



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, NOVEMBER 4, 2013
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
Jim Matherly, Seat D
Lloyd Hilling, Seat E (Telephonic)
Chris Anderson, Seat F

Absent: None

Also Present: Pat Cole, Chief of Staff (Telephonic)
Ernie Misewicz, Assistant Fire Chief
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Stephanie Johnson, Dispatch Center Manager
Tony C. Shumate, Director Personnel/Purchasing/RM
Laren Zager, Police Chief
Amber Courtney, Executive Coordinator/PIO
Eric Jewkes, FPD Administrative Lieutenant

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 thanked Mr. Anderson for his input last meeting on the resolution regarding the Fire Department grant. He commented that the anniversary of the death of Johnny Wallace is soon approaching and stated that the City should have heard from the medical examiner's office by now. Mr. Turney stated that the only City employees required to undergo drug testing are those with a commercial driver's license (CDL). He commented that City employees who operate emergency vehicles should also be subject to drug testing although the Public Safety Employees Association (PSEA) labor contract prohibits it. Mr. Turney spoke to the need for polygraph testing for City police officers and stated that the City of Ketchikan has a good policy on polygraph testing for employees. He inquired as to the

name of the police officer that performs polygraph testing and stated that there should be other qualified individuals outside of the police department who could do the testing.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger agreed with Mr. Turney’s comments on polygraph and drug testing for City police officers and stated that he has been with some of the law enforcement officers while they were using drugs. He spoke to the new roundabout near Sam’s Club indicating that it is confusing and needs more signage to direct drivers. Mr. Buberger inquired as to who designed the roundabout and suggested that Council Members test it out for themselves. He commented that the Council could also consider the issue of public restrooms in the downtown core area.

Floyd Terry, PO Box 73514, Fairbanks – Mr. Terry stated that it is a shame there are not more public restrooms available in the downtown area. He stated that in the summer there is a long line to use the facilities in the Co-op Plaza. He commented that most of the bars have closed downtown leaving the area nearly void of public restrooms. He stated that he would not like to see cheap-looking porta potty’s placed downtown. Mr. Terry spoke to the lack of parking in downtown Fairbanks and commented that the core area is dead. He suggested that there should be a general merchandise store downtown.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

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

City Clerk Hovenden read the Consent Agenda into the record.

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of September 9, 2013.

PASSED and APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of September 23, 2013.

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 Application for a New Liquor License and Restaurant Designation Permit.

Type: Restaurant/Eating Place
DBA: Aha Oriental Kitchen, License #5262
Licensee/Applicant: Moonstone, LLC
Location: 996 Blair Road, Fairbanks, AK

Mayor Eberhart called for Public Testimony.

Moon Stone, 909 D Street, Fairbanks – Ms. Stone stated that she is the owner of the Aha Oriental Kitchen. She stated that she is trying to create local jobs and would like to serve beer and wine at her restaurant.

Mr. Gatewood asked where the restaurant is located.

Ms. Stone replied that the restaurant is located at the corner of Trainor Gate Road and the Steese Highway.

Clint Stone, 909 D Street, Fairbanks – Mr. Stone explained that the new restaurant is a bright orange building with a red roof. He stated that the restaurant will seat about 50 people and eventually they will have outdoor patio seating. He stated that owning a restaurant has been a dream of theirs for many years and that they have finally saved enough money to make it happen. He commented that the restaurant would create more local jobs.

Victor Buberger – Mr. Buberger stated that he cannot place where the new restaurant is physically located but indicated that he will try it out. He stated that he hopes the Council will grant the new liquor license.

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

Mayor Eberhart pointed out that the Building and Fire Departments have recommended protesting the license until a Certificate of Occupancy (CO) is issued.

Mr. Gatewood, seconded by **Mr. Anderson**, moved to PROTEST the Application for a New Liquor License and Restaurant Designation Permit until a Certificate of Occupancy is issued.

Mr. Matherly asked how long it would be until a CO is issued.

Building Official Clem Clooten stated that the CO should be issued later in the week. He explained that the owner must request a final inspection from the City and if there are any deficiencies found, the owner must correct them before a CO may be issued. He stated that the owner has the option to request a temporary CO from the City if the deficiencies are minor.

Mayor Eberhart asked Mr. Clooten if the protest could be administratively lifted once the CO is issued.

Mr. Clooten deferred the question to City Clerk Hovenden.

Ms. Hovenden stated that the protest can be lifted administratively, but that the motion should contain such language.

Mr. Gatewood, seconded by **Mr. Anderson**, moved to AMEND the motion to protest by adding that the City may administratively LIFT PROTEST if all requirements of the Building Department are met.

Mr. Hilling asked for clarification on lifting protest if only a temporary CO was issued.

Mr. Clooten stated that a temporary CO would require the owners to correct the minor deficiencies within a 2 – 3 week correction period.

Mr. Matherly suggested that the motion be amended to include lifting protest even if a temporary CO is issued.

Ms. Hovenden stated that the motion states that the protest may be lifted if all requirements of the Building Department are met.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE MOTION TO PROTEST BY ADDING THAT THE CITY MAY ADMINISTRATIVELY LIFT PROTEST IF ALL REQUIREMENTS OF THE BUILDING DEPARTMENT ARE MET AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE APPLICATION FOR A NEW LIQUOR LICENSE AND RESTAURANT DESIGNATION PERMIT UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED, AT WHICH TIME THE CITY MAY ADMINISTRATIVELY LIFT PROTEST IF ALL REQUIREMENTS OF THE BUILDING DEPARTMENT ARE MET, AS FOLLOWS:

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

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart stated that the first few weeks of his administration have been busy and exciting. He stated that he had the honor of addressing the Alaska Federation of Natives (AFN) Convention and commented that the AFN visitors seem to have found Fairbanks very hospitable. He stated that AFN has decided not to hold the convention in Fairbanks again until 2016, but expressed hope that they would reconsider. **Mayor Eberhart** stated that he attended the Borough Assembly Meeting on October 24. He reminded the Council of the email sent by Tanya in the Clerk's Office regarding a rotating schedule for Council Members' attendance at the Borough meetings. He commented that Interior Distance Education of Alaska (IDEA) recently visited City Hall on a field trip with about 30 students and thanked the group for

coming. **Mayor Eberhart** stated that he was able to attend the Fairbanks Convention and Visitor's Bureau (FCVB) dinner for the AFN delegates and indicated that there were a lot of positive comments made about the hospitality of Fairbanks. He stated that Fairbanks Economic Development Corporation (FEDC) held an "Energy for All Alaskans" meeting on October 29. He explained that the meeting was a part of a series of meetings that are held every Tuesday morning at 8 A.M. He stated that Jim Whitaker and Joe Paskvan spoke at the meeting addressing SB 21, the Oil Tax Reform Bill. **Mayor Eberhart** stated that on October 29 he also attended the Public Safety Commission meeting and signed the collective bargaining agreement (CBA) with the AFL/CIO Crafts Council. He thanked both management and labor for all their hard work in reaching an agreement. He shared that Consul Jeon of the Republic of Korea recently paid a visit to the Mayor's Office. He stated that he is interested in further meetings with Mr. Jeon to develop a better relationship and to possibly increase tourism to Fairbanks. **Mayor Eberhart** stated that he met with the City's lobbyists on November 1 and discussed the City's capital and legislative requests. He stated that he also met with Steve Titus from the Alaska Department of Transportation and Public Facilities (DOT/PF) to learn more about Fairbanks Metropolitan Area Transportation System (FMATS). **Mayor Eberhart** stated earlier in the day he attended the Greater Fairbanks Chamber of Commerce Board Meeting as the City Mayor, an ex-officio member. He stated that the Mayor's recommended budget for 2014 came out in a timely manner on November 1 and thanked the City's Finance Department for all their help in preparing it. He stated that the Finance Committee will continue to meet throughout the week at 7 A.M. to discuss the proposed 2014 budget. **Mayor Eberhart** shared that City department heads should have their legislative requests sent to the Mayor's Office by November 6. In reference to Mr. Turney's inquiry regarding the cause of death of Johnny Wallace, **Mayor Eberhart** stated that the police department is unable to disclose information due to the ongoing investigation. He announced that President Obama has proclaimed November as National Native American Heritage month to acknowledge the history of and relationship between federally-recognized Indian tribes and the U.S. government. He stated that Alaska is the home to over 230 of those tribes, about one-third of the total amount of federally-recognized tribes in the country. **Mayor Eberhart** referenced the transmittal letter attached to the 2014 Mayor's budget and spoke briefly to the staffing additions he is proposing for the Fire, Police, Dispatch, Public Works and Information Technology (IT) Departments. **Mayor Eberhart** spoke to his goal to be transparent and provide equal opportunity for all Fairbanks citizens to serve on City Boards and Committees. He indicated that some seats have special requirements but stated that all vacancies will be advertised in the newspaper and on the City's website. He reminded members of the public that the upcoming labor negotiations are open to the public.

DISCUSSION ITEMS

a) Committee Reports

Permanent Fund Review Board – **Mr. Gatewood** stated that the Board met on October 23. He stated that he is one of the few individuals on the Board who does not have a background in finances and indicated that his main concern is with the Fund's bottom line. He shared that at the end of June 2013 the Fund balance was \$109 million and grew to \$114 million by the end of September 2013. **Mr. Gatewood** stated that as of October 21 the balance was \$116.5 million. He commented that it is good to have Mr. Jeff Johnson back on the Board and stated that Mr. Ron Woolf is doing a great job as Chair.

Public Safety Commission (PSC) – **Ms. Staley** stated that she attended her first meeting as a member of the PSC on October 29 and commented that the City needs to give some focus to the incapacitated person (incap) problem in the downtown area. She expressed her belief that the proposed addition of administrative personnel in the police department will allow officers to spend more time in the field. **Ms. Staley** spoke to the Dispatch Department’s capital request for mobile radios and equipment and Dispatch Manager Stephanie Johnson’s long-term strategy for working with the military. She stated that the PSC will hold a special meeting on December 10 and indicated that she is learning a lot as a new member of the Commission.

COMMUNICATIONS TO COUNCIL

- a) Permanent Fund Review Board Meeting Minutes of July 17, 2013.

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS’ COMMENTS

Ms. Staley stated that she can attend the next Borough Assembly meeting if no one else is able to attend on the City’s behalf. She stated that she is excited to attend the Finance Committee meetings to review the 2014 budget.

Mayor Eberhart asked for volunteers to attend the Borough Assembly meeting. Hearing no responses, **Mayor Eberhart** stated that **Ms. Staley** will attend the meeting but reminded Council Members to respond to Tanya’s email to get their names on the rotating schedule.

Mr. Walley stated that he emailed Tanya earlier in the day. In reference to Mr. Buberger’s comments on the new roundabout, **Mr. Walley** stated that he has only driven through it once and indicated that he was also a bit lost. He suggested that additional signage be placed near the roundabout to better steer traffic.

Mr. Gatewood stated that he has also driven through the roundabout and agreed with **Mr. Walley** and **Mr. Buberger** that it is somewhat confusing. He spoke to **Mr. Turney’s** comments regarding polygraph testing and commented that if the testing is only being performed by a Fairbanks police officer the issue should be explored. **Mr. Gatewood** stated that he will respond to the email regarding the rotating schedule for Assembly Meetings.

Mr. Matherly congratulated Mayor Eberhart on his first full City Council Meeting as Mayor. He apologized for having missed the Finance Committee budget meeting and stated that he simply forgot. He stated that he will attend the rest of the meetings throughout the week. **Mr. Matherly** stated that he was relieved to see the demolition of the Klondike Inn near the Washington Plaza. He spoke to the abundance of negative feedback the Council receives about downtown Fairbanks, but shared with the Council a recent phone call he received from a friend who had nothing but good things to say about their recent experience in the downtown area. **Mr. Matherly** indicated that it was nice to hear something positive. He stated that he will be happy to sign up on the rotating schedule for Assembly meetings. He reminded drivers to slow down and drive carefully on the icy roads.

Mr. Hilling stated that he had no comments.

Mr. Anderson stated that he was also confused by the new roundabout near Sam's Club but figured it out after driving through it a few times. He agreed that additional signage may be necessary. **Mr. Anderson** stated that he will also be happy to participate in the rotating list for Assembly Meetings. He commented that he is having difficulty with his City email and that he was unaware that the first budget meeting had been held earlier in the morning. He apologized for missing the meeting and stated that he should be able to attend the rest of the meetings. **Mr. Anderson** stated that the meetings are a great learning opportunity and commented that he is looking forward to attending the rest of the week.

CITY CLERK'S REPORT

City Clerk Hovenden advised that she has distributed a draft of the updated Council contact information to each member. She requested that members return the sheet to her with any updates that need to be made.

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

Mr. Gatewood stated that the City Council met in Executive Session to discuss IBEW and PSEA labor contract negotiations. He stated that direction was given to staff and no action was taken.

ADJOURNMENT

Mr. Matherly, 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 8:45 P.M.



JOHN EBERHART, MAYOR

ATTEST:



JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS