



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, OCTOBER 7, 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 Jerry Cleworth 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
 John Eberhart, Seat F

Absent: None

Also Present: Ernie Misewicz, Assistant Fire Chief
 Paul Ewers, City Attorney
 Janey Hovenden, City Clerk
 Michael J. Schmetzer, City Engineer
 Tony C. Shumate, Director Personnel/Purchasing/RM
 Laren Zager, Police Chief

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney referenced the packet of information he distributed regarding genetically modified foods. He stated that there seems to be a lot of support for the bill in the House of Representatives and announced that on October 12, fifty-two different countries will be demonstrating against Monsanto and genetically modified organism (GMO) products. He expressed hope that the City Council would pass a Resolution in support of labeling GMO foods. Mr. Turney spoke to the issue of firefighters dealing with incapacitated persons stating that under Title 47 of the State of Alaska Administrative Code, firefighters do not have the authority to take individuals to jail. He asked what happened to the detox van and stated that he does not believe there should be a forced policy that would require firefighters to deal with incapacitated individuals. He spoke also against a forced policy that would require cross-training of police and fire under the public safety officer (PSO) concept. Mr. Turney stated his support of an administrative policy that would allow for polygraph testing on police officers

even though the union contract does not allow it. He stated that he believes that the City Chief of Police should be an elected position. Mr. Turney thanked Mr. Eberhart for being willing to propose a change to the Public Safety Employees Association (PSEA) contract to allow for polygraph testing and for recognizing that jurors do not have to follow instructions from a judge if the direction opposes or is not subject to the law.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger read aloud a Fairbanks Daily News Miner article pertaining to City Chauffeur licensing requirements dated February 24, 2004. He stated that the look back period for criminal history in 2004 was ten years. He commented that just because an individual is convicted of a crime, it may not mean they are guilty. He expressed his distrust in the court system. Mr. Buberger suggested that the City leave the governance of the taxi cab industry up to the courts. He questioned what happened to the Downtown Association's Community Service Patrol (CSP) van that patrolled the downtown area for chronic inebriates.

Floyd Terry, PO Box 73514, Fairbanks – Mr. Terry stated that the City Council Chambers used to be full of people and commented that residents need to get more involved in local government. He explained that he has been sorting through about 32 years of his collection and referenced a set of minutes from the May 23, 1994 City Council Meeting. He stated that the record shows that he and Mr. Norum spoke to ideas about the restructuring of downtown Fairbanks at that meeting. Mr. Terry spoke to the large number of buildings downtown that are used for office space and indicated that there is a need for more businesses. He stated that he has a list of businesses that have shut down over the years. Mr. Terry commented that he attended a game at the Big Dipper ice arena and that it made him wish Fairbanks had a roller skating rink of the same size.

Sean White, 191 Eagle Ridge Road, Fairbanks – Mr. White stated that he has been a City firefighter for 20 years. He spoke to the policy that is currently being looked at that would require City firefighters to handle incapacitated chronic inebriates (incaps). Mr. White stated that dealing with the incaps will add a significant workload to the Fire Department, adding a minimum of a third more calls on average. He indicated that the current staffing levels at the department could not sustain such a workload increase. He stated that an incap call takes two front-line vehicles out of service for their primary function because there are not enough firefighters to man all the vehicles. He explained that the average call for the Fire Department takes 45 minutes to an hour. Mr. White spoke against implementing the policy without adding additional personnel to each shift. He pointed out that firefighters do not have the same legal authority as is granted to police officers in Title 47 of the State's Administrative Code. He stated that he is not willing to risk his medical license and his future to transport an incap. He explained that an individual cannot be transported in the back of an ambulance against their will.

Mr. Hilling asked Mr. White if he referred to a shift as a 12 or a 24-hour period.

Mr. White replied that he meant a 24-hour period.

Mr. Hilling asked if an ambulance is always dispatched to pick up an inebriate.

Mr. White explained that an ambulance is the only vehicle available to the Fire Department besides a fire engine. He related a recent incident when a call came in to pick up an incap and

there was not a vehicle available to respond. Mr. White spoke to current procedures regarding staffing on emergency vehicles.

Mr. Eberhart asked Mr. White to speak to the authority and power that firefighters have to protect themselves when approaching an incap.

Mr. White stated that under state law firefighters cannot even search an individual because it is a violation of civil rights. He stated that they can only ask questions. He stated that if an individual is unconscious a firefighter may legally search and transport them because there is an implied consent. He clarified that any time firefighters respond to an uncooperative individual, they must call the police to help transport. Mr. White stated that firefighters cannot legally protect themselves from an incap that becomes violent.

Mr. Eberhart asked Mr. White to speak to minimum staffing. He asked what the result of an incap call during minimum staffing would be.

Mr. White explained that the current minimum staffing is one driver on the platform, a three-man engine company downtown, a two-man engine company at Station No. 3, one individual on the battalion vehicle and medic unit personnel. Mr. White stated that if there was a fire call at the same time as an incap call, it creates a problem because there has to be a minimum number of personnel for a fire call. He stated that it is likely that the fire call would have to wait for Station No. 3 or mutual aid backup.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Gatewood pointed out that a technical change needs to be made to the Regular Meeting Minutes of July 22, 2013 by changing "Boys and Girls Home" to "Fairbanks Youth Facility."

Mayor Cleworth stated that the correction would be made.

Mayor Cleworth 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 July 22, 2013 (as Corrected).

PASSED and APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of August 5, 2013.

PASSED and APPROVED on the CONSENT AGENDA.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth thanked Deputy Clerk Danyielle Snider for her work in tracking City Boards and Commissions. He congratulated Mr. Gatewood, Mr. Matherly and Mr. Eberhart for their unofficial victory in the Municipal Election. He spoke to the upcoming labor negotiations and budget preparation and stated that the next few months will be a busy time for the City administration. **Mayor Cleworth** spoke to the good news regarding the F-16's at Eielson Air Force Base and stated that there have been discussions about using Eielson as a bed-down for the F-35's. **Mayor Cleworth** stated that when he became Mayor in 2010, he set a goal to get City departments completely off the AS-400 computer system. He stated that he nearly gave up on the objective a couple months ago, but recent help from City staff indicates that the goal may be reached by mid-October. **Mayor Cleworth** stated that IBEW labor negotiations will begin soon and encouraged Council Members to carefully review the union contracts binder that was distributed to them. He commented that Lathrop and North Pole football teams recently played in the Mayor's Bowl and stated that Lathrop lost the game. He expressed appreciation to Mr. Gatewood and others for their participation in youth football. **Mayor Cleworth** reminded the Council of the upcoming Joint Work Session with local municipalities at the Fairbanks North Star Borough at 6 P.M. on Wednesday, October 9. **Mayor Cleworth** spoke to the history of the problem with incaps in the downtown area. He stated that some years ago, the Council looked at the PSO concept and forwarded it to the Public Safety Commission (PSC) for research and review. He indicated that at that time implementing a full-blown PSO system in the City of Fairbanks was not worth the effort. He stated that Chief Zager believes in the PSO concept and has done quite a bit of research himself. **Mayor Cleworth** stated that he also believes in the PSO concept, but indicated that firefighter unions across the nation greatly oppose the PSO concept. He stated that some City procedures are archaic and commented that some systems need to be changed. **Mayor Cleworth** stated that the PSC recommended that response to incaps be shared between the police department and the fire department. He stated that currently, if a call comes in for an unconscious individual, an ambulance is dispatched because the call must be dealt with as a life safety issue. He stated that all other calls for chronic inebriates are currently being sent to the police department for response. **Mayor Cleworth** stated that the fire department averages one call every two hours and that he believes they could field more calls. He clarified that incap calls within the downtown core area are first sent to the Community Service Patrol (CSP) for response and pointed out that CSP employees are not sworn police officers or paramedics. He expressed confusion in regard to City firefighters' resistance to the concept through their testimonials that only a sworn officer may respond to an incap call. **Mayor Cleworth** stated that the City is looking at a policy change that would make the fire department responsible for responding to incaps only if the CSP was not available and only if the department was not busy with a fire call. He stated that if an incap is uncooperative or belligerent or if there is criminal activity involved, the call may be turned over to the police department. He stated that the discussion is ongoing and that he envisions a one-person response in a van similar to how the CSP operates. He stated that the union representative for the fire department has adamantly stated that the department only works in teams of two. **Mayor Cleworth** stated that sometimes calls have to be "stacked" at the police department when the volume is high and indicated that it is not a good system, especially when temperatures fall well

below zero. He commented that another solution to the incap problem may be to reduce the funding for fire and police and increase funding to the CSP. **Mayor Cleworth** stated that he is convinced that the City has resources that are not currently being used and informed the Council that the City is looking into the legal issues that may be involved in the implementation of a new policy. He stated that the story in the Fairbanks Daily News Miner was a result of the firefighter's union contacting the media. **Mayor Cleworth** stated that although the City is not planning on implementing a full PSO concept, the public safety departments must be willing to work together to increase public service and efficiency. He expressed pride in the City's remarkably high Insurance Services Office (ISO) rating compared to other departments across the nation.

Mr. Hilling asked if firefighters could leave an incap call if a higher-priority call for an ambulance came in simultaneously.

Mayor Cleworth replied that if the call was for a fire or a higher-priority life safety issue, the firefighters could leave the incap call to respond to the call. He added that the situation would depend on staffing levels at the time.

UNFINISHED BUSINESS

- a) Ordinance No. 5926 – An Ordinance to Amend Fairbanks General Code Sections 2-651 and 2-655 Regarding Budget Preparation and Funding for Multiyear Contracts. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5926.

Mayor Cleworth called for Public Testimony.

Scott Raygor, 2615 Allen Adale Road, Fairbanks – Mr. Raygor stated that he is the Vice President of the Fairbanks Firefighter's Association. He asked the Council to consider tabling Ordinance No. 5926 until new members of the Council are seated. He indicated that the ordinance binds future Councils and limits their options for funding union contracts. Mr. Raygor stated that unions are often criticized by City administration for trying to bind the City Council to funding in future years. He spoke briefly to the contention that was caused between the Municipality of Anchorage and the unions when Mayor Sullivan introduced a labor ordinance that drastically changed the way negotiations are conducted right before new Assembly Members were seated.

Mr. Gatewood asked if Mr. Raygor's comment in regard to the purchasing of future contracts was in reference to labor contracts.

Mr. Raygor replied that his comment was in reference to any contract that the City enters into.

Mr. Gatewood stated that he has never looked at labor contracts as purchasing contracts.

Mr. Raygor stated that union contracts are still a service that the City pays for.

Mr. Gatewood stated that although he sees where Mr. Raygor is coming from, he does not agree that labor contracts can be looked at in the same way as purchasing contracts.

Mr. Eberhart thanked Mr. Raygor for his testimony. He asked Mr. Raygor to speak to his opinion on whether or not Ordinance No. 5926 would prevent multi-year agreements.

Mr. Raygor stated that he interprets the ordinance to limit agreements to a single year unless there is no funding involved.

Mr. Eberhart asked Mr. Raygor if he has served on the negotiating team in the past.

Mr. Raygor replied that he has been on the negotiating team for the last five contracts.

Frank Turney – Mr. Turney asked if it would be an appropriate time to speak to the hiring of police officers.

Mayor Cleworth stated that it would not be an appropriate time. He suggested that regular public testimony would have been the proper time to address the topic.

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

Ms. Staley thanked Mr. Raygor for his comments. She asked Mayor Cleworth how funding resources could be identified for multi-year contracts.

Mayor Cleworth expressed confusion by Mr. Raygor's comment that Ordinance No. 5926 would bind future Councils. He stated that when multi-year contracts are signed and funding sources are not identified for future years, it obligates future Councils to come up with funding. He stated that there is already a section of City Code that addresses multi-year contracts, but indicated that it is not comprehensive. He stated that the intent of the ordinance is to ensure funding for the duration of multi-year contracts to mitigate risk and liability to the City.

Mr. Gatewood asked Mayor Cleworth to provide an example of an "identified funding source."

Mayor Cleworth explained that a few years ago the City set aside funding that was earmarked for future labor contracts. He stated that his fear is that funds cannot be identified now to support a full three-year contract. He cautioned that signing a contract and worrying about the funding later is not a prudent way to operate the City. **Mayor Cleworth** used the Public Employees Retirement System (PERS) as an example of poor planning.

Mr. Eberhart expressed his concern with Ordinance No. 5926. He spoke to the proposed changes, stating that the changes may tie the hands of future City administrations.

Mayor Cleworth stated that the changes in FGC Section 2-651 came about as a result of his frustration in his service as a Council Member when a former mayor presented a budget that was based on revenues that did not exist. He clarified that the Council will still have the right to do whatever it wants when it comes to funding contracts.

Mr. Gatewood stated that his interpretation of Ordinance No. 5926 does not preclude the City Council from agreeing to multi-year contracts, but places on them the obligation to be more accountable. He stated that he can see that the ordinance may discourage the Council from agreeing to multi-year labor contracts.

Mayor Cleworth commented that City software systems are also expensive and stated that ongoing maintenance agreements must be funded from year to year. He reminded the Council that fiscal notes are now required to accompany ordinances and resolutions that will affect the City fiscally.

Mr. Matherly commented that Mayor Cleworth and Mr. Eberhart have a much longer history in dealing with labor negotiations than he does. He asked Mayor Cleworth to speak to the pushback that may have occurred when the City moved from one-year contracts to two-year contracts.

Mayor Cleworth clarified that many labor contracts in the past were three-year agreements. He stated that the Evergreen Clause in the 1990's was used with PSEA that allowed the contract to be extended for a period of about ten years. He stated that some labor contracts were limited to one year in the past when funding sources could not be identified for future years.

Mr. Matherly stated that the makeup of the Council changes frequently and expressed his hesitancy in significantly changing the way labor negotiations are done. He stated that he believes that the process has been working well and that he can see both Mr. Eberhart and Mayor Cleworth's points. He stated that he would support Ordinance No. 5926.

Mr. Hilling asked Mayor Cleworth if a Council could fund a contract with a fictitious funding source and, if so, how it could be done under the proposed ordinance. He stated, for example, that a Council may choose to fund multi-year labor contracts with a projected increase in property tax revenues and asked if that would be acceptable under Ordinance No. 5926.

Mayor Cleworth replied that Mr. Hilling may have misunderstood his comments. He indicated that a projected increase to property values would not be a fictitious funding source. He stated that projecting future revenues should come down to whatever the Council feels comfortable with.

Mr. Hilling asked Mr. Eberhart to speak to a possible future instance where a Council may have a funding dilemma caused by Ordinance No. 5926.

Mr. Eberhart stated that a Council may not feel comfortable enough to agree to a multi-year contract if they do not have specific, identifiable revenue sources at the time. He stated that multi-year contracts provide certainty to employees and greatly reduce expenditures in staff time and City resources for labor negotiations. He stated that if union contracts were reduced to one year, the City and unions would be in negotiations constantly. **Mr. Eberhart** suggested that it may be best to postpone Ordinance No. 5926 until new members of the Council are seated.

Mayor Cleworth stated that union contracts do not have to be reduced to one year, but could still be for a term of three years with a wage re-opener every year. He clarified that the City would not have to renegotiate entire contracts every year.

Mr. Hilling expressed his inclination to support Ordinance No. 5926 by stating that he believes it will allow future Councils to have more options when it comes to funding sources for contracts. He stated that at the same time, the ordinance limits the ability of the Council to be frivolous or reckless.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5926 AS FOLLOWS:

YEAS: Matherly, Hilling, Walley, Staley, Gatewood

NAYS: Eberhart

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5926 ADOPTED.

- b) Ordinance No. 5927 – An Ordinance Amending Certain Provisions of Fairbanks General Code Chapters 14, 46, and 78 in Response to the Revision of Minor Offense Rules by the State of Alaska. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Ms. Staley**, moved to ADOPT Ordinance No. 5927.

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

Mayor Cleworth explained that Ordinance No. 5927 was a product of the City's Legal Department.

City Attorney Ewers stated that most of the proposed changes are either already a part of the FGC or are already being enforced by the City of Fairbanks. He indicated that much of the ordinance is housekeeping. He stated that some of the modifications were a result of suggestions made by the State of Alaska in order to be fully compliant with state law. He clarified that the proposed changes to the traffic fine schedule are not new offenses, but were existing violations that were never addressed in the fine schedule. Mr. Ewers stated that some of the minor offenses needed clarification on whether or not a mandatory court appearance was required. He pointed out the paragraph of new language proposed in Section 78-5 stating that the last sentence which prohibits the judicial reduction of fines was added to prevent a judge from reducing a fine to less than the bail schedule amount set by the City. He explained that the language complies with state law but must be specified in Code in order to be enforced.

Mr. Matherly asked Mr. Ewers if there were a lot of instances in the past when judges reduced City fines.

Mr. Ewers stated that there have been numerous complaints about the frequency of judicial reduction from City police officers.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5927 AS FOLLOWS:

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

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5927 ADOPTED.

- c) Ordinance No. 5928 – An Ordinance to Amend the Fairbanks Landscape Ordinances, Codified as Chapter 10, Article XV, Sections 10-435 through 10-441. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Gatewood, seconded by **Ms. Staley**, moved to ADOPT Ordinance No. 5928.

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

Mayor Cleworth gave an overview of Ordinance No. 5928. He stated that City ordinances pertaining to landscaping and beautification have only been in existence since Mayor Steve Thompson was in office. He explained that he was skeptical of the original ordinance but was satisfied with the way former Building Official Steve Shuttleworth drafted the language. He stated that less than one year after the original ordinance was adopted, a revision was adopted that was much more stringent and specific. He explained that Ordinance No. 5928 eliminates redundancies in the Code and removes much of the overly-detailed language regarding landscaping requirements. **Mayor Cleworth** stated that the only major change in the proposed ordinance is the elimination of interior landscaping requirements for parking lots. He explained that the reason for the change is that trees and shrubs get in the way and are often damaged during snow removal and that the landscaped areas become a repository for trash and debris.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5928 AS FOLLOWS:

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

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5928 ADOPTED.

- d) Ordinance No. 5929 – An Ordinance Approving an Amendment to the Collective Bargaining Agreement Between the City of Fairbanks and the Public Safety Employees Association Local 803 Regarding Emergency Dispatchers. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5929.

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

Mr. Gatewood, seconded by **Ms. Staley**, moved to SUBSTITUTE the Letter of Agreement attached to Ordinance No. 5929.

Mayor Cleworth explained that the substituted letter was to provide clarification for both parties. He spoke to the diversity of union employees within all City departments and spoke to the problems with acting pay across unions. He expressed his distaste for acting pay and stated that he created a clear and concise policy on the issue at the beginning of his administration. **Mayor Cleworth** stated that in order to avoid granting acting pay to an employee within a department, other staff outside the department sometimes “acts” in a department head’s absence. He stated that under the policy he created, no IBEW employee may act in a higher capacity until the sixth working day of the higher position’s absence. He stated that in the City’s Dispatch Department it is more complicated since the department head belongs to a different union than the lead dispatchers. He explained that if one of the dispatchers were asked to act as the Dispatch department head, it would be in violation of the collective bargaining agreements (CBA’s). **Mayor Cleworth** stated that Ordinance No. 5929 addresses the acting pay issue in the Dispatch Department and is an amicable compromise for both the City and the union.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUBSTITUTE THE LETTER OF AGREEMENT ATTACHED TO ORDINANCE NO. 5929 AS FOLLOWS:

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

NAYS: None

Mayor Cleworth declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5929, WITH SUBSTITUTED ATTACHMENT, AS FOLLOWS:

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

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5929, with Substituted Attachment, ADOPTED.

NEW BUSINESS

- a) Ordinance No. 5930 – An Ordinance Approving a Collective Bargaining Agreement Between the City of Fairbanks and the AFL-CIO Crafts Bargaining Unit. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- a) Ordinance No. 5931 – An Ordinance to Amend Fairbanks General Code Chapter 14 Businesses, Article VII Massage Practitioner Licenses. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- a) Ordinance No. 5932 – An Ordinance to Amend Fairbanks General Code Chapter 14 Businesses, Article IV Private Detective Licenses. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

Committee Reports

Golden Heart Parking Services (GHPS) Board – Ms. Staley thanked Mr. Ewers for helping clarify the delegation of authority from the City of Fairbanks to the GHPS Board, specifically in regard to parking on private property. She stated that FGC Section 78-406 which speaks to the issue was distributed to board members and will be available at GHPS hearings. Ms. Staley stated that the Board also had a lengthy discussion about the possibility of placing parking meters in the downtown area. She commented that board members visited the parking lot of the Marriott Hotel to look at the signage due to feedback that the signage is confusing to the public. She stated that the Board will approach the private owner to see if the signage can be improved in the parking lot.

COMMUNICATIONS TO COUNCIL

- a) Re-appointment to the Fairbanks North Star Borough Planning Commission

ACCEPTED on the CONSENT AGENDA.

- b) Appointment to the Board of Plumber Examiners

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Gatewood offered his condolences to State Representative David Guttenberg for the passing of his wife Marilyn. He stated that he has no interest in negotiating union contracts every year. He commented that he sees Ordinance No. 5926 as a very strong attempt at maintaining fiscal responsibility but stated that he believes it will also force the Council to limit contract agreements to one year when a specific funding source cannot be identified. Mr. Gatewood acknowledged Mayor Cleworth's concern with PERS and unfunded liabilities. He commented on the football game played between Lathrop and North Pole at the Mayor's Bowl and announced that Lathrop will be heading to the large schools playoffs in Anchorage. He shared that North Pole has moved down to the medium schools division and will be hosting the playoff game for the Southeast Conference. He commended Monroe High School's football team for winning their conference and announced that they will be hosting a playoff game against Barrow at the Big Dipper.

Mr. Walley agreed with Mr. Gatewood's comments on Ordinance No. 5926 stating that he looks at it as proper and prudent planning. He pointed out that future Councils would have the power to change the ordinance if they so desired. He indicated that he would be willing to renegotiate

labor contracts if necessary in order to be fiscally responsible. **Mr. Walley** stated that the Council should be planning ahead regardless of the economic situation and commended the Council for having done a good job so far. He thanked Public Works and Engineering Director Mike Schmetzer and his department for their hard work on the various City construction projects. He commented that the construction season seems to be wrapping up quickly with the cooperation of the weather.

Ms. Staley stated that she is ecstatic about the decision of the Air Force to keep the F-16's at Eielson and thanked Mayor Cleworth for his strong support. She announced that the University of Alaska Fairbanks will hold its Arctic Innovation Competition on October 18 where they will give out awards of up to \$10,000. **Ms. Staley** stated that she feels honored to have been asked to be a judge at the event. She thanked Mr. Matherly for covering the Borough Assembly meeting in her absence and stated that she will be out of town again for the next Assembly meeting. **Ms. Staley** asked to be excused for the Regular City Council Meeting of November 4, 2013, due to travel to Fayetteville, NC.

Mayor Cleworth called for objection regarding Ms. Staley's request to be excused on November 4, 2013, and, hearing none, so ORDERED.

Mr. Gatewood asked if there were any other Borough Assembly meetings that needed to be covered.

Ms. Staley replied that she would be unable to attend the October 24 Assembly meeting.

Mr. Eberhart congratulated Mr. Gatewood and Mr. Matherly for having been reelected to the City Council. He stated that he is glad that the Regulatory Commission of Alaska (RCA) hearing is over and expressed hope that they would make a decision as quickly as possible in order to keep the natural gas distribution project moving forward. **Mr. Eberhart** stated that he is happy with the Air Force's decision to keep the F-16's and thanked Mayor Cleworth for his work on the local Tiger Team which opposed the relocation. He stated that it has been easy to be pessimistic about the local economy with several causes for concern, but suggested that as community leaders the Council needs to send a positive message to the community to avoid a recession. **Mr. Eberhart** announced that the PSC will meet at 11:30 A.M. on October 15 at the Fairbanks Police Department.

Mr. Hilling commented that the thought of negotiating labor contracts every year is daunting, but stated that he believes adopting Ordinance No. 5926 was the right thing to do. He spoke to the benefits of cross training public safety personnel and to the efficiencies it would create within the City. **Mr. Hilling** asked if the PSC is still considering the PSO concept.

Mayor Cleworth stated that the Fire Department has been very much opposed to the concept. He clarified that the PSC has made some recommendations but have not really weighed in on the full PSO concept. He stated that the idea is not dead, but that there will be a lot of criticism if the concept is ever implemented.

Mr. Hilling spoke to the potential for many of the Fire and Police applicants, stating that they have the ability to learn and perform both jobs. He stated that he would be willing to take

criticism for implementing the PSO concept. He asked Mayor Cleworth what the Fire Department's reasons for opposition are.

Mayor Cleworth replied that firefighters resist the concept because they state that they are not police officer but are trained EMT's and firefighters. He stated that when he hears all the reasons why something cannot happen, he looks for ways it can happen. He clarified that the City is only looking into a hybrid version of the PSO concept.

Mr. Hilling expressed his appreciation for Mr. White's testimony. He echoed Mr. Turney's question to Police Chief Zager as to why a union contract cannot require that a police officer be subject to a polygraph test if he or she is under internal investigation.

Mayor Cleworth replied that Chief Zager has nothing to do with the issue and that it is something the union has not supported.

Mr. Hilling requested that Chief Zager come forward to give his thoughts on the issue.

Chief Zager stated that he is entirely in favor of polygraph, voice analysis and random drug testing. He added that reliance on polygraph tests should be very limited.

Mr. Matherly stated that he is glad the election is over and that he is anxious to know who the next City Mayor will be. He wished both candidates good luck in the final count of question and absentee ballots. He stated that he was disappointed in the low voter turnout but that he is happy to serve another term on the City Council. **Mr. Matherly** stated that his son's football team beat North Pole in their only win of the season. He stated that he was able to announce the games of his other three sons in youth football and announced that they were undefeated the entire season. He requested to meet with the administration regarding an issue that was brought to his attention by Heather Gappert, a local constituent and property owner.

Mayor Cleworth stated that the administration has met with Ms. Gappert twice and that Assistant Chief Misewicz has also met with her. He stated that he can schedule an appointment to meet with Mr. Matherly and invite the Assistant Fire Chief and Building Official.

Mr. Matherly spoke against renegotiating labor contracts every year stating that it would take too much staff and Council time. He indicated that he voted in favor of Ordinance No. 5926 for that reason. **Mr. Matherly** stated that he will be happy to attend the Borough Assembly meeting in Ms. Staley's absence and added that it would be nice if an Assembly member would attend City Council meetings.

Mr. Cleworth spoke to voter turnout in the late 1980's being about 5,000 versus this year's low turnout of roughly 2,800. He stated that there seems to be a declining trend in voter turnout from year to year. **Mayor Cleworth** stated that other municipalities are either approving three-year union contracts with a very low Consumer Price Index (CPI) increase, or are moving away from full, three-year contracts and are having wage reopeners every year.

Mr. Gatewood suggested that a great way to increase voter turnout would be to tie it directly to the receipt of the Alaska Permanent Fund Dividend.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to go into Executive Session for the purpose of discussing Labor Contract Negotiations for AFL/CIO and PSEA.

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

Mayor Cleworth called for a five minute recess.

EXECUTIVE SESSION

a) Labor Contract Negotiations – AFL/CIO and PSEA

The City Council met in Executive Session to discuss labor contract negotiations for AFL/CIO and PSEA. Direction was given to staff and no action was taken.

ADJOURNMENT

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

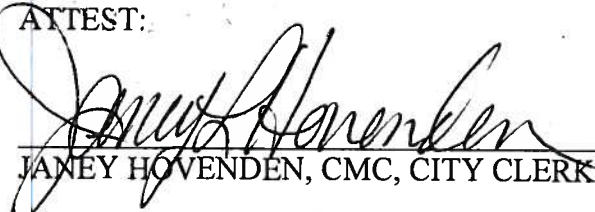
Mayor Cleworth called for objection and, hearing none, so ORDERED.

Mayor Cleworth declared the Meeting adjourned at 10:35 P.M.

For 

JOHN EBERHART, MAYOR

ATTEST:



JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS