



FAIRBANKS CITY COUNCIL
AGENDA NO. 2014-04
REGULAR MEETING FEBRUARY 24, 2014
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

PRELIMINARY MEETING

6:00 P.M. Work Session with Marc Marlow Concerning the Polaris Building

REGULAR MEETING

7:00 P.M.

1. ROLL CALL
2. INVOCATION
3. FLAG SALUTATION
4. CITIZENS COMMENTS, oral communications to Council on any item not up for Public Hearing. Testimony is limited to five (5) minutes. Any person wishing to speak needs to complete the register located in the hallway. Normal standards of decorum and courtesy should be observed by all speakers. Remarks should be directed to the City Council as a body rather than to any particular Council Member or member of the staff. In consideration of others, kindly silence all cell phone, electronic and messaging devices.
5. APPROVAL OF AGENDA AND CONSENT AGENDA

(Approval of Consent Agenda passes all routine items indicated by an asterisk (*). Consent Agenda items are not considered separately unless a Council Member so requests. In the event of such a request, the item is returned to the General Agenda).
6. APPROVAL OF PREVIOUS MINUTES
 - *a) Regular Meeting Minutes of December 9, 2013

7. SPECIAL ORDERS

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, will hear interested citizens concerned with the following Liquor License Applications for renewal. Public Testimony will be taken and limited to five (5) minutes.

Lic #	Establishment Name	License Type	Premise Location	Owner Name
104	Red Lantern Steak & Spirits	Beverage Dispensary	820 Noble St	Westmark Hotels, Inc
435	Garden Island Party Store	Package Store	246 Illinois	Market Basket Inc
703	Gavora's Liquor #1	Package Store	250 Third Street Graehl	Market Basket Inc
704	Gavora's Liquor #2	Package Store	1255 Airport Way	Market Basket Inc
995	Safeway Store #2754	Package Store	3627 Airport Way	Safeway Inc
999	Oaken Keg #3410	Package Store	30 College Road	Safeway Inc
1134	Thrifty Liquors	Package Store	1410 Cushman Street	Market Basket Inc
2424	Sophie Station Hotel	Beverage Dispensary-Tourism	1717 University Ave S	Fountainhead Development Inc
2565	El Dorado Bar & Grill	Beverage Dispensary	530 Third Ave.	El Dorado Bar & Grill Inc
3074	Wedgewood Resort	Beverage Dispensary-Tourism	212 Wedgewood Dr	Fountainhead Development Inc
3170	The Odom Corporation	Wholesale - General	3101 Peger Rd - Bay 1	The Odom Corporation
3381	Food Factory	Restaurant/Eating Place	44 College Road	CNR Enterprise LLC
3489	Arctic Bar	Beverage Dispensary	623 Old Steese Hwy. Fairbanks	Arctic Inuk Inc
3616	Wedgewood Resort-Bear Lodge	Beverage Dispensary-Tourism Duplicate	212 Wedgewood Dr	Fountainhead Development Inc
4174	Big Daddy's Bar-B-Q & Banquet Hall	Beverage Dispensary	107 Wickersham St	RTG LLC
4344	Siam Dishes	Restaurant/Eating Place	338 Old Steese Hwy	Air Choummittaphanh & Southsakone Pheunmany
4530	Barracuda's Beach Bar	Beverage Dispensary	1288 Sadler Way	Xavier's Inc
4720	Trappers Tavern	Beverage Dispensary	1446 S Cushman	Gallantino's Inc.
4816	Mayan Palace	Beverage Dispensary	3401 Airport Way	Taco Azteca Incorporated
4831	Wasabi Bay Restaurant	Restaurant/Eating Place	1448 S Cushman St	Soon Teack Park

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Resolution No. 4613 – A Resolution Pleading with the Alaska Governor and Legislature to Restore the Rights of Sufferers to Obtain Medical Marijuana, with Prescription and without Prejudice. Introduced by Council Member Hilling. POSTPONED from the Regular Meeting of February 10, 2014.
- b) Ordinance No. 5936, As Amended – An Ordinance Amending FGC Sections 2-486 and 2-487 Regarding the Clay Street Cemetery Commission. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

10. NEW BUSINESS

- *a) Resolution No. 4614 – A Resolution Consenting to and Approving the Location of the Greater Fairbanks Community Hospital Foundation, Incorporated's Expansion Project Funded through Alaska Industrial Development and Export Authority. Introduced by Mayor Eberhart.
- *b) Resolution No. 4615 – A Resolution Re-Designating Check Signing Authority for Banking and Investment Accounts of the City of Fairbanks, Alaska. Introduced by Mayor Eberhart.
- *c) Resolution No. 4616 – A Resolution Authorizing the City of Fairbanks to Accepting Funds from the Fireman's Fund Insurance Company. Introduced by Mayor Eberhart.
- *d) Ordinance No. 5937 – An Ordinance Authorizing Lease of City-Owned Property to the Fairbanks Convention and Visitors Bureau. Introduced by Mayor Eberhart.
- *e) Ordinance No. 5938 – An Ordinance Amending FGC Section 2-332 Regarding the Membership of the Commission on Historic Preservation. Introduced by Mayor Eberhart.
- *f) Ordinance No. 5939 – An Ordinance Enacting FGC Sections 2-490 through 2-494 Creating a Fairbanks Diversity Council. Introduced by Mayor Eberhart.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

- a) Committee Reports

12. COMMUNICATIONS TO COUNCIL

*a) Chena Riverfront Commission Meeting Minutes of September 11, 2013

*b) Chena Riverfront Commission Meeting Minutes of December 11, 2013

13. COUNCIL MEMBERS' COMMENTS

14. CITY ATTORNEY'S REPORT

15. CITY CLERK'S REPORT

16. ADJOURNMENT



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, DECEMBER 9, 2013
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 John Eberhart presiding and with the following Council Members in attendance:

Council Members Present: Renee Staley, Seat A
Perry Walley, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Lloyd Hilling, Seat E
Chris Anderson, Seat F

Absent: None

Also Present: Clem Clooten, Building Official
Warren Cummings, Fire Chief
Ernie Misewicz, Assistant Fire Chief
Margarita Bell, Grants Administrator
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Stephanie Johnson, Dispatch Center Manager
Ryan Rickels, IT Director
Michael J. Schmetzer, City Engineer
Tony C. Shumate, Director Personnel/Purchasing/RM
Jim N. Soileau, Chief Financial Officer
Laren Zager, Police Chief

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

CITIZEN'S COMMENTS

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney distributed copies of the collective bargaining agreement (CBA) between the City of Ketchikan and the Public Safety Employees Association (PSEA). He referenced Article 7 of the agreement, Employee Rights, and read aloud that “The City may require employees to submit to a polygraph examination.” Mr. Turney reminded Mayor Eberhart of the statement he made during his campaign that he would support a change in the PSEA union contract to allow the use of polygraph testing at the Fairbanks Police

Department. He stated that the late Chief of Staff, Pat Cole, also supported the change. Mr. Turney spoke to Mayor Eberhart's article in the opinion section of the News Miner and commented on his emphasis of transparency. He asked why the City could not disclose the name of the officer who currently performs the polygraph testing for pre-employment. Mr. Turney inquired as to who will replace Pat Cole in union contract negotiations. He thanked Mr. Buberger for buying the Bill of Rights cake and spoke to the importance of the Amendments to the Constitution. He also thanked the Mayor and Council for including the reading of the Bill of Rights on the agenda.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger spoke against the City's accepting grants for the Fire and Police Departments that fund new positions for a short time. He stated that once the grant dollars run out, the taxpayers are saddled with the cost of keeping those employees on the payroll. He stated that the City can afford to pay its own way without grants. Mr. Buberger stated that since September 11, 2001, police and fire personnel have been made out to be heroes, but commented that he does not see it that way. He stated that they are simply individuals who are well-paid for doing a job and that he respects them for doing their jobs. He stated that he does not believe that they are any more heroic than a teacher, a politician, a plumber or a pilot. He stated that many of our servicemen are not smart enough to get jobs right out of high school so they are forced to join the military. He commented that quite often these individuals go on to serve as police and security officers. Mr. Buberger wished everyone a Merry Christmas and a Happy New Year.

Lee Despain, 352 Driveway Street, Unit B, Fairbanks – Mr. Despain stated that he filed a "Tell it to City Hall" complaint with the City Clerk's Office on October 13, 2013. He explained that his complaint cited two sections of City regulations that were violated during the 2013 mayoral election, FGC Section 50-461(c) and the City's policy on information systems and equipment. Mr. Despain stated that it has been twelve weeks since he filed the complaint and commented that he has not received a response from the City. He stated that about ten days after filing the complaint he also filed a public information request for all Mayor Eberhart's emails on his City email address. He stated that his request has not yet been fulfilled. Mr. Despain read aloud a portion of Mayor Eberhart's recent article in the News Miner. He spoke out against the Alaska Public Offices Commission (APOC) complaint filed against Mayor Eberhart's opponent during the mayoral race. He commented that he is interested to see who Mayor Eberhart chooses to hire as the new Chief of Staff. He indicated that in an effort to silence him days before the mayoral election, Mayor Eberhart sent his attorney, Mr. Walleri, to former Mayor Cleworth's office. He spoke against the process by which new Council Member Chris Anderson was appointed to the Council, clarifying that he has nothing against his friend Mr. Anderson. He stated that Mayor Eberhart's statement that "transparency is my benchmark for moving forward to provide citizens with avenues of access to information and communication with the City Departments" sounds a lot like President Obama. He asked Mayor Eberhart to clarify his "Benchmark Proclamation" and wished everyone a Merry Christmas and a joyous New Year.

Mr. Hilling asked Mr. Despain to speak to the reason behind his request for Mayor Eberhart's emails.

Mr. Despain replied that Mayor Eberhart began campaigning for the mayoral election long before most candidates do. He stated that he requested all Mayor Eberhart's emails from the beginning of

2013 up to the municipal election. He stated that Mayor Eberhart listed his City email address as a public method of contact for his campaign on the City's website. He commented that he is entitled to those emails as a member of the public. Mr. Despain explained that the City's IT Department took about two weeks to extract the emails and that they have since been passed on from the City Clerk's Office to the Mayor's Office. He expressed distrust in the method by which the emails are being reviewed. He begged the City Council to motivate Mayor Eberhart.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Gatewood pulled Resolution No. 4601 from the Consent Agenda.

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

There were no Consent Agenda items to read into the record.

READING OF THE BILL OF RIGHTS

Mayor Eberhart thanked Mr. Turney for providing a cake to celebrate the anniversary of the ratification of the Bill of Rights. He asked the Council to take turns reading each of the Ten Amendments aloud.

He and the Council Members read each Amendment aloud in turn.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart, in reference to Mr. Turney's question regarding polygraph testing, stated that he intends to discuss the issue with the union during labor contract negotiations. He stated that to his knowledge, the only polygrapher in the City of Fairbanks is the individual that works at the police department. He commented that he does not know who the officer is and whether or not the identity of the officer can be released to the public. **Mayor Eberhart** spoke to the tragic loss of Patrick Cole and stated that he, with the help of Paul Ewers and Tony Shumate, will negotiate the contracts so that there is no delay. **Mayor Eberhart** suggested that the Council solicit advice from the City Attorney regarding Mr. Despain's complaint. He stated that Mr. Despain's request for public records was filed about the same time he came into office as mayor and that it has been a very busy time with the preparation of the 2014 budget, the passing of Pat Cole, the start of labor negotiations and the local disaster caused by the ice storm. **Mayor Eberhart** stated that Mr. Despain requested all emails and is unwilling to narrow down his request. He explained that upon review by the City Attorney's Office the request for information will be fulfilled. **Mayor Eberhart** stated that since the November 25th meeting he has met with Public Works and Festival Fairbanks regarding the Chena River Walk; met with the PSEA and International Brotherhood of Electrical Workers (IBEW) to establish ground rules for labor negotiations; met with Department

Heads for a Staff Meeting; attended an Interior Alaska Natural Gas Utility (IANGU) meeting at Fairbanks Economic Development Corporation (FEDC); attended the Salvation Army's Red Kettle Kickoff event; met several times with the Downtown Association regarding the Community Service Patrol (CSP); attended the Community and Technical College's Legislative Breakfast; and hosted the City's Interior Delegates at City Hall. **Mayor Eberhart** stated that he was invited to attend the newly-elected mayor's training at Harvard University's Kennedy School of Government. He stated that it is the first time in the 40-year program that Alaska was invited and participated in the training. He stated that he represented the smallest municipality of all the attendees and that he was honored to attend. **Mayor Eberhart** spoke to the content of the courses and commented that the training was very valuable. He stated that during his campaign he set four goals to accomplish as Mayor: 1) improve Public Safety, 2) lower energy costs, 3) continue good fiscal management and responsibility, and 4) increase cultural awareness and appreciation of diversity. He stated that the proposed budget will improve Public Safety by adding three part-time Public Safety Aids who will take over some administrative tasks. He stated that he is also proposing the addition of one part-time call taker to keep the front office window at the Police Department open during regular business hours. **Mayor Eberhart** stated that the budget proposes the retention of three fire fighters whose wages have been partially-funded by about 10% through a Staffing for Adequate Fire and Emergency Response (SAFER) grant. He spoke to the newly proposed positions of operator and clerk to the Public Works Department. He stated that he is recommending a \$75,000 annual increase to CSP funding and commented that Borough Mayor Hopkins plans to propose to the Assembly a Borough contribution to the CSP. **Mayor Eberhart** thanked Ms. Staley for offering to help find ways to fund the expansion of the CSP through private money if the budget proposal passes. He stated that he hopes to retain the two school resource officers (SRO's) at the police department. **Mayor Eberhart** stated that he plans to attend the upcoming Energy for All Alaskans meeting at FEDC to discuss ways to cut energy costs for Interior Alaska. He explained that he continues to meet with City Staff and Department Heads to learn about their operations. He stated that he plans to analyze all City Departments by requiring each to submit an Executive Summary explaining where the department has been, where it is now and where it expects to be in the future. **Mayor Eberhart** spoke to his plan to establish an Employees and Citizen Suggestion Program and begin asking that each Department Head submit monthly data, metrics and performance reports to the Mayor's Office. He stated that he believes the reports will increase performance and efficiency in the City. **Mayor Eberhart** suggested the possibility of moving from a traditional budgeting system to an activity-based budget which outlines each department's costs based on its activities. He spoke to the need for the City of Fairbanks to be pro-business in order to stimulate growth and economic development and stated that he is looking for ways to work with the City of North Pole and the Fairbanks North Star Borough (FNSB) to share resources and reduce costs. He stated that since the City has limited ways to increase revenues it must look at how to become more efficient. **Mayor Eberhart** mentioned the possibility of creating a work-study program in the City for university and high school students. He spoke to the need to increase diversity in the City's workplace and stated that he will ask Department Heads to report on the composition of their staff and to provide feedback on how to improve diversity within their department. **Mayor Eberhart** stated that he will give consideration to having each City employee attend cultural awareness and diversity training and that he plans to establish a Diversity Commission to study Council-directed projects or other projects they may undertake on their own. He spoke to his plan to address with unions the issue of recognizing Martin Luther King Day as a City holiday. He suggested that instead of a normal holiday, the day could be used as a day of service to the community. **Mayor Eberhart** urged the Council to consider the 2014 budget in a long-term, positive light. He thanked

the Council for their hard work in preparing the budget and thanked City Staff for their hard work throughout the year. He expressed his condolences once again for the loss of Patrick Cole and stated that he has asked City Attorney Paul Ewers to prepare a resolution naming the City Hall building in the late Chief of Staff's honor. He announced that there will be a memorial service at City Hall in January for Patrick Cole. **Mayor Eberhart** thanked the City Clerk's Office for the gifts and gave best holiday wishes to all.

UNFINISHED BUSINESS

- a) Ordinance No. 5935 – An Ordinance Adopting the 2014 Operating and Capital Budgets. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Anderson, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5935.

Mayor Eberhart called for Public Testimony.

Robert Warren, 541 Baranof Avenue – Mr. Warren emphasized the importance of maintaining the current staffing levels at the Fairbanks Fire Department. He stated that if the Council were to lay off three firefighters the consequences could be dire and that there is barely enough staffing right now to man the current apparatus. He commented that keeping the personnel on staff is the right thing to do for the community.

Mr. Hilling asked that if the Council voted to layoff three firefighters if they would all be laid off from Station 3.

Mr. Warren replied that he is unsure of where the layoffs would take place but indicated that whenever there is a staffing shortage, Station 3 takes the hit. He stated that each of the three shifts would lose one firefighter.

Frank Turney – Mr. Turney stated that in the 1980's the City did an experiment with volunteer firefighters from the University of Alaska. He suggested that the City look into the possibility of using volunteers to save money.

Victor Buberger – Mr. Buberger echoed Mr. Turney's comments. He stated that many of the fire departments within the Borough are staffed by volunteers and asked why the City does not use volunteers.

Lee Despain – Mr. Despain stated that he agrees that the three firefighters should be kept on staff but only until attrition takes place.

Mr. Hilling stated that there are 44 firefighters currently on staff with the City of Fairbanks and that in April 2014 the City will no longer be obligated to fund the three SAFER grant positions. He asked if Mr. Despain is suggesting that the Council let attrition bring the number back down to 41 as a compromise to laying the positions off.

Mr. Despain replied that he is suggesting that the City not lay off anyone, but allow the positions to move up within the department whenever someone resigns or retires.

David van den Berg, Executive Director of the Downtown Association (DTA) of Fairbanks, 410 Cushman Street, Fairbanks – Mr. van den Berg distributed some “budgets of scale” documentation. He addressed the budget proposal for increased CSP funding to assist with the incapacitated persons (incaps) problem in the City of Fairbanks. He stated that currently the City contributes \$50,000 annually to the CSP and that the Downtown Association raises funds for the other 75% of the CSP budget. In reference to the handouts, Mr. van den Berg stated that the numbers were derived from the four solutions to the incap problem Police Chief Zager produced in a white paper but clarified that the handout was not endorsed by Chief Zager. He explained that he refers to the four solutions as “Zager 1, Zager 2, Zager 3 and Zager 4” in his handout. Mr. van den Berg spoke to the varying possibilities for funding the CSP.

Mr. Walley asked why there was such a large increase to the projected corporate funding needed for the CSP from 2014 to 2015.

Mr. van den Berg explained that the hypothetical hike in corporate funding in 2015 would be a direct result of the City withdrawing funding from the CSP.

Mr. Gatewood asked Mr. van den Berg to speak to the concept of a local improvement district (LID).

Mr. van den Berg stated that if the Council agrees with Chief Zager that it is the ultimate responsibility of the City to fund the CSP, then it would be unrealistic to decrease CSP funding in future years. He stated that if the City does not sustain a significant amount of funding in future years, the CSP would have to be supported by other sources. Mr. van den Berg indicated that a LID may be a viable funding source. He explained that a LID could be formed to include properties within an area of the City that has a high-intensity call volume pertaining to incaps. He stated that those specific property owners within the LID would contribute to the CSP through taxation. Mr. van den Berg stated that he has outlined other possible funding sources in the handout including: increasing the City alcohol tax, amending the City’s millage rate, or looking into grants from the State of Alaska.

Mr. Gatewood asked Mr. van den Berg where the \$11,693 LID line item came from since there was no establishment of a LID in 2013.

Mr. van den Berg replied the Downtown Association has sought the creation of a LID for about two years. He stated that in 2013 the downtown property owners had an opportunity to form a LID but that the proposal failed. He explained that the \$11,693 shown in the LID line item for 2013 was what property owners within the proposed LID area voluntarily contributed to the CSP for that year. Mr. van den Berg indicated that in 2013 contributions to the CSP from downtown property owners was the lowest it has been in three years.

Mr. Gatewood expressed his struggle with the handout since two of the possible funding sources listed by Mr. van den Berg do not currently exist.

Mr. Matherly pointed out that the handout does not show any projected increases to the expenditures of the CSP for future years. He asked Mr. van den Berg to discuss future expenses.

Mr. van den Berg replied that he intentionally left future expenses static on the handout in order to make it simpler to understand. He acknowledged that it is likely for CSP expenditures to increase in future years.

Mr. Hilling asked Mr. van den Berg if it would be feasible for him to provide the Council with more frequent reporting on CSP activities.

Mr. van den Berg replied affirmatively. He indicated that he would prefer to report quarterly to the City Council.

Mr. Hilling stated that in his recollection the City set a high bar in order for the LID to pass. He asked Mr. van den Berg to speak to his feelings on how a vote would turn out if it were proposed again right now.

Mr. van den Berg indicated that there are two very large property owners in the downtown area who did not vote in favor of the LID. He stated that if only those two owners had voted to create the LID it would have passed by a landslide. He indicated that one of the owners contributes significantly to the CSP and that he believes they did not vote for the LID because they may have been unclear on the issue.

Jerry Cleworth, 907 Park Drive, Fairbanks – Mr. Cleworth thanked the Mayor for freezing the Mayor's salary and thanked the Council for not taking an increase in their stipend. He reminisced about working with Pat Cole throughout the years and stated that it was a privilege to nominate Mr. Cole as the last City Manager. He commented that although Pat Cole has passed, there is still some great institutional knowledge on staff at the City of Fairbanks, such as Paul Ewers and Tony Shumate. Mr. Cleworth spoke to the increase to the fund balance line item on page two of Ordinance No. 5935. He stated that of the \$1,413,673 increase, a lump-sum bond reimbursement of \$869,000 needs to be deducted as well as a possible deduction of nearly \$200,000 in union contract funding. He commented that after those items are taken into account the Council will only have a fund balance increase of roughly \$350,000 to work with. He expressed concern with the balance and spoke briefly to the severe debt of the Public Employees' Retirement System (PERS) and to the affect it may have on municipalities. He spoke to his concern that the City of Fairbanks may also lose revenue sharing with the State of Alaska. Mr. Cleworth stated that he would like to address five specific items in the proposed budget ordinance: He stated that the first item of concern is the \$100,000 cut in the Public Works construction materials account. He explained that City Department Heads have done a great job at staying under budget and operating their respective departments. Mr. Cleworth indicated that the City Council has taken the surplus from operating budgets in prior years and split it between the Permanent Fund and the Capital Fund. He stated that the reason why the City has gotten away with a smaller construction materials budget in past years is because of the grant funds that were covering those costs. He recommended that the Council keep the \$100,000 in Public Works funding as a place holder for future years.

Mr. Cleworth's time limit for Public Testimony expired, including the extra minute granted to him at the request of Mr. Matherly.

Mr. Hilling asked City Clerk Hovenden if there was any protocol for the Council to allow Public Testimony beyond six minutes.

Clerk Hovenden replied that she is unaware of any such provision and stated that the Council may make a decision to allow Mr. Cleworth extra time.

Mr. Hilling, seconded by **Ms. Staley**, moved to ALLOW Mr. Cleworth five more minutes to testify to the Council.

Mayor Eberhart called for objection.

Mr. Gatewood objected, stating that he is unwilling to allow Mr. Cleworth five more minutes. He stated that he would be willing to grant Mr. Cleworth one or two minutes.

Mayor Eberhart stated that he would defer to the City Attorney on how to proceed. He stated that the proper thing to do may be to suspend the rules which would require a two-thirds vote.

Mr. Hilling, seconded by **Mr. Matherly**, moved to SUSPEND the rules to allow Mr. Cleworth five more minutes of testimony.

Mr. Matherly asked Mr. Cleworth how much more time he would need to complete his testimony.

Mr. Cleworth replied that the Council could choose to not allow him more time and simply ask him questions.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUSPEND THE RULES TO ALLOW MR. CLEWORTH FIVE MORE MINUTES OF TESTIMONY AS FOLLOWS:

YEAS: Matherly, Hilling, Walley, Staley, Anderson

NAYS: Gatewood

Mayor Eberhart declared the MOTION CARRIED.

Mr. Cleworth stated that the second item of concern to him is the low dollar amount of the transfer to the Permanent Fund. He explained that since the 2014 proposed budget projects a windfall of \$869,000, he would recommend an increase in the transfer to the Permanent Fund by at least \$300,000 to bring the total transfer to \$500,000. Mr. Cleworth spoke to his third and most focused area of concern, the seven proposed new positions City-wide. He stated that it is the largest growth budget he has ever seen. Mr. Cleworth acknowledged that the one-and-a-half position increase to the Police Department is a one-year experiment and expressed appreciation for Chief Zager's willingness to try new things. He stated that he is unsure of where the half position for the Police Department came from. He commented that he is somewhat concerned with the additional staff proposed for the Public Works Department but stated that he understands the rationale of reducing temporary hire to accommodate the addition. Mr. Cleworth stated that his primary concern is with the three proposed added positions in the Fire Department. He spoke to the history of the SAFER grant that originally funded the three positions and to the intent of the Council at the time to let the positions go when the grant funding was exhausted. He stated that the SAFER grant is unique in that, by accepting the grant, the City could not perform any layoffs for the life of the grant. He

clarified that the City has not placed any grant-funded positions on the payroll at the Police Department, but has let attrition take care of them. He recommended that the same method be used for the Fire Department. Mr. Cleworth stated that in 1990 there were 26 positions in the Fire Department, the lowest the City has ever had. He pointed out that the department currently employs 39 positions, not including the three funded by the SAFER grant. He compared the Public Works Department's current staffing level of 37.5 positions, including the newly proposed addition. He expressed his belief that there are other departments within the City that are more worthy of staffing increases.

Mr. Cleworth's time for testimony expired. **Mayor Eberhart** gave Mr. Cleworth permission to continue.

Mr. Cleworth stated that five years ago the City determined that the Fire Department had not only enough staffing to handle the workload at the time, but to also cover the additional workload brought on by a proposed annexation. He stated that 69% of all firefighters in the U.S. are volunteers and pointed out that the City does not use any volunteers. He commented that mutual aid helps cover the department in cases when calls are stacked. Mr. Cleworth stated that the Fire Department's Insurance Services Office (ISO) rating is 2, which is an incredibly good rating. He explained that of the 47,242 fire departments in the U.S., only 653 have a rating of 2 or higher. Mr. Cleworth indicated that the argument that less staff equates to more overtime is untrue. He stated that the overtime costs at the Fire Department seem to always fall between \$300,000 and \$400,000. He made two recommendations: either layoff the SAFER grant positions after the grant expires in April of 2014 or keep the three individuals until attrition takes place. He spoke in opposition to the City accepting SAFER grants in the future. Mr. Cleworth stated that his fourth concern with the proposed budget is the \$75,000 transfer from the General Fund to the Emergency Services Patrol (ESP). He spoke to the history of the CSP and stated that the program was never intended to be a part of the City of Fairbanks. He stated that Alaska Mental Health provided a lot of seed money for the CSP in its beginning but does not provide much funding for ongoing projects. He urged the Council to be cautious in providing more funding for the CSP and stated that providing services to incaps has always been a City function and should continue to be a City function. Mr. Cleworth stated that his fifth and final issue to address is in regard to the allocation of funding for the Fairbanks Metropolitan Area Transportation System (FMATS) Office. He spoke to the City's role in housing and providing internal support for the FMATS Coordinator's Office in City Hall and acknowledged that some of the costs to the City are a part of the responsibility in being a member of FMATS. He stated that the FMATS Office gets \$232,000 annually from the Federal Highway Fund and indicated that the majority of those funds should go towards the cost of operating the office. He explained that currently 57% of the federal funds go to the Borough to fund a Planner position, 21% helps fund a position at the Department of Transportation (DOT), and only 22% is allocated for the operational costs of the FMATS Coordinator's Office in City Hall. He stated that the City has to use road improvement funds to cover the remaining costs to run the office and indicated that the issue was a point of contention for not only himself, but also former Mayor Strle, former Council Member Roberts and Council Member Walley. He suggested that the Council look carefully at the issue in the future and possibly introduce a resolution addressing the problem. Mr. Cleworth thanked the Mayor and Council for allowing him time to give his full testimony.

Mr. Matherly asked Mr. Cleworth to explain what the ISO is for the listening audience.

Mr. Cleworth stated that the ISO is the insurance industry that issues ratings and sets rates for commercial and residential establishments. He explained that a low rating is good for an organization because it also translates to lower insurance rates. He stated that the rating covers not only the City's Fire Department, but also Dispatch and some equipment and manning.

Mr. Matherly asked Mr. Cleworth if he has an issue with people believing that the Fire Department would suffer without the three positions.

Mr. Cleworth replied affirmatively. He stated that the City has placed a lot of emphasis on the Fire Department throughout the years and indicated that other departments within the City may have been overlooked. He cautioned that keeping the three positions may not be sustainable and reiterated his belief that the Fire Department is operating comparably to other fire departments.

Mr. Matherly asked Mr. Cleworth if there have ever been volunteer firefighters working at the City of Fairbanks. He also asked how using volunteers may affect union contracts.

Mr. Cleworth stated that since the late 1980's the City has had no volunteer firefighters. He added that the City once used students but clarified that it was not a true volunteer program because the students were paid. He spoke in favor of using volunteers and stated that the department would not have to displace anyone but rather use the volunteers for supplemental staffing. Mr. Cleworth indicated that the union has always fought the use of volunteers.

Mr. Hilling asked Mr. Cleworth if the ISO takes Alaska's harsh climate into consideration when issuing a rating.

Mr. Cleworth replied that he is unsure if the ISO considers weather conditions. He explained that the Office uses a template for their rating which looks at equipment, manning, dispatch services and a variety of other things. He stated that Fire Chief Cummings has been very good over the years in looking at areas where the City needs to improve.

Mr. Hilling asked for clarification on Mr. Cleworth's recommendations regarding the construction materials account and the transfer to the Permanent Fund.

Mr. Cleworth replied that he would like to see the construction materials account be the same as in prior years by adding back in the \$100,000. He clarified that he would also like to see the transfer to the Permanent Fund increase by \$300,000. He emphasized the importance of putting unsustainable revenues toward capital items instead of using those funds to hire additional personnel.

Chris Miller, 410 2nd Avenue, Fairbanks – Mr. Miller stated that he is the Board President of the DTA. He spoke in support of the City-wide expansion of the CSP on behalf of the DTA Board.

Mr. Matherly asked Mr. Miller to speak to those who support the expansion.

Mr. Miller replied that nearly everyone who deals with the incap problem on a regular basis likes the idea of having trained individuals respond to the calls. He stated that CSP employees are not

police or firefighters, but are ambassadors who are familiar with those who frequent the streets of downtown Fairbanks. He stated that the Fairbanks Memorial Hospital has been a long-time supporter of the CSP program. Mr. Miller stated that the incap problem is not going to go away and added that everyone needs to recognize the need to address the issue.

Mr. Gatewood asked Mr. Miller to speak to his thoughts on using LID's as a funding source for the CSP.

Mr. Miller stated that he supported the proposed downtown LID in 2013. He expressed his opinion that all downtown property owners should contribute to taking care of the area. He stated that he prefers a foot patrol in the small downtown area, but indicated that a van patrol may better suit a more widespread coverage of the City of Fairbanks.

Dominic Lozano, 2980 North Point Ct, Fairbanks – Mr. Lozano stated that he is the President of the Fairbanks Firefighter's Union, Local 1324. He spoke to the importance of funding the CSP stating that providing public safety to citizens is a core function of government. He stated that there have been many recent discussions within the City on how to handle incap calls. He stated that from those meetings he has gleaned that the CSP is the most viable option. Mr. Lozano compared the potential of the CSP to the success of the Housing First Project. He commented that staffing and call volume are both issues of concern with the City's Fire and Police Departments. Mr. Lozano stated that although Fairbanks's population is approximately 30,000, the call volume is similar to that of a city with 90,000 people. He stated that if the Fire Department loses the three positions, Station 3 will suffer those losses and be at minimum staffing levels 80% of the time. Mr. Lozano explained that SAFER grants have changed dramatically in that they now offer two-year grants and have loosened some of the stipulations. He questioned Mr. Cleworth's motivation in urging the Council to layoff the positions. He commented that the department's excellent ISO rating is predominately due to the superb water hydrant system and Dispatch operation in the City. He indicated that the department's manning keeps the ISO rating from being higher and that mutual aid agreements help in the manning section of the rating. Mr. Lozano stated that he is disappointed in Mr. Cleworth's recommendation to layoff the three positions at the Fire Department.

Mr. Matherly asked Mr. Lozano to speak to his personal stance and to the union's position on the use of volunteers at the Fire Department.

Mr. Lozano replied that he does not believe that the use of volunteers would work at the Fairbanks Fire Department and stated that there are many reasons why it cannot be done. He acknowledged the importance of volunteer firefighters throughout the Borough. He commented that it would take four volunteers to cover the position of one paid firefighter and indicated that the City could not afford the initial and ongoing training. He stated that it would also require an incredible amount of coordination and scheduling from the Fire Department staff.

Mr. Matherly asked Mr. Lozano if he would agree that the use of volunteers would be good public relations for the City Fire Department. He spoke briefly to the wages that firefighters earn indicating that their compensation is fairly generous.

Mr. Lozano stated that the union is not absolutely against the use of volunteer firefighters in the City. He explained that the current Fairbanks Firefighters Union (FFU) contract addresses the use of UAF student firefighters at the department. He stated that there would simply be a lot of complications in allowing volunteer firefighters to work at the Fairbanks Fire Department. Mr. Lozano commented that Mr. Warren who spoke earlier to Ordinance No. 5935 is one of the firefighters who would be let go if the Council chose to layoff the three SAFER grant positions.

Mr. Matherly asked if it was made clear to the individuals hired under the SAFER grant that their positions would only be funded until 2014.

Mr. Lozano replied that he is unsure if Mr. Warren was informed of the temporary status when he was hired. He clarified that when the City applied for and received the SAFER grant five years ago Mr. Warren was not an employee of the department. Mr. Lozano spoke in support of applying for SAFER grants in the future.

Mr. Matherly expressed his belief that if an individual is hired under a SAFER grant that position should be considered temporary. He asked Mr. Lozano if it is fair to call the elimination of the positions layoffs since they were temporary from the start.

Mr. Lozano replied that the three individuals would consider the elimination of their positions as layoffs. He stated that the City can afford to keep the positions and that they are essential to the functionality and operation of the Fairbanks Fire Department. He spoke briefly to the discussion at the Council Meeting five years ago when the SAFER grant was approved stating that former Council Member Cleworth opposed the grant. He recalled that Mr. Cleworth predicted that the Fire Department would return to the Council upon the expiration of the grant and ask for the positions to be kept on staff. He stated that he agreed with Mr. Cleworth that the department would want to permanently keep the SAFER grant positions.

Mr. Matherly asked Mr. Lozano what his ideal number of personnel at the Fairbanks Fire Department would be.

Mr. Lozano replied that he believes that 60 total employees would be ideal for the department. He stated that the number and severity of calls increase every year.

Mr. Matherly encouraged Mr. Lozano to keep an open mind in regard to the use of local volunteers.

Mr. Gatewood asked Mr. Lozano to clarify exactly how many firefighters are currently on staff at the Fairbanks Fire Department.

Mr. Lozano replied that the entire department has 44 employees but only 42 of those employees belong to the FFU. He stated that both the Chief and Assistant Chief do not belong to the FFU.

Mr. Gatewood asked Mr. Lozano if he testified at the Council Meeting five years ago that Mr. Cleworth was correct in stating that the Fire Department would return at the end of the grant period and claim that the City could afford to keep the positions on staff.

Mr. Lozano clarified that he does not recall openly stating such during his testimony at the time. He stated that there have been discussions since that time where he and the union have openly admitted that they would object to the elimination of the positions in the future.

Mr. Gatewood stated that he does not recall hearing FFU representatives admit such in the past.

Mr. Lozano clarified that he does not recall if it was said during a Council Meeting or just at the negotiating table. He stated his belief that the department has proven that the positions are essential.

Mr. Gatewood asked Mr. Lozano to confirm where the daily staffing levels are at.

Mr. Lozano replied that if every scheduled employee is at work each shift is staffed at 13. He stated that the numbers fall if someone is sick, injured or on leave. He stated that 9 firefighters is bare minimum staffing per shift and indicated that when that happens, there are only two individuals to staff Station No. 3.

Mr. Gatewood asked what percentage of time the staffing levels at Station No. 3 falls to two firefighters.

Mr. Lozano stated that the staffing levels at Station 3 fall to the minimum only 20% of the time. He reminded the Council that if the three positions were eliminated the percentages would reverse and that the Station 3 staffing levels would be at minimum 80% of the time.

Mr. Hilling asked Mr. Lozano if he had heard directly from Chief Cummings that the staffing would be decreased at Station 3 if the positions were eliminated.

Mr. Lozano replied that the allocation of positions is laid out in the union contract and that it states that the position would be taken from Station 3 if the layoffs take place.

Mr. Hilling asked Mr. Lozano if he believes the contract was written that way because of the close proximity of the station to the university and the ability to take advantage of mutual aid.

Mr. Lozano stated that he does not think the contract was written as such based on the availability of mutual aid. He stated that historically Station No. 3 has not received as many calls as the downtown area.

Mr. Hilling stated that he has heard that the three individuals hired under the SAFER grant have been promoted over the past five years as attrition has taken place. He asked Mr. Lozano to confirm.

Mr. Lozano confirmed that the same individuals hired under the grant would not necessarily be the same individuals subject to layoffs. He clarified that the potential layoffs would affect the three lowest-seniority positions at the department.

Frank Turney – Mr. Turney requested that the Council give Mr. Cleworth another five minutes for rebuttal to Mr. Lozano's testimony.

Warren Cummings, 3292 Jefferson Drive, Fairbanks; City of Fairbanks Fire Chief – Mr. Cummings distributed a Fire Department Staffing Comparison to the Mayor and Council. He stated that the handout addresses some of the questions from the City Council last week in reference to the budget and the SAFER grant positions. He clarified that when the department refers to staffing they are talking about the individuals that are assigned to shiftwork, which is currently at 39 people. He stated that the three other union positions are the City's Fire Marshall and two Administrative Assistants. He spoke to how the City compares with the national staffing averages listed on the comparison. Chief Cummings referenced the section of the handout that was taken from the City budget book. He pointed out that over the past five years the City's total budget has gone up 10.6% and provided the following breakdown of budget increases per department over the five-year period: Public Works by 23.8%, Police Department by 22.5%, Dispatch by 19.9%, General Government by 13.64%, Fire Department by 11.6%, Building Department by 5.8%. He stated that the Engineering Department shows a budget decrease of 18.3%, and the City's debt has decreased by 100%. Chief Cummings stated that if the SAFER grant positions are eliminated, it would take the Fire Department's five-year budget increase down to 7.7%. He stated that the Fire Department's 2014 proposed budget actually shows an overall decrease of .6% while maintaining the current staffing levels. Chief Cummings commended Margarita Bell, the City's Grants Administrator, for her outstanding work in grant writing. He referenced a handout created by Ms. Bell that shows all the grants the City's Fire Department has been involved in over the past four years totaling over \$7 million in mostly federal funding. He briefly discussed the next page of the handout which pertained to fire loss statistics and callouts from 1957 through 2012. He pointed out that prior to the 1960's the City of Fairbanks responded to nearly all fire within the boundaries of what now is the Fairbanks North Star Borough. He added that the same was true for ambulance response until about 1977 and that the high statistic years between 1973 and 1977 were partly due to the Alaska Pipeline era. Chief Cummings stated that the SAFER grant paid 31% of the salary of the three positions over the five-year period. He reminded the Council that due to the increase in ambulance calls it is important to maintain the current staffing levels. He stated that the department was fortunate not to have another ambulance call at the same time as the recent fire at the Northward Building and commented that the department was able to respond to that call with adequate personnel.

Mr. Hilling asked Chief Cummings to clarify when the City stopped providing ambulance and fire service outside the City limits.

Chief Cummings stated that the City stopped responding to fires outside the City limits in 1968 or 1969 and to ambulance calls in 1977.

Mr. Hilling asked Chief Cummings if he took inflation into account on the fire loss statistics.

Chief Cummings replied that he did not. He stated that the numbers are the best estimate he could come up with. He indicated that the most important figure to look at on the sheet is the ten-year average.

Mr. Hilling commented that the fire loss figure in 2011 was remarkably high at \$2 million. He asked Chief Cummings why the number was so high that year.

Chief Cummings could not immediately recall the reason for the large loss in 2011. He stated that he would be willing to do some research to find the reason.

Mr. Walley asked if there was a reason why the number of structural fires in 2011 and 2012 was so low.

Chief Cummings replied that there just were not as many fires in those years. He clarified that all structural fires are included in that number no matter how minor they are.

Mr. Walley asked Chief Cummings to speak to the specific time period of the SAFER grant.

Chief Cummings replied that the grant period is April of 2009 through April of 2014.

Mr. Walley asked if it would be fair to say that all the fire and ambulance calls in 2008 were responded to without the three positions.

Chief Cummings replied affirmatively.

Mr. Walley asked for the source of the nationally-recommended staffing level figure.

Chief Cummings stated that the number comes from the National Fire Protection Association (NFPA). He stated that ISO recommends an even higher staffing level than the NFPA.

Mr. Matherly asked Chief Cummings to speak to his position on using volunteers at the City Fire Department.

Chief Cummings stated that volunteers are not free. He explained that they are required to go through the same training as paid employees in order to avoid liability issues. He stated that he does not believe there is anything wrong with using volunteers but indicated that recruitment of volunteers is growing more difficult nationwide. Chief Cummings explained that the training requirements for firefighters are becoming more stringent making it less attractive to volunteers. He added that the new millennial generation is also less willing to participate in volunteer work.

Mr. Matherly referenced Mr. Cleworth's earlier comment that about 69% of all firefighters nationwide are volunteers. He asked Chief Cummings if that is an accurate number.

Chief Cummings used Pennsylvania as an example of the decline in volunteers stating that the state used to have over 600,000 volunteer firefighters and are now down to around 200,000 to 300,000.

Mr. Matherly asked if it would even be possible to use volunteers right now in the City.

Chief Cummings replied that it would not be feasible right now due to the restrictions in the union contract.

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

Mayor Eberhart called for a ten minute recess.

Mayor Eberhart called the meeting back to order. He informed the Council of the Amended version of Ordinance No. 5935 in the agenda packet.

Mr. Gatewood, seconded by **Ms. Staley**, moved to SUBSTITUTE Ordinance No. 5935, as Amended, for Ordinance No. 5935.

Mr. Gatewood stated that the second amendment to Ordinance No. 5935 pertains primarily to the ESP. He asked if any amendments to the budget ordinance itself should be made presently or after the vote second amendment is introduced.

City Clerk Hovenden stated that each amendment should be treated separately.

Mayor Eberhart stated that in the spirit of simplicity, he recommends that the Council first take a vote on the substitution before dealing with the second amendment or any additional proposed amendments.

Mr. Hilling asked if the substitution on the floor is for the as Amended version of Ordinance No. 5935 dated December 9. He asked if there will be another specific amendment to the as Amended version proposed after the vote on the substitution.

Mayor Eberhart stated that there will be an amendment to the as Amended version of Ordinance No. 5935.

City Clerk Hovenden explained that the motion on the floor is to substitute Ordinance No. 5935, as Amended for Ordinance No. 5935. She stated that there can be a motion to amend the as Amended version prior to the vote to substitute.

City Attorney Ewers stated that a vote must first be taken on the motion to SUBSTITUTE before another amendment can be made.

City Clerk Hovenden explained that there may be up to two amendments made on a main motion.

Ms. Staley, seconded by **Mr. Anderson**, moved to amend Ordinance No. 5935, as Amended, by replacing the word “funding” on page two, last paragraph, fifth line, with the phrase “matching funds up to \$75,000.”

City Attorney Ewers explained that the proposed change to the language came from a suggestion by the Borough.

Mr. Gatewood asked if the motion on the floor was to change language or a dollar line item amount.

Ms. Staley replied that the proposed amendment would only change the language.

Mr. Walley questioned whether or not the other government agencies that were discussed in previous Finance Committee Meetings would make a match in contributions if the City increased its support to the CSP by \$75,000 making the City's total annual contribution \$125,000.

Mayor Eberhart replied that he has since been informed that the other agencies would not match the \$125,000 City contribution. He stated that it does not mean that the agencies would not contribute at all. **Mayor Eberhart** briefly discussed the history of the City's contribution to the CSP and explained that about three years ago the City agreed to make a \$50,000 annual contribution to the CSP until 2014.

City Attorney Ewers, on behalf of Chief Financial Officer Jim Soileau, stated that in order to make the appropriation work in the City's software, the General Account number referenced in the as Amended version would have to be changed from 7203 to 7215.

Mr. Gatewood asked if a motion needed to be made in order to accommodate the change to the account number.

Mayor Eberhart called for objection to changing the General Account number from 7203 to 7215 and, hearing none, so ORDERED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5935, AS AMENDED, BY REPLACING THE WORD "FUNDING" ON PAGE TWO, LAST PARAGRAPH, FIFTH LINE, WITH THE PHRASE "MATCHING FUNDS UP TO \$75,000" AS FOLLOWS:

YEAS: Staley, Matherly, Gatewood, Hilling, Anderson, Walley
NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

Mr. Hilling, seconded by **Mr. Matherly**, moved to AMEND Ordinance No. 5935, as Amended, by striking the funding for the three lowest-seniority positions at the Fire Department upon the expiration of the SAFER grant obligation in April of 2014.

Mr. Hilling commented that it may appear that by making the motion to strike funding he has no compassion for the employees. He stated that he does have compassion but that he believes it is his job to find the optimal amount of expenditures for public safety. He spoke to the various components that are taken into consideration for the issuance of a rating by the ISO. He suggested that the ISO rating is objective and stated that the City of Fairbanks would still be in the top 5% of ISO ratings in the nation if the three positions were eliminated. **Mr. Hilling** agreed that there would be benefits to the public in keeping the positions on staff but indicated that letting the positions go would be best for the City. He spoke his past service on the City Council and to how he has lobbied for the use of volunteers and commented that City firefighters are well-compensated for the jobs that they do. **Mr. Hilling** stated that the Council must always consider the value of human lives when making decisions regarding public safety but suggested that the City's Fire Department can continue to function well without the SAFER grant positions. He asked for clarification on how many years the grant paid for the wages of the three positions

Mr. Soileau stated that the grant provided declining funding over a five-year period. He stated that in 2013 the grant paid \$9,760 out of the \$273,000 total cost of the positions.

Mr. Hilling stated that he respects the job that firefighters do and that he appreciates the risks that they take in performing their work. He indicated, however, that those risks are a part of their burden in choosing that line of work. He expressed his belief that the City would hire and pay for three positions without grant funding if the Council felt that those positions were essential. He spoke against continuing to apply for and accept grants just because it is “free” money.

Mayor Eberhart clarified that there are fundamental differences between how the Police and Fire Departments respond to calls in that police usually respond alone or in pairs while firefighters must work as a team. He stated that there are other factors that affect staffing demands such as how much time it takes to respond to, manage and clean up after ambulance or fire calls.

Mr. Gatewood expressed appreciation for Mr. Hilling’s comments. He stated that the Council may not have examined the grant closely enough before approving it in 2009 and added that the City spent a lot more money on the three positions over the five year period than he thought. **Mr. Gatewood** also acknowledged Mayor Eberhart’s point that firefighters respond differently than police and must work as a team. He mentioned some recent, high-profile incidents in Fairbanks that have spoken to the value of the City’s Fire Department. He expressed that when employees of the Fire Department present themselves as if they are the only department at the City of Fairbanks it is distasteful and stated that all departments are important and each serve a purpose. **Mr. Gatewood** indicated that he has not been fully convinced to reduce the Fire Department by three positions. He concluded by stating that neither grants nor volunteers are free.

Mr. Walley questioned how the Fire Department was able to keep up in 2007 and 2008 when the number of calls was greater than it was in 2012 and the department was operating with three less positions. He stated that ultimately he feels safer with the three positions.

Mr. Anderson recalled that in the mid to late 1980’s the City’s ISO rating dropped to a three or four. He stated that he worked for an independent insurance agency at the time and received many calls from property and casualty homeowners asking why their premiums rose by 100% or more. He stated that as a taxpayer, he would rather see the three firefighters remain on staff than see his insurance premiums skyrocket.

Mr. Matherly asked how long the City has had the ISO rating of two.

Chief Cummings replied that the City has maintained that rating for about two years. He explained that in the early 1980’s the City had an ISO rating of two, then it fell to a four and has gradually risen since that time.

Mr. Matherly spoke to the many factors that are taken into consideration for an ISO rating. He stated that he is unsure whether the ISO rating would drop significantly enough to raise insurance premiums if the positions were laid off. He expressed concern that even if the City keeps the positions the union will make increasing demands. He stated that he appreciates all the various positions and points made on the issue and indicated that he is leaning towards voting in favor of

the layoffs. **Mr. Matherly** commented that he would like to see the Fire Department embrace more duties. He expressed frustration with some of the high wages being paid to employees.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5935, AS AMENDED, BY STRIKING THE FUNDING FOR THE THREE LOWEST-SENIORITY POSITIONS AT THE FIRE DEPARTMENT UPON THE EXPIRATION OF THE SAFER GRANT OBLIGATION IN APRIL OF 2014 AS FOLLOWS:

YEAS: Hilling, Matherly, Walley
NAYS: Anderson, Gatewood, Staley, Eberhart
Mayor Eberhart declared the MOTION FAILED.

Mr. Hilling, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 5935, as Amended, by directing that the three lowest-seniority positions at the Fire Department be eliminated through attrition.

Mr. Anderson asked Mayor Eberhart if the motion on the floor was germane to the main motion. He called for POINT OF ORDER.

Mayor Eberhart asked Mr. Hilling to clarify his motion.

Mr. Hilling stated that the intent of his motion is to eliminate the three positions through attrition, phasing out the SAFER grant without laying off the three employees.

Mr. Matherly asked if the attrition would apply to all vacated firefighting positions regardless of the reason for termination of employment.

Mr. Hilling replied affirmatively.

Mr. Gatewood expressed his confusion with the motion on the floor. He asked for clarification on Mr. Hilling's motion.

Mr. Hilling clarified that on the last vote, the Council voted not to lay off the three positions upon the expiration of the grant. He stated that the current motion is to allow the positions to be eliminated through attrition.

Mr. Matherly suggested that the need for the positions be evaluated each year during the budget season. He stated that he does not feel comfortable eliminating positions without knowing what the year's budget looks like.

Mayor Eberhart, after hearing the Council's discussion and in view of Mr. Anderson's call for POINT OF ORDER, ruled Mr. Hilling's motion OUT OF ORDER. He explained that the motion deals with contingencies and may tie the hands of future Mayors and City Councils.

Mr. Hilling asked City Attorney Ewers to explain what made the motion OUT OF ORDER.

Mr. Ewers explained that the motion would tie a budget action to some future event that has no certainty or specific timeline.

Mr. Hilling argued that his motion would not have changed the proposed budget amount for 2014. He stated that his motion was to simply allow the positions to be eliminated gradually as individuals quit or retire. He indicated that he does not see Mr. Ewers' point.

Mr. Ewers explained that Mr. Hilling's motion may have an effect on not only the 2014 budget cycle but on future budget cycles, making it inappropriate.

Mr. Hilling commented that his motion may save the City money in future budget cycles and argued that the motion should not be inappropriate. He stated that he could understand a motion to negatively affect future budget cycles being ruled out of order.

Mr. Ewers stated that a motion may be allowed if it effects a time or event in the 2014 calendar year.

Mr. Hilling stated that he would like to see the rule in writing that caused his motion to be ruled out of order.

Mr. Gatewood asked how the approval of multi-year contracts is any different from the motion that Mr. Hilling made.

Mr. Ewers stated that a multi-year contract is subject to funding each budget year, even if it is a three-year collective bargaining agreement (CBA). He explained that Mr. Hilling's motion was different in that it was dependent upon events that may happen in future budget years.

Mr. Hilling, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 5935, as Amended, by directing that the three lowest-seniority positions at the Fire Department be eliminated through attrition after the lapse of the SAFER grant on April 30, 2014, if such attrition takes place within the calendar year 2014.

Mr. Hilling explained that his motion would allow for the elimination of up to three of the lowest-seniority positions at the Fire Department in 2014 if anyone within the department permanently left for any reason.

Mr. Matherly asked if it is always the lowest-seniority position that is eliminated in these types of situations.

Chief Cummings stated that it would always be the lowest-seniority position unless the individual that left the department was not part of the FFU.

Mr. Matherly asked Chief Cummings if he foresees anyone retiring in the department in 2014.

Chief Cummings replied that he cannot anticipate retirements in 2014.

Mr. Matherly stated that although he voted on the motion to eliminate the positions upon the expiration on the SAFER grant, he does not want paranoia to overcome the employees of the Fire Department. He asked Chief Cummings if the possibility of the positions being eliminated would create nervousness within the department.

Chief Cummings replied that the issue has already raised some concern and created a stir within his department.

Mr. Hilling asked why employees would be threatened by his motion to eliminate positions through attrition. He clarified that no one would be laid off but would move up in seniority as attrition takes place.

Chief Cummings indicated that the nervousness stems from employees not knowing what the Council may do with the positions. He stated that when the Council talks about eliminating positions, it causes concern within the department regarding future job security. Chief Cummings expressed his fear that newer employees may not view their positions as secure and may look elsewhere for employment.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5935, AS AMENDED, BY DIRECTING THAT THE THREE LOWEST-SENIORITY POSITIONS AT THE FIRE DEPARTMENT BE ELIMINATED THROUGH ATTRITION AFTER THE LAPSE OF THE SAFER GRANT ON APRIL 30, 2014, IF SUCH ATTRITION TAKES PLACE WITHIN THE CALENDAR YEAR 2014 AS FOLLOWS:

YEAS: Hilling, Walley
NAYS: Matherly, Staley, Gatewood, Anderson
Mayor Eberhart declared the MOTION FAILED.

Mr. Hilling spoke to Mr. Cleworth's testimony that urged the Council to increase the contribution to the Capital Fund by at least \$300,000 due to the windfall in 2013. He spoke to the financial stability of the City of Fairbanks and stated that he does not see any harm in making the change.

Mr. Hilling, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 5935, as Amended, Section 3, by increasing the transfer from the General Fund by \$300,000 for a total of \$500,000.

Mr. Soileau indicated that in order for the change to be made, the ordinance would need to be amended both in Section 3 and Section 1. He explained that \$300,000 would need to be added to the General Fund transfer in Section 3 and be deducted from Other Financing Sources in Section 1.

Mr. Hilling, with the concurrence of the second, moved to AMEND the motion to amend Ordinance No. 5935, as Amended, by increasing the transfer from the General Fund by \$300,000 in Section 3 and by decreasing Other Financing Sources by \$300,000 in Section 1, thereby appropriating a \$300,000 increase to the Capital Fund.

Mr. Soileau clarified that the transfer would have a net zero effect on the 2014 budget.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE MOTION TO AMEND ORDINANCE NO. 5935, AS AMENDED, BY INCREASING THE TRANSFER FROM THE GENERAL FUND BY \$300,000 IN SECTION 3 AND BY DECREASING OTHER FINANCIAL SOURCES BY \$300,000 IN SECTION 1, THEREBY APPROPRIATING A \$300,000 INCREASE TO THE CAPITAL FUND AS FOLLOWS:

YEAS: Staley, Matherly, Gatewood, Hilling, Anderson, Walley

NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

Mr. Hilling commented that he agrees with Mr. Cleworth's recommendation to not cut \$100,000 from Public Works' construction materials account.

Mr. Hilling, seconded by **Ms. Staley**, moved to AMEND Ordinance No. 5935, as Amended, to increase the Public Works construction materials account by \$100,000.

Mr. Soileau clarified that the \$100,000 would be an increase to the total budget for Public Works.

Mr. Gatewood acknowledged the rationale behind Mr. Cleworth's recommendation. He recalled, however, that the Public Works Director did not object when the Council talked about eliminating the \$100,000 during the budget meetings. He stated that for that reason he is hesitant to vote in favor of the motion.

Mr. Walley stated that in his recollection, the Public Works Department was under budget for the last two years and that is why the reduction was discussed.

Ms. Staley requested that Public Works Director Mike Schmetzer speak to the issue.

Mr. Schmetzer stated that during the budget meetings, Mayor Eberhart asked if the Public Works Department could make it without the \$100,000 in 2014. He stated that the department could do without the construction materials funding but indicated that it would not be comfortable to do so. Mr. Schmetzer commented that his department has the largest operating budget of all the City departments and stated that it is ever-changing due to unforeseen weather conditions and road maintenance. He compared the Public Works budget to that of a construction project budget and stated that it is ideal with any construction project to have about 20-25% extra in contingency funds. Mr. Schmetzer stated that the \$100,000 being discussed could be used elsewhere in the Public Works budget if needed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5935, AS AMENDED, TO INCREASE THE PUBLIC WORKS CONSTRUCTION MATERIALS ACCOUNT BY \$100,000 AS FOLLOWS:

YEAS: Hilling, Anderson, Walley, Staley, Matherly

NAYS: Gatewood

Mayor Eberhart declared the MOTION CARRIED.

Mr. Hilling spoke to former Mayor Cleworth's policy that the Fire Department would deal with incaps on a regular basis. He asked Mayor Eberhart if he had changed the policy back to the way it was before.

Mayor Eberhart replied that the policy was largely returned to how it had been. He stated that the significant difference between the old policy and the new is that it now states that the Fire Department will respond to non-ambulatory calls or calls involving an incap that is flat on the ground. He stated that the other changes made by former Mayor Cleworth were reversed. **Mayor Eberhart** stated that part of the reason for changing the policy back was because of a grievance that was filed against the City. He indicated that even former Mayor Cleworth agreed that the best solution to the incap problem was to expand the CSP but stated that the problem was finding the funding to do so.

Mr. Hilling stated that he will not make a motion pertaining to the CSP funding, partly because he does not want it to seem as if he is all negative towards Mayor Eberhart's proposed budget and partly because he believes the motion would fail. He agreed with Mr. Cleworth's belief that the mental health community should match the City's contribution to the CSP. He expressed appreciation for all the work Mayor Eberhart is doing.

Mayor Eberhart summarized changes in the proposed budget. He clarified that the next motion to be voted on is the substitution of Ordinance No. 5935, as Amended, for Ordinance No. 5935.

The motion to SUBSTITUTE Ordinance No. 5935, as Amended, for Ordinance No. 5935 was approved (since no members of the Council objected to the substitution).

Mr. Gatewood asked for clarification on the proposed addition of \$75,000 in CSP funding.

Mayor Eberhart stated that the \$75,000 increase to CSP funding will allow Mr. van den Berg to seek funding matches from other entities.

Mr. van den Berg clarified that the \$75,000 would allow for a City-wide expansion of the CSP. He commented that ultimately the CSP saves the City money and indicated that while the DTA is willing to help, they do not want the fundraising for a City-wide CSP to fall solely onto the DTA's shoulders.

Mr. Gatewood thanked the DTA for stepping up and taking on the CSP. He agreed that the City has some responsibility in regard to the incap problem but expressed confusion about the proposed funding amounts and CSP expansion. He expressed uncertainty that the additional \$75,000 would be enough to cover the full expansion. **Mr. Gatewood** stated that he spoke with Mike Powers, Chief Executive Officer for the Fairbanks Memorial Hospital (FMH), who indicated that transportation and temporary accommodation are the biggest problems with incaps. He stated that he is not convinced that the full expansion would work simply by doubling the CSP funding and that he does not have enough confidence in the presented material to contribute another \$75,000 to the CSP.

Mayor Eberhart pointed out that the substituted language includes a statement that "Funding is also subject to terms and conditions of service to be negotiated by the Mayor." He stated that the

reason for that language is because it is yet unknown how much the Borough Assembly and FMH are willing to contribute to the CSP. He commented that there are other business owners and retailers who have not been asked to contribute. **Mayor Eberhart** stated that he and Mr. van den Berg went to Tanana Chiefs Conference (TCC) and asked if they would be willing to contribute. He indicated that the scope of expansion would be dependent on funding and that the details of expansion would have to be negotiated at a later time. He commented that without the \$75,000 seed money, the project would likely not get off the ground.

Ms. Staley commented that the funding for the CSP only covers the first six months. She agreed with Mr. Gatewood that the information presented is very complex and difficult to understand. She stated that if the City agreed to contribute the additional \$75,000 it would go towards the immediate expansion of incap call-outs. **Ms. Staley** referenced some information she received from Mr. van den Berg regarding the program that the Anchorage Safety Patrol uses to deal with incaps. She thanked the DTA for taking an interest in helping the City with the problem in the downtown area. She expressed her excitement in the potential of the CSP. She suggested that Police Chief Zager come forward to discuss the expansion.

Mr. Matherly stated that he viewed the incap issue as the City's responsibility since the majority of the problems are focused in the core downtown area. He spoke to the discussions with the Police and Fire Departments and stated that he respects that they do not want to deal with most incap calls. **Mr. Matherly** compared the proposal of CSP funding to the decision made by the Council to turn over utility powers to the Borough. He stated that if the City commits to the project through an additional contribution, it will appear to other entities that it is a worthy project to contribute to. He stated that he believes it would cost a lot more than \$75,000 for the City's Fire and Police Departments to respond to those calls and commented that it would be money well-spent.

Chief Zager acknowledged Mr. Gatewood's concerns and stated that he shares many of the same concerns. He asked the Council if there were any questions regarding his whitepaper. He stated that he has a four-minute presentation that may help put into perspective the future of the incap issue. Chief Zager stated that he does not see the proposed additional City funding to the CSP as a long-term commitment. He expressed his belief that it would be unfair to expect another entity to take such a significant City obligation and administer it on the City's behalf. He distributed a handout to the Mayor and Council and gave a brief presentation on various options to remedy the incap problem and possible long-term solutions. He stated that Title 47 matters were obligated to the Fire Department in October of 2013 and pointed out the 63% increase in the number of calls since that time. Chief Zager spoke to how the increased demand on the Fire Department has lessened the number of calls to the Police Department by 16%. He stated that 90 calls per officer, per month is the maximum sustainable amount for his department and that in October of 2012, each officer was expected to handle 95.6 calls per month. He pointed out that after the shift of calls to the Fire Department occurred, the average calls per officer decreased to 80 in the month of October, 2013. He stated that the goal is for the monthly average per officer to remain at 90 or fewer calls every month throughout the year. He indicated that the goal can be achieved with continued and sufficient help from the Fire Department. Chief Zager outlined the increased workload within his department and the decrease in staffing and resources and stated that he has been exploring options to alleviate some of the workload demands. He stated that if there was a way to share the incap responsibilities equally between the Fire and Police Departments, the City

could handle all incap calls without additional funding. He noted however, that sharing the responsibilities is not a feasible plan for various reasons and indicated that the only other viable options would be to either contract the service out or use the current CSP resources. He acknowledged that there are many unknowns, given that much of the CSP's funding comes from community donations, and agreed that the expansion of the program would be a challenge. Chief Zager suggested that the Council support the CSP funding if for no other reason than to alleviate the workload at the Police Department.

Mr. Gatewood asked Chief Zager if the terms "minimum staffing" and "average staffing" were synonymous in the handout.

Chief Zager replied that he did away with minimum staffing at the Police Department to mitigate overtime costs. He stated that his patrol staff averages four to five officers on duty at a time, with a total patrol staff of 33.

Mr. Gatewood asked Chief Cummings to confirm that the Fire Department maintains a minimum staffing of nine.

Chief Cummings confirmed.

Mr. Gatewood asked if it would be possible to compile an average of the departments' staffing levels over the period of a month.

Chief Zager replied affirmatively.

Mr. Gatewood stated that he is trying to get a feel for how many total incap calls there are per hour and how much time there is between those calls.

Chief Cummings stated that his average staffing level in 2012 was 9.8 and is at 10.3 so far in 2013.

Chief Zager compared Fairbanks to Juneau and stated that their average number of calls per month per officer is between 80 and 85. He explained that Juneau has a community patrol program and that they hire additional officers during the tourist season.

Chief Cummings stated that one of the main reasons the Fire Department got involved with the incap issue was due to the call-stacking and long response time of the Police Department to incap calls. He clarified that it is not the Fire Department's job to trespass individuals from private property or address cases such as urinating in public.

Chief Zager thanked Mayor Eberhart for his strong effort to relieve the Police Department's workload. He stated that to the best of his knowledge, the Fire Department is currently responding to only the "horizontal" calls, meaning the types of calls where the individual is lying flat and is unresponsive. He stated that it may be fair to say that the Fire Department has disengaged from all Title 47 matters.

Chief Cummings explained that the point he was trying to make is the Fire Department's response to incaps is much less than 55 minutes.

Mr. Hilling asked if the Police Department is called once the Fire Department gets an incap to their feet.

Chief Cummings replied that the police take over the call if the individual is only inebriated.

Mr. Hilling asked why the Fire Department does not finish the call if they are already on site.

Chief Cummings stated that Fire Department employees are trained medical personnel and that they cannot force an individual to go anywhere.

Chief Zager reminded everyone that the discussion should be about the value of the CSP and asked the Council for support on the Mayor's proposed budget. He stated that there are other components that can be discussed in the future and encouraged the Council to contemplate other creative solutions.

Mayor Eberhart stated that he will continue to discuss alternatives and pointed out that the \$75,000 is only for 2014. He commented that both the Fire and Police Departments need relief.

Mayor Eberhart stated that according to Title 47 of the state law, municipalities are responsible for dealing with incapacitated persons.

Mr. Gatewood added that FMH needs relief as well. He commented on the significance of the CSP funding amount.

Mr. Anderson indicated that every city in America likely deals with the same problem. He stated that \$75,000 does not seem like too much money to improve such a substantial problem. He spoke in favor of allocating the funding to the CSP.

Ms. Staley encouraged fellow Council Members to examine the whitepaper from Chief Zager and stated her intent to vote in favor of the CSP funding.

Mr. Matherly expressed appreciation to both chiefs for their discussion. He asked Chief Zager if he is trying to say that the incap issue will ultimately be the City's responsibility.

Chief Zager stated that the City is underfunded \$300,000 - \$400,000 because that is what it would take to fully fund an ESP, whether the program be outsourced or implemented in-house. He stated that even if the CSP is able to expand the operation under the DTA, the program will not be sustainable. Chief Zager stated that people treat the chronic inebriates in the community like trash and reminded everyone that they are human beings. He stated that something needs to be done and that departments need to quit bickering about whose responsibility it is to deal with them.

Mr. Hilling commented that the combined annual wages of the three SAFER grant firefighters is \$380,000.

Mr. Gatewood asked Mayor Eberhart where the funding for the two SRO's is coming from.

Mayor Eberhart explained that he received a call from FNSB School District Superintendent Lewis requesting that the City contact the district in regard to the expiration of the grant funds for the SRO's. He asked City Grants Administrator Margarita Bell when the SRO grant will expire.

Ms. Bell replied that the grant will expire on June 30, 2014.

Mayor Eberhart stated that the grant paid for the first three years of funding and the Borough is paying for the final year. He commented that both parties will be looking into grant opportunities to continue funding the SRO's.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5935, AS AMENDED, AS FOLLOWS:

YEAS: Anderson, Gatewood, Staley, Hilling, Matherly, Walley

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 5935, as Amended, ADOPTED.

NEW BUSINESS

- a) Resolution No. 4601 – A Resolution to Accept the Sole Source Bid of Motorola Solutions, Inc. for Replacement of Dispatch Radio Consoles in the Amount of \$1,214,130. Introduced by Mayor Eberhart.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4601.

Mr. Gatewood requested a staff report. He stated that he needs more clarification on the fiscal note attached to the resolution.

Ms. Bell explained that the \$11,373 in “additional support or maintenance costs” is the difference between what the City is paying now and what the City would be paying if the contract is accepted. She stated that she understands that the City can remove items from the maintenance agreement in order to reduce costs.

Mr. Gatewood asked if the City would be liable for up to \$11,373 annually for the life of the contract.

Ms. Bell replied affirmatively. She pointed out that \$11,373 is the maximum amount the costs could reach.

Mr. Gatewood asked what type of equipment the contract would provide.

Dispatch Center Manager Stephanie Johnson replied that the contract would provide eight radio consoles to the City's Dispatch Department and two to the Borough's Emergency Operations Center. She clarified that the maintenance plan listed is a premium plan with 24/7 support, but indicated that the City has some leeway in choosing a maintenance plan and may not wish to use the premium plan for the two consoles at the Borough. She explained that when the new system is

installed in 2014, Motorola will reimburse the City for the difference in maintenance costs for the new system. She further explained that the new system maintenance is covered under warranty for one year which will cover part of 2015 and that the City would not have to pay for full maintenance and support costs until 2016.

Mr. Gatewood stated that he assumes another company will come along with a better product at some point. He asked Ms. Johnson how many years she believes the City will get out of the new Motorola consoles.

Ms. Johnson stated that the City has used some old radio systems for up to 30 years. She stated that she cannot guarantee the Council that the new system will be around for 25 years since it is computer-based. She indicated that it would likely be used for 10 – 15 years minimum.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4601 AS FOLLOWS:

YEAS: Anderson, Gatewood, Staley, Hilling, Matherly, Walley

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4601 APPROVED.

DISCUSSION ITEMS

Committee Reports

Hotel/Motel Discretionary Fund Committee – **Mr. Matherly** stated that the Committee met and set the ground rules for the 2013 bed tax presentations and distribution. He announced that the Presentation Meeting would take place on Wednesday, December 11 and the Presentation Meeting would take place on Friday, December 13. He stated that he is looking forward to the presentations by various organizations in the community.

COUNCIL MEMBERS' COMMENTS

Mr. Anderson stated that he had no comments.

Mr. Hilling requested that Mayor Eberhart look into the possibility of using an independent agency or contractor for polygraph testing at the Police Department. He spoke to the conflict of interest that may occur when the testing is done in-house. **Mr. Hilling** repeated the First Amendment to the Constitution and spoke briefly to the freedom of speech.

Mr. Matherly commented on the length of the meeting but stated that he enjoyed the discussion and that he looks forward to City Council Meetings. He stated that it is an honor to serve the City of Fairbanks and expressed his gratefulness to live in the Fairbanks community. He wished everyone a Merry Christmas.

Mr. Gatewood commented on the productivity of the meeting. He stated that he enjoyed everyone's input and discussion and wished everyone Happy Holidays.

Mr. Walley wished everyone a Merry Christmas. He stated that he will be out of town for the January 6, 2014 Regular Meeting and requested permission from the Council to be absent. He mentioned that he will also miss one Finance Committee Meeting during that time.

Mayor Eberhart called for objection regarding Mr. Walley's request to be excused on January 6, 2014 and, hearing none, so ORDERED.

Ms. Staley stated that she will also be out of town for the January 6 Regular Meeting and the Finance Committee Meeting but indicated that she would be able to attend both meetings telephonically. She agreed with Mr. Matherly's comments in regard to serving on the City Council and expressed appreciation for her fellow Council Members. She wished everyone Happy Holidays.

Mr. Gatewood suggested changing the second Regular Meeting date in December of 2014 from the 15th to the 8th. He stated that since the budget must be adopted no later than December 15 of each year, he fears that holding the meeting on the 15th may be cutting it too close.

Mayor Eberhart called for objection to making the change to the 2014 Council Meeting Schedule and, hearing none, declared the schedule AMENDED.

ADJOURNMENT

Mr. Hilling, seconded by **Mr. Walley**, moved to ADJOURN the meeting.

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

Mayor Eberhart declared the Meeting adjourned at 12:00 A.M.

JOHN EBERHART, MAYOR

ATTEST:

JANEY HOVENDEN, MMC, CITY CLERK

Transcribed by: DS



City of Fairbanks

Office of the City Clerk

800 Cushman Street


Fairbanks, AK 99701

(907)459-6715

Fax (907)459-6710

MEMORANDUM

TO: Mayor John Eberhart and City Council Members

FROM: Janey Hovenden, MMC, City Clerk 

SUBJECT: Liquor License Renewals

DATE: February 20, 2014

Attached you will find the notification of liquor license renewals from the State ABC Board for the following liquor licenses.

Lic #	Establishment Name	License Type	Premise Location	Owner Name
104	Red Lantern Steak & Spirits	Beverage Dispensary	820 Noble St	Westmark Hotels, Inc
435	Garden Island Party Store	Package Store	246 Illinois	Market Basket Inc
703	Gavora's Liquor #1	Package Store	250 Third Street Graehl	Market Basket Inc
704	Gavora's Liquor #2	Package Store	1255 Airport Way	Market Basket Inc
995	Safeway Store #2754	Package Store	3627 Airport Way	Safeway Inc
999	Oaken Keg #3410	Package Store	30 College Road	Safeway Inc
1134	Thrifty Liquors	Package Store	1410 Cushman Street	Market Basket Inc
2424	Sophie Station Hotel	Beverage Dispensary-Tourism	1717 University Ave S	Fountainhead Development Inc
2565	El Dorado Bar & Grill	Beverage Dispensary	530 Third Ave.	El Dorado Bar & Grill Inc
3074	Wedgewood Resort	Beverage Dispensary-Tourism	212 Wedgewood Dr	Fountainhead Development Inc
3170	The Odom Corporation	Wholesale - General	3101 Peger Rd - Bay 1	The Odom Corporation
3381	Food Factory	Restaurant/Eating Place	44 College Road	CNR Enterprise LLC
3489	Arctic Fox Bar	Beverage Dispensary	623 Old Steese Hwy. Fairbanks	Arctic Fox Bar LLC
3616	Wedgewood Resort-Bear Lodge	Beverage Dispensary-Tourism Duplicate	212 Wedgewood Dr	Fountainhead Development Inc
4174	Big Daddy's Bar-B-Q & Banquet Hall	Beverage Dispensary	107 Wickersham St	RTG LLC
4344	Siam Dishes	Restaurant/Eating Place	338 Old Steese Hwy	Air Choummittaphanh & Southsakone Pheunmany
*4530	Barracuda's Beach Bar	Beverage Dispensary	1288 Sadler Way	Xavier's Inc

Renewal of Liquor Licenses (20)
February 20, 2014 (February 24, 2014 CCM)
Page 2

Lic #	Establishment Name	License Type	Premise Location	Owner Name
4720	Trappers Tavern	Beverage Dispensary	1446 S Cushman	Gallantino's Inc.
4816	Mayan Palace	Beverage Dispensary	3401 Airport Way	Taco Azteca Incorporated
4831	Wasabi Bay Restaurant	Restaurant/Eating Place	1448 S Cushman St	Soon Teack Park

Pursuant to FGC Sec. 14-178 the Council must determine whether or not to protest liquor license renewals after holding a public hearing.

***The Fire Department recommends protest for Barracuda's Beach Bar, License #4530, until such time that a building inspection can be completed. The Building is not in operation and the owner of the building states that the liquor license owner has no interest in the building.**

Please note that there are no other departmental protests. Please contact me if you need any further information.



January 21, 2014

Renewal Application Notice

City of Fairbanks
Attn: Janey Hovenden
VIA EMAIL: jjhovenden@ci.fairbanks.ak.us
cc: pphillips@co.fairbanks.ak.us

DBA	Lic Type	Lic #	Owner	Premise Address
Red Lantern Steak & Spirits	Beverage Dispensary	104	Westmark Hotels, Inc	820 Noble St
Garden Island Party Store	Package Store	435	Market Basket Inc	246 Illinois
Gavora's Liquor #1	Package Store	703	Market Basket Inc	250 Third Street Graehl
Gavora's Liquor #2	Package Store	704	Market Basket Inc	1255 Airport Way
Safeway Store #2754	Package Store	995	Safeway Inc	3627 Airport Way
Oaken Keg #3410	Package Store	999	Safeway Inc	30 College Road
Thrifty Liquors	Package Store	1134	Market Basket Inc	1410 Cushman Street
Sophie Station Hotel	Beverage Dispensary-Tourism AS 04.11.400(d)	2424	Fountainhead Development Inc	1717 University Ave S
El Dorado Bar & Grill	Beverage Dispensary	2565	El Dorado Bar & Grill Inc	530 Third Ave.
Wedgewood Resort	Beverage Dispensary-Tourism AS 04.11.400(d)	3074	Fountainhead Development Inc	212 Wedgewood Dr
The Odom Corporation	Wholesale - General	3170	The Odom Corporation	3101 Peger Rd - Bay 1
Food Factory	Restaurant/Eating Place	3381	CNR Enterprise LLC	44 College Road

Arctic Bar	Beverage Dispensary	3489	Arctic Inuk Inc	623 Old Steese Hwy. Fairbanks
Wedgewood Resort-Bear Lodge	Beverage Dispensary-Tourism Duplicate	3616	Fountainhead Development Inc	212 Wedgewood Dr
Big Daddy's Bar-B-Q & Banquet Hall	Beverage Dispensary	4174	RTG LLC	107 Wickersham St
Siam Dishes	Restaurant/Eating Place	4344	Air Choummittaphanh & Southsakone Pheunmany	338 Old Steese Hwy
Barracuda's Beach Bar	Beverage Dispensary	4530	Xavier's Inc	1288 Sadler Way
Trappers Tavern	Beverage Dispensary	4720	Gallantino's Inc.	1446 S Cushman
Mayan Palace	Beverage Dispensary	4816	Taco Azteca Incorporated	3401 Airport Way
Wasabi Bay Restaurant	Restaurant/Eating Place	4831	Soon Teack Park	1448 S Cushman St

We have received a renewal application for the above listed licenses within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. COTÉ
Director

/s/Christine C. Lambert

Christine C. Lambert
Licensing & Records Supervisor
Christine.lambert@alaska.gov

cc: Peggy Phillips, Fairbanks North Star Borough Clerk's Office



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715
Fax (907)459-6710

LIQUOR LICENSE RESPONSE FORM

TO: FINANCE DEPARTMENT

DATE: January 21, 2014

FIRE DEPARTMENT

FAIRBANKS POLICE DEPT.

FROM: CITY CLERK'S OFFICE

RE: LIQUOR LICENSE ACTION - RENEWALS

DATE NOTICE RECEIVED AT CLERKS OFFICE: 01/21/2014 (60 DAY DUE DATE 03/21/2014)

DATE RESPONSE DUE: **02/18/2014** for City Council Meeting of 02/24/2014

Lic #	Establishment Name	License Type	Premise Location	Owner Name	Phone
104	Red Lantern Steak & Spirits	Beverage Dispensary	820 Noble St	Westmark Hotels, Inc	456-7722
435	Garden Island Party Store	Package Store	246 Illinois	Market Basket Inc	456-4425
703	Gavora's Liquor #1	Package Store	250 Third Street Graehl	Market Basket Inc	456-4425
704	Gavora's Liquor #2	Package Store	1255 Airport Way	Market Basket Inc	456-4425
995	Safeway Store #2754	Package Store	3627 Airport Way	Safeway Inc	623-869-3573
999	Oaken Keg #3410	Package Store	30 College Road	Safeway Inc	623-869-3573
1134	Thrifty Liquors	Package Store	1410 Cushman Street	Market Basket Inc	456-4425
2424	Sophie Station Hotel	Beverage Dispensary-Tourism AS 04.11.400(d)	1717 University Ave S	Fountainhead Development Inc	456-7143
2565	El Dorado Bar & Grill	Beverage Dispensary	530 Third Ave.	El Dorado Bar & Grill Inc	799-3907
3074	Wedgewood Resort	Beverage Dispensary-Tourism AS 04.11.400(d)	212 Wedgewood Dr	Fountainhead Development Inc	456-7143
3170	The Odom Corporation	Wholesale - General	3101 Peger Rd - Bay 1	The Odom Corporation	456-3535
3381	Food Factory	Restaurant/Eating Place	44 College Road	CNR Enterprise LLC	452-3313
3489	Arctic Bar	Beverage Dispensary	623 Old Steese Hwy. Fairbanks	Arctic Inuk Inc	457-1123
3616	Wedgewood Resort-Bear Lodge	Beverage Dispensary-Tourism Duplicate	212 Wedgewood Dr	Fountainhead Development Inc	456-7143
4174	Big Daddy's Bar-B-Q & Banquet Hall	Beverage Dispensary	107 Wickersham St	RTG LLC	452-2501
4344	Siam Dishes	Restaurant/Eating Place	338 Old Steese Hwy	Air Choummittaphanh & Southsakone Pheunmany	452-7419

Lic #	Establishment Name	License Type	Premise Location	Owner Name	Phone
4530	Barracuda's Beach Bar	Beverage Dispensary	1288 Sadler Way	Xavier's Inc	452-6294
4720	Trappers Tavern	Beverage Dispensary	1446 S Cushman	Gallantino's Inc.	350-6047
4816	Mayan Palace	Beverage Dispensary	3401 Airport Way	Taco Azteca Incorporated	455-8226
4831	Wasabi Bay Restaurant	Restaurant/Eating Place	1448 S Cushman St	Soon Teack Park	452-0521

NO PROTEST: PROTEST LIC # 4530 BARRACUDA'S BEACH BAR

REASONS OR COMMENTS *NOT IN OPERATION, BUILDING OWNERS STATE'S LIQ. LIC. OWNER HAS NO INTEREST IN BUILDING*

DEPARTMENT
 SIGNEE: *[Signature]*
 SIGNATURE

JAN 24 2014
 DATE

NOTE: THIS COMPLETED FORM MUST BE RETURNED TO THE CITY CLERK'S OFFICE BY THE DATE INDICATED ABOVE. YOU MAY E-MAIL OR FAX (459-6710) THE FORM. ANY QUESTIONS CALL OUR OFFICE AT 459-6774. THANK YOU.

RESOLUTION NO. 4613

**A RESOLUTION PLEADING WITH THE ALASKA GOVERNOR AND
LEGISLATURE TO RESTORE THE RIGHTS OF SUFFERERS TO OBTAIN
MEDICAL MARIJUANA, WITH PRESCRIPTION AND WITHOUT PREJUDICE**

WHEREAS, all adults of sane mind have the right to medicines of their choice, notwithstanding many governments' proscription of many medicines; and

WHEREAS, marijuana has been proven unequivocally to ease pain and suffering arising from a multitude of illnesses and diseases; and

WHEREAS, the state of Alaska, in its benevolence, has granted the privilege to the adult population of exercising their right to possess and ingest marijuana as prescribed by medical doctors, per Alaska's medical marijuana act, codified at AS 17.37.010-070; and

WHEREAS, state law nevertheless *makes no provision* either for manufacture or for distribution of any such medicine, but rather *makes it a felony* to do so, per AS 11.71.040(a)(3) and (a)(5); and

WHEREAS, therefore, patients often or usually are effectively encouraged or compelled to commit felonies to provide or acquire such a prescribed medicine; and

WHEREAS, multitudinous pleas to the Alaska State Government to redress this blatant inconsistency have had no statutory effect, whilst enormous suffering goes unrelieved, and the rights of patients, doctors and providers continue abrogated;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, that Governor Parnell and the Alaska State Legislature take up this matter with urgency, by having legislation passed which restores the liberty of Alaskan adults easily to have marijuana prescriptions filled by entities whose rights to manufacture and distribute are simultaneously made clear.

PASSED and APPROVED this _____ day of February 2014.

John Eberhart, Mayor

AYES:
NAYS:
ABSENT
APPROVED:

ATTEST:

APPROVED AS TO FORM

Janey Hovenden, MMC, City Clerk

Paul J. Ewers, City Attorney

ORDINANCE NO. 5936, AS AMENDED

**AN ORDINANCE AMENDING FGC SECTIONS 2-486 AND 2-487
REGARDING THE CLAY STREET CEMETERY COMMISSION**

WHEREAS, in July of 2010, the City Council created the Clay Street Cemetery Commission by passing Ordinance No. 5813 that enacted FGC Sections 2-485 through 2-488; and

WHEREAS, FGC Sec. 2-487, which established the composition of the five-member commission, was amended by Ordinance No. 5821 on November 22, 2010; and

WHEREAS, after the confirmation of the appointments to the Commission, it was determined that not all seated members were residents of the City; and

WHEREAS, it appears that the commission may be better served by a cross-section of members from both inside and outside the city limits; and

WHEREAS, the council believes that the Clay Street Cemetery Commission needs administrative support from city staff and that the appointment of the City Clerk as a liaison would be beneficial; and

WHEREAS, the requirement for recording permanent records or minutes of the meetings was omitted from the originating ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, HEREBY ENACTS the following:

SECTION 1. That Fairbanks General Code Sections 2-486 and 2-487, are hereby amended as follows [new text in **underlined bold** font; deleted text in ~~striketrough~~ font]:

Sec. 2-486. Duties and powers.

The commission shall:

- (a) Advise the council and mayor regarding the restoration, improvement and maintenance of the Clay Street Cemetery.
- (b) Conduct regular public meetings, including public hearings required as a condition of receipt of grants.
- (c) Provide and update a long-term plan for the cemetery.
- (d) If authorized by the city council, convene into executive session in accordance with state law.
- (e) Establish its rules of procedure.

(f) Keep permanent records or minutes of all meetings. The minutes shall promptly be filed in the office of the City Clerk and shall be open to public inspection.

Sec. 2-487. Composition.

The membership of the Clay Street Commission shall be five members as follows:

(a) ~~Five~~ **Seven** voting members, **three of whom must be** residents of the city, appointed by the city mayor and confirmed by the city council:

1. One member active in the study of Fairbanks history.
2. One member with experience or interest in maintaining the cemetery.
3. Three at-large public members or two at-large public members if a council member is appointed to the commission.

(b) The City Public Works Director, or designee, shall be an *ex officio* member of the commission.

(c) The chairperson shall be selected from among the commission's members by the commission.

(d) The City Clerk shall supply the commission with administrative support.

SECTION 2. That the effective date of this Ordinance shall be the ____ day _____ 2014.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, MMC, City Clerk

Paul J. Ewers, City Attorney

ORDINANCE NO. 5936, (SECOND) AS AMENDED

**AN ORDINANCE AMENDING FGC SECTIONS 2-486 AND 2-487
REGARDING THE CLAY STREET CEMETERY COMMISSION**

WHEREAS, in July of 2010, the City Council created the Clay Street Cemetery Commission by passing Ordinance No. 5813 that enacted FGC Sections 2-485 through 2-488; and

WHEREAS, FGC Sec. 2-487, which established the composition of the five-member commission, was amended by Ordinance No. 5821 on November 22, 2010; and

WHEREAS, after the confirmation of the appointments to the Commission, it was determined that not all seated members were residents of the City; and

WHEREAS, it appears that the commission may be better served by a cross-section of members from both inside and outside the city limits; and

WHEREAS, the council believes that the Clay Street Cemetery Commission needs administrative support from city staff and that the appointment of the City Clerk as a liaison would be beneficial; and

WHEREAS, the requirement for recording permanent records or minutes of the meetings was omitted from the originating ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, HEREBY ENACTS the following:

SECTION 1. That Fairbanks General Code Sections 2-486 and 2-487, are hereby amended as follows [new text in **underlined bold** font; deleted text in ~~strike through~~ font]:

Sec. 2-486. Duties and powers.

The commission shall:

- (a) Advise the council and mayor regarding the restoration, improvement and maintenance of the Clay Street Cemetery.
- (b) Conduct regular public meetings, including public hearings required as a condition of receipt of grants.
- (c) Provide and update a long-term plan for the cemetery.
- (d) If authorized by the city council, convene into executive session in accordance with state law.
- (e) Establish its rules of procedure.

(f) Keep permanent records or minutes of all meetings. The minutes shall promptly be filed in the office of the City Clerk and shall be open to public inspection.

Sec. 2-487. Composition.

The membership of the Clay Street Commission shall be ~~five~~seven members as follows:

- (a) ~~Five~~Seven voting members, **three of whom must be** residents of the city, appointed by the city mayor and confirmed by the city council:
 - 1. One member active in the study of Fairbanks history.
 - 2. One member with experience or interest in maintaining the cemetery.
 - 3. ~~Three~~Five at-large public members or two at-large public members if a council member is appointed to the commission.
- (b) The City Public Works Director, or designee, shall be an *ex officio* member of the commission.
- (c) The chairperson shall be selected from among the commission's members by the commission.
- (d) The City Clerk shall supply the commission with administrative support.**

SECTION 2. That the effective date of this Ordinance shall be the ____ day of _____ 2014.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, MMC, City Clerk

Paul J. Ewers, City Attorney

RESOLUTION NO. 4614

**A RESOLUTION CONSENTING TO AND APPROVING THE LOCATION OF
THE GREATER FAIRBANKS COMMUNITY HOSPITAL FOUNDATION,
INCORPORATED'S EXPANSION PROJECT FUNDED THROUGH ALASKA
INDUSTRIAL DEVELOPMENT AND EXPORT AUTHORITY**

WHEREAS, Alaska Industrial Development and Export Authority ("the Authority") proposes to issue its revenue bonds in a principal amount in excess of \$6,000,000 to provide funds to The Greater Fairbanks Community Hospital Foundation, Incorporated for expenditures made for the development, acquisition, construction and equipping of improvements to its facilities at or near 1650 Cowles Street, Fairbanks, Alaska (the "Project"); and

WHEREAS, under the Alaska Industrial Development and Export Authority Act, Alaska Statutes 44.88, as amended ("the Act"), the Authority must obtain certain consents and approvals from the City of Fairbanks as herein described in order to assist in financing the Project; and

WHEREAS, the Authority has requested that the City Council of the City of Fairbanks adopt a resolution consenting to the location of the Project in the City of Fairbanks as contemplated by Section 44.88.095(c) of the Act; and

WHEREAS, it is appropriate and desirable to adopt this resolution consenting to the location of the Project;

NOW, THEREFORE, BE IT RESOLVED that the Fairbanks City Council hereby consents to the location of the Project within the City of Fairbanks, as such consent is contemplated by and specified by the Act.

PASSED and APPROVED this 24th day of February 2014.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, MMC, City Clerk

Paul Ewers, City Attorney



THE GREATER FAIRBANKS COMMUNITY HOSPITAL FOUNDATION

INCORPORATED

Community Owner of Fairbanks Memorial Hospital, Denali Center, J. Michael Carroll Cancer Center
Fairbanks Imaging Center, The Harry & Sally Porter Heart Center, Tanana Valley Clinic Facilities, and FMH Hospice Services

Post Office Box 71396
Fairbanks, Alaska 99707
(907) 458-5550—Telephone
(907) 458-5551—Facsimile
E-mail: staff@gfchf.com
Website:
www.FairbanksHospitalFoundation.com

January 31, 2014

Jeff Cook
President
Mike Kelly
1st Vice President/Trustee Emeritus
Margaret Soden
2nd Vice President
Roger Floerchinger
Treasurer
Joe Faulhaber
Secretary/Trustee Emeritus

Mayor John Eberhart
800 Cushman Street
Fairbanks, AK 99701

Dear Mayor Eberhart,

Trustees:

Bill Bailey
Scott Bell
Ryan Binkley
Rodney Brown
Walter Carlo
Ron Davis
Keir A. Fowler, M.D.
Bernard Gatewood
Andrea Gelvin
Gail Haltan
Christopher Jensen, M.D.
Galen Johnson
Cheryl Kilgore
David McNary
Karen Perdue
Gary Roderick
Benjamin A. Roth
Elizabeth Schok
Michael Sfraga
Mark Simon, M.D.
Don Thibedeau
Maft Wilken
Becky Zaverit

In preparation for my meeting with you on Monday, I wanted to send some preliminary information for your review. I would like to thank you for your consideration of the Hospital Foundation's request for the City to adopt a resolution approving the location of our upcoming surgery project.

As you are probably aware, FMH's surgery suites are in one of the oldest parts of the hospital and can no longer be updated in place. Therefore, the Hospital Foundation is moving forward with a new surgery build-out to replace our existing surgery suites. This new build-out will be attached to the existing hospital.

As part of the financing for this project, the Hospital Foundation is asking AIDEA to assist us by issuing approximately \$50,000,000 of tax-exempt bonds.

Trustee Emeriti:

William H. Doolittle, M.D.
William W. Mendenhall
Harry J. Porter
Richard Seifert
Steve Stephens

Pursuant to AS 44.88.05(c) AIDEA is required, for all bond issuance over \$6,000,000, to get consent for the location of the project from the political subdivision in which the project is located. For this project AIDEA needs the consent from both the City of Fairbanks and the Fairbanks North Star Borough.

Foundation Staff:

**Executive Director &
General Counsel**
Shelley D. Ebenal

Please note this is only consent to the location of the project and does not obligate the City in any way.

Executive Assistant
Krissey Floyd

Trustee Coordinator
Missey Kohler

Again, thank you for your consideration. Please contact me with any questions or concerns.

Project Coordinator
James H. Little, P.E.

Development Director
Jane Taffe

Chief Financial Officer
Ruth Wendler

Sincerely,

Shelley Ebenal

Executive Director/
General Counsel

RESOLUTION NO. 4615

**A RESOLUTION RE-DESIGNATING CHECK SIGNING
AUTHORITY FOR BANKING AND INVESTMENT ACCOUNTS OF
THE CITY OF FAIRBANKS, ALASKA**

WHEREAS, A change in City staff has made it necessary to re-designate check signing authority.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS ALASKA, as follows:

Section 1 That any two of the following named individuals shall be designated as authorized signatories for the City of Fairbanks accounts maintained at Mt. McKinley Bank:

John Eberhart	Mayor
James O. Williams	Chief of Staff
James N. Soileau	Chief Financial Officer/Treasurer
Paul J. Ewers	City Attorney
Antonio C. Shumate	HR/Purchasing/Risk Manager

Section 2 That any two of the following named individuals shall be designated as authorized signatories for the Key Trust City of Fairbanks AML Investment Pool Accounts:

John Eberhart	Mayor
James O. Williams	Chief of Staff
James N. Soileau	Chief Financial Officer/Treasurer
Paul J. Ewers	City Attorney
Antonio C. Shumate	HR/Purchasing/Risk Manager

Section 3 That any two of the following named individuals shall be designated as authorized signatories for the Key Trust City of Fairbanks Permanent Fund Account:

John Eberhart	Mayor
James O. Williams	Chief of Staff
James N. Soileau	Chief Financial Officer/Treasurer
Paul J. Ewers	City Attorney
Antonio C. Shumate	HR/Purchasing/Risk Manager

Section 4 That any two of the following named individuals shall be designated as authorized signatories for the Northrim Bank City of Fairbanks Account:

John Eberhart	Mayor
James O. Williams	Chief of Staff
James N. Soileau	Chief Financial Officer/Treasure
Paul J. Ewers	City Attorney

Section 5 That the Chief Financial Officer is directed to file a copy of this Resolution in the business offices of each referenced company.

Section 6 That the effective date of this Resolution shall be 24th day of February 2014.

John Eberhart, Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, MMC, City Clerk

Paul J. Ewers, City Attorney

Introduced By: Mayor John Eberhart
Date: February 24, 2014

RESOLUTION NO. 4616

**A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO
ACCEPT FUNDS FROM THE FIREMAN'S FUND INSURANCE
COMPANY**

WHEREAS, the City of Fairbanks received notification of funding through the Fireman's Fund Insurance Company in the amount of \$5,041; and

WHEREAS, the Fireman's Fund Insurance Company was founded in 1863 with a social mission to support the fire service by providing grants to purchase needed equipment, firefighter training and community education programs; and

WHEREAS, the Fire Department wishes to purchase dual sensing smoke alarms and carbon monoxide alarms for residents within our fire service area; and

WHEREAS, this grant does not require a match but will require public recognition of the award;

NOW, THEREFORE, BE IT RESOLVED by the City Council that the Mayor is authorized to accept and execute any and all documents required for expending funds on behalf of the City for this project.

PASSED and APPROVED this 24th Day of February 2014.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, MMC, City Clerk

Paul Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 4616

Abbreviated Title: FIREMAN'S FUND INSURANCE COMPANY GRANT

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes _____ No x

2) additional support or maintenance costs? Yes _____ No x

If yes, what is the estimate? _____

3) additional positions beyond the current adopted budget? Yes _____ No x

If yes, how many positions? _____

If yes, type of positions? _____ (F - Full Time, P - Part Time, T - Temporary)

II. FINANCIAL DETAIL:

ESTIMATED EXPENDITURES	2014	2015	2016	Beyond	Total
Personnel Wages					\$0
Personnel Benefits					\$0
Supplies	\$5,041				\$5,041
Contractual					\$0
Equipment					\$0
Administration					\$0
Construction					\$0
TOTAL	\$5,041	\$0	\$0	\$0	\$5,041

ESTIMATED FUNDING SOURCES	2014	2015	2016	Beyond	Total
General Fund					\$0
Capital Fund					\$0
Federal Grant					\$0
State Grant					\$0
Company Grant	\$5,041				\$5,041
Cash Match					\$0
In-Kind Match					\$0
Other					\$0
TOTAL	\$5,041	\$0	\$0	\$0	\$5,041

Reviewed by Finance Department: Initial mb Date 2/19/2014

ORDINANCE NO. 5937

**AN ORDINANCE AUTHORIZING LEASE OF CITY-
OWNED REAL PROPERTY TO THE FAIRBANKS
CONVENTION & VISITORS BUREAU, INC.**

WHEREAS, the City is vested with title to Lots Two and Three, Block Four, Townsite of Fairbanks (the "property"), which property is located on the bank of the Chena River at 550 First Avenue and Cushman Street; and

WHEREAS, the City Council has leased out the premises since 1959, leasing to the Chamber of Commerce until 1988, with the Fairbanks Convention and Visitors Bureau (FCVB), as lessee from that time until the present; and

WHEREAS, during the term of the Chamber's occupancy, the property was improved with the popular log cabin, sidewalks and landscaping now existing, which improvements were purchased by FCVB, having completed purchase in 2003; and

WHEREAS, FCVB in 2007, with City approval, subleased the property and cabin to the Yukon Quest International Ltd. (the "Quest"), who currently occupies the property as its dog mushing sport headquarters and visitors destination; and

WHEREAS, the FCVB lease will expire on May 31, 2014, without rights to renew or extend; and

WHEREAS, FCVB desires to continue subleasing the property to the Quest, and proposes to continue subleasing until such time as the Quest has the resources necessary to purchase the log cabin, which FCVB wishes to sell, and which the Quest wishes to buy; and

WHEREAS, long term use by the Quest and proposed purchase will require a lease term sufficient in length to justify purchase of the cabin and to satisfy bank lending requirements; and

WHEREAS, FCVB has respectfully requested a new lease of the premises for a term of thirty-five years; and

WHEREAS, the City administration has reviewed said property and determined that same is not required for municipal purposes and can be leased to others; and

WHEREAS, Fairbanks General Code of Ordinances Section 70-44 provides that the City may lease to a non-profit organization without public sale and for less than market value, whenever in the judgment of the City Council it is advantageous to do so; and

WHEREAS, it is the finding of the City Council that a lease of said property to the FCVB is in the best interest of the community.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. That a lease instrument substantially in the form shown on attached "Exhibit A" is hereby authorized by Council for the purposes herein stated, providing for a thirty-five year lease term.

SECTION 2. That the Mayor is hereby authorized and directed to execute said lease on behalf of the City, and the City Clerk is authorized to attest and affix the City Seal to said instrument, the execution of which shall take place not less than thirty (30) days after the effective date of this ordinance, as prescribed by section 8.3 of the City Charter and Sec. 7-56 of the Fairbanks General Code.

SECTION 3. That the effective date of this ordinance shall be the 15th day of March, 2014.

John Eberhart, Mayor

AYES:
NAYS:
ABSTAIN:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

JANEY HOVENDEN, MMC, City Clerk

PAUL EWERS, City Attorney

LEASE – REAL PROPERTY

Exhibit “A” to Ordinance No. 5937

This Lease, made and entered into this ____ day of _____ 2014, by and between the City of Fairbanks, whose address is 800 Cushman Street, Fairbanks, Alaska 99701, referred to as “Landlord,” and the Fairbanks Convention & Visitors Bureau, a nonprofit corporation, of the State of Alaska, doing business as “Explore Fairbanks” with address of 101 Dunkel Street, Fairbanks Alaska 99701, hereinafter referred to as “Lessee”;

W I T N E S S E T H

1. **Authority.** The Mayor of the City of Fairbanks is authorized and directed to enter into this Lease by City Ordinance No. 5937, passed and approved by the City Council on _____, 2014.

2. **Premises.** For and consideration of the rents to be paid and the covenants to be performed by Lessee hereunder, and for the terms set forth herein, Landlord hereby leases, demises, and lets to Lessee:

Lots Two (2) and Three (3) Block Four (4), TOWNSITE OF FAIRBANKS, according to the official survey of said Townsite, known as the L.S. Robe Map of 1909, reproduced by Karl Theile, US Surveyor General in 1922, containing 11,000 square feet, more or less.

All according to the Records of the Fairbanks Recording District, 4th Judicial District, State of Alaska,

TOGETHER WITH the rents and issues thereof, subject to the following terms and conditions.

3. **Use.** Lessee shall have the right to use the leased premises exclusively for the non-profit operation and promotion of tourism and as a visitor destination, specifically including but not limited to dog mushing, display of sled dogs, the dog mushing sport and culture, education, and related activities. Lessee shall comply with all regulations, ordinances, codes and laws

applicable to the use and occupancy of the leased premises and shall obtain at its sole expenses all permits and licenses necessary to the lawful conduct of its business.

4. **Existing Improvements.** The premises are currently improved with a facility of log construction containing approximately 1,800 square feet, plus basement and accessory features. It is acknowledged and agreed between the parties that said improvements are wholly owned by Lessee and shall so remain during the term of this lease and its provisions.

5. **Title.** Landlord warrants and represents to Lessee that Landlord has full right and lawful authority to enter into this Lease; that Landlord has good and marketable title to the leased premises; and that the leased premises are free and clear of all tenancies, liens, easements, restrictions, conditions, reservations and other encumbrances except for those of record in the above recording district and applicable building, use and zoning ordinances pertaining to the premises or otherwise disclosed to Lessee.

6. **Term.** The term of this lease shall be thirty-five (35) years beginning June 1, 2014, and ending at midnight, May 31, 2049.

7. **Rent.** In consideration of the community purposes of the demised premises, Lessee shall pay to Landlord the amount of Five Hundred Dollars (\$500.00) per year, which amount shall be payable in advance for each year of the lease, with rent payment due on June 1, for each year the lease is in effect. The failure of Landlord to insist upon full and prompt payment of any installment of the rent shall not waive Landlord's rights to full and prompt payment of that installment or any other installments.

8. **Taxes.** Lessor is a municipality of the State of Alaska and therefore exempt from property taxes. If taxes are levied against the property by a government body, any such taxes shall be paid Lessee, as and when due, so long as Lessor remains the owner of record.

9. **Lessor's Right of Entry onto the Premises.** Landlord or its agent shall have the right and be provided with the means to enter the leased premises at all times upon reasonable advance notice in order to examine it for the purposes of determining compliance with this lease and covenants hereunder.

10. **Sublease and Assignment.** Lessee may assign its rights or obligations under this Lease provided that prior written approval of the Landlord is obtained, which approval shall not be unreasonably withheld. If this Lease is assigned or if the leased premises or any part thereof is sub-let or occupied by anyone other than Lessee, Landlord may, after default by Lessee, collect rent from the assignee, sublessee, or occupant and apply the net amount collected to the rent herein reserved. The consent by Landlord to an assignment or subletting shall not be construed to relieve Lessee from obtaining the consent in writing of Landlord to any further assignment or subletting. It is acknowledged between the parties that Lessee is currently contemplating such assignment to the Yukon Quest International, Ltd., and that such assignment is compliant with the terms and conditions of this lease.

11. **Operational Expenses.** Lessee shall keep the leased premises, the access thereto, and the site and structural improvements thereon in clean, safe, and well maintained order, free from depreciated conditions, at all times during the term of this Lease. Lessee shall pay, or cause to be paid, all operational expenses, including utilities of whatever nature, supplies, building maintenance, routine and major repairs and any improvements, extraordinary replacements, janitorial services, refuse collection, ground maintenance, etc, without limitation. Landlord shall have no duty or obligation for any of the expenses, cost of operations or upkeep of the premises or the existing building and related improvements.

12. **Improvements, Alterations, Fixtures.** Lessee may, at its sole cost and expense, install equipment and fixtures on the leased premises, or make any alteration, addition, or improvement to the leased premises, provided that Lessee will, at all times, hold Landlord and

the premises harmless against any expense, claim or injury arising out of any installation, alteration, addition, or improvement commenced or carried out on the premises by Lessee, its assigns or agents. Lessee shall permit no labor or material liens or charges against the leased premises or any interest therein.

13. **Encumbrances.** Lessee shall not encumber the premises with liens of any nature, including but not limited to mortgages, mechanic or materialmen liens, or use of the premises as collateral to secure debt, without the written approval of Lessor being first obtained, which approval shall be at the discretion of Lessor. Any lien against the premises shall be subordinate to this lease, which shall hold priority in title.

14. **Insurance.**

(a) At all times during the Lease term, Lessee shall maintain in force and effect Workers Compensation Insurance as required by the laws of the State of Alaska.

(b) As a condition precedent to the Lessee's taking and retaining possession under the Lease, Lessee will secure and maintain and will file with Landlord proper evidence of the following types of insurance:

- (i) all-risk property insurance on the entire building to include fire and extended coverage (excluding earthquake and flood) on replacement cost basis; and
- (ii) liability insurance for bodily injury (including death) and property damage, on the premises. Said liability insurance coverage shall include fire, legal liability, completed operations hazard, premises liability and medical payments.

Lessee shall obtain and deposit with Landlord certificates of insurance covering the respective insurances as set forth above prior to the commencement of the term of this Lease. Property insurance shall be endorsed to name Landlord as loss payee as respects the premises and Lessee constructed or authorized improvements to the premises. Liability insurance shall name Landlord as an additional insured as respects the premises. All insurances shall be secured from insurance companies licensed to do business in the State of Alaska. Lessee shall not do,

bring or keep anything in or about the premises that will cause a cancellation of any insurance covering the premises. The policies will not be cancelled or materially altered unless at least 30 days prior written notice of such cancellation or material change is provided to the Landlord. Lessee shall provide Landlord with evidence satisfactory to Landlord that premiums for such insurances are paid when due. Landlord reserves the right to pay any insurance premiums not timely paid by Lessee and to recover that cost from Lessee pursuant to Paragraph 23 of this Lease.

15. **Indemnity.**

(a) Lessee will indemnify, defend, and hold Landlord harmless from and against any and all losses, claims, costs (including reasonable attorney's fees), suits and judgments arising from:

(1) any acts of commission or omission done, caused or authorized by Lessee, its employees, agents, assigns or sublessees arising upon the leased premises or otherwise pertaining to this Lease; or

(2) Lessee's failure to perform any covenant required to be performed by the Lessee under this Lease; or

(3) any environmental liability for conditions or contamination caused by Lessee arising out of Lessee's occupancy, use, or alteration of the leased premises.

Lessee agrees to reimburse Landlord for any and all necessary expenses, reasonable attorney's fees, and costs incurred in the non-judicial or judicial enforcement of any part of the foregoing indemnity provision.

(b) Landlord will indemnify, defend, and hold Lessee harmless from and against any and all losses, claims, costs (including reasonable attorney's fees), suits and judgments arising from any environmental liability for conditions or contamination not caused by Lessee nor arising out of Lessee's occupancy, use, or alteration of the leased premises.

Landlord agrees to reimburse Lessee for any and all necessary expenses, reasonable attorney's fees, and costs incurred in the non-judicial or judicial enforcement of any part of the foregoing indemnity provision.

16. **Condemnation.** If the leased premises, or any part thereof, are taken by eminent domain, at Landlord's option, this Lease (a) will expire on the date when the leased premises shall be so taken, and the rent will be apportioned as of that date, or (b) will continue in full force and effect if the premises remain suitable for Lessee's intended use.

17. **Destruction.** If the leased premises or Lessee improvements to the premises are totally or partially destroyed during the term of this lease, then Lessee may elect to either terminate this Lease or restore the destroyed premises. In such event, Lessee shall, at Lessee's expense, by lawful means demolish and remove Lessee's super structures, substructures, and improvements, restoring the premises to a clean, safe and vacant condition, which demolition and removal shall be completed within six months of destruction. If Lessee elects to restore the Premises, then the Lease will not be terminated, and Lessee shall continue paying rent. Such restoration shall commence within six months of destruction, and restoration shall be completed within 18 months of destruction.

18. **Abandonment.** Should Lessee vacate or abandon the leased premises, *i.e.*, vacate with the intent to relinquish possession of the leased premises, or be dispossessed by process of law, such abandonment, vacation or dispossession shall be considered a termination of this Lease.

19. **Default and Remedies.**

(a) If Lessee shall be adjudged insolvent or shall make an assignment for the benefit of creditors, or if a receiver or other liquidating officer of Lessee shall be appointed, or a petition for relief is filed by or against Lessee in bankruptcy, or other dissolution or insolvency proceedings shall be commenced by or against Lessee, or if Lessee shall commit waste to or abandon the premises, or if Lessee shall breach any agreement, promise, duty or covenant of Lessee under this Lease (including without limitation the duty to pay rent when due), then Lessee shall be deemed in default on this Lease.

(b) In the event that Lessee shall default in the payment of any amount or performance of any material covenant or condition to be paid or performed on the part of Lessee, and has not cured such default within 30 days after receipt of Landlord's notice of default, Landlord shall, in addition to all other remedies provided by law or otherwise, have the following rights:

- (1) To enter the premises and re-let the premises;
- (2) To terminate this Lease and all rights of Lessee hereunder; or
- (3) To recover from Lessee such damages attributable to its default, from the date of such breach to the date of the expiration of the term hereof.

Re-entry or re-letting of part or all of the premises as herein provided is not to be deemed a termination of this Lease unless expressly declared to be so by Landlord. If this Lease is deemed terminated, however, Lessee's liability shall survive, and Lessee shall be liable for damages for the remainder of the term which exist at the termination date.

(c) In the event that Landlord shall default in the performance of any covenant or condition to be performed on the part of Landlord and Landlord has not cured such default within 30 days after receiving Lessee's notice of default, Lessee shall, in addition to all other remedies provided by law or otherwise, have the following rights:

- (1) To terminate this Lease and all rights of Landlord hereunder; or
- (2) To recover from Landlord such damages attributable to its default from the date of such breach to the date of the expiration of the term hereof.

If this Lease is deemed terminated, however, Landlord's liability shall survive and Landlord shall be liable for damages for the remainder of the term which exists at the termination date.

20. **Default.** Neither Landlord nor Lessee shall be in default unless either party fails to perform obligations required of such party within 30 days after the other party has given written notice of failure to perform a specified obligation, except that said party shall not be considered in default if such obligation cannot reasonably be performed within such 30-day period and said party is diligently pursuing the same.

21. **Holdover by Lessee.** Should Lessee, without Landlord's consent, hold over and remain in possession of any portion of the premises after the expiration of the term of this Lease, such holdover shall not be deemed or construed to be a renewal or extension of this Lease as to that area, and Landlord may take such legal steps as may be required to remove Lessee from that portion of the premises held over by Lessee. Alternatively, and at Landlord's option, such holdover may operate to create a month-to-month tenancy as to the area in question, which may be terminated by Landlord at the end of any month upon 30 days prior written notice.

22. **All Obligations of Lessee Considered Additional Rent.** All taxes, charges, costs and expenses which Lessee is required to pay hereunder, together with all interest and penalties that may accrue thereon in the event of Lessee's failure to pay such amounts, and all damages, costs, and expenses which Landlord may incur by reason of any default of Lessee or failure on Lessee's part to comply with the terms of this Lease, shall be deemed to be additional rent and, in the event of nonpayment by Lessee, Landlord shall have all the rights and remedies with respect thereto as Landlord for the nonpayment of basic rent.

23. **Landlord's Right to Perform Lessee's Obligations.** If Lessee shall be in default hereunder, Landlord may cure such default on behalf of Lessee, in which event Lessee shall reimburse Landlord for all reasonable sums paid to affect such cure, including reasonable attorney's fees. In order to collect such reimbursements, Landlord shall have all remedies available under this Lease for a default in the payment of rent.

24. **Late Charges.** Lessee hereby acknowledges that late payment by Lessee to Landlord of rent or other sums due hereunder will cause Landlord to incur costs not contemplated by this Lease, the exact amount which will be difficult to ascertain. Accordingly, if Lessee fails to pay rent when due, or fails to pay other sums due under this Lease after 10 business days written notice from Landlord that such sums are past due, then Lessee shall pay Landlord a late charge equal to 5% of the past due amount for each month the amount is past

due, plus attorney's fees incurred by Landlord by reason of Lessee's failure to pay rent or other sums due under this Lease. The parties hereby agree that such late charges represent a fair and reasonable estimate of the cost Landlord will incur by reason of the late payment by Lessee. Acceptance of such late charges by the Landlord will not constitute a waiver of Lessee's default with respect to such overdue amount, nor prevent Landlord from exercising any other rights and remedies hereunder.

25. **Waste and Hazardous Substances.** Lessee shall not commit waste of or waste upon the premises of whatever nature. Lessee shall defend, indemnify and hold harmless Lessor from any and all costs, claims or liabilities arising from or related to release, escape, or presence of any hazardous materials, waste, or toxic or regulated substances arising from or reasonably attributable to Lessee's use and occupancy of the premises, all or any of which shall be paid and satisfied by Lessee. Lessee's indemnification shall survive the termination of this Lease.

26. **Disposition of Improvements at Termination.** The parties recognize and agree that the existing structure and appurtenances situated on the premises by or through Lessee may represent a financial liability to, or may be otherwise undesirable to, Landlord at date of termination of this Lease. Therefore, at Landlord's sole discretion, and upon written notice, Lessee shall, at time of termination of this Lease, promptly commence total demolition, abatement and removal of Lessee's super structures, substructures, and improvements of whatever nature or manner of construction, wherever located upon or within the premises, restoring the premises to a flat, clean, safe and vacant condition, which demolition and removal shall be completed within six months of such termination. Lessee shall bear all costs for same, without limitation.

27. **Surrender of Premises.** On the last day of the term of this Lease, or as otherwise provided in this Lease, or as extended by Landlord in writing, Lessee shall quit and peaceably surrender the premises to Landlord, leaving same in a neat, clean condition.

28. **Notices.** Any notice given hereunder shall be in writing and shall be sent by certified or registered mail, postage prepaid, addressed to the party to receive same at the address of such party shown above or such other address as such party may hereafter furnish to the other in writing. Any notice mailed in accordance with the preceding sentence shall be deemed to have been given at the time it is received.

29. **Waiver.** No delay or omission by either party hereto to exercise any right or power accruing upon any noncompliance or default by the other party with respect to any of the terms hereof shall impair any such right or power or be construed to be a waiver thereof. Subject to the provisions of this paragraph, every such right and power may be exercised at any time during the continuance of such default. It is further agreed that a waiver by either of the parties hereto of any of the covenants and agreements thereof to be performed by the other shall not be construed to be a waiver of any succeeding breach thereof or of any other covenants or agreements herein contained.

30. **Choice of Law.** The provisions of this Lease and all questions arising concerning this Lease shall be determined and resolved in accordance with the laws of the State of Alaska.

31. **Entire Agreement, Severability, Etc.** This Lease contains the entire agreement and understanding between the parties. There are no oral understandings, terms, or conditions, and neither party has relied upon any representation, express or implied, not contained in this Lease. All prior understandings, terms, or conditions are deemed merged in this Lease. This Lease can be changed only in a written document signed by both parties. If any provision of this Lease shall be declared invalid or unenforceable, the remainder of the Lease shall continue in full force and effect. This Lease shall be binding upon the parties hereto and their legal representatives, successors and assigns.

LANDLORD:

CITY OF FAIRBANKS

By: _____
John Eberhart, Mayor

ATTEST:

APPROVED AS TO FORM:

By: _____
Janey Hovenden, MMC, City Clerk

By: _____
Paul Ewers, City Attorney

LESSEE:

**Fairbanks Convention & Visitors Bureau
d/b/a Explore Fairbanks**

By: _____
Deb Hickok

Title: _____

ORDINANCE NO. 5938

AN ORDINANCE AMENDING FGC SEC. 2-332 REGARDING THE MEMBERSHIP OF THE COMMISSION ON HISTORIC PRESERVATION

WHEREAS, the commission on historic preservation is a joint commission with members nominated by the borough mayor, the mayor of the City of Fairbanks, and the mayor of the City of North Pole; and

WHEREAS, because the process established in the borough code for nominating members to and filling vacancies on the commission was unduly complicated, the Borough Assembly recently adopted Ordinance No. 2014-02, amending the borough code provisions dealing with the membership of the commission; and

WHEREAS, the language in the City's code of ordinance is nearly identical to that of the pre-amended version of the borough's code; and

WHEREAS, to simplify the membership language in the City's code and to maintain consistency between the borough code and the city code regarding membership on this joint commission, FGC Section 2-332 should be amended.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. Fairbanks General Code Sections 2-332 is amended as follows [new text in underlined bold font; deleted text in ~~strikethrough~~ font]:

Sec. 2-332. Membership.

(a) The commission on historic preservation shall consist of seven persons.

(b) Four Mmembers shall be nominated by the borough mayor, Two members shall be residents of the City of Fairbanks and shall be nominated by the mayor of the City of Fairbanks, One member shall be a resident from the North Pole community and shall be nominated by and the mayor of the City of North Pole, ~~on an alternating basis as follows. For each member nominated by the borough mayor, a member shall be nominated for the next vacancy by the mayor of the City of Fairbanks or the mayor of the City of North Pole on an alternating basis. If the mayor of a city shall fail to nominate a member within 30 days of the expiration of the term of office of the departing member, the borough mayor shall nominate a member without such nomination affecting the borough mayor's authority to nominate other members. All members shall be confirmed by the borough assembly. One member shall, if possible, be an architect~~

or an architectural historian. One member shall, if possible, be an archaeologist. One member shall if possible, be an historian. ~~All remaining members shall be selected from the community at large.~~

SECTION 2. The effective date of this Ordinance shall be the ____ day of March 2014.

JOHN EBERHART, MAYOR

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM

Janey Hovenden, MMC, City Clerk

Paul J. Ewers, City Attorney

ORDINANCE NO. 5939

**AN ORDINANCE ENACTING FGC SECTIONS 2-490 THROUGH
2-494 CREATING A FAIRBANKS DIVERSITY COUNCIL**

WHEREAS, the City of Fairbanks recognizes that our community is a diverse one, with a wide variety of ethnic backgrounds, cultures, beliefs and orientations; and

WHEREAS, the City can take further proactive steps to promote equal treatment of the diverse groups in our community; and

WHEREAS, the establishment of a Fairbanks Diversity Council can provide the City Council and Fairbanks North Star Borough Assembly with advice and recommendations to promote equal opportunity for all members of the public, including the adoption of a Diversity Action Plan;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. Fairbanks General Code Sections 2-490 through 2-494 are hereby adopted:

Sec. 2-490. Fairbanks Diversity Council (hereafter FDC) – Creation; purpose.

In order to provide a citizens' forum, serve as a diversity advisory board and recommend adoption of a Diversity Action Plan, the FDC is hereby created. The FDC shall be composed of volunteer citizens who shall be residents or employees of the City of Fairbanks or Fairbanks North Star Borough, plus, as non-voting members, the City Mayor, a City Council member and the City Human Resources Director.

Sec. 2-491. FDC – Composition; term of office.

a. The FDC shall include 15 public voting members broadly selected to represent the diverse people of Fairbanks. Twelve members, at least eight of whom must be residents of the City of Fairbanks, shall be appointed by the City Mayor subject to the approval of the City Council. Three members shall be appointed by the Fairbanks North Star Borough Mayor subject to the approval of the Fairbanks North Star Borough Assembly. All appointments of the public members shall be for three-year terms, without compensation. The term of members shall be until June 30 of the third year from appointment. The first members of the commission shall be appointed in staggering terms that end on June 30 as follows: five members for a term of one year, five members for a term of two years, and five members for a term of three years.

b. In the event of the death, resignation, removal or disqualification of any member of the FDC the City Mayor or Fairbanks North Star Borough Mayor, as the case may be, shall appoint to the FDC, subject to confirmation by the City Council or Borough Assembly, as the case may be, a member who shall serve for the unexpired term vacated.

c. The City Attorney or designee shall be made available upon request to provide information, not to act as legal counsel, to the FDC.

Sec. 2-492. Chairperson; committees; quorum; meetings.

a. The City Mayor shall serve as non-voting Chairperson. A Vice-Chairperson shall be appointed by the City Mayor from the membership, subject to the approval of the FDC. The Vice-Chairperson's term shall be for three years. No person shall serve more than two full consecutive terms as Vice-Chairperson.

b. The FDC may organize committees and adopt administrative rules and procedures to accomplish its purposes.

c. A quorum shall be necessary to conduct a meeting. A quorum shall consist of eight public voting members of the FDC. The business of the FDC shall be transacted by a majority vote of voting members present after a quorum is established.

d. All meetings shall be held, and notices and agendas shall be posted, in compliance with the Alaska Open Meetings Act. Minutes of FDC proceedings shall be kept and filed in accordance with applicable laws dealing with public records. In all matters of parliamentary procedure not covered by rules and procedures adopted under subsection b above, the current version of Robert's Rules of Order will govern.

e. The FDC shall keep permanent records or minutes of all meetings. The minutes shall promptly be filed in the office of the City Clerk and shall be open to public inspection. The City Clerk shall supply the FDC with administrative support.

Sec. 2-493. FDC - Duties; rules.

The FDC is an advisory body with the following duties:

1. Members are expected to attend all scheduled meetings, unless excused by the membership.
2. Except for the City Mayor, members of the FDC may be removed by the City Council or Fairbanks North Star Borough Assembly, as the case may be, on motion adopted by the affirmative vote of four of the members of the City Council, or six of the members of the Fairbanks North Star Borough Assembly.
3. When a member has a conflict of interest on an issue, the member shall announce such conflict and refrain from discussing, voting or participating in any manner on the issue if a majority of the quorum so decides.
4. The Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside at all meetings, decide all points of order or procedure and perform any duties required by law, ordinance or these rules. The Chairperson shall have the power to call regular or special meetings. Upon request of eight members to the Chairperson, a special meeting will be held.
5. FDC meetings may include written reports, presentations or other necessary types of activities to provide information to its members and allow the FDC to discharge its duties. Meetings are open to the public to receive public comment in the same manner as done by the City Council.

6. The FDC may recommend a Diversity Action Plan after review of local, regional and national diversity programs and recommend to the administrations of the City of Fairbanks and Fairbanks North Star Borough a Diversity Action Plan found to be lawful and worthy of implementation.
7. Assist the City on accessibility issues.
8. Plan, develop and implement recognition and public awareness programs.
9. Develop a constructive working relationship with the following sectors of the community:
 - (a) Business and industry,
 - (b) Schools and educational institutions,
 - (c) Governmental bodies and agencies,
 - (d) Healthcare and service providers,
 - (e) Youth, parent and senior citizen groups and organizations, and
 - (f) Public and private agencies involved in diversity issues and employment.
10. Hold quarterly meetings, plus special meetings as deemed necessary by the Chairperson or membership, to address concerns in the areas of employment, public accommodations, police policies, transportation, housing, public awareness and sensitivity, and other such subjects as may be deemed appropriate by the City Mayor, City Council, Fairbanks North Star Borough Mayor, Fairbanks North Star Borough Assembly or the FDC itself.
11. Provide written reports to the public with general recommendations, submit special reports at the request of the City Mayor or City Council or Fairbanks North Star Borough Mayor or Fairbanks North Star Borough Assembly, and submit an annual report of its activities by December 1 of each year.
12. The FDC shall not become involved in employee discipline issues or in matters outside the jurisdiction of the City of Fairbanks or the Fairbanks North Star Borough.

Sec. 2-494. Diversity Action Plan – Guiding Principles.

a. The purpose of the Diversity Action Plan is to increase the capacity of the City to succeed in its mission of serving all of the people of Fairbanks. The Diversity Action Plan will provide guidance to the City Council and employees of the City to become culturally competent and inclusive. The following guiding principles shall apply to the Diversity Action Plan:

1. The Diversity Action Plan is a business necessity, crucial to the continuing success of the City. The focus of the City's diversity development strategy is the creation of an organizational culture that values diversity and supports cultural competency in its workforce. Diversity is one of the foundations upon which the City's goals for organizational development, workforce development, service design and service delivery will be built.

2. Everyone associated with the City is a stakeholder in diversity development. The City will provide its employees with methods to recognize, support and reward diversity development efforts and accomplishments. The City will include community partners in planning for diversity development.
 3. All City employees are professionally and personally accountable to assess how their beliefs, attitudes and knowledge affect the City's capacity to serve our multicultural community. This includes seeking self-understanding, gaining knowledge of other cultures, developing cross-cultural communication skills, providing leadership and supporting appropriate cultural change within the City.
 4. Equal Employment Opportunity, the Americans with Disabilities Act, along with other civil rights legislation, rules and policies are viewed as a set of tools that provides the foundation for diversity development. Compliance with these laws, rules and policies establishes direction and provides guidelines for organizational change within the City. They support the increase of diversity and cultural competency, and the reduction of bias in our workforce. They provide a framework for creating an environment of inclusion in the City.
- b. After adoption by the City Council, the Diversity Action Plan shall be amended as necessary and with a full review performed at least every five years after initial adoption.

SECTION 2. The effective date of this Ordinance shall be the ____ day of February 2014.

JOHN EBERHART, MAYOR

AYES:
 NAYS:
 ABSENT:
 ADOPTED:

ATTEST:

APPROVED AS TO FORM

Janey Hovenden, MMC, City Clerk

Paul J. Ewers, City Attorney

**Fairbanks North Star Borough / City of Fairbanks
CHENA RIVERFRONT COMMISSION
MINUTES
September 11, 2013**

The Fairbanks North Star Borough/City of Fairbanks Chena Riverfront Commission (CRFC) met on Wednesday, September 11, 2013 Chair Anna Plager presiding. The following Commission members were in attendance: Kelley Hegarty-Lammers, Bob Henszey, John Jackovich, Julie Jones, Sue Rainey, Gordy Schlosser, Lee Wood and Buki Wright.

Also present were: Bernardo Hernandez, FNSB Community Planning; Nancy Durham, FNSB Community Planning; Jewelz Nutter, TVWA; Hannah Blankenship, DOT; Donna Gardino, FMATS; Aaron Buckley, FMATS; Steve Taylor, FNSB Parks & Recreation; Jackson Fox, City of Fairbanks; Jeff Jacobson, Borough Chief of Staff and Laura McLean, FNSB Recording Clerk.

1. CALL TO ORDER

Plager called the meeting to order at 12:05 p.m. and welcomed the new attendees to the meeting.

2. APPROVAL OF AGENDA

A motion was made by Jones, seconded by Hegarty-Lammers to approve the Agenda for July 10, 2013. There were no objections.

3. APPROVAL OF MINUTES OF February 13, 2013

A motion was made by Schlosser, seconded by Hegarty-Lammers to approve the minutes for July 10, 2013. There were no objections.

4. COMMUNICATIONS TO THE COMMISSION

Henszey complimented FMATS on the upgraded bike trail along the river at Pioneer Park.

Jones passed out handouts of before and after construction at Shoreway Park, one of today's field trip sites. She also reported that the old Golden Heart Plaza dock is going to be installed at the Jackovich property next year. She thanked Jackovich for hosting a Festival Fairbanks fundraiser at the Big I. **Jones** announced that public comment will be accepted on the Borough building's riverbank rehabilitation project at the Assembly meeting on September 26th. She also explained the new dry well at the Golden Heart Plaza that will be shown on today's tour.

Rainey suggested a letter from the commission to Dermot Cole thanking him for his contributions to the community over the years. **Hegarty-Lammers** agreed to amend the letter she sent and present it at our next meeting as or draft.

Fox commented that regarding the Chena Riverwalk trail, the City of Fairbanks has received the final permit from the Alaska Railroad and it is now being reviewed by the City of Fairbanks legal department. **Jones** reminded us that Lots 4 and 5 are exempted from the permit, but there may be a future permit for them and the trail can be relocated.

Nutter mentioned that we can take a self-guided tour of the Carlson Center riverbank improvement project to see the same treatment as proposed for the Borough building's

riverbank a year later. There is also a 17-year-old project at the Carlson Center just downstream from the latest project there.

5. PUBLIC COMMENTS

None

6. NEW BUSINESS

None

7. UNFINISHED BUSINESS

A. Letter of Support for the bank stabilization project at the Fairbanks North Star Borough BAC building.

Discussion included:

- Having a press release for the project (TVWA will send a land owner letter after the Assembly rules on the project funding ordinance;
- Festival Fairbanks is spearheading the project;
- The borough's contribution is \$33,000, with 2 grants to total \$100,000;
- Jones & Osborne will attend the assembly work session and their information will be included in the staff report;
- Public testimony on the project is accepted at the 9/26 assembly meeting;
- Appreciation was expressed for the planning staff work on this ordinance process.

The letter to both Mayors was reviewed and it was suggested that the letter be edited to have it coming from the commission as a whole rather than from one particular commissioner.

*A motion was made by **Henszey**, seconded by **Hegarty-Lammers**, to approve the letter of recommendation with edits. The motion was adopted unanimously.*

Jackovich mentioned that there is a specially designed filtration system at his business to handle runoff from the Big I roof before it runs into the river. We can see it on our tour today.

B. Walking tour

The commission, staff and guests departed the borough building at approximately 12:30 pm for a guided walking tour of various projects in the general vicinity which have been completed recently or are still in process. The various locations visited and those who spoke to the commission regarding the particular project are as follows:

Schlosser advised the commission, staff and guests of the problem with the bank stabilization along the river behind the BAC and what is proposed to be done to repair the problem.

Jackovich gave a little piece of history regarding the road project which was completed in front of the Big I and how antique relics which were stored on his property were used as decorations for the project.

Gardino addressed the "triangle" area between the two bridges and what is still planned to finish this project.

Jackson Fox spoke regarding the Shoreway Park project and how the City of Fairbanks was able to complete the project under budget.

Julie Jones addressed the commission and guests regarding the new dock which will be placed in the river near Golden Heart Plaza. She also updated the commission and guest regarding the “dry well” which was recently installed in the plaza to help with water drainage issues.

8. STAFF AND LIASION COMMENTS

None

9. COMMISSIONERS COMMENTS

None

10. AGENDA SETTING FOR October 9, 2013 COMMISSION MEETING

- A. Airport Access Improvement Project – DOT presentation by Carl Heim
- B. Project List Review
- C. CRFC Plan Update (and report from Committee meeting)
- D. Recap of walking tour

11. ADJOURNMENT

A motion was made by Hegarty-Lammers seconded by Rainey to adjourn. There were no objections. The meeting adjourned at 2:05 p.m.

/l

**Fairbanks North Star Borough / City of Fairbanks
CHENA RIVERFRONT COMMISSION
MINUTES
December 11, 2013**

The Fairbanks North Star Borough/City of Fairbanks Chena Riverfront Commission (CRFC) met on Wednesday, December 11, 2013 with Vice Chair Hegarty-Lammers presiding. The following Commission members were in attendance: Anna Plager (via phone), Bob Henszey, Susan Rainey, Matt Wilken, Lee Wood and Buki Wright.

Also present were: Bernardo Hernandez, FNSB Community Planning; Nancy Durham, FNSB Community Planning; Jewelz Nutter, TVWA; Barry Hooper, DOT; Jackson Fox, City of Fairbanks; Mike Schmetzer, City of Fairbanks; Donna Gardino, FMATS; Steve Taylor, FNSB Parks & Recreation; and Laura McLean, FNSB Recording Clerk.

1. CALL TO ORDER

Hegarty-Lammers called the meeting to order at 12:00p.m.

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES OF October 9, 2013

A motion was made by Wright, seconded by Henszey to approve the minutes for October 9, 2013 as amended. There were no objections.

4. COMMUNICATIONS TO THE COMMISSION

5. PUBLIC COMMENTS

Carrie McEnteer addressed the commission and stated that she is attending this meeting to see what the Chena Riverfront Commission does. She works at Ft. Wainwright and may be interested in serving on the commission.

6. NEW BUSINESS

Rainey nominated Plager and Hegarty-Lammers to co-chair the commission seconded by **Henszey**. All were in favor and none were opposed. Plager and Hegarty-Lammers will co-chair the CRFC for 2014.

7. UNFINISHED BUSINESS

A. Plan Update Report

Hegarty-Lammers stated that what the Plan Update Committee has focused on those pages of the plan that are in fact adopted as addendum to the Comprehensive Plan. She further proposed to come back to the issue of the width of the river corridor later in the meeting as it will be the most controversial if a change is proposed and that all of the rest of the objectives and goals of the plan inform how wide that corridor should be. There was no objection to this proposal.

Wright commented that the apostrophe within "1950's" should be removed. **Wood** suggested that on page two under "Purpose" the word twenty be removed and left as "years." There were no objections to this suggestion.

Wright suggested that under "Policy 3" on page four, the words "Evaluate and review" be reversed as one usually reviews and then evaluates.

Regarding page five, **Rainey** asked if the commission were to specify one type of invasive aquatic species, why not include the verbiage “invasive aquatic species” and not specify Elodea. **Hegarty-Lammers** commented that the reason for including Elodea is because most people have heard of Elodea and when the commission puts “including” an attorney would tell them that it does not exclude any other species. It is more of a public education example. **Nutter** added that she would recommend keeping the word Elodea only because of the funding sources that are available to help with controlling this invasive aquatic species.

Wright questioned what the discussion was regarding “air pollutants”. **Wood** clarified that she felt that there should be some sort of nod to air pollution because she feels that it is a valid issue. **Hegarty-Lammers** added that she feels that “air pollution” does not belong in the plan because EPA is very much focused on air quality and that the EPA is the entity which should be addressing air pollution, not the CRFC. **Jackson Fox** recommended revising “air pollutants” to “storm water pollutants” because of all of the different pollutants that land in the streets and drain to the river causing storm water pollution. Air pollutants that fly into the air eventually settle back on the ground and any rainwater will flush the pollutants down to the river. **Wood** added that she would still like to have a nod somewhere within the plan regarding the issue of air pollution. **Wright** commented that he shares Woods’ concern and that he is concerned about “mission creep”. Every time someone has a legitimate concern, it is added to the plan and pretty soon we have a plan that is diluted to the point where nothing is accomplished. **Hernandez** added that he agrees with Wright and that the mission of the CRFC is the river specifically and that storm water pollution is definitely affecting the river. However, if the word “air pollutants” is added, the Assembly may wonder why the CRFC is dealing with air pollution when talking about the Chena River. **Rainey** commented that in talking about the health of the river she can see where air pollution could be an issue. She feels that it may be problematic for the politicians as they may see this as being “mission creep.” **Hegarty-Lammers** asked if at this point, based on the discussion the commission has had, if the term “air pollutants” could be replaced with “storm water pollutants.” There were no objections to this suggestion. It was suggested and agreed upon that Objective “A” under Policy 5 will read “...on the river as well as those potentially born in storm water runoff and invasive aquatic species, such as Elodea.”

It was suggested that the wording for Objective “B” under Policy 5, should read “...properly disposing yard waste by avoiding the river or riverbank.” There were no objections to this suggestion.

It was also suggested that the wording for Policy 6 read “...improving filtration methods for storm water runoff and educating riverfront property owners about pollution sources.” There were no objections to this suggestion.

The commission also suggested that in “Historical / Cultural Opportunities, Policy 5”, the wording be changed to read “Support the Chena River as a center for native culture and heritage.”

Steve Taylor suggested that in Policy 7, Objective “A” the wording “...the park at the FNSB administrative center...” be changed to “the greenspace at the FNSB administrative center...” This was agreed upon by the CRFC.

Regarding Goal III, Policy 3, Objective B, **Hegarty-Lammers** commented that the Plan Update Committee gave a lot of thought about adding this objective. **Wood** asked if there could be some sort of explanation to give the Assembly a better idea of what “river-city branding” is. **Hernandez** asked what the message is that the CRFC is trying to convey. **Hegarty-Lammers** added that there has been quite a bit of discussion about the possibility of artwork that can be placed in the center of the proposed roundabout on Airport Way near Pikes. **Plager** stated that she feels the policy is clear about inspiring a riverfront promotions campaign and that perhaps “river-city focus” is better wording than “river-city branding”. After further discussion it was decided to not change the wording.

With regard to Goal IV, Policy 1, Objective “C”, it was stated that the word “ideally” should be inserted prior to “at a minimum...” and “river” should be inserted after (5). This was agreed upon by all. The question was raised how far is it from Graehl Landing to the bridge at University Avenue. **Fox** and **Taylor** both commented that it is approximately eight river miles and approximately two miles “as the crow flies.”

Wright suggested that this would be a good opportunity to have someone do some research and review and comment at a later meeting the issue of public access points on the river. Fox and Taylor agreed to do so.

Within Goal IV, Policy 2, Objective "E", **Wright** suggested that the word "will" be changed to "might." He further commented that this is an issue that Aurora Energy struggles with all the time. After further discussion, it was decided that the statement shall read "Support beneficial projects that utilize waste heat from the Aurora power plant". There were no objections.

Within Goal IV, Policy 3, Objective "C" it was suggested that "...those that" be changed to "events" and that the word "roadway" be added after "pedestrian-only and that "...for certain events" be deleted. This was agreed upon by all.

Within Goal IV, Policy 5, Wright questioned what the purpose of this particular policy was. **Hernandez** clarified that the Borough has a Comprehensive Road plan and generally speaking they are not within the City of Fairbanks. He feels that this was put in to recognize that there are policies that the borough has regarding new roads that may intersect with the river. He further stated that he would not have a problem if this policy was deleted from the plan. There were no objections from the commission. This policy will be deleted.

Hegarty-Lammers stated that there is no verbiage under "Intent" and that the commission needs to write text that will explain the intent the plan with regards to stewardship. She further stated that she feels that the plan would really benefit from the Planning department taking a look at Goal 5 and the three policies that are within this goal. **Hernandez** added that the Planning department has no problem with this request and that the department is getting new flood plain maps for the community.

Hegarty-Lammers proposed that the commission stop at this point on the Plan Update Report and postpone the rest of the discussion until the next meeting. During this time she suggested that the commission think about two things. One is what is a reasonable width that the corridor should be that the plan addresses. The other item that the commission should think is what is a reasonable distance for access points along the river. Sue Rainey also handed out some research that she did regarding what other riverfront commissions are doing in their respective areas around the country. Hegarty-Lammers also requested the Planning department to look at the stewardship section of the plan and propose verbiage for the "Intent" section. **Hernandez** answered that they will do this. **Hernandez** also suggested that Hegarty-Lammers contact Deb Hickok to discuss "river-city branding campaign". Hegarty-Lammers stated that she will call Hickok.

B. Airport Way West Project Comments

McLean relayed a message from Kellen Spillman, FNSB Transportation planner and suggested that Plager contact Spillman prior to sending the proposed letter of support to DOT. **Plager** agreed to contact Spillman. **Rainey** added that she can understand Spillmans' concern and suggested that it might be better to have the letter be an initial letter that more goes to how much the commission would like to work with DOT. **Plager** stated that she thought that was a good idea. **Hegarty-Lammers** commented that she hopes the specific requests within the letter do not get deleted. **Plager** further commented that she would like to talk to Spillman, re-word the document and then forward it to the commissioners for input. This was agreeable to all.

Gardino questioned why a specific design group was singled out in the letter of recommendation. **Hegarty-Lammers** stated that she suggested this particular company because they have extensive experience in roundabouts and do consultations on a free basis.

Hooper added that FHWA has a peer review process for roundabouts which this particular company has won, so there is a process for this to go through for formalities of design. Hooper added that he would like to possibly meet with Plager, Spillman and Heim to discuss this letter.

8. STAFF AND LIASION COMMENTS

Nutter commented that they did get the funding that they had requested from DEC and the Summit Organizing Committee will begin meeting in January. She requested that the commission select someone in February to serve on the committee. **Plager** volunteered and **Hegarty-Lammers** will fill in for her until her return to Fairbanks.

Taylor stated that the Assembly voted to accept two more parcels for the Chena Flats Greenbelt and that deal should be finalized before the end of the year. This makes a total of fourteen parcels. Also, this evening there is a public community meeting for Pierce Park which is off of Geist Road on Jennie M slough. This project will have fairly restricted development clauses in it.

Hernandez applauded the commission on the update to the Chena Riverfront Plan and congratulated them on doing a great job.

9. COMMISSIONERS COMMENTS

10. AGENDA SETTING FOR February 12, 2014 COMMISSION MEETING

- A. Plan Update Report
 - Width of river corridor
 - Distance between access points
 - Community Planning department comments regarding stewardship goal
- B. Airport Way West Project
- C. Project List Review
- D. Timing of Projects Review

11. ADJOURNMENT

A motion was made by Rainey, seconded by Wood to adjourn. There were no objections.

/l