



**FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JANUARY 19, 2015
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 pro tem Jerry Cleworth (Council Member, Seat E) presiding and with the following Council Members in attendance:

Council Members Present: Renee Staley, Seat A
 Bernard Gatewood, Seat C
 Jim Matherly, Seat D
 David Pruhs, Seat F

Absent: Perry Walley, Seat B
 John Eberhart, Mayor

Also Present: Warren Cummings, Fire Chief
 Paul Ewers, City Attorney
 Janey Hovenden, City Clerk
 Jim Williams, Chief of Staff

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor pro tem Cleworth led the Flag Salutation.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Ms. Staley pulled Item 12(h), Appointment to the City Finance Committee, from the Consent Agenda.

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

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

CITIZEN'S COMMENTS

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger apologized for his comments at the last meeting when he suggested that pedophiles be permitted to obtain a City Chauffeur License.

He stated that he may have misspoken. He commented that the courts should deal with the issue instead of the City Council. Mr. Buberger stated that the new South Cushman roads and sidewalks look very nice but commented that the hole covers are two or three inches below the surface of the road. He stated that he has been talking about the pothole and public restroom problems in Fairbanks for years and added that he feels that nothing has taken root. He spoke to the recent arrest of a former City police officer and stated that it seems there should be a child endangerment charge filed against him since there was a loaded gun in the vehicle with the unattended children. He spoke to his own experiences with those who have an alcohol problem and stated that he rarely drinks.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that situation with Chris DeLeon is unfortunate but pointed out that he still has a right to a trial. He spoke to the recent death of Fairbanks resident David Haines, and talked about what a gentleman he was. Mr. Turney spoke to the efforts of Dr. Martin Luther King, Jr. to prevent racism and police brutality. He expressed dissatisfaction with Police Chief Aragon's recent response to an interview question on the radio. He read aloud the Fairbanks Police Department's Code of Ethics from 1992 and spoke to how strongly Alaskans feel about their civil liberties. He spoke to the Police Chief's role in protecting the civil liberties of local residents. Mr. Turney commented that he would give some consideration to applying to serve on the City's Fact Finding Commission. He stated that even if he does not apply, he will raise awareness throughout the community that the Commission exists and lobby for its utilization. Mr. Turney expressed hope that Mayor Eberhart would pay the \$37.50 Alaska Public Offices Commission (APOC) fine.

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

MAYOR'S COMMENTS AND REPORT

Mayor pro tem Cleworth stated that he would give his own comments at the end of the meeting during Council Members' Comments.

UNFINISHED BUSINESS

- a) Ordinance No. 5963 – An Ordinance Amending FGC Section 2-396 Regarding the Fact Finding Commission. Introduced by Council Member Staley.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5963.

Mayor pro tem Cleworth called for Public Testimony.

Frank Turney – Mr. Turney requested that the Council explain the purpose of the Fact Finding Commission.

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

Ms. Staley stated that the Fact Finding Commission was created in 1992 and has rarely been employed by the City Council. She stated that Ordinance No. 5963 would lengthen the terms of members from two years to five years and explained that it is sometimes difficult to keep positions on City Boards and Commissions filled. **Ms. Staley** spoke to the makeup of the Fact Finding Commission.

Mr. Gatewood commented that it may make it more difficult to fill vacancies on the Fact Finding Commission if individuals must be of a certain occupation to meet the requirement to serve.

Clerk Hovenden clarified that the occupational requirement already exists in the Code.

Mr. Pruhs spoke to the recent changes to the makeup of the Clay Street Cemetery Commission and spoke in favor of Ordinance No. 5963.

Mayor pro tem Cleworth stated that the Fact Finding Commission was created as a tool for the City and others to use prior to litigation. He stated that when he was Mayor, he tried to use the Commission for a certain case where a party was in ongoing litigation with the City. He stated that both parties initially accepted the process of using the Fact Finding Commission with the understanding that the decision of the Commission would be binding to both parties. **Mayor pro tem Cleworth** stated that after receiving legal advice from their own counsel, the other party changed their position and the Fact Finding Commission was not called into service. He stated that there will be an issue someday that will require the attention and use of the Commission and thanked Ms. Staley for introducing the ordinance.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5963 AS FOLLOWS:

YEAS: Staley, Matherly, Gatewood, Pruhs, Cleworth

NAYS: None

Mayor pro tem Cleworth declared the MOTION CARRIED and Ordinance No. 5963 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4656– A Resolution in Support of the Fairbanks Metropolitan Area Transportation System (FMATS) Request for Transportation Funding for Fiscal Year 2016. Introduced by Council Member Walley.

PASSED and APPROVED on the CONSENT AGENDA.

DISCUSSION ITEMS

Committee Reports

Golden Heart Parking Services (GHPS) Board of Directors – **Ms. Staley** shared that the Board is currently in the interview process to hire a new executive director.

Public Safety Commission (PSC) – **Ms. Staley** reported that the PSC will discuss the issue of chronic inebriates at the next meeting. She stated that Mayor Eberhart recently signed a new contract with the Downtown Association to continue the Community Service Patrol (CSP). She stated that the PSC discussed the overall decline in the issuance of traffic citations by the Fairbanks Police Department (FPD). **Ms. Staley** spoke to the large fire exposure risk in Fairbanks last year and to the recent boiler fire at The Prospector. She stated that she also attended a meeting in regard to Dispatch contracts and the Fairbanks Emergency Communications Center (FECC).

Fairbanks Diversity Council (FDC) – **Mr. Gatewood** stated that the FDC met recently for a strategic planning session but commented that he was unable to attend. He stated that he would like to wait until the next meeting to give a report.

Mayor pro tem Cleworth asked when the next Permanent Fund Review Board meeting will take place.

Mr. Gatewood replied that the next Permanent Fund Review Board meeting is on Wednesday, January 21 at 1:30 p.m.

Mayor pro tem Cleworth asked if the Board has had discussion about the equities portion of the Permanent Fund.

Mr. Gatewood replied negatively. He stated that the Board has not met since October.

COMMUNICATIONS TO COUNCIL

a) Proposed Corrections to Regular Meeting Minutes of October 6, 2014

Clerk Hovenden explained that the motion on the new distillery liquor license should have been recorded in the minutes as a motion to protest until a Certificate of Occupancy is issued instead of a motion to waive protest with contingencies. She stated that the initial motion in the October 6, 2014, meeting was changed to reflect the correction, but the change was missed in the minutes.

Mr. Gatewood, seconded by **Ms. Staley**, moved to APPROVE the correction to the October 6, 2014, meeting minutes.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE CORRECTION TO THE OCTOBER 6, 2014, MEETING MINUTES AS FOLLOWS:

YEAS: Cleworth, Pruhs, Staley, Matherly, Gatewood

NAYS: None

ABSENT: Walley

Mayor pro tem Cleworth declared the MOTION CARRIED.

- b) Memo Concerning City Representative to Borough Assembly Meetings

APPROVED on the CONSENT AGENDA

- c) Notice to Council Concerning an Encroachment Permit to ADOT

APPROVED on the CONSENT AGENDA

- d) Clay Street Cemetery Commission Meeting Minutes of October 1, 2014

ACCEPTED on the CONSENT AGENDA

- e) Board of Plumber Examiner Meeting Minutes of October 7, 2014

ACCEPTED on the CONSENT AGENDA

- f) Fairbanks Diversity Council Meeting Minutes of October 23, 2014

ACCEPTED on the CONSENT AGENDA

- g) Fairbanks Diversity Council Meeting Minutes of December 9, 2014

ACCEPTED on the CONSENT AGENDA

- h) Appointment to the City Finance Committee

Ms. Staley stated that there is currently a member serving on the Permanent Fund Review Board who is also employed by Wells Fargo. She stated that she will miss Jeff Johnson's presence on the Finance Committee and spoke highly of his knowledge and valuable input.

Mr. Matherly asked if others showed an interest in the vacancy on the Finance Committee. He stated that he understands and agrees with Ms. Staley's position.

Clerk Hovenden stated that there were no other applications submitted.

Mayor pro tem Cleworth stated that he recently spoke with Mr. Johnson who is under the impression that the administration does not want one individual serving on two separate City Boards or Commissions simultaneously. He stated that it is imperative that the public member of the Finance Committee be well-versed in the finances of the City. He suggested that the Council keep the issue open until Mayor Eberhart can provide some clarification.

Hearing no motion to APPROVE the Appointment to the Finance Committee, **Mayor pro tem Cleworth** asked Clerk Hovenden to continue on to the next agenda item.

- i) Re-appointment to the Building Code Review & Appeals Commission

APPROVED on the CONSENT AGENDA

COUNCIL MEMBERS' COMMENTS

Mr. Gatewood stated that he had no comments.

Ms. Staley spoke to the importance of community involvement and encouraged the public to become involved with City Boards and Commissions.

Mr. Matherly stated that he had no comments.

Mr. Pruhs, in reference to the memorandum from the City Clerk, commented on the 10-year backlog of City records and to the problem with records being stored in the basement of City Hall. He stated that the City may need to look at hiring temporary staff to help get the records under control and thanked the City Clerk for bringing the issue to the Council's attention. **Mr. Pruhs** stated that everyone starts somewhere and commented that the Finance Committee applicant would have a great deal of support and guidance if she were selected to be the new member. He indicated that Ms. Sisto is qualified to serve on the Finance Committee.

Mayor pro tem Cleworth echoed Mr. Pruhs' comments on records management at the City. He stated that in 2012 or 2013, the Clerk's Office put together a plan of action for all departments at the City of Fairbanks. He stated that the deadline for the plan was one month before he left the Mayoral Office. He asked Clerk Hovenden if there is any progress being made on that program.

Clerk Hovenden stated that the records that were in the back hallway near Engineering have been relocated to the main records area in the North Tower. She stated that the next big project for the Clerk's Office is to create a customized records retention schedule for the City of Fairbanks. She stated that there are still many records need to be identified and indexed and added that some may need to be destroyed.

Mayor pro tem Cleworth asked about the records on the floor of the basement in the south wing.

Clerk Hovenden replied that with the help of Pat Smith, staff identified and destroyed many of the basement records. She stated that the remaining records need more attention than just relocation or destruction and indicated that it will take a great deal of time to accomplish that project. She stated that she understood that all the basement records would be relocated to the North Tower when the others were moved. She commented that the City must have run out of other storage space for records.

Mayor pro tem Cleworth stated that according to the original plan, no records were to be left in the basement and pertinent, inactive records were to be moved to Public Works for storage. He stated that other more regularly-accessed records were to be stored in the North Tower at City Hall. He commented that there are still many records scattered throughout City Hall that need to be addressed. **Mayor pro tem Cleworth** shared that there will be a neighborhood meeting regarding the Bjerremark Subdivision at the JP Jones Community Center on January 20 at 5 p.m. He thanked Attorney Ewers for preparing the list of union grievances he requested. He addressed page two of the Clerk's report where it shows that the issuance of citations by FPD

decreased by about 1,500 from 2011 to 2015. He stated that the Council should be aware of the decline and requested a report from the Chief of Police. **Mayor pro tem Cleworth** asked City Clerk Hovenden if she buys into the Borough's request that the City start sharing the cost for Borough staff time in preparing for the Municipal Election.

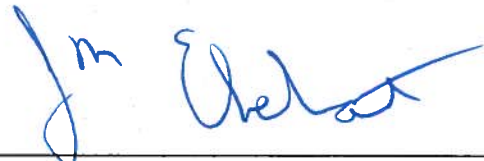
Clerk Hovenden replied that she partially agrees. She stated that elections are expensive and it only makes sense for the City to hold its election in conjunction with the Borough. She commented that although the Borough would have to do the preparation even if the City was not a part of their Municipal Election, there are precincts that are shared by both entities. She stated that the City Clerk's Office cannot afford the time to allow staff to go to the Borough on a regular basis to help prepare for the annual election.

ADJOURNMENT

Mr. Pruhs, seconded by **Mr. Gatewood**, moved to ADJOURN the meeting.

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

Mayor pro tem Cleworth declared the meeting adjourned at 7:55 P.M.



JOHN EBERHART, MAYOR

ATTEST:



D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: DS