



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, APRIL 25, 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 John Eberhart presiding and with the following Council Members in attendance:

Council Members Present: Joy Huntington, Seat A
Perry Walley, 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
Margarita Bell, Grants Administrator
JB Brainerd, Deputy City Attorney
D. Danyielle Snider, City Clerk
Stephanie Johnson, Dispatch Center Manager
Carmen Randle, Chief Financial Officer
Ben Barrio, IT Director
Angela Foster-Snow, HR Director
Pat Smith, Development Manager
Randall Aragon, Police Chief
Verg Scott, Public Works General Foreman
Bob Pristash, City Engineer IV
Tammy Misrasi, Communication Director
Jim Styers, Fire Chief

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

CITIZEN'S COMMENTS

Jim Williams, 125 Cloverleaf Drive, North Pole – Mr. Williams spoke to the history of the request to rename Terminal Street that came from the Fairbanks North Star Borough (FNSB). He stated that the street address number and name do not correspond and citizens have a hard time finding the building; he added that it is also an emergency management problem. Mr. Williams explained that Borough employees came up with the name and that they support the name change. Mr.

Williams stated that Borough employees should be treated with the same amount of respect as citizens.

Mr. Cleworth asked why the street needs to be renamed when the building could just be renumbered.

Mr. Williams stated that Borough employees thought the name Terminal Street was morbid and that Citizens Way conveys a theme of public service.

Ms. Huntington asked what the address would be if the name change went through.

Mr. Williams stated the address would be 907 Citizens Way.

John Jackovich, 2824 Chief Alexander Drive, Fairbanks – Mr. Jackovich stated that there is historical essence in that area and that holding on to the street name helps portray the history of Fairbanks. He stated that the name “Terminal” is not morbid to him because it holds the history of the old railroad depot. He requested that the City Council veto the street renaming. Mr. Jackovich thanked Mr. Walley for his service and stated that he would be missed.

Ronald Inouye, 3036 Riverview Drive, Fairbanks – Mr. Inouye stated that it was nice coming into the building and recognizing many of the faces in the paintings in the hallway. He stated he appreciates all of the history in City Hall. He stated that history is important to the community and shared his wishes that Terminal Street retain its name because of its rich historical value. Mr. Inouye stated he loves to go to other places and see the history because that is what makes a destination unique and distinctive. He stated the City needs to embrace its history.

Mr. Cleworth asked Mr. Inouye if he was on the Historical Preservation Commission; Mr. Inouye replied that he was not.

Martin Gutoski, 330 Breeze Road, Fairbanks – Mr. Gutoski stated that he is representing the Friends of the Tanana Valley Railroad. He stated that Terminal Street was named by the City of Fairbanks in 1935 and it received that name because it was the end of the railroad. He stated there have been three different train depots built over time and gave a brief history of each. Mr. Gatoski stated he is a member of the Historical Preservation Commission and that the Commission was not told about the name change until two days before it was going before the Platting Board. He stated that he does not support the name change and spoke to the expense of changing the street name.

Mr. Pruhs asked if Mr. Gutoski if he was a Pioneer of Alaska, if he worked at Pioneer Park and if he is a pioneer in every way. Mr. Gutoski replied affirmatively to all three.

Roger Burns, 492 West Pointe Circle, Fairbanks – Mr. Burns urged the City Council to veto the proposal to change the name of Terminal Street to Citizens Way. He stated that spending Borough employee time on changing a street name is a big waste of taxpayer money. He stated that changing the name of Terminal Street is as absurd as changing the name of Phillips Field Road because there is no field on Phillips Field Road. He questioned where Fairbanks would be if it did not have the railroad and added that history should be respected. Mr. Burns jokingly stated he

feels bad for the Cadillac drivers that turn on Danby Road to get their vehicles serviced on Cadillac Court only to find out that Cadillacs cannot get serviced there. Mr. Burns requested that the City Council veto to request to change the name of Terminal Street.

Donna Gardino, 811 Bullion Drive, Fairbanks – Ms. Gardino suggested that if people are having a hard time finding the Borough building because the address is on Pioneer Road, the simplest and most cost-effective way to solve the problem would be change the address to Terminal Street. She stated that there is a big sign on Illinois Street that clearly marks Terminal Street. Ms. Gardino stated that Terminal Street references the historical significance of the location and generates the potential to tell an interesting story about the history of the railroad in Fairbanks. She stated that she understands that Borough employees have spent an exorbitant amount of time working on the name change but that the City has the final authority. She expressed hope that the City Council would exercise its veto power.

George Stefon, 1155 Chad Street, Fairbanks – Mr. Stefon stated that he is a platting officer for the FNSB and that the Borough applied for the name change. He stated that the Borough met all the application criteria for the name change. He stated that the Borough Legal Department pointed out at the Planning Commission meeting that the history of an existing street name is not allowed to be considered in renaming.

Mr. Cleworth asked why the history of the name of a street is not allowed to be considered.

Mr. Stefon stated that he does not have an answer to Mr. Cleworth's question; he stated that is what he was told by the FNSB Legal Department.

Tim Beck, 333 Well Street, Fairbanks – Mr. Beck stated that he sat on the Borough Assembly when Alaskaland's name was changed to Pioneer Park; he stated there was much discussion about the issue at the time. He stated that after a great deal of debate, he asked what the name of the park was when it first opened. He stated that he found out it was originally named Pioneer Park. He stated that he made the suggestion to go back to the original name and the Assembly finally voted to change it back to Pioneer Park. Mr. Beck stated that he is a volunteer for ICE Alaska and that the biggest complaint people have is that Google Maps sends them to the wrong location. He stated that he thinks the Borough should renumber the building to 907 Terminal Street. He commented that changing the name of Terminal Street would diminish the history of the community. Mr. Beck pointed out that all the people living on Terminal Street would have to go through the process and expense of changing their addresses. He encouraged the Council to preserve the history of Fairbanks and to veto the Borough's request to rename the street.

Mr. Pruhs asked if there would be mass confusion if the City Council allowed the name to be changed.

Mr. Beck stated that the issue of changing the name is more significant than mass confusion; he stated that it is about the history of Fairbanks. He stated, however, that Google would not update their maps right away and it could confuse some people.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney spoke to the Lunch Café's plans to grow cannabis; he suggested that Terminal Street be renamed Cannabis Way since the café is across the

corner from the Borough building. He thanked Public Works for removing the fallen chokecherry trees at the Clay Street Cemetery and thanked Mr. Matherly for his recent visit to the cemetery. Mr. Turney thanked the Fairbanks Police Department (FPD) for going in with warrants and closing the drug house down in the recent bust across from American Tire and Auto. He thanked Mr. Walley for his service and stated that he would be missed; he suggested that Mr. Walley run for Mayor of North Pole.

Sheldon Thompson, 1070 Flat Rabbit Road, Fairbanks – Mr. Thompson stated that he is representing Fly Zone, an athletic facility for the Fairbanks youth. He spoke to the astronomical cost of renovating the former Odom Distribution building on Well Street in order to facilitate various sport activities. He stated that large buildings are hard to keep in operation because of overhead expenses. He stated that Fly Zone is looking for donations from local municipalities and other organizations in order to purchase the building and perform the renovation.

Mr. Gatewood asked if Fly Zone had secured a 501c3 yet.

Mr. Thompson stated they have received a determination letter granting Fly Zone a 501c3 status.

Ms. Huntington asked when the facility would be completed and ready to open its doors.

Mr. Thompson stated they are in the fundraising phase and that he cannot give a timeframe without donations from the community. He requested a meeting with the Finance Committee to present his business plan and to ask for funds.

Mr. Cleworth asked Mr. Thompson if he envisioned a 24-hour facility for tournaments and events.

Mr. Thompson stated that during the day there is not much need for the facility so the plan is to open it to home schools and charter schools since they do not have gymnasiums. He stated that various sports teams would like to rent the facility after school and on the weekend. Mr. Thompson stated that the facility could accommodate statewide tournaments.

Ms. Huntington thanked Mr. Thompson for his presentation and asked him to speak to Fly Zone's need for board members.

Mr. Thompson invited everyone to visit the website to find out more about the organization and to view potential board positions. He stated that Gary Wilken has been involved and has generated a lot of community support for Fly Zone. Mr. Thompson stated he wants to make sure there is a safe environment for the youth of Fairbanks.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger spoke to the recent article in the News Miner regarding public restrooms and shared his disappointment that the Downtown Association was not in favor of building public restrooms. He stated that inebriates deserve to have a place to use a restroom just as much as the tourists do. Mr. Buberger stated that he grew up in Chino, California and that Fairbanks lacks diversity. He stated he brought an illegal Mexican to Fairbanks during the 1980's and took him to the Baptist church so he could learn English. Mr. Buberger stated he taught the young man how to drive cars, dump trucks and tractors and taught

him basic plumbing skills. He stated that the young man, who is now an American citizen, called him a few weeks ago to thank him for all the help he had provided him over the years. Mr. Buberger stated that he is almost Mexican himself because he grew up celebrating Mexican culture. He tried to explain the difference between Mexicans and Latinos. He presented Police Chief Randall Aragon with a hand-carved desktop nameplate and thanked him for his service.

Randy Griffin, 3870 Schacht Street, Fairbanks – Mr. Griffin stated that he does not approve of the renaming of Terminal Street. He quoted a Borough employee as stating that Citizens Way conveys public service and that all Borough employees are there to serve the community. Mr. Griffin suggested that if Borough employees want to portray themselves as humble, hardworking servants, they should consider renaming the street Burro Way because no animal is harder working than a burro. Mr. Griffin requested that the City Council veto the Borough's request and retain the name Terminal Street.

John Ferree, 2711 Chief Alexander Drive, Fairbanks – Mr. Ferree stated that he is the Assistant Business Manager for the International Brotherhood of Electrical Workers (IBEW) Local 1547. Speaking to a discussion from the Regular City Council Meeting of April 11, 2016, he stated that the Chief Financial Officer insinuated that the IBEW shop steward acted independently when setting the wage for the new Fire Chief. Mr. Ferree stated that accusing the payroll clerk of wrongdoing is slander. He stated that the truth was misrepresented and that the IBEW takes a strong stand against slander. He stated that the IBEW holds its shop stewards in high regard and to a high standard.

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

Ms. Huntington introduced her Uncle Albert who was present at the meeting, and gave a history of his service to the State of Alaska.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Cleworth pulled Resolution No. 4729 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 February 8, 2016.

APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

- a) The Fairbanks City Council considered the question of whether to veto the decision of the Fairbanks North Star Borough (FNSB) Planning Commission to rename Terminal Street to Citizens Way:

NR001-16 – A request by the FNSB on December 31, 2015, to rename Terminal Street (within Section 10 T1S R1W, FM) to Citizens Way. On January 20, 2016, the Platting Board denied the request. The FNSB appealed the decision to the Planning Commission (AP001-16). On April 5, 2016, the Planning Commission approved the appeal, thereby approving the renaming of Terminal Street to Citizens Way. Since Terminal Street lies within City limits, the City Council may veto the decision to rename the street. If no veto is received by the Borough within a 30-day period, the consent of the City Council is assumed.

Mr. Cleworth, seconded by **Mr. Matherly**, moved to VETO the Decision of the FNSB Planning Commission to rename Terminal Street to Citizens Way.

Mr. Matherly thanked everyone who came out to speak to the street renaming issue. He stated that when we lose our history we lose a part of ourselves. He stated that when a long term name is changed, the street or location is forever stuck with two names; he cited Alaskaland and Pioneer Park as an example. **Mr. Matherly** suggested that the Borough change the number and call it 907 Terminal Way to keep the historical value of the street. He stated that he respects Mayor Kassel for including his employees in the process but that he intends to vote in favor of the veto.

Mr. Walley echoed **Mr. Matherly's** thoughts and agreed that 907 Terminal Way seemed like the best solution. He stated that there has been way too much time spent on the issue, and that he does not understand how Borough employees have a hard time finding their building because of the street name. He stated that he will be voting to veto the name change.

Mr. Cleworth stated that he loves history and that if we lose it, we give up what Fairbanks is all about. He stated that City Hall is a great example of history and spoke to how City Hall came to reside at its current location. He spoke to what a jewel the building is to the history of Fairbanks and to the need to preserve it. **Mr. Cleworth** stated he has always known the meaning of Terminal Street and that he has never thought of it in a morbid sense. He joked that if he thought it was a morbid name, he would think "terminal parking" at the airport was only for dead people. He agreed that 907 Terminal Street sounds like the best solution to the problem.

Ms. Huntington stated that it was mentioned that young people do not appreciate history. She stated that she would like to go on record as a young person who loves history. She asked for clarification about the grounds for a decision to veto.

City Attorney Paul Ewers stated that there is not a specific list of criteria on grounds for a veto.

Ms. Huntington stated that it makes sense to her to change the street number and not the name. She stated that she would be voting in favor of the veto.

Mr. Pruhs stated that he lives in the Terminal Street area and that he has spoken with many of his neighbors, all of whom do not want to lose the history of the railroad with a street renaming. He stated he would vote to veto the Borough's request to change the street name.

Mr. Gatewood stated he was moved by the testimony of many of the citizens. He stated he did not have an issue with the name, Citizens Way, but that he also has no issue with Terminal Street. He stated that he has been swayed to veto based on the public testimony.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO VETO THE DECISION OF THE FNSB PLANNING COMMISSION TO RENAME TERMINAL STREET TO CITIZENS WAY AS FOLLOWS:

YEAS: Pruhs, Gatewood, Huntington, Cleworth, Matherly, Walley
NAYS: None
Mayor Eberhart declared the MOTION CARRIED and the FNSB Decision VETOED.

Mr. Matherly requested a five minute recess. Hearing no objection, **Mayor Eberhart** declared that the meeting would reconvene in five minutes.

b) The Fairbanks City Council convened as a Board of Adjustment in the matter of the below-stated administrative decision of the Fairbanks North Star Borough Planning Commission:

A request by Annie Dougherty on behalf of the Chugach School District for conditional use approval of a school administrative office and classroom facility with related guest facilities for short-term stays (FOCUS Homeschool) in the Two-Family Residential (TF) zone on Lots 1, 3, W5, & E5, Block 05, Charles Slater Subdivision and Lots 20 & 21, Block 01, Charles Slater Subdivision (located at 200 & 210 Well Street at the east end).

An appeal to the Planning Commission's decision was filed by Christopher Zimmerman on behalf of numerous appellants.

NOTE: The Board did not hear arguments nor take additional testimony or evidence. Only the material contained in the appeal packet was considered.

Mr. Pruhs, seconded by **Mr. Matherly**, moved to GRANT the appeal, REVERSE the decision of the FNSB Planning Commission, and DENY the Chugach School District's request for a Conditional Use Permit.

Mr. Pruhs distributed a handout containing his reasons for making the motion. He stated that he found no proven need by the applicant or the Borough to have a conditional use permit at the location. He stated the area was zoned for two-family (TF) and that there is no overlying need to have a school or administrative center at the location. **Mr. Pruhs** stated that the approval of the conditional use permit was not handled properly and that parliamentary procedure and processes were not followed by the Planning Commission on the issue.

Members discussed whether the applicant had to prove a need for a conditional use permit.

Mr. Pruhs read from the appeal packet and quoted Mayor Lundquist's testimony that, with a legal opinion based on 25 years of experience, conditional use permits are allowed only where there is a public need for a particular use in a particular area by Borough ordinance. **Mr. Pruhs** stated that there is no public need for the Chugach homeschool at the location.

Mr. Cleworth read from aloud sections of the appeal packet and questioned the procedure for the reconsideration. He stated that according to Roberts Rules of Order, the Planning Commission never voted on the main motion after discussing reconsideration.

Mr. Ewers stated that the Council can grant the appeal, deny it, or send questions such as Mr. Cleworth's back for clarification to the Borough. Mr. Ewers stated he believes the same issue is raised by the appellant in the appeal.

Mr. Cleworth requested that the issue of improper reconsideration be added to the Findings of Fact.

Mr. Matherly thanked whoever prepared the appeal packet and noted that they did a thorough job. He expressed appreciation for homeschooling and commented that his own children are homeschooled. He stated, however, that the rights of the citizens that live in the neighborhood need to be respected. He spoke to the information that the Kuykendall family provided regarding traffic hazards and concerns.

Mr. Gatewood stated that the neighbors have a right to be concerned but that he also respects the rights of the homeschool. He stated that he did not find any compelling evidence to sway him against allowing the homeschool to operate in the neighborhood. **Mr. Gatewood** agreed that it seems that the Planning Commission did not follow some rules of procedure. He stated that the Planning Commission has overreached in the past but that he would not be opposed to allowing the school to remain in the area. He stated that he drove through the area to see the culture of the neighborhood and that he did not see it as a safety hazard. **Mr. Gatewood** stated that he did not like that the homeschool set up operation before letting the neighbors know that they would be conducting business in the area.

Ms. Huntington stated that when she was Chair of the Planning Commission that she did not use her opinion or favor in making decisions; she stated that she only applied the facts. She stated she has tried to remain objective in making her decision as to whether or not the homeschool should be able to continue to operate. **Ms. Huntington** thanked Mr. Pruhs for putting together his handout, but stated that she would not be able to support all of Mr. Pruhs' findings.

Mr. Pruhs spoke to Mr. Gatewood's statement that he did not think that it was a problem to have an administrative center in the neighborhood; he stated that the neighborhood is not zoned for that type of use. He stated that the administrative center would be an illegal use of the property. **Mr. Pruhs** spoke to the process of obtaining a conditional use permit and commented that nearly the entire procedure was handled incorrectly.

Mr. Cleworth spoke to snow removal within the City and to the three subdivisions that get special treatment: Island Homes, Arctic Park and Slaterville. He stated that those areas get special treatment because the streets are so tight and there needs to be extra accommodations for parking. He stated that he feels badly for Chugach School because they were told by a realtor that the neighborhood was properly zoned for their intended purpose. **Mr. Cleworth** stated that the dead end road where the school is located is a terrible location. He stated that the school is in a residential zoning area and that the whole situation is very unfortunate. He asked Mr. Ewers how the Findings of Fact would be handled.

Mr. Ewers stated that he would compile his notes from the Board of Adjustment's discussion, prepare a report, and then present a draft Findings of Fact at the next Regular Council Meeting.

Mr. Matherly shared that he appreciated the input of all Council Members. He stated that if the Chugach School was given false information by their realtor then maybe they should look into an insurance claim.

Mr. Pruhs stated that there was a violation of the Open Meetings Act (OMA) because they allowed members to take a 30-minute recess to discuss options before reconvening and reopening discussion on the issue. He shared his disappointment in the way the entire process was handled.

Mr. Walley stated it is unfortunate that the Chugach School District did not do further research before purchasing the property and opening a school.

Mayor Eberhart stated that he is sorry to have to raise an issue, but pointed out that Mr. Gatewood should not have driven by the property since the Board of Adjustment may only consider the information provided in the appeal packet. He suggested that Mr. Gatewood abstain from voting on the issue.

Mr. Gatewood volunteered to remove himself from the vote and apologized for driving by the location.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO GRANT THE APPEAL, REVERSE THE DECISION OF THE FNSB PLANNING COMMISSION, AND DENY THE CHUGACH SCHOOL DISTRICT'S REQUEST FOR A CONDITIONAL USE PERMIT AS FOLLOWS;

YEAS: Walley, Pruhs, Matherly, Cleworth

NAYS: Huntington

ABSTAIN: Gatewood

Mayor Eberhart declared the motion APPROVED.

Mr. Ewers again stated that he would draft Findings of Facts for review, discussion and approval at the next Regular Council Meeting.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart thanked Mr. Walley for his service from October 2012 through the present; he thanked him also for all his help on the FMATS Policy Committee. He presented Mr. Walley with a City of Fairbanks gold pan in appreciation of his service.

Mr. Walley shared that while moving, he found an old box containing a City gold pan that had belonged to his father.

Mayor Eberhart read aloud a proclamation recognizing "Kids to Parks Day" as May 21, 2016, to encourage children to live a more active lifestyle. He stated that it is a nationwide event and all parents and children are encouraged to participate. **Mayor Eberhart** stated that April 27, 2016 is Administrative Professional's Day and April 28, 2016 is the annual gathering of remembrance for victims of unsolved homicides. He stated that a vigil will be held at the St. Mathew's Episcopal Church downtown. **Mayor Eberhart** spoke to the many activities the Mayor's Office has been involved in since the last Regular Council Meeting. He announced that Chief of Staff Jeff Jacobson was recently awarded the Aurora Award by Explore Fairbanks.

Mayor Eberhart requested to be excused from the Regular Council Meeting of May 9, 2016.

Mayor Eberhart called for objection to his request to be excused on May 9, 2016 and, hearing none, so ORDERED.

UNFINISHED BUSINESS

- a) Ordinance No. 6008, as Amended – An Ordinance Amending the 2016 Operating and Capital Budgets for the Second Time. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Cleworth, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 6008, as Amended.

Mr. Gatewood, seconded by **Mr. Pruhs** moved to SUBSTITUTE the Proposed Version of Ordinance No. 6008, as Amended.

Mayor Eberhart called for objection to SUBSTITUTING the Proposed Version of Ordinance No. 6008, as Amended, and, hearing none, so ORDERED.

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

Mr. Pruhs, seconded by **Ms. Huntington**, moved to AMEND Ordinance No. 6008, as Amended, to place \$15,000.00 in the General Fund under Expenditures to be used for the option of buying a note for the Polaris Building.

Mr. Cleworth asked Mr. Pruhs which account he was requesting the money be transferred from.

Mr. Pruhs stated it would be coming out of the General Fund.

Chief Financial Officer Carmen Randle clarified that the funds would come out of an investment account, but that the account was not yet created.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6008, TO PLACE \$15,000.00 IN THE GENERAL FUND UNDER EXPENDITURES TO BE USED FOR THE OPTION OF BUYING A NOTE FOR THE POLARIS BUILDING AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

Mr. Cleworth asked Ms. Randle to speak to the missing budget amendment that was supposed to update Fire Chief Jim Styers' wages.

Ms. Randle stated that a budget amendment did not need to be done because the wages absorb the changes. She apologized for her comments made at the previous Council Meeting regarding Chief Styers' wage reallocation. Ms. Randle stated that she did not mean to single out a member of the staff or the shop steward; she stated that as the Finance Director, it was her responsibility to make sure the wage and benefit package was correct.

Mr. Cleworth spoke to the decline in state revenue sharing and to how the City has become dependent on it. He stated that the number of City employees has grown, but that the City has not grown. He stated that adding more employees at the City creates more mouths at the table; he emphasized the importance of taking care of existing City employees so that nobody has to be laid off. **Mr. Cleworth** stated that during Mayor Strle's administration, a mistake was made to funnel revenue sharing funds directly into the General Fund; he stated that the money was spent like a source of income that would always be there. **Mr. Cleworth** referenced the Engineering budget and stated that he did not want to add another position to the department. He stated that the IBEW needs to work with the City because it is very unfortunate that the Public Works Director has to be an IBEW union member.

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to AMEND Ordinance No. 6008, as Amended, by STRIKING the new position in the Engineering Department.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6008, AS AMENDED, BY STRIKING THE NEW POSITION IN THE ENGINEERING DEPARTMENT AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

Mr. Cleworth stated that there are some significant road issues within the City and he shared his concern for the possibility of road failures. He stated that the cost of road failures could exceed

the budgeted amount. **Mr. Cleworth** asked Ms. Randle to speak to earmarked funds in the Public Works road maintenance account.

Ms. Randle stated that after the transfer, there would be no funds remaining which would not be earmarked for a project.

Mr. Cleworth shared his concern for having no cushion in the budget for street maintenance and asked City Engineer IV Bob Pristash and General Foreman Verg Scott to come forward for a Staff Report. **Mr. Cleworth** asked Mr. Pristash to explain why Gateway Subdivision improvements should be made.

Mr. Pristash stated that roads in Shannon Park failed very quickly last year and that the same situation is happening in Gateway Subdivision. He stated that the City should move forward with Gateway just to see what the bids come in at. Mr. Pristash stated that if the same contractor won both project awards there could be cost savings for the City because they are in close proximity of each other. Mr. Pristash stated that there is coordination with Golden Heart Utilities (GHU) to do both projects at the same time, which would be another opportunity for cost savings. He stated that if Gateway is delayed until 2017 it would end up costing the City more in the long run.

Mr. Pruhs stated that he thinks the budget amendment should be approved and when the bids come in, a Work Session should be held to see what the Capital Fund can support. Mr. Pristash shared his concern for cost overrun on the project.

Mr. Walley stated that he agreed with the points of view from Mr. Cleworth and from Mr. Pristash. He stated that in his experience on the FMATS Policy Committee he has not seen a project cost less after being postponed.

Mr. Matherly asked if the projects were currently out for bid and, if so, when the bids were due.

Mr. Pristash stated that Rickert Subdivision bids are due May 4 and Gateway Subdivision bids are due May 11.

Mr. Matherly stated that he understands that the longer a project is put off the more expensive it becomes because more damage to the road drives up the cost.

Mr. Pristash stated that in the past five years the City has worked on Aurora, Lemeta, Slaterville, and Brandt; he added that Gateway is next on the priority list.

Ms. Huntington asked to hear from Mr. Scott before moving on.

Mr. Scott stated that he believes any road over 20 years old is going to fail. He stated that improved drainage was not required in Shannon Park and that now drainage is required to help avoid potholes. Mr. Scott stated that Public Works could continue to do maintenance on the roads but that he has limited manpower and hot mix. He stated that the Public Works budget allows for pothole filling but leaves no money for a heavy snow day emergency.

Mr. Cleworth asked what a prudent amount would be for a road emergency budget.

Mr. Scott stated that sidewalk work needs to be done on many City streets and that Gilmore Street should be considered. He stated that one of the streets in Hamilton Acres did not make it through break-up and unexpected crises like that do not allow him to give an accurate budget estimate.

Mr. Walley asked Mr. Pristash what the price difference might be if the City postponed the Gateway Subdivision project.

Mr. Pristash estimated a 7-8% increase; he added that it would also depend on the bidding environment at the time. He spoke to the importance of investing in infrastructure maintenance.

Mr. Walley asked how old the road is.

Mr. Pristash replied that it is the original road and that it is not of good quality; he stated drainage needs to be fixed before rebuilding or resurfacing the road. He stated it would be a waste of money to do anything to fix the current surface of the road without correcting the drainage issue.

Mr. Walley asked what kind of surprises could be expected when demolishing a 40-year old road.

Mr. Pristash stated that he expects the change orders to be similar to that of the Aurora and Slater Subdivision projects.

Mr. Cleworth asked Chief of Staff Jeff Jacobson to give a Staff Report.

Mr. Jacobson stated that at the last Finance Committee Meeting, the history of the Gateway and Rickert Subdivision improvement projects were discussed. He explained that the designs were worked on during the winter months based on a budget amendment that was approved in the summer of 2015.

Mr. Cleworth stated that he is leaning toward Mr. Pruhs' thought of waiting until the bids come in before making a final decision. He stated that Gateway Subdivision is a priority but that there is no state revenue sharing to offset the cost of the project. He asked about the salary increase to the surveyor position in the Engineering budget.

Mr. Pruhs stated he has talked with numerous people who have said that they would not work as a City surveyor because the pay is too low and they can find a higher paying job elsewhere.

Ms. Randle stated that they are trying to make the rate of pay equal to that of an Engineer III in the hopes of gaining qualified applicants.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE ORDINANCE NO. 6008, AS AMENDED, AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the motion CARRIED and Ordinance No. 6008, as Amended, ADOPTED.

- b) Ordinance No. 6009 – An Ordinance Amending Fairbanks General Code Section 50-461(c) Political Activity, to Clarify the Prohibition on Use of City Resources to Support Proposed Legislation. Introduced by Council Member Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Cleworth, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 6009.

Mr. Cleworth stated that he would like to hear public testimony on Ordinance No. 6009, but that the intention is to postpone the ordinance.

Robert Warren, 962 Starling Court, Fairbanks – Mr. Warren thanked the City Council for their service and for the amount of help they provide to the City. He stated that he is speaking on behalf of the Fire Firefighters Association which does not support the ordinance. He stated that the Mayor should be able to share his opinion in a timely manner on subjects that would benefit City employees. Mr. Warren stated that when Mr. Cleworth was Mayor he wrote to Senator Begich and Congressman Young and that Mayor Eberhart should be given the same respect. He asked the Council not to pass the ordinance because it was to no benefit of City employees.

Stephanie Johnson, City Dispatch Manager – Ms. Johnson stated that she was out of town during the Finance Committee meeting when the ordinance was discussed. She requested that the Council vote against the ordinance as it is currently written. She thanked Mr. Cleworth for encouraging people to speak to the ordinance. Ms. Johnson stated that the language that has been added is not only restrictive for elective officials, but also for City employees. She encouraged the Council to vote against Ordinance No. 6009.

John Ferree, 2711 Chief Alexander Drive, Fairbanks – Mr. Ferree stated that he is speaking as a City resident, not an IBEW representative. He spoke against Ordinance No. 6009, and stated that the ordinance takes away an important role of the Mayor to advocate on behalf of the City in matters of political nature and positioning for the City. Mr. Ferree stated that the way the ordinance is written is sufficient and that the proposed ordinance language is far too overreaching. He stated that he agrees with the last two people who testified; he stated that the Council should allow for some flexibility on particular political and financial matters.

Randall Aragon, City Police Chief – Chief Aragon stated he gets requests from non-profits to support efforts to enhance the quality of life of residents in the City. He stated that the ordinance would restrict his ability to help with such projects.

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

Mr. Cleworth provided a history of why the ordinance is of importance and cited an issue from the 1980's when there were no restrictions on use of City resources. He stated that a City Manager did not like a ballot proposition that was being introduced within the City so he used City staff and resources to ensure the proposition failed. He stated that employees were sent door-to-door to discourage citizens from voting in favor of the proposition. **Mr. Cleworth** stated that the public did not like that, so the original ordinance was written. He stated that in 2002 a Council Member used City stationery to weigh in on bills in Juneau and that the Council was unaware of it

at the time. **Mr. Cleworth** explained that when Juneau started responding about the City's official position the Council Members were shocked so they revised the original ordinance. He stated that Mayor Eberhart recently wrote a letter to Juneau on an issue that the Council had not taken a position on; he commented that some rule needs to be in place to prohibit such activities. He stated that City resources should not be used for political purposes.

Mr. Cleworth, seconded by **Mr. Mathelry**, moved to POSTPONE Ordinance No. 6009 until the May 23, 2016 Regular City Council Meeting.

Mayor Eberhart called for objection and, hearing none, declared the MOTION CARRIED.

NEW BUSINESS

- a) Resolution No. 4727 – A Resolution Authorizing the City of Fairbanks to Accept Funds from the United States Department of Justice for the FFY2016 Bulletproof Vest Partnership Grant. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4728 – A Resolution to Apply for Funding from the Office of Community Oriented Policing Services (COPS) for the FFY2016 Community Policing Development (CPD) Program. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4729 – A Resolution Authorizing the City of Fairbanks to Accept Funds from the Alaska Highway Safety Office for the FFY2017 Traffic Safety Programs. Introduced by Mayor Eberhart.

Mr. Matherly, seconded by **Mr. Pruhs**, moved to APPROVE Resolution No. 4729.

Mr. Cleworth spoke against the resolution because the grant only funds overtime. He stated that a Work Session was held with FPD about a year ago and that some concerns were shared about the decline in citation and DUI revenues. He stated that the senior staffers get the first option of overtime and that it will pad their Public Employees Retirement System (PERS) accounts; he added that it would not be fair to the newer employees. **Mr. Cleworth** stated that if it was a grant to add an officer he would support it, but that he believes a grant which would strictly fund overtime is not good for the department.

Chief Aragon stated that FPD is understaffed and that officers are each answering about 100 calls per month. He stated that speaking to traffic revenues would be like placing a quota on officers, which does not follow the guidelines of the President's Task Force on Community Policing. Chief Aragon stated FPD is doing everything they can to hold the department together, and the increased overtime would boost morale. Chief Aragon stated that the officers are doing the best they can with the staff that they have. He stated that if the Council wants increased revenue they need to increase the number of traffic officers.

Mr. Cleworth stated that he understands Chief Aragon's frustration; he added that being six officers short is likely increasing overtime.

Ms. Randle stated that FPD is running about 3% high on overtime and about 1% high on wages. She stated that she wanted to ensure that there was enough money in the budget to allow for the hiring of new recruits.

Mr. Cleworth stated he has heard officers testify before that they get burned out when working overtime. He stated that the department is six people short and that it does not make sense to apply for overtime grant funds.

Chief Aragon stated that officers would be able to choose if they want to work overtime and that it would not be a requirement.

Mr. Cleworth asked Ms. Randle if there would be an increased PERS cost for any officer that is Tier 1, 2 or 3. Ms. Randle replied that the cost would increase for those employees.

Mr. Gatewood asked if overtime would be used with or without the grant.

Chief Aragon stated that overtime is being used already but the grant funds would go specifically toward overtime and would save wages for new hires.

Mr. Matherly asked if the funds were only for overtime or if some could also be used for training.

Deputy Chief Eric Jewkes stated that training is involved in the traffic grant and is listed the courses that it would cover. He stated that there is an increasingly heavy workload at FPD.

Mr. Cleworth asked if FPD had transferred the child safety seat program over to the Fairbanks Fire Department (FFD).

Chief Jewkes stated that the FPD is still responsible for the program.

Ms. Huntington stated that when you take out officers' feelings toward overtime, the bottom line is the safety of the community. She stated that she would find it difficult to vote against the funds because of the safety of her constituents; she stated that she would support the resolution.

Mr. Pruhs expressed agreement with Ms. Huntington. He stated that Chief Aragon has asked for the funds, and the Council should respect his request.

Mr. Matherly stated he is inclined to vote in favor of the resolution; he expressed appreciation for everyone's different points of view. He stated that he understands Chief Aragon does not like the word "quota" but encouraged him to inspire his officers to do a little more traffic enforcement. **Mr. Matherly** stated he drives around and sees multiple seatbelt violations and people texting while driving. He stated that he would like to see more police presence on City streets during busy times of the day.

Mr. Cleworth stated he pulled the resolution because he wanted the Council to understand that the grant is not free money and that each year it will cost the City a little bit more. He stated it is the worst type of grant that the Feds have come up with; he stated that grant funding for bulletproof vests has longevity, but that an overtime grant does not defer costs. **Mr. Cleworth** stated that the federal government is more broke than the City and encouraged the Council to vote against the resolution.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4729 AS FOLLOWS:

YEAS: Pruhs, Gatewood, Huntington, Matherly

NAYS: Cleworth, Walley

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4729, APPROVED.

DISCUSSION ITEMS

Permanent Fund Review Board (PFRB) – **Mr. Gatewood** stated that the PFRB met and discussed the volatility in the markets. He stated that as of April 20, 2016, there was \$121,342,996.20 in the Permanent Fund which was an increase since the last time he reported. He stated that the appropriation for 2016 from the Permanent Fund was \$4,887,583.00 and broke down where the funds would be deposited. **Mr. Gatewood** stated that Ms. Randle would hold off on the drawdown for as long as she could but with a busy construction season, it may have to happen sooner than later. He spoke to the RFP for a new investment manager and stated that the PFRB hopes to make a selection by late July or early August.

Mr. Cleworth asked if there was talk about asset allocation or timing in selling.

Mr. Gatewood stated that there was no specific discussion on those issues.

Public Safety Commission – **Ms. Huntington** stated that she could not attend the recent meeting because she had a sick child at home.

FMATS Policy Committee – **Mr. Walley** stated that the Committee met and approved the Green Streets Policy for public comment; he added that letters of support were received from many agencies. He spoke to green ideas for storm water runoff and the maintenance of drainage. **Mr. Walley** stated that FMATS is having difficulty determining the cost of maintenance on the Cushman Street Bridge. He spoke to the Transportation Alternative Program (TAP) and to the different pots of money that could possibly be tapped into. He spoke to TIP Amendment #3 that was approved regarding a project to construct a sidewalk on the north side of Wembley Avenue.

COMMUNICATIONS TO COUNCIL

a) Fairbanks Diversity Council Meeting Minutes of March 8, 2016

ACCEPTED on the CONSENT AGENDA.

- b) Chena Riverfront Commission Meeting Minutes of December 9, 2015

ACCEPTED on the CONSENT AGENDA.

- c) Chena Riverfront Commission Meeting Minutes of February 10, 2016

ACCEPTED on the CONSENT AGENDA.

- d) Chena Riverfront Commission Meeting Minutes of March 9, 2016

ACCEPTED on the CONSENT AGENDA.

- e) Reappointments to the Fairbanks Diversity Council

APPROVED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Pruhs expressed his appreciation for Mr. Walley's service. He stated that some difficult decisions relating to FNSB appeals were made and that it is good that the City set the standard of how things need to be done. He told Mayor Eberhart to have fun on his vacation to Italy.

Mr. Cleworth stated that he never thought he would serve with two different Mr. Walleys and shared some history of his relationship with Perry Walley's father, Bill Walley. He wished Mr. Walley the best of luck in all of his future endeavors.

Mr. Matherly shared the long history he has had with Mr. Walley's family and expressed appreciation in serving with him; he stated that Mr. Walley will be missed. He stated that he spoke with Marc Marlow, owner of the Polaris Building, and that Mr. Marlow still thinks he will be able to receive funds from the National Trust. **Mr. Matherly** stated that he asked Mr. Marlow if he was optimistic about construction during 2016 and Mr. Marlow replied that he would not be optimistic unless he won the lottery. **Mr. Matherly** shared his appreciation for all the people that came out for public testimony and stated if citizens cannot make it in to testify, they could reach him by email. He stated that he met with Mr. Turney at the Clay Street Cemetery when he went there to look for a family member's headstone. He encouraged everyone to visit the cemetery and to have Mr. Turney give a tour because he has a wealth of knowledge about the cemetery. **Mr. Matherly** shared that it is honor to serve on the Council and wished Mr. Walley luck in the future.

Ms. Huntington shared her thoughts on the Board of Adjustment Hearing and commented that she is lucky to be part of the City Council even when she is the sole member voting a certain way on an issue. She stated she will miss working with Mr. Walley and wished him luck in the future.

Mr. Walley shared his sadness about leaving the City Council but stated that he is happy to be moving to North Pole because it is a good move for his family. He stated it has been a pleasure serving with Mayor Eberhart as well as Mr. Cleworth when he was Mayor. **Mr. Walley** stated he has enjoyed and appreciated all of the City staff. He stated that the Clerk's Office has their work cut out for them with three open Council seats and a Mayoral election in October. He encouraged

everyone to give public service a chance and stated that he has enjoyed his time on the Council. He commented that he may be back sometime to give public testimony.

Mr. Gatewood stated that it has been a pleasure and an honor to serve with Mr. Walley for the past few years. He stated that Mr. Walley brought a particular dynamic to the Council and that it will be a hard seat to fill. He stated that the next Regular Council Meeting would be a tough one and that he hoped everyone left on the Council would be in attendance because the Mayor would be in Italy. **Mr. Gatewood** gave special recognition to Bob Hajdukovich for being honored as the UAF School of Management Business Leader of the Year for 2016 because of the fantastic job he does in operating Raven Air Alaska. **Mr. Gatewood** shared that he really enjoys discussing and debating issues with fellow members of the Council. He spoke to the voluminous packet of information provided for the Board of Adjustment appeal and shared that it was a lot of work to read.

CITY CLERK'S REPORT

City Clerk Daniyelle Snider spoke on behalf of the City Clerk's Office and stated that Mr. Walley and his good sense of humor would be missed.

CITY ATTORNEY'S REPORT

City Attorney Ewers stated that the gift he offered Mr. Wally for a going away present was a "get out of Executive Session free" card, but that Mr. Walley has decided to stay for the Executive Session. Mr. Ewers stated that he and his office will miss Mr. Walley.

Mr. Matherly, seconded by **Mr. Pruhs**, moved to go into Executive Session for the purpose of discussing the Gavora, Inc. v. City of Fairbanks Litigation Strategy (Case No. 4:15-cv-00015-SLG) and Fairbanks Firefighters Union (FFU) Labor Negotiations.

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

Mayor Eberhart called for a ten minute recess.

After the above motion was made and after the recording was turned off, Ms. Huntington left due to an early morning work commitment. She did not attend the Executive Session.

EXECUTIVE SESSION

- a) Fairbanks Firefighters Union (FFU) Labor Negotiations
- b) Gavora, Inc. v. City of Fairbanks, Case No. 4:15-cv-00015-SLG – Litigation Strategy


The City Council met in Executive Session to discuss FFU Labor Negotiations and Gavora, Inc. v. City of Fairbanks, Case No. 4:15-cv-00015-SLG – Litigation Strategy. Direction was given to staff and no action was taken.

ADJOURNMENT

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

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

Mayor Eberhart declared the meeting adjourned at 11:53 p.m.



JOHN EBERHART, MAYOR

ATTEST:



D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB