



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JULY 11, 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 Work Session to discuss the Chief Andrew Isaac Health Center (CAIHC) Expansion/Land Acquisition, 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
Jim Matherly, Seat D
Jerry Cleworth, Seat E
David Pruhs, Seat F

Absent: Bernard Gatewood, Seat C (Excused)

Also Present: Ernie Misewicz, Assistant Fire Chief
Paul Ewers, City Attorney
Jeff Jacobson, Chief of Staff
D. Danyielle Snider, City Clerk
JB Brainerd, Deputy City Attorney
Ben Barrio, AlasConnect Representative
Angela Foster-Snow, HR Director
Randall Aragon, Police Chief
Annie Witt, Interim Public Works General Foreman
Tammy Misrasi, Communications Director
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

Jerald Harrison, 723 27th Avenue, Fairbanks – Mr. Harrison spoke to government corruption and accused Mayor Eberhart and Ms. Huntington of criminal conspiracy. He accused Mayor Eberhart of being a psychopath. He stated that Ms. Huntington is “being naughty” and “should be spanked.” Ms. Huntington interjected and stated that Mr. Harrison’s comments were out of order; she stated that he should leave if he is going to make such comments.

Mayor Eberhart reminded Mr. Harrison that his comments should be directed to the body as a whole and not to any particular Council Member.

Mr. Harrison made no further comments.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney thanked Interim Public Works Director/Chief of Staff Jeff Jacobson for all the hard work he did at the cemetery during a Clay Street Cemetery Commission work party. He spoke to the recent shootings; he stated that race divides people and that all lives matter. Mr. Turney stated that the taxes and expense of legal marijuana is going to drive people back to the free market. He spoke to the old dairy on 2nd Avenue and to the need for the City to tear it down; he asked if any of the Council members drove by to check it out.

Vivian Stiver, 1420 Moore Street, #10, Fairbanks – Ms. Stiver spoke to the differences between medical and recreational marijuana. She spoke to the handouts she provided for the Council. She shared her concern for allowing another intoxicant on the streets, and she spoke to the public safety issue it presents. Ms. Stiver stated that the use of recreational marijuana increases the suicide rate in teenagers. She offered additional information to anyone interested.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger reported that he called 9-1-1 because he came across a man lying on the ground and not moving. He stated that when he called 9-1-1, he got a recording and that it took several minutes to speak to a live person. He stated that 9-1-1 is a waste of time and resources. He spoke to the need for public restrooms in Fairbanks.

Floyd Terry, P.O. Box 73514, Fairbanks – Mr. Terry spoke to the poor maintenance of the porta-potty downtown. He spoke to the safety issue of having no crosswalk downtown in front of the Yukon Quest log cabin. He spoke to the community's desire to have a skating rink in the City.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Cleworth pulled Resolution No. 4753, Ordinance No. 6027, the Memo Regarding City Representation on the FNSB Planning Commission, and the Appointment to the Hotel/Motel Discretionary Fund Committee 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.

APPROVAL OF PREVIOUS MINUTES

- a) Regular Meeting Minutes of March 21, 2016.

APPROVED on the CONSENT AGENDA.

- b) Regular Meeting Minutes of April 11, 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 Application for a New Malt Beverage and Wine License:

Type: Wholesale Malt Beverage & Wine, License #5500
DBA: K & L Distributors Alaska
Licensee: White Mountain Beverage, LLC
Physical Location: 945 Elizabeth Street, Fairbanks, Alaska

Mr. Pruhs, seconded by **Mr. Matherly**, moved to WAIVE PROTEST on the Application for a New Malt Beverage and Wine License

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE APPLICATION FOR A NEW MALT BEVERAGE AND WINE LICENSE AS FOLLOWS:

YEAS: Rogers, Pruhs, Matherly, Huntington, Cleworth
NAYS: None
ABSENT: Gatewood
Mayor Eberhart declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

- a) Interior Energy Project Update by Gene Therriault

Gene Therriault with Alaska Industrial Development and Export Authority (AIDEA) gave an update and PowerPoint presentation relating to alternative heating fuel. He presented information indicating that the use of natural gas would save money for the community. He spoke to the process of manufacturing natural gas and to the possibility of plant expansion.

Mayor Eberhart asked HR Director Angela Foster-Snow to come forward to give a staff report.

Ms. Foster-Snow thanked the Mayor for allowing her to share information on the hiring process at the City. She explained the City's standard hiring procedures. She spoke to the interview process and to how a hiring recommendation is made. She spoke briefly to specific hiring processes for the Fairbanks Police Department (FPD). She stated that once the Mayor makes a

decision, a conditional offer is given to the candidate. Ms. Foster-Snow spoke to the current openings within the City and commented on how well people are responding to the advertised positions.

Ms. Foster-Snow answered questions from Council Members in regard to the FPD hiring process, health care costs and City/employee contributions, and employee turnover.

Ms. Foster-Snow stated that she would put together a presentation on employee turnover for the next Regular Council meeting.

Mayor Eberhart spoke to the many activities the Mayor's Office has been involved in since the last Regular Council Meeting.

NEW BUSINESS

- a) Resolution No. 4749 – A Resolution Awarding a Contract to Yukon Equipment, Inc. to Provide an Elgin Crosswind Street Sweeper in the Amount of \$291,595.00. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4750 – A Resolution Urging the Borough Assembly to Reject Ordinance No. 2016-36. Introduced by Mayor Eberhart and all City Council Members.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4751 – A Resolution Authorizing the City Clerk to Conduct a Special Election by Mail for the Purpose of Detaching the Area Known as Open Skies Commercial Park. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Resolution No. 4752 – A Resolution Authorizing the City of Fairbanks to Apply for Funds from the Fairbanks Metropolitan Area Transportation System Local Transportation Alternatives Program. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- e) Resolution No. 4753 – A Resolution Urging the State Legislature to Reject Proposals for a Statewide General Sales Tax. Introduced by Mayor Eberhart.

Mr. Matherly, seconded by **Mr. Cleworth**, moved to APPROVE Resolution No. 4753.

Mr. Cleworth, seconded by **Mr. Matherly**, moved to AMEND Resolution No. 4753 by adding another whereas that reads, "WHEREAS, retail outlets on military bases and internet sales would be exempt from state sales taxes and, unfortunately, would benefit at the expense of Alaska retailers."

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESOLUTION NO. 4753 BY ADDING ANOTHER WHEREAS THAT READS, "WHEREAS, RETAIL OUTLETS ON MILITARY BASES AND INTERNET SALES WOULD BE EXEMPT FROM STATE SALES TAXES AND, UNFORTUNATELY, WOULD BENEFIT AT THE EXPENSE OF ALASKA RETAILERS" AS FOLLOWS:

YEAS: Rogers, Matherly, Pruhs, Cleworth, Huntington
NAYS: None
ABSENT: Gatewood
Mayor Eberhart declared the MOTION CARRIED.

Mayor Eberhart suggested that Resolution No. 4753 may have a stronger impact if it was sponsored by all Council Members present. All Members present agreed to have their names added as sponsors to the resolution.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4753, AS AMENDED, AS FOLLOWS:

YEAS: Matherly, Cleworth, Rogers, Huntington, Pruhs
NAYS: None
ABSENT: Gatewood
Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4753, as Amended, APPROVED.

- f) Ordinance No. 6024 – An Ordinance to Place Before City Voters the Question of Amending Charter Section 11.3, Elections: Candidates, Filing, and Charter Section 2.2, Council: Qualification of Members, Vacancies, to Coordinate Candidate Filing Dates with the Fairbanks North Star Borough and to Correct Residency Requirements. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- g) Ordinance No. 6025 – An Ordinance Amending Fairbanks General Code Section 22-9, Declaration of Candidacy by Affidavit, to Align the Filing Deadlines with Those of the Fairbanks North Star Borough. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- h) Ordinance No. 6026 – An Ordinance to Place Before City Voters the Question of Amending Charter Section 8.7, Independent Audit, to Allow Flexibility for the Due Date. Introduced by Council Member Cleworth.

ADVANCED on the CONSENT AGENDA.

- i) Ordinance No. 6027 – An Ordinance to Place Before City Voters the Question of Granting the City Council the Authority to Increase the Rate of Sales Tax Levy by One

Percent on Marijuana if the Borough Increases its Levy by a Like Amount. Introduced by Council Member Cleworth.

Mr. Cleworth, seconded by **Mr. Matherly**, moved to ADVANCE Ordinance No. 6027.

Mr. Cleworth spoke to the reasons why it is important for the City to tax marijuana at the same rate as the Borough. He stated that if the Borough charges six percent, he believes the City should do the same.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 6027 AS FOLLOWS:

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

COMMUNICATIONS TO COUNCIL

a) Memo Regarding City Representation on the FNSB Planning Commission

Mr. Matherly, seconded by **Mr. Pruhs**, moved to APPROVE the Memo Regarding City Representation on the FNSB Planning Commission.

Mr. Cleworth asked for clarification on the terms of the Planning Commission members. City Clerk Danyielle Snider stated the service terms for each individual would stay the same, but that their designations as a City or Borough representative would be corrected. **Mr. Cleworth** stated that he did not think it was right for the Borough to fill the City-represented position without even a notification to the City.

Mayor Eberhart stated that the solution of switching seats was the best way to solve the problem without causing a bigger dispute. He stated that the City-represented seat being discussed will expire in December of 2016, and the City can make a new recommendation then.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE MEMO REGARDING CITY REPRESENTATION ON THE FNSB PLANNING COMMISSION AS FOLLOWS:

YEAS: Huntington
NAYS: Cleworth, Pruhs, Rogers, Matherly
ABSENT: Gatewood
Mayor Eberhart declared the MOTION FAILED.

b) Reappointment to the Fairbanks Diversity Council

APPROVED on the CONSENT AGENDA.

c) Appointment to the Hotel/Motel Discretionary Fund Committee

Mr. Cleworth, seconded by **Ms. Huntington**, moved to APPROVE the Appointment to the Hotel/Motel Discretionary Fund Committee.

City Clerk Snider explained that she accidentally included the wrong memorandum in the Council packet. Mr. Jacobson distributed a corrected memorandum to the Council.

Mr. Matherly, seconded by **Mr. Cleworth**, moved to SUBSTITUTE the corrected memorandum for consideration.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE APPOINTMENT TO THE HOTEL/MOTEL DISCRETIONARY FUND PER THE SUBSTITUTED MEMORANDUM AS FOLLOWS:

YEAS: Pruhs, Huntington, Cleworth, Matherly, Rogers

NAYS: None

ABSENT: Gatewood

Mayor Eberhart declared the MOTION CARRIED.

d) Clay Street Cemetery Commission Meeting Minutes of May 4, 2016

ACCEPTED on the CONSENT AGENDA

e) Clay Street Cemetery Commission Meeting Minutes of June 1, 2016

ACCEPTED on the CONSENT AGENDA

COUNCIL MEMBERS' COMMENTS

Mr. Pruhs spoke to the memo regarding the Planning Commission and stated that now is not the time to be polite to the Borough. He stated that the Borough has been getting a lot of things wrong lately and the appointment to the Planning Commission is another example of that.

Mr. Cleworth stated that Council Members need to attend the July 28 Borough Assembly meeting because it will be the public hearing on the ordinance regarding changes to the Board of Adjustment process. He asked Chief Financial Officer Carmen Randle to work on package rate comparisons for police officers from other agencies throughout Alaska. He spoke to the rising cost of health care. **Mr. Cleworth** spoke to the tragic police shooting in Dallas, and he encouraged Council Members to listen to what the Dallas Police Chief had to say about the incident.

Mr. Matherly stated he had no comments.

Ms. Huntington addressed the comments that were made during Public Testimony and stated that violent and threatening language does not have a place in a City Council Meeting. She stated that she cannot tolerate being addressed in the manner Mr. Harrison spoke to her.

Ms. Rogers addressed the reason why she did not vote to approve the memo regarding the appointment to the Borough Planning Commission. She stated that all lives matter and commented that people should take care of one another.

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

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

Mayor Eberhart called for a five minute recess.

EXECUTIVE SESSION

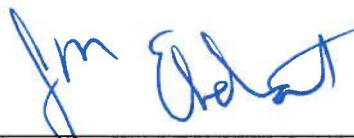
a) Fairbanks Firefighters Union (FFU) Labor Negotiations/Mediation

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

ADJOURNMENT


Mayor Eberhart called for objection to ADJOURNING the meeting and, hearing none, so ORDERED.

Mayor Eberhart declared the meeting adjourned at 10:38 p.m.



JOHN EBERHART, MAYOR

ATTEST:



D. DANYELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB