



**FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, MAY 9, 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 pro tem Jerry Cleworth presiding and with the following Council Members in attendance:

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

Absent: Seat B, Vacant
Mayor Eberhart (Excused)

Also Present: Clem Clooten, Building Official
Paul Ewers, City Attorney
D. Danyielle Snider, City Clerk
Emily Braniff, Deputy City Clerk
Stephanie Johnson, Dispatch Center Manager
Ben Barrio, IT Director
Angela Foster-Snow, HR Director
Pat Smith, Development Manager
Randall Aragon, Police Chief
Bob Pristash, City Engineer IV
Jeff Jacobson, Chief of Staff
Jim Styers, Fire Chief
Denise Kendrick, Payroll Clerk
Shannon Kumpula, Risk Manager
Carrie Peterson, Controller

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor pro tem Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger stated he did not have an issue with the Polaris Building and that he has spoken with dozens of people who also have no issue with it.

Mr. Buberger stated that if the City is so broke that it cannot afford a public restroom then it should not have enough money to purchase the Polaris Building note. He stated that the Polaris Building is not bothering anyone and that the City should allow Marc Marlow to do with it what he wishes. He asked how Mr. Pruhs and Mr. Matherly would benefit from the sale of the Polaris Building because they are both pushing so hard to make it happen.

Denise Kendrick, P.O. Box 58061, Fairbanks – Ms. Kendrick spoke of her duties as the International Brotherhood of Electrical Workers (IBEW) Shop Steward and as a Payroll Accounting Specialist in the Finance Department. She stated that she has worked for the City for 16 years and that during such time, she has never received any reprimands or disciplinary actions against her. She stated that she has been through numerous payroll audits and has never been cited with errors. Ms. Kendrick stated that last time she came before the Council it was to receive an employee award for Professional Achievement. She addressed the egregious and defamatory statements that were made about her at the April 11, 2016 Regular City Council Meeting and stated that she wants to set the record straight. Ms. Kendrick stated that she did not take it upon herself to change the Fire Chief's wage and benefit package, but that she was directed by the Mayor's staff to make the changes. She stated that at the April 11 meeting, over thirty minutes were spent slamming her character; she stated that at the April 25 Council Meeting, only a thirty second apology was given. Ms. Kendrick stated that the short apology did not correct the record, and she asked the Council to reconsider the Fire Chief's wage and benefit vote. She asked the Council to review the facts, correct the record, and clear her good name.

Jerald Harrison, 723 27th Avenue, Fairbanks – Mr. Harrison spoke to the Mayor's APOC fine and the subsequent \$15,000.00 legal bill. He stated that politicians steal but they do not go to prison for it and added that politicians should have to take responsibility for their wrongdoings.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that the City should block the streets around the Polaris Building and blow it up. He spoke to the minimal fine the Council attached to the violation in the pet excrement ordinance and spoke to the dangers of parvo in dogs. Mr. Turney stated that for the past 16 years he has been the caretaker of the grounds at the Clay Street Cemetery and he shared his disappointment that another company will now be maintaining the property. He shared his bewilderment that the low bidder came in one hundred dollars below his bid and stated that someone from the City had to have given out his bid amount. Mr. Turney stated that the way the maintenance RFP went out to bid was not right and that it shows the dark side of politics.

John Ferree, 2711 Chief Alexander Drive, Fairbanks – Mr. Ferree stated that he is in attendance to support Denise Kendrick. He stated that he is representing the IBEW and that he cannot support the defamatory comments that were made about Ms. Kendrick by the City's Chief Financial Officer.

Deb Hickok, 101 Dunkel Street, Fairbanks – Ms. Hickok spoke to the Polaris Building resolution and on behalf of Explore Fairbanks. She stated that in conjunction with the Fairbanks Arts Association, her organization has been assessing the feasibility of building a convention center and performing arts center on the Polaris Building property after it is torn down. She spoke in favor of Resolution No. 4732 and asked that the Council approve it.

June Rogers, P.O. Box 74044, Fairbanks – Ms. Rogers stated that she supports Resolution No. 4732. She spoke in support of the development of the downtown area and thanked Mr. Pruhs for the diligent work he has put into the resolution. She thanked Mr. Cleworth for asking her to Chair the Complete Streets Committee and stated that she has enjoyed watching things come to fruition.

Jessica Peña, 1710 Red Fox Drive, Fairbanks – Ms. Peña stated that she is in attendance to speak on behalf of the Fairbanks Arts Association and that she supports Resolution No. 4732. She stated that the long term vision for the City would benefit greatly if the Polaris Building was torn down and a performing arts center was built in its place.

Stephanie Johnson, 2702 Chief Alexander Drive, Fairbanks – Ms. Johnson thanked everyone for all the support given to the Mepsted family after their house fire.

Hearing no more requests for public comment, **Mayor pro tem Cleworth** declared Public Testimony closed.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mayor pro tem Cleworth asked that Hand-Carried Resolution No. 4733 be added to the Agenda.

There was no objection to adding Hand-Carried Resolution No. 4733 to the Agenda.

Mr. Pruhs pulled Resolution No. 4732 and the Memo of Appointment to the Clay Street Cemetery Commission from the Consent Agenda.

Mr. Gatewood pulled the Memo to Approve Re-assignment of Purchasing Dates from the Consent Agenda.

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

Deputy Clerk Braniff read the Consent Agenda, as Amended, into the record.

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of February 22, 2016.

APPROVED on the CONSENT AGENDA.

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 Location and Restaurant Designation Permit:

Type: Restaurant/Eating Place, License #3381
To: Food Factory / CNR Enterprise, LLC
275 Bentley Trust Road, Fairbanks, Alaska
From: Food Factory / CNR Enterprise, LLC
44 College Road, Fairbanks, Alaska

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

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

Mr. Pruhs stated he only wishes to protest until a Certificate of Occupancy is issued by the City. He stated that the new location will be wonderful addition to the City.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE LIQUOR LICENSE APPLICATION FOR TRANSFER OF LOCATION UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE PREMISES AS FOLLOWS:

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

Mayor pro tem Cleworth declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor pro tem Cleworth stated he would hold his remarks until Council Member comments.

Mayor pro tem Cleworth read aloud a memo from Mayor Eberhart requesting that Mr. Pruhs be appointed to the FMATS Policy Committee since Mr. Walley was no longer on the Council.

Mr. Gatewood, seconded by **Ms. Huntington**, moved to ASSIGN Mr. Pruhs as the Council representative on the FMATS Policy Committee.

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

Mayor pro tem Cleworth asked Police Chief Randal Aragon to come forward; he read aloud a Proclamation recognizing 2016 National Police Week.

NEW BUSINESS

- a) Resolution No. 4732 – A Resolution Authorizing Purchase of an Option on the First Deed of Trust Against the Polaris Hotel in the Amount of \$130,000.00. Introduced by Council Member Pruhs.

Mr. Pruhs, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4732.

Mr. Pruhs stated that nothing has been done at the Polaris Building for a long time and that it is time for the City to get involved. He stated that the building was condemned by the City in 2012 and that Mr. Marlow has done nothing to rectify the issues. He stated that approving the funds to purchase the option would show Mr. Marlow that the City is serious. **Mr. Pruhs** spoke to how many residents have complained to him about the need to make something happen to the dilapidated building. He compared the Polaris Building to the “ground zero” in redeveloping the downtown area. He stated that purchasing the first deed would put the City of Fairbanks in a good position to get the ball rolling and get the property developed.

Ms. Huntington stated that the Polaris Building is one of the properties she had an issue with prior to becoming a Council Member and that she is happy the issue is being addressed.

Mr. Cleworth gave a brief history of his involvement with Mr. Marlow relating to the Polaris Building. He asked Mr. Ewers whether the City could take possession of the building if it actively pursued the condemnation of the structure. He asked if the City has to have possession of the property in order to abate it.

Mr. Ewers stated that the City has already condemned the building and that Mr. Marlow has lost the right to litigate the case.

Mr. Cleworth asked if the City would have to purchase the note in order to begin the abatement.

Mr. Pruhs stated that if a municipal entity is in possession of the note, it would make it much easier to find funding sources to help with the cost of the abatement. He stated that there is an upcoming meeting to further discuss the possibility of tearing the building down and how to drive down demolition costs.

Mr. Cleworth requested that the City be released from having to spend \$130,000.00 to purchase the note if the Senator’s Office extends funding for demolition.

Mr. Pruhs stated that it is a possibility.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4732 AS FOLLOWS:

YEAS: Matherly, Gatewood, Pruhs, Cleworth, Huntington

NAYS: None

Mayor pro tem Cleworth declared the MOTION CARRIED and Resolution No. 4732 APPROVED.

- b) Ordinance No. 6010 – An Ordinance Amending Fairbanks General Code Chapter 46, Article IV, Division 3 Littering, by Adding a Violation for Failing to Remove Pet Excrement and Adding a Reference in Chapter 6 Animals. Introduced by Council Members Cleworth and Pruhs.

ADVANCED on the CONSENT AGENDA.

- c) Hand-Carried Resolution No. 4733 – A Resolution Awarding a Contract to HC Contractors, Inc. for the Bjerremark Subdivision Improvement Project ITB 16-11 in the Amount of \$632,652.00. Introduced by Mayor Eberhart.

Mr. Matherly, seconded by **Mr. Pruhs** moved to APPROVE Hand-Carried Resolution No. 4733.

Mr. Cleworth requested a Staff Report from City Engineer IV Bob Pristash.

Mr. Pristash stated that the contractor's bid came in below the Engineering Department's budget for the project. He stated that the remaining grant funds that were allotted have been earmarked for beautification projects in the Bjerremark Subdivision.

Mr. Cleworth asked if there had been recent changes to the project.

Mr. Pristash stated that some of the signage had been changed to reduce costs; he added that some changes will create better durability of the traffic circles.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE HAND-CARRIED RESOLUTION NO. 4733 AS FOLLOWS:

YEAS: Huntington, Matherly, Gatewood, Pruhs, Cleworth

NAYS: None

Mayor pro tem Cleworth declared the MOTION CARRIED and Resolution No. 4733 APPROVED.

COMMUNICATIONS TO COUNCIL

- a) Proposed Findings and Conclusions: Board of Adjustment Appeal CU2016-001

Mr. Pruhs, seconded by **Mr. Matherly**, moved to APPROVE the Proposed Findings and Conclusions for the Board of Adjustment Appeal CU2016-001.

Mr. Pruhs stated that he agrees with the proposed findings.

Ms. Huntington thanked Mr. Ewers for his well-balanced approach in the Findings of Fact. She stated she would be voting in favor of approving the Findings and Conclusions.

Mr. Gatewood asked if he could vote on the Findings and Conclusions since he recused himself from last vote regarding the appeal.

Mr. Ewers recommended that Mr. Gatewood abstain from voting on the Findings and Conclusions.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE PROPOSED FINDINGS AND CONCLUSIONS FOR THE BOARD OF ADJUSTMENT APPEAL CU2016-001 AS FOLLOWS:

YEAS: Cleworth, Pruhs, Huntington, Matherly

NAYS: None

ABSTAIN: Gatewood

Mayor pro tem Cleworth declared the Findings and Conclusions APPROVED.

b) Memo to Approve Re-assignment of Purchasing Duties

Mr. Pruhs, seconded by **Mr. Gatewood** moved to APPROVE the Memo regarding the Re-assignment of Purchasing Duties.

Mr. Gatewood asked if another position was being created in the Finance Department.

Mr. Cleworth stated that a new position is not being created. He clarified that a position which will soon be vacant will be divided and that the purchasing functions will go to the Finance Department.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE MEMO REGARDING THE RE-ASSIGNMENT OF PURCHASING DUTIES AS FOLLOWS:

YEAS: Pruhs, Gatewood, Huntington, Cleworth, Matherly

NAYS: None

Mayor pro tem Cleworth declared the Memo APPROVED.

c) Permanent Fund Review Board Meeting Minutes of January 25, 2016

ACCEPTED on the CONSENT AGENDA.

d) Clay Street Cemetery Commission Meeting Minutes of February 3, 2016

ACCEPTED on the CONSENT AGENDA.

e) Appointment to the Clay Street Cemetery Commission

Mr. Pruhs, seconded by **Mr. Matherly**, moved to APPROVE the Appointment to the Clay Street Cemetery Commission.

Mr. Pruhs asked about the RFP for the Clay Street Cemetery maintenance contract; he asked Mr. Ewers if the City is required by law to award to the lowest bidder.

Mr. Ewers stated that the RFP is not on the agenda so the Council cannot discuss it under the current agenda item. He stated that Mr. Pruhs could address the issue during Council Members' Comments.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE APPOINTMENT TO THE CLAY STREET CEMETERY COMMISSION AS FOLLOWS:

YEAS: Gatewood, Pruhs, Matherly, Huntington, Cleworth

NAYS: None

Mayor pro tem Cleworth declared the MOTION CARRIED.

COUNCIL MEMBERS' COMMENTS

Ms. Huntington stated that it was sad and lonely without Mr. Walley in the seat next to her and that she looks forward to a replacement. She spoke to the Mepsted family's loss and stated that she is grateful no lives were lost. She thanked Mr. Pruhs for all the work he has been putting in concerning the Polaris Building.

Mr. Gatewood spoke to the Women of Distinction dinner and stated that it is a great service to the community. He stated that Bonnie Johnson, Jennifer Jolis and Corlis Taylor were all honored at the dinner put on by the Farthest North Girl Scouts Council.

Mr. Pruhs thanked the Council for voting to purchase an option on the Polaris Building note. He extended his thoughts and prayers for the families of Trooper Gabe Rich and Trooper Scott Johnson because they are reliving the tragedy of their loved ones' deaths in court. He spoke to the tabulation of bids for the Clay Street Cemetery maintenance RFP and asked Risk Manager Shannon Kumpula if the contract had been let out yet.

Ms. Kumpula replied that the contract had not yet been signed.

Mr. Pruhs asked Mr. Ewers if the City had to award the contract to the lowest bidder.

Mr. Ewers stated that it depends on the language of the contract; he stated that the award usually goes to the best, responsive bidder. He stated that the low bid is not the end all of a contract award and added that other factors can be taken in to consideration.

Mr. Pruhs stated that Mr. Turney has maintained the cemetery for 16 years and that he gives tours to visitors. He stated that the Monzingo's bid came in just \$100.00 below Mr. Turney's bid and that the contract should stay with Mr. Turney.

Mr. Matherly stated that he agrees with Mr. Pruhs that Mr. Turney provides an invaluable service at the cemetery. He stated that the Polaris Building is dangerous and needs to be addressed. He stated that his wife is his woman of distinction. He encouraged everyone to get out and help on Clean-Up Day. He spoke to the morale issue at the City and apologized to Denise Kendrick for any hurt feelings he may have caused.

Mayor pro tem Cleworth stated that he received a phone call from one of the Magistrates at the court who wanted the City to be aware of a new crime bill taking effect. He requested that Mr. Ewers take a look at the bill and advise the Council on how the Code may need to be amended to correspond with the State changes. **Mayor pro tem Cleworth** stated that it has been an honor to work with Shannon Kumpula and that he has enjoyed her positive attitude. He asked Chief of Staff Jacobson what the policy is on employees attending Council Meetings; he stated there are a number of employees in attendance and asked if they all needed to attend.

Mr. Jacobson stated that staff should only attend meetings if they have an item they may need to address at the meeting.

Mayor pro tem Cleworth agreed with Mr. Jacobson.

ADJOURNMENT

Mr. Matherly, seconded by **Mr. Pruhs**, 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 8:17 p.m.



JOHN EBERHART, MAYOR

ATTEST:



D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB