

FAIRBANKS CITY COUNCIL REGULAR MEETING MINUTES, JUNE 8, 2015 FAIRBANKS CITY COUNCIL CHAMBERS 800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, following a 5:00 p.m. Work Session for a Post-legislative Update from City Lobbyists and a 5:30 p.m. Work Session to discuss City/FNSB Marijuana Zoning Issues, 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

Absent:

David Pruhs, Seat F

Also Present:

Warren Cummings, Fire Chief

Paul Ewers, City Attorney

D. Danyielle Snider, City Clerk Jim Williams, Chief of Staff

Shannon Kumpula, Purchasing/Risk Manager

Randall Aragon, Police Chief

Verg Scott, Interim Public Works Director

Carmen Randle, Controller

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 stated that he has asked many times over the years the name of the officer that administers the polygraph tests for officers who are in the hiring process. Mr. Turney stated it should not be a staff member giving the test, but that an independent company should administer the polygraph test. Mr. Turney stated one Mayor said they hired an officer because if was cost effective; he stated the City should be more concerned with the best and the brightest when it comes to the background checking of a new officer. Mr. Turney spoke to the oil companies not donating the standard \$20,000.00 a year to the Downtown Association this year, and he stated that the letter David Van den Berg wrote and had published in the Washington Post may have been the reason. Mr. Turney stated the Board that represents

the Downtown Association should reprimand him for his actions. Mr. Turney stated Mayor Eberhart introduced him to Donald Charlie who was looking for the headstone of a family member at the Clay Street Cemetery; he thanked Ms. Snider for helping him with the search. Mr. Turney thanked Mayor Eberhart for coming by the cemetery and speaking of the fallen soldiers.

Victor Buberge, P.O. Box 58192, Fairbanks – Mr. Buberge thanked the Council for fixing the pothole on Cowles and Lathrop. Mr. Buberge stated there are so many potholes in the City that the City should hire a battalion of workers to get them filled. Mr. Buberge stated he did not believe people should be fired for recreational drug use unless they are under the influence on the job. Mr. Buberge stated no City employee should be drug tested if the police officers are not tested. He stated if you test one you should test them all. Mr. Buberge stated that the Police Department has had drug users, common thieves and drug sellers; he stated the thieves were made known by the shake-up of the evidence locker in the years past. Mr. Buberge stated that drugs, money and guns ended up missing from the evidence locker. Mr. Buberge stated all police officers were exonerated of the crime; he stated the new Police Chief Randall Aragon has shown concern for the community, and he hopes he will be able to restore trust of the local officers. Mr. Buberge stated he wished Mr. Aragon all the best and that he hoped his fellow officers were helping him in his transition. Mr. Buberge shared his disappointment for the City employee who was fired for having marijuana in her system; he stated she should not have been fired unless she was smoking marijuana on the job. Mr. Buberge stated if the City is going to drug test anyone they should drug test everyone, especially the police.

Donna Gilbert, 2223 South Cushman, Fairbanks – Ms. Gilbert stated she has a major problem that she has tried to deal with through all of the proper channels. She stated that a few years ago Development Manager Patrick Smith came to see her and asked her if she would give an easement to the City so they could put a sewer drain from Cushman to the Steese Highway. Ms. Gilbert stated she did not want to sell the property so she had a contract made up that stated the sewer drain could go in and when the project was complete her property would be restored to the condition it was in or better. Ms. Gilbert stated it is the only piece of property on South Cushman that is taken care of; Ms. Gilbert stated she had a great lawn with beautiful bushes and flowers every summer. Ms. Gilbert stated she needs to sell her property so she can move to Florida and take care of her property down there. Ms. Gilbert stated someone from the City needs to come out and look at her property. Ms. Gilbert stated Former City Engineer Mike Schmetzer came out and looked at it, and he told her the whole job needs to be redone. Ms. Gilbert stated she has had three major floods each costing her \$10,000.00 to clean up. Ms. Gilbert stated the issue has created drainage into her basement. Ms. Gilbert stated this year she had the worst flood ever as a result of all the snow melt, and she lost three brand new queen-size mattresses and box springs and all of her paper products. Ms. Gilbert stated she had sump pumps running 24 hours a day for 5 days this spring. Ms. Gilbert stated City Engineer Robert Pristash came to her property with heavy equipment and hauled away the remainder of the snow and built a dirt trench that would divert the water from running into her storm drain. Ms. Gilbert stated her yard is a disaster and nobody is coming to fix the mess. Ms. Gilbert stated the fence is a disaster and does not go all the way to the ground.

Mayor Eberhart informed Ms. Gilbert that her time was up and asked the Council if they had any questions.

Mr. Walley asked Ms. Gilbert how long she has occupied the property. Ms. Gilbert stated since 1969. Mr. Walley asked when the flooding problem began to occur. Ms. Gilbert stated it just began and that this year there was a foot of standing water in her basement. Ms. Gilbert stated if she had not had two sump pumps going she does not know how deep it could have been. Mr. Walley asked if her storm drain was installed when the Cushman construction was going on. Ms. Gilbert replied it was installed during construction. Ms. Gilbert stated she called the City time and time again during construction telling them that the storm drain was being done wrong. Mr. Walley asked what Mr. Schmetzer recommended as a fix when he came out to her property. Ms. Gilbert stated she wanted the City to restore her property to the way it was or better as was notated in the contract. Ms. Gilbert explained that she needed someone to come out and look at her property. Ms. Gilbert stated she needed all the problems taken care of so she can sell the property and get out of town. Ms. Gilbert stated all of the City employees she has dealt with have been wonderful but that it is time for the City to take care of what they said they would do in the signed contract.

Mr. Cleworth asked Ms. Gilbert when the easement was put through her property. Ms. Gilbert stated it began in June because the contract was not in effect in May. Ms. Gilbert stated the wettest summer on record caused her property to be destroyed. Mr. Cleworth asked if Ms. Gilbert had multiple floods the past summer. Ms. Gilbert stated it flooded twice last year and once this year. Mr. Cleworth asked in what months the floods occurred last summer. Ms. Gilbert stated her property was lower than the neighboring property and that the flooding started after construction was complete. Ms. Gilbert continued to share her complaint and explained the importance of getting it fixed.

<u>Lyman Ketcham, 2650 West 19th Avenue, Fairbanks</u> – Mr. Ketcham stated native people take care of their elders when they are in need and that the City Council should find a way to take care of Ms. Gilbert's property.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Cleworth pulled Resolution No. 4679 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.

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 & Restaurant Designation Permit.

Type:

Beverage Dispensary, License #2124

To:

Los Amigos / 636, LLC

636 28th Avenue (upstairs), Fairbanks

From:

Los Amigos / Two Amigos, LLC

636 28th Avenue (upstairs), Fairbanks

Mr. Matherly, seconded by Mr. Walley, moved to WAIVE PROTEST on the Liquor License Application for Transfer and Restaurant Designation Permit.

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 APPLICATION FOR TRANSFER OF AND RESTARUANT DESIGNATION PERMIT AS FOLLOWS:

YEAS:

Staley, Matherly, Gatewood, Cleworth, Walley

NAYS:

None

ABSENT:

Pruhs

Mayor Eberhart declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart stated that there were two Work Sessions before the Regular Council Meeting: one to discuss the current legislative session and the other regarding Borough zoning for marijuana. Mayor Eberhart spoke to Mr. Turney's concern for an independent polygraph and voice analysis firm rather than a staff member doing the testing. Mayor Eberhart stated he and Police Chief Aragon would take the request into consideration. Mayor Eberhart stated the May report on the Community Service Patrol (CSP) had arrived from the Downtown Association and it showed a record number of calls for the month; he thanked the Downtown Association for their partnership in the project. Mayor Eberhart shared the good news that the Gray Eagle project will be coming to Fort Wainwright which will bring 400 new people to the community. Mayor Eberhart stated there is a long-range discrimination radar going in at Clear which will bring many more jobs to the Interior. Mayor Eberhart stated the Mayor's Office had been very busy and listed many meetings and events he has attended since the last Council Meeting. Mayor Eberhart thanked Julie Jones with Festival Fairbanks for planting the flowers outside City Hall.

Mayor Eberhart requested he be excused from the Regular Council Meeting of June 22, 2015.

Mayor Eberhart called for objection to his request to be excused on June 22, 2015 and, hearing none, so ORDERED.

<u>UNFINISHED BUSINESS</u>

a) Ordinance No. 5980 – An Ordinance Ratifying a Collective Bargaining Agreement Between the City of Fairbanks and the International Brotherhood of Electrical Workers Local 1547. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Gatewood, seconded by Mr. Cleworth, moved to ADOPT Ordinance No. 5980.

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

Mr. Cleworth asked Chief of Staff Jim Williams to come forward. Mr. Cleworth asked Mr. Williams why the language in the contract changed from a 60-day, temporary assignment to a five day, temporary assignment. Mr. Cleworth stated that was a financial matter and no fiscal note was attached to it. Mr. Williams stated it was not a financial component because the Mayor and the Department Heads have control over the acting temporary assignments. Mr. Cleworth asked how it would be handled if a Payables Clerk quit, and Mr. Williams answered that a back-up Payables Clerk is already on staff so there would be no issue. Mr. Cleworth asked if the change was a Union request; Mr. Williams stated he believed it was, but he would have to look at his notes. Mr. Cleworth stated he did not think it was a wise decision and that there should have been an Executive Session to discuss this change because he fears time will be taken up with grievances.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5980 AS FOLLOWS:

YEAS:

Matherly, Cleworth, Walley, Staley, Gatewood

NAYS:

None

ABSENT:

Pruhs

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 5980 ADOPTED.

b) Ordinance No. 5981 – An Ordinance Authorizing Lease of Space in City Hall to Jonathon Dunham d/b/a Noel Boxing & Fitness Gym. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by Ms. Staley, moved to ADOPT Ordinance No. 5981.

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

<u>Jonathan Dunham</u>, 3030 Peger Road, Fairbanks – Mr. Dunham stated if anyone had any questions he was here to answer them.

Mr. Matherly asked Mr. Dunham to elaborate on what his program has to offer. Mr. Dunham stated the gym operates as a boxing and fitness gym as well as a youth and young adult program. Mr. Dunham stated it is a community gym and so he encourages all members to get involved in the community. Mr. Dunham gave a rundown of membership prices and explained how members can get discounts on their membership. Mr. Dunham stated he is working with USA Boxing and he is trying to get Alaska affiliated with the organization in order to someday gain a spot in the championships. Mr. Dunham spoke to his training background and the different styles of martial arts he has been trained in. Mr. Dunham described his discipline policy and explained that the policy did not apply to general members but to the youth in training for a future mixed martial arts career. Mr. Dunham stated the gym is promoting a family-friendly environment and that cussing is not allowed by any age group.

Mayor Eberhart asked about the grade point average (GPA) requirement. Mr. Dunham stated any students that are in school must maintain a 3.5 GPA in order to remain a member. Mr. Dunham explained that if a student does not have the required GPA that they must bring a progress report every Thursday to prove that they are working toward bettering their grades. Mr. Dunham stated he requires good grades because he is not pushing kids to become professional boxers; he is pushing for them to be doctors, lawyers, and professional workers. Mr. Dunham shared his background and explained what brought him to open Noel Boxing Gym.

Mr. Gatewood asked what the consequences would be if a student did not maintain the required GPA. Mr. Dunham replied that the students will not be allowed to compete. Mr. Gatewood asked if the students would still be allowed to train. Mr. Dunham replied the student would still be allowed to train but they would have to bring in progress reports and have the required GPA prior to competing again. Mr. Gatewood asked the hours of operation of the gym. Mr. Dunham stated the hours of operation are from 3 p.m. to 8 p.m.

Mr. Matherly stated Mr. Dunham's gym is more than just a boxing gym that it is a character building opportunity for children in the community. Mr. Matherly stated he supports Ordinance No. 5981 and that the gym is a good use of the space.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5981 AS FOLLOWS:

YEAS:

Walley, Matherly, Gatewood, Cleworth, Staley

NAYS:

None

ABSENT:

Pruhs

Mayor Eberhart declared the MOTION CARRIED and

Ordinance No. 5981 ADOPTED.

NEW BUSINESS

a) Resolution No. 4675 – A Resolution Authorizing the Replacement of a Non-Compliant Storm Drain Line Near a Drinking Water Intake Well at the Water Treatment Plant. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

b) Resolution No. 4676 – A Resolution to Accept Funding from the Bureau of Justice Assistance (BJA) for the FFY2015 Edward Byrne Memorial Justice Assistance Grant (JAG). Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

c) Resolution No. 4677 – A Resolution to Apply for and Accept Funding from the Alaska Department of Public Safety for SFY2016 Edward Byrne Memorial Justice Assistance Grant (JAG). Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

d) Resolution No. 4678 – A Resolution to Apply for the Funding from the Office of Community Oriented Policing Services (COPS) for the FFY2015 Community Policing Development (CPD) Program. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

e) Resolution No. 4679 – A Resolution Awarding a Contract to [Contractor] for the Hamilton Acres Road Improvements Project FB-15-08. Introduced by Mayor Eberhart.

Mr. Walley, seconded by Ms. Staley, moved to APPROVE Resolution No. 4679.

Mr. Walley, seconded by Ms. Staley, moved to SUBSTITUTE Resolution 4679, As Amended, for Resolution No. 4679.

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

Mayor Eberhart stated the Amendment is to award the contract to HC Contractors for the Hamilton Acres Road Improvements in the amount of \$636,727.00.

Mr. Matherly stated he spoke with Jim Gibertoni earlier in the day, and he has had issues in front of his home in Hamilton Acers for years. Mr. Matherly stated he supported the Resolution if it will benefit Hamilton Acers and will stop the flooding for the resident who has been having issues.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4679, AS AMENDED, AS FOLLOWS:

YEAS:

Gatewood, Staley, Cleworth, Matherly, Walley

NAYS:

None

ABSENT:

Pruhs

Mayor Eberhart declared MOTION CARREID and Resolution

No. 4679, as Amended, APPROVED.

f) Resolution No. 4680 – A Resolution Fixing the Rate of Tax Levy for Municipal Purposes for the 2015 Real Property Tax of the City of Fairbanks, Alaska. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

g) Ordinance No. 5982 - An Ordinance Amending Fairbanks General Code Chapter 86 Vehicles for Hire. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

h) Ordinance No. 5983 – An Ordinance Amending Fairbanks General Code Section 54-40 Formal Written Contracts and 54-247 Informal Purchasing to Increase the Purchasing Threshold. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

a) Committee Reports

<u>FMATS Policy Committee</u> – **Mr. Walley** stated he has a stack of notes at his office that he intended to report on and that he will have a current report at the next Regular Council Meeting. **Mr. Walley** stated the next FMATS meeting would be on June 17, 2015. **Mr. Walley** reported that at the last FMATS meeting the Cushman Complete Street funding that was in question was approved for over \$750,000.00 and that the project can now move forward.

COMMUNICATIONS TO COUNCIL

- a) Appointment to the Golden Heart Parking Services Board of Directors

 APPOVED on the CONSENT AGENDA.
- b) Appointment and Re-appointment to the Fairbanks Diversity Council.

APPROVED on the CONSENT AGENDA.

c) Appointment to the Clay Street Cemetery Commission.

APPROVED on the CONSENT AGENDA.

d) Chena Riverfront Commission Meeting Minutes of April 8, 2015.

ACCEPTED on the CONSENT AGENDA.

e) Clay Street Cemetery Commission Meeting Minutes of May 6, 2015.

COUNCIL MEMBERS' COMMENTS

Mr. Cleworth stated the DOT is responsible for the meridian on Airport Way and that it is derelict looking; he suggested that the FMATS Policy Committee make a request for the lawn to be mowed. Mr. Cleworth thanked Mayor Eberhart for appointing QC/Impounds Bruce Carpenter to the Golden Heart Parking Services (GHPS) Board of Directors. Mr. Cleworth spoke to the importance of the City Council following up on the current abatement projects within the City. He stated the Old Dairy is complained about on a regular basis and that it should be put on the front burner. Mr. Cleworth stated he looked at the Code and it is his belief that it meets the criteria for abatement; he requested that City Attorney Paul Ewers look into the abatement policy and find out if it falls under the criteria for abatement. Mr. Ewers stated he would look into it with the help of the Building Official. Mr. Cleworth shared his concern of the Borough Election going to a by-mail ballot and asked Ms. Snider to give a report on the costs associated with the change. Ms. Snider shared information that she had received from Nancy Ashford-Bingham of the Fairbanks North Star Borough relating to the cost of by-mail elections. Mr. Cleworth shared his concern that the new amount does not include a return, postage-paid envelope; Ms. Snider stated that there would not be a return envelope included in the cost increase. Mr. Cleworth stated if the point is to get higher voter turnouts then sending out a ballot without a stamped return envelope negates the point. Mr. Cleworth stated that if the Borough decides to go to by-mail elections that the City will need to explore other options because it is just not feasible. Mr. Cleworth stated Ms. Gilbert's property sounds like a mess and asked Mr. Pristash to come forward. Mr. Cleworth asked Mr. Pristash what his thoughts were on Ms. Gilbert's property. Mr. Pristash stated he was not aware that she had flooded twice before but that he was aware of the flooding this spring. Mr. Pristash stated the work done at Ms. Gilbert's property was a DOT project done with a City design. Mr. Pristash stated he believed that the plans were changed in the field and that he has contacted the DOT and asked them to address the issue. Mr. Pristash stated the City should fix Ms. Gilbert's fence and lawn back to the original condition; he stated her storm drain has been fixed.

Mr. Matherly stated he was happy to see Ms. Staley at the Council meeting. Mr. Matherly stated that he spoke with Dan Schacher with the DOT; he asked him about the grass in the center of Airport Way. Mr. Matherly stated Mr. Schacher would hire someone to mow but that he does not have the funding to do so. Mr. Matherly stated Mr. Schacher will put a crew on the median four times during the summer. Mr. Matherly stated he pictures Airport Way as the main drag into the City and that he does not believe four lawn care sessions would be enough. Mr. Matherly stated he spoke with Marc Marlow earlier in the day and he shared the email correspondence. Mr. Matherly stated that at this time the Polaris Building will remain empty. Mr. Matherly spoke to Ms. Gilbert's testimony and stated he would drive over to her property to take a look at her issues. Mr. Matherly stated that she has a contract and that the City should do right by what was said would be done. Mr. Matherly shared his concern for the roll-out of cannabis but stated that he respects the voters' wishes. Mr. Matherly stated it is an honor to serve with the Council and the community.

Ms. Staley stated she is happy to be back in person at the meetings and asked why the Polaris Building was not on the abatement list. Ms. Staley stated she would attend the GHPS meeting

and she welcomed Mr. Carpenter to the board. Ms. Staley stated there is another opening for a community member on the board and that the position will need to be filled. Ms. Staley stated the next GHPS meeting would be Wednesday, June 8, 2015 in the Council Chambers.

Mr. Walley stated the additional cost without the return mail stamp would not be something he would be interested in approving. Mr. Walley stated that if the Borough approves by-mail elections that the City would need to find another route to increase voter turnout. Mr. Walley state that in the next FMATS meeting he will bring up the Airport Way meridian issue. Mr. Walley shared his concern for the state budget crisis and stated that the proposed sales tax would be detrimental to residents of the Interior. Mr. Walley stated he loves Fairbanks but if energy costs do not come down that people will be forced to leave. Mr. Walley stated the importance of a large-diameter gas pipeline to the Interior in order to help drive down the cost of living in Fairbanks.

Mr. Gatewood stated that there is a Fairbanks Diversity Council (FDC) meeting the following evening at 5:30 in the Council Chambers and that he will be late due to his sons 18th birthday. Mr. Gatewood stated he enjoyed all the information that came out in the Work Sessions before the Regular Council Meeting. Mr. Gatewood stated that the information was grim and that the City needs to prepare for less funding from the State. Mr. Gatewood stated he shared Mr. Matherly's concern about the marijuana law passing and that the Council needs to make sure that the citizens are safe. Mr. Gatewood stated the City needs to follow-up with Ms. Gilbert and fix the issues that were agreed to under contract. Mr. Gatewood stated Mr. Dunham's boxing gym is good for the community and that it is good to see a young man trying to provide a positive outlet for the youth in the community. Mr. Gatewood stated he hopes Mr. Dunham succeeds in his venture and applauded him for the positive impact he is trying to make in the community.

CITY ATTORNEY'S REPORT

City Attorney Ewers spoke to the marijuana Work Session earlier in the evening. Mr. Ewers stated the Borough and City need to come up with the wording for the October ballot in early August. Mr. Ewers stated he was bringing it to everyone's attention because it is a fast approaching deadline. Mr. Cleworth stated the issue should be scheduled as a Finance Committee agenda item to be discussed as soon as possible. Mr. Ewers stated he would work with the Mayor and Mr. Williams to put together a report for the meeting.

Mr. Matherly, seconded by Ms. Staley, moved to go into Executive Session for the purpose of discussing Labor negotiation for the Fairbanks Firefighters Union (FFU)

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

Mayor Eberhart called for a ten minute recess.

EXECUTIVE SESSION

a) Labor Contract Negotiations – Fairbanks Firefighters Union (FFU)

The City Council met in Executive Session to discuss FFU labor negotiations. Direction was given to staff and no action was taken.

ADJOURNMENT

Mr. Walley, moved to ADJOURN the meeting.

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

Mayor Eberhart declared the Meeting adjourned at 9:22 P.M.

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JOHN EBERHART, MAYOR

ATTEST:

D. DANYIELLE SMIDER, CMC, CITY CLERK

Transcribed by: EB