



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JANUARY 6, 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 (Telephonic)
 Bernard Gatewood, Seat C
 Jim Matherly, Seat D
 Lloyd Hilling, Seat E (Telephonic)
 Chris Anderson, Seat F

Absent: Perry Walley, Seat B (Excused)

Also Present: Warren Cummings, Fire Chief
 Paul Ewers, City Attorney
 Janey Hovenden, City Clerk
 Stephanie Johnson, Dispatch Center Manager
 Ryan Rickels, IT Director
 Pat Smith, Development Manager
 Jim N. Soileau, Chief Financial Officer
 Laren Zager, Police Chief

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

CITIZEN'S COMMENTS

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that he had no animosity or dislike for Patrick Cole but spoke against Resolution No. 4605. He expressed his belief that Mr. Cole would not have wanted City Hall to be named after him. He suggested instead that the Council Chambers be named in Mr. Cole's honor. Mr. Turney stated that the Fairbanks Police Department is not an appropriate place to hold Public Safety Employees Association (PSEA) labor negotiations because it is not accessible to the public. He stated that there were no signs posted for the public regarding the last negotiation meeting and commented that the clerk at the front desk was not even aware that the meeting was happening. He recommended that future PSEA negotiations be held in City Hall. Mr. Turney spoke to the Alaska Public Offices Commission (APOC) complaints filed against 2013 mayoral candidate Vivian Stiver and Mayor John Eberhart. He questioned whether or not Mayor Eberhart would be critical of APOC if a

complaint had not been filed against him. Mr. Turney expressed hope that there would be no appearance of a conflict of interest in the hiring of a new Chief of Staff.

Mandy Sullivan, 1161 Sunset Drive, Fairbanks – Ms. Sullivan stated that she works with the World Eskimo-Indian Olympics (WEIO) organization and that she missed the 2013 application deadline for the Hotel/Motel Discretionary Fund Grant. She explained that WEIO has a tight budget and will be looking at a shortfall in funding for the year. Ms. Sullivan stated that she is appealing to the City Council to obtain funding for WEIO. She stated that the main WEIO event will be held July 16 – 19, 2014, and that the organization is considering eliminating the North American Basketball Tournament in order to save money. She stated that WEIO tries to put all of the organization's money back into the Fairbanks community. Ms. Sullivan stated that WEIO has had over 200 athletes, 164 vendors and 209 dance participants in past years and pointed out that the event brings an estimated \$800,000 to the Fairbanks community. She stated that WEIO is making an effort to make the event more international by appealing to populations in Asia and Northern Europe.

Mr. Gatewood asked Ms. Sullivan to speak to the reason WEIO missed the application deadline.

Ms. Sullivan explained that she is new to her position at WEIO and indicated that she was not fully aware of the process. She stated that she did not see the newspaper advertisement until October 27 and that some members of the organization were out of town at that time. She stated that she misunderstood the deadline and thought that she had until Friday, November 1 to turn in the application.

Mr. Gatewood asked how much it costs to put on the North American Basketball Tournament.

Ms. Sullivan replied that the event has cost about \$33,000 in the past.

Mr. Anderson asked Ms. Sullivan to speak to WEIO's returns on the basketball tournament.

Ms. Sullivan stated that since WEIO has not raised ticket prices the event generally breaks even. She stated that the top three competitors in each category are given prizes and that some of the revenue goes towards shirts for volunteers of the event. She indicated that the profit margin for the event is less than \$1,000.

Mr. Anderson asked Ms. Sullivan about WEIO's annual budget.

Ms. Sullivan stated that WEIO's total annual budget is \$179,000.

Mr. Anderson asked Ms. Sullivan how much money she is requesting from the City on behalf of WEIO.

Ms. Sullivan replied that the 18-year average of discretionary grant funds from the City to WEIO is \$9,200. She stated that she is requesting \$10,100 from the City of Fairbanks which is the same amount WEIO requested in the 2013 discretionary grant application.

Mr. Matherly recalled his phone conversation with Ms. Sullivan and commented that while the Hotel/Motel Discretionary Fund Committee was sympathetic to WEIO's predicament, they could not approve the late application. He asked Ms. Sullivan what she believes the Council should do.

Ms. Sullivan stated that she has been with the organization for a long time but is new to her current position. She indicated that she plans to stay with the organization for as long as she can and does not foresee the same problem happening in the future. She expressed hope that the City Council could find some funding for WEIO within the budget. Ms. Sullivan spoke to the uniqueness of the WEIO events and to the amount of visitors the events draw to the Fairbanks community. She stated that the use of the Carlson Center will cost \$16,000 which the organization never had to pay in the past.

Mr. Matherly expressed his respect and appreciation for WEIO. He spoke to the predicament of the Committee in making the decision to deny WEIO's application and stated that the grant opportunity was advertised five times in the Daily News Miner. He indicated that the Committee made the right decision but acknowledged that it is Ms. Sullivan's right to appeal to the City Council. He stated that he does not feel that it would be right to change the distribution in Resolution No. 4603 in order to allocate funding for WEIO and questioned whether there was another source of funding within the City's budget.

Ms. Sullivan expressed appreciation to the Council for considering WEIO's appeal.

Ms. Matherly asked Ms. Sullivan to speak to the effect the requested City funding would have on the 2014 events.

Ms. Sullivan stated that WEIO is looking at alternate funding sources, including sources outside of Fairbanks. She indicated that costs have gone up and there are additional expenses that WEIO has not had to pay in the past.

Mayor Eberhart asked Ms. Sullivan if she presented to the Committee. He asked if she was told she had the right to appeal to the City Council on the Committee's decision to deny the application.

Ms. Sullivan replied that she did not make a presentation to the Committee. She stated that she was told she had the right to appeal to the City Council.

Mayor Eberhart stated that he heard Ms. Sullivan say before the meeting that she had sent some written information to the Council. He indicated that he did not receive that information.

Ms. Sullivan stated that she sent a letter on December 26 and sent a notice to Council Members about five days ago regarding WEIO's intent to appeal the Committee's denial.

Mayor Eberhart asked Council Members if they received the correspondence from Ms. Sullivan.

No members replied affirmatively.

Mayor Eberhart stated that the City's website was down recently and indicated that the outage may have been the reason the correspondence was not received.

Mr. Anderson stated that his mother has been involved with WEIO since the 1960's and stated that he has also been involved with the organization for a number of years. He spoke briefly to WEIO's experiment of holding the event in Anchorage and indicated that the board has decided to keep the event in Fairbanks. **Mr. Anderson** stated that WEIO has had a lot of national and international exposure and indicated that there is a vast international interest in Alaskan Eskimo and Indian culture. He spoke to various magazines and brochures that have highlighted WEIO events and athletes in the past.

Ms. Sullivan stated that several athletes were featured in the spring issue of *Italian Vogue*.

Mr. Anderson expressed appreciation for the Hotel/Motel Discretionary Fund Committee's recommendation for distribution of funds. He indicated that he would like the City to help WEIO.

Mr. Anderson moved to APPROPRIATE \$10,000 from the City's General Fund to WEIO.

Mr. Gatewood asked Mayor Eberhart if it was the appropriate time for Mr. Anderson's motion.

Mayor Eberhart stated that Council Members are only permitted to ask questions during Public Testimony. He asked the Council if there would be any objection to allowing Mr. Anderson's motion during Public Testimony.

Mr. Hilling objected to allowing Mr. Anderson's motion during Public Testimony.

Mayor Eberhart stated that the motion would not be allowed during Public Testimony and explained to Mr. Anderson that he may make the motion during Council Members' Comments.

Carmen Sears, 2652 Scotch Pine Drive, North Pole – Ms. Sears stated that she has been a part of the WEIO organization for many years and was elected to the WEIO Board in 2000. She stated that WEIO has had a difficult time retaining a director and has not had a good track record with keeping the management of the organization in order. She indicated that it is challenging to find good people to work for the organization with such a small budget. Ms. Sears stated that WEIO has missed the application deadline for the Hotel/Motel Discretionary Fund Grant in the past. She acknowledged that staff turnover is a detriment to WEIO. She pointed out that WEIO is a Fairbanks-based organization and stated that the WEIO events bring in a significant amount of revenue to the Fairbanks community. She thanked the City for their support.

Mr. Matherly asked Ms. Sears if WEIO has appealed to the City Council in years past.

Ms. Sears replied that she does not recall if WEIO has appealed in the past.

Brian Rogers, 610 Kobuk Avenue, Fairbanks – Mr. Rogers thanked Mayor Eberhart for introducing Resolution No. 4605 in honor of Patrick Cole. He stated that he has worked with

few public officials who measure up to Mr. Cole and commented that he was a smart, dedicated, ethical, fair man. He urged the City Council to approve the resolution.

Mr. Gatewood asked Mr. Rogers how long he has lived in Fairbanks.

Mr. Rogers replied that he came to Fairbanks 43 years ago, the same year as Mr. Cole.

Mr. Gatewood spoke to the public opposition to the dedication of City Hall in Mr. Cole's honor and asked Mr. Rogers if he foresees any backlash in the community if Resolution No. 4605 was approved.

Mr. Rogers stated that it would be difficult to find anyone in the community who had animosity towards Mr. Cole. He acknowledged that renaming a building is a significant issue and that the decision to rename City Hall should not be taken lightly. He spoke to the honorable nature of Mr. Cole and indicated that renaming City Hall in his honor would send a message of public service to the community.

Flora Roddy, 480 Jeannette Way, #3, Fairbanks – Ms. Roddy spoke on behalf of WEIO's appeal to the City Council for funding. She stated that Ms. Sullivan is the fourth event coordinator WEIO has had in four years. She spoke to the international support for WEIO and to the exposure the organization has received worldwide. Ms. Roddy stated that she is one of the few paid WEIO employees but added that her hours have been cut from about 10 hours per week to 4 hours per week.

Mr. Matherly expressed hope that WEIO can find the right event coordinator to stay with the organization. He asked what she believes should happen next year if WEIO submitted a late application.

Ms. Roddy replied that she hopes Ms. Sullivan will stay with WEIO and that they will not have to worry about submitting late applications in the future. She stated that she will do everything in her power to ensure that the same situation does not occur in the future.

Nelson Traverso, PO Box 72176, Fairbanks – Mr. Traverso stated that he is an attorney with a private practice in downtown Fairbanks. He stated his strong support for the dedication of City Hall in Patrick Cole's honor. He stated that he met Mr. Cole about 28 years ago and that the dedication of the building would be a wonderful tribute to the legacy of Mr. Cole as a public servant. He stated that Mr. Cole was his personal mentor and was unmatched as a public servant. He spoke to Mr. Cole's long-lasting effect on the Fairbanks community and stated that he was a brilliant, kind and reasonable man who was still persistent, firm and humble. He stated that Mr. Cole was a soft-spoken giant who got things done in a quick and nimble way and often dealt with matters relating to economic development, labor negotiations, employment law, law enforcement, emergency preparedness, and taxes and property. He asked the Council to imagine what may happen if there were 535 Patrick Cole's working in the U.S. Capitol. Mr. Traverso stated that Pat Cole worked hard for the Fairbanks community because it was close to his heart and he truly loved his work. Mr. Traverso stated that Mr. Cole's dedication was so profound that he would schedule time to work even while he was in the hospital in Seattle, Washington. He

closed by stating that he would like see City Hall brought to life as “The Patrick B. Cole City Hall, a testament to the most devoted public servant in our City’s history.”

Mr. Hilling asked Mr. Traverso if it is a common thing for City Halls to be named in honor of individuals.

Mr. Traverso replied that he is unaware if it is a common practice. He pointed out that the courthouse in Fairbanks is named Rabinowitz Courthouse in honor of a renowned jurist and Justice.

FNSB Mayor Luke Hopkins, PO Box 81622, Fairbanks – Mayor Hopkins stated that Mr. Traverso’s words were well-spoken, eloquent and very fitting. He stated that he has known and worked with Patrick Cole for many years and commented that he was a dedicated public servant. He contributed much of the City’s progress to Mr. Cole and stated that Mr. Cole always treated others with respect and courtesy. Mayor Hopkins expressed his belief that the dedication of City Hall is an appropriate way to remember Mr. Cole and stated his support for Resolution No. 4605. He stated that if documentation of the renaming were to be produced, he would recommend that Mr. Traverso’s words be included in that documentation. Mayor Hopkins spoke to Resolution No. 4604, concerning the City’s acceptance of an Alaska Railroad permit for the construction and maintenance of a pedestrian and bicycle path. He offered his support of the resolution and spoke to the importance of the path along the Chena River.

Darlene Herbert, 906 Woodlawn Road, Fairbanks – Ms. Herbert stated that she has known Pat Cole for many years and expressed her support of Resolution No. 4605. She stated that Mr. Cole was a good man and a great servant to the public.

Patrick Smith, 2822 Chief Alexander Drive, Fairbanks – Mr. Smith thanked Mayor Eberhart for introducing Resolution No. 4605. He stated that he had the pleasure of knowing Patrick Cole as a mentor and a friend and commented that Mr. Cole was one of the finest men he has ever known. He spoke to the many extra hours Mr. Cole would put in at the office and to the remarkable ethics and values Mr. Cole practiced on a daily basis. Mr. Smith, in response to Mr. Turney’s earlier comment that Mr. Cole may not want City Hall named in his honor, stated that the greatest public servants do not sing their own praises. He commented that while Mr. Turney may be correct he still believes the right thing to do is to remember Mr. Cole in this way.

Ron Woolf, 1703 Alaska Way, Fairbanks – Mr. Woolf spoke in support of Resolution No. 4605. He echoed earlier comments in regard to Patrick Cole’s humility and hard work. He recalled the stories that Mr. Cole would sometimes share and referred to him as a “patriot of Fairbanks.” He read that a true patriot is “someone who gets a parking ticket and rejoices that the system is working” and chuckled that it sounds like something Patrick may have done. Mr. Woolf stated that Mr. Cole deserves the honor of having City Hall renamed in his memory.

Lee Despain, 352 Driveway Street, Unit B, Fairbanks – Mr. Despain spoke to Mayor Eberhart’s recent article in the News Miner regarding the APOC complaint filed against him. He stated that what Mayor Eberhart believes to have been approximately \$30 of in-kind donations has not been verified yet by APOC and suggested that the amounts may be larger. He stated that the in-kind donations of Ms. Stiver were calculated and verified by APOC to be about \$30. He stated that he

does not believe Mayor Eberhart and his attorney, Mike Walleri, are being cooperative or transparent in the APOC investigation. He quoted a portion of Mayor Eberhart's article which referred to the "long-standing animosity associated with my (Eberhart's) defense of the City of Fairbanks in a lawsuit." He stated that Mayor Eberhart should have referred to his defense of the City as an attempted defense because the jury did not rule in favor of the City on any of the accounts. He stated that the jurors felt that the City's story was not believable. He stated that it seems as if Mayor Eberhart is trying to make him out as the villain, while admitting to most of the complaints filed with APOC. Mr. Despain stated that Mayor Eberhart solicited correspondence with other public officials during his campaign using corporate equipment. He closed by stating that the arguments of Mayor Eberhart's attorney are truly unbelievable.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger stated that while he enjoys the WEIO events, he does not care for the "free money" distributed through Hotel/Motel Discretionary Fund Grant. He stated that it seems that every year there is an organization that fails to submit their application in a timely manner. He compared the pursuit of grant dollars to applying for welfare handouts from the government. Mr. Buberger stated that he does not believe City Hall should be renamed after Patrick Cole and that the building will always be referred to as "City Hall." He suggested that the new bike path along the river be named after Mr. Cole and spoke to the cost of changing the name of a building. Mr. Buberger stated that he holds no animosity towards Mr. Cole but urged the Council not to change the name of City Hall. He suggested alternate ways of memorializing Mr. Cole.

Warren Cummings, 3292 Jefferson Drive, Fairbanks – Mr. Cummings stated that he supports Resolution No. 4605 and the sentiments offered in earlier comments. He pointed out that in the 1990's Mr. Cole was a huge proponent in accomplishing the move of City Hall to its current location during financially uncertain times. He stated that to some, the building will always be Main School, to some it will always be City Hall and, if Resolution No. 4605 is passed, some will remember it as the Pat Cole City Hall.

Terry Strle, 1603 Suncha Circle, Fairbanks – Former Mayor Strle listed numerous buildings in Fairbanks that are named after remarkable individuals who have left an indelible mark on the City of Fairbanks. She spoke to Patrick Cole's honesty, incredible work ethic, and to his love for the Fairbanks community. She stated that anyone who did not know Mr. Cole could see his legacy of bipartisanship, fairness and commitment to the community by looking through 20 years of City history. Ms. Strle stated that Mr. Cole quietly served all the citizens of Fairbanks and encouraged the Council to support Resolution No. 4605.

Laren Zager, 911 Cushman Street, Fairbanks – Mr. Zager stated that about a month ago he nominated the Fairbanks Police Department to be named in Patrick Cole's honor. He stated that it later occurred to him that the nomination was selfish because Mr. Cole served the community on a much broader level. He stated that he is unsure of the propriety of naming any building after an individual but expressed his support for Resolution No. 4605.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Gatewood pulled Resolution No. 4604 and Resolution No. 4605 from the Consent Agenda.

Mr. Matherly pulled Resolution No. 4602 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 October 21, 2013.

PASSED and APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of November 4, 2013.

PASSED and APPROVED on the CONSENT AGENDA.

c) Regular Meeting Minutes of November 25, 2013.

PASSED and APPROVED on the CONSENT AGENDA.

d) Regular Meeting Minutes of December 2, 2013.

PASSED and APPROVED on the CONSENT AGENDA.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart thanked everyone who spoke under Public Testimony. He stated that the New Year is a time for resolve and optimism. He shared that the Fairbanks area had been selected as a test site for unmanned aerial devices and commended the University of Alaska Fairbanks (UAF) Chancellor and others for their work on the matter. **Mayor Eberhart** spoke to new businesses that are planning to open in Fairbanks in 2014 and to the record-high fund balance of the City's Permanent Fund at the end of 2013. He spoke to the possible crises the community faced and managed to avoid in 2013, including the loss of the F-16's at Eielson Air Force Base (EAFB) and the downsizing of military personnel at Fort Wainwright. He encouraged the residents of the Fairbanks area to focus on the energy crises and other important issues facing the community in 2014. **Mayor Eberhart** apologized to Mr. Turney that there was no one available to direct him to the most recent PSEA labor negotiations meeting and clarified that all future meetings will be held at City Hall to improve public access. He stated that he has attended Energy for All Alaskans meetings, a meeting at the Borough with a major oil company and a Chamber of Commerce Annual Membership meeting. He stated that he has met with the UAF

Diversity Office and hosted the visit of a Girl Scout Troop at City Hall with the help of a Fairbanks police officer. He commented that he attended the Carol Brice Family Center Christmas tree lighting and has been participating in labor contract negotiations for the International Brotherhood of Electrical Workers (IBEW) and PSEA. **Mayor Eberhart** stated that he attended a community summit on mental health services and commented that he is glad to hear the drop-in center would be open for about four hours per day. He stated that some mentally ill patients have been sent to Anchorage for treatment because there has not been proper treatment and housing available in Fairbanks. He expressed hope that the State of Alaska will step forward to address the need for mental health assistance and programs in the Interior. **Mayor Eberhart** stated that he has been participating in interviews to fill the Chief of Staff position and indicated that the City has been advertising the vacancy for multiple weeks, both on the City's website and in the News Miner. He stated that while there were not as many applicants as he had hoped, there was an outstanding candidate selected. He introduced Mr. James Williams as the City's new Chief of Staff and stated that Mr. Williams will begin work on February 3. He provided a brief resume of Mr. Williams to the Council. **Mayor Eberhart** stated that he met with WEIO in regard to their plan to appeal to the Council. He shared that he met with the UAF Fire Chief to discuss dispatch services, met with Mayor Hopkins regarding various issues and attended multiple meetings to discuss the possible expansion of the Community Service Patrol (CSP). He stated that he received disaster briefings from the Dispatch Manager and the Fire and Police Chiefs, attended a Public Safety Commission (PSC) meeting, attended an Interior Alaska Natural Gas Utility (IANGU) Board meeting, attended a Fairbanks Metropolitan Area Transportation System (FMATS) Policy Committee meeting, attended a meeting with Federal Pipeline Coordinator Larry Persily, and attended an award ceremony put on by Latinos Unidos del Norte where he received a certificate in recognition of his diversity efforts at the City of Fairbanks. **Mayor Eberhart** stated that he has recently requested input from City Department Heads on what can be done to improve diversity within their respective departments. He stressed the importance of citizen involvement in local government and stated that the City has been advertising Board and Commission vacancies both on the City's website and in the News Miner. He encouraged members of the community to step forward to participate and recognized Mr. Robert Kinnard, a newly-appointed member of the PSC. **Mayor Eberhart** stated that Patrick Cole was a friend, a colleague and a mentor. He spoke to the opposition to renaming City Hall in Mr. Cole's honor and pointed out that the building is not called Main School even though many refer to it as such. He expressed hope that the Council would approve Resolution No. 4605. He announced that a memorial service for Patrick Cole would be held in City Hall gymnasium on the evening of January 16, 2014, and invited everyone to attend.

NEW BUSINESS

- a) Resolution No. 4602 – A Resolution to Provide a Local Match Contribution for the FMATS 2014 Preventative Maintenance Project. Introduced by Mayor Eberhart.

Mr. Anderson, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4602.

Mr. Matherly spoke to the complicated and confusing nature of maintenance agreements. He asked if other local governments would be providing a funding match. He suggested that a work session with FMATS Coordinator, Donna Gardino, may be beneficial to the Council in order to

better understand the mechanics of maintenance agreements. He asked for clarification on the fourth whereas of the resolution that speaks to a state legislative grant and match contributions.

Mayor Eberhart asked City Engineer Mike Schmetzer to come forward to speak to Resolution No. 4602.

Mr. Schmetzer explained that these types of projects are considered preventative maintenance projects because the money comes from a fund within the FMATS budget specifically earmarked for repairs that will help minimize future maintenance costs. He stated that the City of North Pole and the Borough both pay matches when the repairs are being done on their roads. Mr. Schmetzer explained that the project is state funded but will involve the design of City Engineers. He stated that the Department of Transportation (DOT) will administer the construction contract and FMATS will oversee the work and authorize payment for the work.

Mr. Matherly asked if the roads are City roads.

Mr. Schmetzer replied that the streets are City-owned and maintained. He stated that this is a good opportunity to make improvements at a lower cost to the City.

Mr. Matherly spoke to complications in the past with the maintenance of streets that the City manages for the State of Alaska.

Mr. Schmetzer stated that most of the differences in maintenance agreements with the state have been resolved.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4602 AS FOLLOWS:

YEAS: Anderson, Gatewood, Staley, Hilling, Matherly

NAYS: None

ABSENT: Walley

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4602 APPROVED.

- b) Resolution No. 4603 – A Resolution Allocating the Discretionary Funds from Hotel/Motel Tax in the Amount of Two Hundred Seventy Thousand Dollars (\$270,000.00). Introduced by Council Member Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4604 – A Resolution Authorizing the City to Accept a Land Use Permit from the Alaska Railroad Corporation to Construct and Maintain a Pedestrian/Bicycle Path on Railroad Property. Introduced by Mayor Eberhart.

Mr. Anderson, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4604.

Mr. Gatewood stated that the fiscal note of Resolution No. 4604 does not seem to line up with the annual administrative fee of \$400 referenced in number three of the attached permit. He requested a staff report explaining the costs associated with the permit.

Mayor Eberhart stated that he also noticed the annual fee and spoke with the Finance Department about it. He stated that he was given a copy of an amended fiscal note.

City Clerk Hovenden stated that she distributed copies to each Council Member desk prior to the meeting.

Mr. Gatewood asked Chief Financial Officer (CFO) Jim Soileau how much the cost to the City would be beyond 2016.

Mr. Soileau stated that the requirement of a fiscal note is a fairly new process. He stated that the "beyond" column provides the Council with an estimate of the costs for the life of the item or agreement.

Environmental Manager Jackson Fox stated that the first \$400 fee would be due within 30 days of permit issuance. He explained that the other estimated expenditures on the fiscal note include the cost of maintaining the trail in the summer months. He clarified that the cost does not include winter maintenance because the City does not plan to maintain the path during the winter months. Mr. Fox stated that the maintenance costs on the fiscal note are meant to serve as a placeholder in case the Borough Parks and Recreation Department does not cover the costs on the City's behalf. He stated that the City has not yet come to an agreement with the Borough on the issue but indicated that he expects to see a maintenance agreement to cover the costs in the future.

Mr. Soileau pointed out that the labor costs are already covered in the Public Works wages and benefits budget and would not require additional funds.

Mr. Schmetzer explained that the pedestrian/bicycle path is an FMATS project and that FMATS policy states that project engineering cannot begin until a maintenance agreement is in place. He indicated that many design and construction components of the project will remain unknown until the area is surveyed and reviewed by the Engineering Department. Mr. Schmetzer stated that once the design of the project is 80 – 90% complete, the City will meet with the Borough, Golden Heart Utilities (GHU) and any other involved parties to work out a collective maintenance agreement. He explained that if at that point it is decided that the project will not move forward, the permit may be voided by the Council.

Mr. Gatewood expressed his fear that by approving Resolution No. 4604 it would lock the City into the project.

Mr. Schmetzer explained that the first step in planning the project is to obtain the permit. He clarified that all the City Engineer's time on the project will be reimbursed. He assured Mr. Gatewood that there is language in the permit that kills the agreement if the City decides not to go forward with it.

Mr. Matherly stated that while it may seem that Resolution No. 4604 is putting the “cart before the horse” he understands that it must be done in order to begin planning the project.

Mr. Schmetzer again mentioned the FMATS policy that will not allow a project to proceed with surveying and design until a maintenance agreement is in place.

Mr. Matherly stated that the process seems somewhat counter-intuitive and indicated that it is another reason why he would like to have a work session with FMATS.

Mr. Schmetzer clarified that when the project comes back before the Council for approval in 2 – 3 years, the Council may choose to deny the project.

Mr. Gatewood commented that in 2 – 3 years there could be a new Council who may not have the background on the project.

Mr. Schmetzer stated that by approving Resolution No. 4604 the Council would not be locking anything in, but would only be agreeing to the design of the pedestrian/bike path.

The phone connection with Mr. Hilling was lost during the discussion regarding Resolution No. 4604.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4604 AS FOLLOWS:

YEAS: Anderson, Matherly, Staley, Eberhart

NAYS: Gatewood

ABSENT: Walley, Hilling

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4604 APPROVED.

d) Resolution No. 4605 – A Resolution Honoring Patrick B. Cole by Dedicating and Renaming City Hall in His Honor. Introduced by Mayor Eberhart.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4605.

Mr. Gatewood spoke to the Public Testimony in regard to renaming City Hall after Patrick Cole. He stated his belief that it is an appropriate way to honor Mr. Cole and that he does not believe the renaming will in any way detract from the structure being commonly known as City Hall. **Mr. Gatewood** commented that Mr. Traverso’s testimony was particularly eloquent and special. He agreed with Mr. Turney that Mr. Cole may not have wanted the honor, but stated that if Mr. Cole was here and was not in favor of the renaming, he would tell Mr. Cole to “Buck up and let us say thank you.” He stated his intent to vote in favor of Resolution No. 4605.

Mr. Matherly thanked everyone who spoke to Resolution No. 4605. He stated that he gave thought to naming Mr. Cole’s office or the Council Chambers in honor of Mr. Cole but spoke to the significance of naming City Hall after him. He pointed out that Mr. Cole was not an elected

official but was a man who dedicated many years of his life to working for the City and who did wonderful things for the Fairbanks community. **Mr. Matherly** stated that Mr. Cole always made time for him as a Council Member and spoke to the many lives that were touched by Mr. Cole. He stated that he wholeheartedly supports Resolution No. 4605.

Ms. Staley stated that she also supports Resolution No. 4605 and commented on the tremendous response from the community.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4605 AS FOLLOWS:

YEAS: Matherly, Staley, Gatewood, Anderson

NAYS: None

ABSENT: Walley, Hilling

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4605 APPROVED.

DISCUSSION ITEMS

Committee Reports

Public Safety Commission – **Ms. Staley** read aloud a summary to the Council written by PSC members. The summary stated that the full public safety officer (PSO) concept is not being contemplated at this time and that the Police and Fire Departments operate too often at minimum staffing levels for there to be extra personnel available. She continued reading that the possible impact on the City's Insurance Services Office (ISO) rating by implementing the PSO concept could be significant because the Fire Department may lose points for available manpower if staffing levels were not increased. **Ms. Staley** read that significant changes to collective bargaining agreements (CBA's) would be required to allow for the cross-assignment of personnel between public safety departments. She continued reading that Chief Zager's desire to keep the calls per officer at 90 or less is a worthwhile goal and that reassigning some administrative tasks of sworn police officers to unsworn positions within the Police Department seems to be the best approach at this time. She read that the reassignment of some tasks, the recent policy changes regarding incap calls, the possible expansion of the CSP response area and the plan to hire public safety assistant (PSA) personnel will hopefully result in measurable improvement. She read that the Council and the PSC should review the monthly public safety statistic reports to determine the success of the new approach. **Ms. Staley** read that the PSC would like to thank the Mayor and Council for allowing them the opportunity to explore the PSO concept.

Golden Heart Parking Services (GHPS) Board – **Ms. Staley** stated that the board has decided to meet every other month instead of monthly. She reported that both the Fairbanks Parking Garage and GHPS are reporting in the black for 2013 and that the board will continue to work on signage and filling vacancies on the board.

COMMUNICATIONS TO COUNCIL

- a) Board of Plumber Examiners Meeting Minutes of December 3, 2013.

ACCEPTED on the CONSENT AGENDA.

- b) Hotel/Motel Discretionary Fund Committee Minutes of November 22, 2013.

ACCEPTED on the CONSENT AGENDA.

- c) Hotel/Motel Discretionary Fund Committee Minutes of December 11, 2013.

ACCEPTED on the CONSENT AGENDA.

- d) Chena Riverfront Commission Meeting Minutes of October 9, 2013.

ACCEPTED on the CONSENT AGENDA.

- e) Appointment to the Public Safety Commission

APPROVED on the CONSENT AGENDA.

- f) Re-appointment to the Public Safety Commission.

APPROVED on the CONSENT AGENDA.

- g) Appointment to the Building Code Review and Appeals Commission.

APPROVED on the CONSENT AGENDA.

- h) Appointment to the Permanent Fund Review Board.

APPROVED on the CONSENT AGENDA.

- i) Re-appointment to the Landscape Review and Appeals Board.

APPROVED on the CONSENT AGENDA.

- j) Joint Hazard Mitigation Plan with FNSB (Draft)

Jay Hill, Deputy Planning Director for FNSB – Mr. Hill stated that the Borough has been working jointly with the City of North Pole, City of Fairbanks, and other local partners to draft the Multi-jurisdictional, Multi-hazard Plan for mitigating disasters. He stated that the process helps identify projects policy changes that may need to be completed in order to prepare the community for natural disasters or other hazardous events. Mr. Hill stated that much progress has been made in the past year and that the plan is nearing its final drafting stages. He indicated that the plan is a requirement of the Federal Emergency Management Agency (FEMA) in order

to be eligible for certain types of grant funding. He stated that some of the hazards that are being looked at are floods, wildfires, severe weather, volcanic ash fall and seismic events and pointed out that the Fairbanks community has already endured three of those events within the past year. Mr. Hill stated that the goal is to form a multi-jurisdictional plan that will span across City/Borough boundaries and added that the team has worked closely with the Borough's Community Planning, Emergency Operations and Land Management Departments as well as the Public Works, Engineering and Fire Departments of both the City of Fairbanks and the City of North Pole. He spoke to the remoteness of the Fairbanks North Star Borough in relation to other metropolitan areas and to the challenges of that isolation. He clarified that the plan is a technical document, not a policy document, and that by taking action as a body, the Council would simply be acknowledging support of the technical merits of the plan. Mr. Hill indicated that there may be some sort of commitment from local governing bodies expected later on but clarified again that right now it is only for review purposes.

Jackson Fox stated that the Council should have a cover page, a table of contents and an executive summary for the current draft plan. He stated that the full document is available for review from a link on the Borough's website. Mr. Fox stated that the reason the draft plan is on the agenda is because there will be a resolution introduced to the Council within a few months requesting the adoption of the final plan. He added that the draft plan will also be presented to the FNSB Assembly and the North Pole City Council before the end of January. Mr. Fox explained that the goal is to submit the final plan to the State Department of Homeland Security and Emergency Management for review prior to submittal to FEMA in early February. He stated that FEMA has up to 45 days to review the plan and will issue a pre-approval of the plan if they are satisfied. He explained that the local government bodies would then consider the adoption of the pre-approved plan by late March or early April. He stated that once the plan is finalized by FEMA and the local governing bodies the team can begin applying for grant funding for projects identified in the Joint Hazard Mitigation Plan. He spoke briefly to potential projects such as seismic retro fits to existing facilities, cutting fire breaks near residential subdivisions, and moving buried fuel tanks that are currently within flood plains.

COUNCIL MEMBERS' COMMENTS

Ms. Staley stressed the importance of deadlines in relation to WEIO's appeal for Hotel/Motel Discretionary Fund Grant dollars. She stated that according to the meeting minutes, the Discretionary Fund Committee discussed the late application and determined that they would deny the WEIO grant request. She suggested that the Council discuss the issue based on the Committee's discussion and recommendation.

Mr. Gatewood mentioned that basketball season is approaching. He stated that in December of 2012, Lathrop High School dedicated the gymnasium floor to the late Coach Joe Tremarello. He stated that Fairbanks is truly a basketball town and that while student athletes may not go on to play professionally, they may take the skills and training they have learned by participating in sports and may apply them to their future professions. He spoke to the successes of various local high school basketball teams and announced that Lathrop will be hosting the Coach T tournament January 16 – 18. **Mr. Gatewood** reminded everyone to support the youth in the community by attending local sport, music and theater events.

Mr. Anderson, seconded by **Mr. Gatewood**, moved to SET ASIDE \$10,000 from the City's General Fund to give to WEIO.

Mr. Gatewood acknowledged that WEIO is a deserving organization but stated that he is concerned that this is not the first time they have missed the application deadline for the Hotel/Motel Discretionary Fund Grant. He recognized the positive economic and cultural impact that the WEIO events have on the Fairbanks community and stated that while he would like to offer financial support for the organization, he believes that \$10,000 may be too high. **Mr. Gatewood** cautioned grant applicants to put safeguards in place that will ensure deadlines are met in the future. He closed by stating that he will support some type of monetary support for WEIO.

Mayor Eberhart stated that the City Attorney has advised that funds cannot be taken from the General Fund without an ordinance to amend the budget. He indicated that it may be possible to take money from the Discretionary Fund. He asked CFO Jim Soileau to come forward for clarification.

Mr. Soileau agreed with the City Attorney that moving funds from the General Fund would require a budget amendment. He stated that the only way to take money from the Discretionary Fund would be to reallocate the proposed distributions which would take money from other organizations.

City Attorney Ewers suggested that the intent may have been to take the money from the Mayor's Contingency Fund.

Mr. Soileau commented that the Contingency Fund may be spent at the Mayor's discretion.

Mayor Eberhart asked how much money is in the Contingency Fund.

Mr. Soileau stated that he believes it is \$20,000.

Mr. Matherly stated that the denial of the application was not intended to diminish WEIO's impact on the community. He suggested that the appeal should have taken place during the budget meetings in December. He expressed concern that if the Council grants the funding it may present a problem in the future with other organizations in the community. **Mr. Matherly** stated that the comments about the disorder of WEIO's business organization did not give him confidence that the problem would not reoccur in the future. He asked Mr. Soileau if Mayor Eberhart needs Council approval to grant WEIO funding from the Contingency Fund.

Mr. Soileau clarified that the total balance of the 2014 Contingency Fund is \$18,000. He stated that traditionally, the Council has appropriated that account to the Mayor to be used at his own discretion and that it would not require Council action to grant the funds to WEIO.

Mayor Eberhart stated that a few years ago, the Yukon Quest missed the grant deadline and came before the Council to seek other funding. He stated that in his recollection, former Mayor Cleworth helped give the Yukon Quest \$10,000. He asked Mr. Soileau if he remembers where that funding came from.

Mr. Soileau stated that he does not recall where the money came from but stated that he could look into it.

Mr. Gatewood asked if Mr. Anderson's motion is out of order since it would require a budget amendment to accomplish.

Mayor Eberhart stated that Mr. Gatewood is correct and that the motion would not be allowed.

Mr. Gatewood stated that he also recalls Yukon Quest's request to the Council a few years ago when their application was not approved by the Hotel/Motel Discretionary Fund Committee. He recalled that their request was for much more but that they were granted \$10,000. He encouraged Mayor Eberhart to use the Contingency Fund to partially fulfill WEIO's request but suggested that the amount be reduced to \$5,000 - \$7,500.

Mr. Anderson, with the concurrence of the second, WITHDREW the motion to SET ASIDE \$10,000 from the City's General Fund to give to WEIO.

Mayor Eberhart stated that he will consider granting funding to WEIO from the Mayor's Contingency Fund. He thanked WEIO representatives for remaining at the meeting and apologized that no action would be taken on their request at the time.

Mr. Anderson stated that he had no additional comments.

Mr. Matherly wished everyone a Happy New Year. He echoed Mr. Gatewood's comments encouraging adults in the community to invest in the future of local youth by attending local events. He commented on the harsh weather conditions in the Lower 48 and referred to Fairbanks as a "hidden jewel." **Mr. Matherly** welcomed Mr. Williams as the City's new Chief of Staff and thanked him for his service in the military. He suggested that WEIO create some sort of reminder system to ensure that the same problems do not reoccur in the future. He applauded the efforts of the WEIO organization as a whole and thanked the representatives for attending the meeting.

CITY ATTORNEY'S REPORT

City Attorney Ewers stated that he filed a Declaration of Interest with the AML/JIA to serve on the Board of Trustees and will likely know whether or not he will be appointed by the end of January. He explained that there will be some travel and additional responsibilities involved with the commitment and stated that he would like approval from the Council before proceeding. He stated that Patrick Cole was the only participant on the Board of Trustees from the Interior and stressed the importance of having someone from the area serving on the Board.

Mayor Eberhart called for objection to allowing City Attorney Ewers to serve on the AML/JIA Board of Trustees and, hearing none, so ORDERED.

Mr. Ewers thanked the Council. He stated that when City Hall moved to its current location, he was the Deputy City Attorney and the building was a disaster. He reminisced about his friendship with Patrick Cole and stated that if there was ever anyone who could have made the building come to life in tough times on a shoestring budget, it was Mr. Cole.

CITY CLERK'S REPORT

- a) Memorandum Regarding Clerical Updates to the Fairbanks General Code.

ACCEPTED on the CONSENT AGENDA.

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

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

Mayor Eberhart called for a five minute recess.

EXECUTIVE SESSION

- a) Labor Contract Negotiations – IBEW, PSEA and FFU

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

ADJOURNMENT

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

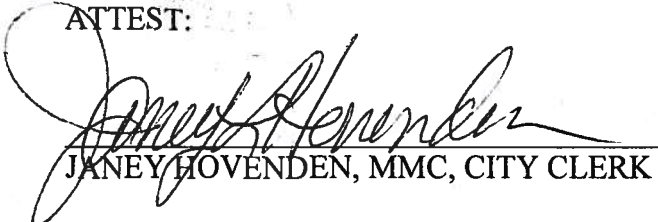
Mayor Eberhart called for objection and, hearing none, so ORDERED.

Mayor Eberhart declared the Meeting adjourned at 11:55 P.M.



JOHN EBERHART, MAYOR

ATTEST:



JANEY HOVENDEN, MMC, CITY CLERK

Transcribed by: DS