



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, NOVEMBER 25, 2013  
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, following a 5:30 P.M. Work Session with the Fairbanks Economic Development Corporation (FEDC) and a 6:10 P.M. Work Session with the Fairbanks Convention & Visitor's Bureau (FCVB), to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor John Eberhart presiding and with the following Council Members in attendance:

Council Members Present:        Renee Staley, Seat A  
   Perry Walley, Seat B  
   Bernard Gatewood, Seat C  
   Jim Matherly, Seat D  
   Lloyd Hilling, Seat E  
   Chris Anderson, Seat F

Absent:                                None

Also Present:                        Warren Cummings, Fire Chief  
   Ernie Misewicz, Assistant Fire Chief  
   Dave Burglin, Deputy City Attorney  
   Janey Hovenden, City Clerk  
   Stephanie Johnson, Dispatch Center Manager  
   Tony C. Shumate, Director Personnel/Purchasing/RM  
   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.

**Mayor Eberhart** asked Mr. Greg Bizub with BMS Solutions to come forward to present an award.

Genaro Negrete, Director of Operations for BMS Solutions – Mr. Negrete stated that Mr. Bizub could not be present but gave the Council his regards. He thanked Mayor Eberhart and the City Council, Susan Hendricks and Fire Chief Douglas Schrage with the University of Alaska, Fairbanks (UAF), the American Heart Association and the Lewis family. He stated that BMS Solutions provides citizens the opportunity to take action and save lives through training. Mr. Negrete stated that the actions of two citizens last April saved the life of a local student. He asked Ms. Sarah Maffe and Ms. Carey Werlein to come forward to receive the American Heart

Association's Heart Saver Hero Award. Ms. Werlein was not able to be present to receive the award.

Sarah Maffe – Ms. Maffe stated that she has been a lifeguard for about a month and walked in just after the student collapsed. She stated that she was glad she was there and was able to help.

J.R. Lewis – Mr. Lewis introduced his son Robbie, whose heart stopped at a high school jazz festival. He stated that he was not present when the incident occurred but stated that his son survived because of the quick response from Ms. Maffe and Ms. Werlein. He stated that because of the near tragedy he has become an advocate for CPR training. He recommended that every first responder have an automatic defibrillator packet in their vehicle at all times. He thanked the City Council for the opportunity to share his son's story.

Robbie Lewis – Mr. Lewis stated that he does not remember anything from the incident but expressed his deepest gratitude to the individuals who saved his life. He stated that there is nothing scarier than getting that close to death.

### CITIZEN'S COMMENTS

**Mayor Eberhart** addressed the Council and members of the public and stated that a hand-carried resolution in honor of Patrick Cole will be added to the agenda. He stated that he will allow Public Testimony for the resolution under New Business.

Terrence Cole, 321 Hawk Road, Fairbanks – Mr. Cole stated that he is one of Patrick Cole's brothers. He stated that he and his family is very touched that the Council introduced the resolution in honor of Patrick. He commented that he asked Patrick a number of times why he still worked for the City of Fairbanks and Patrick's response was always that he loved working for the City. Mr. Cole stated that after the 40 years his brother spent in local government he believes Patrick really enjoyed the camaraderie at the City of Fairbanks. He stated that part of Patrick's job was to participate in labor negotiations and he commented that his brother always remained calm and professional. Mr. Cole spoke to the significant role Patrick took in getting City Hall moved to its current location at Old Main School. He stated that in all the years since Fairbanks has been incorporated, there have been very few people in the political world that have been able to get along with people as well as Patrick could. He spoke in great admiration of his big brother and expressed hope that the Council would memorialize Patrick's name in some way.

Dermot Cole, 827 Gold Mine Trail, Fairbanks – Mr. Cole thanked the current and past mayors and members of the City Council on behalf of the Cole family for allowing Patrick to do what he loved to do by serving the City of Fairbanks for so many years.

James Eddy, 314 Iditarod Street, Fairbanks – Mr. Eddy stated that he has been in the construction business for 42 years. He stated that when contractors do not perform on a job they lose the contract. He stated that Fairbanks Natural Gas (FNG) has not performed well. He explained that FNG ran a six-inch gas line down Trainor Gate Road to Tanana Middle School and Fort Wainwright, but not to residential neighborhoods. Mr. Eddy indicated that he would have his home ready for natural gas next year and suggested that a contract be given to the Interior Gas Utility (IGU). He stated that gas trucking is not a permanent fix and that there

should be a gas line from the North Slope. He commented that he heats his home primarily with wood because he cannot afford to heat it with fuel oil. Mr. Eddy stated that many Fairbanks residents are relocating because of the high energy costs. He recommended that residents keep their oil boiler system as a back-up for a natural gas system.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney thanked Mayor Eberhart and the City Council for introducing the resolution in honor of Pat Cole. He stated that although he and Mr. Cole have disagreed in the past, Mr. Cole always showed a great amount of respect. Mr. Turney offered his condolences to Mr. Cole's family. He spoke to the need for polygraph testing for police department employees who are already on the City's payroll and stated that their union contract needs to be changed to allow for it if they are asked to undergo such a test. He stated that City employees who have a commercial driver's license (CDL) as part of their job should be subject to random drug testing. Mr. Turney stated that it is good to see that Mr. Buberger is recovering well from shoulder surgery.

Henry Cole, 1550 Dogwood Street, Fairbanks – Mr. Cole thanked the Mayor and Council for introducing the resolution in memoriam of his uncle. He commended the City's Public Works Department for their hard work in keeping City streets in good condition despite the ice storm.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger offered his condolences to the Cole family with See's Candies. He stated that Patrick Cole was always a fair person and commented that the community will not be able to replace his knowledge and experience. Mr. Buberger thanked The Ornamentry gift shop for selling See's Candies during the holiday season. He wished everyone a Happy Thanksgiving and a Merry Christmas.

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

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

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

**Mr. Matherly**, seconded by **Ms. Staley**, moved to ADD Hand-carried Resolution No. 4596 to the Agenda under item 10(a).

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

City Clerk Hovenden read the Consent Agenda into the record.

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

**Mayor Eberhart** thanked everyone who brought flowers for Patrick Cole. He stated that Patrick's passing has left a void in City Hall and in the lives of those who knew him. He commented that to him Patrick was a mentor, a colleague and a friend. **Mayor Eberhart** stated that he worked with Patrick on and off for eighteen years and that his institutional knowledge, experience and innovative ideas have served City residents in an unparalleled fashion. He spoke to Patrick's wonderful disposition and personality and stated that he was always optimistic. He

stated that he will always remember Patrick B. Cole. **Mayor Eberhart** stated that the Mayor's Office has been very busy since the last City Council Meeting. He stated that there have been several meetings with the Fairbanks Downtown Association and the Fairbanks Memorial Hospital (FMH) regarding the Community Service Patrol (CSP). He listed many other meetings he has attended: Interior Alaska Natural Gas Utility (IANGU) Board of Directors meetings, meetings with North Pole Mayor Bryce Ward, Fairbanks Metropolitan Area Transportation System (FMATS) meetings, Candlelight Vigil meetings for homeless youth put on by Fairbanks Counseling and Adoption, a meeting with Borough Mayor Luke Hopkins, and some Civilian/Military meetings at the borough. **Mayor Eberhart** stated that he recently attended the Community and Technical College Law Enforcement graduation ceremony and spoke at the event. He stated that he also attended Tiger Team meetings at the borough and the Festival Fairbanks Veteran's Day Celebration. He commented that he had an interview with Eric Allen at Clear Channel Radio, attended an Alaska Industrial Development and Export Authority (AIDEA) update at the borough, went to a Fairbanks Economic Development Corporation (FEDC) board meeting, spent a day at the Alaska Municipal League Conference in Anchorage, spoke with Mayor Potoroka from Dawson City about the Air North application and charter flights from Dawson City to Fairbanks, met with Governor Parnell and local mayors regarding the disaster declaration, attended a potluck at Public Works, met with representatives from the International Brotherhood of Electrical Workers (IBEW) regarding upcoming labor negotiations, met with the School District regarding work study opportunities with the City for high school students, and attended the grand opening of Raven Landing over the weekend. **Mayor Eberhart** stated that he has spoken with the Director of Public Works to see if the City can get a crew downtown to replace the Clean Team. He indicated that he would like to see the crew clean up the streets and sidewalks in the downtown area once a week. **Mayor Eberhart** stated that the City will open labor negotiations with the Public Safety Employees Association (PSEA) on November 26. He announced that the City's legislative requests will be discussed at the Finance Committee Meeting and Staff Meeting on November 26. He wished everyone a Happy Thanksgiving.

### NEW BUSINESS

- a) Hand-carried Resolution No. 4596 – A Resolution in Memoriam of Patrick B. Cole. Introduced by Mayor Eberhart and Council Members Staley, Walley, Gatewood, Matherly, Hilling and Anderson.

**Mayor Eberhart** stated that he would like to read the title of Resolution No. 4596 aloud and have each Council Member read a paragraph of the document into the record.

The Mayor and Council each read aloud portions of Resolution No. 4596.

- b) Resolution No. 4593 – A Resolution Authorizing the City to Participate in the FFY2013 Community Development Block Grant (CDBG) Program. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4594 – A Resolution in Support of the Fairbanks Metropolitan Area Transportation System (FMATS) Request for Transportation Funding for Fiscal Year 2015. Introduced by Council Member Walley.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Resolution No. 4595 – A Resolution Continuing the Disaster Emergency Declared by Mayor Eberhart for the City of Fairbanks. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- e) Ordinance No. 5933 – An Ordinance Amending the 2013 Operating and Capital Budgets for the Third Time. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- f) Ordinance No. 5934 – An Ordinance Amending FGC Section 78-929 Insurance or Other Security Required to Allow Disposition without Court Appearance. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

### DISCUSSION ITEMS

- a) Committee Reports

FMATS Policy Committee – **Mr. Walley** stated that the Committee elected FNSB Mayor Hopkins as the new Chair and City of North Pole Mayor Bryce Ward as the new Vice Chair. He stated that the \$16 million funding request to the Governor has been submitted. He explained that the amount is significantly greater than the requests of prior years because of the numerous projects that need funding and the drop in available funding. **Mr. Walley** stated that the City of North Pole and FNSB will be introducing resolutions similar to Resolution No. 4594 in support of the FMATS funding. He spoke to the scope of services for the Metropolitan Planning Organization (MPO) agreement consolidation, explaining that it is an attempt at taking all the governing documents of FMATS and combining them into one. He indicated that the first step in that process was to go to the Technical Committee to identify the steps that need to be taken to accomplish the task. He stated that the Technical Committee recommended seeking consultation with an outside entity but added that the recommendation failed. **Mr. Walley** stated that the Policy Committee reviewed and approved the long-range transit plan. He spoke to the update the Committee received on the College Road Corridor study. He stated that the Committee also received a historical plaque update, and he encouraged fellow Council Members to visit the FMATS Office to view the two recommendations for plaques.

Golden Heart Parking Services (GHPS) Board – **Ms. Staley** stated that the Board met on November 13. She shared that they have been discussing the ongoing abuse of parking over the two hours allotted time in the downtown area. She stated that the Board will be taking a poll regarding parking meters and extended hours for the parking garage. **Ms. Staley** stated that the

Board's efforts are in part due to the upcoming holiday season. She stated that GHPS's annual revenues have flat-lined and indicated that she will try to provide an update on the organization's financials at the next meeting.

**Mr. Hilling** asked if parking meters are being considered for the parking garage.

**Ms. Staley** replied that meters are not being considered for the garage but for the general public parking on 2nd and 3rd Avenues.

**Mr. Hilling** stated that the Council has heard former Mayor Cleworth's argument against parking meters but asked if that argument has been presented to the Board for consideration.

**Ms. Staley** stated that she has not heard any positive feedback in regard to parking meters but that some board members are very interested in placing meters in the downtown area. She stated that she has suggested that the Board do more research and gain community support for parking meters before proceeding.

**Mr. Hilling** asked if the free parking offered recently in the downtown area is contributing to the low revenues.

**Ms. Staley** indicated that free parking in the parking garage is offered during summer months when vehicles do not need to be plugged in. She commented that the garage may offer very limited free parking during winter months. She stated that increasing usage of the parking garage is an ongoing challenge.

### COMMUNICATIONS TO COUNCIL

- a) Approval of the 2014 City Council Meeting Schedule

APPROVED on the CONSENT AGENDA.

### COUNCIL MEMBERS' COMMENTS

**Mr. Anderson** indicated that he has been under the weather. He thanked Mayor Eberhart for allowing him to attend the AML Conference in Anchorage and stated that he was able to see some old friends and met some new ones. He commented that he spent a day and a half of the conference learning about the Open Meetings Act and how it pertains to elected officials. **Mr. Anderson** stated that although the Act was put together by the Alaska State Legislature, the legislature is exempt from its provisions. He commented that the public has the right to know what Council Members say and think about every piece of legislature that comes before the body for consideration with the exception of items discussed during Executive Sessions. **Mr. Anderson** spoke to the importance of being conscientious of actions and conversations as a Council Member in order to abide by the Open Meetings Act.

**Mr. Hilling** stated that Patrick Cole was an extraordinary individual with a great amount of integrity and competency. He stated that Mr. Cole was a great value to the City of Fairbanks for many years. He expressed satisfaction with Resolution No. 4596 and stated that he hopes the

City Council can find a proper way to memorialize Patrick Cole. **Mr. Hilling** thanked Mayor Eberhart for attending the various meetings throughout the community and for serving the City of Fairbanks so well. He spoke to the numerous complaints about parking tickets issued in the downtown area but stated that if he were to park illegally and get caught, it is only fair that he receive a ticket. He stated that the parking enforcement officers should continue to be diligent in their efforts and commented that he hopes the officers have some sort of financial incentive to write tickets. **Mr. Hilling** stated that the City has tried parking meters downtown but indicated that the meters were not successful. He expressed support the current parking system in the downtown area.

**Mr. Matherly** stated that it has been an emotional evening. He stated that he is good friends with J. R. Lewis and is close to the Lewis family. He expressed his support for the type of life-saving training that BMS Solutions offers. **Mr. Matherly** stated that he first met Patrick Cole about 20 years ago when he worked in the banking industry and helped Mr. Cole with a loan. He jokingly stated that Mr. Cole drove him nuts because he asked so many questions and was so intelligent. **Mr. Matherly** stated that as a Council Member, he asks City employees a lot of questions and indicated that he received the best answers and information from Mr. Cole. He commented that he has a great deal of respect for Mr. Cole and stated that Mr. Cole always made time for him. He stated that life is precious and that he is thankful to live in a community like Fairbanks. He stated that it is an honor to serve the City with his fellow Council Members.

**Ms. Staley** stated that Patrick Cole was the one City employee she could always count on and was one of the only individuals with the City that she knew when she began as a Council Member. She expressed her sadness in Mr. Cole's passing and stated that he will be greatly missed. **Ms. Staley** thanked Mayor Eberhart for attending the many meetings throughout the community and stated that she feels honored to serve the City with the other members of the Council. She wished everyone a Happy Thanksgiving.

**Mr. Walley** stated that he did not know Patrick Cole as well as many of the other Council Members knew him but indicated that Mr. Cole always praised others and was very knowledgeable when it came to the City of Fairbanks. He stated that Mr. Cole will be truly missed by all. **Mr. Walley** commented that the Lewis family's story is very touching and shared that he worked as a CPR trainer for many years with Arctic Fire & Safety. He spoke to the importance of automatic defibrillators and stated that the devices are more common and less expensive than they used to be. **Mr. Walley** commented on the long list of things Mayor Eberhart has been involved in. He indicated that he may be absent for the next Regular Meeting of December 2nd. He wished everyone a Happy Thanksgiving.

**Mayor Eberhart** called for objection regarding Mr. Walley's request to be excused on December 2, 2013 and, hearing none, so ORDERED.

**Mr. Gatewood** commented that it is a sad time due to the loss of Patrick Cole. He indicated that he is in agreement with everything that has already been expressed regarding Mr. Cole. **Mr. Gatewood** stated that he can sometimes be difficult to get along with and can usually find fault with anyone, but commented that he could never find fault with Mr. Cole. He stated that Mr. Cole was a genuinely nice person with a brilliant mind. **Mr. Gatewood** stated that Mr. Cole was a problem solver and was always willing to make time for people. He spoke to the enormous

amount of institutional knowledge that Mr. Cole possessed and expressed his shock in learning that Mr. Cole had passed. **Mr. Gatewood** stated that his shock was due to the expectation that Mr. Cole would recover from the heart transplant and return to work at the City of Fairbanks. He expressed his support for some type of memorial for a man he referred to as a "gift to the City of Fairbanks."

**ADJOURNMENT**

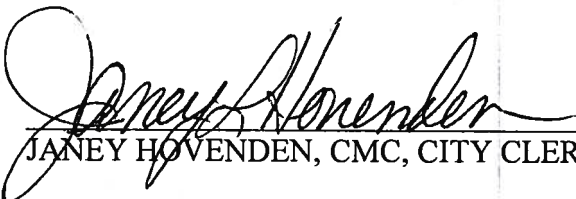
**Mr. Anderson**, seconded by **Mr. Matherly**, moved to ADJOURN the meeting.

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

**Mayor Eberhart** declared the meeting adjourned at 8:10 P.M.

  
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JOHN EBERHART, MAYOR

ATTEST:

  
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JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS