



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, AUGUST 19, 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
 Clem Clooten, Building Official

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

Kathleen Wallace, 3165 Hillary Avenue, Fairbanks – Ms. Wallace stated that she is a cab driver in Fairbanks. She spoke to a negative encounter she recently had with a Golden Heart Parking Service (GHPS) employee when dropping off an elderly passenger in the downtown area. She then spoke to other interactions she has experienced with GHPS ticketing officers when picking up and dropping off another elderly customer at the Lathrop Building. She stated that the officers have started issuing parking tickets to her while she is delivering and picking up passengers in her cab. Ms. Wallace stated that her husband, the operations manager for the cab company, called and spoke with Marcus at GHPS who agreed to allow cabs to pick up and drop off from the fire lane in front of the Lathrop Building. She indicated that after that agreement was made, another cab driver was approached in front of the Lathrop Building by a GHPS employee. She stated that there was no sense of common courtesy or decency from the employee. She acknowledged the need for GHPS in the downtown area but stated that she and other cab drivers would just like to do their jobs. Ms. Wallace presented a petition demanding the return of taxi stands to Downtown Fairbanks signed by various cab drivers, dispatchers and her customers.

Mr. Hilling asked if she is suggesting that a taxi stand be placed in front of the Lathrop Building.

Ms. Wallace replied that she knows how traffic flows and recommended that the stretch of 2nd Avenue between the Mecca Bar and the Co-op on the Marriott Hotel side of the street would be an ideal place for a taxi stand. She stated that she is unsure of how a taxi stand would work in front of the Lathrop Building. She indicated that there is another spot on 3rd Avenue that could be used for a taxi stand.

Mr. Matherly asked if there have been taxi stands in Fairbanks before.

Ms. Wallace stated that there were taxi stands in the 1990's, around the same time the parking garage was being constructed. She stated that downtown is a much different business environment now than it was then and indicated that cab drivers are a higher caliber now as well. She stated that she recalls taxi stands being in front of the Savoy Bar, the Cottage Bar and over by the old Visitor's Center. She mentioned that she has also been harassed and ticketed for parking in a "bus zone" by the Visitor's Center. She stated that the whole block is designated for buses and that she does not understand why there cannot be a small space reserved for taxis.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that if he was serving on the GHPS Board, he would be in support of taxi stands. He stated that he was asked to serve on the GHPS Board about two months ago but indicated that he has heard nothing more about it since then. He congratulated Mr. Gatewood and Mr. Matherly for running unopposed in the upcoming election. Mr. Turney stated he typically tries to run against candidates who are running unopposed. He indicated that he will be questioning all City candidates on the possibility of a City Charter change to allow the people to elect the Chief of Police. He stated that he did not approve of the way Chief Zager was selected and indicated that the City Council should have had the opportunity to meet and question him prior to hire. Mr. Turney suggested voice analysis and polygraph tests be used whenever necessary in the police department, not just upon hire of new officers. He stated that sometimes police officers lie under oath and are let "off the hook" when caught. Mr. Turney thanked Mr. Gatewood for attending the Borough Assembly meeting where the body approved a resolution regarding the labeling of genetically modified food products. He expressed his hope that the City Council would introduce a similar resolution. He stated his belief that the government has a responsibility to warn the public of the risks if genetically modified foods are proven to be unhealthy. Mr. Turney thanked the City for the eight sprinkler outlets installed at the Clay Street Cemetery. He suggested that the Council introduce a resolution in support of the initiative to legalize marijuana. He spoke to the possibilities in cultivating industrial hemp in Alaska and to the many uses of the product.

Floyd Terry, PO Box 73514, Fairbanks – Mr. Terry read aloud a portion of an article that stated that Monday, September 7, 1908 was the first Labor Day celebration in Fairbanks. He stated that there were contests and other activities with an evening program that consisted of a series of speakers including the National Vice President of the Western Federation of Miners. He stated that there were also dances held after the event. He stated that he has collected several books about the history of roller skating and indicated that the industry has a very long history. He stated that he would like to see roller skating make a comeback in Fairbanks as not only a sport, but also an industry. He stated that the community is being deprived of family-oriented activities like a first-class roller skating rink. Mr. Terry stated that he has done his part and requested that the community help him in his efforts to bring family values back to Fairbanks. He stated that if a roller rink ever opens in Fairbanks, all the documentation he has will go into a library inside the skating rink.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger congratulated the Fountainhead Antique Car Show for the award they received at Pebble Beach over the weekend. He stated that their event is one of the finest

in the Fairbanks community and recommended that tourists and residents check it out. Mr. Buberger spoke to the need for public restrooms in downtown Fairbanks. He expressed his disgust that there are 54 restrooms in the State Court House. He stated that he heard his name on public radio in reference to public restrooms and that it was suggested that he was in the business of selling toilets. He clarified that he is not selling anything. He stated that at the very least, the City should place signage throughout the downtown area to indicate where there are restrooms available for use. He suggested that the City suspend urinating in public laws until public restrooms facilities are available.

Mr. Hilling asked Mr. Buberger how many porta potty's he thinks should be placed downtown and where he would suggest placing them.

Mr. Buberger suggested that Mr. Hilling ask tourists and visitors that question. He indicated that good places to have them may be the Marriott Hotel parking lot, the Big Ray's parking lot and down by the river.

Harvey "Walley" Wallace, Operations Manager for Arctic Taxi, 3165 Hillary Avenue, Fairbanks – Mr. Wallace asked how to go about getting taxi stands back in downtown Fairbanks. He stated that some cab drivers refuse to go downtown during the day because they do not want to be harassed.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

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

City Clerk Hovenden read the Consent Agenda into the record.

SPECIAL ORDERS

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the following Appeal of Denied Application for new Chauffeur License:

Applicant: Joshua Lee Moneer

Mr. Hilling, seconded by **Mr. Gatewood**, moved to GRANT the Chauffeur Appeal.

Mayor Cleworth called for Public Testimony.

Joshua Moneer, 2242 3rd Avenue, Fairbanks – Mr. Moneer stated that he recently quit his job as a liquor clerk at Gavora's. He explained that his denial for a Chauffeur's License was due to a conviction for an offense that occurred about four years ago. He stated that he recently had a son and is doing his best to support his family.

Mr. Hilling asked Mr. Moneer to speak to the offense.

Mr. Moneer explained that he was convicted of a controlled substance misdemeanor for possession of marijuana.

Mr. Matherly asked Mr. Moneer if he has had any other infractions.

Mr. Moneer replied that the misdemeanor is the only criminal infraction he has had. He stated that he has had driving infractions, including driving without a license or insurance about five years ago. He explained that the driving without a license case was expunged.

Mr. Hilling asked Mr. Moneer if he obtained insurance after the incident.

Mr. Moneer replied that he did not get insurance after the incident because he quit driving that vehicle.

Mr. Hilling asked Mr. Moneer if he currently carries insurance.

Mr. Moneer stated that he is not currently carrying insurance because he is not driving.

Mr. Eberhart asked Mr. Moneer to speak to his previous job and if he had any prior experience as a chauffeur.

Mr. Moneer stated that he worked as a liquor and grocery clerk for three years. He indicated that he has not had any prior experience as a chauffeur, but that he likes to drive and is excited to learn the job.

Mr. Eberhart asked how the controlled substance conviction came about.

Mr. Moneer explained the circumstances surrounding the incident when he was caught using marijuana at a friend's birthday party.

Mr. Eberhart asked Mr. Moneer if he has a job lined up for driving cab or any leads for other types of jobs.

Mr. Moneer replied that he doesn't have a specific job lined up, but indicated that it will be nice to have the option to try different things. He explained that he was miserable at his prior job, but realizes that he still needs to support his family.

Gina Moore, 3756 Mitchell Avenue, Fairbanks – Ms. Moore stated that she has known Mr. Moneer since he was a teenager and commented that he is a hard worker who is always dependable and on time. She stated that she was the manager at Big Ray's when Mr. Moneer worked there. Ms. Moore stated that Mr. Moneer is a man of his word.

Frank Turney – Mr. Turney stated that he has spoken with Mr. Moneer about his misdemeanor and indicated that Mr. Moneer served jail time but was not court-ordered to participate in any sort of treatment program. He urged the Council to grant the appeal since Mr. Moneer is a first-time offender. Mr. Turney recalled two instances within the past couple years where the Council granted appeals for marijuana convictions.

Kathleen Wallace – Ms. Wallace stated that she does most of the new driver training for Arctic Taxi. She indicated that she has been burnt on occasion when she has given individuals second and third chances, but stated that she also has some success stories. Ms. Wallace stated that she would be more than willing to "take him under her wing" and train him for the job. She commented that she would not recommend driving cab as a career unless an individual is very business-minded but stated that the job can open doors to other opportunities in the community. She stated that driving cab can also be used as a second or part-time job.

Mayor Cleworth asked Ms. Wallace if she is an owner/operator.

Ms. Wallace explained that she drives for Arctic Taxi but owns her vehicle. She stated that she carries her own insurance, pays for her own maintenance and pays rent to Arctic Taxi for dispatch services.

Seth Helton, 177 3rd Avenue, Fairbanks – Ms. Helton stated that he has been Mr. Moneer's friend since junior high school. He stated that he has worked for Arctic Taxi for a year and that he believes Mr. Moneer would do a good job as a cab driver. He stated that Mr. Moneer should be given a chance.

Victor Buberger – Mr. Buberger stated that drugs are a reality and suggested that the City begin doing random drug testing on firefighters and police officers. He spoke to the many people he has known in varying professions that have used drugs. Mr. Buberger indicated that one of the highest concentrations of drug use in the state is in Juneau. He stated that although he does not personally know Mr. Moneer, he would like him to have a chance to obtain a chauffeur license. He expressed his opinion that the City introduce an ordinance to stop regulating chauffeurs.

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

Mr. Hilling stated that he does not recall approving many chauffeur appeals in the past because of the substantial reasons for denial. He spoke to the trust that Fairbanks citizens place in the City Council to ensure their safety. He expressed his view that Mr. Moneer's case was rather benign and that his appeal should be granted.

Mr. Gatewood stated that he is torn on his decision on whether to grant the appeal. He stated that early in his service on the Council, he was "all over the place" when it came to appeals, but commented that he has been consistent since the Council amended the criminal background requirements. **Mr. Gatewood** pointed out that Mr. Moneer does not have a lengthy record and stated that he has been somewhat swayed by public testimony. He indicated that he may be willing to grant Mr. Moneer's appeal.

Mr. Matherly stated that in spite of Mr. Buberger's comments that the City should not regulate chauffeurs, he is not swayed by his negative approach. He stated that he puts weight in what Mr. Moneer and the individuals who know Mr. Moneer have to say. **Mr. Matherly** stated that it is the Council's job to weigh chauffeur appeals and that he believes in the appeal system. He stated that he would not change his position on any of the prior appeals but indicated that he is willing to give Mr. Moneer a chance. **Mr. Matherly** spoke against citizen mockery of the City Council and asked Mr. Buberger to be more respectful of the Council as a body.

Mr. Walley stated that the chauffeur appeals he has heard in his short time on the Council have had much different circumstances than the appeal of Mr. Moneer. He stated that he has personally seen Mr. Moneer at work and commented on his great work ethic and customer service skills. **Mr. Walley** spoke in favor of granting Mr. Moneer's appeal.

Mr. Eberhart stated that he somewhat agrees with Mr. Buberger that the Council may not be the best body to grant or deny chauffeur appeals because of the varying opinions of Council Members. He spoke to the ordinance governing chauffeurs and suggested that the section pertaining to controlled substance appeals may need to be modified. **Mr. Eberhart** spoke to the idea of allowing the cab companies to regulate drivers

instead of the City of Fairbanks. He stated that given the facts and under Mr. Moneer's circumstances, he is in favor of granting the appeal.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO GRANT THE CHAUFFEUR APPEAL AS FOLLOWS:

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

NAYS: None

Mayor Cleworth declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth stated that there were taxi zones in the downtown area years ago but that they did not completely fix the problem. He stated that in the end, the cab companies preferred to get rid of the zones and have the right to park wherever needed to pick up or drop off fares. He indicated that placing a cab zone in front of the Lathrop Building would not work and that finding the ideal place for a taxi stand is difficult. **Mayor Cleworth** stated that he does not believe it is impossible for taxi stands to return to the downtown area. He added that GHPS will have to be included in discussions regarding downtown parking and taxi stands. **Mayor Cleworth** spoke to chauffeur appeals stating that the Council has the right to hear appeals, but does not have to exercise that right. He commented that he would not recommend doing away with the appeal process because of the varying circumstances of individuals. He stated that he knows some cab drivers who were given a second chance and have been successful in the business. **Mayor Cleworth** stated that he recently spoke with June Rogers, Jean Lester and Ron Inouye regarding the portraits in the lobby of the old federal building downtown. He stated that Ms. Rogers is looking for a new home for the pictures and is hoping that City Hall could be that new home. He indicated that there is an empty hall that could house the entire collection and stated that City Attorney Ewers has been in contact with Ms. Lester to discuss possible liability issues. He stated that there is a book that accompanies the collection and offered to share it with the Council. **Mayor Cleworth** commended the City Finance Department for having received the Distinguished Budget Presentation award from the Government Finance Officers Association (GFOA). He stated that the City's Finance Department has won other awards in the past but that this is the first time the City of Fairbanks has ever received this particular award. **Mayor Cleworth** announced that on August 31 the J.P. Jones Center will be having a reopening and that he has asked Mr. Hilling to represent the City at the event. He indicated that they will be honoring the improvements that the City made and extended the invitation to attend to the remaining Council Members. He stated that he would be unable to attend the event. **Mayor Cleworth** stated that Youth Safety Day is on Saturday, August 24 from 11 – 3. He read aloud an announcement that provided details about the event. He stated that the City has written a letter to Mr. Marlow regarding the Polaris Building and that he will provide copies of the letter to Council Members upon request. He thanked Mr. Gatewood and Mr. Matherly for filing for their seats on the Council and recognized Mr. Eberhart and Ms. Stiver for running for mayor in the 2013 Municipal Election.

UNFINISHED BUSINESS

- a) Ordinance No. 5922 – An Ordinance Amending the 2013 Operating and Capital Budgets for a Second Time. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5922.

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

Mr. Gatewood asked what the “miscellaneous revenue” on page 3, section 3 entails.

Mayor Cleworth stated that there are many different revenues that come in throughout the year that are not budgeted.

Chief Financial Officer Jim Soileau broke down the \$78,822 in miscellaneous revenue: \$44,895 was for a refund from a prior-year’s project at Public Works, \$12,000 was for a rebate for LED lights from GVEA, and the remaining amount was from a Homeland Security Rebate from a prior-year grant.

Mayor Cleworth clarified that part of the budget amendment is to transfer \$489,000 to the City’s Permanent Fund. He stated that although the Council is not required to do so, he believes it is a good idea to build the Fund with surplus from prior years. He thanked the Council for continuing the practice.

Mr. Eberhart spoke to the \$45,000 increase to expenditures on page 4 of the fiscal note for Ordinance No. 5922. He confirmed that the amount was to cover the environmental assessment for the snow dump the City plans to purchase. He stated that Mr. Jeff Johnson questioned the cost of the snow dump at a recent Finance Committee Meeting and asked his fellow Council Members for their input.

Mayor Cleworth explained that the property was valued at \$250,000 but that the Food Bank marketed it for \$199,000. He spoke to the difficulty in finding land in Fairbanks for a snow dump. He stated that the City set aside about \$400,000 a few years ago in the Capital Fund for the acquisition of a snow dump on the northeast side of Fairbanks but that a snow dump was procured as part of the Bentley Trust deal. **Mayor Cleworth** stated that since then the City has been looking for a snow dump area on the south side of town. He spoke briefly to the history of the property for sale by the Food Bank and expressed his belief that it is a good idea to have environmental testing done prior to purchasing the land.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5922 AS FOLLOWS:

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

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5922 ADOPTED.

NEW BUSINESS

- a) Ordinance No. 5923 – An Ordinance to Repeal Fairbanks General Code Sections 14-31 through 14-40 Regarding Licensing of Security Guards. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- b) Ordinance No. 5924 – An Ordinance Authorizing Grant of Easement to Cure a Survey Defect at “Old City Hall.” Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

Committee Reports

COMMUNICATIONS TO COUNCIL

- a) Chena Riverfront Commission Meeting Minutes of February 13, 2013.
ACCEPTED on the CONSENT AGENDA.
- b) Chena Riverfront Commission Meeting Minutes of March 13, 2013.
ACCEPTED on the CONSENT AGENDA.
- c) Chena Riverfront Commission Meeting Minutes of April 10, 2013.
ACCEPTED on the CONSENT AGENDA.
- d) Chena Riverfront Commission Meeting Minutes of May 8, 2013.
ACCEPTED on the CONSENT AGENDA.
- e) Letter of Appreciation for Bed Tax Funds for Clay Street Cemetery Markers.
ACKNOWLEDGED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Ms. Staley stated that she will be calling in for the next meeting. She thanked the public for their comments regarding GHPS and taxi stands in the downtown area. **Ms. Staley** spoke to GHPS's process for disputing parking citations and encouraged anyone who feels that they were unjustly issued a parking citation to attend the hearings. She stated that she appreciates the idea of taxi stands. She expressed her excitement to be back home after a three-week business trip to New Mexico.

Mr. Walley corrected himself from the last Council Meeting when he referred to Mr. Gatewood as Mr. Hilling. He congratulated Mr. Gatewood and Mr. Matherly on running for another term on the City Council in the upcoming election.

Mr. Gatewood thanked Mr. Walley for his comments. He stated that he does not want to make assumptions in regard to the upcoming election. He stated that he doesn't want to assume a victory just because no other candidate filed for his seat on the Council. **Mr. Gatewood** stated that he was unaware that there had ever been taxi stands in Fairbanks and commented that he believes it is an interesting idea. He stated that Mayor Cleworth brought up some valid points in his comments but stated that he would be willing to discuss the topic. He indicated that there will still be controversy regardless of what decision is made. **Mr. Gatewood** reminded everyone that school will be starting within the week and congratulated the incoming senior classes. He cautioned college students on taking their education seriously. **Mr. Gatewood** reported that the Lathrop Malemutes "got off on the right foot" in their first football game of the season.

Mr. Eberhart commended all the candidates running in the October 1 election. He spoke to the upcoming union labor negotiations and to the health re-opener for the Fairbanks Firefighters Union. He indicated that the new mayor will have a lot of work to do to complete the negotiations. He spoke to the importance of both sides being reasonable and fair and to the high costs of living in the Interior. **Mr. Eberhart** stated that there were some dismaying letters to the editor in the newspaper regarding high energy costs and the toll it is taking on the local economy. He stated that the Fairbanks Economic Development Corporation (FEDC) has been holding a series of "Energy for Alaskans" meetings to discuss various energy projects to improve energy costs and availability in the Fairbanks area. He stated that they will be holding another meeting on August 20 at 8 A.M. to discuss the Susitna-Watana hydroelectric dam project. **Mr. Eberhart** announced that the Public Safety Commission (PSC) will hold a work session at the Fire Department at 11 A.M. on August 20 to discuss the first utilization of cross-trained personnel and the use of volunteers in public safety.

Mr. Hilling apologized for missing the last Council Meeting and explained that he was fishing in Homer. He stated that he has heard stories from a number of people about their unpleasant encounters with employees of GHPS but expressed his belief that the employees are simply doing their job. In reference to Mr. Turney's testimony, **Mr. Hilling** asked if the City performs polygraph tests on all newly-hired officers.

Mayor Cleworth stated that before hiring new officers, the City performs polygraph tests. He commented that Mr. Turney is correct in stating that the city does not administer polygraph tests after employees are hired.

Mr. Hilling asked if there are any current efforts by the administration to change the system. He asked if the City Council has the authority to adopt an ordinance that would allow for polygraph tests to be performed on employees. He asked about the possibility of implementing voice stress analysis tests as a condition of hiring.

City Attorney Ewers replied that the City Council could not adopt an ordinance to allow for polygraph testing on employees. He stated that it is unclear as to whether the City can require both polygraph and voice stress analysis tests for new applicants.

Mayor Cleworth stated that since Police Chief Zager is not present, he will ask him to speak to the issue at a later time.

Mr. Hilling stated that he believes it is time for the City Council to address the possibility of a medical marijuana dispensary. He expressed his intention to introduce legislation that would test the state law on the matter.

Mr. Matherly echoed Mr. Gatewood's comments on candidacy in the upcoming election. He stated that he appreciates the honor of serving on the Council and hopes to serve another term. In reference to the GHPA, **Mr. Matherly** indicated that the message may be correct, but the delivery may need some improvement. He expressed his belief that both GHPA employees and the public should be mutually respectful and conscientious in their interactions. He spoke out against speeding in residential neighborhoods and cautioned the public to be extra careful because winter is coming and school will be starting soon.

Mayor Cleworth stated that there are two more topics that he would like to speak to: Golden Heart Parking Services and the Alaska Retirement Management (ARM) Board. He explained that there never used to be a parking service in the downtown area and that the police were the only ones who monitored parking in Fairbanks. He explained that for a while, employees of the downtown area would take all the parking spots

leaving customers with no place to park. **Mayor Cleworth** indicated that that was one of the reasons why GHPS (formerly Fairbanks Parking Authority) was created. He stated that it was designed as a board of volunteers to implement policy and hear disputes. He indicated that there is a high turnover of GHPS employees and spoke to the difficulty of the job in the harsh climate. He acknowledged the problem between the public and GHPS and added that it is difficult to find a good solution. **Mayor Cleworth** commented on the staggering retirement debt in the State of Alaska [the Public Employees' Retirement System (PERS) and the Teacher Retirement System (TRS)] and nationwide. He spoke to the bankruptcy in Detroit and to the limitations they may place on pensions. He stated that in the late 1980's – early 1990's the Council had a hunch that something may be wrong with the PERS Board because of great fluctuations in rates. **Mayor Cleworth** explained that the "house of cards came tumbling down" in 2002 – 2003 when the City realized that it did not have a surplus but instead a large debt. He stated that attempts in asking for backup of rates went unanswered and eventually the actuary was fired and sued by the State of Alaska. He clarified that the police and fire departments are the only City employees that still participate in PERS but stated that if the rate is raised by the 3% recommendation, the City will be liable for approximately \$300,000 more per year. **Mayor Cleworth** stated that these types of issues make labor negotiations more difficult.

CITY ATTORNEY'S REPORT

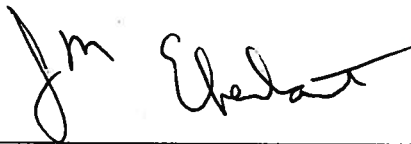
City Attorney Ewers advised that he has a copy of the Whorton/Hutton vs. City of Fairbanks decision for Mr. Hilling.

Mr. Hilling asked what types of questions are asked in police polygraph tests.

Mayor Cleworth replied that he would get the information Mr. Hilling requested, possibly at a Finance Committee Meeting. **Mayor Cleworth** stated that the judge dismissed the Whorton/Hutton case but stated that the plaintiffs may file an appeal.

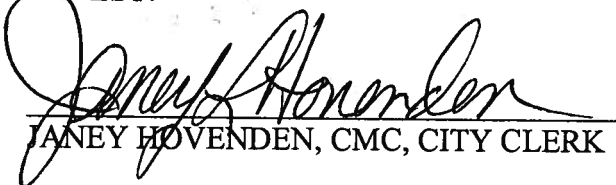
ADJOURNMENT

Mayor Cleworth declared the Meeting adjourned at 8:50 P.M.



JOHN EBERHART, MAYOR

ATTEST:



JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS