



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, MAY 23, 2011
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
Emily Bratcher, Seat E

Absent: John Eberhart, Seat F - Excused

Also Present: Patrick B. Cole, Chief of Staff
Warren Cummings, Fire Chief
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Stephanie Johnson, Dispatch Center Manager
Ernie Misewicz, Assistant Fire Chief
Ryan Rickels, IT Director
Michael J. Schmetzer, City Engineer
Tony C. Shumate, Director Personnel/Purchasing/RM
Steve Shuttleworth, Building Official
Laren Zager, Police Chief

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

Mayor Cleworth presented a Proclamation to Steve Shuttleworth and Representative Tammy Wilson presented a State Citation to Donna Gilbert.

CITIZEN'S COMMENTS

Helen Renfrew, 4097 Yvonne Road, Fairbanks. Ms. Renfrew presented a certificate of appreciation to Bob Koslik.

Sean McGuire, 351 Cloudberry Lane, Fairbanks. Mr. McGuire spoke in favor of Ordinance No. 5849, prohibiting the addition of fluoride in the water supply.

Douglas Yates, Box 221, Ester. Mr. Yates spoke in favor of Ordinance No. 5849, prohibiting the addition of fluoride in the water supply.

Donna Gilbert, 2223 So. Cushman St, Fairbanks. Ms. Gilbert spoke highly of the City's emergency personnel; including the dispatchers, fire, and police.

Coert Olmsted, 351 Cloudberry, Fairbanks. Mr. Olmstead spoke in favor of Ordinance No. 5849, prohibiting the addition of fluoride in the water supply.

Tonya Brown, PO Box 84872, Fairbanks. Ms. Brown spoke in favor of Ordinance No. 5849, prohibiting the addition of fluoride in the water supply.

Lou Brown, 2630 Home Run, Fairbanks. Ms. Brown spoke in favor of Ordinance No. 5849, prohibiting the addition of fluoride in the water supply.

Ed Davis, 3110 Bunchberry, Fairbanks. Mr. Davis spoke in favor of Ordinance No. 5849, prohibiting the addition of fluoride in the water supply.

Sharon Alden, 159 Kniffen Rd., Fairbanks. Ms. Alden spoke in favor of Ordinance No. 5849, prohibiting the addition of fluoride in the water supply.

Torie Foote, PO Box 80768, Fairbanks. Ms. Foote spoke in favor of Ordinance No. 5849, prohibiting the addition of fluoride in the water supply.

David van den Berg, 332 Slater Dr., Fairbanks. Mr. van den Berg spoke in favor of Ordinance No. 5849, prohibiting the addition of fluoride in the water supply. He also spoke in favor of Ordinance 5850, regarding the conveyance of the J.P. Jones Community Development Center. Mr. van den Berg spoke about a Borough Ordinance regarding the new Vision Fairbanks plan and the expansion to the borders patrolled by the Community Service Patrol.

Frank Turney, 201 7th Ave. Fairbanks. Mr. Turney thanked Ms. Gilbert for her work in support of the City over the years. Mr. Turney spoke in favor of Ordinance No. 5849, prohibiting the addition of fluoride in the water supply. Mr. Turney asked for information regarding the procedures for confiscation and destruction of marijuana seized by the police.

Gloria Desroscher, 114 Cowles St., Fairbanks. Ms. Desroscher spoke in favor of Ordinance No. 5849, prohibiting the addition of fluoride in the water supply.

Lee Despain, 1006 Fourth Ave., Fairbanks. Mr. Despain spoke in favor of Ordinance No. 5849, prohibiting the addition of fluoride in the water supply.

Victor Buberger, PO Box 58192, Fairbanks. Mr. Buberger questioned whether the Council would be reviewing the appeal process for chauffeur licenses. He spoke of the new grievance council formed by the Downtown Association of Fairbanks and asked that the word get out to the public. He questioned Officer Dupee's connection with the company performing drug testing.

David Lerman, PO Box 70111, Fairbanks. Mr. Lerman spoke to fluoride and asked that the Council allow the people to vote on the issue. Mr. Lerman asked that a task force be formed to address the hydronic heater issue and self-generating heated bus stops.

Peggy Despain, Chena Ridge Road, Fairbanks. Ms. Despain spoke in favor of Ordinance No. 5849, prohibiting the addition of fluoride in the water supply.

APPROVAL OF AGENDA AND CONSENT AGENDA

Ms. Bratcher, 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) Meeting Minutes of May 9, 2011.

PASSED and APPROVED on the CONSENT AGENDA.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth stated that staff is working on possible modifications to the Code regarding chauffeur licensure and the appeal process. **Mayor Cleworth** spoke to the status of a capital request of \$300,000 for breathing apparatus is still before the legislature. He also mentioned a onetime additional revenue sharing allotment of \$551,000. **Mayor Cleworth** indicated that there are outstanding issues regarding the J.P. Jones Center, Ordinance No. 5850, and would provide additional details as the grant requirements are reviewed.

Chief Cummings, at the request of Mayor Cleworth, provided a report on two weekend fires: the Sunset Strip fire and the 23rd Avenue wild fire.

UNFINISHED BUSINESS

a) ORDINANCE NO. 5847 – An Ordinance Authorizing Lease of the “Chena Building” from the City to the Early College of Alaska, Inc. Introduced by Mayor Cleworth.
SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Ms. Bratcher**, moved to ADOPT Ordinance No. 5847.

Mayor Cleworth called for Public Testimony.

Ms. Torie Foote shared her support for the adoption of Ordinance No. 5847 as well as the benefits from a partnership between the City and the Early College of Alaska.

Mr. Steve Levey, APC Chairperson, asked the Council to support Ordinance No. 5847. He expanded on the lasting performance and success of the school in the states and its benefits to the local community and young people.

Ms. Lou Brown spoke to the charter school and its successes. She indicated that the opportunity for a small school environment for kids in Fairbanks is exciting.

Mr. Matthew McCormick, APC Member, asked the Council to support Ordinance No. 5847.

Ms. LaLaurie Whisenant spoke in favor of Ordinance No. 5847.

Ms. Jackie Richard spoke in favor of Ordinance No. 5847.

Ms. Kathryn Dodge spoke in favor of Ordinance No. 5847.

Mr. David van den Berg spoke in favor of Ordinance No. 5847, and stated that the Downtown Association of Fairbanks supports the partnership.

Mr. Keith Richard spoke in favor of Ordinance No. 5847.

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

Mr. Roberts spoke to the unique opportunity for students having a local charter school available. He stated that the Early College of Alaska would be a great tenant and it would make a great partnership. He spoke about modifying the lease. He explained the complexities involved in the right of first refusal in a lease.

Mr. Gatewood relayed his hesitation with the school; speaking to drop out rates among young people. He indicated he was not thrilled with the rent-free clause for the first year of the lease.

Ms. Stiver questioned whether the City wanted to engage in renting property versus selling property.

Mr. Roberts, seconded by **Ms. Bratcher**, moved to AMEND Ordinance No. 5847, by Striking Section 23. Right of First Refusal in Exhibit B, Real Estate Lease.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5847, AS FOLLOWS:

YEAS: Gatewood, Roberts, Matherly, Stiver, Bratcher

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and ORDINANCE NO. 5847, AMENDED.

Mayor Cleworth spoke to the maintenance clause in the lease agreement.

Ms. Stiver, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 5847, by Striking the word “routine” in the first line of Section 11.2 Maintenance.

Mr. Roberts indicated that it is not practical in this case to ask Early College of Alaska to perform all maintenance. He explained that ECA could not handle the financial impact of all maintenance of the building.

Ms. Bratcher concurred with Mr. Roberts.

Ms. Stiver indicated that the amendment would elevate what may define “routine” and ECA would then handle all maintenance.

Mayor Cleworth explained that discussions were had at a finance committee meeting regarding maintenance.

Based on Ms. Stiver’s question, Mr. Ewers explained that the second reference to “routine” is appropriate. He explained that elimination of the first reference to “routine” maintenance would reduce the possibility of confusion.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5847, AS FOLLOWS:

YEAS: Matherly, Bratcher, Roberts, Stiver, Gatewood

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and ORDINANCE NO. 5847, as AMENDED, is AMENDED.

Mr. Matherly expressed his excitement for the endeavor. He indicated that the impact for the City would be great.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5847, AS AMENDED, AS FOLLOWS:

YEAS: Gatewood, Stiver, Bratcher, Matherly, Roberts

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and ORDINANCE NO. 5847, as Amended ADOPTED.

NEW BUSINESS

- a) RESOLUTION NO. 4472 – A Resolution to Apply for 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.

- b) RESOLUTION NO. 4473 – A Resolution Authorizing the City of Fairbanks to Request FY12 Funds from the Alaska Highway Safety Office for a Medium Duty Ambulance in the Amount of \$130,000. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- c) ORDINANCE NO. 5848 – An Ordinance to Repeal Article VI of Chapter 14 Pawnbrokers. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- d) ORDINANCE NO. 5849 – An Ordinance Amending FGC 82-1 to Prohibit the Addition of Fluoride in Community Water Systems. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- e) ORDINANCE NO. 5850 – An Ordinance Authorizing Conveyance of the J.P. Jones Community Development Center to the Interdenominational Ministerial Alliance of Fairbanks. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

- a) Committee Reports

FMATS. Mr. Roberts provided a brief report.

FNSB. Ms. Stiver reported provided a brief report.

COMMUNICATIONS TO COUNCIL

- a) Public Safety Commission's Request for Permission to Convene into an Executive Session

Mayor Cleworth explained that the PSC must request permission to convene into executive session per the Code. He stated that that this section of Code needs to be reviewed because it also states that all public safety grants are to be reviewed by the Committee prior to the Council and, due to time constraints, that has not been happening.

Based on Mr. Roberts' question, Mr. Ewers explained that Mr. Burglin had been attending the meetings and would be present for the session. He indicated that the topics of discussion would be: a potential conflict of interest involving a business enterprise owned in-part by a police officer and the incident at Kodiak Jack's. Mr. Ewers indicated that the topics may not qualify for executive session.

Ms. Stiver stated that until the internal investigation is complete, the PSC should not be discussing the Kodiak Jack's issue.

Mr. Gatewood indicated that he would like to hear Mr. Eberhart's thoughts before deciding because he is the council member sitting on the commission.

COUNCIL MEMBERS' COMMENTS

Ms. Stiver spoke about stolen property and local pawnshops. She stated that pawnshops should be required to obtain information from the seller of items for anything over \$100.00.

Based on Ms. Stiver's question, **Mayor Cleworth** explained how tickets are issued by the Fairbanks Parking Authority and private parking lot signage.

Ms. Stiver asked Mr. Matherly to look into proper signage in private parking lots.

Based on Ms. Stiver's questions, **Mayor Cleworth** explained that asbestos removal in the Polaris Building is an issue and total costs have not been identified yet.

Mayor Cleworth reported on the status of the road work in front of the J.P. Jones Center.

Ms. Stiver reported that the bed tax committee would be meeting to discuss Code changes.

Mayor Cleworth stated that under State law there are rules and regulations regarding second hand store purchases.

Mr. Roberts spoke about the various walking events around town.

Mr. Gatewood spoke to various sporting events in the community.

Ms. Bratcher expressed hope that the Early College of Alaska would be successful.

Mr. Matherly spoke to a recent breakfast event and the enthusiasm and support it received.

Mr. Roberts, seconded by **Ms. Stiver**, moved to go into Executive Session for the purpose of discussing PSEA Labor Negotiations.

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

Mayor Cleworth called for a five minute recess.

EXECUTIVE SESSION

a) Labor Contract Negotiations

The City Council met in Executive Session to PSEA labor negotiations and instructions were given to staff.

ADJOURNMENT

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

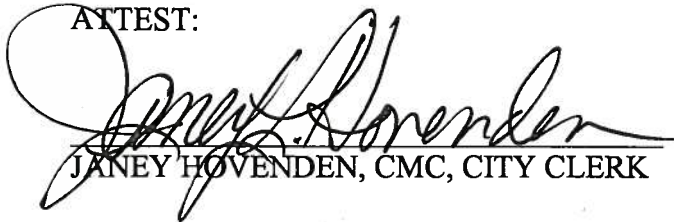
Mayor Cleworth called for objection and, hearing none, so ORDERED.

Mayor Cleworth declared the Meeting adjourned at 11:05 p.m.



JERRY CLEWORTH, MAYOR

ATTEST:



JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DO