



FAIRBANKS CITY COUNCIL  
AGENDA NO. 2014-10  
**REGULAR MEETING MAY 12, 2014**  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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REGULAR MEETING

7:00 P.M.

1. ROLL CALL
2. INVOCATION
3. FLAG SALUTATION
4. CITIZENS COMMENTS, oral communications to Council on any item not up for Public Hearing. Testimony is limited to five (5) 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 phone, electronic and messaging devices.
5. 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).
6. APPROVAL OF PREVIOUS MINUTES  

\*a) Regular Meeting Minutes of March 10, 2014
7. SPECIAL ORDERS
8. MAYOR'S COMMENTS AND REPORT
9. UNFINISHED BUSINESS

10. NEW BUSINESS

- \*a) Resolution No. 4628 – A Resolution to Accept Funding from the Alaska Division of Homeland Security and Emergency Management for SFY2015 Local Emergency Planning Committee (LEPC). Introduced by Mayor Eberhart.
- \*b) Resolution No. 4629 – A Resolution Authorizing the City of Fairbanks to Apply for and Accept Funds from the Alaska Division of Homeland Security for the FFY2014 Emergency Management Performance Grant. Introduced by Mayor Eberhart.
- \*c) Ordinance No. 5947 – An Ordinance Ratifying a Labor Agreement Between the City of Fairbanks and the International Brotherhood of Electrical Workers Local 1547. Introduced by Mayor Eberhart.
- \*d) Ordinance No. 5948 – An Ordinance Amending the 2014 Operating and Capital Budgets for the Third Time. 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 April 2, 2014

13. COUNCIL MEMBERS' COMMENTS

14. CITY ATTORNEY'S REPORT

15. CITY CLERK'S REPORT

16. EXECUTIVE SESSION

- a) Labor Negotiations: PSEA
- b) Arbitration/Claim Settlement

17. ADJOURNMENT



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, MARCH 10, 2014  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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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  
   Lloyd Hilling, Seat E  
   Chris Anderson, Seat F

Absent:                                      Jim Matherly, Seat D

Also Present:                              Ernie Misewicz, Assistant 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 Eberhart led the Flag Salutation.

**CITIZEN'S COMMENTS**

Douglas Yates, PO Box 221, Ester – Mr. Yates spoke to Resolution No. 4617 and to the need for monitoring water and seafood for radiation due to the Fukushima disaster. He stated that there was an article in *USA Today* indicating that low levels of radiation from Fukushima will reach North America. He expressed concern that the state and federal governments are not providing sufficient information to the public regarding the expected levels of radiation. Mr. Yates spoke to how the disaster occurred nearly three years ago and to its lasting effects. He commented that the government will not build a radiation monitoring program because they claim they do not have the money; he argued that creating such a program is a matter of making the health of the American people a priority. He noted that some communities in California have approved legislation similar to Resolution No. 4617 and that Oregon is performing quarterly water tests. Mr. Yates stated that while Fairbanks is not near the coast, Interior Alaskans consume a lot of salmon. He stated that over the years, radiation bio-accumulates and becomes more concentrated. He expressed fear that consumption of seafood exposed to the radiation may make people sick. He recommended that government leaders take a more proactive approach to the issue.

**Mr. Anderson** stated that he read that a recent snowfall in Fairbanks contained radiation. He solicited discussion about the issue from Mr. Yates.

Mr. Yates stated that every time it snows in the Interior when the weather comes in from the South, radiation readings increase. He stated that he regularly views websites that track jet stream movements across the globe and radiation levels throughout the U.S. He explained how radiation levels change with shifts in weather.

**Mayor Eberhart** asked Mr. Yates if Japan or any other place has begun restricting eating fish due to radiation concerns.

Mr. Yates replied that in Japan they have tight limits on the radiation levels in food and that they actively test food there. He stated that in the U.S. radiation limits in food are much less restricted and indicated that we are eating “dirty food.”

Martha Rich, 1451 Flat Mountain Road, Fairbanks – Ms. Rich spoke in support of Resolution No. 4617. She stated that there has been over 300 tons of radioactive water leaking into the ocean every day since the Fukushima disaster. She stated that she no longer feels that it is safe to buy fish and spoke to the need for more food inspection.

Tim Cerny, 448 Forest Hills Court, Fairbanks – Mr. Cerny spoke in support of Resolution No. 4620. He stated that when he learned of the Department of Transportation’s (DOT) plan for the realignment of Margaret and Antoinette Streets about two years ago he was disappointed to learn that there was no landscaping plan. He spoke to the beautification efforts of the City in recent years and stated that he sat on the FMATS Commission that helped plan the upgrades to Cushman Street. Mr. Cerny stated that DOT’s reason for not including landscaping plans for the new intersection at Margaret and Antoinette Streets is that they did not want to maintain it. He stated that he worked with City Engineer Mike Schmetzer and DOT’s Northern Region Director Steve Titus to come up with a landscaping plan that Fountainhead Development would agree to maintain. Mr. Cerny stated that the City would gain an attractive intersection at no cost, Fountainhead Development would benefit by the attractive entrance to their property and DOT would benefit by having a much better looking project. He encouraged the Council to approve Resolution No. 4620.

Donna Gilbert, 2223 South Cushman Street, Fairbanks – Ms. Gilbert spoke to a letter written on Mayor Eberhart’s behalf by Mike Walleri to the Alaska Public Offices Commission (APOC). She stated that Mr. Eberhart called her on April 3, 2013 asking for her support in his mayoral campaign, but that he has denied having made the call. She stated her intent to contact the Attorney’s Board (Alaska Bar Association). Ms. Gilbert went on to state that Mayor Eberhart has tendered a Notice of Claim to the City Attorney to determine whether the City of Fairbanks has an obligation to defend or indemnify him. She stated that such actions would be considered malfeasance in office. Ms. Gilbert stated that she is willing to pay for a lie detector test for Mayor Eberhart to add to her other evidence. She commented that Mayor Eberhart “opened a can of worms” late in the 2013 mayoral campaign and that she does not understand why. She stated that she intends to use the City Council Minutes as a record of her testimony. She again spoke to the phone call that Mr. Eberhart made to her in April of the prior year and stated that they had a very lengthy discussion at that time. She stated that she has the original message that

was taken when Mr. Eberhart called and that she saves all her messages. She stated that a corporate number was left on the message and that she returned the phone call. Ms. Gilbert shared that the letter states that Mayor Eberhart denies the initiation of that phone call and further denies that the conversation was related to the election for City Mayor. She stated that she served as the President of the Interior Taxpayers' Association (ITA) and has put facts out that no one has been able to distort.

Frank Turney, 329 6<sup>th</sup> Avenue, Fairbanks – Mr. Turney spoke to Mayor Eberhart's statement that appeared in the Fairbanks Daily News Miner (FDNM) regarding his goal to be transparent as City Mayor. He stated that it is never too late to "come clean" with APOC and that it would show some integrity and honesty if Mayor Eberhart apologized to the public. Mr. Turney stated that the Governor of the State of New Hampshire signed a bill, effective January 1, 2013, concerning the right of a jury to judge the application of the law in relationship to the facts in controversy. He shared that Oregon, Maryland, Georgia and Indiana all speak to the same jury rights in their constitutions and indicated that as many as 26 other states recognize jury nullification rights. He stated that Representative Tammy Wilson introduced HB 315 regarding jury nullification rights and explained that the bill is awaiting a hearing. Mr. Turney requested that the City Council introduce a resolution in support of the bill. He asked Mayor Eberhart if there has been any news regarding the cause of death of the man who died in the Downtown Post Office in 2013. He indicated that he heard a rumor that the Fairbanks Police Department failed to keep the man's clothing in a protected and secure environment. He spoke in support of Resolution No. 4617 and commended Mr. Doug Yates for having been such a strong proponent in getting the fluoride removed from City water.

Rob Mulford, 4133 Kallenberg Road, Fairbanks – Mr. Mulford spoke to the threats of terrorism and suggested that some of those threats are generated by the Department of Defense (DOD) and military contractors to create profit for the military. He stated that some Alaskans have been lobbying the DOD to bring the F-35's and drones to the Fairbanks North Star Borough. He commented that having been to Pakistan himself, he believes that these types of solutions do not eliminate or diminish threats but create a more dangerous world. Mr. Mulford spoke to Resolution No. 4617 and stated that he and his partner operate a fish camp on the Yukon River. He indicated that radiation in food sources can slowly kill human beings and that the notion that the government cannot afford to address the issue is ridiculous. He stated that it would cost much less for the government to take action to protect the food and environment of Americans than it costs for the drones and F-35's. He spoke to the war on terrorism as a "manufactured threat." Mr. Mulford urged the Council to approve Resolution No. 4617.

John Davies, 1998 Kittiwake Drive, Fairbanks – Mr. Davies spoke in favor of Resolution No. 4617 and stated that as a Borough Assembly Member, he intends to introduce a similar resolution to that body. He indicated that the information recently released from the Governor's Office confirms the efficacy of the resolution. He stated that he was on the State of Alaska's website a few weeks ago searching for information in regard to the Fukushima disaster and was unable to find anything more recent than March of 2011. Mr. Davies stated that he would be interested in seeing the data that is referenced in Resolution No. 4617. He stated that as a fisherman, he is concerned about consuming the fish that he catches because they are swimming in the North Pacific offshore of the contamination source. He added that he is also concerned as a gardener because of the radiation that may be soaking into the ground by way of rain and snow.

He stated that citizens deserve a systematic measurement that provides certainty as to whether there is legitimate cause for concern. He stated that there are some commercial fisheries that have begun funding their own measurements because of the rising concern of consumers. Mr. Davies indicated that the burden to protect and inform Alaskans should fall on the shoulders of the state government and added that, historically, the federal government has downplayed these types of threats. He commented that the University of Alaska would be the most trusted source to gather the data and present it to Alaskans.

Phil Osborn, 1451 Flat Mountain Road, Fairbanks – Mr. Osborn spoke in support of Resolution No. 4617 and stated that it is a modest request in relation to the magnitude of the potential problem. He stated that Tokyo Electric Power Company (TEPCO), the company that operates the atomic reactors in Fukushima, has put out a lot of inaccurate information since the disaster.

Heather Koponen, 687 Chena Ridge Road, Fairbanks – Ms. Koponen urged the City Council to approve Resolution No. 4617 and suggested the addition of some language to specify that the State of Alaska's fish population continue to be monitored regularly and vigorously. She stated that she catches and consumes fish regularly and that it is very alarming to think that the bio-accumulation of radioactivity in salmon could be very high. Ms. Koponen spoke to the need for a state program that performs extensive testing and monitoring of radiation. She stated that two of the television programs she watches both recently featured programs on Fukushima and how radioactive water is still leaking into the ocean. She explained that they still do not have a solution to the problem. Ms. Koponen thanked Mayor Eberhart for introducing Resolution No. 4617 and urged the Governor of Alaska to take the health of Alaskans seriously.

**Mr. Hilling** asked Ms. Koponen if she would recommend a change to Resolution No. 4617 that speaks to periodic and systematic monitoring of fisheries.

Ms. Koponen replied that in her mind the term "fisheries" means commercial enterprises and that her intent was to promote the testing and monitoring of the actual fish. She stated that if monitoring the fisheries translates to monitoring the fish, she would be in favor of such an amendment.

Charity Gadapee, PO Box 73822, Fairbanks – Ms. Gadapee stated she is the Director of Visitor Services and Membership at Explore Fairbanks, formally known as the Fairbanks Convention and Visitors Bureau (FCVB). She provided the Mayor and Council with an update on the Golden Heart Greeter Volunteer Program. She stated that at the end of 2013, the program ended with 141 volunteers who provided 1,139 hours of service. She stated that the Golden Heart Greeter of the Year was Mr. Ted Jones, Jr., a first-time volunteer who gave 53 hours of his time to the organization during the week of the Alaska Federation of Natives (AFN) Conference while working a full-time job at the Fairbanks Youth Facility. She spoke to the involvement of Explore Fairbanks employees in the upcoming 2014 Arctic Winter Games.

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

## **APPROVAL OF AGENDA AND CONSENT AGENDA**

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

**Mayor Eberhart** explained that there is an amended version of Resolution No. 4620 and stated that it needs to be pulled from the Consent Agenda.

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

**Mr. Gatewood** pulled Resolution No. 4619 from the Consent Agenda.

**Mr. Gatewood** pulled Resolution No. 4617 from the Consent Agenda.

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

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

### **APPROVAL OF PREVIOUS MINUTES**

a) Regular Meeting Minutes of January 06, 2014.

PASSED and APPROVED on the CONSENT AGENDA.

### **SPECIAL ORDERS**

a) The Fairbanks City Council Sitting as a Committee of the Whole, heard interested citizens concerned with the following Appeal of Denied Application for new Chauffeur License.

Applicant: Ventsislav D Hurd

**Mr. Anderson**, seconded by **Ms. Staley**, moved to GRANT the Chauffeur Appeal.

**Mayor Eberhart** called for Public Testimony.

Ventsislav Hurd, 22 Farewell Avenue, #C, Fairbanks – Mr. Ventsislav stated that he has applied for a Chauffeur License because there are two cab companies that would like to hire him as a driver. He spoke to his criminal history indicating that he had struggles growing up but that he is trying to change. Mr. Ventsislav admitted to the mistakes of his past and asked the City Council for a chance. He stated that he was convicted of a vehicle theft at the age of 18 and has also been convicted of breaking and entering.

Frank Turney – Mr. Turney stated that since Mr. Hurd's information is confidential it is difficult for the public to testify either for or against granting the appeal. He stated that he had hoped the Council would have asked Mr. Hurd some questions in regard to his criminal history.

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

**Mr. Hilling** agreed with Mr. Turney that the public is not very informed as to the information pertaining to a Chauffeur Appeal. He stated that he is inclined to vote against granting the appeal because of the 2009 and 2010 felony convictions of Mr. Hurd.

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

YEAS: None  
NAYS: Hilling, Walley, Staley, Gatewood, Anderson  
ABSENT: Matherly  
**Mayor Eberhart** declared the MOTION FAILED.

### **MAYOR'S COMMENTS AND REPORT**

**Mayor Eberhart** thanked the large audience for attending the meeting. He stated that the Northern Door Clubhouse, an organization to help local residents who have mental health issues, has requested funding from the City of Fairbanks to help continue its operation. He asked Council Members to provide their remarks on the issue during their comments and stated that it would take a budget amendment to fulfill the request. **Mayor Eberhart** stated that the Downtown Association recently provided the City with a proposal to expand the Community Service Patrol (CSP). He stated that the \$75,000 City contribution to the CSP approved by the Council in December was contingent upon a funding contribution by another government entity. He shared that the Borough has approved a \$25,000 contribution to the CSP upon a signed agreement to expand the service. He stated that the City hopes to have an agreement drafted by March 11 to include additional items not addressed by the Downtown Association's draft proposal. **Mayor Eberhart** stated that there have been a couple different proposals submitted to the City in regard to Old City Hall, one from the Community Museum and one from the Fairbanks Distillery Company. He stated that the Borough zoning regulations currently do not allow for a distillery in that area. He explained that representatives of the Community Museum appeared before the Finance Committee expressing interest in the building. He stated that they presented three recommendations: 1) a long-term lease of the building until they can afford to purchase it, 2) an option to purchase the building for a nominal price such as \$1.00, or 3) a lease with an option to purchase arrangement. **Mayor Eberhart** spoke to the ordinance up for second reading to create a Fairbanks Diversity Council. He stated that before his passing, Mr. Patrick Cole helped draft the ordinance. He spoke to how the creation of a Diversity Council falls into alignment with the theme of his mayoral campaign—"Stronger Together." He spoke to the makeup and the purpose of the proposed Council and stated that he hopes it will foster inclusion and greater communication within the community. **Mayor Eberhart** thanked those who spoke to Resolution No. 4617 regarding the Fukushima disaster. He stated that he watched some television programs over the weekend which showed that the whole coastline of Alaska had been touched by the radiation from the disaster that took place nearly three years ago. He stated that researchers in California are testing kelp in order to quantify the amount of radiation in the water. **Mayor Eberhart** thanked the Public Safety Employees Association (PSEA) for proposing to make Dr. Martin Luther King Jr. Day a City-observed holiday during labor negotiations. He stated that the International Brotherhood of Electrical Workers (IBEW) Local 1547 has also tentatively agreed to recognize the holiday. **Mayor Eberhart** stated that the



Mayor's Office has kicked-off the work/study program by welcoming a high school student from West Valley High School to assist in the office. He stated that Chief of Staff Jim Williams has identified needs of other City departments for the use of the work/study program and indicated that the City may be able to use about a dozen students at the present time. **Mayor Eberhart** listed the numerous meetings he has attended since the last Regular Meeting of the City Council, both within City administration and throughout the community. He mentioned that the City Clerk's Office is looking into the purchase of some software to manage City Boards and Commission that may help alleviate the more than 20 hours per month the Deputy Clerk spends on tracking and correspondence.

**Ms. Staley** asked Mayor Eberhart to speak to the zoning issue with a distillery downtown.

**Mayor Eberhart** explained that Borough zoning prohibits the manufacturing of alcohol in the downtown business district.

### **UNFINISHED BUSINESS**

- a) Ordinance No. 5938 – An Ordinance Amending FGC Section 2-332 Regarding the Membership of the Commission on Historic Preservation. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

**Mr. Gatewood**, seconded by **Ms. Staley**, moved to ADOPT Ordinance No. 5938.

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

**Mr. Gatewood** asked if the current version of the ordinance is different than the original.

City Clerk Hovenden replied that there have been no changes made to Ordinance No. 5938 since its introduction and advancement at the last Regular Meeting.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5938 AS FOLLOWS:

YEAS: Walley, Gatewood, Hilling, Anderson, Staley

NAYS: None

ABSENT: Matherly

**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 5938 ADOPTED.

- b) Ordinance No. 5939 – An Ordinance Enacting FGC Sections 2-490 through 2-494 Creating a Fairbanks Diversity Council. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

**Mr. Anderson**, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5939.

**Mayor Eberhart** stated that there is an amended version of the ordinance available for substitution.

**Mr. Gatewood**, seconded by **Ms. Staley**, moved to SUBSTITUTE Ordinance No. 5939, as Amended, for Ordinance No. 5939.

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

**Mayor Eberhart** called for Public Testimony.

Gary Grant, 647 11th Avenue, Fairbanks – Mr. Grant spoke in support of the approval of Ordinance No. 5939, as Amended, specifically to the issue of mental health. He read aloud a portion of a report to the Surgeon General of the United States regarding how the impact on culture must be assessed in order to provide effective treatment for mental illnesses. He stated that the Surgeon General’s Report of 1999 identified that “contemporary, professional awareness of multi-cultural populations deserves inclusion for equitable mental health services.” He stated that the Surgeon General had previously pointed out that Americans do not share equally in the hope for recovery from mental illness. He read aloud more of the Surgeon General’s comments pertaining specifically to mental illness when viewing the issue through the lenses of age, gender and racial and cultural diversity. Mr. Grant went on to state that according to federal classifications created in the 1970’s, African Americans, American Indians/Alaska Natives, Asian Americans/Pacific Islanders, and White Americans are the four most predominantly-recognized races in the United States. He stated that they classify Hispanic Americans/Latinos as an ethnicity which may apply to a person of any race. He spoke to the many distinct ethnic subgroups within each broad race classification and stated that each group contains a full range of variation on nearly every social, psychological and biological dimension. Mr. Grant stated that one of the goals of the Surgeon General was that no one would come away without an appreciation for the diversity within each race and ethnic group and the implications of that diversity to mental health. He stated that his mentor was a cross-cultural assessment expert who identified “the cultural self” or the uniqueness of every individual in the world. He spoke to the importance of supporting Ordinance No. 5939, as Amended.

Bernardo Hernandez, 636 De Pauw Drive, Fairbanks – Mr. Hernandez stated that although he is a Borough employee, he is speaking to the Council as a citizen. He stated that he is a proud Alaskan and Fairbanksan who appreciates the diversity of the Fairbanks community. He indicated that there are still times of misinformation, misunderstanding and unacceptance within the community. Mr. Hernandez spoke to the value of embracing the concept of diversity and stated that it makes a stronger, more creative, resilient community with expanded talents and skills. He expressed his opinion that by passing Ordinance No. 5939, as Amended, the City would send a powerful message that Fairbanks welcomes and values all people and that it is a tolerant and forward-looking community.

FNSB Mayor Luke Hopkins, 3360 Murphy Dome Road, Fairbanks – Mayor Hopkins urged the City Council to unanimously adopt Ordinance No. 5939, as Amended. He spoke to the significance of the diversity issue and to the importance of adding the Fairbanks Diversity Council to the Fairbanks General Code. Mayor Hopkins pointed out Section 2-234(6) that speaks to the creation of a Diversity Action Plan that the Diversity Council may recommend to

both the City and the Borough for adoption. He expressed appreciation to Mayor Eberhart for having introduced the ordinance. He stated that he hopes that the issue of observing Dr. Martin Luther King, Jr. Day as a City holiday becomes a part of the City's labor contracts with the unions and also becomes a part of the Diversity Action Plan. Mayor Hopkins spoke to the Borough's willingness to participate in the Fairbanks Diversity Council.

Reverend Joe Blackburn, 3030 Peger Road, Fairbanks – Rev. Blackburn thanked Mayor Eberhart for his foresight in introducing Ordinance No. 5939, as Amended. He stated that he has lived in Fairbanks for 13 years and commented that it is a wonderful community. He stated, however, that there are some concerns and expressed his belief that a Diversity Council will enhance the balance of equality and fairness that some strive to attain, will help the community to become more in tune with issues and concerns, and will likely be a forum for new and innovative ideas. Rev. Blackburn stated that he cannot think of a downside to forming a Fairbanks Diversity Council and echoed Mayor Eberhart's words that our community is "stronger together."

Clarence Bolden, 421 Haines Avenue, Fairbanks – Mr. Bolden encouraged the adoption of Ordinance No. 5939, as Amended. He stated that he was the Executive Director of Human Resources for the FNSB School District for the last ten years and that part of his job was to recruit individuals of diverse and ethnic backgrounds. He indicated that the creation of a Fairbanks Diversity Council sends the message that the City and the Borough are committed to treating people fairly regardless of their circumstance. He stated that it welcomes all people to the City of Fairbanks and invites them to stay. Mr. Bolden explained that he moved his family to the Fairbanks area in 1987 from Atlanta. He stated that people of Atlanta united in 1963 to create a "city too busy to hate" and indicated that from that day on Atlanta citizens have lived by that motto. He expressed his belief that the adoption of Ordinance No. 5939, as Amended, would send a similar message.

Montean Jackson, 1018 27th Avenue, Fairbanks – Ms. Jackson stated that she was born in Alaska when it was still a territory. She stated that she feels encouraged by Mayor Eberhart's introduction of the ordinance to create a Diversity Council and stated that it is a forward-thinking and long overdue piece of legislation. She stated that when a group or an individual is uplifted it uplifts the whole community and encourages inclusion. Ms. Jackson spoke to not losing sight of those goals and remarked on the richness of the people in Fairbanks. She encouraged the adoption of Ordinance No. 5939, as Amended.

Pete Pinney, 814 6th Avenue, Fairbanks – Mr. Pinney commented that the Diversity Council will provide a venue for the City Mayor to gain perspectives that reflect the entire community. He stated that advisory councils are an integral part of providing wisdom to a body such as the City Council. He stated that it provides a forum for individuals to share their experiences as a Fairbanks citizen, especially if those individuals have felt underrepresented or have physical limitations to participate. He shared three items that help position a community for optimal development: 1) technology, 2) talent, and 3) tolerance. He expressed his support of Ordinance No. 5939, as Amended.

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

**Mr. Gatewood** asked Mayor Eberhart if he had given any more thought to the number of members that will serve on the Diversity Council.

**Mayor Eberhart** replied that he took the comments and questions from the last meeting into consideration. He reminded everyone that the Diversity Council will be a joint commission with 15 public seats, 12 appointed by the City and three appointed by the Borough. He stated that he does not believe the Council would be too large because of the large amount of demographics that the Diversity Council must represent. He urged the City Council to keep the number of public members at 15.

**Mr. Gatewood** stated that if a youth would be appointed to the Diversity Council, he would recommend the appointment of two. He indicated that it may be overwhelming and intimidating for only one youth to serve among adults.

**Mayor Eberhart** stated that if Ordinance No. 5939, as Amended, is adopted, the Clerk's Office will work with the IT Department to try and get the new Boards and Commissions software installed by April 1. He indicated that all 15 seats would be advertised by the City before he makes a recommendation for appointment to the City Council.

**Ms. Staley** stated that she had concerns with the large number of members only because she has served on boards when it has been difficult to get people to show up. She commented on the large public representation in support of the ordinance and stated that if that type of support continues within the community it should not be a problem finding 15 people to serve.

**Mayor Eberhart** shared that a citizen contacted his office and suggested some amendments to Ordinance No. 5939, as Amended. He read aloud the requested changes and stated that the Council may choose to amend the ordinance if they please.

**Mr. Anderson**, seconded by **Ms. Staley**, moved to AMEND Ordinance No. 5939, as Amended, by adding the language, "and the military" to Section 2-234(9)(c).

**Mr. Hilling** suggested rewording the additional language as, "to include military services."

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5939, AS AMENDED, BY ADDING THE LANGUAGE, "TO INCLUDE MILITARY SERVICES" TO SECTION 2-234(9)(c) AS FOLLOWS:

YEAS: Anderson, Gatewood, Staley, Hilling, Walley

NAYS: None

ABSENT: Matherly

**Mayor Eberhart** declared the MOTION CARRIED.

**Mr. Anderson**, seconded by **Ms. Staley**, moved to AMEND Ordinance No. 5939, as Amended, by adding the language, "and persons protected by the Americans with Disabilities Act, and" to Section 2-234(9)(e).

**Mr. Hilling** asked how various cultural, racial and ethnic groups are included in Section 2-234(9).

**Mayor Eberhart** explained that cultural, racial and ethnic groups are not included in Section 2-234(9) because it is describing which sectors of the community the diverse body will develop a constructive working relationship with.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5939, AS AMENDED, BY ADDING THE LANGUAGE, “AND PERSONS PROTECTED BY THE AMERICANS WITH DISABILITIES ACT, AND” TO SECTION 2-234(9)(e) AS FOLLOWS:

YEAS: Gatewood, Walley, Anderson, Staley, Hilling  
NAYS: None  
ABSENT: Matherly

**Mayor Eberhart** declared the MOTION CARRIED.

**Mr. Anderson**, seconded by **Mr. Hilling**, moved to AMEND Ordinance No. 5939, as Amended, by adding new subsection (g) to Section 2-234(9) to read, “Persons of all and any socio-economic status.”

**Mr. Hilling** clarified that the “, and” would have to be removed from subsection (e) and added to the end of subsection (f).

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5939, AS AMENDED, BY ADDING NEW SUBSECTION (g) TO SECTION 2-234(9) TO READ, “PERSONS OF ALL AND ANY SOCIO-ECONOMIC STATUS” AS FOLLOWS:

YEAS: Hilling, Walley, Staley, Gatewood, Anderson  
NAYS: None  
ABSENT: Matherly

**Mayor Eberhart** declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5939, AS AMENDED, AS FOLLOWS:

YEAS: Staley, Gatewood, Hilling, Anderson, Walley  
NAYS: None  
ABSENT: Matherly

**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 5939, as Amended, ADOPTED.

**NEW BUSINESS**

- a) Resolution No. 4617 – A Resolution Requesting Further Investigation and Information Regarding the Disaster at Fukushima. Introduced by Mayor Eberhart.

**Mr. Gatewood**, seconded by **Ms. Staley**, moved to APPROVE Resolution No. 4617.

**Mr. Hilling**, seconded by **Mr. Anderson**, moved to AMEND Resolution No. 4617 by adding the language, “and food products, to include those of” after the word resources in paragraph seven on page one.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESOLUTION NO. 4617 BY ADDING THE LANGUAGE, “AND FOOD PRODUCTS, TO INCLUDE THOSE OF” AFTER THE WORD RESOURCES IN PARAGRAPH SEVEN ON PAGE ONE AS FOLLOWS:

YEAS: Staley, Gatewood, Hilling, Anderson, Walley  
NAYS: None  
ABSENT: Matherly  
**Mayor Eberhart** declared the MOTION CARRIED.

**Mr. Hilling** referenced Mr. Davies’ testimony that it is the burden of government to begin a thorough monitoring program to protect its citizens.

**Mr. Hilling**, seconded by **Mr. Gatewood**, moved to AMEND Resolution No. 4617, as Amended, by changing the language in paragraph seven, line two to read, “...the federal government, the United Nations, and especially the State of Alaska, to begin...”

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESOLUTION NO. 4617, AS AMENDED, BY CHANGING THE LANGUAGE IN PARAGRAPH SEVEN, LINE TWO TO READ, “...THE FEDERAL GOVERNMENT, THE UNITED NATIONS, AND ESPECIALLY THE STATE OF ALASKA, TO BEGIN...” AS FOLLOWS:

YEAS: Hilling, Anderson, Walley, Staley, Gatewood  
NAYS: None  
ABSENT: Matherly  
**Mayor Eberhart** declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4617, AS AMENDED, AS FOLLOWS:

YEAS: Walley, Gatewood, Hilling, Anderson, Staley  
NAYS: None  
ABSENT: Matherly  
**Mayor Eberhart** declared the MOTION CARRIED and Resolution No. 4617, as Amended, APPROVED.

- b) Resolution No. 4618 – A Resolution Supporting Legislative Action to Adopt the Recommendations Suggested by the Alaska Workers’ Compensation Board in Resolution Number 13-01. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4619 – A Resolution Authorizing the City of Fairbanks to Request Funds from the U.S. Department of Homeland Security for the FFY2013 Fire Prevention and Safety Program. Introduced by Mayor Eberhart.

**Mr. Anderson**, seconded by **Ms. Staley**, moved to APPROVE Resolution No. 4619.

**Mr. Gatewood** stated that in the body of the resolution it speaks to hiring a temporary intern for one year but pointed out that the fiscal note indicates that the intern would be working for the City for two years. He expressed concern with there being more of a cost than what is shown.

**Mayor Eberhart** asked Assistant Fire Chief Misewicz to come forward to answer Mr. Gatewood’s questions.

Mr. Misewicz stated that the costs on the fiscal note have to be split between 2014 and 2015 due to the federal fiscal year.

**Mr. Gatewood** asked if there are any training costs or other expenses associated with the temporary hire that are not laid out in Resolution No. 4619.

Mr. Misewicz replied that the only training the intern will receive is internal training and indicated that the temporary position will assist the department in catching up on fire inspections.

**Ms. Staley** asked about the longevity of the temporary hire.

Mr. Misewicz stated that the Fire Department is requesting the position for one year.

**Mr. Hilling** stated that he generally objects to the City’s acceptance of federal grant dollars and commented that the Fairbanks is a City of means. He spoke to how these types of federal grants will pass more debt on to future generations. He stated that he intends to vote against Resolution No. 4619.

**Mr. Walley** spoke to other federal grants that the City has accepted in the past for hiring new positions. He indicated that whenever grant dollars are used to hire staff, departments tend to come back to the Council to request that the positions be permanently funded upon the expiration of the grant. **Mr. Walley** stated that for that reason he will not vote in favor of Resolution No. 4619.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4619 AS FOLLOWS:

YEAS: Anderson, Gatewood, Staley, Eberhart

NAYS: Hilling, Walley  
ABSENT: Matherly  
**Mayor Eberhart** declared the MOTION CARRIED and Resolution No. 4619 APPROVED.

- d) Resolution No. 4620 – A Resolution to Approve a Maintenance Agreement Between the City of Fairbanks and Fountainhead Development Incorporated. Introduced by Mayor Eberhart.

**Ms. Staley**, seconded by **Mr. Walley**, moved to APPROVE Resolution No. 4620.

**Mr. Gatewood**, seconded by **Ms. Staley**, moved to SUBSTITUTE Resolution No. 4620, as Amended, for Resolution No. 4620.

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

**Mr. Walley** stated that based on the conversations he has had with City Engineer Mike Schmetzer regarding the maintenance agreement he feels comfortable approving Resolution No. 4620, as Amended.

**Ms. Staley** expressed concern that if the Council approves Resolution No. 4620, as Amended, DOT may not follow through and put in the landscaping.

City Attorney Ewers stated that Mr. Schmetzer is under the weather. He explained that the state did not want to landscape the area if they were going to take on maintenance responsibilities. Mr. Ewers stated that the City can agree to be the obligated party for the maintenance then pass that responsibility on to Fountainhead Development via the agreement attached to Resolution No. 4620, as Amended. He pointed out that it would cost the City nothing. He stated that there will be provisions to protect the City if at some point Fountainhead Development no longer wishes to perform maintenance on the intersection.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4620, AS AMENDED, AS FOLLOWS:

YEAS: Gatewood, Walley, Anderson, Staley, Hilling  
NAYS: None  
ABSENT: Matherly  
**Mayor Eberhart** declared the MOTION CARRIED and Resolution No. 4620, as Amended, APPROVED.

### **COMMUNICATIONS TO COUNCIL**

- a) Public Safety Commission Meeting Minutes of July 9, 2013

ACCEPTED on the CONSENT AGENDA



- b) Public Safety Commission Meeting Minutes of August 20, 2013

ACCEPTED on the CONSENT AGENDA

- c) Public Safety Commission Meeting Minutes of October 29, 2013

ACCEPTED on the CONSENT AGENDA

- d) Public Safety Commission Meeting Minutes of December 17, 2013

ACCEPTED on the CONSENT AGENDA

- e) Public Safety Commission Meeting Minutes of January 14, 2014

ACCEPTED on the CONSENT AGENDA

### **COUNCIL MEMBERS' COMMENTS**

**Mr. Gatewood** thanked the citizens who came out to testify to the City Council. He stated that he is glad to be a part of the City Council.

**Mr. Walley** spoke to the upcoming events in Fairbanks including the WCHA playoffs at the Carlson Center and the 2014 Arctic Winter Games and thanked all those who are volunteering their time for the games. He stated that the Open North American Championship Sled Dog Race will kick off shortly after the Arctic Winter Games are over.

**Ms. Staley** announced that the next Public Safety Commission meeting would take place on March 10 at the Fairbanks Police Department at 11:30 A.M. She stated that the next meeting of the Golden Heart Parking Services Board is at 8 A.M. April 9 at Springhill Suites. **Ms. Staley**, in reference to Mr. Turney's comments on the background of the Chauffeur Appellant, stated that she did not question Mr. Hurd in detail because he stated that he was nervous and she wanted to respect him.

**Mr. Hilling** stated that it has been three days since the passenger aircraft went down close to Vietnam. He stated that he has a theory that it may have been a terrorist act and expressed hope that the national news media would "get on the ball."

**Mr. Anderson** stated that he would support any of the three possibilities presented to the City by the Fairbanks Community Museum in regard to Old City Hall. He thanked Mayor Eberhart for his comments at the recent Tanana Chiefs Conference (TCC) and Chamber of Commerce reception. He spoke to the Fukushima Disaster and commented that Fairbanks helps outlying areas throughout the state by passing legislation like Resolution No. 4617, as Amended. **Mr. Anderson** stated that in 1970 under the administration of former Mayor Ruth Burnett, he organized a trip for Borough Assembly and City Council Members to travel to Fort Yukon to meet with their citizens and City Council. He commented on how those types of interactions can help Fairbanks reach out and get along with rural communities.

**Mayor Eberhart** mentioned that the City Council approved \$3,000 in Community Promotions for the Mayor's Office in the 2014 budget. He stated that some of the funds were used to help sponsor the TCC/Chamber of Commerce reception and the upcoming TCC Rural Providers' Conference (RPC).

**CITY CLERK'S REPORT**

City Clerk Hovenden thanked those Council Members who had already turned in their Financial Disclosure Statements and reminded others that it is due March 17 by 5 P.M.

**ADJOURNMENT**

**Mr. Walley**, seconded by **Ms. Staley**, moved to ADJOURN the meeting.

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

**Mayor Eberhart** declared the Meeting adjourned at 9:05 P.M.

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JOHN EBERHART, MAYOR

ATTEST:

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JANEY HOVENDEN, MMC, CITY CLERK

Transcribed by: DS

**RESOLUTION NO. 4628**

**A RESOLUTION TO ACCEPT FUNDING FROM THE ALASKA DIVISION  
OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT FOR  
SFY2015 LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)**

**WHEREAS**, the City of Fairbanks has received funding 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 to support, sustain, and enhance the LEPC in order to perform its statutory responsibilities under state and federal law; and

**WHEREAS**, the Alaska Division of Homeland Security has awarded \$23,693.00 to the City of Fairbanks, and no matching funds are required;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that the Mayor is authorized to accept and execute any and all documents required for expending funds on behalf of the City for this project.

**PASSED and APPROVED this 12th Day of May 2014.**

\_\_\_\_\_  
John Eberhart, Mayor

AYES:  
NAYS:  
ABSENT  
APPROVED:

ATTEST:

APPROVED AS TO FORM

\_\_\_\_\_  
Janey Hovenden, MMC, City Clerk

\_\_\_\_\_  
Paul J. Ewers, City Attorney

**CITY OF FAIRBANKS**  
**FISCAL NOTE**

**I. REQUEST:**

Ordinance or Resolution No: 4628

Abbreviated Title: SFY2015 LOCAL EMERGENCY PLANNING COMMITTEE

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? \_\_\_\_\_

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:**

<b>ESTIMATED EXPENDITURES</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Personnel Wages	\$5,298	\$5,298			\$10,596
Personnel Benefits	\$3,191	\$3,191			\$6,382
Supplies	\$1,000	\$2,100			\$3,100
Contractual		\$1,095			\$1,095
Equipment					\$0
Travel		\$2,520			\$2,520
Construction					\$0
<b>TOTAL</b>	<b>\$9,489</b>	<b>\$14,204</b>	<b>\$0</b>	<b>\$0</b>	<b>\$23,693</b>

<b>ESTIMATED FUNDING SOURCES</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
General Fund					\$0
Capital Fund					\$0
Federal Grant					\$0
State Grant	\$9,489	\$14,204			\$23,693
Local Grant					\$0
Cash Match					\$0
In-Kind Match					\$0
Other					\$0
<b>TOTAL</b>	<b>\$9,489</b>	<b>\$14,204</b>	<b>\$0</b>	<b>\$0</b>	<b>\$23,693</b>

Reviewed by Finance Department:

Initial   mb  

Date   5/6/2014

**RESOLUTION NO. 4629**

**A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO APPLY FOR  
AND ACCEPT FUNDS FROM THE ALASKA DIVISION OF HOMELAND  
SECURITY FOR THE FFY2014 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 the emergency operations, all hazards, and the continuity of operation plans; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that the Mayor is authorized to accept and execute any and all documents required for requesting and expending funds on behalf of the City for this project.

**PASSED and APPROVED this 12th Day of May 2014.**

\_\_\_\_\_  
John Eberhart, Mayor

AYES:  
NAYS:  
ABSENT  
APPROVED:

ATTEST:

APPROVED AS TO FORM

\_\_\_\_\_  
Janey Hovenden, MMC, City Clerk

\_\_\_\_\_  
Paul J. Ewers, City Attorney

**CITY OF FAIRBANKS**  
**FISCAL NOTE**

**I. REQUEST:**

Ordinance or Resolution No: 4629

Abbreviated Title: FFY2015 EMERGENCY MANAGEMENT PERFORMANCE GRANT

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? \_\_\_\_\_

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:**

<b>ESTIMATED EXPENDITURES</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Personnel Wages	\$6,200	\$6,200			\$12,400
Personnel Benefits	\$3,800	\$3,800			\$7,600
Supplies					\$0
Contractual					\$0
Equipment					\$0
Travel					\$0
Construction					\$0
<b>TOTAL</b>	<b>\$10,000</b>	<b>\$10,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$20,000</b>

<b>ESTIMATED FUNDING SOURCES</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
General Fund					\$0
Capital Fund					\$0
Federal Grant	\$5,000	\$5,000			\$10,000
State Grant					\$0
Local Grant					\$0
Cash Match					\$0
In-Kind Match (General Fund Personnel Costs)	\$5,000	\$5,000			\$10,000
Other					\$0
<b>TOTAL</b>	<b>\$10,000</b>	<b>\$10,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$20,000</b>

Reviewed by Finance Department:

Initial mb

Date 5/6/2014

Introduced by: Mayor Eberhart  
Date: May 12, 2014

**ORDINANCE NO. 5947**

**AN ORDINANCE RATIFYING A LABOR AGREEMENT  
BETWEEN THE CITY OF FAIRBANKS AND THE  
INTERNATIONAL BROTHERHOOD OF ELECTRICAL  
WORKERS LOCAL 1547**

**WHEREAS**, the negotiating teams for the City and IBEW have reached a tentative agreement to extend the current collective bargaining agreement for an additional year under the terms and conditions outlined in the attached Letter of Agreement; and

**WHEREAS**, the fiscal impact of the Letter of Agreement is shown in Ordinance No. 5848, an Ordinance Amending the 2014 Operating and Capital Budgets for the Third Time,

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, AS FOLLOWS:

**Section 1.** The terms and conditions in the attached Letter of Agreement are hereby ratified and approved.

**Section 2.** That the effective date of this Ordinance shall be the \_\_\_\_ day of June 2014.

\_\_\_\_\_  
John Eberhart, Mayor

AYES:  
NAYS:  
ABSTAIN:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Janey Hovenden, MMC, City Clerk

\_\_\_\_\_  
Paul Ewers, City Attorney

**Letter of Agreement**

**City of Fairbanks (COP)**

**and**

**International Brotherhood of Electrical Workers (IBEW), Local 1547, AFL-CIO**

The City and IBEW have negotiated for a successor collective bargaining agreement (CBA) to the January 1, 2011-December 31, 2013 CBA. The City and IBEW hereby agree as follows:

1. The CBA is amended to include the following provision in Article 2: Work-Study Job Training Opportunity. Recognizing the value of the High School Work Based Learning programs, the parties agree to a partnership program by the City with local High Schools for the purpose of work-study job training. Students participating in work-study opportunities, whereby they work with City employees covered by this CBA, will be exempted from membership in the Union and will not be eligible for wages and benefits as provided under this CBA. The City may establish compensation for participants in this program so long as it does not negatively impact wage and benefits for City employees covered by this CBA. Participation in this program is viewed as a learning opportunity and is not intended to displace staffing levels.
2. Article 16.1.A is amended to read that the package rate will be adjusted by an increase of two and one-half percent (2.5%) for 2014, retroactive to January 1, 2014.
3. IBEW and its members shall decide how to apply the increase in paragraph 2 above with respect to wages, benefits, and healthcare.
4. The CBA is amended to include the attached Letter of Agreement relating to the job share program.
5. Article 26.1 is amended to read that a reopener for economic issues and negotiations for a successor CBA shall start no later than October 2014.
6. Other than as above stated, all other terms of the January 1, 2011-December 31, 2013 CBA shall remain in effect unless otherwise mutually agreed.

By: John Eberhart  
John Eberhart  
City Mayor

By: John Ferree  
John Ferree, Assistant Business Manager, IBEW

Date: 8 May 2014

Date: MAY 7, 2014



**Letter of Agreement  
By and Between  
City of Fairbanks (City)  
And  
IBEW Local Union 1547 (Union)**

With this letter of agreement the City and the Union jointly agree to incorporate the following language into the current collective bargaining agreement

**10.2 – Job Share**

The job share program is designed to retain the valuable services of qualified employees through two employees sharing a single budgeted position. Availability and approval for job share opportunities will be at the sole discretion of the Mayor and affected Department Head.

- A. Job sharing is defined as two employees qualified for the same classification sharing one position. Job share opportunities will be based on a schedule to be approved in advance by the Department Head.
- B. If a job share employee separates or successfully bids into another classification, the remaining employee will have the option of reverting to full-time or requesting that the job share position be bid. If no other job share employee is hired into the position, the employee will be expected to resume full-time work status.
- C. Personal leave accrual will be prorated based on the hours worked.
- D. The employee scheduled on a holiday will observe the holiday. The employee not scheduled will not be compensated for the holiday. Each employee shall be entitled to one personal floating holiday per year.
- E. Alaska Electrical Health and Welfare Plan premium contributions will be paid for the active employee only. The inactive employee will have all benefits suspended during their job share inactive time including the use or drawdown of any accumulated personal leave.
- F. The employee who is not actively working may elect to receive COBRA benefits under the Alaska Electrical Health and Welfare Plan.

The authorized representatives of the City and the Union have executed this document this 7<sup>th</sup> day of April, 2014.

City of Fairbanks

IBEW 1547

By   
\_\_\_\_\_  
Mayor John Eberhart

By   
\_\_\_\_\_  
Assistant Business Manager John Ferree

**ORDINANCE NO. 5948**

**AN ORDINANCE AMENDING THE 2014  
OPERATING AND CAPITAL BUDGETS FOR THE THIRD TIME**

**WHEREAS**, this ordinance incorporates the changes outlined on the attached fiscal note to amend the 2014 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** font]:

**SECTION 1.** There is hereby appropriated to the 2014 General Fund budget from the following sources of revenue for the City of Fairbanks in the amount indicated 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, 2014 and ending December 31, 2014:

	APPROVED BUDGET	AS AMENDED
Taxes, (all sources)	\$ 19,920,196	\$ 19,920,196
Charges for Services	4,372,020	4,372,020
Intergovernmental Revenues	4,541,084	4,541,084
Licenses & Permits	1,444,914	1,444,914
Fines, Forfeitures & Penalties	1,022,185	1,022,185
Interest & Penalties	130,500	130,500
Rental & Lease Income	158,744	158,744
Other Revenues	215,000	215,000
Other Financing Sources	(664,869)	(664,869)
Total appropriation	<u>\$ 31,139,774</u>	<u>\$ 31,139,774</u>

**SECTION 2.** There is hereby appropriated to the 2014 budget expenditures for the City of Fairbanks in the amount indicated:

DEPT	DESCRIPTION	APPROVED BUDGET	AS AMENDED
10	Mayor and Council	\$ 502,467	\$ 507,865
11	Office of the City Attorney	175,761	178,104
12	Office of the City Clerk	344,049	348,914
13	Finance Department	903,321	923,640
14	Information Technology	1,404,586	1,420,382
15	General Account	5,725,431	5,725,431
16	Risk Management	1,040,819	1,040,819
20	Police Department	7,151,255	7,200,352
21	Dispatch Center	2,048,745	2,051,459
30	Fire Department	6,351,259	6,357,074
50	Public Works Department	7,530,572	7,534,588
51	Engineering Department	489,065	518,231
60	Building Department	655,195	670,308
Total appropriation		<u>\$ 34,322,525</u>	<u>\$ 34,477,167</u>
12/31/13 general fund balance		\$ 13,270,040	\$ 13,270,040
Decrease to fund balance		(3,182,751)	(3,337,393)
Nonspendable		(424,514)	(424,514)
Committed for snow removal		(250,000)	(250,000)
Assigned self insurance		(785,248)	(785,248)
12/31/14 Unassigned balance		<u>\$ 8,627,527</u>	<u>\$ 8,472,885</u>

**SECTION 3.** There is hereby appropriated to the 2014 Capital Fund budget from the following sources of revenue for the City of Fairbanks in the amount indicated 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, 2014, and ending December 31, 2014.

	APPROVED BUDGET	AS AMENDED
Transfer from Permanent Fund	\$ 514,960	\$ 514,960
Transfer from General Fund	1,500,000	1,500,000
Transfer Ambulance Mileage from General Fund	65,000	65,000
Budgeted Garbage Equipment Replacement	219,545	219,545
Equipment Replacement - Public Works	250,000	250,000
Equipment Replacement - Building Department	10,000	10,000
Equipment Replacement - Police	180,000	180,000
Equipment Replacement - Dispatch	80,000	80,000
Equipment Replacement - Fire	250,000	250,000
Equipment Replacement - IT	110,000	110,000
Property Repair & Replacement	145,000	145,000
	<hr/>	<hr/>
Total appropriation	\$ 3,324,505	\$ 3,324,505

**SECTION 4.** There is hereby appropriated to the 2014 capital budget, expenditures for the City of Fairbanks in the amount indicated:

<u>DEPARTMENT</u>	<u>DESCRIPTION</u>	<u>APPROVED BUDGET</u>	<u>AS AMENDED</u>
14	Information Tech. Department	637,300	637,300
20	Police Department	180,000	180,000
21	Dispatch Department	555,488	555,488
30	Fire Department	572,829	572,829
50	Public Works Department	1,955,463	1,955,463
	Total appropriation	\$ 3,901,080	\$ 3,901,080
12/31/13 capital fund balance		\$ 6,008,764	\$ 6,008,764
Decrease to fund balance		(576,575)	(576,575)
12/31/14 Assigned fund balance		<u>\$ 5,432,189</u>	<u>\$ 5,432,189</u>

**SECTION 5.** 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, 2014 and ending December 31, 2014.

**SECTION 6.** The effective date of this ordinance shall be the \_\_\_\_\_ day of May 2014.

\_\_\_\_\_  
**JOHN EBERHART, MAYOR**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM

\_\_\_\_\_  
Janey Hovenden, MMC, City Clerk

\_\_\_\_\_  
Paul J. Ewers, City Attorney

**FISCAL NOTE**

**ORDINANCE 5946, AMENDING THE 2014 OPERATING AND CAPITAL BUDGETS  
FOR THE SECOND 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  
ESTIMATED EXPENDITURES

**\$154,642 INCREASE**

1. Mayor & Council – \$5,398 Increase
  - \$ 2,593 Increase Salaries and Benefits (IBEW CBA)
  - \$ 2,805 Increase Salaries and Benefits - 10% Increase for Communications Director/Public Information Officer
2. City Attorney's Office – \$2,343 Increase
  - \$ 2,343 Increase Salaries and Benefits (IBEW CBA)
3. City Clerk's Office – \$4,865 Increase
  - \$ 4,865 Increase Salaries and Benefits (IBEW CBA)
4. Finance Department – \$20,319 Increase
  - \$20,319 Increase Salaries and Benefits (IBEW CBA)
5. Information Technology – \$15,796
  - \$15,796 Increase Salaries and Benefits (IBEW CBA)
6. General Account – No Change
7. Risk Management – No Change
8. Police Department – \$49,097 Increase
  - \$3,502 Increase Salaries and Benefits (IBEW CBA)
  - \$31,357 increase to salaries and wages funding two officers October 1 through December 31, 2014
  - \$14,238 increase to benefits funding two officers October 1 through December 31, 2014
9. Dispatch – \$2,714 Increase
  - \$ 2,714 Increase Salaries and Benefits (IBEW CBA)
10. Fire Department – \$5,815 Increase
  - \$ 5,815 Increase Salaries and Benefits (IBEW CBA)
11. Public Works – \$4,016 Increase
  - \$4,016 Increase Salaries and Benefits (IBEW CBA)



FISCAL NOTE CONTINUED  
ESTIMATED EXPENDITURES

12. Engineering – \$29,166 Increase

- \$29,166 Increase Salaries and Benefits (IBEW CBA)

13. Building Department – \$15,113 Increase

- \$15,113 Increase Salaries and Benefits (IBEW CBA)

## FISCAL NOTE CONTINUED

### Capital Fund

1. REVENUES

- No change

2. OTHER FINANCING SOURCES (USES)

- No change

3. EXPENDITURES

- No Change

4. INTERNAL TRANSFERS

- No Change



CLAY STREET CEMETERY COMMISSION  
REGULAR MEETING MINUTES, APRIL 2, 2014  
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 presiding and with the following members in attendance:

Members Present: Dave Erickson, Seat A  
David Pruhs, Seat B  
Anne Castle, Seat C

Absent: Frank Turney, Seat D

Also Present: D. Danyielle Snider, Deputy City Clerk II  
Tanya Clooten, Deputy City Clerk I

**CITIZEN'S COMMENTS**

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

**APPROVAL OF AGENDA**

Mr. Pruhs requested that a new item titled "Application Review" be added to the agenda under Old Business.

Hearing no objection the item was added to the Agenda.

There was no objection from Commissioners to approving the Agenda, as amended.

**APPROVAL OF PREVIOUS MINUTES**

a) Regular Meeting Minutes of March 5, 2014.

Mr. Pruhs, seconded by Mr. Erickson, moved to APPROVE the Regular Meeting Minutes of March 5, 2014.

There was no objection from Commissioners to approving the Minutes, as presented.

**UNFINISHED BUSINESS**

a) 2014 Granite Marker Order

Mr. Erickson presented the Commission with a price listing for various types of markers. He stated that placing bases on markers is sometimes optional but indicated that the beveled markers typically have a base.

**Ms. Castle** asked if \$184.00 each includes the cost of the base.

**Mr. Erickson** replied affirmatively.

**Ms. Castle** reminded the Commission that at the last meeting members discussed having the bases made locally from concrete.

**Chair Robertson** suggested that the Commission continue ordering bases of the same size, 16x8 inches.

**Mr. Erickson** stated that typically the bases are two inches larger on each side than the markers so the bases would need to be 20x12 inches if the markers are 16x8 inches.

**Mr. Pruhs** stated that there is \$12,000 in the Clay Street account.

**Chair Robertson** stated that to order bases for the 44 markers that are in storage, it would cost \$2,024 at \$46.00 each. He stated that the company is willing to provide the Commission with a free sample.

**Mr. Pruhs**, seconded by **Ms. Castle**, moved to PURCHASE forty-four 20x12x4 inch bases at \$46.00 each from Fairbanks Precast and Rebar for a total of \$2,024, including delivery to the Cemetery.

**Ms. Castle** and **Mr. Erickson** clarified that the number of markers in storage is 42.

**Chair Robertson** stated that the City may be willing to budget for the replacement of some marker bases in the cemetery in 2015.

**Mr. Erickson** reminded the Commission that last year there were two different sized markers placed in the cemetery, 16x8 and 20x10 inches.

**Mr. Pruhs**, with the concurrence of the second, amended his motion to PURCHASE by increasing the number of bases to 50 for a total cost of \$2,300, including delivery to the Cemetery.

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

**Chair Robertson** stated that he would place the order.

Members discussed the timing of placing orders and how long it would take for the products to arrive.

**Mr. Erickson** stated that it may take up to three months for delivery. He stated that if the Commission placed a 2014 marker order it would put delivery towards the end of summer during the rainy season. **Mr. Erickson** stated that non-beveled markers are \$112 each without shipping. He stated that the first step would be to place the marker order then provide the company with a list of names to go on the markers at a later date.

**Mr. Pruhs** stated that after the base order is placed, the Clay Street account will have a balance of about \$10,000. He suggested that the Commission leave a minimum amount of \$3,000 in the account. **Mr. Pruhs** stated that the Commission has approximately \$7,000 available to order markers. He estimated that if each marker costs \$140 including freight, the Commission could afford to purchase 50.

**Mr. Pruhs**, seconded by **Ms. Castle**, moved to PURCHASE fifty beveled markers with an estimated unit price of \$140, including shipping, for a total of \$7,000.

**Ms. Castle**, seconded by **Mr. Pruhs**, amended the motion to PURCHASE by specifying that the markers be 16x8x6/4 inches in dimension and that they be pillow-type granite markers.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE MAIN MOTION TO PURCHASE BY SPECIFYING THAT THE MARKERS BE 16x8x6/4 INCHES IN DIMENSION AND THAT THEY BE PILLOW-TYPE GRANITE MARKERS AS FOLLOWS:

AYES: Pruhs, Castle, Erickson, Robertson

NAYS: None

ABSENT: Turney

**Chair Robertson** declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PURCHASE FIFTY GRANITE, BEVELED MARKERS AT AN ESTIMATED UNIT PRICE OF \$140, INCLUDING SHIPPING, FOR A TOTAL OF \$7,000, AS FOLLOWS:

AYES: Pruhs, Robertson, Castle, Erickson

NAYS: None

ABSENT: Turney

**Chair Robertson** declared the MOTION CARRIED.

b) Concrete Bases for 2013

Members discussed bases under item (a) of the Agenda.

c) Kiosk

**Ms. Castle** stated that there is no record of City approval for the new kiosk in past Commission minutes. She stated that the City also has design standards that the Commission may need to abide by when building and placing the kiosk. She recommended that the Commission check with the City Engineer before proceeding with the kiosk and pointed out that the City will have to maintain the structure after it is built.

**Chair Robertson** stated that he would check with the City Engineer.

**Mr. Pruhs** asked that Chair Robertson also check with the City Engineer on the proposed kiosk location.

**Chair Robertson** commented that the existing kiosk is a disaster. He stated that there are screws into the plexi-glass that have caused it to crack.

**Ms. Castle** distributed a handout titled "2014 Bed Tax Marker List." She explained that there are 61 names on the list but indicated that the list can be shortened by removing those records that have not yet been verified. She stated that the names on the list that have locations assigned have been verified. **Ms. Castle** stated that the Commission will need to replace the shattered marker of a Mr. Jackson but indicated that his name is not included in the handout because a different sized marker would have to be

ordered. She asked Mr. Erickson if it would be possible to order a single, larger marker at the same time as the bulk marker order.

**Mr. Erickson** replied affirmatively.

**Chair Robertson** suggested that since there is no rush, the Commission hold off on ordering the single replacement marker until the base can be properly measured.

**Mr. Pruhs** suggested that Ms. Castle select the 50 listings that she has the most reliable information on to receive the new markers.

There was no objection to Mr. Pruhs' request.

**Ms. Castle** stated that Mr. William Wimbish's marker would be a part of the upcoming order.

d) Bylaws

**Ms. Castle** stated that the bylaws should govern the Commission, not the Clay Street Cemetery. She stated that the Fairbanks General Code (FGC) states that the Commission shall "establish rules of procedure."

**Mr. Pruhs** distributed a handout of bylaws drafted by Chair Robertson.

Members discussed the difference between Rules of Procedure for the Commission and Bylaws governing the cemetery itself.

**Mr. Pruhs** offered to draft some Commission Rules of Procedure to present at the next meeting.

**Ms. Castle** recommended that language in the FGC pertaining to the Clay Street Cemetery Commission be excluded or only referenced in the Rules of Procedure.

Deputy Clerk Snider clarified that establishing of rules of procedure for the Commission will not need City Council approval. She stated that it is not recommended that Rules of Procedure for a Commission become a part of the FGC.

e) Application of Potential New Member – Matthew Carrick

**Mr. Pruhs** asked if there was a closing date for applicants to apply for membership.

Ms. Snider replied that there is no application closing date.

**Chair Robertson** commented that whoever is selected for the newly-created seats should be willing to remain on the Commission for a significant amount of time and should be valuable to both the Commission and the City.

**Mr. Pruhs** asked if any other applications had been received. He suggested that he would like Laurie Halpin to apply.

Ms. Snider replied that there have been no other applicants for the Clay Street Cemetery since the last meeting.

**Mr. Robertson** indicated that he would like to see Karen Erickson apply. He stated that he intends to give Ms. Erickson a call.

**Mr. Pruhs**, seconded by **Mr. Robertson**, moved that the Commission collect applications until June 1, then review and rate the applications before submitting them to Mayor Eberhart for recommendation.

**Ms. Castle** stated that she would abstain from the vote.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO COLLECT APPLICATIONS UNTIL JUNE 1, THEN REVIEW AND RATE THE APPLICATIONS BEFORE SUBMITTING THEM TO MAYOR EBERHART FOR RECOMMENDATION AS FOLLOWS:

AYES:	Pruhs, Robertson, Erickson
NAYS:	None
ABSENT:	Turney
ABSTAINED:	Castle

**Chair Robertson** declared the MOTION CARRIED.

### **NEW BUSINESS**

a) Rules at the Cemetery

**Mr. Pruhs** stated that Mr. Erickson recently emailed him the Soldotna Memorial Park Administrative Policy. He stated that the policy may be a good model for creating rules for Clay Street Cemetery.

**Mr. Erickson** suggested that all the rules should fit on one sign posted at the cemetery. He stated that he could probably have a draft of the rules ready to present by the next meeting.

**Ms. Castle** requested that the draft be emailed to members for review prior to the next meeting.

b) Open Meetings Act

**Ms. Castle** cautioned Commissioners to abide by the Open Meetings Act, especially in regard to email communications. She stated that making a decision by phone or email is not in concordance with the Act.

Ms. Snider distributed a copy of AS 44.62.310, Government Meetings Public.

**Chair Robertson** questioned whether the Act had been violated by the Commission.

**Ms. Castle** stated that she believed Chair Robertson's email soliciting a "quick response" from Commissioners may have violated the Act.

**Chair Robertson** stated that the issue he emailed Commissioners about was just decided upon previously in the meeting.

**Mr. Pruhs** stated that the Commission will be careful to abide by the Act in the future and include the City Clerk's Office on Commission correspondence.

### **DISCUSSION ITEMS**

a) Open Agenda

There were no items for the open Agenda.

### **MEMBERS' COMMENTS**

**Mr. Erickson** asked if the bases for the markers will be placed above the ground or flush with the ground.

**Mr. Pruhs** replied that the bases will be placed slightly above ground.

Members discussed how to relocate markers and bases prior to placement.

**Chair Robertson** stated that Public Works will deliver the markers and that the supplier will deliver the bases to the cemetery.

Ms. Snider asked Chair Robertson the status of the contract for the FNSB Historic Signage Project.

**Chair Robertson** stated that Jewelz Nutter was inquiring as to the wording that should be printed on the sign. He asked Ms. Snider to make contact with Ms. Nutter and invite her to attend the next Regular Commission Meeting.

Ms. Snider stated that the next step would be for the Commission to forward the contract to the City for final approval. She stated that she would contact Ms. Nutter.

### **NEXT MEETING DATE**

The next Regular Meeting of the Clay Street Cemetery Commission will be May 7, 2014.

### **ADJOURNMENT**

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

**Chair Robertson** called for objection and, hearing none, ordered the meeting ADJOURNED at 6:05 P.M.

  
Bill Robertson, Chair

  
D. Danyielle Snider, Deputy City Clerk

Transcribed by: DS