



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, SEPTEMBER 14, 2015
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: Renee Staley, 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: Warren Cummings, Fire Chief
 Ernie Misewicz, Assistant Fire Chief
 Margarita Bell, Grants Administrator
 Paul Ewers, City Attorney
 D. Danyielle Snider, City Clerk
 Jim Williams, Chief of Staff
 Stephanie Johnson, Dispatch Center Manager
 Carmen Randle, Controller
 Ben Barrio, IT Director
 Angela Foster-Snow, HR Director
 Randall Aragon, Police Chief
 Verg Scott, Public Works General Foreman
 Amber Courtney, Communications Director

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

CITIZEN'S COMMENTS

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney spoke to the right to free speech that is guaranteed by the First Amendment to the United States Constitution. Mr. Turney stated that he met with the Mayor the past winter, prior to his interview with Channel 11, regarding the burial of Chief Nagita and to discuss what he could report on. Mr. Turney stated that he is the caretaker of the Clay Street Cemetery by contract with the City of Fairbanks and that he does not

agree that there is a conflict of interest as Mr. Pruhs had previously stated. Mr. Turney thanked City Attorney Paul Ewers and City Clerk Danyielle Snider for reexamining the burial site to help ensure the remains went back in the right gravesite. Mr. Turney stated he has worked at the Clay Street Cemetery since the 1980's. Mr. Turney shared his support for naming the Fire Station after Fire Chief Warren Cummings.

Victor Buberger, P.O. Box 58192, Fairbanks – Mr. Buberger thanked the City for the repairs they had performed on Gilmore Street. Mr. Buberger stated that tax payers are footing the bill for all of the Mayor's travels and per diem. Mr. Buberger asked why Executive Sessions are not broadcast on the radio and commented that the general public should be able to hear what goes on during those sessions. Mr. Buberger expressed his disappointment in Mr. Pruhs' public comments at the last meeting regarding Mr. Turney's position as the grounds keeper at the Clay Street Cemetery.

Terry Doerr, 306 Antoinette Avenue, Fairbanks – Mr. Doerr stated he has an issue he has been dealing with the City on all summer long. Mr. Doerr stated that there are large chunks of blacktop and large rocks that were left behind after resurfacing the road he lives on. Mr. Doerr stated he spoke with Engineer II Sam Carlson several times over the summer and that Mr. Carlson put his property on a waiting list to be attended to. Mr. Doerr stated that the water has built up to the point that now it is spilling into his neighbor's driveway and that something needs to be done about it.

Mr. Matherly thanked Mr. Doerr for his testimony and asked if he knew for sure that he was on a waiting list.

Mr. Doerr stated that his property is on Exclusive Paving's punch list but that nothing has been done to this point.

Mr. Matherly stated he would drive by the property and make a few calls to ensure that Mr. Doerr's property is attended to.

Mayor Eberhart stated that this is the first time he has heard of the issue and that he will have Chief of Staff Jim Williams speak with Public Works and Engineering staff to verify that the property issue is resolved.

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. 4687 and Resolution No. 4689 from the Consent Agenda.

Mr. Cleworth pulled Resolution No. 4688 from the Consent Agenda.

Mayor Eberhart pulled Ordinance No. 5990 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 July 6, 2015.

APPROVED on the CONSENT AGENDA.

- b) Regular Meeting Minutes of July 20, 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 Appeal of Denied Application for New Chauffeur License.

Applicant: Emil G Hugny-Farr

Mr. Gatewood, seconded by **Mr. Walley**, moved to GRANT the Chauffeur License Appeal.

Emil Hugny-Farr, 1654 Eielson Street, #7, Fairbanks – Mr. Hugny-Farr stated that there is no doubt that he committed the assault but indicated that he is very sorry for it. He stated he took the Alternative to Violence Program (AVP) and LEAP Classes and that he has learned a great deal from the classes; he stated that he is about to become a trainer for the AVP. Mr. Hugny-Farr stated that now when he and his fiancé start to argue he steps away and takes a drive. He added that being a chauffeur would be helpful for him in avoiding situations of conflict. Mr. Hugny-Farr stated that he worked as security for the Goldpanners over the summer.

Mayor Eberhart asked Mr. Hugny-Farr if he is currently employed. Mr. Hugny-Farr stated that he is not currently working. **Mayor Eberhart** asked if he has a good chance of getting hired by a local cab company; Mr. Hugny-Farr stated he would be working for Eagle/Yellow Cab Company.

Mr. Gatewood asked Mr. Hugny-Farr to clarify when he took the LEAP Classes and asked why he checked “no” on the box in reference to assault convictions on the Chauffeur license application. Mr. Hugny-Farr replied he has some learning disabilities and that someone who was helping him complete the application advised him not to mark “no” to that question on the application.

Mayor Eberhart stated that the look back period for misdemeanor assault is four years and that even if Mr. Hugny-Farr is denied the appeal he could reapply for a Chauffeur's License in December of 2015.

Mr. Matherly asked Mr. Hugny-Farr about the driving without a chauffeur's license charge that is on his record from last year. Mr. Hugny-Farr stated he was driving his own vehicle and that a woman offered to pay him \$50 to drive her to North Pole. He stated that upon arriving at the North Pole Safeway that the woman started freaking out and he had to call the police to deal with her. Mr. Hugny-Farr stated that he did not realize giving someone a ride in his own vehicle for a fee was illegal.

Victor Buberger – Mr. Buberger stated he does not think the City Council should consider Chauffeur appeals; he commented that it should be a matter left up to the court.

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

Mr. Cleworth asked City Attorney Paul Ewers if Mr. Hugny-Farr can come back in December to reapply; Mr. Ewers replied affirmatively. **Mr. Cleworth** stated that given Mr. Hugny-Farr's lengthy criminal record he has some concern. He stated, however, that since Mr. Hugny-Farr could come back in December and obtain the license he did not see a reason to deny the appeal.

Mr. Matherly stated he appreciates Mr. Hugny-Farr coming in to appeal and that he believes that the appeal process is a good thing for citizens.

Mr. Pruhs echoed Mr. Matherly's thoughts on the appeal process. **Mr. Pruhs** stated the Council gets a view of the big picture and the Clerk only sees a box that is checked.

Mr. Gatewood stated he is bothered by the non-truthfulness on Mr. Hugny-Farr's application but that he sees Mr. Hugny-Farr has done a lot of work taking classes. **Mr. Gatewood** stated that he will vote in favor of granting the appeal.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO GRANT THE CHAUFFEUR LICENSE APPEAL AS FOLLOWS:

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

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart stated that he recalled meeting with Mr. Turney to discuss the interview with Channel 11 and that he told Mr. Turney that he could speak for himself in the interview. He stated that he could not report to the media on behalf of the Clay Street Cemetery Commission. **Mayor Eberhart** stated that three days earlier was the anniversary of September 11th and he thanked first responders for making the decision to serve as emergency personnel. **Mayor Eberhart** stated he hopes that the Fire Department and the City can press reset on their

relationship. **Mayor Eberhart** stated that September 15 – October 15 is Hispanic Awareness Month. He stated that Fairbanks Diversity Council Member Doug Toelle is being inducted into the National Multiple-Sclerosis Society Hall of Fame in November. **Mayor Eberhart** spoke to the Polaris Building issues and stated that Mr. Marlow is no longer the owner of the building. **Mayor Eberhart** stated that three new fire fighters will be starting at the Fire Department next week and that one of them is a female. **Mayor Eberhart** stated that on his vacation he took a tour to Fanano, Italy, Fairbanks' Sister City. He reported on the many activities he took part in while in Fanano and stated that the people of Fanano were very interested in the City of Fairbanks' student work study program. He listed other activities of the Mayor's Office since the last Regular City Council Meeting. **Mayor Eberhart** stated that the fourth semester of student work study kicked off recently and that Fairbanks is the only City in Alaska that has such a program. **Mayor Eberhart** stated that when he became Mayor he asked the Information Technology (IT) Department to revamp the website and the students from the work study group did much of the work on that request.

Mr. Gatewood questioned why students were the people doing the work on the City website.

Mayor Eberhart asked IT Director Ben Barrio to speak to Mr. Gatewood's question. Mr. Barrio stated that the City IT Department is not trained in graphic art or website development. Mr. Barrio stated that his staff's training and focus is to keep the City secure and maintain all informational systems. Mr. Barrio stated he had graphic art students work on the project because they had fresh ideas; he stated it benefited the students by helping them reach their internship goals and it benefited the City by alleviating some of the workload.

NEW BUSINESS

- a) Resolution No. 4687 – A Resolution Authorizing the City of Fairbanks to Accept Funds from the Alaska Division of Homeland Security for the FFY2015 State Homeland Security Program. Introduced by Mayor Eberhart.

Mr. Gatewood, seconded by **Ms. Staley**, moved to APPROVE Resolution No. 4687.

Mr. Gatewood requested that Grants Administrator Margarita Bell come forward to explain the number discrepancies between the resolution and the attached fiscal note.

Ms. Bell stated that Resolution No. 4687 speaks to the amount of money the City is receiving from Homeland Security and that the fiscal note speaks to the amount the City plans to expend. She clarified that the number in the fiscal note includes both the grant funds and the matching funds. She stated that the matching funds have been appropriated from the Capital budget.

Mr. Gatewood asked if the \$500.00 maintenance cost that is listed was for an individual camera or for all 12 units. Ms. Bell stated the cost was for all 12 units.

Mr. Walley asked if warranty costs were included, and Ms. Bell replied affirmatively.

Mr. Gatewood asked how the numbers were calculated; Ms. Bell replied that they priced out individual units and then multiplied that price by the number of units requested.

Mr. Cleworth asked for clarification on the match. Ms. Bell stated that the grant amount requested was not fulfilled but that the department is supplementing the cost of the units. **Mr. Cleworth** asked what kind of laptops are being requested, and Ms. Bell replied that they are Dell laptops that will go into police vehicles.

Mr. Barrio stated that the Dell laptops would replace end-of-lifecycle laptops that are currently in police vehicles. Mr. Barrio stated that the existing laptops have a lot of warranty repair issues and screen delamination problems. Mr. Barrio stated that they are test driving a couple different options and that they are looking into the units that the State of Washington is currently using.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4687 AS FOLLOWS:

YEAS: Cleworth, Pruhs, Walley, Staley, Matherly, Gatewood
NAYS: None
Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4687 APPROVED.

- b) Resolution No. 4688 – A Resolution Awarding a Contract to Westnet, Inc. for the Fire Station Alerting System Upgrade RFP 15-13. Introduced by Mayor Eberhart.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to APPROVE Resolution No. 4688.

Mr. Cleworth asked if someone could give a staff report on Resolution No. 4688. Dispatch Center Manager Stephanie Johnson explained that the existing alerting system is no longer being updated or supported so it will need to be replaced. **Mr. Cleworth** asked if the alerting system is separate from the Firehouse system; Ms. Johnson replied affirmatively. She stated explained how the new system would work and reiterated the importance of replacing the existing system.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4688 AS FOLLOWS:

YEAS: Pruhs, Gatewood, Staley, Cleworth, Matherly, Walley
NAYS: None
Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4688 APPROVED.

- c) Resolution No. 4689 – A Resolution Honoring Warren B. Cummings by Dedicating and Renaming Fire Station One in His Honor. Introduced by Mayor Eberhart.

Mr. Pruhs, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4689.

Mr. Gatewood stated that he is in favor of honoring Chief Cummings by renaming the Fire Station at some point but that he does not think that it is the right time to do it. **Mr. Gatewood** stated that he was not sure whether a vote on the resolution would have an impact on the

upcoming Executive Session. **Mr. Gatewood** stated that there is no reason to rush a vote and suggested that it could be further discussed at a later date.

Mr. Cleworth stated that Resolution No. 4689 is a great resolution but that he is in agreement with **Mr. Gatewood** on the issue.

Mr. Cleworth, seconded by **Mr. Walley**, moved to POSTPONE Resolution No. 4689 to the Regular Meeting of October 5, 2015.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE RESOLUTION NO. 4689 TO THE REGULAR MEETING OF OCTOBER 5, 2015 AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

- d) Ordinance No. 5990 – An Ordinance to Amend FGC Section 2-61 Regarding the Mayor’s Compensation. Introduced by Council Member Cleworth.

Mr. Gatewood, seconded by **Ms. Staley**, moved to ADVANCE Ordinance No. 5990.

Mayor Eberhart questioned the reasoning behind Ordinance No. 5990. He stated that he is a City employee and should be treated the same as other employees. **Mayor Eberhart** asked **Mr. Cleworth** to explain his reasoning for introducing the ordinance.

Mr. Cleworth stated that he blames himself for not introducing the ordinance years ago when he was Mayor and that the issue has bothered him for some time. **Mr. Cleworth** stated that when he became the Mayor, Payroll came to him and requested that he keep a timesheet to track hours worked. **Mr. Cleworth** stated that he told Payroll that he did not see a need to keep a timecard because the Mayor’s position is salaried. **Mr. Cleworth** stated that he called the Borough and asked how their Mayor claimed comp time and they informed him that the Borough Mayor does not receive comp time. **Mr. Cleworth** stated that the ordinance came up because of a citizen complaint regarding how much comp time is being claimed by the Mayor.

Mayor Eberhart stated that comp time came into effect in 1995 and that the Mayor is an employee of the City.

Mr. Cleworth stated that every Mayor since that time has claimed comp time with the exception of himself.

Mayor Eberhart stated that he can only accrue 240 hours of comp time and that he has worked in excess of the hours he has in his comp bank. **Mayor Eberhart** stated that this ordinance is a disincentive for working extra hours because he would not receive any compensation for all the extra work. **Mayor Eberhart** stated that if it is not broken, then do not fix it. He asked Chief of Staff Jim Williams and Human Resources Director Angela Foster-Snow to come forward and speak to the importance of comp time.

Mr. Williams stated that comp time is a retention tool for employees.

Ms. Foster-Snow stated that there are a lot of additional hours worked at her position and that it is important to keep dedicated workers. She stated that comp time is a way to make employees feel valued.

Mr. Cleworth stated that Ordinance No. 5990 does not affect regular City employees. He stated that the ordinance only applies to the Mayor who is an elected official. **Mr. Cleworth** stated that he hopes people run for Mayor because they want to serve the community, not because they want to earn comp time. He stated that he hopes Mayor Eberhart does not lose his incentive to work for the City. **Mr. Cleworth** stated that the intent of the ordinance is not to take away anything that the Mayor has already earned. He reiterated that the Mayor's position is different than that of regular City employees.

Mr. Gatewood asked how the Borough Mayor takes a vacation if he does not receive comp time or annual leave.

Mr. Cleworth replied that he just takes time off.

Mr. Walley questioned whether the Mayor needs to fill out a timecard. He asked City Attorney Paul Ewers if it can be changed so that the Mayor would not have to enter his time. Mr. Ewers stated that governmental entities all have different rules about salaried employees filling out timecards. **Mr. Walley** asked what would happen if the Mayor did not fill out a timecard. Mr. Ewers replied that nothing would happen and that according to the Fair Labor Standards Act (FLSA), elected officials are not considered employees.

Mr. Pruhs stated that he would like to take a look at the Mayor's total compensation package before voting on Ordinance No. 5990. **Mr. Pruhs** stated that he would like to discuss the Mayor's entire compensation package in a Finance Committee meeting.

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

YEAS: Matherly, Gatewood, Pruhs, Cleworth, Staley

NAYS: Walley

Mayor Eberhart declared the MOTION CARRIED.

DISCUSSION ITEMS

a) Committee Reports

Fairbanks Diversity Council (FDC) – **Mr. Gatewood** stated that the FDC met recently and that the group continues to discuss their role in making the City more diverse. **Mr. Gatewood** spoke to the presentation by University of Alaska Fairbanks (UAF) Professor Dr. Nicole Cundiff regarding municipality equality index (MEI) scores and the importance of the LGBT population. **Mr. Gatewood** stated that the both the Mayor's Office and the Chief of Police have reached out to the LGBT community.

COMMUNICATIONS TO COUNCIL

a) Fairbanks Diversity Council Meeting Minutes of August 11, 2015

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Matherly stated he appreciated Mr. Doerr's testimony and also thanked Mr. Hugny-Farr for coming in for his appeal. **Mr. Matherly** spoke to the decorum standards that should be observed during the City Council meetings. **Mr. Matherly** stated that near the beginning of every meeting, the City Clerk reads the standards of decorum into the record, which state that public members should address the Council as a body rather than any particular Council member.

Mr. Cleworth stated that he would like to request a Work Session to address the Polaris Building. **Mr. Cleworth** stated that options need to be looked at on the federal level because there would not be any money coming out of Juneau. **Mr. Cleworth** spoke to the issue with Mr. Doerr's property.

Mr. Pruhs stated he hoped that Mr. Doerr's property issue gets resolved quickly. **Mr. Pruhs** stated that it is time to have a Work Session about the Polaris Building and he updated the Council that Mr. Marlow is no longer an owner of the building. **Mr. Pruhs** stated that the best way to get rid of the Polaris Building is to seek out federal funding and that he has asked Representative Lisa Murkowski to help with the project. **Mr. Pruhs** stated that City Development Manager Pat Smith will be taking part in a video conference to discuss the possibility of federal funding. **Mr. Pruhs** stated that the Polaris Building must be knocked down; he discussed the black and green mold issues in the building.

Ms. Staley asked if the new owner has any interest in renovating the Polaris Building.

Mr. Pruhs stated that at this time he does not know if the new owner intends to develop the building. **Mr. Pruhs** stated that legal has reached out to him with no response.

Mr. Cleworth stated that Mr. Marlow had two notes on the property; he inquired as to whether the notes had been consolidated.

Mr. Pruhs stated that the note holder, Ken Gain, does not want the building.

Ms. Staley encouraged everyone to attend the F-35 scoping meetings. **Ms. Staley** stated that when she was in North Carolina gas was \$1.65 a gallon; she commented when she returned to home, she could not believe how expensive it is to live in Fairbanks.

Mr. Walley stated he had no comments.

Mr. Gatewood stated that he agreed with Mr. Pruhs in regard to discussing the Mayor's entire compensation package. **Mr. Gatewood** stated that the next Finance Committee meeting may be too soon to discuss the topic.

Mr. Cleworth stated he did not realize that there was a Finance Committee meeting the following morning and agreed with Mr. Gatewood that it would be too soon to discuss the compensation package for the Mayor.

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to RECONSIDER THE ADVANCEMENT of Ordinance No. 5990.

Mr. Ewers stated that the Council may reconsider the Motion to Advance at the same meeting by four affirmative votes of the body.

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

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to ADVANCE Ordinance No. 5990 to the Regular City Council Meeting of October 5, 2015.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 5990 TO THE REGULAR CITY COUNCIL MEETING OF OCTOBER 5, 2015, AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

Mr. Matherly, seconded by **Ms. Staley**, moved to go into Executive Session for the purpose of discussing FFU Labor Negotiations and the W. Cummings Workers' Comp Case.

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

Mayor Eberhart called for a five minute recess.

CITY CLERK'S REPORT

a) Approval of Election Judges for the 2015 Municipal Election

APPROVED on the CONSENT AGENDA

EXECUTIVE SESSION

- a) Fairbanks Firefighters Union (FFU) Labor Negotiations
- b) Workers' Comp Case (W. Cummings)

The City Council met in Executive Session to discuss FFU Labor Negotiations and the W. Cummings Workers' Comp Case. Direction was given to staff and no action was taken.

ADJOURNMENT

Mr. Matherly moved to ADJOURN the meeting.

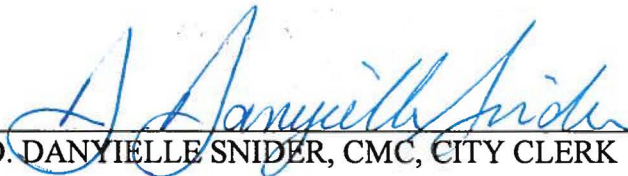
Mayor Eberhart called for objection and, hearing none, so ORDERED.

Mayor Eberhart declared the meeting adjourned at 9:53 p.m.



JOHN EBERHART, MAYOR

ATTEST:



D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB