



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JUNE 20, 2016
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, following a 6:00 p.m. Work Session to discuss a Possible Charter Amendment Regarding Candidacy Filing, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor John Eberhart presiding and with the following Council Members in attendance:

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

Absent: None

Also Present: Clem Clooten, Building Official
Ernie Misewicz, Assistant Fire Chief
Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Stephanie Johnson, Dispatch Center Manager
Carmen Randle, Chief Financial Officer
Stephen Anderson, Plans Examiner
Brad Johnson, Deputy Police Chief
Stephanie Johnson, Dispatch Manager
Jackson Fox, City Engineer

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

CITIZEN'S COMMENTS

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney spoke to the Clay Street Cemetery maintenance contract and commended Public Works for doing a good job at the cemetery. He stated that he will be signing up to run for Mayor against Eberhart and Matherly. He stated he wanted to know who supplied Ms. Monzingo with his 2015 Clay Street Cemetery bid amount.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger spoke to concerns with how the City uses tax dollars, and he spoke to the Cushman Street project. He stated that with all the trees and new street lights, Cushman Street looks like Disneyland.

Jerald Harrison, 723 27th Avenue, Fairbanks – Mr. Harrison spoke to some of the social and economic concerns he has. He stated that racism is destructive and contagious and commented that the middle class have it too easy. He spoke to his concerns with undocumented workers taking all of the good jobs and stated that the job market would flourish if they all got sent home.

Terry Rahlfs, 1003 8th Avenue, Fairbanks – Mr. Rahlfs spoke to his concern with the way the Clay Street Cemetery lawn maintenance contract award was handled. He asked many questions that he wanted answers to relating to the contract being awarded then rescinded. He demanded answers from the Mayor and Council as to why the process was not transparent.

Mr. Pruhs stated that at the May 9, 2016 meeting, he asked the Purchasing Agent if the contract had been awarded; he stated that her response was no. He stated that the contract was awarded on May 6, and that the Purchasing Agent was wrong.

Mr. Cleworth asked Mr. Rahlfs exactly what information he was requesting. Mr. Rahlfs replied that there were eight emails he was not provided in his information request; he stated that the records were withheld citing AS 40.25.120.

Mr. Matherly asked Mr. Rahlfs if it was proper for Ms. Monzingo to have asked for Mr. Turney's bid from 2015. Mr. Rahlfs stated that he would have released the numbers because it is a public record.

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. Pruhs pulled Resolution No. 4747 and Resolution No. 4748 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 Request for an Extension of Premises for a Beverage Dispensary License.

Type: Beverage Dispensary, License #270
DBA: Lavelle's Taphouse
Requestor: Arlette Eagle-Lavelle
Physical Location: 414 2nd Avenue, Fairbanks, Alaska

Mr. Pruhs, seconded by **Mr. Gatewood**, moved to PROTEST the extension of premises until a building permit is issued and until inspections are passed to verify occupant load and egress.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE EXTENSION OF PREMISES UNTIL A BUILDING PERMIT IS ISSUED AND UNTIL INSPECTIONS ARE PASSED TO VERIFY OCCUPANT LOAD AND EGRESS AS FOLLOWS:

YEAS: Gatewood, Rogers, Pruhs, Matherly, Huntington, Cleworth
NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart spoke to the importance of employee benefits and suggested that increasing employee benefits may help solve the City's retention issue. He spoke to the many activities the Mayor's Office has been involved with since the last Regular Council Meeting. **Mayor Eberhart** spoke to the outsourcing of the IT Department, and stated that AlasConnect has been onsite every day helping with the transition. He spoke to the possibility of a sleep-off center in Fairbanks.

UNFINISHED BUSINESS

- a) Ordinance No. 6017 – An Ordinance to Amend FGC Chapter 30, Article II International Fire Code, by Adopting the 2015 International Fire Code with Local Amendments. Introduced by Mayor Eberhart.

Mr. Pruhs, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 6017.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6017 AS FOLLOWS:

YEAS: Matherly, Cleworth, Rogers, Huntington, Gatewood, Pruhs
NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 6017 ADOPTED.

- b) Ordinance No. 6018 – An Ordinance to Amend FGC Chapter 10, Article XVI International Energy Conservation Code, by Adopting the 2015 International Energy Conservation Code with Local Amendments. Introduced by Mayor Eberhart.

Mr. Matherly, seconded by **Mr. Pruhs**, moved to ADOPT Ordinance No. 6018.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6018 AS FOLLOWS:

YEAS: Rogers, Matherly, Gatewood, Pruhs, Cleworth, Huntington
NAYS: None
Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 6018 ADOPTED.

- c) Ordinance No. 6019 – An Ordinance Adopting the 2015 International Existing Building Code with Local Amendments. Introduced by Mayor Eberhart.

Mr. Matherly, seconded by **Ms. Huntington**, moved to ADOPT Ordinance No. 6019.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6019 AS FOLLOWS:

YEAS: Huntington, Matherly, Gatewood, Pruhs, Cleworth, Rogers
NAYS: None
Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 6019 ADOPTED.

- d) Ordinance No. 6020 – An Ordinance to Amend FGC Chapter 10, Article VII, by Adopting the 2015 City of Fairbanks Code for the Abatement of Dangerous Buildings. Introduced by Mayor Eberhart.

Mr. Pruhs, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 6020.

Frank Turney – Mr. Turney spoke to the old dairy that needs to be torn down and stated that if it were in a more visible area, the City would have taken it down. He requested that the Council consider the structure for an abatement project.

Victor Buberger – Mr. Buberger asked what the definition of a dangerous building is.

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

Mr. Cleworth asked City Attorney Paul Ewers if the old dairy could be determined to be a dangerous building. Mr. Ewers stated that while the building is not aesthetically pleasing, it is not considered a dangerous building. He stated that the structure is on private property so the City cannot take action to demolish it.

Mayor Eberhart stated that Building Official Clem Clooten has said that unless there is a code change, the dairy cannot be torn down by the City.

Mr. Ewers stated that if Mr. Clooten takes another look at the old dairy and determines that it has significantly deteriorated then the City may take action.

Mr. Pruhs read from the Code and stated that the property has been abandoned for a long time. He stated that maybe it is time for the City to get aggressive with the property owner.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6020 AS FOLLOWS:

YEAS: Cleworth, Pruhs, Rogers, Huntington, Matherly, Gatewood
NAYS: None
Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 6020 ADOPTED.

- e) Ordinance No. 6021 – An Ordinance to Amend FGC Chapter 10, Article II, by Adopting the 2015 City of Fairbanks Administrative Code. Introduced by Mayor Eberhart.

Mr. Matherly, seconded by **Mr. Pruhs**, moved to ADOPT Ordinance No. 6021.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6021 AS FOLLOWS:

YEAS: Pruhs, Gatewood, Huntington, Cleworth, Matherly, Rogers
NAYS: None
Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 6021 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4747 – A Resolution Authorizing the City of Fairbanks to Apply for Funds from the Alaska Transportation Alternatives Program for the Chena Riverwalk Project. Introduced by Mayor Eberhart.

Mr. Matherly, seconded by **Ms. Huntington**, moved to APPROVE Resolution No. 4747.

Mr. Pruhs explained that FMATS has funding but no shovel-ready project to use those funds toward. He stated that extending the Chena Riverwalk would be a good benefit to the community with no cost to the City of Fairbanks.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4747 AS FOLLOWS:

YEAS: Gatewood, Rogers, Pruhs, Matherly, Huntington, Cleworth
NAYS: None
Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4747 APPROVED.

- b) Resolution No. 4748 – A Resolution Authorizing the City of Fairbanks to Apply for Funds from the Alaska Transportation Alternatives Program for the Carlson Center 2nd Avenue Sidewalk Connector Project. Introduced by Mayor Eberhart.

Mr. Pruhs, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4748.

Mr. Pruhs explained that the resolution is in regard to a Borough-proposed project to connect the sidewalks on both sides of the street by the Carlson Center. He stated the Borough will provide \$55,321.00 for the project, the City will add a 20% match. He stated that the City would maintain the sidewalk after completion.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4748 AS FOLLOWS:

YEAS: Matherly, Cleworth, Rogers, Huntington, Gatewood, Pruhs
NAYS: None
Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4748 APPROVED.

DISCUSSION ITEMS

Polaris Building Work Group – **Mr. Pruhs** stated he missed the meeting and that he has a call in to Trina Bailey. He stated that he will have a more complete report at the next Council Meeting.

Golden Heart Parking Services (GHPS) – **Mr. Cleworth** invited the Council to ask questions about the GHPS board meetings if they have any. He stated that nothing out of the ordinary happens at the meetings so that is why he typically does not provide a report.

FMATS Policy Committee – **Mr. Pruhs** stated that FMATS met recently to discuss the two resolutions that were passed by the Council under New Business.

COMMUNICATIONS TO COUNCIL

- a) Request for Concurrence: City Attorney's Re-appointment to the AMLJIA Board of Trustees

APPROVED on the CONSENT AGENDA

- b) Memo Regarding Board of Adjustment Appeal Withdrawal (GR2016-082)

ACCEPTED on the CONSENT AGENDA

- c) Board of Plumber Examiner Meeting Minutes of March 15, 2016

ACCEPTED on the CONSENT AGENDA

- d) Fairbanks Diversity Council Meeting Minutes of May 10, 2016

ACCEPTED on the CONSENT AGENDA

- e) Chena Riverfront Commission Meeting Minutes of May 11, 2016

ACCEPTED on the CONSENT AGENDA

COUNCIL MEMBERS' COMMENTS

Mr. Gatewood requested to be excused from the Regular Council Meeting of July 11, 2016.

Mayor Eberhart called for objection to Mr. Gatewood's request to be excused on July 11, 2016 and, hearing none, so ORDERED.

Ms. Rogers spoke to the many meetings she attended since the last Council meeting and encouraged neighborhood development with collaboration of the arts. She spoke to the importance of a sleep-off center and spoke against referring to people as "inebriates." She stated that instead they should be referred to as people.

Mayor Eberhart stated that he recently spoke with Department of Corrections Commissioner Dean Williams. He stated that in the near future, incapacitated people will not be taken in at the Fairbanks Correctional Center. He echoed Ms. Rogers' comments on the importance of having a stand-alone recovery or sleep-off center.

Ms. Huntington echoed Ms. Rogers' comments regarding incapacitated people, and stated that hearing it is like a breath of fresh air. She spoke to the Work Session regarding candidacy filing and stated that she learned a lot from the session. She spoke to the issues surrounding the maintenance contract for the Clay Street Cemetery and shared her concern that it appears to not be a transparent process. She stated she would like to avoid such issues in the future and that she wants people to trust the City.

Mr. Matherly recommended that the old dairy be torn down. He stated that if the walls fell in on someone inside, it could be days or weeks before they were found. He spoke to the Clay Street Cemetery maintenance contract and asked Mayor Eberhart to explain the inappropriate actions that occurred in the process.

Mayor Eberhart clarified that his words were "inappropriate channels of communication" and that he was out of town during the bid opening. He stated that he has put great faith in his Chief

of Staff and HR Director and that he took their recommendation to rescind the award. **Mayor Eberhart** stated he is limited in what he can say because there is currently a records request appeal being dealt with on the matter. He stated that neither Mr. Turney nor Ms. Monzingo were on the invitation list for the Invitation to Bid and commented that that was not appropriate. He stated that Mr. Jacobson interviewed Public Works employees and found out that someone from the department gave Mr. Turney's 2015 bid numbers to Ms. Monzingo. **Mayor Eberhart** spoke to the work that Public Works will do at the cemetery that is outside the scope of the contract. **Mr. Matherly** asked Mayor Eberhart which City Employee gave Ms. Monzingo the 2015 bid numbers. **Mayor Eberhart** stated it was someone working at Public Works; he stated that he would not share a name because he has not spoken to them himself. **Mr. Matherly** asked if the maintenance at the Clay Street Cemetery is already in the Public Works Department's budget and how much it will cost. **Mayor Eberhart** stated that he thought it would cost about \$10,000.00. He stated that he met with Ms. Monzingo and that she is no longer interested in the contract. He stated that the contract will go out for bid again in 2017. **Mr. Matherly** stated that the contract should have been handled better and that the Council was told to steer clear of the issue. **Mayor Eberhart** stated that there are changes that need to be made to the Purchasing Code to ensure the situation never occurs again.

Mr. Cleworth stated the Procurement Code is a good code; he added that as a courtesy to Mr. Rahlfs, the questions he posed should be answered. He asked City Attorney Paul Ewers to explain why some of the emails were withheld from Mr. Rahlfs' request. Mr. Ewers stated he is working on the appeal and that he has not yet reached a decision. **Mr. Cleworth** spoke to some changes the Governor is trying to make; he stated that Council Members need to be vigilant because it could affect City tax revenues. He spoke to an article in *The Economist* relating to potholes and stated the City should look into new technologies for repairing streets.

Mr. Pruhs thanked the Mayor for sharing information on the Clay Street Cemetery bid and spoke to the importance of records requests being tracked. He spoke to health insurance and tossed around the idea of all City employees being on the same insurance plan. **Mr. Pruhs** spoke to the fast response to a 9-1-1 call he made and to how helpful City Dispatch personnel were. He stated that within a minute-and-a-half, a City employee was onsite ready to help the individual in need. He commended Dispatch Manager Stephanie Johnson on the professionalism of her staff.

Mr. Pruhs, seconded by **Ms. Huntington**, moved to go into Executive Session for the purpose of discussing Fairbanks Firefighters Union (FFU) Labor Negotiations.

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

Mayor Eberhart called for a five minute recess.

EXECUTIVE SESSION

- a) Fairbanks Firefighters Union Labor Negotiations


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

ADJOURNMENT

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


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

Mayor Eberhart declared the meeting adjourned at 9:48 p.m.



JOHN EBERHART, MAYOR

ATTEST:



D. DANYELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB