5993, AS AMENDED, AS FOLLOWS;

YEAS: Matherly, Gatewood, Cleworth, Walley  
NAYS: Huntington, Pruhs  
**Mayor Eberhart** declared the MOTION CARRIED.

### COMMUNICATIONS TO COUNCIL

a) Board of Plumber Examiner Meeting Minutes of July 14, 2015.

ACCEPTED on the CONSENT AGENDA.

b) Fairbanks Diversity Council Meeting Minutes of September 8, 2015.

ACCEPTED on the CONSENT AGENDA.

### COUNCIL MEMBERS' COMMENTS

**Mr. Gatewood** requested that he be EXCUSED from the Regular City Council Meeting of November 9, 2015.

**Mayor Eberhart** called for objection to Mr. Gatewood's request to be EXCUSED from the November 9, 2015 City Council Meeting and, hearing none, so ORDERED.

**Mr. Gatewood** thanked Mr. Walley for his service for the past three years and stated he appreciates sitting next to him at Council Meetings. **Mr. Gatewood** stated how important it is for all members and the Mayor to be physically present as it makes debating more personal. **Mr. Gatewood** stated that open debate is the greatest asset of civilization.

**Mr. Walley** stated he took no issue with Ms. Randle being appointed as the CFO for the City of Fairbanks. **Mr. Walley** stated he would like to discuss the schedule for the upcoming budget meetings; he stated that he would support holding an all-day meeting rather than every morning. He asked other members to weigh in on the issue.

**Mr. Matherly** and **Mr. Pruhs** stated they liked the idea of consolidating the budget meetings into a one-day meeting rather than a week-long process.

**Mr. Walley** wished Mr. Soileau the best of luck in his future career. He thanked Chief Cummings for his 43 years of service to the City. **Mr. Walley** asked Engineer Bob Pristash if Cushman Street would be complete before winter; Mr. Pristash replied it would be open before winter.

**Mayor Eberhart** stated he would be available for two morning budget meetings on November 9 and 10 and requested the meetings be from 8:00 a.m. until noon both days.

**Mr. Gatewood** stated that he would not be available for either of those dates but commented that the Council could carry on with the budget meetings without him.

**Mayor Eberhart** asked Mr. Gatewood to speak to the appointment of Ms. Randle as the CFO.

**Mr. Gatewood** stated he thinks Ms. Randle is qualified for the position but he questioned whether it should be open to other applicants. **Mr. Gatewood** stated that he is reluctant to promote City employees without checking to see what other potential applicants might be out there.

**Ms. Huntington** spoke to the Fairbanks Four case and stated the importance of the Council moving forward in a positive direction relating to the case. **Ms. Huntington** stated that she believes competition is good in regard to the CFO position but stated that she feels that she is too new to the Council to make a determination regarding an appointment.

**Mr. Matherly** stated that he highly respected Mr. Soileau and that he is going to be sorely missed. **Mr. Matherly** stated he is glad that Ms. Randle applied for the CFO position and that he thinks she is the right person for the job. **Mr. Matherly** stated that he had complete respect for Chief Cummings and wished him the best of luck in the future. He spoke to Mr. Eagle's restaurant and stated that he did not believe that requiring food service until an hour before closing was a wise decision of the Council. **Mr. Matherly** stated that he would speak with City Attorney Paul Ewers to discuss reconsideration of that decision. **Mr. Matherly** stated that he is honored to serve with the Council and thanked everyone who came for public testimony. **Mr. Matherly** stated that he is closely following the Fairbanks Four case and that it is an emotional case to watch. **Mr. Matherly** stated that freezing rain is in the forecast and asked that everyone drive safely.

**Mayor Eberhart** stated that if Mr. Matherly wished to reconsider the decision to enforce that food be served until an hour before close of business he has until the end of the following business day to do so.

**Mr. Cleworth** shared his concern for hiring a new Fire Chief at the rate of pay Chief Cummings retired at. **Mr. Cleworth** stated that the new Chief would not have the longevity that Mr. Cummings had invested in his position and should not be paid that exact wage. **Mr. Cleworth** asked the Mayor if he had any idea when he would be nominating someone for the position.

**Mayor Eberhart** stated that he may have someone ready for nomination as soon as November 9.

**Mr. Cleworth** stated that the pay decision should be made prior to selecting the applicant.

**Mayor Eberhart** stated that he wants to offer the applicant 90% of Chief Cummings' departing wage. He agreed that the new applicant should not be paid what the current chief is paid.

**Mr. Cleworth** stated he was pleased to hear that the new chief would be offered the 90% rate. He asked if the City Engineer's package should be discussed now or later; Chief of Staff Jim Williams stated it should be discussed in the Finance Committee Meeting. **Mr. Cleworth** stated that the Police Department has a lot of public exposure and that the City receives complaints and compliments relating to officers. **Mr. Cleworth** stated that when he was Mayor, three officers were investigated and terminated but that there are also many exemplary officers. He stated that each day he is surprised by the information that is coming out in the Fairbanks Four case. He stated he thoroughly enjoyed working with Chief Cummings for so many years and that he has always had a tremendous amount of respect for him. **Mr. Cleworth** stated that Mr. Soileau has offered a wealth of knowledge over the years and that he will be greatly missed. He stated that it would be foolish for the Council to not appoint Ms. Randle to the CFO position. **Mr. Cleworth** stated that Ms. Randle was instrumental in the transition to the MUNIS software at the City.

**Mr. Pruhs** thanked Chief Cummings for his many years of dedicated service to the City. He stated that he appreciated Mr. Soileau's accurate financial information and that he will be missed. **Mr. Pruhs** stated that having Ms. Randle take over as CFO just makes sense because she has worked so closely with Mr. Soileau and would be able to hit the ground running. He stated that the Mayor has done a wonderful job in working with the community regarding the Fairbanks Four case. **Mr. Pruhs** welcomed Ms. Huntington to the Council and congratulated her on a job well done. He congratulated Mr. Walley on being re-elected and stated that he truly enjoys working with him. **Mr. Pruhs** also thanked Mr. Gatewood, Mr. Matherly and Mr. Cleworth for their service to the City.

**Mr. Gatewood** stated that is he has no issues with Ms. Randle being the new CFO but stated that he did not think it would be foolish not to appoint her. He stated that MUNIS is not exclusive to the City of Fairbanks and seeing potential applicants would not be a bad thing. **Mr. Gatewood** stated that if the Council selects Ms. Randle that it is fine with him but that there is a possibility that someone else out there could be good at the job.

### **CITY CLERK'S REPORT**

City Clerk Snider bid farewell to Mr. Soileau and Chief Cummings; she stated it has been a pleasure working with both of them.

**Mr. Matherly**, seconded by **Mr. Pruhs**, moved to go into Executive Session for the purpose of discussing International Brotherhood of Electrical Workers (IBEW) Labor Negotiations.

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

**Mayor Eberhart** called for a five minute recess.

## EXECUTIVE SESSION

### a) IBEW Labor Contract Negotiations

The City Council met in Executive Session to discuss IBEW Labor Negotiations. Direction was given to staff and no action was taken.

**Mr. Matherly**, seconded by **Mr. Pruhs**, moved to RECONSIDER the Application for Transfer of Liquor License #4170.

**Mr. Matherly** stated that the restaurant should not be required to serve food until one hour before closing.

A ROLL CALL VOTE WAS TAKEN TO RECONSIDER THE APPLICATION FOR TRANSFER OF LIQUOR LICENSE #4170 AS FOLLOWS:

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

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED.

**Mr. Matherly**, seconded by **Mr. Pruhs**, moved to PROTEST the Liquor License Application for Transfer until a Certificate of Occupancy is issued for the premises with the condition that food must be served at the new location.

**Mr. Cleworth** stated that in the past, establishments would purchase a microwave, serve food for one hour and call it good. **Mr. Cleworth** stated he is worried that this will become problematic; he stated he did not think Mr. Eagle would do that but that it is a very real concern.

**Mr. Pruhs** stated that this only applies to a specific liquor license and that it is not an entire ordinance; he stated he did not think that Mr. Eagle deserved the prior stipulation.

**Mr. Walley** stated that he understands Mr. Cleworth's concern and wanted to know how the police enforce would enforce such a stipulation.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE LIQUOR LICENSE APPLICATION FOR TRANSFER UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE PREMISES WITH THE CONDITION THAT FOOD MUST BE SERVED AT THE NEW LOCATION AS FOLLOWS:

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

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

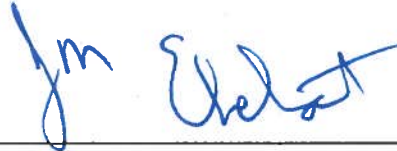
## ADJOURNMENT

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



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

**Mayor Eberhart** declared the Meeting adjourned at 10:58 p.m.



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JOHN EBERHART, MAYOR

ATTEST:



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D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB