



FAIRBANKS CITY COUNCIL
AGENDA NO. 2015-07
REGULAR MEETING APRIL 6, 2015
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

REGULAR MEETING

7:00 P.M.

1. ROLL CALL
2. INVOCATION
3. FLAG SALUTATION
4. APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of Consent Agenda passes all routine items indicated by an asterisk (*). Consent Agenda items are not considered separately unless a Council Member so requests. In the event of such a request, the item is returned to the General Agenda.

5. CITIZENS COMMENTS, oral communications to Council on any item not up for Public Hearing. Testimony is limited to five minutes. Any person wishing to speak needs to complete the register located in the hallway. Normal standards of decorum and courtesy should be observed by all speakers. Remarks should be directed to the City Council as a body rather than to any particular Council Member or member of the staff. In consideration of others, kindly silence all cell phones and electronic devices.
6. APPROVAL OF PREVIOUS MINUTES
 - *a) Regular Meeting Minutes of January 5, 2015
 - *b) Regular Meeting Minutes of January 19, 2015

7. SPECIAL ORDERS

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, will hear interested citizens concerned with the below-referenced Liquor License Application for Transfer of Ownership (stock only). Public Testimony will be taken and limited to five minutes.

Type: Beverage Dispensary, License #3969

To: BoomTown Grill and Bar / JSR, Inc.
537 Gaffney Road, Fairbanks, Alaska

From: BoomTown Grill and Bar / JSR, Inc.
537 Gaffney Road, Fairbanks, Alaska

- b) The Fairbanks City Council, Sitting as a Committee of the Whole, will hear interested citizens concerned with the below-referenced Liquor License Application for Transfer of Ownership (stock only). Public Testimony will be taken and limited to five minutes.

Type: Beverage Dispensary, License #4232

To: Kodiak Jack's / JSR, Inc.
537 Gaffney Road, Fairbanks, Alaska

From: Kodiak Jack's / JSR, Inc.
537 Gaffney Road, Fairbanks, Alaska

- c) Oath of Office – City Clerk

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Ordinance No. 5967 – An Ordinance Amending the 2015 Operating and Capital Budgets for the Second Time. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.
- b) Ordinance No. 5968 – An Ordinance Repealing Fairbanks General Code Chapter 14, Article VII Massage Practitioners Effective July 1, 2015. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.
- c) Ordinance No. 5969 – An Ordinance Amending Fairbanks General Code Section 54-102 Change Orders by Increasing the Amounts Allowed for Change Orders by Administration. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

- d) Ordinance No. 5970 – An Ordinance Amending Fairbanks General Code Section 46-42 Disturbing the Peace by Adding a New Subsection Relating to Marijuana Smoke. Introduced by Council Member Pruhs. SECOND READING AND PUBLIC HEARING.
- e) Ordinance No. 5971 – An Ordinance Authorizing a Limited Real Property Tax Exemption for the Retirement Community of Fairbanks – Raven Landing Expansion Project and Setting an Effective Date. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

10. NEW BUSINESS

- *a) Resolution No. 4663 – A Resolution Authorizing the City of Fairbanks to Apply for Funds from the United States Department of Homeland Security for the FFY2014 Fire Prevention and Safety Grant. Introduced by Mayor Eberhart.
- *b) Resolution No. 4664 – A Resolution Authorizing the City of Fairbanks to Apply for Funds from the Alaska Division of Homeland Security for the FFY2015 Emergency Management Performance Grant. Introduced by Mayor Eberhart.
- *c) Resolution No. 4665 – A Resolution to Accept Funding from the Alaska Division of Homeland Security and Emergency Management for SFY2016 Local Emergency Planning Committee Grant. Introduced by Mayor Eberhart.
- *d) Ordinance No. 5972 – An Ordinance Amending the Collective Bargaining Agreement Between the City of Fairbanks and the Fairbanks AFL-CIO Crafts Council. Introduced by Mayor Eberhart.
- *e) Ordinance No. 5973 – An Ordinance Amending Fairbanks General Code Chapter 2-119. Order of Business; Citizens Addressing City Council. Introduced by Mayor Eberhart.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

- a) Committee Reports

12. COMMUNICATIONS TO COUNCIL

- *a) Clay Street Cemetery Commission Meeting Minutes of March 4, 2015

13. COUNCIL MEMBERS' COMMENTS

14. CITY CLERK'S REPORT
15. CITY ATTORNEY'S REPORT
16. EXECUTIVE SESSION – Labor Negotiations: Fairbanks Firefighters Union (FFU) and International Brotherhood of Electrical Workers (IBEW)
17. ADJOURNMENT



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JANUARY 5, 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

Absent: David Pruhs, Seat F (Excused)

Also Present: Warren Cummings, Fire Chief
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Jim Williams, Chief of Staff
Stephanie Johnson, Dispatch Center Manager
Ben Barrio, IT Director
Barbara Sunday, Director HR/Risk Management/Purchasing
Randall Aragon, Police Chief
Jackson Fox, Environmental Manager

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Gatewood stated that there should be a correction made to the Hotel/Motel Discretionary Fund Committee Meeting Minutes of November 25, 2014. He pointed out that Ms. Carter should be changed to Ms. Crawford on pages three and four of the minutes.

Clerk Hovenden stated that she will ensure that the correction is made and thanked Mr. Gatewood for catching the error.

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

Mayor Eberhart stated that he did not request or have prior knowledge of the Executive Session to discuss the Settlement of the Superior Court Appeal in the John Eberhart v. APOC case. He stated that he will waive the right to an Executive Session and requested that the matter be dealt with in public.

Mr. Gatewood asked the City Attorney if there would be any ramifications to discussing the item in a public forum.

City Attorney Ewers stated that the Mayor may waive his right to an Executive Session. City Clerk Hovenden and City Attorney Ewers agreed that the appropriate place for the item would be under Communications to Council, Item 12(e).

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

Mayor Eberhart recognized 40-year City employee, Gerald Colp, and congratulated him on his recent retirement from the City of Fairbanks Engineering Department. He presented Mr. Colp with a gold pan to thank him for his many years of service to the City.

Mr. Colp accepted the gold pan and stated that it has been his honor to work for the City of Fairbanks. He spoke briefly to his plans for retirement.

City Clerk Hovenden read the Consent Agenda into the record.

CITIZEN'S COMMENTS

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that he is happy to see that the Fact Finding Commission is still an active City Committee. He stated that many citizens are not aware that the Commission even exists because it has not been called upon very often since its establishment. Mr. Turney questioned the cost the City will incur in travel and lodging expenses for two sworn officers to attend the seminar on cannabis regulation happening in Colorado.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger stated that he had the opportunity to speak with some City employees over the holidays about potholes. He stated that the Public Works employees indicated that the new infrared truck can perform pothole repair in temperatures as cold as -20 degrees. He stated that City employees also indicated that one of the reasons there is a pothole problem in the City is because the City Council is not approving funding for adequate and proper materials. Mr. Buberger commended Public Works Director Mike Schmetzer for doing a good job. He advised listeners to complete an officer complaint form at the Fairbanks Police Department and request a written response instead of making a verbal complaint to an officer. He stated that community involvement in the Police Department is very important so that the City of Fairbanks does not develop a Ferguson-style situation. Mr. Buberger spoke to the need for transparency and questioned why the public is banned from attending Executive Sessions. He stated that he has listened to some of the Executive Sessions when Mayor Hayes was in office and indicated that you get a different feel for people when you listen to those sessions.

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

APPROVAL OF PREVIOUS MINUTES

- a) Regular Meeting Minutes of September 8, 2014.

APPROVED on the CONSENT AGENDA.

- b) Regular Meeting Minutes of September 22, 2014.

APPROVED on the CONSENT AGENDA.

- c) Regular Meeting Minutes of October 6, 2014.

APPROVED on the CONSENT AGENDA.

- d) Regular Meeting Minutes of October 20, 2014.

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:

Appellant: Michael J Mackey

Mr. Cleworth, seconded by **Mr. Gatewood**, moved to GRANT the Appeal of Denied Application for a New Chauffeur License.

Mayor Eberhart called for Public Testimony.

Michael Mackey, 770 Nordale Road, North Pole – Mr. Mackey stated that he has lived in Fairbanks for a long time. He explained that he was denied a Chauffeur's License because of a fourth degree assault conviction over three years ago.

Mr. Cleworth asked Mr. Mackey if he currently has a pending case in the court system. He asked Mr. Mackey when his last felony conviction was.

Mr. Mackey replied that he does not have any pending felony cases. He stated that his last felony conviction was in Washington around 2008 for property damage.

Mayor Eberhart pointed out that the cover memo from the City Clerk states that the applicant answered "no" to a question pertaining to his criminal history that should have been answered "yes" according to his criminal background report.

Mr. Mackey stated that he misunderstood the question on the application.

Mayor Eberhart stated that it appears that the basis for the denial by the City Clerk was the misdemeanor assault conviction on November 7, 2011. He stated that other offenses of the applicant may be taken into account when the Council considers on a Chauffeur Appeal.

Victor Buberger – Mr. Buberger stated that he does not know either of the appellants but expressed his belief that the business of appeals should be left up to the court.

Frank Turney – Mr. Turney stated that he does not know Mr. Mackey but spoke in support of granting his appeal since the conviction was only for a misdemeanor.

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

Mr. Cleworth, in response to Mr. Buberger's comments, stated that the City Council could write and adopt regulations that do not allow for an appeal process. He stated that he would rather continue to give applicants the right to appeal.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO GRANT THE APPEAL OF DENIED APPLICATION FOR A NEW CHAUFFEUR LICENSE AS FOLLOWS:

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

Mayor Eberhart declared the MOTION FAILED.

b) 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:

Appellant: Jesse R Gabayan

Mr. Gatewood, seconded by **Mr. Cleworth**, moved to GRANT the Appeal of Denied Application for a New Chauffeur License.

Mayor Eberhart called for Public Testimony.

Jesse Gabayan, PO Box 74443, Fairbanks – Mr. Gabayan stated that he also misunderstood the time frame of the question on the application in regard to the offense for which he was denied. He stated that he works for the Laborers Local 942 and commented that he has made some mistakes in his past. He stated that he is hoping to drive a cab until he can get a dispatch from the union because he has recently gone through an expensive custody battle and needs income.

Frank Turney – Mr. Turney stated that citizens do not get to see all the information in a Chauffeur Appeal and commented that it is difficult to speak to an appeal when much of the information is confidential.

Victor Buberger – Mr. Buberger again commented that the courts should deal with appeals because they are better equipped and trained for that type of work. He stated that the court system is difficult to go through and that it is even more challenging for applicants to have to go through City appeals after dealing with their court cases.

Mr. Cleworth asked Mr. Buberger if he believes that the only recourse for a denied Chauffeur application should be through the court system. He asked Mr. Buberger to speak to what he is envisioning.

Mr. Buberger stated that most Chauffeur appellants who come before the Council have a case that they have already been through the court system to resolve. He suggested that the City leave it to the court to make an appropriate sentence and let that be the end of the issue.

Mr. Cleworth asked Mr. Buberger if he believes the City should license a Chauffeur applicant who has been convicted of a sexual offense and has served the sentence imposed by the court system.

Mr. Buberger replied affirmatively. He stated that fulfillment of a court sentence should be enough.

George Thompson, 1232 26th Avenue, Fairbanks – Mr. Thompson stated that he had a City Chauffeur's License about six years ago. He stated that he did not feel that he had a great deal of responsibility as a cab driver other than getting people home safely at the end of the night. He questioned the reasoning as to why the City's criminal record look back period is so lengthy.

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

Mr. Cleworth asked what an access device is in reference to the criminal background report.

City Attorney Ewers provided the Council with the legal definition of "access device."

Mr. Cleworth stated that he does not have a problem in having Mr. Gabayan come forward to elaborate on the issue.

Jesse Gabayan – Mr. Gabayan stated that the conviction pertaining to an access device was related to the use of a credit card that he found on the sidewalk. He explained that it was a tough time when his income was not covering his living expenses and he had exhausted all resources available to him. He stated that he used the credit card one time to buy \$260 worth of food for him and his family. He acknowledged that the reason why he used the card does not justify his actions and stated that it was a hard lesson to learn.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO GRANT THE APPEAL OF DENIED APPLICATION FOR A NEW CHAUFFEUR LICENSE AS FOLLOWS:

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

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart welcomed everyone back in the New Year. He commended past Councils and the present Council Members for putting the City of Fairbanks in a good financial standing. He expressed his condolences in the recent passing of Isidore "Joe" Guttenberg. **Mayor Eberhart** thanked Deacon Damario, a high school student participating in the Work Study Program, for his work in the Mayor's Office. In reference to Mr. Buberger's earlier comments on written complaints to the Police Department, **Mayor Eberhart** stated that he will begin meeting with Chief Aragon to discuss the idea of an Office of Professional Responsibility. He stated that such an office may receive citizen complaints and investigate cases internally, whenever necessary.

UNFINISHED BUSINESS

- a) Ordinance No. 5962 – An Ordinance Ratifying a Labor Agreement Between the City of Fairbanks and the AFL-CIO Joint Crafts Council. Introduced by Mayor Eberhart.
SECOND READING AND PUBLIC HEARING.

Mr. Gatewood, seconded by **Ms. Staley**, moved to ADOPT Ordinance No. 5962.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to SUBSTITUTE Ordinance No. 5962, as Amended, for Ordinance No. 5962.

Mayor Eberhart called for Public Testimony.

Lake Williams, 945 Senate Loop, Fairbanks – Mr. Williams spoke on behalf of the AFL-CIO Joint Crafts Council as the President. He thanked all those involved in AFL-CIO negotiations for a smooth and friendly process. He spoke in support of Council ratification of the proposed labor agreement.

Mr. Cleworth thanked Mr. Williams and his team for their work in keeping AFL-CIO grievances at a minimum.

Mr. Williams stated that he does not recall any grievances being filed since he has been with the AFL-CIO.

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

Mr. Cleworth stated that, unlike some other unions, the AFL-CIO has consistently worked with the City over the years to solve problems. He thanked everyone involved for their work in the negotiation process.

Mayor Eberhart thanked Mr. Williams and the other union representatives for a reasonably quick and smooth negotiating process.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUBSTITUTE ORDINANCE NO. 5962, AS AMENDED, FOR ORDINANCE NO. 5962 AS FOLLOWS:

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

Mayor Eberhart declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5962, AS AMENDED, AS FOLLOWS:

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

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 5962, as Amended, ADOPTED.

NEW BUSINESS

- a) Resolution No. 4653 – A Resolution Allocating Discretionary Funds from Hotel/Motel Tax in the Amount of Two Hundred Seventy Thousand Dollars (\$270,000). Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4654 – A Resolution Awarding a Contract to Kinney Engineering, LLC for Design Work for the Cushman Complete Street Project in the Amount of \$269,572.00. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4655 – A Resolution Awarding a Contract to DOWL, LLC for Design Work for the Gateway Subdivision Improvements Project in the Amount of \$250,020.00. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Ordinance No. 5963 – An Ordinance Amending FGC Section 2-396 Regarding the Fact Finding Commission. Introduced by Council Member Staley.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

Committee Reports

Golden Heart Parking Services (GHPS) Board of Directors – **Ms. Staley** stated that Marcus has stepped down as the Executive Director of GHPS and indicated that the board is currently receiving applications for a new director.

FMATS Policy Committee – **Mr. Walley** stated that he forgot to bring his notes. He stated that he would give the Council a complete report at the next Council Meeting.

Hotel/Motel Discretionary Fund Committee – **Mr. Matherly** stated that the Hotel/Motel Discretionary Grant Presentation Meeting went very well and commented that he enjoyed the process.

COMMUNICATIONS TO COUNCIL

- a) Recommendation for Appointments to the FNSB Planning Commission

APPROVED on the CONSENT AGENDA.

- b) Chena Riverfront Commission Meeting Minutes of November 12, 2014

ACCEPTED on the CONSENT AGENDA.

- c) Hotel/Motel Discretionary Fund Meeting Minutes of November 25, 2014

ACCEPTED on the CONSENT AGENDA.

- d) Hotel/Motel Discretionary Fund Meeting Minutes of December 10, 2014

ACCEPTED on the CONSENT AGENDA.

- e) John Eberhart v. Alaska Public Offices Commission (APOC), Superior Court Appeal, to Discuss Settlement

NOTE: This item was moved from the Executive Session agenda to Communications to Council, Item 12(e), per Mayor Eberhart's request during the Approval of the Agenda.

City Attorney Ewers stated that Mayor Eberhart's attorney, Mr. Walleri, has requested to telephone in for the discussion.

Clerk Hovenden tried unsuccessfully to reach Mr. Walleri on the telephone. She left him a voicemail message.

City Attorney Ewers suggested that the Council move further down the agenda and come back to the item later in hopes that Mr. Walleri would call back.

No members objected to moving on and returning to the John Eberhart v. APOC discussion.

COUNCIL MEMBERS' COMMENTS

Mr. Gatewood expressed his condolences in the recent passing of long-time Fairbanks resident Bev Fantazzi. He spoke to his working relationship with Ms. Fantazzi and to her ties with and involvement in the community. He stated that he hopes 2015 is a good year for the City of Fairbanks

Mr. Walley stated that he had no comments.

Ms. Staley stated that she had no comments.

Mr. Matherly wished everyone a Happy New Year. He read aloud a recent correspondence from Marc Marlow, owner of the Polaris Building, which indicated that the intent is to start renovation of the building in 2015. **Mr. Matherly** stated that he appreciates the Chauffeur Appeal process and spoke to the background information the Council takes into consideration when hearing an appeal.

Mr. Cleworth requested a list of all the grievances filed by any union across all City staff within the past five years. He spoke to City Council representation at Borough Assembly Meetings and suggested that it may be wiser to select one Council Member to consistently attend the meetings on the Council's behalf.

The Council returned to Item (e) of Communications to Council: John Eberhart v. APOC, Superior Court Appeal, to Discuss Settlement.

Clerk Hovenden attempted to contact Mr. Walleri telephonically but was again unsuccessful.

City Attorney Ewers stated that he would prefer if the matter was postponed so that Mr. Walleri may be present for the discussion.

Ms. Staley, seconded by **Mr. Gatewood**, moved to POSTPONE the John Eberhart v. APOC discussion until the Regular City Council Meeting of January 19, 2015.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE THE JOHN EBERHART V. APOC DISCUSSION UNTIL THE REGULAR CITY COUNCIL MEETING OF JANUARY 19, 2015 AS FOLLOWS:

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

ABSENT: Pruhs
Mayor Eberhart declared the MOTION FAILED.

City Attorney Ewers referenced the letter from Mr. Walleri sent to the City Attorney's Office earlier in the day. He provided clarification that he does not have the authority to settle the matter and that only the Council has the ultimate control of spending public dollars on litigation issues. Attorney Ewers stated that early on he was tasked with negotiating with both parties to try and settle the appeal but was not successful. He stated that he has outlined three terms that he believes to be acceptable if he were authorized to make that offer to APOC to settle the appeal. He explained that while the Council cannot force a settlement upon the Mayor without his approval, the Council may propose a settlement if they believe it is reasonable and not adverse to the Mayor's interest. Attorney Ewers further stated that if the Mayor and his attorney rejected the Council's settlement proposal and elected to move forward with the appeal, the City would no longer be liable for the defense in the case. Attorney Ewers stated that it would be helpful to have Mr. Walleri present to answer questions and possibly explain why the terms outlined in the memo are not reason enough to settle.

Mr. Cleworth asked the Mayor if the settlement recommended in the memo from the City Attorney is agreeable to him.

Mayor Eberhart stated that he has not seen the memo. He stated that he was at work for two days preceding the meeting and finds it extraordinary that the memo was not provided to him prior to the meeting.

Mr. Cleworth referenced the letter from Mr. Walleri, specifically the portions speaking to conflicts of interest for Mr. Ewers and himself.

City Attorney Ewers commented that he does not agree with Mr. Walleri's claim that Mr. Cleworth has a conflict of interest in the case. He stated that if Mr. Cleworth feels that he has a conflict of interest, it would be his responsibility to declare it.

Mr. Cleworth spoke to an earlier letter from Mr. Walleri that spoke against Mr. Cleworth having met with individuals in his office who may have discussed politics when he was City Mayor. He commented that he had an open door policy when he served as the City Mayor. He asked if the legal fees are up to \$15,866.00.

Attorney Ewers replied affirmatively.

Mr. Cleworth compared the Eberhart v. APOC case to a hypothetical situation with the actions of a City employee and the Environmental Protection Agency (EPA) where the EPA accused a City employee of wrongdoing. He stated that the City would defend the actions of the employee if the Council believed that the City was not in the wrong and if it was compelling to do so. He suggested that if the penalties were miniscule in the hypothetical situation, the City may choose to pay the penalty instead of entering into litigation. **Mr. Cleworth** asked the City Attorney if that would be how the City would handle such a situation.

Attorney Ewers replied affirmatively. He spoke to how cases may be handled when there is a conflict of theories. He stated that he did not have to determine whether Eberhart acted as a Council Member or a mayoral candidate. He stated that an entity has a duty to defend when one of the theories in the case falls within the indemnity coverage.

Mr. Cleworth asked what the Council has the power to do in the case. He asked fellow Council Members if they knew the litigation expenses had occurred until after the money was spent.

Attorney Ewers explained that early on, there was the hope that APOC would reject the complaints. He stated that when the complaints were accepted, he determined that the City had a duty to defend. He stated that he also determined that the City Attorney's Office would have a conflict in the case which is why Eberhart was able to select independent counsel. Attorney Ewers explained that at the time, the only proceeding was the APOC hearing and there was no way to resolve the case until APOC could make a determination on whether there was a violation. He stated that the APOC hearing was held and the determination was made in early May, after which the City Council did not have a regular meeting scheduled for nearly four weeks. He explained that the appeal filing deadline occurred before the Council was scheduled to meet again on June 9. Attorney Ewers stated that after that, there was a lull in the case where there was no activity. He stated that the fees incurred at the outset of the case were based on his determination that the City had a duty to defend Mayor Eberhart.

Mr. Cleworth asked if it would be better to try to change a law through litigation or by going through state legislators.

Attorney Ewers commented that the absurdity of some of APOC's rulings is not a question. He stated that the problem with trying to affect change by way of appeal is that there is no guarantee that the court will address the bigger issues. He stated that if the Mayor Eberhart does receive a favorable ruling from the Superior Court, he has doubts that APOC would appeal to the Alaska Supreme Court since its ruling would have precedential value statewide. Attorney Ewers indicated that attempting to make changes to the law by way of appeal can be cumbersome and awkward.

Mr. Gatewood asked Attorney Ewers to speak to the difference in the language of a prior settlement versus the one he is proposing.

Attorney Ewers stated that there have been various versions of settlement language. He stated that some of the prior settlements would have required APOC to rewrite its order. He explained that the proposed settlement would cause both parties to agree that the finding cannot be used as an admission of wrongdoing in any other forum for any other purpose.

Mr. Walley asked Attorney Ewers to estimate the City's litigation costs if the case continued on to the Supreme Court.

Attorney Ewers estimated that an administrative appeal in the Superior Court would cost \$30,000 more dollars and that a Supreme Court appeal may cost an additional \$60,000 - \$90,000.

Mr. Cleworth asked what actions the Council has the authority to make in regard to the appeal.

Attorney Ewers replied that the Council could modify or authorize the settlement proposal he provided. He stated that he would then have to discuss the settlement terms authorized by the Council with Mayor Eberhart and Mr. Walleri to see if they find the settlement terms agreeable. He explained that if Mr. Walleri and Eberhart did not find the terms to be agreeable, the City could then relieve itself of the obligation to defend.

Mr. Gatewood asked if the City would still be obligated if either party did not agree to a settlement authorized by the City Council.

Attorney Ewers explained that the first step after the Council authorizes a settlement would be to present it to APOC for approval, then to Mr. Walleri and Mayor Eberhart.

Mr. Gatewood asked what would happen if APOC does not agree to the settlement terms.

Attorney Ewers stated that if APOC wished to modify the settlement, he would bring it back to the Council for consideration.

Mr. Gatewood stated that the reported litigation costs of \$15,800 are likely higher and will continue to increase until both sides accept a settlement.

Mr. Matherly stated that Mr. Walleri's letter suggests that Mr. Matherly abstain from casting a vote on the issue. He asked Mayor Eberhart if he agrees with Mr. Walleri's opinion that Attorney Ewers and Mr. Cleworth have a clear conflict of interest in the case. He commented that the Eberhart v. APOC case is a public relations nightmare for the City of Fairbanks. He suggested that the City stop spending money on the appeal immediately.

Mayor Eberhart stated that he agrees with Mr. Walleri's opinion. Specifically in regard to Mr. Walleri's mention of Mr. Matherly in the letter, **Mayor Eberhart** indicated that a potential witness in litigation should abstain from involvement. He explained that Ms. Gilbert contacted him and Mr. Matherly in regard to the garbage ordinance and clarified that it was not him contacting Ms. Gilbert, allegedly soliciting her support for his mayoral campaign. He stated that Ms. Gilbert's only allegation relating to City resources had to do with an email address that was used during his campaign. He clarified that her allegation was not sustained by APOC, but chose to go on a "fishing expedition" by requesting all of his sent emails over a period of about six months. **Mayor Eberhart** stated that he and his attorney believe that Ms. Gilbert's complaint should have been dismissed when the allegation was not sustained. He stated that APOC has focused on one email in which he requested the legislative records of both him and his opponent, Ms. Stiver. He explained that he requested the information because supporters of Ms. Stiver were starting to bring the voting records of the two candidates into City business and into the public forum. **Mayor Eberhart** stated that APOC determined that his request could have influenced the election, although they did not prove that it did. He expressed his opinion that APOC's position is a dangerous one and that it tramples the First Amendment right to Freedom of Speech. He stated that he has offered to settle the case many times under the condition that APOC withdraw the finding of a violation, a violation which could be construed as quasi-criminal.

Mr. Matherly stated that City taxpayers see the litigation as wasteful. He expressed fear that if the City keeps moving forward with the appeal only to lose the case, the damage to Mayor Eberhart may be greater than if he had just paid the \$37.50 APOC fine.

Mayor Eberhart stated that the City Attorney's Office "came late to the party." He stated that he felt that he was prejudiced by the 3-2 decision at the APOC hearing because the City Attorney was not present to argue on behalf of the City. He stated that later the City Attorney's Office was authorized to settle the case with APOC under the conditions that they withdraw the finding of any violation with no admission of wrongdoing on his part. He stated that he believes his request for legislative records is something that a legislator should be allowed to do. **Mayor Eberhart** objected to the Council trying to force a settlement and added that Mr. Ewers has been unsuccessful in his attempts to settle the case. He stated that he and Mr. Walleri intend to continue the appeal unless APOC becomes more reasonable. He spoke to the City's duty to defend and indemnify and spoke to other cases in the past where the City has had similar obligations. He stated that it is the Council's prerogative to decide on whether to continue to fund the litigation.

Mr. Gatewood asked Mayor Eberhart to speak to his earlier statement that the City Attorney "came late to the party."

Mayor Eberhart stated that he told the City Attorney as early as February about the complaint and the APOC hearing. He stated that APOC did not act right away and expressed his belief that the City Attorney's Office would have been abreast of the situation and could have intervened and argued on his behalf. **Mayor Eberhart** stated that it was only after the APOC hearing and the finding of violation that the City Attorney took action. He suggested that the lack of action on the City Attorney's part may be partly due to the conflicts of interest perceived by the City Attorney. **Mayor Eberhart** again made it clear that he, as the litigant, would object to any Council attempt to force a settlement in the Eberhart v. APOC case. He stated that he intends to seek attorney's fees from the state after he prevails in the case. He expressed his opinion that it would be a violation of the ordinance for the Council to cut off funding for the litigation, but again stated that it will be up to the Council to decide.

Mr. Cleworth stated that the whole issue is a travesty. He commented that he agrees with Mayor Eberhart on many of his points regarding APOC rules and regulations but added that the absurdity of the case goes beyond that. He spoke to how the whole issue came about, starting with an APOC complaint filed by North Pole resident, Mr. Arnold, against Ms. Stiver for not reporting in-kind campaign contributions with a request for an expedited hearing. **Mr. Cleworth** stated that the very next day Eberhart's campaign issued a press release reacting to the "questionable conduct of the Stiver campaign" and circulated a copy of the APOC complaint. **Mr. Cleworth** stated that the actions of the Eberhart campaign give the impression that Eberhart supported Mr. Arnold's APOC complaint regarding the very same issue that Eberhart himself is currently in litigation over. He shared that it came to light later that Mr. Arnold had worked with Eberhart's campaign manager on the formation of the APOC complaint against Stiver. **Mr. Cleworth** stated that Mr. Walleri speaks poorly of him and the City Attorney in the letter. He stated that Mr. Walleri was against the sale of the Municipal Utility System years ago and filed a lawsuit against the City of Fairbanks. He commented that he does not appreciate the way Mr. Walleri operates, discouraging teamwork and putting everyone on the defensive.

Mr. Cleworth, seconded by **Mr. Matherly**, moved to CEASE SPENDING any City funds on the John Eberhart v. APOC case effective immediately.

Mayor Eberhart argued that the issues surrounding his dealings with APOC are not the same as the issues Ms. Stiver had with APOC. He stated that the only commonality is that Ms. Gilbert admitted in so many words that the complaint she filed with APOC was in retaliation to her assumption that he was behind the complaint against Ms. Stiver. He stated that he was not aware of Mr. Arnold's complaint before it was filed. **Mayor Eberhart** stated that when it gets back to the basics, the appeal is about the First Amendment, the deliberative process, and the alleged finding of a violation of law.

Mr. Gatewood asked what the City Attorney's role would become if the motion on the floor were to pass.

Attorney Ewers stated that he could still pursue settlement unless the motion specified that the City Attorney's Office must also stop seeking settlement of the case. He confirmed with Mr. Cleworth that the intent of the motion was to strictly prohibit City spending on outside counsel and would not exclude the City Attorney's Office from participating in the settlement if Mr. Walleri and Mayor Eberhart were agreeable.

Mayor Eberhart stated that with all due respect, Attorney Ewers is not the attorney on record. He stated that Mr. Ewers does not represent him in the case. He stated that the motion on the floor is only intended to reject City funding for outside counsel. He strongly objected to any attempt by Mr. Ewers to independently settle the case without the authorization of Mr. Walleri or himself.

Attorney Ewers clarified that he did not envision attempting to independently settle the case. He stated that if the opportunity arose or some movement was made that would give him a clear role in the settlement, he would then participate.

Mr. Matherly expressed confusion with why the City is paying for outside counsel when the Mayor and Council have their own attorney on staff.

Attorney Ewers stated that in order for him to provide representation in the case, Mayor Eberhart would have to sign a waiver of the conflict. He again clarified that if the motion is approved, he would not take any further action in the case without the consent of Mr. Walleri and Mayor Eberhart.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO CEASE SPENDING ANY CITY FUNDS ON THE JOHN EBERHART V. APOC CASE EFFECTIVE IMMEDIATELY AS FOLLOWS:

YEAS: Cleworth, Walley, Staley, Matherly, Gatewood

NAYS: None

ABSENT: Pruhs

Mayor Eberhart declared the MOTION CARRIED.

Mr. Matherly, seconded by **Ms. Staley**, moved to go into Executive Session for the purpose of discussing Public Safety Employees Association (PSEA) and International Brotherhood of Electrical Workers (IBEW) Labor Contract Negotiations.

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

Mayor Eberhart called for a five minute recess.

EXECUTIVE SESSION

- a) Labor Contract Negotiations – PSEA and IBEW
- b) John Eberhart v. APOC, Superior Court Appeal, to Discuss Settlement

NOTE: This item was discussed during the Regular Meeting under Communications to Council, Item 12(e.) per Mayor Eberhart's request during the Approval of the Agenda.

The City Council met in Executive Session to discuss PSEA and IBEW labor negotiations. Direction was given to the negotiating team 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 10:05 P.M.

JOHN EBERHART, MAYOR

ATTEST:

D. DANYIELLE, CMC, CITY CLERK

Transcribed by: DS



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JANUARY 19, 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 pro tem Jerry Cleworth (Council Member, Seat E) presiding and with the following Council Members in attendance:

Council Members Present: Renee Staley, Seat A
 Bernard Gatewood, Seat C
 Jim Matherly, Seat D
 David Pruhs, Seat F

Absent: Perry Walley, Seat B
 John Eberhart, Mayor

Also Present: Warren Cummings, Fire Chief
 Paul Ewers, City Attorney
 Janey Hovenden, City Clerk
 Jim Williams, Chief of Staff

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor pro tem Cleworth led the Flag Salutation.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Ms. Staley pulled Item 12(h), Appointment to the City Finance Committee, from the Consent Agenda.

Mayor pro tem Cleworth called for objection and, hearing none, so ORDERED.

City Clerk Hovenden read the Consent Agenda, as Amended, into the record.

CITIZEN'S COMMENTS

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger apologized for his comments at the last meeting when he suggested that pedophiles be permitted to obtain a City Chauffeur License.

He stated that he may have misspoken. He commented that the courts should deal with the issue instead of the City Council. Mr. Buberger stated that the new South Cushman roads and sidewalks look very nice but commented that the hole covers are two or three inches below the surface of the road. He stated that he has been talking about the pothole and public restroom problems in Fairbanks for years and added that he feels that nothing has taken root. He spoke to the recent arrest of a former City police officer and stated that it seems there should be a child endangerment charge filed against him since there was a loaded gun in the vehicle with the unattended children. He spoke to his own experiences with those who have an alcohol problem and stated that he rarely drinks.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that situation with Chris DeLeon is unfortunate but pointed out that he still has a right to a trial. He spoke to the recent death of Fairbanks resident David Haines, and talked about what a gentleman he was. Mr. Turney spoke to the efforts of Dr. Martin Luther King, Jr. to prevent racism and police brutality. He expressed dissatisfaction with Police Chief Aragon’s recent response to an interview question on the radio. He read aloud the Fairbanks Police Department’s Code of Ethics from 1992 and spoke to how strongly Alaskans feel about their civil liberties. He spoke to the Police Chief’s role in protecting the civil liberties of local residents. Mr. Turney commented that he would give some consideration to applying to serve on the City’s Fact Finding Commission. He stated that even if he does not apply, he will raise awareness throughout the community that the Commission exists and lobby for its utilization. Mr. Turney expressed hope that Mayor Eberhart would pay the \$37.50 Alaska Public Offices Commission (APOC) fine.

Hearing no more requests for public comment, **Mayor pro tem Cleworth** declared Public Testimony closed.

MAYOR’S COMMENTS AND REPORT

Mayor pro tem Cleworth stated that he would give his own comments at the end of the meeting during Council Members’ Comments.

UNFINISHED BUSINESS

- a) Ordinance No. 5963 – An Ordinance Amending FGC Section 2-396 Regarding the Fact Finding Commission. Introduced by Council Member Staley.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5963.

Mayor pro tem Cleworth called for Public Testimony.

Frank Turney – Mr. Turney requested that the Council explain the purpose of the Fact Finding Commission.

Hearing no more requests for public comment, **Mayor pro tem Cleworth** declared Public Testimony closed.

Ms. Staley stated that the Fact Finding Commission was created in 1992 and has rarely been employed by the City Council. She stated that Ordinance No. 5963 would lengthen the terms of members from two years to five years and explained that it is sometimes difficult to keep positions on City Boards and Commissions filled. **Ms. Staley** spoke to the makeup of the Fact Finding Commission.

Mr. Gatewood commented that it may make it more difficult to fill vacancies on the Fact Finding Commission if individuals must be of a certain occupation to meet the requirement to serve.

Clerk Hovenden clarified that the occupational requirement already exists in the Code.

Mr. Pruhs spoke to the recent changes to the makeup of the Clay Street Cemetery Commission and spoke in favor of Ordinance No. 5963.

Mayor pro tem Cleworth stated that the Fact Finding Commission was created as a tool for the City and others to use prior to litigation. He stated that when he was Mayor, he tried to use the Commission for a certain case where a party was in ongoing litigation with the City. He stated that both parties initially accepted the process of using the Fact Finding Commission with the understanding that the decision of the Commission would be binding to both parties. **Mayor pro tem Cleworth** stated that after receiving legal advice from their own counsel, the other party changed their position and the Fact Finding Commission was not called into service. He stated that there will be an issue someday that will require the attention and use of the Commission and thanked Ms. Staley for introducing the ordinance.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5963 AS FOLLOWS:

YEAS: Staley, Matherly, Gatewood, Pruhs, Cleworth

NAYS: None

Mayor pro tem Cleworth declared the MOTION CARRIED and Ordinance No. 5963 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4656– A Resolution in Support of the Fairbanks Metropolitan Area Transportation System (FMATS) Request for Transportation Funding for Fiscal Year 2016. Introduced by Council Member Walley.

PASSED and APPROVED on the CONSENT AGENDA.

DISCUSSION ITEMS

Committee Reports

Golden Heart Parking Services (GHPS) Board of Directors – **Ms. Staley** shared that the Board is currently in the interview process to hire a new executive director.

Public Safety Commission (PSC) – **Ms. Staley** reported that the PSC will discuss the issue of chronic inebriates at the next meeting. She stated that Mayor Eberhart recently signed a new contract with the Downtown Association to continue the Community Service Patrol (CSP). She stated that the PSC discussed the overall decline in the issuance of traffic citations by the Fairbanks Police Department (FPD). **Ms. Staley** spoke to the large fire exposure risk in Fairbanks last year and to the recent boiler fire at The Prospector. She stated that she also attended a meeting in regard to Dispatch contracts and the Fairbanks Emergency Communications Center (FECC).

Fairbanks Diversity Council (FDC) – **Mr. Gatewood** stated that the FDC met recently for a strategic planning session but commented that he was unable to attend. He stated that he would like to wait until the next meeting to give a report.

Mayor pro tem Cleworth asked when the next Permanent Fund Review Board meeting will take place.

Mr. Gatewood replied that the next Permanent Fund Review Board meeting is on Wednesday, January 21 at 1:30 p.m.

Mayor pro tem Cleworth asked if the Board has had discussion about the equities portion of the Permanent Fund.

Mr. Gatewood replied negatively. He stated that the Board has not met since October.

COMMUNICATIONS TO COUNCIL

- a) Proposed Corrections to Regular Meeting Minutes of October 6, 2014

Clerk Hovenden explained that the motion on the new distillery liquor license should have been recorded in the minutes as a motion to protest until a Certificate of Occupancy is issued instead of a motion to waive protest with contingencies. She stated that the initial motion in the October 6, 2014, meeting was changed to reflect the correction, but the change was missed in the minutes.

Mr. Gatewood, seconded by **Ms. Staley**, moved to APPROVE the correction to the October 6, 2014, meeting minutes.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE CORRECTION TO THE OCTOBER 6, 2014, MEETING MINUTES AS FOLLOWS:

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

Mayor pro tem Cleworth declared the MOTION CARRIED.

- b) Memo Concerning City Representative to Borough Assembly Meetings

APPROVED on the CONSENT AGENDA

- c) Notice to Council Concerning an Encroachment Permit to ADOT

APPROVED on the CONSENT AGENDA

- d) Clay Street Cemetery Commission Meeting Minutes of October 1, 2014

ACCEPTED on the CONSENT AGENDA

- e) Board of Plumber Examiner Meeting Minutes of October 7, 2014

ACCEPTED on the CONSENT AGENDA

- f) Fairbanks Diversity Council Meeting Minutes of October 23, 2014

ACCEPTED on the CONSENT AGENDA

- g) Fairbanks Diversity Council Meeting Minutes of December 9, 2014

ACCEPTED on the CONSENT AGENDA

- h) Appointment to the City Finance Committee

Ms. Staley stated that there is currently a member serving on the Permanent Fund Review Board who is also employed by Wells Fargo. She stated that she will miss Jeff Johnson's presence on the Finance Committee and spoke highly of his knowledge and valuable input.

Mr. Matherly asked if others showed an interest in the vacancy on the Finance Committee. He stated that he understands and agrees with Ms. Staley's position.

Clerk Hovenden stated that there were no other applications submitted.

Mayor pro tem Cleworth stated that he recently spoke with Mr. Johnson who is under the impression that the administration does not want one individual serving on two separate City Boards or Commissions simultaneously. He stated that it is imperative that the public member of the Finance Committee be well-versed in the finances of the City. He suggested that the Council keep the issue open until Mayor Eberhart can provide some clarification.

Hearing no motion to APPROVE the Appointment to the Finance Committee, **Mayor pro tem Cleworth** asked Clerk Hovenden to continue on to the next agenda item.

- i) Re-appointment to the Building Code Review & Appeals Commission

APPROVED on the CONSENT AGENDA

COUNCIL MEMBERS' COMMENTS

Mr. Gatewood stated that he had no comments.

Ms. Staley spoke to the importance of community involvement and encouraged the public to become involved with City Boards and Commissions.

Mr. Matherly stated that he had no comments.

Mr. Pruhs, in reference to the memorandum from the City Clerk, commented on the 10-year backlog of City records and to the problem with records being stored in the basement of City Hall. He stated that the City may need to look at hiring temporary staff to help get the records under control and thanked the City Clerk for bringing the issue to the Council's attention. **Mr. Pruhs** stated that everyone starts somewhere and commented that the Finance Committee applicant would have a great deal of support and guidance if she were selected to be the new member. He indicated that Ms. Sisto is qualified to serve on the Finance Committee.

Mayor pro tem Cleworth echoed Mr. Pruhs' comments on records management at the City. He stated that in 2012 or 2013, the Clerk's Office put together a plan of action for all departments at the City of Fairbanks. He stated that the deadline for the plan was one month before he left the Mayoral Office. He asked Clerk Hovenden if there is any progress being made on that program.

Clerk Hovenden stated that the records that were in the back hallway near Engineering have been relocated to the main records area in the North Tower. She stated that the next big project for the Clerk's Office is to create a customized records retention schedule for the City of Fairbanks. She stated that there are still many records need to be identified and indexed and added that some may need to be destroyed.

Mayor pro tem Cleworth asked about the records on the floor of the basement in the south wing.

Clerk Hovenden replied that with the help of Pat Smith, staff identified and destroyed many of the basement records. She stated that the remaining records need more attention than just relocation or destruction and indicated that it will take a great deal of time to accomplish that project. She stated that she understood that all the basement records would be relocated to the North Tower when the others were moved. She commented that the City must have run out of other storage space for records.

Mayor pro tem Cleworth stated that according to the original plan, no records were to be left in the basement and pertinent, inactive records were to be moved to Public Works for storage. He stated that other more regularly-accessed records were to be stored in the North Tower at City Hall. He commented that there are still many records scattered throughout City Hall that need to be addressed. **Mayor pro tem Cleworth** shared that there will be a neighborhood meeting regarding the Bjerremark Subdivision at the JP Jones Community Center on January 20 at 5 p.m. He thanked Attorney Ewers for preparing the list of union grievances he requested. He addressed page two of the Clerk's report where it shows that the issuance of citations by FPD

decreased by about 1,500 from 2011 to 2015. He stated that the Council should be aware of the decline and requested a report from the Chief of Police. **Mayor pro tem Cleworth** asked City Clerk Hovenden if she buys into the Borough's request that the City start sharing the cost for Borough staff time in preparing for the Municipal Election.

Clerk Hovenden replied that she partially agrees. She stated that elections are expensive and it only makes sense for the City to hold its election in conjunction with the Borough. She commented that although the Borough would have to do the preparation even if the City was not a part of their Municipal Election, there are precincts that are shared by both entities. She stated that the City Clerk's Office cannot afford the time to allow staff to go to the Borough on a regular basis to help prepare for the annual election.

ADJOURNMENT

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

Mayor pro tem Cleworth called for objection and, hearing none, so ORDERED.

Mayor pro tem Cleworth declared the meeting adjourned at 7:55 P.M.

JOHN EBERHART, MAYOR

ATTEST:

D. DANYIELLE SNIDER, CMC, CITY CLERK


Transcribed by: DS

MEMORANDUM

City of Fairbanks Clerk's Office

D. Danyielle Snider, City Clerk

TO: Mayor John Eberhart
City Council Members

FROM: D. Danyielle Snider, CMC, City Clerk 

SUBJECT: Application for Liquor License Transfer – Stock Only

DATE: April 1, 2015

An application has been received by the State Alcohol Beverage Control Board for transfer of ownership (stock transfer only) for the following liquor license applicant:

License Type: Beverage Dispensary, License #3969
DBA: **BoomTown Grill and Bar**
Licensee/Applicant: JSR, Inc.
Physical Location: 537 Gaffney Road, Fairbanks AK

Corp/LLC Agent:	Address	Phone	Date/State of Incorporation	Good standing?
Rick Mensik	PO Box 70655 Fairbanks, AK 99707	907-457-7599	07/12/1996	yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Rick Mensik	12/07/1950	PO Box 70655 Fairbanks, AK 99707	907-347-6671	66.33
Nick Nyquist	03/14/1980	523 Gaffney Road Fairbanks, AK 99701	907-374-8162	33.33

If **transfer** application, current license information:

Current D.B.A.: BoomTown Grill and Bar
Current Licensee: JSR, Inc.
Current Location: 537 Gaffney Road, Fairbanks, AK 99701

Pursuant to FCG Sec. 14-178, the Council must determine whether or not to protest the liquor license action after holding a public hearing.


There are **no departmental objections** to the transfer of this license.

MEMORANDUM

City of Fairbanks Clerk's Office

D. Danyielle Snider, City Clerk

TO: Mayor John Eberhart
City Council Members

FROM: D. Danyielle Snider, CMC, City Clerk 

SUBJECT: Application for Liquor License Transfer – Stock Only

DATE: April 1, 2015

An application has been received by the State Alcohol Beverage Control Board for transfer of ownership (stock transfer only) for the following liquor license applicant:

License Type: Beverage Dispensary, License #4232
DBA: Kodiak Jack's
Licensee/Applicant: JSR, Inc.
Physical Location: 537 Gaffney Road, Fairbanks AK

Corp/LLC Agent:	Address	Phone	Date/State of Incorporation	Good standing?
Rick Mensik	PO Box 70655 Fairbanks, AK 99707	907-457-7599	07/12/1996	yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Rick Mensik	12/07/1950	PO Box 70655 Fairbanks, AK 99707	907-347-6671	66.33
Nick Nyquist	03/14/1980	523 Gaffney Road Fairbanks, AK 99701	907-374-8162	33.33

If **transfer** application, current license information:

Current D.B.A.: Kodiak Jack's
Current Licensee: JSR, Inc.
Current Location: 537 Gaffney Road, Fairbanks, AK 99701

Pursuant to FCG Sec. 14-178, the Council must determine whether or not to protest the liquor license action after holding a public hearing.

There are **no departmental objections** to the transfer of this license.

ORDINANCE NO. 5967

**AN ORDINANCE AMENDING THE 2015 OPERATING AND
CAPITAL BUDGETS FOR THE SECOND TIME**

WHEREAS, this ordinance incorporates the changes outlined on the attached fiscal note to amend the 2015 operating and capital budgets; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows [amendments shown in **bold underlined** font; deleted text or amounts in ~~font~~]:

SECTION 1. There is hereby appropriated to the 2015 General Fund and the Capital Fund budgets the following sources of revenue and expenditures in the amounts indicated to the departments named for the purpose of conducting the business of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2015 and ending December 31, 2015 (see pages 2 and 3):

GENERAL FUND

<u>REVENUE</u>	Ordinance 5962	INCREASE (DECREASE)	AS AMENDED
Taxes, (all sources)	\$ 20,787,014	\$ -	\$ 20,787,014
Charges for Services	4,740,703	-	4,740,703
Intergovernmental Revenues	3,627,263	-	3,627,263
Licenses & Permits	1,965,194	-	1,965,194
Fines, Forfeitures & Penalties	962,605	-	962,605
Interest & Penalties	130,500	-	130,500
Rental & Lease Income	164,734	-	164,734
Other Revenues	224,500	-	224,500
Other Financing Sources	3,764,998	-	3,764,998
Total revenue appropriation	<u>\$ 36,367,511</u>	<u>\$ -</u>	<u>\$ 36,367,511</u>
<u>EXPENDITURES</u>			
Mayor and Council	\$ 602,561	\$ -	\$ 602,561
Office of the City Attorney	181,316	-	181,316
Office of the City Clerk	349,232	-	349,232
Finance Department	936,547	-	936,547
Information Technology	1,657,140	18,010	1,675,150
General Account	5,706,161	5,800	5,711,961
Risk Management	1,413,460	-	1,413,460
Police Department	7,244,676	79,159	7,323,835
Dispatch Center	2,021,721	1,149	2,022,870
Fire Department	6,537,167	14,095	6,551,262
Public Works Department	7,690,129	87,191	7,777,320
Engineering Department	691,531	3,314	694,845
Building Department	671,099	460	671,559
Total expenditure appropriation	<u>\$ 35,702,740</u>	<u>\$ 209,178</u>	<u>\$ 35,911,918</u>
12/31/14 general fund balance	\$ 10,107,086	\$ 1,262,430	\$ 11,369,516
Increase (Decrease) to fund balance	664,771	-	664,771
Nonspendable	(424,514)	(48,909)	(473,423)
Committed for snow removal	(250,000)	-	(250,000)
Assigned PY encumbrances		(209,178)	(209,178)
Assigned self insurance	(785,248)	(7,959)	(793,207)
12/31/15 Unassigned balance	<u>\$ 9,312,095</u>	<u>\$ 996,384</u>	<u>\$ 10,308,479</u>

Minimum unassigned fund balance requirement is 20% of budgeted annual expenditures but not less than \$4,000,000.

\$ 7,182,384

CAPITAL FUND

<u>REVENUE</u>	APPROVED BUDGET	INCREASE (DECREASE)	AS AMENDED
Transfer from Permanent Fund	\$ 514,960	-	\$ 514,960
Transfer from General Fund	1,784,545	-	1,784,545
Equip Replacement			
Public Works	250,000	-	250,000
Building	10,000	-	10,000
Police	180,000	-	180,000
Dispatch	80,000	-	80,000
Fire	250,000	-	250,000
IT	110,000	-	110,000
Property Repair & Replacement	145,000	-	145,000
	<u>\$3,324,505</u>	<u>\$ -</u>	<u>\$3,324,505</u>
<u>EXPENDITURES</u>			
IT Department	\$ 637,300	\$ 172,751	\$ 810,051
Police Department	180,000	131,385	311,385
Dispatch Department	582,130	-	582,130
Fire Department	572,829	158,265	731,094
Public Works Department	1,955,463	223,485	2,178,948
Total appropriation	<u>\$3,927,722</u>	<u>685,886</u>	<u>4,613,608</u>
12/31/14 capital fund balance	\$6,008,764	\$ 990,179	\$6,998,943
Decrease to fund balance	(603,217)	-	(603,217)
Assigned PY encumbrances		(685,886)	(685,886)
12/31/15 Assigned fund balance	<u>\$5,405,547</u>	<u>\$ 304,293</u>	<u>\$5,709,840</u>

SECTION 2. All appropriations made by this ordinance lapse at the end of the fiscal year to the extent they have not been expended or contractually committed to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2015 and ending December 31, 2015.

SECTION 3. The effective date of this ordinance shall be the _____ day of _____ 2015.

JOHN EBERHART, MAYOR

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

FISCAL NOTE

**Ordinance No. 5967
Page 4**

ORDINANCE 5967, AMENDING THE 2015 OPERATING AND
CAPITAL BUDGETS FOR THE FIRST TIME

ESTIMATED REVENUES and OTHER FINANCING SOURCES (USES)

NO CHANGE

1. Taxes – No Change
2. Charges for Services – No Change
3. Intergovernmental Revenues – No Change
4. Licenses & Permits – No Change
5. Fines, Forfeitures & Penalties – No Change
6. Interest & Penalties – No Change
7. Rental & Lease Income – No Change
8. Other Revenues – No Change
9. Other Financing Sources & (Uses) – No Change

FISCAL NOTE CONTINUED

Ordinance No. 5967
Page 5

ESTIMATED EXPENDITURES

\$209,178 INCREASE

Note - 2014 Encumbrances carried forward to 2015 are funded by assigned fund balance.

1. Mayor & Council – No Change
2. City Attorney's Office – No Change
3. City Clerk's Office – No Change
4. Finance Department – No Change
5. Information Technology – \$18,010 Increase (2014 Encumbrances)
6. General Account – \$5,800 Increase (2014 Encumbrances)
7. Risk Management – No Change
8. Police Department – \$79,159 Increase
 - \$ 5,697 Increase Wages and Benefits to reduce Lietenant positions from (4 FTE) to (3 FTE) and add a second Deputy Police Chief from (1 FTE) to (2 FTE)
 - (\$5,697) Decrease PSA – Part time Temporary Wages and Beneifits
 - \$79,159 Increase (2014 Encumbrances)
9. Dispatch – \$1,149 Increase (2014 Encumbrances)
10. Fire Department – \$14,095 Increase (2014 Encumbrances)
11. Public Works – \$87,191 Increase (2014 Encumbrances)
12. Engineering – \$3,314 Increase (2014 Encumbrances)
13. Building Department – \$460 Increase (2014 Encumbrances)

FISCAL NOTE CONTINUED

Capital Fund

1. REVENUES

- No change

2. OTHER FINANCING SOURCES (USES)

- No Change

3. EXPENDITURES \$685,886 Increase

- Information Technology - \$172,751 Increase (2014 Encumbrances)
- Police Department - \$131,385 Increase (2014 Encumbrances)
- Fire Department - \$158,265 Increase (2014 Encumbrances)
- Public Works - \$223,485 Increase (2014 Encumbrances)

4. INTERNAL TRANSFERS

- No Change

ORDINANCE NO. 5968

**AN ORDINANCE REPEALING FAIRBANKS GENERAL CODE
CHAPTER 14, ARTICLE VII MASSAGE PRACTITIONERS
EFFECTIVE JULY 1, 2015**

WHEREAS, the Alaska Legislature passed SLA 2014, Chapter 114, An Act Establishing the Board of Massage Therapists; relating to the licensing of massage therapists; and providing for an effective date; and

WHEREAS, under the provisions of that legislation, the State of Alaska assumed authority to license massage therapists effective July 1, 2015, at which time municipalities may not enact or enforce an ordinance requiring professional licensure of massage therapists; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. Fairbanks General Code, Chapter 14, Article VII is hereby repealed:

SECTION 2. That the effective date of this Ordinance shall be the 1st day of July 2015.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

ORDINANCE NO. 5969

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE SECTION
54-102 CHANGE ORDERS BY INCREASING THE AMOUNTS ALLOWED
FOR CHANGE ORDERS BY ADMINISTRATION**

WHEREAS, FGC Sec. 54-101 provides that the city engineer is the administering authority for construction contracts not determined by the mayor to be administered by the director of public works; and

WHEREAS, FGC Sec. 54-102(b) grants the administering authority the authority to approve change orders for construction contracts within certain limits; otherwise, change orders must be approved by the city council under Sec. 54-102(c); and

WHEREAS, the monetary limits for change orders by the administering authority were established in 1990 by Ordinance No. 4909, as Amended; and

WHEREAS, during the past twenty-five years, there has been a significant increase in the cost of construction contracts, and the current monetary limits on changes orders by the administering authority do not reflect such increases; and

WHEREAS, giving the administering authority the ability to approve change orders within the limits set by the city council promotes efficiency and timely completion of projects, a vitally important consideration given the short construction season in Fairbanks.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. Fairbanks General Code Section 54-102 Change orders, is amended as follows [new text in **underlined bold** font; deleted text in ~~striketrough~~ font]:

Sec. 54-102. Change orders.

(a) *Proposal required.* Any change required in the work shall be made after receiving a written proposal from the contractor for additions to or deductions from the original contract sum for changes proposed.

(b) *Change orders by administration.* Upon receipt of a proposal for a change in the contract sum ~~in an amount not exceeding \$25,000.00;~~ and after a determination that the contractor's proposal is reasonable, the administering authority may issue a written change order. The aggregate sum of the change orders ~~so~~ authorized **under this subsection** for each such construction contract **will be as follows:** ~~shall not exceed five percent or \$25,000.00 of the original sum, whichever is greater.~~

- (1) If the total project cost is \$1 million or less, then \$25,000 or 25% of the total project cost, whichever is greater;**
- (2) If the total project cost is great than \$1 million, then \$250,000 or 10% of the total project cost, whichever is greater.**

Any change order issued under this **subsection** ~~division~~ and which exceeds \$~~25~~10,000.00 shall be reasonably noticed to the city council by the administering authority.

(c) Change orders by city council. When a proposed change order exceeds the limit set forth in subsection (b) of this section, the proposal together with recommendations of the mayor shall be forwarded to the city council. The city council shall then determine whether the proposal shall be accepted or rejected.

SECTION 2. That the effective date of this Ordinance shall be the ____ day of March 2015.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

ORDINANCE NO. 5970

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE SECTION
46-42 DISTURBING THE PEACE BY ADDING A NEW SUBSECTION
RELATING TO MARIJUANA SMOKE**

WHEREAS, Ballot Measure 2 – An Act to Tax and Regulate the Production, Sale and Use of Marijuana, codified as Alaska Statute 17.38, providing for the legalization of marijuana, was passed by the voters in the recent state election and certified on November 28, 2014, by the State of Alaska, Division of Elections; and

WHEREAS, the effective date of the legislation enacted by Ballot Measure 2 was February 24, 2015; and

WHEREAS, on February 23, 2015, the City Council passed Ordinance No. 5964 defining those “public places” where consuming marijuana is prohibited; and

WHEREAS, consumption of marijuana by smoking produces an airborne by-product that could affect and possibly harm those in close proximity to its consumption; and

WHEREAS, FGC Sec. 46-42 (Disturbing the Peace) currently does not take into account when the smoke and odor of marijuana consumption disturbs the peace and privacy of others.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. Fairbanks General Code Section 46-42 Disturbing the Peace is amended by adding subsections (g), (h), and (i) as follows:

Sec. 46-42. Disturbing the peace.

* * * * *

- (g) In addition to subsections (a) and (b), a person commits the offense of disturbing the peace if they:
- (1) In a private place, consume marijuana with the intent to disturb or in reckless disregard of the peace and privacy of others after having been informed by another that the conduct is disturbing the peace and privacy of others not in the same place; or
 - (2) After being informed by a police officer that their consumption of marijuana is in violation of subpart (1), refuses to abate the consumption.

(h) For purposes of this section, the following definitions and conditions apply:

- (1) *Consume* has the meaning, in all conjugate forms, of “consumption” set forth in AS 17.38.900.
- (2) *Marijuana* has the meaning set forth in AS 17.38.900.
- (3) *Private place* means any place that is not a “public place” as defined in FGC Sec. 46-44(b)(3).
- (4) To disturb the peace and privacy of others, the consumption of marijuana must be of such a nature that it would disturb a not unduly sensitive individual.

(i) Violation of subsection (g) above is a minor offense punishable by a fine of \$100.00. Disposition of this offense may be without court appearance pursuant to AS 29.25.070 and the Alaska Minor Offense Rules upon payment of the \$100 fine and payment of the state surcharge required by AS 12.55.039 and AS 29.25.074. This fine may not be judicially reduced.

SECTION 2. That the effective date of this Ordinance shall be the ____ day of April 2015.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

ORDINANCE NO. 5971

AN ORDINANCE AUTHORIZING A LIMITED REAL PROPERTY TAX EXEMPTION FOR THE RETIREMENT COMMUNITY OF FAIRBANKS - RAVEN LANDING EXPANSION PROJECT AND SETTING AN EFFECTIVE DATE

WHEREAS, the City, through Ordinance No. 5804 and Resolution No. 4299, as Amended, authorized a limited real property tax exemption to the Weeks Field Development Group for portions of the Weeks Field Community development project (formerly known as the "Fairview Manor Apartments"); and

WHEREAS, Resolution No. 4299, as Amended, specified a ten-year exemption from 50% of City property taxes or similar levies for Development Phases 1, 2, & 3, said exemption not applicable to Development Phase 4; and

WHEREAS, the tax exemption as provided by Council was performance-based and subject to completion of construction. Phases 1 and 2 have been developed with new, affordable housing with the first facility completed and on the tax roll in 2010, and Phase 3 development has been completed with the Retirement Community of Fairbanks (RCF) / Raven Landing senior housing complex, with the Community Center on the tax roll as of 2014, for a total of eight new facilities plus carports and garages; and

WHEREAS, the Phase 4 non-exempt commercial development was intended for Lot 3B Weeks Field Community, a 2.8 acre parcel, according to that certain Purchase and Sale Agreement between the City of Fairbanks and Weeks Field Development Group, dated November 16, 2007, on file with the City Clerk's Office; and

WHEREAS, the developer has not been able to attract a commercial project for Phase 4; and

WHEREAS, the RCF seeks to expand its senior housing and construct related facilities, and has negotiated purchase of Lot 3B from the developer for this purpose; and

WHEREAS, the proposed future expansion will construct thirty-five new senior apartments, at an estimated cost of six million dollars, employing local labor, and will bring the total number of residents to the RCF goal of over 110 senior residents at the Raven Landing complex, achieving a financially sustainable level; and

WHEREAS, the RCF and Raven Landing has helped retain Fairbanks seniors and brought significant social benefit and economic value to the community; and

WHEREAS, it is the sense of the City Council that granting a limited property tax exemption in support of additional senior housing is in the best interest of the community; and

WHEREAS, the City Code of Ordinances Section 74-32 requires that tax exemptions for real property within the City, for which there is not a statutory exemption and for which the City Council intends a discretionary exemption, be so declared by ordinance, as required by A.S. 29.45.050(o).

WHEREAS, a Fiscal Note is provided as follows:
Estimated Tax Impact: The 2.8 acre tract is assessed at \$807,600, taxed at full value. The City tax share is now \$4,764, or \$2,382 if reduced by 50%. The new project cost is estimated at \$6 million, a potential of \$35,400 additional City revenue.

If a 50% reduction is granted and the project is built, City annual tax revenues would approximate \$17,700 (building), for a total of \$20,082 (land and buildings).

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. That the real property affected by this Ordinance is Lot 3B of the Replat of Lot 3, Weeks Field Community Phase II, Plat Number 2012-32.

SECTION 2. That the commercial, non-exempt development restriction placed on said Lot 3B by Ordinance No. 5804 and Resolution No. 4299, as Amended, is hereby rescinded.

SECTION 3. That the RCF concept drawings and supporting information, attached to this ordinance as Exhibit "A", shall serve as the RFC application for tax exemption.

SECTION 4. That the eligible tax exemption classification under this ordinance is "Deteriorated Property", as described under A.S. 29.45.050(o), including the requirements established thereunder.

SECTION 5. That a ten-year exemption from 50% of City property taxes or similar levies for Development Phase 4, upon said Lot 3B, is hereby specifically approved.

SECTION 6. That this exemption shall take effect only upon completion of construction of the proposed new senior housing, and upon

the issuance of a Certificate of Occupancy by the City of Fairbanks Building Official.

SECTION 7. That this exemption is granted to Community Development Inc, as successor in title to Weeks Field Development Group, and their successors and assigns.

SECTION 8. That the applicant has submitted a clear and convincing business and construction plan, and has executed and is executing the plan in accordance with the requirements of the City Council.

SECTION 9. That an executed copy of this ordinance shall be delivered to the Fairbanks North Star Borough.

SECTION 10. That the tax exemption granted hereby is unique to the particular premises and development plan described hereinabove, and does not inure to the benefit of other potential applicants.

SECTION 11. That the effective date of this ordinance shall be the 10th day of April, 2015.

JOHN EBERHART, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. DANYIELLE SNIDER, City Clerk

PAUL EWERS, City Attorney

Background Information on Raven Landing Request

1. A grassroots organization began in 2003 to build secure and supportive senior housing in Fairbanks that is not limited to extremely low-income seniors. It incorporated as a non-profit in 2004, called Retirement Community of Fairbanks (RCF). The board is composed of local leaders (see attached).
2. Weeks Field Development Group, including C. B. Bettisworth, obtained the Fairview Manor lease and contracted with the City to buy the land. Half the land became Weeks Field Estates, an affordable housing complex. Raven Landing Senior Community is being built on the other half.
3. The City of Fairbanks greatly assisted the startup of Raven Landing Senior Community by granting a ten-year 50% property tax exemption to the first 60 units of senior rental housing and a senior community center, in Ordinance No. 5804, effective May 29, 2010. The land exempted was not to exceed 5 acres.
4. The original business plan was for 96 apartments plus the senior center. The existing 3 apartment buildings currently house 74 residents in 60 apartments. The five acres of land we own are fully occupied. We are now attempting to build our fourth, and probably final, building, consisting of 35 apartments, bringing us essentially to our planned level. The finished complex will house 110 to 120 seniors. This is the number for which the Raven Landing Center is designed.
5. Every building has remained full since it opened, with a current waiting list of 152 who have paid \$100 to secure a place in line; this is growing every week. 20 are on the active list, wanting to move in at once.
6. The Raven Landing Center is hosting many local events each week, from luncheon meetings to weddings to shows to exercise, many at no charge. Regular meals are also open to the public, as well as most activities.
7. Raven Landing currently provides 10 full time and 11 part time jobs, plus temporary help. It buys nearly all its equipment, food, and services from local businesses.
8. Under current ordinances the final building and future outbuildings would not receive the tax exemption. In order to secure funding for them, this startup boost will be needed: another ordinance extending this exemption to the rest of the Raven Landing complex, including the apartments, garages, carports, shop and storage units, and the rest of the original Fairview land. We expect to purchase this from the current owners this year.

Feb. 10, 2015

Our Mission

Raven Landing: A dynamic residence and community center for Fairbanks seniors where diversity, security, healthy living, independence and mutual assistance are core values.



What is the Retirement Community of Fairbanks?

- Local citizens saw need for middle-income senior housing with components of social activities, security, and regular meals
- Alaskan non-profit incorporated in 2004
- Together with Weeks Field Development Group, planned and built Raven Landing Senior Community, which opened in 2010
- Does not include Weeks Field Estates, the four affordable housing buildings on the west half of the old Fairview Manor site



What is the present situation?

- Three 20-unit apartment buildings now in operation and fully occupied; A fourth building is planned.
- Approximately 75 residents, ages 65 to 92
- Raven Landing Community Center near completion; will serve both non-residents and residents of Raven Landing
- Non-active waiting list over 80 plus about 40 on the active wait list.
- Serving a hot meal 6 days a week, moving incrementally to 3 available meals per day
- Staffed by General Manager, Resident Services Coordinator, Food Services Manager, sous chef, bookkeeper, custodians, and maintenance man
- Financially successful: cash income has exceeded cash expenses and other payments for the apartments from beginning

***Retirement Community of Fairbanks, Inc.
and the building of
Raven Landing Senior Community***



A TIMELINE

- 2003 – 2004** Needs of Fairbanks seniors recognized
Retirement Community of Fairbanks, Inc. (RCF) incorporated
- 2004 – 2007** Raven Landing complex designed with architect
Search for site
Weeks Field Development Group (WFDG) formed to acquire chosen site
WFDG reached agreement with City of Fairbanks and leaseholder for purchase of Fairview Manor land
- 2008** Alaska Housing Finance Corporation (AHFC) awarded grant to RCF for first apartment building
Capital campaign started for Raven Landing Community Center
- 2009** Federal grant (NSP) to WFDG to demolish old Fairview buildings
- 2010** AHFC awarded grant to RCF for second apartment building
State legislature awarded grant to RCF for Community Center
April - Begin construction on first apartment building
Nov. - Move into first apartment building
- 2011** May - Begin construction on second apartment building
Sep. - Pour foundation for Phase I of Community Center
Dec. - AHFC awarded grant to RCF for third apartment building
Dec. - Rasmuson Foundation awarded grant to RCF for Community Center
- 2012** Mar. - Move into second apartment building
May - Begin third apartment building
State legislature awarded second grant to RCF for Community Center
Aug. - Begin construction of Community Center
Dec - Complete third apartment building
- 2013** Jan - Move into third apartment building
May - Complete Community Center kitchen and dining room
Fall – Complete more Community Center areas
- 2015** Build fourth apartment building and/or assisted living facility?

**Raven Landing Senior Community
Fairbanks, AK 2013**



**Raven Landing buildings
Apartments**

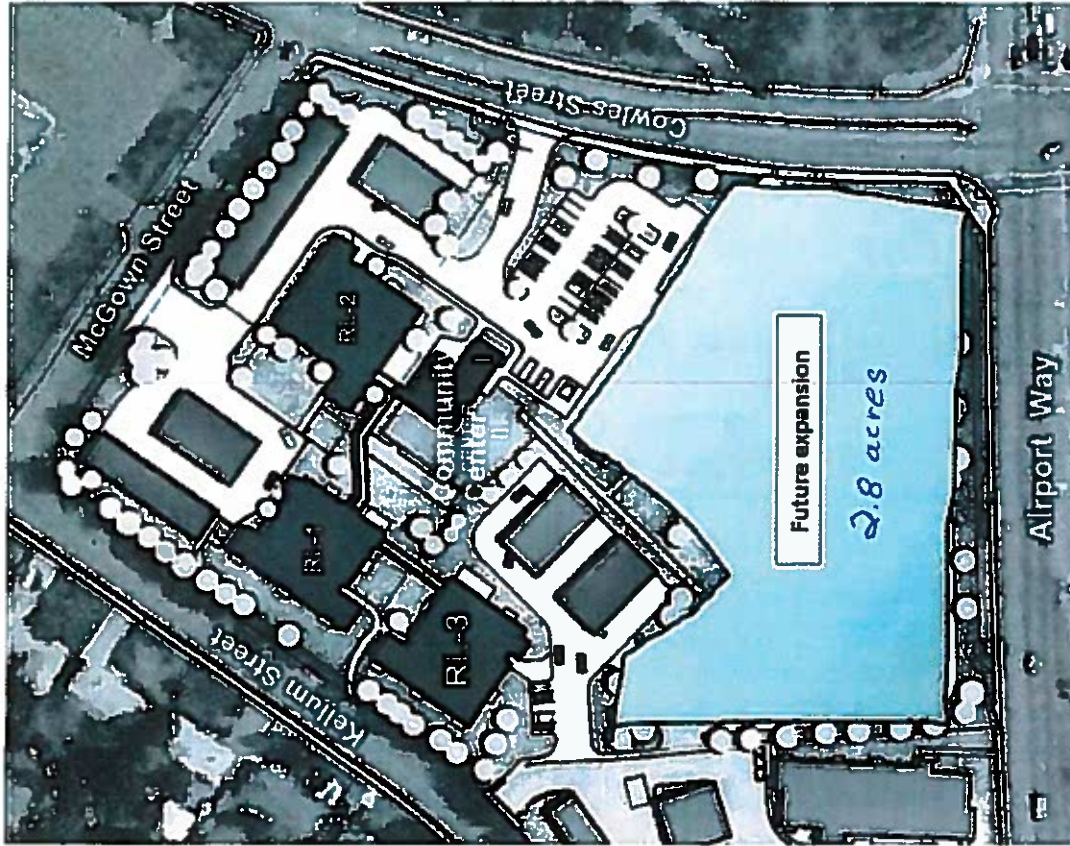
RL-1 – finished Nov. 2010

RL-2 – finished Mar. 2012

RL-3 0 finished Jan. 2013

Community Center – finished Oct. 2013

Other structures are carports and garages





Construction of Raven Landing Senior Community

Raven Landing Apartments

2010 – first apartment building

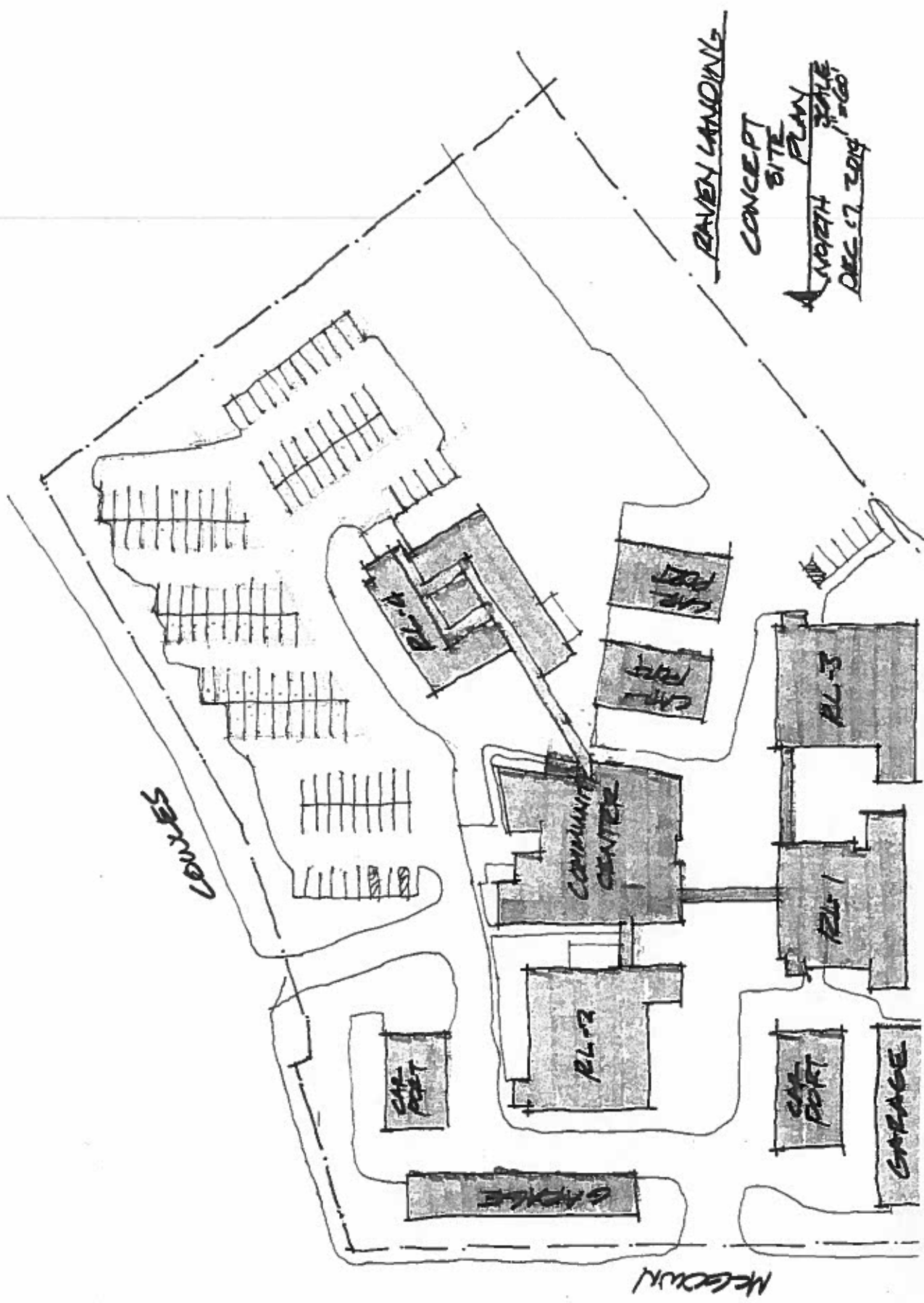


2012 – third apartment building



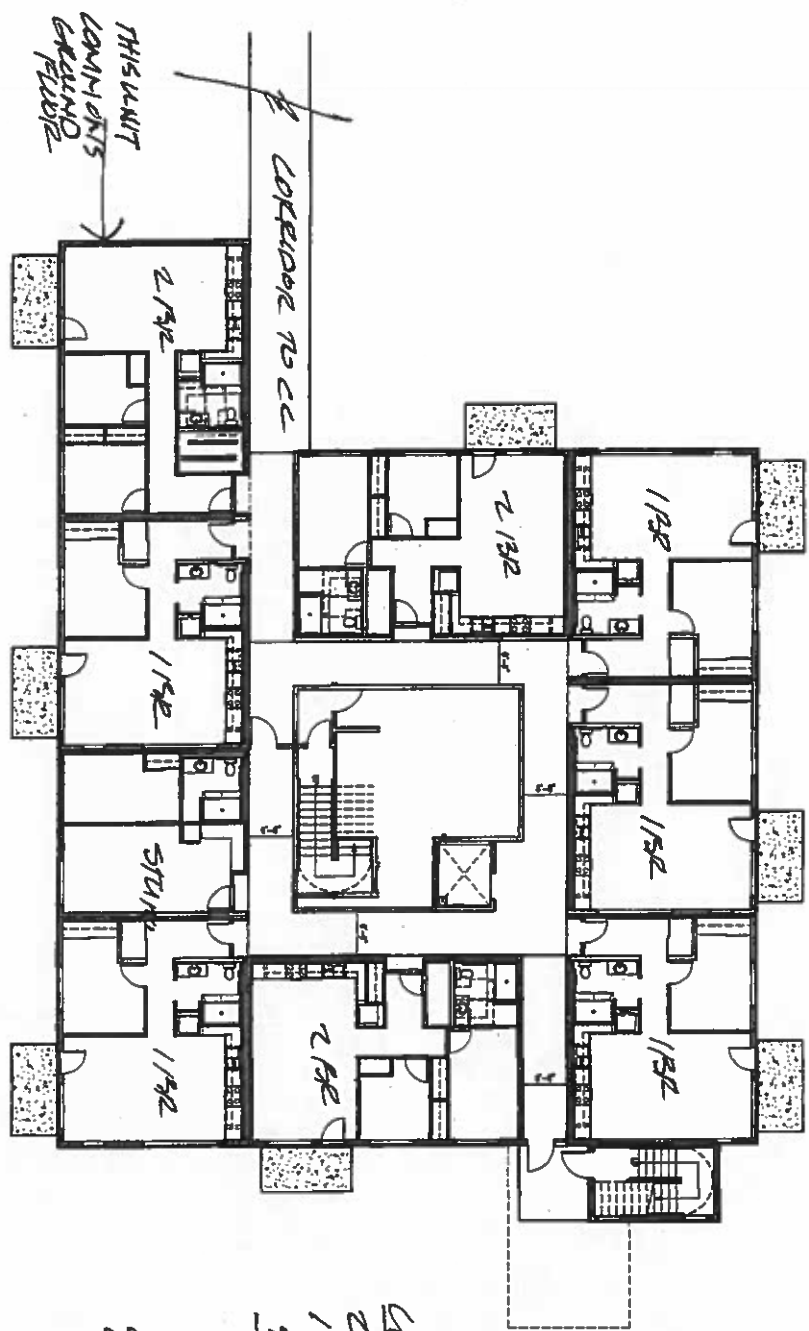
2011-12 – second apartment building
(and Community Center foundation)





BL-4
CONCEPT PLAN
DEC 17, 2014

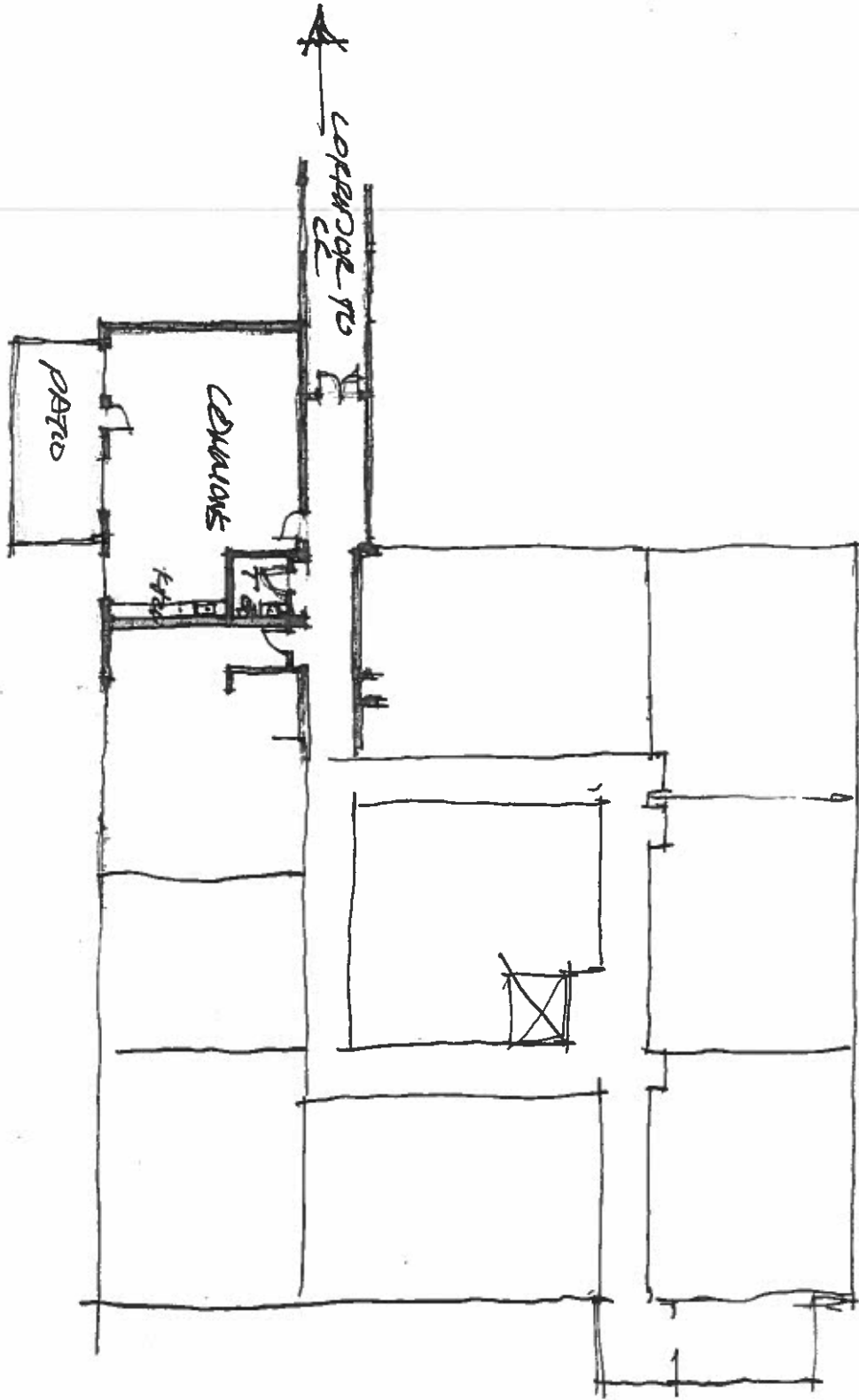
FLOORS 2-4
TOTAL GROSS AREA / FLOOR 9,425 SF
TOTAL GROSS AREA 57,700 SF



UNIT COUNT/FLOOR	UTILITIES/FLOOR	COMMONS GROUND FLOOR	BR UNITS/FLOOR
2 BR	3	75 UNITS	2-4
1 BR	5		1st Floor
STUDIO	1		
			9 UTILITIES/FLOOR

PL-4
CONCEPT PLAN
DEC 17, 2014

COMMONS FLOOR PLAN 1/16" = 1'-0"



RESOLUTION NO. 4663

A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO APPLY FOR FUNDS FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR THE FFY2014 FIRE PREVENTION AND SAFETY GRANT

WHEREAS, the United States Department of Homeland Security provides funds through the Fire Prevention and Safety Grant Program to enhance the safety of the public and firefighters by supporting fire prevention programs and firefighter health and safety research and development; and

WHEREAS, the City of Fairbanks Fire Department wishes to continue and enhance the public safety education and awareness programs for the residents within the City; and

WHEREAS, the City of Fairbanks Fire Department plans to request a grant in the amount of \$15,000.00 to purchase battery operated smoke alarms and carbon monoxide alarms; and

WHEREAS, the City of Fairbanks is required to provide a 5% match in the amount of \$750.00 that will be provided from currently budgeted funds;

NOW, THEREFORE, BE IT RESOLVED by the City Council that the Mayor or his designee is authorized to execute any and all documents required for requesting funds on behalf of the City for this grant.

PASSED and APPROVED this 6th Day of April 2015.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 4663

Abbreviated Title: FFY2014 FIRE PREVENTION AND SAFETY GRANT

Department(s): FIRE DEPARTMENT

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes _____ No x

2) additional support or maintenance costs? Yes _____ No x

If yes, what is the estimate? see below

3) additional positions beyond the current adopted budget? Yes _____ No x

If yes, how many positions? _____

If yes, type of positions? _____ (F - Full Time, P - Part Time, T - Temporary)

II. FINANCIAL DETAIL:

PROJECTS:	Equipment	Contracts	Personnel	Total
Smoke & Carbon Monoxide Alarms	\$15,000			\$15,000
				\$0
				\$0
				\$0
				\$0
				\$0
TOTAL	\$15,000	\$0	\$0	\$15,000

FUNDING SOURCE:	Equipment	Contracts	Personnel	Total
United States Department of Homeland Security	\$14,250			\$14,250
City of Fairbanks General Fund	\$750			\$750
				\$0
TOTAL	\$15,000	\$0	\$0	\$15,000

This contract does not require annual licensing or maintenance fees; therefore, the City does not anticipate an additional cost for support or maintenance.

Reviewed by Finance Department:

Initial mb

Date 3/24/2015

RESOLUTION NO. 4664

A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO APPLY FOR FUNDS FROM THE ALASKA DIVISION OF HOMELAND SECURITY FOR THE FFY2015 EMERGENCY MANAGEMENT PERFORMANCE GRANT

WHEREAS, the City of Fairbanks has been notified by the Alaska Division of Homeland Security and Emergency Management that the City of Fairbanks is eligible to apply for Emergency Management Performance Grant (EMPG) funds to enhance response capabilities; and

WHEREAS, the City of Fairbanks plans to use the funds to enhance emergency planning and operations; and

WHEREAS, the City of Fairbanks plans to request \$10,000 and a required match of \$10,000 will be provided through in-kind personnel costs;

NOW, THEREFORE, BE IT RESOLVED by the City Council that the Mayor or his designee is authorized to execute any and all documents required for requesting funds on behalf of the City for this grant.

PASSED and APPROVED this 6th Day of April 2015.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 4664

Abbreviated Title: FFY2015 EMERGENCY MANAGEMENT PERFORMANCE GRANT

Department(s): FIRE DEPARTMENT

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes _____ No x

2) additional support or maintenance costs? Yes _____ No x

If yes, what is the estimate? see below

3) additional positions beyond the current adopted budget? Yes _____ No x

If yes, how many positions? _____

If yes, type of positions? _____ (F - Full Time, P - Part Time, T - Temporary)

II. FINANCIAL DETAIL:

PROJECTS:	Equipment	Contracts	Personnel	Total
Personnel Wages & Benefits			\$20,000	\$20,000
				\$0
				\$0
				\$0
				\$0
				\$0
TOTAL	\$0	\$0	\$20,000	\$20,000

FUNDING SOURCE:	Equipment	Contracts	Personnel	Total
Alaska Department of Homeland Security			\$10,000	\$10,000
City of Fairbanks General Fund			\$10,000	\$10,000
				\$0
TOTAL	\$0	\$0	\$20,000	\$20,000

This contract does not require annual licensing or maintenance fees; therefore, the City does not anticipate an additional cost for support or maintenance.

Reviewed by Finance Department:

Initial mb

Date 3/24/2015

RESOLUTION NO. 4665

**A RESOLUTION TO ACCEPT FUNDING FROM THE ALASKA DIVISION
OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT FOR
SFY2016 LOCAL EMERGENCY PLANNING COMMITTEE GRANT**

WHEREAS, the Alaska Division of Homeland Security and Emergency Management has awarded the City of Fairbanks funds for its participation in the Local Emergency Planning Committee (LEPC) to plan for responses to emergencies related to hazardous materials; and

WHEREAS, the City of Fairbanks partially funds a fire department employee and purchases supplies to support, sustain, and enhance the LEPC in order to perform its statutory responsibilities under state and federal law; and

WHEREAS, the City of Fairbanks was awarded \$22,983.00, and no match is required;

NOW, THEREFORE, BE IT RESOLVED by the City Council that the Mayor or his designee is authorized to execute any and all documents required for accepting funds on behalf of the City for this grant.

PASSED and APPROVED this 6th Day of April 2015.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 4665

Abbreviated Title: SFY2016 LOCAL EMERGENCY PLANNING COMMITTEE

Department(s): FIRE DEPARTMENT

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes _____ No x

2) additional support or maintenance costs? Yes _____ No x

If yes, what is the estimate? see below

3) additional positions beyond the current adopted budget? Yes _____ No x

If yes, how many positions? _____

If yes, type of positions? _____ (F - Full Time, P - Part Time, T - Temporary)

II. FINANCIAL DETAIL:

PROJECTS:	Equipment	Contracts	Personnel	Total
Personnel Wages & Benefits			\$16,983	\$16,983
Office Supplies & Contracts		\$6,000		\$6,000
				\$0
				\$0
				\$0
				\$0
TOTAL	\$0	\$6,000	\$16,983	\$22,983

FUNDING SOURCE:	Equipment	Contracts	Personnel	Total
Alaska Department of Homeland Security (State Funds)		\$6,000	\$16,983	\$22,983
				\$0
				\$0
TOTAL	\$0	\$6,000	\$16,983	\$22,983

The City does not anticipate additional costs associated with this project.

Reviewed by Finance Department:

Initial mb

Date 3/24/2015

ORDINANCE NO. 5972

AN ORDINANCE AMENDING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF FAIRBANKS AND THE FAIRBANKS AFL-CIO CRAFTS COUNCIL

WHEREAS, the City of Fairbanks and the Fairbanks AFL-CIO Crafts Council ratified a collective bargaining agreement (CBA), effective January 1, 2014 through December 31, 2016; and

WHEREAS, changes to the collective bargaining agreement are subject to member ratification and City Council approval; and

WHEREAS, the City Public Works Department wishes to improve efficiencies and reduce operating costs by creating a new Service Oiler job classification; and

WHEREAS, the new Service Oiler job classification, when filled with a temporary employee, will be paid at 70% of the Mechanic scale rate, resulting in a cost savings to the City; and

WHEREAS, the Service Oiler will perform very routine “apprentice-level” mechanic duties, such as oil and tire changes, lubrication, replacing headlights, turn signals, safety lights and cleaning the work areas, thus allowing the highly-trained and skilled mechanics to focus on technical maintenance and more complicated repair tasks in maintaining the City vehicle fleet; and

WHEREAS, this new job classification will be filled by currently-funded temporary employees, resulting in no increase to permanent staffing and no required increase in the City Public Works operating budget; and

WHEREAS, the AFL-CIO has tentatively agreed that the City may create this new job classification to be filled with temporary personnel on an as-needed basis.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. The Letter of Agreement amending the current CBA between the City of Fairbanks and the AFL-CIO Crafts Council and the accompanying job description, attached as Exhibit A, is approved and ratified.

SECTION 2. The effective date of this Ordinance will be the ____ day of April 2015.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

Letter of Agreement

City of Fairbanks (City)

and

Fairbanks AFL-CIO Crafts Council (the Union)

The City and Union entered a three-year collective bargaining agreement (CBA), effective January 1, 2014 through December 31, 2016. The City and the Union have agreed to amend the January 1, 2014 CBA to create a new occupational classification.

THE CITY AND AFL-CIO HEREBY AGREE AS FOLLOWS:

SERVICE OILER CLASSIFICATION

A. The Parties agree to the addition of a temporary “Service Oiler” classification. The Parties agree to extend by reference the terms of the current CBA, section 22 ‘Temporary Employees’ to this LOA.

B. The “Service Oiler” classification wage rate will be equal to seventy percent (70%) of the current Mechanic wage and one hundred percent (100%) of the current fringe benefit allocations.

It is the understanding of the AFL-CIO that the City Public Works Department intends to pursue conversion of this temporary Service Oiler position to a full time position using currently programmed temporary labor funding, pursuant to Mayor and Council approval.

The terms of this LOA are to continue for the duration of the January 1, 2014 CBA. Either party may terminate this LOA by providing thirty (30) days written notice to the other party.

For the City:

For the Union:

Date: _____

Date: _____

EXHIBIT "A"
to Ordinance No. 5972

**NOTICE OF POSITION VACANCY
AND JOB CLASSIFICATION**

AFL-CIO - OPERATORS

I N - H O U S E B I D

DATE: March 10, 2015 CLOSSES: Open Until Filled
TO: All Interested AFL-CIO Personnel
FROM: Personnel Department/City of Fairbanks
POSITION: Service Oiler/Mechanic Helper
CLASSIFICATION NO: PAY SCALE: 70% of Equipment Mechanic
DEPARTMENT: Public Works

NATURE OF WORK

The positions of this class are responsible for performing preventative maintenance and general maintenance of a mechanical and hydraulic nature designed to insure the effective functioning of gasoline or diesel powered vehicles and equipment, including automobiles, trucks, tractors, graders, bulldozers and related construction and road maintenance equipment.

ESSENTIAL JOB FUNCTIONS

- 1) Employees are required to have basic understanding of automotive systems and parts, and are expected to perform monthly, quarterly and annual basic servicing of equipment.
- 2) Depending on the shop requirements, employees may be assigned to assist other technicians with repairs on equipment.
- 3) Responsible for assisting with the mechanical servicing of vehicles and equipment, to ensure the proper functioning of all vehicles and equipment to include but not limited to the following:
 - a. Grease moving parts on vehicles, trucks and equipment
 - b. Check and add fluids as required
 - c. Perform oil changes on all equipment
 - d. Inspect belts, lights, glass, tires and other parts for wear and tear
 - e. Clean work areas to assist with efficient and safe environment

- 4) Work is performed under the general direction of a maintenance supervisor, lead worker or mechanic; work is reviewed based on quality and timeliness depending on the type equipment serviced.
- 5) Assists equipment mechanic as directed with preventative maintenance and general mechanical overhaul and repair work on automobiles, trucks, tractors, graders, bulldozers and related construction and maintenance equipment through the inspection, adjustment and replacement of parts to insure the effective functioning of equipment.
- 6) Assists equipment mechanic as directed to diagnostic inspection of engines using electronic or mechanical analyzing equipment in performing engine tune ups to meet manufacturer's specifications.
- 7) Assists equipment mechanic as directed to adjust and replace components and related parts in clutch systems, main bearing assemblies, cooling, fuel and exhaust systems, valves, pistons and other related items.
- 8) Assists equipment mechanic as directed in preventative maintenance on gas or diesel equipment by checking, repairing or replacing brakes, lights, doors, windows, steering gear, fuel pumps, carburetors, generators, alternators and other related parts.
- 9) Assists equipment mechanic as directed in the repair and overhaul of transmissions, differentials, front and rear axle assemblies and ignition systems.
- 10) Assists equipment mechanic in welding, fabrication and modification of parts as directed.
- 11) Performs a variety of manual maintenance duties as assigned to include general shop housekeeping, trash removal and washing vehicles and equipment.
- 12) Uses issued personal protective equipment as directed.

The preceding examples are representative of assignments performed by this class and are not intended to be all inclusive.

KNOWLEDGE, SKILLS AND ABILITIES

These factors will be the basis for selecting those qualified candidates to be interviewed. Candidates selected for employment must satisfactorily demonstrate possession of these factors during a prescribed probationary period for continued employment.

DEMONSTRATE:

- 1) Knowledge of tools, equipment and technology used in the repair and maintenance of motorized equipment.
- 2) Knowledge of occupational hazards and safety precautions of the mechanical trade.
- 3) Knowledge of hydraulic systems and automatic transmissions.

- 4) Skill in safe use and care of tools, equipment and materials of the mechanical trade.
- 5) Ability to understand and carry out oral and written instructions and interpret plans, sketches and repair manuals.
- 6) Ability to work independently while performing regular work duties.
- 7) Ability to work any shift assigned, to work overtime and to work out-of-doors for extended periods under unfavorable weather conditions.
- 8) Ability to establish and maintain effective working relations with supervisors and other employees.
- 9) Must be punctual and dependable.
- 10) Must be courteous and tactful with the public.
- 11) Ability to accept temporary job assignments out of normal field of work such as: driving dump trucks and other equipment, assisting at burials, assisting on boiler trucks and street striping, operating portable pumps in flooded streets and throwing garbage bags on packer trucks in midwinter.

MINIMUM REQUIREMENTS:

Persons applying for this position should have the following experience and/or training:

High school diploma or equivalent preferred

Must have ability to interpret and apply verbal and written instructions

Employee must furnish all mechanics' tools normally furnished by employees in the trade.

Possession of sufficient physical strength, agility and dexterity to perform all the work of this class and from time to time, perform assigned manual tasks requiring heavy physical exertion.

Possess and maintain a valid State of Alaska Class B Commercial Driver's License in accordance with the Commercial Motor Vehicle Safety Act of 1986.

Individuals interested in applying for this position should contact the City of Fairbanks Human Resources Department at 800 Cushman Street, Fairbanks, Alaska 99701, phone 459-6780.

WORK ENVIRONMENT AND PHYSICAL EFFORT

Performs duty in a variety of conditions; generally unpleasant areas with the most disagreeable extremes of heat, cold, dirt, noise, fumes, etc. which are continuous and expose the employee to combinations of elements and factors; up to 3/4 of time is spent standing or walking; major health and accident/hazard risk; and requires sustained periods of heavy lifting, crouching, stooping or stretching, pushing or pulling (50+ lbs.).

The City of Fairbanks is an Equal Opportunity Employer.

JOHN EBERHART
City Mayor

RE:

Employee Signature

Date

Supervisor Signature

Date

ORDINANCE NO. 5973

**AN ORDINANCE AMENDING FAIRBANKS GENERAL
CODE CHAPTER 2-119. ORDER OF BUSINESS;
CITIZENS ADDRESSING CITY COUNCIL**

WHEREAS, the Order of Business for Regular Meetings of the City Council is set forth in Fairbanks General Code (FGC) Section 2-119; and

WHEREAS, under the current Order of Business, the approval of the agenda and consent agenda occurs before citizen's comments; and

WHEREAS, the Council recognizes that citizens often wish to comment on matters on the consent agenda, especially proposed resolutions; and

WHEREAS, changing the order of business by moving the approval of the agenda and consent agenda until after citizens' comments allows citizens to make timely comments on items on the consent agenda.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. Fairbanks General Code Section 2-119(a) is hereby amended as follows [new text in **underlined bold** font; deleted text in ~~strikethrough~~ font]:

Sec. 2-119. Order of business; citizens addressing city council.

(a) At every regular meeting of the city council, the order of business shall be as follows:

- (1) Roll call.
- (2) Invocation.
- (3) Flag salutation.
- (4) **Citizens' comments, oral communication to the city council on any item not up for public hearing (unscheduled; testimony limited to five minutes per topic)**Approval of agenda and consent agenda. (Approval of consent agenda passes all routine items indicated by asterisk (*) on the agenda. Consent agenda items are not considered separately unless a councilmember so requests. In the event of such request, the item is returned to the general agenda.)
- (5) **Approval of agenda and consent agenda. (Approval of consent agenda passes all routine items indicated by asterisk (*) on the agenda. Consent agenda items are not considered separately unless a councilmember so requests. In the event of such request, the item is returned to the general agenda)**Citizens' comments, oral communication to the city

~~council on any item not up for public hearing (unscheduled; testimony limited to five minutes per topic).~~

- (6) Approval of minutes of previous meetings.
- (7) Special orders (testimony limited to five minutes).
- (8) Mayor's comments and report.
- (9) Unfinished business (testimony limited to five minutes).
- (10) New business.
- (11) Discussion items (information and reports).
- (12) Written communication to the city council.
- (13) Council Members' comments.
- (14) City clerk's report.
- (15) City attorney's report.
- (16) Adjournment.

SECTION 2. That the effective date of this Ordinance shall be the ____ day of April 2015.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney



CLAY STREET CEMETERY COMMISSION
REGULAR MEETING MINUTES, MARCH 4, 2015
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA



The **Clay Street Cemetery Commission** convened at 5:00 p.m. on the above date to conduct a Regular Meeting at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Chair Bill Robertson (Seat E) presiding and with the following members in attendance:

Members Present: Jevon Stone, Seat B
Anne Castle, Seat C
Frank Turney, Seat D
Cyndie Warbelow-Tack, Seat F

Absent: Kate Ripley, Seat G (Excused)
Dave Erickson, Seat A (Excused)

Also Present: D. Danyielle Snider, Deputy City Clerk
Paul Ewers, City Attorney

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of February 4, 2015.

Ms. Castle, seconded by **Mr. Turney**, moved to APPROVE the Regular Meeting Minutes of January 7, 2015.

Chair Robertson called for objection and, hearing none, so ORDERED.

APPROVAL OF AGENDA

Ms. Castle, seconded by **Ms. Warbelow-Tack**, moved to APPROVE the Agenda.

Chair Robertson stated that he would like to add Clay Street Financials as Item (b) of New Business. He indicated that he will talk about the boy scouts projects under Open Agenda.

Chair Robertson called for objection to the approval of the agenda, as Amended, and hearing none, so ORDERED.

CITIZEN'S COMMENTS

Chair Robertson called for Public Testimony and, hearing none, declared Public Testimony closed.

EVENTS AND PUBLIC RELATIONS

Commissioners reviewed the advertisement that was printed in the Fairbanks Daily News Miner in 2014 requesting historical information and soliciting involvement from the public. Deputy Clerk Snider asked if members would like to run the advertisement again in 2015.

The Commission discussed the cost/benefit ratio of running the ad in the newspaper. They indicated that they would like the information posted only on the City's website and social media pages for the time being.

UNFINISHED BUSINESS

a) Commission Rules of Procedure Draft (updated January 8, 2015)

Ms. Castle asked Chair Robertson if he had gotten Mayor Eberhart's input on the issues he was concerned with.

Chair Robertson stated that he has talked with the Mayor. He indicated that there should be a position description for each member outlined in the Rules of Procedure.

Ms. Snider explained that part of her job is to ensure that the make-up of each City Board and Commission fulfills City Code requirements. She explained that Board and Commission vacancies are advertised with specific requirements.

Members briefly discussed terms of officers and members. They discussed the Commission's ability to amend the Rules of Procedure, if necessary.

Ms. Castle, seconded by **Ms. Warbelow-Tack**, moved to approve the Commission Rules of Procedure, as written, effective at the next regular meeting of the Clay Street Cemetery Commission.

Chair Robertson called for objection and, hearing none, so ORDERED.

b) Update on Exhumation of Chief Nagita

Mr. Turney stated that the Anthropology Department at the University of Alaska, Fairbanks (UAF) is prepared to release the remains of the exhumed body to the City and has sent a Chain of Custody form to the City.

City Attorney Ewers explained that since the Clay Street Cemetery Commission is an advisory body to the City Council, the Commission would have to pass a motion or a resolution requesting the return of the remains to the Cemetery. He stated that he would then work with Mayor Eberhart to take the steps necessary for re-interment. He clarified that action would not be required by the City Council.

Mr. Turney stated that UAF has identified the location of the remains and has confirmed that they are in a safe environment.

Mr. Ewers asked if anyone knows the identity of the remains.

Mr. Turney stated that the Ketzler family paid for the DNA test that was performed on the remains. He stated that the results indicated that the DNA did not match that of the Ketzler family, Chief Nagita's relatives. He suggested that remains be put back in the original resting place at Clay Street.

Ms. Castle stated that they cannot determine the identity of the remains without DNA to compare with.

Mr. Turney stated that he knows the exact location where the exhumation took place and suggested that the remains be put back regardless whether the identity is known. He stated that it would be embarrassing if someone came to look at the burial site and the remains were missing. He provided a brief history on the exhumation.

Chair Robertson stated that it seems reasonable that the body should go back to where it was removed.

Mr. Ewers explained that the Commission may either make a motion or draft a resolution requesting that the City Mayor take the necessary action to relocate the remains back to the Clay Street Cemetery. He stated that the details may be left up to the Commission. He indicated that documentation of the process will be important so that there will be a history of what was done.

Chair Robertson, seconded by **Ms. Castle**, moved to REQUEST that the remains originally and incorrectly presumed to be that of Chief Nagita be returned to their original location in the Clay Street Cemetery with the details involving the re-internment to be determined by the Commission at a later date; and to also request that the City Mayor take the appropriate actions to return the remains to the Cemetery.

Chair Robertson called for objection and, hearing none, so ORDERED.

Mr. Ewers stated that the Bureau of Vital Statistics will require a Burial Transit Permit signed by the City Mayor in order to transport the remains. He stated that some of the information required on the form may be unknown, such as name, place of death, age, etc.

Mr. Turney commented that he may contact former City Mayor Steve Thompson to see if he recollects any information about the exhumation. He stated that he would like to participate in the transport of the remains. He stated that a former Clay Street Commission member gave an incorrect statement to the News Miner in regard to the final resting place of Felix Pedro.

c) GPR Analysis Inquiry by Northern Land Use Research AK, LLC (Rob Bowman)

Chair Robertson stated that the GPR issue will be set aside until springtime. He stated that he will request that the item be returned to the agenda at the appropriate time.

d) Status on 2015 Marker Order and Submission of Marker Name List

Chair Robertson stated that it was his understanding that the City would provide funding to purchase concrete bases for the markers. He shared that the City Council eliminated the line item from the 2015 budget. He stated that he would like some time to explore alternate funding sources for the bases before the list of names is sent to the monument company. He stated that bases have cost around \$48.00 each in the past. **Chair Robertson** stated that he and Mike Schmetzer were both unaware of the budget cut. He stated that in the future, the Commission should include the cost of bases with the cost of the markers.

Members discussed the need to ensure that marker inscriptions recognize the appropriate funding source. They discussed the need to purchase bases for the grave markers that were purchased in 2014.

Ms. Castle distributed a draft of the 2015 marker order name list. She pointed out that there are 61 names on the list because records indicate that two brothers are buried in the same plot. She stated that records show that the brothers died in the 1920 influenza epidemic in Nenana.

Members discussed how to handle the marker for the double burial.

Ms. Castle identified the brothers' burial location on a map and found that while the brothers share the same plot number, they are actually buried separately within the plot adjacent to one another.

Mr. Stone stated that it may be cheaper to order separate markers for the brothers so that the template will not have to be revised.

Ms. Castle stated that the list is tentative and can still be modified. She pointed out that the list currently includes 61 names.

Chair Robertson asked Ms. Snider if she spoke with anyone about the Commission's authority to place markers in areas other than the general sections at the Cemetery.

Ms. Snider reported that she spoke with other City employees and that there does not seem to be a problem with the Commission placing markers in other areas of the Cemetery. She clarified that markers purchased with Hotel/Motel Discretionary grant dollars must be placed in the area indicated on the grant application. She advised that before working in other sections of the Cemetery, the Commission first make efforts to contact the groups with affiliated sections in the Cemetery.

Ms. Castle stated that when she identifies a site in the general sections that has an association to an active group like the Elks or Pioneers, she sets it aside so that it may be dealt with by the particular group. She explained that it is getting increasingly harder to identify grave sites that are eligible for markers within the general sections because there is still a great deal of unknown information. She mentioned that she has identified three military sites in the general sections and stated that she hopes the Commission can get military markers for them.

Chair Robertson stated that, for review at the next meeting, he will draft a letter to those groups requesting their involvement in marker placement.

NEW BUSINESS

- a) Update on Headstone Replacement for Private John White

Chair Robertson expressed concern that the Commission had not discussed the issue before.

Mr. Turney and other members indicated that they recall the issue being discussed by the Commission at prior meetings.

Chair Robertson asked if Mr. Turney has suggested the replacement of the headstone. He stated that the existing headstone is legible.

Mr. Turney stated that he is not suggesting that the Commission pay for the replacement of the headstone. He explained that Representative Guttenberg was instrumental in constructing the Veterans' Cemetery and that Rep. Guttenberg is familiar with the story of Private John White. He shared that Guttenberg's office contacted the Office of Veterans' Affairs (VA) to see if they would be willing to replace White's headstone. He stated that he will follow-up to see if the headstone will be paid for by the VA.

Ms. Castle stated that military headstones do not have to be paid for.

Chair Robertson stated that Guttenberg's office has requested a photo of the existing headstone and added that it may be good to provide them with dimensions as well. He stated that he contacted them and indicated that he would follow up with them after the meeting.

Mr. Turney stated that he provided a photo of the marker to Meredith Cameron in Guttenberg's office.

Ms. Castle stated that the VA may be under the impression that the original marker was issued by them.

Mr. Turney stated that the original dog tag is imbedded in the headstone.

Chair Robertson cautioned against the Commission getting too deeply involved in the issue.

b) Clay Street Cemetery Commission Financials

This item was addressed under Item (d) of Unfinished Business.

OPEN AGENDA

a) Boy Scouts Update

Chair Robertson stated that he talked to his friend, Bert Bell, who serves on the Boy Scouts board. He announced that Mr. Bell is willing to help the Boy Scout working toward his Eagle Scout badge with the Cemetery kiosk project.

Mr. Stone stated that the age cutoff for Scouts is typically 18 years old. He explained that the boy is already 18, but has been approved for an extension because he had a late start and has some mental issues. He stated that his deadline is at the end of June.

Chair Robertson stated that the materials to build the kiosk have already been provided by Spenard Builders Supply

Mr. Stone stated that he will talk to the boy, Kyle, so that he can get his application prepared. He stated that the application must be approved by the board prior to the start of the project. He stated that he will try to bring Kyle with him to the next Clay Street Commission meeting.

Chair Robertson stated that he would like Kyle's contact information so that he can pass it on to Mr. Bell.

Mr. Turney reported that he is in the process of compiling a photo album on the construction of the Clay Street Cemetery gate. He stated that he is working with about 30 – 40 photographs.

Ms. Warbelow-Tack stated that she will not be able to make it to the April and May meetings.

Chair Robertson commented that Ms. Ripley's new job is interfering with her ability to participate on the Clay Street Cemetery Commission. He stated that he will talk with Marty at the News Miner to see if she might be interested in applying to serve on the Commission in the future.

Mr. Turney asked if he should wait for the Mayor to approve the re-internment of the remains before he gives the News Miner the story. He stated that Channel 11 would also like a story.

Ms. Snider advised that there be no media involvement until the actual transport and re-internment take place.

Mr. Turney stated the News Miner caught wind of the story when he was searching for a 2004 article written by Brian O'Donoghue on Chief Nagita. He stated that the News Miner will not provide the public with copies of articles older than 13 years. He asked Ms. Castle if she would help him research the UAF archives for the 2004 story.

Ms. Castle requested Mr. Turney to look at the photographs to find clues as to what time of year the exhumation took place.

NEXT MEETING DATE

The next Regular Meeting of the Clay Street Cemetery Commission is scheduled for April 1, 2015.

ADJOURNMENT


Ms. Castle, seconded by **Ms. Warbelow-Tack**, moved to ADJOURN the meeting.

Chair Robertson called for objection and, hearing none, so ORDERED.

Chair Robertson declared the meeting adjourned at 6:22 P.M.



Bill Robertson, Chair



D. Danyielle Snider, CMC, City Clerk

Transcribed by: DS