



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, SEPTEMBER 19, 2011
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 P.M. on the above date, after a Work Session on the Alaska Legislative Website and a Work Session on the Festival Fairbanks Clean Team, 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
Emily Bratcher, Seat E
John Eberhart, Seat F

Absent: None

Also Present: Warren Cummings, Fire Chief
Paul Ewers, City Attorney
D. Danyielle Snider, Deputy City Clerk
Stephanie Johnson, Dispatch Center Manager
Tony C. Shumate, Director Personnel/Purchasing/RM
Pat Smith, Development Manager
Margarita Bell, Grants Administrator
Laren Zager, Police Chief

INVOCATION

The Invocation was given by Deputy City Clerk Danyielle Snider

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

Frank Turney, 201 Seventh Avenue, Fairbanks – Mr. Turney expressed his appreciation for the work of the Festival Fairbanks Clean Team. He mentioned William Wood and Irene Sherman who have also helped clean up the downtown area in the past. Mr. Turney spoke to his Jury Rights handout and the history that has helped form our U.S. justice system. He stated that charges have been filed against the driver in the hit-and-run case that killed Ms. Rockar and that an arraignment will be held on September 13, 2011 at 2:00 P.M. He stated that he was disturbed by an incident last year involving a street preacher in the Golden Heart Park that was asked to leave the area. Mr. Turney spoke to the freedom of speech. He questioned the salary of

Mr. David van den Berg, Executive Director of the Fairbanks Downtown Association, suggesting that much of his income comes from pull tabs. He commented that Downtown Bingo is smelly and dirty in comparison to Youth Sports and Chena Bingo.

Ms. Stiver asked Mr. Turney in which court room the arraignment would be held.

Mr. Turney replied that it would be room #404, Judge Blankenship.

Tim Sovde, 402 Bonnifield, Fairbanks, Candidate for City Council, Seat F – Mr. Sovde commented on the day's events which provided a platform for local candidates to speak. He spoke to the hit-and-run incident that resulted in the death of Ms. Rockar and stated that one life is not more valuable than another.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger stated that although his property may be dirty and some people refer to him as "Dirty Vic", he still cleans up trash and debris in his neighborhood in fall and spring. He spoke strongly against graffiti on public property and in favor of community service for those who are caught. Mr. Buberger asked how the new handicap-accessible ramps downtown were supposed to work, since there are telephone poles in the middle of the sidewalk. He reminded the Council that there are a number of potholes that need repair and offered to make a list of areas that need attention. He again mentioned that the limited visibility to see around corners at certain intersections in Fairbanks is a big problem.

Lloyd Hilling, 1182 Nenana Street, Fairbanks, Candidate for City Council, Seat E – Mr. Hilling encouraged the public to vote in the October 4, 2011 election. He shared memories of his early years in Fairbanks and expressed his hope that the Polaris Building renovation project moves forward. He shared fond recollections of Irene Sherman.

David Lerman, 126 Second Avenue, #15, Fairbanks – Mr. Lerman spoke to the benefits of renovation and shared his own experience. He spoke in support of the City giving incentives such as the waiving of building fees to owners of dilapidated properties for renovation. He again suggested that the City form a Renovation Task Force and a DUI Task Force.

Mr. Roberts asked Mr. Lerman his opinion on the following hypothetical situation: if an owner had renovated his rundown property, then the City passed an ordinance to waive fees for such renovations, then the man's neighbor renovated his dilapidated property and got his building fees waived by the City, would that require the City to reimburse the first owner for his fees?

Mr. Lerman stated that he doesn't believe that the City would be able to afford to make the ordinance retroactive.

Mr. Roberts asked if there was a specific area of Fairbanks on which Mr. Lerman thought should be targeted.

Mr. Lerman replied that the focus needs to be on any area where there is deteriorated property because these areas seem to attract chronic inebriates and crime.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Ms. Stiver, pulled Resolution No. 4489 from the Consent Agenda.

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

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

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth read aloud a Proclamation on behalf of Mayor Hopkins, Mayor Isaacson and himself, declaring October Alaska Energy Awareness Month. **Mayor Cleworth** announced that the rotten tree in the Clay Street Cemetery had been removed. He brought up the question regarding salaries of non-profit officers or administrators; he stated that according to city ordinance, those salaries must be disclosed and become public information if the organization chooses to apply for bed tax discretionary fund grant dollars. **Mayor Cleworth** spoke to Mr. Buberger's concern with potholes and curb cuts in the downtown area.

UNFINISHED BUSINESS

- a) Ordinance No. 5858, As Amended – An Ordinance to Amend Fairbanks General Code Section 42-1 Regarding Labor Relations. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Ms. Stiver, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5858, As Amended.

Tim Sovde – Mr. Sovde spoke in favor of Ordinance No.5858, as Amended, and stated that he supports merit pay and consistency between bargaining units.

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

Mr. Eberhart asked Mayor Cleworth to clarify the meaning “direct labor negotiations” in Section 42-1(j).

Mayor Cleworth explained that the language was intended to address face-to-face negotiations.

Pat Cole further explained that “direct labor negotiations” was intended to suggest the actual bargaining process, not strategy-planning.

Mr. Eberhart, seconded by **Mr. Roberts**, moved to AMEND Ordinance No. 5858, As Amended by striking the word “direct” and replacing it with “substantive.”

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO AMEND ORDINANCE NO. 5858, AS AMENDED, AS FOLLOWS:

YEAS: Roberts, Matherly, Gatewood, Bratcher, Eberhart, Stiver
NAYS: None

Mayor Cleworth declared the MOTION CARRIED.

Mr. Eberhart expressed his opinion that the new language regarding communication from the union to the City in Section 42-1(l) was not specific enough.

Mr. Eberhart, seconded by **Ms. Stiver**, moved to AMEND Ordinance No. 5858, As Amended, to change "all communication," to read "all communication regarding issues in negotiation," in Section 42-1(l).

Ms. Bratcher expressed her concern that Ordinance No. 5858, As Amended would preclude Council Members from listening to issues brought up by a union member.

Ms. Stiver stated that her intent in amending this section of the ordinance in the previous council meeting was to clarify when negotiations ended.

Mayor Cleworth, in response to Mr. Eberhart's comments, stated that the ordinance would not violate the right to freedom of speech or force any Council Member to be unable to listen to concerns or issues brought up by union members or members of a union's negotiating team. He added that Ordinance No. 5858, As Amended, is intended to set forth rules in order to form a unified, team approach to negotiations.

Ms. Bratcher agreed that negotiating as a team is much more beneficial than as individuals. She used the PSEA labor contract negotiation as an example of how the City could have benefited if they had worked as a team.

Mayor Cleworth clarified that the City never agreed to go to arbitration in the PSEA labor negotiation.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5858, AS AMENDED, AS FOLLOWS:

YEAS: Stiver, Matherly, Gatewood, Bratcher, Eberhart, Roberts
NAYS: None

Mayor Cleworth declared the MOTION CARRIED.

Mr. Gatewood asked Mayor Cleworth to explain the meaning of Section 42-1(n)(1).

Mayor Cleworth replied that this section would allow the City to grant employees an increase based on performance and experience. He added that merit increases are rare and that the City no longer offers longevity pay to employees.

Ms. Bratcher spoke to Section 42-1(n)(1), stating that she believed the intent of the new language would be to allow for more management within departments versus automatic increases for employees.

Mr. Gatewood expressed his disfavor with the language in Section 42-1(n)(1) because of the subjectivity of performance appraisals. He stated that he looks at Ordinance No. 5858, As Amended as a guide to help the City Council to work as a team and remain cohesive during union negotiations. He added that there will always be issues that make consistency nearly impossible with all union contracts.

Mr. Eberhart agreed that contracts with all bargaining units cannot be completely consistent because of the differences in occupations from union to union.

Mayor Cleworth stated that consistency is a worthy goal.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5858, AS AMENDED, AS FOLLOWS:

YEAS: Matherly, Bratcher, Roberts, Stiver, Gatewood, Eberhart
NAYS: None
Mayor Cleworth declared the MOTION CARRIED and
ORDINANCE NO. 5858, As Amended, ADOPTED.

NEW BUSINESS

- a) Resolution No. 4488 – A Resolution Authorizing the City of Fairbanks to Accept a Grant from the State of Alaska Department of Environmental Conservation Municipal Matching Grant Program in the Amount of \$975,935 for Rehabilitation of the City-owned Peger Road Wastewater Treatment Plant Clarifier System. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4489 – A Resolution to Amend the City Schedule of Fees and Charges for Services. Introduced by Mayor Cleworth.

Mr. Gatewood, seconded by **Mr. Roberts**, moved to APPROVE Resolution No. 4489.

Ms. Stiver asked for clarification on why emergency response fees are especially hard to collect, thus bringing about the fee changes in the proposed resolution.

Chief Cummings explained that the proposed ambulance fee increase would offset the proposed deletion of the emergency response fee. He stated that billing for emergency response to motor vehicle accidents is extremely labor intensive and it's not a reasonable system.

Ms. Stiver, seconded by **Mr. Eberhart**, moved to POSTPONE Resolution No. 4489 to the Regular Meeting of October 24, 2011.

Ms. Bratcher spoke in support of Resolution No. 4489 and spoke against postponing it.

Ms. Stiver expressed her belief that the Resolution needs more time for consideration.

Mr. Roberts communicated his problem with the current code which requires all those sustaining damage in a motor vehicle accident to be billed, regardless if they were at fault or not.

Ms. Bratcher stated that she did not think it was completely necessary to raise the ambulance fees, but was strongly in favor of eliminating the \$200 emergency response fee.

Mayor Cleworth stated that he has a hard time with government agencies billing people who don't deserve a bill.

Mr. Gatewood supported Ms. Stiver's request to postpone Resolution No. 4489.

Ms. Bratcher mentioned that by not postponing, the impact to the community would be lessened with the first snowfall impending.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE RESOLUTION NO. 4489 TO THE REGULAR MEETING OF OCTOBER 24, 2011, AS FOLLOWS:

YEAS: Matherly, Stiver, Gatewood, Eberhart

NAYS: Bratcher, Roberts

Mayor Cleworth declared the MOTION CARRIED and RESOLUTION NO. 4489, POSTPONED.

- c) Ordinance No. 5860 – An Ordinance to Amend Fairbanks General Code Section 50-205 Eliminating the Alaska Day Holiday. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

Committee Reports

Public Safety Commission – **Mr. Eberhart** gave a brief report on the September 13th meeting and announced that the next meeting would be October 11, 2011.

Mayor Cleworth added that Chief Zager had done a great deal of research on FPD's take-home vehicle policy.

Fairbanks Parking Authority – **Mr. Matherly** provided a brief report.

COUNCIL MEMBERS' COMMENTS

Mr. Gatewood wished luck to all the candidates running for City Council.

Mr. Roberts mirrored Mr. Gatewood's wishes towards candidates, not only for City Council, but also for Borough Assembly. He encouraged the public to participate in the upcoming election.

Ms. Stiver pointed out that the Council Members' invitations for Access Alaska's open house were hand delivered. She inquired as to when the Bed Tax Grant Application would be available on the City's website and was informed by the Deputy City Clerk that the application was placed on the website that day. She thanked Reneva Moss for putting on the work session for the legislative website and encouraged the public to use it. She commented on the eye-opening presentation of the Festival Fairbanks Clean Team and commended the team for their good work in keeping the downtown area clean. She reminded fellow Council Members to be patient with new Members as they come into office. **Ms. Stiver** encouraged the public to educate themselves and vote on October 4, 2011.

Mr. Matherly remarked that he has learned a great deal in his short time on the City Council and expressed appreciation to fellow Council Members for their passion for the City of Fairbanks. He spoke of the upcoming fundraiser for the Breast Cancer Detection Center at the Carlson Center. He applauded Mayor Cleworth for the Energy Awareness Proclamation and encouraged Fairbanks citizens to make small changes at home.

Ms. Bratcher expressed hope that the Clean Team would receive funding, whether it be private or public. She reminded the public to vote. **Ms. Bratcher** asked to be excused for the Regular Meeting of October 24, 2011.

Mayor Cleworth called for objection regarding **Ms. Bratcher's** request to be excused on October 24, 2011 and, hearing none, so ORDERED.

Mr. Eberhart gave a brief report of his business trip to Washington D.C. on September 11th and commented specifically about the difficulties in traveling on the anniversary of 9/11. He stated that although travel was not easy, we Americans should not let terrorism change our way of life. Mr. Eberhart spoke in support of Proposition A, which, if passed by voters, would make the City debt-free; he commended Mayor Cleworth for guiding the City in that direction. He gave credit to the Festival Fairbanks Clean Team for the beautification of the downtown area and expressed hope for their continued funding.

Ms. Bratcher, seconded by **Mr. Gatewood**, moved to go into Executive Session for the purpose of discussing Labor Negotiations and Dispatch Contract Renegotiations.

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

Mayor Cleworth called for a five minute recess.

EXECUTIVE SESSION

- a) Labor Negotiations
- b) Dispatch Contract Renegotiations

The City Council met in Executive Session to discuss Labor Negotiations and Dispatch Contract Renegotiations. No action was taken.

ADJOURNMENT

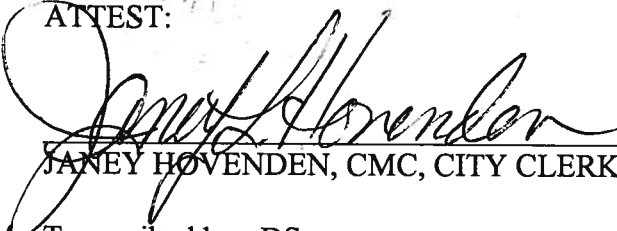
Mayor Cleworth called for objection to ADJOURNMENT, and, hearing none, so ORDERED.

Mayor Cleworth declared the Meeting adjourned at 10:21 P.M.



JERRY CLEWORTH, MAYOR

ATTEST:



JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS