



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, AUGUST 5, 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 (Telephonic)
 Perry Walley, Seat B
 Bernard Gatewood, Seat C
 Jim Matherly, Seat D
 John Eberhart, Seat F

Absent: Lloyd Hilling, Seat E (Unexcused)

Also Present: Warren Cummings, Fire Chief
 Paul Ewers, City Attorney
 Janey Hovenden, City Clerk

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

Floyd Terry, PO Box 73514, Fairbanks – Mr. Terry spoke to the need for town meetings and stated that he has been reviewing documentation from town meetings in the past. He stated that the meetings helped solve problems in the community such as the homeless youth population, assaults, thefts, DUI's, etc. Mr. Terry indicated that it will take more participation from the community to effect change. He stated that he believes the problems in the community are getting worse. Mr. Terry mentioned various community events and activities that local youth and residents could get involved in. He spoke to the decline in local businesses and indicated that Fairbanks needs new businesses. Mr. Terry suggested that the Native Council take over the duties of the Community Service Patrol (CSP) to try and get chronic inebriates out of the Fairbanks Downtown area.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger thanked Public Works for their efforts in repairing the potholes in Fairbanks, especially on 15th Avenue. He also thanked Public Works Director Mike Schmetzer for being a hard-working City employee. Mr. Buberger explained that although he is not a City resident, he lives in the Borough and spends 98-99% of his money in Fairbanks. He stated that if people do not like his regular testimony before the City

Council, they should come speak their mind. He spoke to the article he distributed to the Council and to the need for public restrooms in downtown Fairbanks. He stated that he has visited the Clay Street Cemetery on occasion and mentioned that the sprinkler being used to water the cemetery lawn "is a joke." He suggested that the City invest in a better watering system. He offered to lend some of his own sprinklers to Mr. Turney for use in the cemetery.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that he likes the little hose at the Clay Street Cemetery. He stated that maintenance on the Clay Street Cemetery has come a long way since the 1980's and gave Mayor Cleworth credit for some of the improvements. He explained that lawns should not be watered in 80-degree weather because it will burn the grass. Mr. Turney spoke to the recent newspaper article by Greg Hill regarding public restrooms in Fairbanks. He encouraged everyone to visit the upcoming fair and put their signatures on the tax cap initiative. He questioned why there wasn't a spending cap for the Fairbanks North Star Borough. Mr. Turney announced that he has been hired by the Marijuana Policy Project to collect signatures for a petition to tax and regulate the production and use of medical marijuana. He expressed his satisfaction on the court ruling in the David Pruhs case and spoke out against police officers who pull people over without justifiable cause. He stated that 2 – 3 officers in the lower 48 have been terminated for speaking out against quotas. He spoke to the loss of privacy for citizens of the United States and stated his belief that the Bill of Rights is in jeopardy now more than ever. Mr. Turney stated that his mother and sisters are here to visit and that he plans on getting out to enjoy the weather.

Mayor Cleworth asked if the petition that he was hired to work on is a state-wide petition. He also asked who the sponsor is.

Mr. Turney replied that it is a state-wide petition sponsored by the Alaska Marijuana Project out of Anchorage.

Mayor Cleworth asked if the petition is to legalize medical marijuana.

Mr. Turney stated that it is an act to tax and regulate the sale of marijuana, similar to what they did in Washington, Colorado and other U.S. states. He stated that he would rather see marijuana legalized than institutionalized. He spoke briefly to the current stated laws regarding the use of marijuana.

Hearing no more requests for public comment, **Mayor Cleworth** 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 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 June 24, 2013.

PASSED and APPROVED on the CONSENT AGENDA.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth thanked Mr. Turney and Bill Robertson for their tireless work on the Clay Street Cemetery Commission. He spoke to the transformation of the cemetery which started under the administration of former Mayor Terry Strle. He thanked Mr. Buberger for his comments on potholes throughout the City. He stated that he makes mental notes of all the potholes he sees when he is driving and reports them to Public Works when he gets to work. He indicated that Public Works is diligent in pothole repair and encouraged citizens to report them. **Mayor Cleworth** welcomed City Attorney Paul Ewers back from his trip to Europe. He provided an encouraging update on Chief of Staff Pat Cole who had recently undergone surgery. He spoke to Mr. Cole's institutional knowledge of the City of Fairbanks and expressed hope that he would return to work soon. **Mayor Cleworth** stated that he received a phone call from FNSB Transportation Director Glenn Miller who said that the Borough is now offering funding to residents who wish to convert their hydronic heaters to another approved heating unit. He clarified that the Borough will not offer the program for conversions to coal-burning or wood-burning units and that the funding limit per conversion is \$10,000. **Mayor Cleworth** read aloud a motion by the City Council a couple months back regarding the Polaris Building: "...to extend the deadline (of condemnation) to September 30, 2013 by adding a condition that Mr. Marlow must submit the appraisal and the findings of the structural analysis to the City Council upon completion or no later than July 15, 2013." He indicated that he has not received anything from Mr. Marlow and asked if any members of the Council have. **Mayor Cleworth** asked the Council to give their opinion on the direction they would like to take during Council Members' Comments. He stated that if the Council takes no further action on the matter, he will abide by the earlier-stated motion. In reference to Mr. Turney's testimony, **Mayor Cleworth** explained that City police officers cannot pull over a driver without probable cause. He stated that the City has become very conscious about protecting a citizen's rights.

NEW BUSINESS

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

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

Committee Reports

Ms. Staley stated that she is "stuck" in New Mexico and has asked Council Member Matherly to cover the next Borough Assembly meeting for her. She explained that Mr. Matherly may or may not be able to attend the meeting and asked if anyone else would be willing to volunteer.

Mayor Cleworth asked for a volunteer. Hearing no offers, he stated that he would try to find someone to fill in, but added that it would be okay if no one could.

Fairbanks Golden Heart Parking Services – **Ms. Staley** announced that Kyle Bole was just elected to serve as a board member. She stated that Mr. Bole is a manager at Lavelle's Bistro and indicated that she is excited to have him on board.

COMMUNICATIONS TO COUNCIL

- a) Re-appointments to the Clay Street Cemetery Commission

APPROVED on the CONSENT AGENDA

COUNCIL MEMBERS' COMMENTS

Mr. Eberhart spoke to the upcoming labor negotiations and commented that the new mayor will have a lot of work to do. He encouraged both sides to be fair and reasonable and spoke briefly to his experience with union negotiations. He asked Mayor Cleworth for clarification on what type of response he was soliciting from the Council in regards to the Polaris Building.

Mayor Cleworth stated that he would have been less lenient than the Council was with Mr. Marlow. He indicated that Mr. Marlow does not seem to be very concerned with deadlines and that he believes the September deadline is null since Mr. Marlow did not submit the required documentation to the Council by July 15.

Mr. Eberhart asked if anyone has spoken with Mr. Marlow about the July deadline.

Mayor Cleworth replied that no one has.

Mr. Eberhart stated that he would like to hear from his colleagues before giving his opinion on the matter. He shared that the Regulatory Commission of Alaska recently held a hearing on the applications of Fairbanks Natural Gas (FNG) and the Interior Alaska Natural Gas Utility (IANGU) to serve extended areas of the Fairbanks North Star Borough (FNSB). He stated that he, along with many others, testified and that he emphasized the need to make an expedited decision. He indicated that at the earliest, large-scale natural gas would arrive in the Interior in the last quarter of 2015. **Mr. Eberhart** stated that there may be some good news for Eielson with the possible basing of F-35's. He expressed hope that the military bases would remain stable and that natural gas would arrive to the Interior soon. **Mr. Eberhart** stated that Floyd Terry lent him some documents on Community Visioning Sessions from 2002 and 2008. He stated that the documents show a lot of involvement by various community organizations and what these groups wanted to improve, preserve and create. He thanked Mr. Terry for the information. **Mr. Eberhart** reminded everyone that the groundbreaking for the homeless youth shelter would take place on August 6 on 10th Avenue. He thanked Fairbanks Youth Advocates and Marylee Bates for all their work in getting the project started. He commented on the nice weather.

Mr. Matherly spoke to the importance of meeting deadlines and indicated that if Mr. Marlow was unable to meet the July deadline, he should have contacted the City. He stressed the significance of the Polaris Building to the community, both in physical presence and in the history of Downtown Fairbanks. He stated his belief that the Council should “stick to their guns” and hold firm to their last motion. **Mr. Matherly** gave a “shout out” to all those who participated in youth football on its opening weekend. He stated that it is the next best thing until the NFL starts and encouraged members of the community to take part in youth sports. He commented on the beautiful weather.

Mr. Gatewood agreed that deadlines should be met and that it seems Mr. Marlow isn't taking deadlines seriously. He stated that he believes that the Council only has two options: allow Mr. Marlow to develop the property or seek out funds to demolish the structure. He stated that he does not think that the City is in any position to tear down the building, which may leave the Council no choice but to negotiate with Mr. Marlow. **Mr. Gatewood** stated that he has no problem with enforcing the motion that the Council adopted a couple months ago but indicated that it would be preferable if Mr. Marlow followed through with development. He stated that the Council should come up with a “Plan B” in case Mr. Marlow does not follow through. He suggested that the City begin exploring options to fund the demolition of the Polaris Building. **Mr. Gatewood** commented that he will be out of town for the fair and that he is looking forward to the upcoming high school football season. He wished luck to all the candidates in the 2013 Municipal Election.

Mr. Walley expressed his agreement with Mr. Gatewood's thoughts on the Polaris Building. He stated that the Council needs to be firm and that it is a “slap in the face” when Mr. Marlow disregards deadlines. He stated that it would be a good idea to begin seeking out demolition funds from other sources and that the process could always be halted if Mr. Marlow follows through with development. **Mr. Walley** stated that he has enjoyed the fair and commented that he saw Mr. Eberhart's booth.

Mayor Cleworth stated that condemnation is a long process and that it can be litigated.

Ms. Staley stated that since Mr. Marlow has not followed up with the City, she believes that the Council should stand firm in their decision to proceed and “hold his (Mr. Marlow's) feet to the fire.” She indicated that she will be glad to return home and get out of the extremely hot weather in New Mexico.

Mr. Eberhart asked what “Plan B” is.

Mayor Cleworth stated that Mr. Marlow was given a letter in March and indicated that the City will send another letter stating the intent to proceed with condemnation. He explained that it will be a very slow process.

Mr. Eberhart stated that he is a big believer in discussion and finding ways to resolve issues through communication. He indicated that it is easy to assume the worst about Mr. Marlow but pointed out that the Council can only speculate as to the circumstances in Mr. Marlow's life. He stated that he would not be in favor of being hasty with legal action. He suggested that the City try to communicate with Mr. Marlow prior to filing anything with the court.

Mayor Cleworth indicated that there would be a lot of communication prior to taking legal action. He stated that there would be no "immediate" action. He expressed his frustration with the situation surrounding Mr. Marlow and the Polaris Building. He pointed out that the financing plans Mr. Marlow has submitted to the Council are not different from the ones he provided before. **Mayor Cleworth** spoke briefly to the communications between the City and Mr. Marlow over the past couple years.

Mr. Eberhart asked if the City has ever discussed the possibility of a quit claim deed with Mr. Marlow.

City Attorney Ewers stated that he is unsure if the City has ever had any communication with Mr. Marlow in regards to a quit claim deed.

Mayor Cleworth indicated that Mr. Marlow may be close to losing the property for financial reasons.

Mr. Matherly stated that if Mr. Eberhart is the next mayor, he should let Mr. Marlow know that the communication needs to go both ways and that he must respect the deadlines imposed by the City Council.

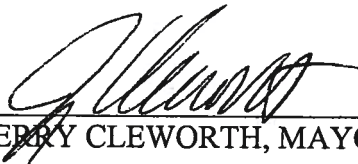
Mr. Eberhart clarified that he is not suggesting the City waive the deadline but recommended that the City pursue more open communication with Mr. Marlow.

ADJOURNMENT

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

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

Mayor Cleworth declared the Meeting adjourned at 8:00 P.M.



JERRY CLEWORTH, MAYOR

ATTEST:



JAMEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS