



**FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JUNE 25, 2012
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: Vivian Stiver, Seat A
Chad Roberts, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Lloyd Hilling, Seat E

Absent: John Eberhart, Seat F (Excused)

Also Present: Pat Cole, Chief of Staff
Warren Cummings, Fire Chief
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Carmen Randle, Controller
Ryan Rickels, IT Director
Tony C. Shumate, Director Personnel/Purchasing/RM
Jim N. Soileau, Chief Financial Officer
Laren Zager, Police Chief
Ernie Misewicz, Assistant Fire Chief

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

Frank Turney, 201 Seventh Avenue, Fairbanks – Mr. Turney expressed his condolences to the family and friends of Michelle Roberts, who recently passed away. He spoke to her great contributions to the community, particularly to Downtown Fairbanks. He stated that he has been attending City Council Meetings since 1982 and spoke to his freedom of speech rights as a U.S. citizen. He spoke to the oaths taken by all elected officials and commented that Council Members need to have “tough skin” and need not take everything to heart. He spoke to the unconstitutionality of the National Defense Authorization Act (NDAA).

David van den Berg, 410 Cushman Street, Fairbanks Downtown Association (DTA) – Mr. van den Berg commented on the success of the Midnight Sun Festival and thanked the City for their participation and support in the event. He spoke to Ordinance No. 5886, stating that the DTA is concerned about the future of Old City Hall.

Mr. Hilling asked for clarification on Mr. van den Berg's position on the sale of Old City Hall.

Mr. van den Berg replied that the DTA is pleased to occupy the building and would like to remain in the building. He stated that he is unsure if the DTA would be able to purchase the structure. He thanked the City for allowing DTA to occupy Old City Hall.

Mayor Cleworth asked Mr. van den Berg if the DTA Board is reconsidering the purchase of the building.

Mr. van den Berg stated that it will be discussed at their next meeting in July.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger spoke to the public restroom issue downtown, stating that more facilities should be available. He mentioned the numerous potholes that need repair throughout the City and asked what criteria the City uses to prioritize their repair. He spoke to illegal immigration as it relates to the upcoming elections. He asked what the State of Alaska's policy is on illegal immigrants.

David Lerman, 126 Second Avenue, #15, Fairbanks – Mr. Lerman stated that he will run for City Council in the 2012 Municipal Election. He spoke to his *Renovation Fairbanks* website and explained that the site is a Wordpress blog with over 300 topics. Mr. Lerman spoke to the establishment of a renovation task force in the City of Fairbanks, which would waive building permit fees for property owners who are willing to renovate their dilapidated properties. He stated that the City has too much money in savings and can afford to waive building permit fees for the sake of renovation. He spoke to the benefits this would bring to the community.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Hilling pulled Ordinance No. 5886 from the Consent Agenda.

Mr. Roberts pulled Resolution No. 4532 and Resolution No. 4533 from the Consent Agenda.

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

City Clerk Hovenden read the Consent Agenda, as Amended, into the record.

APPROVAL OF PREVIOUS MINUTES

Regular Meeting Minutes of June 11, 2012.

PASSED and APPROVED on the CONSENT AGENDA.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth spoke to the great loss of Michelle Roberts and announced that services would take place on June 27, 2012 at the Episcopal Church. He spoke to a presentation by Nadine Winters at the Chamber of Commerce about the state proposition regarding property tax exemption. He stated that if the proposition were to pass, it would be up to the municipalities whether or not to adopt and implement it. **Mayor Cleworth** explained that Chief Cummings needed changes made to Resolution No.'s 4532 and 4533 and that amended versions of both would be presented later in the meeting. He spoke to the success of the Midnight Sun Festivities over the weekend. **Mayor Cleworth** invited Gary Hutchison to give a presentation of the City of Fairbanks' annual audit.

Mr. Hutchison addressed the Council and gave an overview of the December 31, 2011 City of Fairbanks audit. He highlighted the financial report of the City and stated that the auditor's opinion was clean. He offered to answer any questions the Mayor or Council may have.

Mayor Cleworth thanked Mr. Hutchison, Carmen Randle and Jim Soileau for their hard work during the audit process.

UNFINISHED BUSINESS

- a) Ordinance No. 5884 – An Ordinance Amending FGC 2-651 Regarding the Preparation of the Annual Budget Estimate and Accounting Terminology. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Roberts, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5884.

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

Mr. Gatewood referred to Section 2-651(d). He suggested changing the word "criticize" to "critique" stating that the word criticize may have a negative connotation in reference to the City budget. He stated, however, that he would encourage anyone to express their opinions in regards to the budget.

Mr. Gatewood, seconded by **Mr. Roberts**, moved to AMEND Ordinance No. 5884, Section 2-651(d), by changing the word "criticize" to "critique."

Ms. Stiver stated that she wasn't sure critique was the right choice of words. She pointed out the language indicating that department heads and other officials may speak freely about the budget and suggested that it may be sufficient without the word critique or criticize.

Mr. Roberts clarified the meaning and intent of Section 2-651(d). He agreed that there is negativity associated with the word criticize.

Mr. Hilling spoke in favor of keeping either word.

Mr. Gatewood, with concurrence of the second, WITHDREW the Motion to Amend Ordinance No. 5884.

Mayor Cleworth explained how department heads are involved in the budget process. He stated that the process does not allow the administration to stifle the staff.

Mr. Gatewood asked if the sentence in bold in Section 2-651(b) changes anything.

Mayor Cleworth explained that the bold language clarifies that the Mayor will present a realistic budget to the Council based on anticipated revenues for the calendar budget year. He stated that the Council has a lot of latitude on what they can do with the budget.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5884, AS FOLLOWS:

YEAS: Stiver, Matherly, Gatewood, Hilling, Roberts

NAYS: None

ABSENT: Eberhart

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5884 ADOPTED.

- b) Ordinance No. 5885 – An Ordinance Amending Fairbanks General Code Section 78-572 Special Events Permit Requirements. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5885.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5885, AS FOLLOWS:

YEAS: Gatewood, Stiver, Hilling, Matherly, Roberts

NAYS: None

ABSENT: Eberhart

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5885 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4531 – A Resolution Authorizing the City of Fairbanks to Request Funds from the United States Department of Homeland Security for the Replacement of Ambulance 03. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4532 – A Resolution Authorizing the City of Fairbanks to Request Funds from the United States Department of Homeland Security for the Upgrade and Modernization of Fire Protection Equipment. Introduced by Mayor Cleworth.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4532.

Mr. Hilling, seconded by **Mr. Matherly**, moved to SUBSTITUTE Resolution No. 4532, as Amended.

Fire Chief Cummings gave a staff report on the reasons for the amended versions of Resolutions No. 4532 and 4533. He explained that, upon careful review of the City's project list for the HLS Grant Funding and upon further examination of the HLS grant guidelines, he reprioritized a few projects to improve the City's chances for funding.

Mr. Matherly asked if "regional" meant all local fire departments.

Chief Cummings replied affirmatively.

Mr. Roberts asked if all the funds would be taken from the Fire Department's capital accounts.

Chief Cummings replied that all the funds would be taken from capital accounts with the exception of funds allocated for training.

Mayor Cleworth called for objection to SUBSTITUTING Resolution No. 4532, as Amended, and, hearing none, so ORDERED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4532, AS AMENDED, AS FOLLOWS:

YEAS: Gatewood, Roberts, Matherly, Stiver, Hilling

NAYS: None

ABSENT: Eberhart

Mayor Cleworth declared the MOTION CARRIED and Resolution No. 4532, as Amended, APPROVED.

- c) Resolution No. 4533 – A Resolution Authorizing the City of Fairbanks to Request Funds from the United States Department of Homeland Security for a Regional Vehicle Fire Training Device. Introduced by Mayor Cleworth.

Mr. Hilling, seconded by **Mr. Roberts**, moved to APPROVE Resolution No. 4533.

Mr. Roberts, seconded by **Mr. Gatewood**, moved to SUBSTITUTE Resolution No. 4533, as Amended.

Mayor Cleworth called for objection to SUBSTITUTING Resolution No. 4533, as Amended, and, hearing none, so ORDERED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4533, AS AMENDED, AS FOLLOWS:

YEAS: Roberts, Matherly, Gatewood, Hilling, Stiver

NAYS: None

ABSENT: Eberhart

Mayor Cleworth declared the MOTION CARRIED and Resolution No. 4533, as Amended, APPROVED.

- d) Ordinance No. 5886 – An Ordinance Authorizing the Sale of Surplus City-owned Property Known as Old City Hall. Introduced by Mayor Cleworth.

Mr. Matherly, seconded by **Mr. Roberts**, moved to ADVANCE Ordinance No. 5886 to the next Regular Meeting.

Mr. Hilling spoke in favor of the City divesting itself from surplus properties, but expressed his initial concern with this property in particular because of its historical value and significance. He mentioned his relief in learning that the Downtown Association has several options in relocating. He spoke in support of Ordinance No. 5886.

Mr. Roberts stated that the real estate market is currently in a slump and that the Downtown Association has been a good tenant. He expressed concern with the sale of Old City Hall from a timing aspect. He stated that he has looked at the appraisal and will return it to the City shortly.

Ms. Stiver requested to look at the appraisal upon its return.

Mr. Matherly asked **Mr. Roberts** what comparables were used in the appraisal.

Mr. Roberts replied that the Lathrop Building and the Chena Building were reviewed.

Mr. Hilling asked if the appraisal value was \$180,000 and, if so, what that would equate to in cost per square foot. He inquired as to the value of prime commercial property in the downtown area per square foot.

Mr. Roberts replied that he was unsure on both accounts. He explained that Downtown Fairbanks commercial properties are much too diverse to generalize. He stated that he believes it may not be the best time to sell due to numerous current vacancies in commercial properties downtown.

Mayor Cleworth stated that the proposed sale of Old City Hall came about upon review of the City's list of surplus property and because of the need for repainting the exterior of the building. He stated that the City has not had a good track record as a landlord. He suggested that since the Downtown Association Board will be holding a meeting to discuss the issue, Ordinance No. 5886 be postponed until more information is brought to light.

Mr. Hilling, seconded by **Mr. Matherly**, moved to POSTPONE Ordinance No. 5886 to the Regular Meeting of July 23, 2012.

Mayor Cleworth called for objection to POSTPONING Ordinance No. 5886 to the Regular Meeting of July 23, 2012, and, hearing none, so ORDERED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 5886 AS FOLLOWS:

YEAS: Hilling, Roberts, Stiver, Matherly, Gatewood
NAYS: None
ABSENT: Eberhart
Mayor Cleworth declared the MOTION CARRIED.

DISCUSSION ITEMS

Committee Reports

FMATS Policy Committee – **Mr. Roberts** highlighted the topics of discussion at the June 20, 2012 meeting, including the Wayfinding Project and the Illinois Street Project.

COUNCIL MEMBERS' COMMENTS

Ms. Stiver spoke to her relationship with Michelle Roberts over the years and to what an asset she had been to the Fairbanks community. **Ms. Stiver** spoke to mineral build-up in water pipes since fluoride was removed from City water. She commented on the well-attended Midnight Sun Festival over the weekend.

Mayor Cleworth stated that the Fluoride Task Force had a concern with the ph balance of the water and that Golden Heart Utilities was looking into a solution about a year ago. He stated that he has not heard of many problems associated with mineral build-up.

Mr. Roberts echoed Ms. Stiver's sentiments regarding Michelle Roberts.

Mr. Gatewood reiterated Ms. Stiver's comments about Michelle Roberts and her great contributions to the community. He spoke to the successful midnight sun festivities downtown. **Mr. Gatewood** asked to be excused for the Regular City Council Meeting of July 23, 2012.

Mayor Cleworth called for objection regarding **Mr. Gatewood's** request to be excused on July 23, 2012 and, hearing none, so ORDERED.

Mr. Hilling commented on his activities against air quality at the Midnight Sun Festival. He spoke to Mr. Buberger's earlier comments on public restrooms and asked Mayor Cleworth who is responsible for maintaining the restroom on Dunkel Street. He stated that he has spoken with Mr. van den Berg about the possibility of some downtown business owners making their

restroom facilities available to the public. He stated his appreciation for Mr. Turney's emphasis on the U.S. Constitution. He spoke to international politics and government.

Mayor Cleworth, in response to Mr. Hilling's question regarding the Dunkel Street restroom, replied that he was unsure as to who maintains it.

Mr. Matherly expressed his grief for the loss of a friend and an asset to the community, Michelle Roberts. He spoke to the great festivities over the weekend and commented on the beautiful weather.

Mayor Cleworth gave an update regarding the movement of the F-16's from Eielson Air Force Base. He was happy to report a glimmer of hope by stating that neither bill, either in the House or the Senate, support U.S. Department of Defense (DOD) appropriations for the relocation.

ADJOURNMENT

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

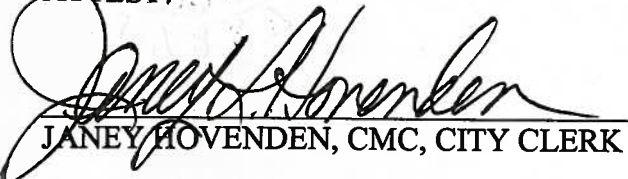
Mayor Cleworth called for objection and, hearing none, so ORDERED.

Mayor Cleworth declared the Meeting adjourned at 8:20 P.M.



JERRY CLEWORTH, MAYOR

ATTEST:



JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS