



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

The City Council convened at 7:00 p.m. on the above date, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor John Eberhart presiding and with the following Council Members in attendance:

Council Members Present: Renee Staley, Seat A
 Perry Walley, Seat B
 Bernard Gatewood, Seat C
 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 6th 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

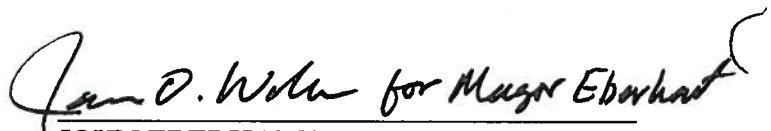
City Clerk Hovenden thanked those Council Members who had already turned in their Financial Disclosure Statements and reminded others that it is due March 17 by 5 P.M.

ADJOURNMENT

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

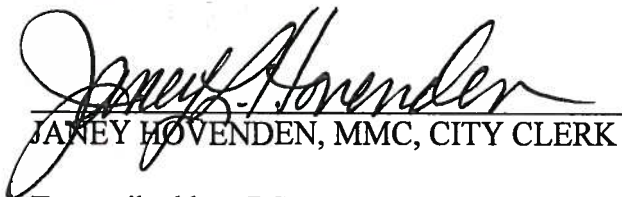
Mayor Eberhart called for objection and, hearing none, so ORDERED.

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



JOHN EBERHART, MAYOR

ATTEST:



JANEY HOVENDEN, MMC, CITY CLERK

Transcribed by: DS