



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, JULY 18, 2011  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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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  
Emily Bratcher, Seat E (telephonic)  
John Eberhart, Seat F

Absent: None

Also Present: Jerry Cleworth, City Mayor  
Patrick B. Cole, Chief of Staff  
Warren Cummings, Fire Chief  
Dave Burglin, Deputy City Attorney  
Janey Hovenden, City Clerk  
Stephanie Johnson, Dispatch Center Manager  
Carmen Randle, Controller  
Ryan Rickels, IT Director  
Tony C. Shumate, Director Personnel/Purchasing/RM  
Pat Smith, Development Manager  
Jim N. Soileau, Chief Financial Officer  
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**

Oran Paul, 2711 Monteverde Road, Fairbanks – Mr. Paul stated that he was the Vice President and Chief Operating Officer for Fairbanks Water and Sewer. He spoke against Resolution No. 4481 and the explained the differences between Fairbanks and Anchorage utility systems. He gave further details about the breakdown in cost and maintenance between the two utilities and why Fairbanks' costs are much higher.

Frank Turney, 201 Seventh Avenue, Fairbanks – Mr. Turney stated that the City needs good, responsible police officers, but a few bad ones make the rest look bad. He spoke about how law enforcement has changed over the years. He suggested a change in the City Charter to make the Chief of Police position an elected officer so that he or she would be more accountable to the community. Mr. Turney spoke about the hit-and-run accident that killed Ms. Rockar; he stated that she deserves to have justice served.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger mentioned that the potholes had gotten worse with all the recent rain and that South Cushman was in need of some work. He spoke against Ordinance No. 5851, as Amended, stating that public service jobs were not created to burden the taxpayer. He spoke of his personal job history and his satisfaction for the wage he was paid. He suggested opening executive sessions to the public.

### **APPROVAL OF AGENDA AND CONSENT AGENDA**

**Ms. Stiver**, seconded by **Mr. Roberts**, moved to APPROVE the Agenda and Consent Agenda.

**Mayor Cleworth**, pulled Resolution No. 4481 from the Consent Agenda.

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

City Clerk Hovenden read the Consent Agenda into the record.

### **MAYOR'S COMMENTS AND REPORT**

**Mayor Cleworth** asked the Council to review and give input on Ordinance No. 5853, addressing Vehicles for Hire. He stated that any suggestions would be helpful. He informed Council Members that the regularly scheduled Finance Committee Meeting may be cancelled, but it would be dependent on how the present meeting went. **Mayor Cleworth** announced that the City's new webpage is up and running. He referenced the memo on the Complete Streets Project. He stated that the City is looking for a consultant to give their proposal for work to be done, but he disliked the idea of hiding behind a consultant's recommendation. He stated that there would possibly be a committee formed to help guide the project.

### **UNFINISHED BUSINESS**

- a) ORDINANCE NO. 5851, as Amended – An Ordinance to Partially Fund the Monetary Terms of the Arbitrator's Opinion and Award in the Matter of the City of Fairbanks and Public Safety Employees Association Local 803 and to Ratify the Tentatively Agreed-upon Terms Reached through Negotiation. Introduced by Council Members Eberhart and Matherly. Substituted version by Mayor Cleworth and Council Members Bratcher, Roberts and Stiver. SECOND READING AND PUBLIC HEARING on the Amended Version.

**Ms. Stiver**, seconded by **Mr. Roberts**, moved to ADOPT Ordinance No. 5851, as Amended.

**Mayor Cleworth** called for Public Testimony.

Eric Jewkes, 911 Cushman Street, Fairbanks – Mr. Jewkes stated that the negotiations and arbitration had been a long process and he expressed his hope that relations between the City and the Union would remain stable and move forward. He spoke of the stresses the contract negotiations have caused on both sides.

Tonya Brown, PO Box 84872, Fairbanks – Ms. Brown expressed her concerns for both the present and future state of the Fairbanks Police Department in regards to funding. She stated her belief that the City should do whatever it takes to fund FPD at the level the community needs it to operate. She acknowledged citizens' dependence on local law enforcement as well as our visitors' reliance upon them. She spoke to the degradation in society that has led to more violence in youth. She spoke of morale issues with officers and how that has a direct effect on services.

Victor Burberge, PO Box 58192, Fairbanks – Mr. Buberger spoke to the high-stress jobs of police officers and recommended cutting overtime as a remedy. He stated that of the top ten dangerous jobs in the U.S., police aren't even on the list. He spoke of what he considered unnecessarily high wages of some senior officers at FPD. Mr. Buberger concluded by stating that he respected the officers in the community, but didn't see the need to raise wages.

Amy Bollaert, 1244 Kuykendall Street, Fairbanks – Ms. Bollaert stated that she is employed in the field of law and works very closely with Fairbanks Police officers on a daily basis. She commended the Fairbanks officers for their commitment and dedication to their duties, especially in comparison to other local agencies she works with. She stated her concern that FPD is not being sufficiently supported by the City and asked the Council to grant them a year of the full arbitrator's award.

**Mr. Roberts** asked Ms. Bollaert who is her employer.

Ms. Bollaert stated that she works for the State District Attorney's Office in Fairbanks.

Michael Walleri, 2518 Riverview Drive, Fairbanks – Mr. Walleri spoke to his concerns for the process, with a particular concern to the amendment to Ordinance No. 5851. He stated that this wasn't just about more wages, but was about the fact that this contract has gone through the full legal process of arbitration and should be funded. He expressed his confusion surrounding the continued debate due to the proposed amended version of Ordinance No. 5851 only funding one year of the contract and the understanding that the City can afford to fund that much. He commented that there may be something else going on and that it appears to be personality conflicts.

**Mr. Eberhart** asked if Mr. Walleri knew whether or not public safety employees in Wisconsin were exempt from the new laws stripping bargaining rights of union members.

Mr. Walleri stated that he is more familiar with what is going on in Michigan and Ohio, but that he doesn't believe Wisconsin laws allow a government agency to choose non-funding. He further stated that the decision to strip bargaining rights is for the state to decide, not the municipality. Mr. Walleri stated that Wisconsin is different because there are real funding issues

at play. His concern is that the City of Fairbanks will ignore the feasible option to fund that is before them.

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

**Mayor Cleworth** stated that there had been a lot of communication throughout the day regarding the contract and that the Council may wish to consider moving into an Executive Session before making a decision on Ordinance No. 5851, as Amended.

**Mr. Eberhart** expressed his concern of postponing the meeting because of the significant public turnout and the union's offer. He asked Mr. Metcalfe to come forward and explain the PSEA offer that would expire at midnight that evening.

**Mayor Cleworth** informed **Mr. Eberhart** that a Council Member may not call a member of the audience to speak at this time, but he or she may do so in Executive Session.

**Mr. Eberhart** recommended that the Council address the rapidly-expiring offer as part of the discussion with Ordinance No. 5851, as Amended.

**Mayor Cleworth** stated that he had no formal offer from the PSEA before him.

**Mr. Eberhart** stated his intent to amend Ordinance No. 5851, as Amended, to comport with the PSEA offer after debate and discussion.

**Ms. Stiver** referenced an emailed letter from Mr. Metcalfe recommending that the City fund the first year of the full arbitrator's award, then hold wage reopeners each year for the remaining two years of the contract. She asked Deputy City Attorney, Dave Burglin, if an email could be considered a binding offer.

Mr. Burglin redirected the question to Mr. Cole.

Mr. Cole stated that he had spoken with Mr. Metcalf throughout the day and had elaborated on points since then. He suggested either taking a brief recess, or entering into Executive Session to confirm his understanding of Mr. Metcalfe's offer before proceeding.

**Mayor Cleworth** recommended postponing any recess or Executive Session until after Ordinance No. 5852 was addressed.

**Ms. Stiver**, seconded by **Mr. Matherly**, moved to POSTPONE Ordinance No. 5851, As Amended, until after Ordinance No. 5852 was heard.

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

- b) Ordinance No. 5852 – An Ordinance Authorizing Restructure of the Fairview Manor Land Sale Loan Due to the City, to Assist Construction of the Raven Landing

Community Center. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Karen Parr, 949 McGown Street, Apt 3, Raven Landing – Ms. Parr thanked the Council because the project is going very well. She gave a brief summary of the progress so far and a report of what is yet to come. She shared with the Council their hope to begin construction on the community center by next summer. She stated that \$800,000 has been raised so far, which will cover Phase I of the project and will include the kitchen and dining area. She asked the Council to agree to split the loan to the developers so that the project could move forward.

Charles Bettisworth, 204 Front Street, Fairbanks – Mr. Bettisworth stated that he is a member of the Weeks Field Development Group. He recapped the project's activity from 2006 to present. He stated that work has been done according to the original agreement with the City. Mr. Bettisworth pointed out that the project has not been without struggle, like the great decline in the economy in 2008. He mentioned that there was also concern as to how the project took place. He stated that local contractor, G2 Construction, has been the general contractor on the project since its beginning and will continue through the next phase should the City adopt Ordinance No. 5852. He explained that Weeks Field Development Group would be willing to co-sign on the note with the City.

**Mr. Gatewood** asked Mr. Bettisworth how the senior housing and affordable housing projects interface.

Mr. Bettisworth stated that they are two distinct and separate projects with different owners.

**Mr. Roberts** stated that he has been a big fan of the project in its entirety and greatly appreciated Weeks Field having stepped up to the plate by offering to co-sign. He clarified that nowhere in Ordinance No. 5852 does it reference this, and asked if he needed to make a motion to amend.

**Mayor Cleworth** stated that Pat Smith would be coming forward to present an amended version of Ordinance No. 5852 for the Council to consider.

Susan Motter, 1087 Coppet Street, Fairbanks – Ms. Motter stated that she is the director of Raven Landing Senior Community. She spoke of the dream early on for Raven Landing and how that dream is becoming a reality. She stated that the program means business: business by feeding and housing senior residents, by providing a comfortable facility for seniors to come together, and by moving forward. She continued by stating that this is not just a present goal, but a timeless mission to serve many more seniors in the future.

Gladys Terry, 949 McGown Street, Apt 1-C, Fairbanks – Ms. Terry stated that she has lived in Fairbanks since 1951 and remarked on its great growth. She gave a brief history about her move to the states in 2010 because she was unhappy living at the Pioneer Home and would have rather lived with family. She stated that she knew leaving wasn't the right choice, so she chose to move back to Fairbanks five months later. It was at that time that she moved into Raven Landing. She spoke to the need for senior housing in Fairbanks and the comfort it provides for the elderly who don't wish to leave the state in their later years.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger thanked Karen Parr and others for their efforts in the Raven Landing Project. He expressed his satisfaction that the old Fairview Manor had been torn down.

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

**Mayor Cleworth** asked Pat Smith to come forward.

Mr. Smith distributed to the Council an Amended version of Ordinance No. 5852 addressing the concern of Weeks Field Development co-signing the agreement and the financial statements for The Fairbanks Retirement Community. He commented that although the amended version may appear to be a bit confusing, it was written to provide the history of prior ordinances pertaining to the project and the loan by the City.

**Mr. Matherly** clarified a typo.

**Mr. Roberts**, seconded by **Ms. Stiver**, moved to SUBSTITUE Ordinance No. 5852, as Amended, for Ordinance No. 5852.

**Mr. Roberts** thanked Weeks Field Development Group and Raven Landing for their work on the project thus far. He spoke in support of Ordinance No. 5852, As Amended.

**Mr. Matherly** thanked Ms. Parr for his recent tour of the facility. He spoke in support of Ordinance No. 5852, As Amended.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO SUBSTITUTE ORDINANCE NO. 5852, AS AMENDED, AS FOLLOWS:

YEAS: Bratcher, Eberhart, Roberts, Stiver, Matherly, Gatewood

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED and ORDINANCE NO. 5852, As Amended, SUBSTITUTED.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO ADOPT ORDINANCE NO. 5852, AS AMENDED, AS FOLLOWS:

YEAS: Stiver, Matherly, Gatewood, Bratcher, Eberhart, Roberts

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED and ORDINANCE NO. 5852, As Amended, ADOPTED.

**Ms. Stiver**, seconded by **Mr. Matherly** moved to go into a ten-minute Executive Session for the purpose of discussing the PSEA Contract.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO ENTER INTO A TEN-MINUTE EXECUTIVE SESSION TO DISCUSS THE PSEA LABOR CONTRACT AS FOLLOWS:

YEAS: Eberhart, Gatewood, Stiver, Bratcher, Matherly, Roberts

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED.

**Mayor Cleworth** called for a five minute recess.

### **EXECUTIVE SESSION**

#### PSEA Labor Negotiations

The City Council met in Executive Session to discuss the PSEA Labor Contract and no action was taken.

(Return to motion to adopt Ordinance No. 5851, As Amended)

**Ms. Stiver**, seconded by **Ms. Matherly**, made a motion to SUBSTITUTE the original Ordinance No. 5851 for Ordinance No. 5851, As Amended.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO SUBSTITUTE THE ORIGINAL ORDINANCE NO. 5851 FOR ORDINANCE NO. 5851, AS AMENDED, AS FOLLOWS:

YEAS: Gatewood, Eberhart, Matherly, Stiver

NAYS: Roberts

ABSENT Bratcher (signed off before regular meeting reconvened)

**Mayor Cleworth** declared the MOTION CARRIED.

**Mr. Matherly**, seconded by **Ms. Stiver**, made a motion to AMEND the original Ordinance No. 5851 by adding the memorandum by Mr. Cole and Mr. Metcalfe.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO AMEND THE ORIGINAL ORDINANCE NO. 5851, AS FOLLOWS:

YEAS: Matherly, Roberts, Stiver, Gatewood, Eberhart

NAYS: None

ABSENT Bratcher

**Mayor Cleworth** declared the MOTION CARRIED.

**Mr. Roberts** spoke in support of the memorandum added to original Ordinance No. 5851. He reiterated the importance of the Council to be conservative in granting additional funding to all union contracts in the future due to the City's limited budget.

**Mr. Eberhart** stated his belief that original Ordinance No. 5851, as Amended is a good compromise. He stated that the City is in a healthy financial state, and that adopting this

ordinance would be the fair thing to do. He thanked both the City and PSEA for compromising and coming to an agreement.

**Mr. Gatewood** agreed with Mr. Eberhart. He cautioned that although the City is in a healthy state, Council should still be careful; however, he expressed his support for original Ordinance No. 5851, as Amended.

Mr. Cole asked for clarification of the motion on the floor and whether or not it included the Tentative Agreements (TA's). He suggested if the TA's had not been included in the amendment, that they be added.

**Mr. Gatewood**, seconded by **Mr. Matherly**, moved to AMEND Ordinance No. 5851, as Amended, to include the TA's.

**Mr. Eberhart** suggested adding the language "including all TA's" to the opening statement of the memorandum.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO AMEND ORDINANCE NO. 5851, AS AMENDED, AS FOLLOWS:

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

**Mayor Cleworth** mentioned the proposition going before voters in October that would make the City debt-free. He expressed his concern that should the proposition pass, the City's General Fund would have only a \$1.6 million cushion. He asked that this clarification be made in the media.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO ADOPT ORDINANCE NO. 5851, AS AMENDED, AS FOLLOWS:

YEAS: Matherly, Stiver, Gatewood, Eberhart  
NAYS: Roberts  
ABSENT Bratcher  
**Mayor Cleworth** declared the MOTION CARRIED and ORDINANCE NO. 5851, As Amended, ADOPTED.

### **NEW BUSINESS**

- a) Resolution No. 4477 – A Resolution to Apply for and Accept Funding from the Bureau of Justice for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program for Fiscal Year 2012. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.



- b) Resolution No. 4478 – A Resolution to Apply for and Accept Funding from the Alaska Department of Public Safety for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program for Fiscal Year 2012. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4479 – A Resolution to Accept Funding from the Alaska Division of Homeland Security and Emergency Management for Fiscal year 2012 Local Emergency Planning Committee (LEPC). Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Resolution No. 4480 – A Resolution Amending the City Schedule of Fees and Charges for Service. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- e) Resolution No. 4481 – A Resolution Regarding CUC/GHU Tariff Filings for Sewer and Water Rate Increases. Introduced by Mayor Cleworth.

**Mr. Gatewood**, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4481.

**Mayor Cleworth** recommended that the fourth paragraph in Resolution No. 4481 be eliminated.

**Mr. Roberts**, seconded by **Mr. Gatewood**, moved to AMEND Resolution No. 4481 by striking the fourth paragraph.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO AMEND RESOLUTION NO. 4481, AS FOLLOWS:

YEAS: Eberhart, Roberts, Stiver, Matherly, Gatewood

NAYS: None

ABSENT Bratcher

**Mayor Cleworth** declared the MOTION CARRIED.

**Mr. Roberts** spoke against Resolution No. 4481, stating that it was because of issues like this that the City divested the utility. He stated his belief that it is inappropriate for the City to tell the utility companies that their rate increases are unreasonable.

**Mr. Matherly** asked for the reasoning of why Resolution No. 4481 was brought forth.

**Mayor Cleworth** provided a brief history on the utility. He stated that his concern is with the adverse affect the rate hikes will have on the City budget in the future.

**Ms. Stiver** stated that rates are increasing across the board for all business, not only with utilities and energy. She added that these increases are not sustainable.

**Mr. Matherly** asked if the City's position on the increases would carry weight in the utility companies' decision to raise rates.

**Ms. Stiver** replied that they take the City's and the Borough's position into consideration. She stated that the companies are aware that they must abide by the Regulatory Commission of Alaska (RCA) guidelines.

**Mr. Roberts** stated that he doesn't like rate increases, but he wants to have a dependable utility. He restated his belief that the City should not take a position on rate increases for any utility company that it doesn't own.

**Mayor Cleworth** stated that his intent was to represent the City with Resolution No. 4481.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO APPROVE RESOLUTION NO. 4481, AS AMENDED, AS FOLLOWS:

YEAS: Stiver, Matherly, Gatewood, Cleworth

NAYS: Eberhart, Roberts

ABSENT Bratcher

**Mayor Cleworth** declared the MOTION CARRIED and RESOLUTION NO. 4481, as Amended, APPROVED.

- f) Ordinance No. 5853 – An Ordinance Amending Chapter 86 Vehicles for Hire. Introduced by Mayor Cleworth and Council Member Stiver.

ADVANCED on the CONSENT AGENDA.

- g) Ordinance No. 5854 – An Ordinance Authorizing Public Sale of Surplus Property Known as the “Chena Building”. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

## **DISCUSSION ITEMS**

### Committee Reports

Public Safety Commission. **Mr. Eberhart** provided a brief report on the recent meeting.

Fairbanks Parking Authority. **Mr. Matherly** provided a brief report on the recent meeting.

FMATS. **Mr. Roberts** announced the upcoming FMATS Policy Committee meeting to be held in DOT Conference Chambers.

## **COUNCIL MEMBERS' COMMENTS**

**Mr. Matherly** commented on the great tourist population in the Fairbanks community this year. He expressed his appreciation to other Council Members for their knowledge and guidance. He

spoke to the sadness and relief of the body found at Harding Lake and gave his condolences to the family. He mentioned his excitement for the upcoming Golden Days events downtown.

**Mr. Eberhart** expressed his satisfaction that the PSEA contract had been agreed upon. He mentioned the upcoming City Election and encouraged the public to get involved either by voting or by filing for candidacy. He spoke of the kick-off of the World Eskimo Indian Olympics and Golden Days Events and expressed hope for good weather.

**Mr. Gatewood** mentioned the upcoming Permanent Fund Meeting. He expressed his appreciation to the Council for adopting Ordinance No. 5851, as Amended. **Mr. Gatewood** asked to be excused for the Regular Meeting of August 22, 2011.

**Mayor Cleworth** called for objection regarding **Mr. Gatewood's** request to be excused on August 22, 2011 and, hearing none, so ORDERED.

**Mr. Roberts** expressed his happiness that the PSEA contract had been resolved. He thanked the Chief of Police and the FPD staff for their hard work.

**Ms. Stiver** mentioned that she had attended the retirement party/Change of Command Ceremony for Colonel Jones and it was an enjoyable evening. She complimented the Downtown Marketplace for having a pleasant atmosphere and encouraged the public to stop by. **Ms. Stiver** stated that Ms. Reneva Moss had offered to do a tutorial work session for Council Members, staff, and the public on how to use the State of Alaska Legislative website to track bills and navigate the site.

**Mayor Cleworth** informed the Council that the Finance Committee meeting would be canceled this week. He mentioned that the section of code pertaining to Labor Relations needs to be revised and updated. He stated that he would be bringing the issue to the Council to consider. He also mentioned the ordinance in the works for the revision of the Code section pertaining to towing and briefly explained the changes involved.

## 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 10:15 p.m.

  
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JERRY CLEWORTH, MAYOR

ATTEST:

  
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JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS