

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney urged everyone to vote no to the 5% cannabis tax and encouraged citizens to grow their own marijuana rather than buying it from a licensed establishment. Mr. Turney thanked Mayor Eberhart for attending the Fairbanks Four rally and expressed hope that there will be justice for the Four.

Terry Doerr, 306 Antoinette Street, Fairbanks – Mr. Doerr thanked everyone who helped in solving the “Gloria Lake” problem at his property. He stated that the week after bringing his issue to the City Council the issue was fixed. Mr. Doerr stated that there is a new issue at the intersection of Antoinette and College Road that he would like the City to address. He stated that there are some tall trees on the corner and that root damage was done to the trees when the excavation was done prior to resurfacing College Road. Mr. Doerr stated that the City should cut the trees down to avoid future property damage.

Lee Despain, 352 Driveway Street, Unit B, Fairbanks – Mr. Despain stated that Mr. Eberhart asked him a question in a deposition about 20 years ago about some alleged audio tapes relating to the Rice/Despain lawsuit. He accused Eberhart of leaving the country immediately following the Rice/Despain case to avoid being served legal papers. Mr. Despain stated his belief that Eberhart resigned his position at the City Attorney’s Office while he was out of the country. Mr. Despain, in response to Eberhart’s deposition question, stated that those tapes never existed. He stated that he believes he and Mr. Rice’s phone lines were being tapped. He stated that he believes Eberhart should have been disbarred, convicted and sent to prison. Mr. Despain insinuated that others in the City were guilty of doing illegal things during that time. He stated that the Council should be aware of the term “kakistocracy” and what it means: *government by the worst element of society; government by the most unprincipled people.*

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Gatewood pulled Resolution No. 4692 from the Consent Agenda.

Mr. Cleworth pulled Ordinance No. 5991 and Ordinance No. 5992 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 August 10, 2015.

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 Ownership, Location and Name Change and Restaurant Designation Permit:

Type: Beverage Dispensary, License #1920
To: Gambardella's Pasta Bella / Gambardella's II, Inc.
706 2nd Avenue, Fairbanks, Alaska
From: Reflections / The Lighthouse, Inc.
No Premises (see note in memo)

Mr. Pruhs, seconded by **Mr. Matherly**, moved to WAIVE PROTEST on the Liquor License Transfer.

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 LIQUOR LICENSE TRANSFER AS FOLLOWS:

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

Mayor Eberhart declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart stated that he would like Bob Pristash, City Engineer IV, to come forward to give a staff report on the Noble, Cushman and College Road projects. Mr. Pristash stated that the lights on College Road are the State's responsibility, not the City's. Mr. Pristash announced that Cushman was partially paved earlier in the day and that the contractors will continue to work on completing the project before the snow sticks. Mr. Pristash stated that the issue with the Noble Street lights will be addressed in the future when Noble Street is resurfaced.

Mayor Eberhart summarized the many activities that the Mayor's Office had participated in since the last Regular Council Meeting. **Mayor Eberhart** stated that the applications for the new Fire Chief have been narrowed down to four potential candidates. **Mayor Eberhart** stated that the Finance Committee has a public vacancy and that he hoped it would soon be filled. **Mayor Eberhart** stated that he attended a Polaris Building workgroup meeting with Lisa Murkowski's office about the possibilities of federal funding to help tear down the building. **Mayor Eberhart** stated that revenue sharing will be cut by half a million dollars and that it will be a big hit for the City of Fairbanks.

UNFINISHED BUSINESS

- a) Resolution No. 4689 – A Resolution Honoring Warren B. Cummings by Dedicating and Renaming Fire Station One in His Honor. Introduced by Mayor Eberhart. POSTPONED from the Regular Meeting of September 14, 2015.

NOTE: Because Resolution No. 4689 was postponed, the motion to APPROVE was already on the floor. The motion to APPROVE was made by **Mr. Pruhs**, seconded by **Mr. Matherly** at the Regular Meeting of September 14, 2015.

Mr. Pruhs, seconded by **Mr. Walley**, moved to POSTPONE Resolution No. 4689 until the first meeting in January, 2016.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE RESOLUTION NO. 4689 AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

- b) Ordinance No. 5990 – An Ordinance to Amend FGC Section 2-61 Regarding the Mayor's Compensation. Introduced by Council Member Cleworth. POSTPONED from the Regular Meeting of September 14, 2015. SECOND READING AND PUBLIC HEARING.

Mr. Walley, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5990.

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

Mr. Cleworth stated that Channel 11 ran a story on the Mayor's compensation time a few weeks back and that he has received a lot of phone calls from citizens concerned about the amount of comp time earned. He stated that there are laws imposed upon the private sector that do not apply to the public sector, such as Social Security. **Mr. Cleworth** read aloud Section 4.1.2 of the City Charter. He asked if there was a limit to how much vacation time could be accrued. **Mayor Eberhart** stated the annual leave accrual limit is 500 hours; City Clerk Snider confirmed.

Mr. Cleworth stated that when he became Mayor, the Payroll Department informed him that he had to fill out a timecard. He recalled thinking that it was strange because it was a salaried position. **Mr. Cleworth** asked the Council to look at the attachment to the ordinance that lists what kind of compensation packages other mayors in Alaska receive. **Mr. Cleworth** read aloud some of the municipalities' statistics; he pointed out that North Pole is the only other city that allows the Mayor to earn comp time and they cap it at 40 hours. **Mr. Cleworth** stated that the Borough Mayor does not earn vacation time or comp time. He asked the Council to support Ordinance No. 5990 so that Fairbanks would fall in line with other cities in Alaska. **Mr. Cleworth** stated that elected officials should serve and should not earn comp time.

Mayor Eberhart stated that comp time has been in place at the City since the formation of a strong mayor form of government. He stated that Mayor Hayes, Mayor Thompson and Mayor Strle all accrued comp time. He stated that filling out a timecard allows others to see how much time he spends on City business. **Mayor Eberhart** stated that Mr. Cleworth did not claim comp time as City Mayor and that nobody is able to determine how many hours he worked per day.

Mr. Cleworth stated that he does not understand why the Mayor position needs to complete a timecard; he stated that the only purpose for it is to make the payroll system work.

Mayor Eberhart distributed a handout and called Grants Administrator Margarita Bell to come forward to speak. He asked Ms. Bell to summarize the information that was on the handout; Ms. Bell explained that it is a breakdown of the past three City Mayors' timecards. **Mayor Eberhart** stated that Mr. Cleworth's reporting shows no comp time earned and very little leave time used.

Mayor Eberhart requested Human Resources (HR) Director Angela Foster-Snow to come forward; he asked her to speak to the reason for turning in a time card. Ms. Foster-Snow stated it is important from an HR standpoint in case there is a disciplinary issue with an employee. **Mayor Eberhart** stated there are seven other non-represented salary employees and asked if she has heard if they are concerned about the possibility of losing their comp time benefit. Ms. Foster-Snow stated she has heard that some people are concerned that if the mayor loses his Comp time that they could lose theirs as well.

Mr. Matherly questioned why Mr. Cleworth's timecard reporting is being scrutinized; he stated that it is pointless. He commented that the average citizen is smart enough to know that the Mayor's position is a fulltime job and that 8 hours a day is probably not enough time to take care of the City's business.

Mayor Eberhart asked Ms. Foster-Snow to come forward. He asked her to comment from an HR standpoint on Ordinance No. 5990. Ms. Foster-Snow stated that she is concerned with the inability to track time for accountability purposes if a situation ever arose where action may need to be taken. She stated that there may be concern from other non-union employees that their comp time may be taken away if the Mayor's comp time is eliminated. **Mayor Eberhart** stated that nothing is broken so there is no need for a fix. He listed the many projects that he and City staff are currently working on and stated that he has lost hundreds of comp hours. He stated that it is sad when one citizen can come forward, make unfounded allegations and generate such a big issue. **Mayor Eberhart** stated that he is doing nothing different than any other City Mayor has done with comp time with the exception of Mr. Cleworth; he urged the Council to vote against Ordinance No. 5990.

Mr. Matherly read aloud a letter written by former City employee and current Finance Committee Member Ron Woolf regarding the Mayor's compensation package. In the letter, Mr. Woolf stated that the Mayor should not earn comp time whether he works 20 hours a week or 80 hours a week and that the Mayor's position is different than other City employees because it is an elected position. **Mr. Matherly** stated that the Mayor's compensation issue is the concern of more than one citizen. **Mr. Matherly** asked Ms. Staley if salaried positions in the private sector earn comp time.

Ms. Staley stated that comp time is illegal for salaried, exempt private sector employees. **Ms. Staley** stated that if she were the Mayor, she would not claim comp time because it would be her pride and honor to serve to public. **Ms. Staley** stated she appreciates Mr. Cleworth's ordinance because she did not know that the City Mayor had the ability to earn comp time.

Mr. Gatewood stated that if he were the Mayor and comp time was offered, he would take it. He shared that he is torn about the Mayor earning comp time because he is a salaried employee and even if he works 52 hours a week he only gets paid for 40. He stated that when he first became a Council Member, he did not know that he would earn a stipend. **Mr. Gatewood** stated that he believes it is time to place some parameters on what will be allowable in regard to the Mayor's compensation. He stated that other non-represented City workers should not be concerned about losing comp time because they are not elected officials.

Mr. Walley asked Mr. Cleworth what happens to the Mayor's earned comp time if the ordinance passes. **Mr. Cleworth** stated the hours of comp time the Mayor has already earned would remain on the books. **Mr. Walley** asked how many hours of vacation the Mayor earns per year. Ms. Foster-Snow confirmed the position earns 120 hours per year. He spoke to specific numbers on the handout. **Mr. Walley** stated that the Mayor is an elected official—not an employee—and should not earn comp time.

Mayor Eberhart stated that he has worked a lot more comp time than what is on the books, but that he is only able to retain 240 hours at a time in his comp bank.

Mr. Pruhs stated that Mr. Cleworth's ordinance does not get to the root of the problem and that he would like to delay changing the Mayor's compensation until the entire package can be reviewed and discussed. He stated that he would delay the effective date of changes for a year.

Mr. Cleworth stated that comp time does not have a place in the Mayor's position. He stated that when Borough Mayor Luke Hopkins takes time off he is not compensated for it; he just takes the time off. **Mr. Cleworth** stated that Mayor Eberhart has not done anything wrong but that it is time to address the issue. **Mr. Cleworth** stated that when he was Mayor he often worked weekends and more than eight hours per day but that he always claimed only eight hours. He stated that if he was sick or out of the office he took leave time.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5990 AS FOLLOWS:

YEAS: Cleworth, Walley, Staley, Matherly

NAYS: Pruhs, Gatewood

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 5990 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4691 – A Resolution Authorizing the City of Fairbanks to Accept Funds from the Alaska Highway Safety Office for the FFY2016 DUI Traffic Enforcement Unit. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA

- b) Resolution No. 4692 – A Resolution to Accept Funding from the Office of Community Oriented Policing Services (COPS) for the FFY2015 Community Policing Development (CPD) Program. Introduced by Mayor Eberhart.

Mr. Matherly, seconded by **Mr. Pruhs** moved to APPROVE Resolution No. 4692.

Mr. Gatewood requested a staff report to further understand what will be provided for the requested \$75,000. Lieutenant Matt Soden stated he is sitting in for the Chief of Police and that the money would pass through the Volunteers in Policing (VIP) program to hire a part-time person to assist the Community Policing Officers. **Mr. Gatewood** stated that he would like the package to be broken out more; he inquired as to what kind of benefit package would be included and if uniform fees would come out of the \$75,000. Chief of Staff Jim Williams volunteered to comment and stated that the position would be contracted out to the VIP's and would get daily task assignments from the Police Chief, then report back at the end of their shift.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4692 AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4692 APPROVED.

- c) Ordinance No. 5991 – An Ordinance Amending the Operating and Capital Budgets for the Seventh Time. Introduced by Mayor Eberhart.

Mr. Matherly, seconded by **Mr. Cleworth**, moved to ADVANCE Ordinance No. 5991.

Mr. Cleworth stated that he pulled Ordinance No. 5991 due to the proposed \$41,792 budget increase to the Engineering Department. He stated that there has been one director overseeing both the Public Works Department and the Engineering Department but since Mike Schmetzer left, the administration chose to separate the position. **Mr. Cleworth** spoke to the particulars of the proposed increase. He stated that raising the Engineering department head salary to \$124,000 per year would make the salary significantly higher than that of other City department heads and would likely cause a host of headaches.

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to AMEND Ordinance No. 5991 by eliminating the \$41,792.00 increase to the Engineering Department budget.

Mayor Eberhart asked Mr. Williams to give a staff report on the proposed Engineering budget increase. Mr. Williams stated that the proposed increase was an effort to entice Engineer IV Bob Pristash to take the position because he is a quality employee. Mr. Williams stated that if Mr. Pristash were to take the position as City Engineer he would not be able to claim overtime. He

stated that so far in 2015, Mr. Pristash has worked 1,500 hours of overtime; he stated that losing the overtime would directly affect his personal income.

Mr. Walley asked if Mr. Pristash has had as much overtime in previous years. Mr. Williams replied that he does not have exact numbers but that Mr. Pristash has typically been one of the highest overtime earners in the City.

Mr. Cleworth asked if the rest of the Engineering Department earned much overtime. Mr. Williams stated that everyone in the department is working overtime this year. **Mr. Cleworth** stated there would be fewer projects coming to the City because of the decrease in State revenue sharing. He stated that it may be dangerous to increase the salary that much given the possibility of decreased work.

Mayor Eberhart stated that \$124,000 does sound like a high annual salary but when you take into consideration that Mr. Pristash will no longer earn overtime it is not an inflated number. He stated that Mr. Pristash could command a much higher salary by moving to the private sector but that he has chosen to stay with the City of Fairbanks for several decades.

Mr. Cleworth stated that the Finance Director does not earn overtime and that it would not be fair to bump Mr. Pristash's pay so significantly to compensate for the lack of overtime.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5991 BY ELIMINATING THE \$41,792.00 INCREASE TO THE ENGINEERING DEPARTMENT BUDGET AS FOLLOWS:

YEAS: Pruhs, Staley, Cleworth, Matherly, Walley

NAYS: Gatewood

Mayor Eberhart declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN TO ADVANCE ORDINANCE NO. 5991, AS AMENDED, AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

d) Ordinance No. 5992 – An Ordinance Ratifying an Amendment to the Labor Agreement Between the City of Fairbanks and the International Brotherhood of Electrical Workers Local 1547. Introduced by Mayor Eberhart.

Mr. Matherly, seconded by **Ms. Staley**, moved to ADVANCE Ordinance No. 5992.

Mr. Cleworth stated that he pulled Ordinance No. 5992 because it was tied to the ordinance requesting Mr. Pristash's salary increase. **Mr. Cleworth** stated he hopes the Council will vote to fail Ordinance No. 5992.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 5992 AS FOLLOWS:

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

COMMUNICATIONS TO COUNCIL

a) Appointment to the Permanent Fund Review Board

APPROVED on the CONSENT AGENDA

b) Appointment to the Clay Street Cemetery Commission

APPROVED on the CONSENT AGENDA

COUNCIL MEMBERS' COMMENTS

Ms. Staley stated that this would be her last meeting in attendance as a Council Member. She stated that she has enjoyed serving with everyone and has learned a lot. She spoke to her enjoyment in serving on various City boards and commissions. **Ms. Staley** wished Joy Huntington the best in the upcoming election.

Mr. Walley stated it has been a pleasure and an honor to serve with Ms. Staley. **Mr. Walley** spoke to the public testimony regarding marijuana tax and reminded listeners that if any money is generated from the tax that there is a cap within the tax cap. **Mr. Walley** encouraged everyone to get out and vote in the October 6 Municipal Election.

Mr. Gatewood echoed Mr. Walley's sentiments regarding all that Ms. Staley has brought to the City Council. **Mr. Gatewood** encouraged everyone to get out and vote in the election.

Mr. Matherly thanked Ms. Staley for making meetings even when she was calling in from the east coast. **Mr. Matherly** stated that Ms. Staley has been a dedicated servant and that he will miss seeing her smile. **Mr. Matherly** stated he is honored to serve the City of Fairbanks as a Council Member.

Mr. Cleworth spoke to the Gas Purchase Commission meeting he attended and stated that Mr. Williams is working on a recommendation that will be distributed to the Council. He stated that there is a Work Session scheduled with the Golden Heart Parking Authority but that he did not think it was necessary. He requested that Ms. Snider remove it from the schedule. **Mr. Cleworth** expressed his condolences in the recent passing of Mr. Bill Northrup. He stated he was sad to hear that Jim Soileau submitted his resignation as the City's Chief Financial Officer. He stated that Mr. Soileau is a great person and great asset to the City and that he is sorry to see him move on. He requested that Ms. Snider draft a resolution that he will sponsor regarding the State's sole authority to license. **Mr. Cleworth** spoke to the City Clerk's report to the Council, specifically in regard how involved the Clerk's Office should be in City boards and

commissions; he asked that the issue be discussed in a future Finance Committee meeting. **Mr. Cleworth** expressed concern that the new Fire Chief's proposed wage is the same amount Warren Cummings was earning when he retired. **Mr. Cleworth** stated that he is sad to see Ms. Staley leaving because she is such an asset to the Council. He thanked Ms. Staley for her help on the Tiger Team and on the Parking Authority. **Mr. Cleworth** wished Mr. Walley and Ms. Huntington good luck in the election.

Mr. Pruhs thanked Ms. Snider for the Clerk's report. **Mr. Pruhs** stated he was on KFAR radio and he told the listeners to call Mr. Walley for Complete Cushman Street inquiries; he stated he hoped Mr. Walley received some phone calls. **Mr. Pruhs** stated that he will be a reoccurring guest on KFAR so if anyone has a topic they would like him to speak to he would be happy to do so. **Mr. Pruhs** thanked Ms. Staley for her service and commented that it was a pleasure serving with her on both the Council and the Borough Planning Commission.

CITY ATTORNEY'S REPORT

City Attorney Ewers stated that the City would miss Ms. Staley.

CITY CLERK'S REPORT

City Clerk Snider encouraged everyone to vote in the October 6, 2015 election and advised that polls open at 7:00 a.m.

ADJOURNMENT

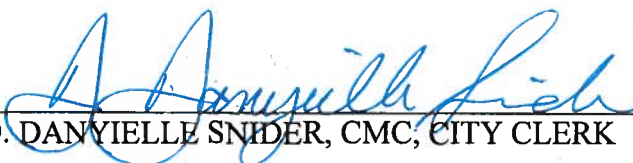
Mayor Eberhart called for objection to adjournment and, hearing none, so ORDERED.

Mayor Eberhart declared the meeting adjourned at 9:04 p.m.



JOHN EBERHART, MAYOR

ATTEST:



D. DANVIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB