



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, SEPTEMBER 8, 2014
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, following a 6:00 p.m. Work Session with the Interior Alaska Natural Gas Utility (IANGU) Board, 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 (Telephonic)
 Perry Walley, Seat B
 Bernard Gatewood, Seat C
 Jim Matherly, Seat D
 Lloyd Hilling, Seat E
 Chris Anderson, Seat F

Absent: None

Also Present: Ernie Misewicz, Assistant Fire Chief
 Margarita Bell, Grants Administrator
 Paul Ewers, City Attorney
 Janey Hovenden, City Clerk
 Jim Williams, Chief of Staff
 Stephanie Johnson, Dispatch Center Manager
 Michael J. Schmetzer, City Engineer
 Barbara Sunday, Director HR/Risk Management/Purchasing
 Pat Smith, Development Manager
 Brad Johnson, Acting Police Chief

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

APPROVAL OF AGENDA AND CONSENT AGENDA

Mayor Eberhart called for objection to the APPROVAL of the Agenda and, hearing none, so ORDERED.

City Clerk Hovenden read the Consent Agenda into the record.

CITIZEN'S COMMENTS

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that while he was in Reston, Virginia recently, he took the opportunity to go to the U.S. Congress. He thanked Oregon Senator Ron Wyden and Kentucky Representative Thomas Massie for sponsoring the House and Senate bills supporting the Industrial Hemp Act. He stated that the Fairbanks City Council was the first in the State of Alaska to pass a resolution in support of the use of industrial hemp. Mr. Turney commented on the photo that Clay Street Cemetery Commissioner Kate Ripley submitted to the News Miner and stated that the recent improvements to the cemetery, with the help of the community, have made a big difference. He thanked former Mayor Strle for creating the Clay Street Cemetery Commission. Mr. Turney spoke to the multiple calls of a shooting threat that were received by the Fairbanks Police Department (FPD) at the last regular Council meeting. He indicated that the inability of FPD to track the calls raises suspicion, since the calls were received during the consideration of the Public Safety Employees Association (PSEA) labor contract. He recommended that the Mayor and Council listen to the recorded calls. Mr. Turney asked Mayor Eberhart how much the City is willing to pay to defend him in the Alaska Public Offices Commission (APOC) v. Eberhart case, referring to the whole issue as a fiasco. He stated that he does not want the \$37.50 APOC fine to haunt Mayor Eberhart throughout his term as City Mayor. He spoke in favor of the production of industrial hemp.

Mr. Hilling asked Mr. Turney to elaborate on his comments regarding his suspicious of FPD due to the events at the last Council meeting.

Mr. Turney explained that he thought it was “convenient” that the shooting threat occurred during the consideration of the PSEA labor contract. He suggested that the threat was a ruse.

Mystiek Lockery, 1870 Dawson Road, North Pole – Ms. Lockery spoke in favor of the legalization of marijuana. She stated that she has created a website dedicated to the truthful information about marijuana titled, “*Marijuana, the Truth of the Matter.*” She read aloud a handout she drafted for the Council speaking to the content of the website and the reliability of the information. She stated that she is promoting her ideas because she believes them to be true and encouraged everyone to view the website.

Barb Schneider, 1223 2nd Avenue, Fairbanks – Ms. Schneider stated that she has lived in Fairbanks for 63 years and that this is the first time she has felt compelled to attend a City Council meeting. She expressed her disgust with the APOC v. Eberhart issue. She stated that she was surprised to read in the newspaper that Mayor Eberhart had hired outside legal counsel that has already cost thousands of dollars to make a point about a \$37.50 APOC fine. Ms. Schneider stated that she is almost certain that there will be a much more considerable attorney bill over the course of the appeal. She stated that the appeal is frivolous and the fine picayune. She stated that having been a legal secretary for over 30 years, she understands what happens when one party has deep pockets. Ms. Schneider asked Mayor Eberhart why he did not use the City’s Attorney if he thought it necessary to file the appeal. She asked Mayor Eberhart if his desire to be vindicated from a small fine overshadows the taxpayers’ right to have their tax dollars handled in a responsible and prudent way. Ms. Schneider stated that any Council Member who voted to support the City’s representation of Mayor Eberhart in the APOC case should be removed from office.

Candy Carroll, 1221 3rd Avenue, Fairbanks – Ms. Carroll encouraged the City Council to revisit the PSEA contract. She stated that she hopes the Council has been unaware of the Mayor’s decision to spend over \$7,000 in taxpayer dollars in outside counsel to defend a \$37.50 fine. Ms. Carroll read aloud the City of Fairbanks’ mission statement and emphasized the portion that speaks to the City’s goal to provide “sound management of community assets.” She spoke to the debate between Mayor Eberhart and Ms. Stiver during the 2013 Election campaign and to Mayor Eberhart’s clear misuse of City resources during that time. Ms. Carroll expressed her belief that Mayor Eberhart should be recalled from his position for embarrassing the City of Fairbanks and for misusing City resources. She offered to write a personal check made payable to APOC in the amount of \$37.50 if it would stop the litigation. She guaranteed that if any of the seated Council Members attempt to run for public office in the future, she would make it a personal mission to remind the community of this specific misuse of taxpayer dollars by the City of Fairbanks. Ms. Carroll stated that if the litigation continues, City residents should start a recall petition to remove Mayor Eberhart from office before any more taxpayer dollars are wasted. She reminded elected officials that, “Just because you can doesn’t mean you should.”

April Monroe Frick, 635 Fox Hollow Lane, Fairbanks – Ms. Frick thanked Mayor Eberhart for taking the position that there should be a federal investigation of the Fairbanks Four case. She applauded the Mayor and the City Council stating that it was an honest and brave choice in the goal towards transparency. She stated that the action is also a financially responsible one in that honesty limits liability.

Michael Walleri, 2518 Riverview Drive, Fairbanks – Mr. Walleri stated that in his 35-year experience practicing law, he is always amazed at the media’s coverage on cases such as this. He commented that press coverage is not always a good estimation of what is really happening. He stated that the APOC v. Eberhart matter is really about one of the major issues going on in the United States, the freedom of speech. He stated that two recent decisions of the Supreme Court stated that the “ankle-biting” going on in elections today is not necessarily constitutional. Mr. Walleri stated that the complaints filed with APOC and the Ethics Committee over minor matters discourage free speech. He commented that if Americans want to live in a country that honors free speech they need to stop government overreach. Mr. Walleri remarked that there have been more complaints filed with APOC than with the Federal Election Commission who is on a national level. He stated that the majority of APOC complaints are over minor matters with minor fine amounts, such as the \$37.50 fine discussed earlier. He spoke to the Lowell v. Hayes case several years ago in which a City of Fairbanks mayor made a statement to legislators accusing Lowell of perjury. He stated that the whole case came down to an apology, not money, and that the City’s legal department defended the rights of that mayor all the way to the Alaska Supreme Court. Mr. Walleri suggested that the recent outcry from the public over the Eberhart v. APOC case may be politically motivated. He also suggested that Ms. Gilbert filed the APOC complaint in retaliation against Mr. Arnold and Ms. O’Neill.

Vivian Stiver, 523 2nd Avenue, Fairbanks – Ms. Stiver stated that she contacted the Alaska Municipal League (AML) and asked them about the law in reference to the APOC v. Eberhart case because she was curious whether AML was in support of an elected official using municipal equipment during a campaign. She addressed the public, warning them that they need to wake up. Ms. Stiver commented that Mr. Walleri’s suggestion that the public outcry may be politically motivated is outrageous. She spoke to the filing of the APOC complaint by the Eberhart campaign right before the 2013 Municipal Election. Ms. Stiver stated that it made her

sick when the Eberhart campaign cast doubt upon her and implied that she was racially prejudiced. She spoke to the shame that Mayor Eberhart has brought upon the Fairbanks community on a national level and stated that she cannot tolerate the dismissal of public outcry.

Lee Despain, 352 Driveway Street, Fairbanks – Mr. Despain commended Mayor Eberhart for instituting the investigation into the Fairbanks Four case. He briefly spoke to the history of Mayor Eberhart’s employment as an attorney for the City of Fairbanks. He stated that Mr. Eberhart spent millions of taxpayer dollars unsuccessfully defending the City in the City of Fairbanks v. Rice/Despain case a number of years ago. He referred to the APOC v. Eberhart case as a joke. He stated that although he is unsure of the dollar amount spent in the Rice/Despain case due to poor bookkeeping at that time, he is confident that it was millions of taxpayer dollars. Mr. Despain questioned why Mayor Eberhart is not personally funding his fight in the case against APOC, then request reimbursement from the City after it is over. He stated that Mayor Eberhart has a history of spending large amounts of taxpayer dollars on “goose chases” without apology.

Tillila Beetus, 2225 Rickert Street, Fairbanks – Ms. Beetus thanked Mayor Eberhart on behalf of her family and friends for supporting an investigation of the Fairbanks Four case.

Scott McCrea, 2965 Westgate Place, Fairbanks – Mr. McCrea stated that he is the Director of Tourism for Explore Fairbanks. He updated the Council on what has been happening in the tourism industry in Fairbanks. He spoke to how the tourism department operates and presented the most recent publishing of Explore Fairbanks’ Group Tour Manual. Mr. McCrea spoke specifically to the rapidly-growing familiarization (FAM) tours and explained that these types of tours bring travel agents or group operators to Fairbanks to showcase what the community has to offer for their clients. He shared that Fairbanks has already entered the aurora season when the northern lights are visible. Mr. McCrea thanked the Council for reinvesting bed tax dollars into destination marketing.

Misty Nickoli, 320 Faith Lane, Fairbanks – Ms. Nickoli expressed thanks to Mayor Eberhart for supporting a federal investigation of the Fairbanks Four case. She stated that by doing so, it sends a message to Fairbanks citizens that justice is a primary concern of City government and that our freedom cannot be threatened without just cause.

Ron Kovalik, PO Box 72563, Fairbanks – Mr. Kovalik quoted H.L. Menckens’ statement that “Decent men are ashamed of the government they live under.” He stated that local government officials should quit pretending to serve the citizens and suggested that their mission is to abuse and enslave taxpayers by tightening the stranglehold on the ballot box. Mr. Kovalik spoke to the corruption in local elections stating that the “payrollees” decide who gets elected. He expressed his disgust that a citizen cannot get elected unless they violate the rules.

Donna Gilbert, 2223 South Cushman Street, Fairbanks – Ms. Gilbert stated that Eberhart’s campaign started the retaliation when they filed an APOC complaint against her and Ms. Stiver during the campaign. She stated that when she and Ms. Stiver were each fined \$650 they willingly paid the penalties. Ms. Gilbert stated that it is illegal for a candidate to use City equipment in a campaign and suggested that Mayor Eberhart knowingly violated City Code. She stated that Mayor Eberhart should own up to his mistake and pay the fine. Ms. Gilbert stated that if City Attorney Ewers indemnified Mayor Eberhart for knowingly breaking a law then the City

needs a new attorney. She stated that indemnification should be reserved for those who have unknowingly made a mistake. She read aloud a portion of an emailed request from then mayoral candidate John Eberhart to the City Clerk.

Chick Wallace, 80 B Street, Fairbanks – Mr. Wallace spoke in shock that the City had already paid over \$7,000 to defend Mayor Eberhart over a fine of \$37.50. He chastised the City Council for being unwise stewards of City money and expressed his opinion that the issue is absurd and is not about the freedom of speech. He suggested that Mayor Eberhart repay the City for attorney fees in the APOC v. Eberhart case. Mr. Wallace expressed his outrage that the City Council is allowing the situation to perpetuate and asked who selected Mr. Walleri to defend Mayor Eberhart.

Hazel Mayo, 1031 26th Avenue, Fairbanks – Ms. Mayo thanked Mayor Eberhart for seeking justice in the Fairbanks Four case. She stated that she prays the City Council feels the same.

Princess Lucaj – Ms. Lucaj stated that she has never attended a City Hall meeting, but that she is giving testimony because she cares deeply about social justice. She commended Mayor Eberhart for supporting a federal investigation of the Fairbanks Four case. Ms. Lucaj stated that she wished the Fairbanks Four case had received national news coverage like the APOC v. Eberhart case because it is about the lives of four young men. She spoke to her own experiences with racism as an Alaska Native and spoke to racial injustice as being a statewide issue. Ms. Lucaj expressed disappointment that she had to hear all the personal accusations being delivered at her first City Hall experience. She stated that she hopes true justice is brought in the case of the Fairbanks Four.

Robert Fox, 843 5th Avenue, Fairbanks – Mr. Fox stated that earlier comments on the APOC fine reflect his feelings about the issue. He stated that City taxpayers have been unfairly put on the hook and that he does not believe it is an issue of free speech. He recommended that the Council and Mayor Eberhart take a step back and reconsider who should pay for the fine. Mr. Fox spoke briefly to labor negotiations, stating that he is strongly opposed to allowing the police department to move to a 36-hour work week.

Skye Malemute, 5095 George Nelson Avenue, Fairbanks – Ms. Malemute thanked Mayor Eberhart for speaking out on behalf of the Fairbanks Four, four men who have been behind bars for 17 years. She compared the amount of taxpayer dollars being spent on the current APOC v. Eberhart issue versus how much of the taxpayer's money was spent to wrongfully convict four innocent men. Ms. Malemute stated that she has fought for her country and has done two tours to Iraq. She stated that she is ashamed to have fought for a community of people who cannot come together and speak to each other with respect. She stated that the four innocent men in prison have missed out on their children and grandchildren's lives and suggested that those present put things into perspective. Ms. Malemute spoke to another case where a man was suspected of committing a murder in Anchorage although he was in Las Vegas with his family at the time of the crime. She thanked the media who come forward and respect all sides of a story and tell the truth. Ms. Malemute commented on the childish remarks being made in the room while other people were speaking during the evening's meeting and stated that people should respect one another even when they disagree.

Terra Sipple, PO Box 83903, Fairbanks – Ms. Sipple commented that anyone who runs for public office should expect criticism. She expressed her support and respect for Mayor Eberhart.

Tim Staton, 4636 Fairchild Avenue – Mr. Staton stated his support for Mr. Matherly's reconsideration of the police contract. He encouraged the Council to also support the reconsideration.

David Pruhs, 324 Brandt Street, Fairbanks – Mr. Pruhs spoke in support of Ordinance No. 5954. He stated that the Yukon Quest organization has taken good care of the City-owned property and that they represent the flavor of Fairbanks. He stated that the Yukon Quest deserves the opportunity to stay in the cabin.

Mayor Eberhart clarified that the Motion to Suspend the Rules and Ordinances 5954, 5955 and 5956 are up for second reading and will come up under Unfinished Business.

Adrienne Titus, 2345 Maria Street, Fairbanks – Ms. Titus read aloud a quote and commended Mayor Eberhart and everyone who supported the federal investigation of the Fairbanks Four case. She stated that she calls Fairbanks home and that she believes it is a safe place to raise a family. Ms. Titus expressed her belief that the movement will ground young men and make them feel secure that more injustice will not be done.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger stated that the potholes on 10th Avenue were repaired very quickly after the road reconstruction near Raven Landing was completed. He indicated that Gilmore Street needs a great deal of pothole repair and suggested that the repairs are not being done because it is a low-income housing area. Mr. Buberger stated that the \$37.50 APOC fine is pathetic and added that the City should not be liable for the litigation costs. He suggested that Mayor Eberhart should have struck a deal with APOC because of his experience in law and arbitration to save City taxpayers' money.

Nate Brown, 1430 102nd Street, #3, Fort Wainwright – Mr. Brown stated that he came to the meeting because he was concerned after reading some articles in the News Miner. He stated that he is humbled by those present who spoke on behalf of the Fairbanks Four and expressed agreement that there are bigger issues to be concerned with than a \$37.50 fine. Mr. Brown stated that he voted for Mayor Eberhart and that the APOC issue stinks of politics. He stated that he will support Mayor Eberhart until he is proven guilty and also expressed his support for the investigation of the Fairbanks Four case.

Gloria Desrochers, 113 Cowles Street, Fairbanks – Ms. Desrochers stated that someone in leadership seems to be hiding behind their power. She spoke against Mayor Eberhart's fight against APOC and stated that he should not be allowing City taxpayers to pay the bill.

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

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart, in response to Mr. Turney's question about the threatening phone calls at the last Council Meeting, commented that the calls came from Google phone. He stated that the

police department has not been able to trace the calls but indicated that they are attempting to obtain a search warrant for Google. **Mayor Eberhart** addressed the APOC issue and stated that the matter is not about the \$37.50 but is about unrestrained government and an out-of-control government agency. He stated that the APOC staff report did not support Ms. Gilbert's allegations and commented that the matter should have been dismissed. He likened APOC's investigation to a fishing expedition, stating that they contacted the City Clerk and requested all his sent emails for a period of about six months. He explained that the Clerk fulfilled the request with 99 emails and withheld one as privileged. **Mayor Eberhart** stated that APOC staff focused on one email in which he had asked City Clerk Hovenden to produce a list of ordinances and resolutions that he and Ms. Stiver had sponsored, respectively. He explained that the APOC report stated that the email *could* have influenced the election, but that APOC did not find any evidence that he actually used the information during his campaign. **Mayor Eberhart** stated that he has tried numerous times to settle the issue for an amount in excess of \$37.50 without any admission of wrongdoing, but indicated that APOC has refused. He stated that the accusation against him could be considered quasi-criminal in nature and that he is choosing to fight it because he believes APOC was wrong, unreasonable and arbitrary and inconsistent in their decision-making. He commented that APOC has a pattern of levying small fines so that most individuals cannot afford to fight them. He stated that he agrees with Ms. Stiver that APOC should focus more on education and corrective action versus "gotcha politics." **Mayor Eberhart** stated that because APOC would not agree to settle without an admission of wrongdoing, he was forced to hire an attorney to represent him. He spoke to the meaning of deliberative process privilege and to the importance of protecting that privilege for elected officials. **Mayor Eberhart** stated that during the campaign some of his opponent's supporters began criticizing his record and comparing it to that of his opponent. He explained that he sent the email to the City Clerk because he wanted to refresh his memory and be better prepared for future attacks. He stated that it was Ms. Stiver's supporters who injected the issue of the candidates' voting records into City Council business. **Mayor Eberhart** explained that the City is paying for the outside counsel costs because he was a City Council Member at the time and the issue relates to City Council matters or actions. He stated that City Attorney Ewers has conflicts of interest and is unable to represent him in the APOC case. He provided examples of other cases where the City has indemnified and defended other Mayors and Council Members. **Mayor Eberhart** listed the important issues as such: 1) protecting the deliberative process privilege for all Mayors and Council Members, 2) protecting the free speech rights of public officials, 3) the use of the wrong standard by APOC, 4) his unwillingness to admit fault for an action he does not believe he committed. **Mayor Eberhart** commented that AML may hold a session on APOC at its annual conference in November. He expressed his intent to continue the fight against APOC and stated that he believes he will win the case. He related his plan to then seek collection of attorney fees against APOC to repay the City in full. He stated that APOC is unrestrained and out of control. **Mayor Eberhart** read aloud an Interior Alaska Community Preparedness Proclamation declaring September 2014 as National Preparedness Month and encouraging all citizens and businesses to develop their own emergency preparedness plan. He announced that the City hired a new IT Director, Benjamin Barrio. He listed the many events and activities of the Mayor's Office since the last Regular City Council Meeting.

Mayor Eberhart called for a five minute recess.

UNFINISHED BUSINESS

- a) Request by Council Member Matherly to Suspend the Rules Concerning the Reconsideration of Ordinance No. 5953, an Ordinance Ratifying a Labor Agreement Between the City of Fairbanks and the Public Safety Employees Association, Fairbanks Police Department Chapter.

Note: The request was filed Wednesday, August 27, 2014, at 2:44 p.m. According to FGC Section 2-120(g), the request for reconsideration was not filed timely.

Mr. Matherly, seconded by **Mr. Hilling**, moved to SUSPEND THE RULES.

Mr. Hilling requested clarification on parliamentary procedure pertaining to suspension of the rules.

Mayor Eberhart, City Attorney Ewers and City Clerk Hovenden provided additional clarification on Suspension of the Rules per the Fairbanks General Code and Robert's Rules of Order. They stated that a motion to Suspend the Rules is not debatable.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUSPEND THE RULES AS FOLLOWS:

YEAS: Gatewood, Walley, Matherly, Staley, Hilling

NAYS: Anderson

Mayor Eberhart declared the MOTION CARRIED.

Mr. Hilling, seconded by **Mr. Matherly**, moved to RECONSIDER Ordinance No. 5953.

Mr. Hilling asked how the Motion to Reconsider will work.

Mayor Eberhart explained that the vote on the Motion to Reconsider will take a simple majority. He stated at that point it will reopen Ordinance No. 5953 as if the original vote never occurred. He clarified, however, that if there are four or more votes against the Motion to Reconsider, Ordinance No. 5953 will remain ratified.

Mr. Anderson asked if an ordinance may be reconsidered more than once.

City Attorney Ewers replied that an ordinance may not be reconsidered more than once, even if the Council's action is different than it was originally.

Mr. Gatewood asked if the public will have an opportunity to speak to the reconsideration.

City Clerk Hovenden affirmed that the item is not up for public hearing.

Mr. Matherly stated that after the original vote on the ordinance, he looked at the contract more closely with the Finance Department and members of the Finance Committee. He stated that his concern is with the cost to the City and that he feels it was worth bringing back to the Council for discussion and reconsideration. **Mr. Matherly** indicated that he felt that his reconsideration was

timely since the meeting where Ordinance No. 5953 was adopted did not adjourn until after midnight.

Mr. Hilling moved to allow Public Testimony.

Mr. Matherly asked if public comment could be permitted by the Council prior to the vote on the Motion to Reconsider.

Mayor Eberhart stated that he does not recall ever witnessing a Motion to Reconsider. He commented that it is somewhat unfamiliar territory and that the Clerk and Attorney are working to answer Mr. Matherly's question.

City Clerk Hovenden stated that it is the prerogative of the Council to allow public comment on the reconsideration.

City Attorney Ewers added that the Council is also free to request staff reports if they wish. He clarified that the FGC states that the public may make comment to the Council at any time by leave of the Presiding Officer or of the Council.

Mr. Hilling restated his motion to allow for Public Testimony and no members objected.

Mayor Eberhart called for Public Testimony.

Donna Gilbert, 2223 South Cushman Street, Fairbanks – Ms. Gilbert encouraged the Council to reconsider Ordinance No. 5953. She stated that she has nothing but respect for the employees of FPD. She spoke to the large number of military personnel and service industry employees in the Fairbanks community and stated that their wages are low in comparison to that of the City of Fairbanks' employees. Ms. Gilbert stated that she was offended recently when she filed a referendum at the City Clerk's Office. She explained that she was first questioned as to the number of signatures required then questioned as to why she was filing the referendum. She stated that the employee commented that City employees have been doing without for a long time. Ms. Gilbert stated that her nephew who served in the military had an increase of only \$5,000 over an eight year period and that the particular City employee she was speaking with had received \$10,000 in wage increases within two years. Ms. Gilbert stated that the community cannot afford large increases for City employees or the PSEA contract under consideration. She stated that many Fairbanks residents are relocating and many local businesses are closing their doors due to the high cost of living in the Interior. She stated that she has had to close the Ranch Motel because she could not afford the taxes and utility costs. Ms. Gilbert stated that her sister-in-law is the director for the Federal Bureau of Investigation (FBI) and earns less than many of the City's police officers. She thanked Mr. Matherly for filing the Reconsideration.

Jeff Johnson, 3283 Riverview Drive, Fairbanks – Mr. Johnson stated that he serves on the City's Finance Committee. He stated that there are some items in the Finance Department's cost analysis of the PSEA contract that need to be clarified. He stated that he emailed three worksheets to the Council and distributed extra copies. Mr. Johnson spoke specifically to the estimated costs of the contract and the projection of hours worked. He spoke to the assumptions and calculations of the spreadsheets he provided and pointed out that his numbers differ from

those previously provided in the projected costs of the contract. Mr. Johnson estimated that the cost of the PSEA contract would be much higher than what the fiscal note indicated.

Mr. Matherly asked Mr. Johnson why he assumed 100% backfill of positions in his analysis.

Mr. Johnson explained that the increased annual leave of 60 hours per senior officer would have to be made up by backfilling. He stated that he assumes the police department will still have to have someone work those hours while an officer is on paid leave.

Mr. Hilling asked Mr. Johnson what he estimates the cost will be to have police officers backfill those hours in 2015.

Mr. Johnson stated that sheet two of the handouts details the estimate. He explained that the previous estimates only calculated backfill at a 50% rate, which he believes is inaccurate. He stated that for 2015, he believes the total increased cost to fund the PSEA contract would be about \$1,068,147.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger stated that he has never received paid overtime or a paid holiday in his life. He commented that the younger generation's goal is to get a high school diploma and find a government job so that they can receive good benefits without working very hard. Mr. Buberger stated that if City employees are not satisfied in their jobs they should find work elsewhere. He commented that officers should work 8 hours a day, five days a week with no overtime unless there is an emergency and that they should not be allowed to drive City vehicles home every night. Mr. Buberger stated that the City should file for bankruptcy, disperse the Permanent Fund to the taxpayers, get rid of all the unions and hire new staff that will work for a decent wage without complaining. He encouraged the Council to do the right thing for the community.

Ann Roberts, 2821 Totem Drive, Fairbanks – Ms. Roberts spoke to the \$500,000 penalty set forth in the PSEA contract that could be imposed upon either party should they not abide by the agreement. She expressed concern that it would bind a future Council and commented that she is confused as to how the language was even allowed.

Jerry Cleworth, 907 Park Drive, Fairbanks – Mr. Cleworth stated that the vote on the PSEA contract could be the most important vote some may ever make as Council Members. He explained that the contract will establish a precedent for other labor contracts. He focused on the increase to the City's healthcare contribution in the PSEA contract and stated that if the same healthcare increase is given to the other unions it will cost the City an estimated \$350,000 more per year in the next couple years. He stated that the PSEA contract is not affordable under the current revenue scenarios. Mr. Cleworth asked the Council where and how they plan to gain more revenue. He urged the Council to vote against Ordinance No. 5953 and go back to negotiations with PSEA.

Lee Despain, 352 Driveway Street, Fairbanks – Mr. Despain stated that he was a negotiator for the Fire Department for about 20 years and that he believes Mr. Cleworth, Mr. Johnson and Mr. Matherly deserve a vote of confidence for revisiting the PSEA ordinance. Mr. Despain indicated that there is no way to cut hours and maintain current staff levels without increasing overtime. He spoke to the compounded effects of the reduction in the hourly work week

combined with the increase to annual leave hours. Mr. Despain spoke against the ratification of the PSEA contract and expressed his belief that the Council has been lied to in regard to its overall cost.

Ron Dupee, PSEA President – Mr. Dupee stated that he is confused by Mr. Johnson's assumption that the increased annual leave hours would have to be backfilled by other officers. He stated that FPD does not backfill positions on leave with overtime. He clarified that there are provisions in place so that only a minimum number of officers may take leave at the same time. Mr. Dupee stated that three Certified Public Accountants (CPA's) crunched the numbers in the contract with confidence that the contract can work. He spoke to the importance of trusting the negotiation process and those who were involved. Mr. Dupee expressed his belief that the PSEA contract is fair for both parties, will attract new applicants to the police department, and will encourage the retention of employees.

Mr. Hilling asked Mr. Dupee if he is recommending a reduction in the police force.

Mr. Dupee clarified that he does not support backfilling positions when an officer is on leave. He spoke to the higher wages of police officers, dispatchers and supervisors in Juneau and stated that the PSEA contract will help to somewhat close that gap.

Mr. Anderson asked Mr. Dupee to compare annual leave between FPD and Juneau's Police Department.

Mr. Dupee replied that even if the City of Fairbanks increased its officers' annual leave to 300 hours per year, it would still be second from the bottom in the list of municipalities within the entire State of Alaska in regard to annual leave.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney expressed hope that the Council would take the advice of Mr. Johnson. He suggested that Mr. Dupee may try to create a morale problem within the police department and spoke to how he witnessed Mr. Dupee lie under oath. He stated that he would not trust Mr. Dupee.

Brenda Geier, FPD Dispatch Center Supervisor – Ms. Geier stated that she was on the committee that negotiated the PSEA contract. She spoke to the retention problem particularly in the Dispatch Department due to non-competitive wages and expensive healthcare. Ms. Geier stated that her department must be minimally manned with three people at all times and that it results in a great deal of overtime. She expressed frustration in the department's inability to retain trained employees and stated that the PSEA contract would help solve retention problems.

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

Mr. Matherly requested that City staff come forward to provide a staff report.

Ms. Randle stated that she agrees with Mr. Johnson's cost analysis based on different assumptions. She spoke to the two major differences in the cost estimate Mr. Johnson provided and the one drafted by the Finance Department: backfill of increased annual leave hours and the

reduction in the hourly work week. She stated that former Chief Zager believed he could manage the backfill of annual leave at a 50% rate instead of Mr. Johnson's 100% assumption.

Mr. Matherly asked Ms. Randle if she believes the Mr. Johnson's scenario could realistically play out.

Ms. Randle expressed her belief that Mr. Johnson's analysis is reasonable, but may illustrate a worst case scenario. She stated that if the administration can actively manage the backfill and limit the hourly work week to 36 hours there will be a savings. She indicated that she is unsure whether those are realistic expectations and that there are many unknowns. Ms. Randle stated that the actual costs will likely be somewhere in between the Finance Department's estimates and Mr. Johnson's projections unless there is very tight management at FPD.

Chief of Staff Jim Williams stated that the original fiscal note presented with Ordinance No. 5953 was researched and calculated very carefully based on a 36-hour workweek. He stated that the conflicting opinions presented are based on much different assumptions.

Mr. Matherly asked Mr. Williams if he believes the City can afford the PSEA contract.

Mr. Williams replied that he believes the City can afford the contract if it is tightly managed.

Mr. Matherly asked Mr. Williams how the City can ensure the proper management and control the 36-hour work week at FPD.

Mr. Williams stated that leave will have to be better managed and that shift lieutenants will have to be sure that officers go home when they reach 36 hours.

Mr. Matherly asked Mr. Williams if he believes the approval of the PSEA contract will add more pressure on the City from other unions.

Mr. Williams replied affirmatively.

Mr. Anderson reminded the Council that Dominic Lozano, President of the Firefighters Union, openly admitted that they would ask for similar items in the PSEA contract if it were ratified.

Mr. Walley asked Ms. Randle if she agrees that the numbers could be even more disastrous for the City if either party opts out.

Ms. Randle replied affirmatively.

Mr. Matherly stated that he considers the needs of the Dispatch Center more crucial than that of the Police Department. He spoke to the importance of employee retention and requested that Dispatch Manager Stephanie Johnson come forward to comment on the contract.

Ms. Johnson agreed with earlier comments that success of the contract will be very dependent on how it is managed by both the Police Department and the Dispatch Center. She stated that the contract outlines working rules relating to staffing and shiftwork unique to her department, where before Dispatch was lumped in with the Police Department. She explained that the new

rules will allow her to create a blend of schedules: 8, 9 or 12 hour shifts. Ms. Johnson stated that three new dispatchers were just hired and that the technicalities of the job require a thorough and rigorous training process. She expressed her belief that she could make the contract work for her department and indicated that the Acting Chief and Deputy Chief at the Police Department have been looking at different schedules that would work under the new contract. She stated that letters of agreement have been implemented and other measures have been taken in the past to resolve shiftwork problems and overtime issues. She stated that overtime can be a good thing when it comes in small blocks, but shared that some dispatchers are working 20-30 hours per week in overtime and are having to work on their scheduled days off.

Mr. Anderson asked how many dispatchers Ms. Johnson would like to have fully trained and on staff.

Ms. Johnson replied that there are 18 1/2 employees in the Dispatch Center including herself, one full-time and one part-time employee that work the front desk of the Police Department and six who are currently in training. She stated her belief that her department should be staffed at about 20.

Mr. Anderson stated that he heard that in Detroit, Michigan it takes 48 hours for police to respond to a 9-1-1 call.

Ms. Johnson stated that the City of Fairbanks does better than that.

Mr. Walley asked Ms. Johnson if it would solve some of the problems within her department by amending the sections of the contract pertaining to the working rules of the Dispatch Center.

Ms. Johnson replied that changes to the contract would manage the problems in a more fair way, but would not completely solve her staffing and overtime problems. She clarified that some of the problems are unique to Dispatch and are not a problem for the Police Department.

Mayor Eberhart asked Mr. Williams if at one point during negotiations it appeared that the parties were at an impasse and would not reach an agreement.

Mr. Williams stated that early in negotiations it appeared that the parties were not going to agree on a contract. He explained that when former Chief Zager introduced the reduced work week concept, the numbers were crunched and progress started to be made. He stated that the City is seeing evidence of a savings of police officers' time through the expansion of the Community Service Patrol (CSP). He added that the new Public Safety Assistants (PSA's) will be taking over many of the administrative tasks of the officers which will also free up more of the sworn officers' time.

Mayor Eberhart asked Mr. Williams if the PSEA contract will save the City money on current wages and overhead.

Mr. Williams replied that if management sticks to the assumptions set forth, the contract will save the City money.

Mr. Eberhart asked if the City's healthcare contribution for PSEA employees is significantly lower than what other municipalities are paying on behalf of their public safety employees.

Mr. Williams replied affirmatively.

Mr. Hilling asked Mr. Williams if the estimated 16,000-hour annual reduction in work force would be completely offset by the addition of the PSA's and the expanded CSP.

Mr. Williams replied that some of the lost hours would be made up but that he could not quantify how much. At Mr. Hilling's insistence, Mr. Williams provided a rough estimate that 25-50% of the lost hours would be made up by the PSA's and CSP.

Acting Police Chief Johnson spoke to the implementation of the contract and stated that it is the department head's job to manage employees' hours within the parameters of the policies and contract in place. He stated that Mr. Johnson's assumption that employees would still be working 40 hours per week under the new contract is inaccurate. Chief Johnson explained that when there are extreme shift shortages, positions are backfilled but clarified that there are no established minimum staffing requirements in place for those situations. Chief Johnson further explained that the use of annual leave is also managed by policy to eliminate staffing shortages and the need to backfill. He stated that the department administration believes that the original fiscal note to Ordinance No. 5953 is based on sound and accurate assumptions.

Mr. Hilling asked Chief Johnson if he would agree that there will be an estimated 12% reduction in force by not backfilling the hours missed due to the reduced hourly work week.

Chief Johnson replied that he does not believe that operationally the change in hours will equate to a 12% reduction in force. He explained that the police department has developed a 9-hour/4-day weekly schedule with overlap periods built in that will not cause a big change to normal staffing levels.

Mr. Hilling commented that Chief Johnson's claim that staffing levels will not be significantly affected may be due to inefficient operations of the police department until now. He asked Chief Johnson to speak to that suspicion.

Chief Johnson clarified that the staffing levels may be different at FPD but not significantly reduced due to the shortened work week. He explained that the City could not afford both a bump in healthcare and a reasonable increase to employees so the reduced work week was a compromise. He stated that he does not believe that his officers are working inefficiently. He commented that the shortened work week will allow FPD to continue to provide good service to City of Fairbanks residents.

Mr. Matherly spoke to Ann Roberts' earlier testimony that the Council's decision on the contract may bind future Councils. He asked Mr. Williams what might happen if either party chose to opt out of the contract.

Mr. Williams stated that after one year, if either party feels that the reduced work week is not working, FPD will go back to the way it was. He explained that it would be more expensive for

PSEA to opt out than it would be for the City but that it will cost the City no matter who opts out.

Mayor Eberhart spoke to Section 11.14(e) of the contract which addresses the consequences of either party's election to end the 36-hour work week. He pointed out that there is a higher penalty for the City to end the shift schedule because the union was concerned that the City may take the decision to end the schedule too lightly.

Mr. Gatewood expressed his belief that the reduced work week concept introduced by Chief Zager is a best case scenario and that Mr. Jeff Johnson's assumptions are a worst case scenario. He agreed with Chief Johnson and Mr. Dupee that the City would not have to backfill positions 100%. **Mr. Gatewood** spoke with understanding to both sides of the issue and gave merit to each argument. He stated that when the contract was first presented with a cost savings to the City the Council thought it was very attractive even though it provided a 10% increase to wages. He stated that the Council has a responsibility to keep all the City's labor contracts as similar as possible and that if nothing else, the other unions will ask for a similar increase to the City's contribution to their individual health plans. **Mr. Gatewood** stated that the City cannot afford to contribute differing amounts to the respective union health plans. He commented that from a personal standpoint he would rather not entertain reconsideration, but that based on the feedback he has received from constituents he feels compelled to vote in favor of the reconsideration. He expressed his belief that the PSEA contract as it stands would hurt the City of Fairbanks.

Mr. Hilling stated that as an elected official, the most ethical and moral way to vote is according to what he believes to be right which may not always be what his constituents want. He spoke to the 10% reduction in work force and again suggested that there must have been a lack of efficiency at FPD up to this point if that 10% reduction will not equate to a lower level of staffing. **Mr. Hilling** stated that he does not believe that attrition is taking place at the Police Department on a large scale. He stated that if the dispatchers are not getting enough pay, the City may have to increase their wages in order to retain employees. He stated that it is imperative that the Council reconsider the PSEA contract. **Mr. Hilling** commented that just because other municipalities are paying their police officers a higher wage it does not justify an increase to the City of Fairbanks' police wages.

Ms. Staley stated that she is pleased that the contract is being brought up for reconsideration because she also received a lot of feedback from constituents. She reminded the Council that the CSP does not have a permanent funding source and could be at risk in the future.

Mr. Anderson stated that he has not had many phone calls from the public. He spoke to the City Fire Department's excellent Insurance Services Office (ISO) rating of level one in the early to mid-1980's when there were 80 fire employees. He stated that within three years, the rating fell to a level four or five which cost individuals \$600 each. **Mr. Anderson** stated that he would hate to see that kind of thing happen again. He commented that City employees are not line items or numbers on a spreadsheet. He stated that police officers work on the front lines in high risk jobs and that the City needs to maintain good public safety services by trained staff. He stated that wage parity matters to him and that he wants to take good care of City employees to retain them. **Mr. Anderson** spoke to the importance of bargaining in good faith and keeping morale up and stated that he will vote against the reconsideration.

Mr. Walley stated that the Council has been slammed with numbers over the past several months. He stated that the real question is whether the City can afford the contract, assuming the cost will fall in the middle of the worst case scenario and the best case scenario. He stated that the answer is no. He indicated that he would not support the contract.

Mr. Matherly stated that his intent is not to treat City employees like line items, but pointed out that the Council is elected to watch the bottom line. He commented that he also received a lot of calls from constituents and that he felt that filing the reconsideration was the right thing to do to gain more information. **Mr. Matherly** stated that he feels somewhat torn with the decision on the contract because he wants to trust the City's leaders. He stated that morale is very important, especially under the circumstances in the Dispatch Center.

Mayor Eberhart stated that the contract pertains to City employees that need to be valued and rewarded. He spoke optimistically about the future of the local economy. He stated that the negotiating team worked for many months to arrive at the PSEA agreement and reminded the Council that City department heads believe that the contract will work. **Mayor Eberhart** expressed his belief that the fiscal note on Ordinance No. 5953 is solid. He stated that if the contract does not pass, the issue will likely go to arbitration and the City would be faced with the possibility of non-funding. He stated that one of the fundamental rules of Robert's Rules of Order is to accept the will of the majority. He added that to undo the ratification of Ordinance No. 5953 would be very regressive and demoralizing.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO RECONSIDER ORDINANCE NO. 5953 AS FOLLOWS:

YEAS: Hilling, Walley, Staley, Gatewood
NAYS: Matherly, Anderson
Mayor Eberhart declared the MOTION CARRIED.

Mayor Eberhart called for a five minute recess.

Mr. Anderson, seconded by **Ms. Staley**, moved to ADOPT Ordinance No. 5953.

Mr. Hilling, seconded by **Mr. Gatewood**, moved to POSTPONE Ordinance No. 5953 to the Regular Meeting of September 22, 2014.

Mr. Walley, seconded by **Ms. Staley**, moved to AMEND the motion on the floor by changing the postpone date from September 22, 2014 to November 3, 2014.

Mr. Walley expressed his belief that the Council needs more time to consider the new information before voting on the contract.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE MOTION ON THE FLOOR BY CHANGING THE POSTPONE DATE FROM SEPTEMBER 22, 2014 TO NOVEMBER 3, 2014 AS FOLLOWS:

YEAS: Gatewood, Staley, Hilling, Matherly, Walley
NAYS: Anderson

Mayor Eberhart declared the MOTION CARRIED.

Mr. Hilling stated that the November 3 date will give the new members of the Council time to get up to speed before voting on the contract. He spoke in favor of the postponement.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE ORDINANCE NO. 5953 TO THE REGULAR MEETING OF NOVEMBER 3, 2014 AS FOLLOWS:

YEAS: Hilling, Walley, Staley, Matherly, Gatewood

NAYS: Anderson

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 5953 POSTPONED until the Regular Meeting of November 3, 2014.

- b) Ordinance No. 5954 – An Ordinance Authorizing the Lease of City-Owned Real Property to Yukon Quest International, Ltd. Introduced by Council Member Matherly. SECOND READING AND PUBLIC HEARING.

Mr. Anderson, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5954.

Mayor Eberhart called for Public Testimony.

Marti Steury, 550 1st Avenue, Fairbanks – Ms. Steury thanked the City Council for taking the lease into consideration. She pointed out that the lease is uncomplicated and that the Yukon Quest understands that they are stewards of City property.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5954 AS FOLLOWS:

YEAS: Matherly, Hilling, Walley, Staley, Gatewood, Anderson

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 5954 ADOPTED.

- c) Ordinance No. 5955 – An Ordinance Amending the 2014 Operating and Capital Budgets for the Fifth Time. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Mr. Anderson**, moved to ADOPT Ordinance No. 5955.

Mr. Anderson, seconded by **Mr. Gatewood**, moved to SUBSTITUTE Ordinance No. 5955, as Amended, for Ordinance No. 5955.

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

Mayor Eberhart called for Public Testimony.

Donna Gilbert, 2223 South Cushman Street, Fairbanks – Ms. Gilbert expressed confusion as to why the Council would adopt an ordinance to fund the contract if the contract itself is postponed until November. She read aloud a letter from her nephew who serves in the military. She stated that even when he wrote to her from overseas during a time of war he did not whine about his situation. She stated that she spoke with her nephew last week and that he said his regular base salary is \$45,760 a year or \$59,760 a year for hazard pay. Ms. Gilbert stated that he worked long days, seven days a week with little to no breaks in the desert heat. She explained the hard conditions soldiers endure with little monetary compensation and spoke against fully funding the PSEA contract. She asked again why the Council is considering funding a contract that has been postponed to November.

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

Mayor Eberhart explained the differences between Ordinance No. 5955 and Ordinance No. 5955, as Amended. He expressed his support for the as Amended version.

Mr. Anderson, seconded by **Mr. Hilling**, moved to AMEND Ordinance No. 5955, as Amended, by striking all items except for the last bullet of item eight and all of item twelve in the fiscal note.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5955, AS AMENDED, BY STRIKING ALL ITEMS EXCEPT THE LAST BULLET OF ITEM EIGHT AND ALL OF ITEM TWELVE IN THE FISCAL NOTE AS FOLLOWS:

YEAS: Hilling, Anderson, Walley, Staley, Matherly

NAYS: Gatewood

Mayor Eberhart declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5955, AS AMENDED, AS FOLLOWS:

YEAS: Walley, Matherly, Anderson, Hilling, Staley

NAYS: Gatewood

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 5955, as Amended, ADOPTED.

- d) Ordinance No. 5956 – An Ordinance Amending Fairbanks General Code Chapter 34, Article V, Tobacco Smoke, to Make Offenses Amenable to Resolution without Court Appearance. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Hilling, seconded by **Mr. Anderson**, moved to ADOPT Ordinance No. 5956.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5956 AS FOLLOWS:

YEAS: Anderson, Gatewood, Staley, Hilling, Matherly, Walley

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 5956 ADOPTED.

NEW BUSINESS

- a) Ordinance No. 5957 – An Ordinance Amending Fairbanks General Code Sections 2-260 and 2-261 Regarding the Authorized Investment Selections of the City Permanent Fund Investment Policy. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

Committee Reports

FMATS Policy Committee – **Mr. Walley** stated that the Policy Committee approved the new planning fund distribution. He announced that FMATS will receive an additional \$32,000 in planning funds. **Mr. Walley** stated that the Unified Planning Work Program (UPWP) for 2015 – 2016 was also approved and that the Badger Road corridor study was placed in the contingency project section, with about half of it funded through the added planning funds. He reported that \$375,000 in additional funding was approved to complete the South Cushman Street Project. **Mr. Walley** stated that the Committee reviewed a memo summarizing public input from the open house on the College Road reconfiguration and approved a letter of support for the Fairbanks International Airport master plan. **Mr. Walley** announced that the artist of *The Polaris* would hold a presentation at the Morris Thompson Cultural and Visitors Center on September 14 at 3 p.m. and the unveiling of the sculpture would be September 17 at 7 p.m.

COUNCIL MEMBERS' COMMENTS

Mr. Matherly stated that he had no comments.

Mr. Hilling expressed appreciation for City staff and stated that they deserve to have good wages and benefits. He stated that he parked on 7th Avenue for five hours the Tuesday after Labor Day and did not receive a citation. He questioned the enforcement of parking rules by Golden Heart Parking Services (GHPS).

Mr. Anderson stated that the Diversity Council met for the first time on September 4 in the City Council Chambers. He indicated that he has never felt so welcomed or warmed by a group of people as he did with that particular crowd.

Ms. Staley, in response to Mr. Hilling's GHPS comment, stated that she is not sure why he did not receive a parking ticket. She thanked Deputy Clerk Snider for helping her get the word out through social media about the vacancy on the GHPS Board. **Ms. Staley** spoke to the discussion on the PSEA contract and expressed her agreement with Mr. Walley that the Council needs more time to ponder it.

Mr. Walley commented that the Council may feel rushed and not as clear in making decisions when a meeting runs very long. He stated that he believes that the issue deserves more consideration by the Council and that the Finance Committee is scheduled to meet four times before the November 3 meeting.

Mr. Gatewood pointed out that labor negotiations are generally discussed during Executive Sessions. He stated that he is unclear as to how it will work to discuss the issue in a public meeting.

Mr. Walley stated that he hopes to discuss the PSEA contract with Jeff Johnson during the Finance Committee meetings.


Mr. Gatewood stated that he had no further comments.

ADJOURNMENT

Mr. Anderson, seconded by **Mr. Hilling**, moved to ADJOURN the meeting.

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

Mayor Eberhart declared the Meeting adjourned at 11:50 p.m.



JOHN EBERHART, MAYOR

ATTEST:



JANEY HOVENDEN, MMC, CITY CLERK

Transcribed by: DS