



FAIRBANKS CITY COUNCIL  
AGENDA NO. 2014-01  
**REGULAR MEETING JANUARY 06, 2014**  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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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 October 21, 2013
  - \*b) Regular Meeting Minutes of November 04, 2013
  - \*c) Regular Meeting Minutes of November 25, 2013
  - \*d) Regular Meeting Minutes of December 02, 2013

7. SPECIAL ORDERS

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

10. NEW BUSINESS

- \*a) Resolution No. 4602 – A Resolution to Provide a Local Match Contribution for the FMATS 201 Preventive Maintenance Project. Introduced by Mayor Eberhart.
- \*b) Resolution No. 4603 – A Resolution Allocating the Discretionary Funds from Hotel/Motel Tax in the Amount of Two Hundred Seventy Thousand Dollars (\$270,000.00). Introduced by Council Member Matherly.
- \*c) Resolution No. 4604 – A Resolution Authorizing the City to Accept a Land Use Permit from the Alaska Railroad Corporation to Construct and Maintain a Pedestrian/Bicycle Path on Railroad Property. Introduced by Mayor Eberhart.
- \*d) Resolution No. 4605 – A Resolution Honoring Patrick B. Cole by Dedicating and Renaming City Hall in His Honor. Introduced by Mayor Eberhart.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

- a) Committee Reports

12. COMMUNICATIONS TO COUNCIL

- \*a) Board of Plumber Examiners Meeting Minutes of December 3, 2013
- \*b) Hotel/Motel Discretionary Fund Committee Minutes of November 22, 2013
- \*c) Hotel/Motel Discretionary Fund Committee Minutes of December 11, 2013
- \*d) Chena Riverfront Commission Meeting Minutes of October 9, 2013
- \*e) Appointment to the Public Safety Commission
- \*f) Re-appointment to the Public Safety Commission

- \*g) Appointment to the Building Code Review & Appeals Commission
- \*h) Appointment to the Permanent Fund Review Board
- \*i) Re-appointment to the Landscape Review & Appeals Board
- j) Joint Hazard Mitigation Plan with FNSB (Draft)

13. COUNCIL MEMBERS' COMMENTS

14. CITY ATTORNEY'S REPORT

15. CITY CLERK'S REPORT

- \*a) Memorandum Regarding Clerical Updates to the Fairbanks General Code

16. EXECUTIVE SESSION – Labor Negotiations: IBEW, PSEA, and FFU

17. ADJOURNMENT



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, OCTOBER 21, 2013  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 7:00 p.m. on the above date, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Jerry Cleworth presiding and with the following Council Members in attendance:

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

Absent: None

Also Present: Warren Cummings, Fire Chief  
Ernie Misewicz, Assistant Fire Chief  
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  
Patrick Cole, Chief of Staff (Telephonic)

### **INVOCATION**

The Invocation was given by City Clerk Janey Hovenden.

### **FLAG SALUTATION**

**Mayor Cleworth** led the Flag Salutation.

**Mayor Cleworth** asked Fire Chief Cummings and North Pole Fire Chief Lane to come forward. Chief Lane presented Chief Cummings with the Chief Officer of the Year Award from the Interior Fire Chief's Association and spoke of Chief Cummings' many accomplishments and contributions to the community.

### **CITIZEN'S COMMENTS**

Lee Despain, 352 Driveway Street, Apt. B, Fairbanks – Mr. Despain stated that he has been involved with the City Council since the early 1970's and that he has served as a union shop

steward and treasurer. He stated that he was a member of the Fairbanks Fire Department's negotiating team at the first labor negotiations with Mr. Wally Droz, former City Manager. He stated that he was a part of those negotiations for about 20 years. He stated that while he has had disagreements with Mayor Cleworth, he cannot say enough good things about what Mayor Cleworth has done for the taxpayers of the City of Fairbanks. He commented that the City is debt-free mostly thanks to him. Mr. Despain remarked that it is very difficult to find debt-free cities in the U.S. and he thanked Mayor Cleworth for his service to the City of Fairbanks.

Sarah Albert, 1216 Stock Road, Fairbanks – On behalf of her and her sister, Ms. Albert publically thanked her father, Mayor Cleworth, for the example he has been to them. She read aloud a personal thank you written by her and her sister and commented on the calm demeanor of Mayor Cleworth whether at work or at home. Ms. Albert recalled that one of Mayor Cleworth's first actions as mayor was to cut his own pay. She stated that she feels very proud and blessed to call him Dad.

Donna Gilbert, 2223 South Cushman Street, Fairbanks – Ms. Gilbert thanked Mayor Cleworth for his service to the City as a Council Member, Mayor and citizen. She commented on Mayor Cleworth's humility and hard work and spoke to the list of goals he had when he became mayor. She asked Mayor Cleworth to repeat the list of goals during his comments and let everyone know how many of them he accomplished in his three-year term. Ms. Gilbert again thanked Mayor Cleworth and stated that the City has never had a better mayor.

Lester Westling, 1582 Taroka Drive, Fairbanks – Mr. Westling stated that he has owned a downtown business for 23 years. He stated that he dropped off some information for the Council earlier in the day and thanked Mayor Cleworth for his service. Mr. Westling stated that he works with a population of the community that is severely mentally ill and commented that recently it has been tough to provide services to them. He stated that much of the housing for the mentally ill in the community is closed and expressed hope that the Council could help. Mr. Westling stated that the number one provider of housing for the mentally ill is the State Department of Corrections. He indicated that housing can be provided at a much lower cost and invited everyone to attend a Community Action Planning Meeting on October 22 at 1:30 P.M. at the Morris Thompson Cultural and Visitor's Center. He stated that the Fairbanks area is on the State of Alaska's radar for housing for the mentally ill.

Walter Jones, 2601 Diggider Lane, Fairbanks – Mr. Jones thanked Mayor Cleworth for all he has done for the City of Fairbanks. He stated that he first met Mayor Cleworth when they played music together. Mr. Jones stated that he has experienced a surplus in his own business as a direct result of the changes that Mayor Cleworth has brought forward. Mr. Jones stated that it will be difficult for anyone to fill Mayor Cleworth's shoes but stated that he believes the citizens have chosen a great man to follow in his steps.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney gave Mayor Cleworth a bag full of hemp food products. He cited a quote that he said was fitting for Mayor Cleworth, "God places the heaviest burden on those who can carry its weight" and stated that Mayor Cleworth has proven that to be true. Mr. Turney stated that he has been observing City mayors since the early 1980's and that Mayor Cleworth is a rare diamond. He thanked the mayor for tolerating him throughout the years, for being a true gentleman and for never libeling other public officials. Mr.

Turney spoke in support of Resolution No. 4590. He congratulated Mayor-Elect Eberhart for his victory in the election and stated that he supports Mr. Eberhart's appointment to the City Council.

Amy Geiger, 4400 Stanford Drive, Fairbanks – Ms. Geiger stated that it has been a pleasure to know Mayor Cleworth and thanked him for his service to the City. She presented the 2013-2014 Fairbanks Convention and Visitor's Bureau (FCVB) Winter Guide and stated that the winter season is growing tremendously. She read aloud a portion of the introduction to the guide and spoke to the incredible activities that attract tourists to Fairbanks during the winter months.

**Mayor Cleworth** thanked Ms. Geiger for her work in preparing for the upcoming Alaska Federation of Natives (AFN) Convention.

Juanita Akins, 379 Division Street, Fairbanks – Ms. Akins stated that she has been a massage therapist in Fairbanks for about 16 years and spoke in support of Ordinance No. 5931. She expressed her appreciation specifically for the section of Code that speaks to the separation between massage therapy and prostitution. Ms. Akins stated that she is the chair of the genetically modified organism (GMO) group in Fairbanks. She stated that GMO products are manufactured by Monsanto, an umbrella company that places genes from pesticides in food products. She stated that even 85 – 90% of soy products are genetically modified. She spoke in support of labeling GMO products and urged the Council to approve Resolution No. 4591. She thanked Mayor Cleworth for his service to the City of Fairbanks.

Victor Buberger, PO Box 58192, Fairbanks – Ms. Buberger thanked Mayor Cleworth for his service and dedication to the City of Fairbanks and to the Fairbanks community. Mr. Buberger stated that there are potholes that need repair on 10th and Noble Street. He commented that the new roundabout near Sam's Club needs better signage to direct traffic. He stated that he is glad to see so many people present at a City Council Meeting. He congratulated Mr. Eberhart on his new position as City Mayor.

Floyd Terry, PO Box 73514, Fairbanks – Mr. Terry expressed his hope that the downtown area can become more organized and commented on the number of businesses that have closed. He shared a photo of the hot air balloons that used to be seen over Fairbanks and stated that the hot air balloon business no longer exists. Mr. Terry spoke to the need for town meetings and to getting back to family values. He stated that he has been working as a promoter to get a roller skating rink in the community.

Judy Anderson, 1509 Southfield Road, Fairbanks – Ms. Anderson spoke in support of Resolution No. 4591 and stated that based on the research she has seen, GMO's may be the downfall of the human species. She asked the Council to support the labeling of foods containing GMO's.

**Mr. Hilling** asked Ms. Anderson to speak to the most compelling research that comes to mind.

Ms. Anderson stated that there are many physicians around the world that are seeing a rise in autism and cancer. She stated that toxins are building up in human bodies and commented that "we are what we eat."

Stacy Pearson, 379 Division Street, Fairbanks – Ms. Pearson stated that there have been two marches against Monsanto with many participants in support of GMO labeling. She stated that there have not been enough studies done on the health effects of GMO's to the human body. She spoke to a French study that was performed on rats where in a very short time the rats developed giant tumors. She stated that in less than three generations, the test rats were unable to reproduce. Ms. Pearson indicated that GMO food products are banned in over 60 countries. She stated that crops containing GMO's cannot be contained as they cross-pollinate and contaminate organic crops. Ms. Pearson stated that she strongly supports Resolution No. 4591. She announced that there is an upcoming summit online at [www.gmosummit.org](http://www.gmosummit.org).

**Mr. Hilling** asked for the source of the French study Ms. Pearson referred to.

Ms. Pearson stated that she does not have the name of the scientist who performed the study, but recommended that Mr. Hilling Google “French study on GMO's.”

Randy Griffin, PO Box 73653, Fairbanks – Mr. Griffin thanked Mayor Cleworth for his exemplary service to the City of Fairbanks and the community. He spoke to the Public Safety Employer-Employee Cooperation Act that was introduced in Washington in 2009. He explained that the Act would have taken collective bargaining powers away from the state and transferred them to the federal government. Mr. Griffin stated that Mayor Cleworth's administration with the expertise of Pat Cole wrote a letter to the Alaska Senate delegation expressing concerns with the Act. He stated that the legislation was narrowly defeated in the Congressional session of 2009 and expressed his gratefulness to the City of Fairbanks for taking a stand on the issue.

Jay Hill, 28 Glacier Avenue, Fairbanks – Mr. Hill gave his best wishes to outgoing Mayor Cleworth and incoming Mayor Eberhart. He stated that many people know GMO's are bad but may not know why. He explained that GMO's are bad because of how the genetic engineering is done. Mr. Hill stated that they use viruses and bacterial plasmids—things that normally make humans very sick—to cut the deoxyribonucleic acid (DNA) and splice in the sections that they are looking for. He suggested that some of the DNA they are using has not been fully identified as to the effects it may cause. He explained that small pieces of proteins called prions can attach to cells in the human body and cause all kinds of harm including mad cow disease and cancer. Mr. Hill stated that genetic engineering has potentially harmful effects and that the GMO industry is spending billions of dollars to fight labeling efforts. He stated that the industry's opposition indicates that they have something to hide. Mr. Hill stated that he believes in labeling so that the public can make informed decisions about the products they buy and expressed his support for Resolution No. 4591.

**Mr. Matherly** asked what a GMO label would say.

Mr. Hill stated that a food label could simply say “not from genetically modified organisms.” He stated that if legislation is passed requiring GMO products to be labeled, the labeling would likely depend on how GMO's are defined in that legislation.

**Mr. Hilling** commented that Mr. Hill's testimony is enough to give anyone pause. He asked Mr. Hill to cite a study that has proven the harmful effects of GMO products.

Mr. Hill stated that he does not have the names of the studies on hand, but offered to send Mr. Hilling links to peer reviewed articles. He commented on the difference between the way young people looked in yearbooks when he was a kid and how they look now.

Tim Staton, 4636 Fairchild Avenue, Fairbanks – Mr. Staton congratulated Mr. Eberhart and welcomed him as the new mayor. He commended Mayor Cleworth for doing such a great job as the City Mayor. Mr. Staton spoke to the need for parking meters in the downtown area stating that it would take the onus off of Golden Heart Parking Services (GHPS) and place it back on the violator. He stated that although he serves on the GHPS board, he is not speaking on their behalf. Mr. Staton commented that the two-hour parking that has been in place since the 1980's does not work in the downtown area. He stated that he works with Public Works Director Mike Schmetzer on the GHPS board and that Mr. Schmetzer has spoken about the City's work in regard to road maintenance and improvements within the City. He commended Mayor Cleworth for the many improvements he has helped bring about in Fairbanks. Mr. Staton stated that the City is probably more fiscally healthy now than it has been in about 30 years. He expressed hope that the prudent methods of the City would continue.

Svetlana Nuss, 875 Babe Court, Fairbanks – Ms. Nuss asked who sponsored Resolution No. 4591.

**Mayor Cleworth** explained that Council Members may not comment or answer questions until later in the meeting under Council Members' Comments.

Ms. Nuss stated that she would like to shake the sponsor's hand and express her deepest gratitude for stepping out on behalf of the citizens in the community. She stated that she did a presentation to children on the effects that GMO's have on humans, animals and the environment. She stated that the percentage of major U.S. crops that are genetically modified is staggering. Ms. Nuss indicated that on average, 60% of people believe that they have never consumed a food containing a GMO. She spoke in support of Resolution No. 4591 and thanked the Council for introducing and considering the legislation.

**Mayor Cleworth** stated that Mr. Gatewood is the sponsor of Resolution No. 4591.

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

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

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

**Mayor Cleworth** pointed out that item 11(a), Appointment to Council Seat F / Oath of Office, should be on the General Agenda instead of the Consent Agenda.

**Mr. Hilling** pulled Resolution No. 4591 from the Consent Agenda.

**Mr. Gatewood** pulled Resolution No. 4590 from the Consent Agenda.



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

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

### **APPROVAL OF PREVIOUS MINUTES**

- a) Regular Meeting Minutes of August 19, 2013.

PASSED and APPROVED on the CONSENT AGENDA.

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

**Mayor Cleworth** stated that the City held a potluck earlier in the evening in one of City Hall's restored classrooms. He stated that it is an honor to have his family present at the meeting. He thanked everyone for coming and for the comments made during public testimony. **Mayor Cleworth** stated that one of the best mayors he remembers was Wayne Nelson who was a bit of an anomaly because he was not a long-time Fairbanks resident before running for mayor. He stated that even though times were tough during his term, Mayor Nelson would always remind everyone of what a joy it was to live in the City of Fairbanks. **Mayor Cleworth** stated that he has tried to use that as his own motto—that no matter how bad things get, we should try to remember all the good reasons why we live in Fairbanks. He thanked the City Council for their support and dedication over the past three years and included former Council Members Emily Bratcher, Chad Roberts and Vivian Stiver. He commented that the Council has worked well as a team and stated that he has always tried to keep the Council informed and have an open door policy. **Mayor Cleworth** spoke to the capital monies the City has received from the state legislature and the \$15 million in state grant dollars. He stated that with the funding the City has procured land next to the fire station to build a fenced-in parking lot, expanded the police department, and acquired a platform truck. He stated that the City has also completed many road construction projects such as Taku, Executive Park, Aurora and Bentley Trust. He commended the engineering department for their hard work. He spoke to the long-awaited reconstruction of South Cushman Street and stated that the project is slated for 2014 and 2015. **Mayor Cleworth** spoke to the importance of and the struggle in obtaining snow dumps in Fairbanks and stated that the City has recently added two snow dumps. He commented that the City has set aside funds to improve Lemeta and Council Subdivisions. **Mayor Cleworth** stated that with the help of City Clerk Hovenden, City Attorney Ewers and Chief of Staff Pat Cole, the administration has done a great deal of clean-up to the City Code. He stated that one of his goals during his term was to eliminate unnecessary Code. **Mayor Cleworth** spoke to the huge loss to the City's Permanent Fund in 2008 and commended the Council for loosening some of the restrictions on investing to help bring it back up. He stated that the City's Permanent Fund set a record high in 2013 of \$110 million. **Mayor Cleworth** stated that the earnings on the Fund help keep the City's mill rate low. He commented that the City has been able to purchase several pieces of equipment over the past few years and that the City now has a capital fund set up to plan ahead for equipment replacement and maintenance. **Mayor Cleworth** expressed his satisfaction that the City is now independent of the AS-400 system for data and processing. He stated that there has been talk of doing so since the Municipal Utility System (MUS) days and that he made it a goal at the beginning of his term. He commended City staff for their help in accomplishing the goal.

**Mayor Cleworth** stated that the City has liquidated several properties such as the Southside Community Center and the Chena Building. He indicated that Old City Hall is currently on the market and that it benefits the City more to sell older properties and get them back on the tax roll than to serve as a landlord. He thanked the Council for helping the Fairbanks Youth Advocates get their new facility started. **Mayor Cleworth** thanked Mike Schmetzer for his hard work on the City's street projects and for dealing with all the complaints that come through for the Public Works Department. He thanked Fire Chief Warren Cummings for serving the City of Fairbanks since 1972 and for his dedication and advice over the years. He thanked Police Chief Zager for his innovation and prudent use of resources within the police department. **Mayor Cleworth** commended Dispatch Manager Stephanie Johnson for her incredible knowledge of dispatch and thanked her for keeping the City on the cutting edge of technology within her department. He recognized City Clerk Janey Hovenden for keeping the City's elected officials out of trouble. He stated that Ms. Hovenden has one of the more difficult jobs in the City in that she has seven bosses: the entire City Council. He stated that part of Ms. Hovenden's job is to keep the City Code up to date and to serve as the City's records manager. **Mayor Cleworth** stated that he spends more time in the Finance Department than in any other City department. He commended Chief Financial Officer Jim Soileau, Controller Carmen Randle and Grants Administrator Margarita Bell for their conservative approach to the City's finances. He spoke to City Attorney Paul Ewers' sound advice and good sense of humor and spoke highly of the City Attorney staff. **Mayor Cleworth** expressed his deepest gratitude to Chief of Staff Pat Cole for his institutional knowledge of the City of Fairbanks and for always performing at a high level of professionalism. **Mayor Cleworth** referred to Human Resources Director Tony Shumate as the glue that keeps everything together and expressed appreciation for his leadership and advice. He thanked Executive Coordinator Amber Courtney for her hard work in the Mayor's Office and for being willing to take on any task she is given. He stated that Ms. Courtney serves on various boards on behalf of the City and indicated that her position has blossomed and evolved throughout his administration. **Mayor Cleworth** thanked his family and those close to him for making the sacrifices and providing the support for him to be Mayor.

### **UNFINISHED BUSINESS**

- a) Ordinance No. 5930 – An Ordinance Ratifying a Labor Agreement Between the City of Fairbanks and the AFL-CIO Crafts Bargaining Unit. Introduced by Mayor Cleworth.  
SECOND READING AND PUBLIC HEARING.

**Mr. Gatewood**, seconded by **Mr. Walley**, moved to ADOPT Ordinance No. 5930.

**Mayor Cleworth** called for Public Testimony.

Lake Williams, 221 Glacier Avenue, Fairbanks – Mr. Williams stated that he is the Business Agent for the International Union of Operating Engineers (IUOE) Local 302 and the President of the AFL/CIO Crafts Council. He indicated that AFL/CIO has already ratified the agreement. He thanked Mayor Cleworth for his honesty and openness and for being a joy to work with. Mr. Williams recognized Mike Schmetzer, Amber Courtney and Pat Cole for their work and service to the City. He stated that although AFL/CIO members sacrificed a little during this negotiation, the bargaining was done fairly and in good faith. Mr. Williams stated that he is proud to represent the members of the AFL/CIO.

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

**Mr. Gatewood**, seconded by **Mr. Eberhart**, moved to SUBSTITUTE Ordinance No. 5930, as Amended, for Ordinance No. 5930.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUBSTITUTE ORDINANCE NO. 5930, AS AMENDED, FOR ORDINANCE NO. 5930 AS FOLLOWS:

YEAS: Gatewood, Walley, Eberhart, Matherly, Staley, Hilling  
NAYS: None  
**Mayor Cleworth** declared the MOTION CARRIED.

**Mayor Cleworth** stated that negotiations with the AFL/CIO do not feel like labor contract negotiations. He stated that the bargaining group understands the future financial situation of the City with things getting tougher the next few years. He stated that the Crafts Council also understood the City's position on having a wage re-opener after one year. **Mayor Cleworth** commented that it was a joy to work with Mr. Williams and the other AFL/CIO negotiators.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5930, AS AMENDED, AS FOLLOWS:

YEAS: Eberhart, Gatewood, Staley, Hilling, Matherly, Walley  
NAYS: None  
**Mayor Cleworth** declared the MOTION CARRIED and Ordinance No. 5930, as Amended, ADOPTED.

- b) Ordinance No. 5931 – An Ordinance to Amend Fairbanks General Code Chapter 14 Businesses, Article VII Massage Practitioner Licenses. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

**Mr. Gatewood**, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5931.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5931 AS FOLLOWS:

YEAS: Matherly, Hilling, Walley, Staley, Gatewood, Eberhart  
NAYS: None  
**Mayor Cleworth** declared the MOTION CARRIED and Ordinance No. 5931 ADOPTED.

- c) Ordinance No. 5932 – An Ordinance to Amend Fairbanks General Code Chapter 14 Businesses, Article IV Private Detective Licenses. Introduced by Mayor Cleworth.  
SECOND READING AND PUBLIC HEARING.

**Mr. Gatewood**, seconded by **Mr. Walley**, moved to ADOPT Ordinance No. 5932.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5932 AS FOLLOWS:

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

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED and Ordinance No. 5932 ADOPTED.

### **2013 MUNICIPAL ELECTION**

- a) Certification of the 2013 Municipal Election Results

Clerk Hovenden asked Council Members to pass around and sign the Official Certification of Election. She read the Certification for the 2013 Municipal Election into the record as follows:

That **John Eberhart**, having received the majority number of votes cast for CITY MAYOR, for a three-year term ending October 2016, is hereby declared elected the Mayor of the City of Fairbanks.

That **Bernard Gatewood**, having received the majority number of votes cast for COUNCIL SEAT C, for a three-year term ending October 2016, is hereby declared elected as a Member of the Fairbanks City Council.

That **Jim Matherly**, having received the majority number of votes cast for COUNCIL SEAT D, for a three-year term ending October 2016, is hereby declared elected as a Member of the Fairbanks City Council.

That **Proposition A**, on the question of holding the regular City elections annually on the first Tuesday of October, passed by a total of 2,651 “YES” votes to 212 “NO” votes.

**Mr. Gatewood**, seconded by **Mr. Hilling**, moved to CERTIFY the 2013 Municipal Election Results.

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

b) Council Members' Comments

**Ms. Staley** stated that her past year serving on the Council has been a great learning experience. She thanked Mayor Cleworth for his guidance, for always being available and for including her in the Tiger Team meetings when the F-16's at Eielson were in jeopardy. She commented that she has had fun serving on the GHPS Board and has enjoyed attending Fairbanks North Star Borough (FNSB) Assembly Meetings. **Ms. Staley** expressed her anticipation in working with Mr. Eberhart as the new Mayor. She commented that the Council works well as a team.

**Mr. Walley** expressed his appreciation to Mayor Cleworth for his historical knowledge of the City of Fairbanks as a fairly new Council Member. He stated that he also enjoys hearing the stories he would tell about his father, Bill Walley. **Mr. Walley** stated that Mayor Cleworth has served the citizens of the City well. He read Mayor Cleworth a poem he revised that was first written by his father.

**Mr. Gatewood** stated that, with no disrespect to incoming Mayor Eberhart, he had hoped Mayor Cleworth would serve another term. He expressed appreciation for Mayor Cleworth's leadership and fiscal responsibility. He stated that although he and Mayor Cleworth have not always agreed, he enjoys listening to what he has to say. **Mr. Gatewood** stated that no matter what, he knows that Mayor Cleworth is always looking out for the best interest of the City of Fairbanks.

**Mr. Matherly** stated that he has known Mayor Cleworth for a long time and stated that it has been great serving on the Council under him. He expressed his appreciation for Mayor Cleworth with a few words: unassuming, fair, approachable, accessible and helpful. He stated that Mayor Cleworth's demeanor reminds him of the old actor, Jimmy Stewart. **Mr. Matherly** stated that he greatly respects Mayor Cleworth and his family and commented that it has been an honor to serve on the Council that Mayor Cleworth helped build. He stated that he also looks forward to serving under incoming Mayor Eberhart. **Mr. Matherly** thanked his own family for the sacrifices they make so that he can serve on the City Council.

**Mr. Hilling** spoke to Mayor Cleworth's honesty and integrity and stated that he always acts on principle. He commended Mayor Cleworth for being led by what he believes is right and not always by what the people want. He mentioned Ms. Gilbert's request for Mayor Cleworth to provide a list of the goals he accomplished during his term and expressed his satisfaction with Mayor Cleworth's endeavors. **Mr. Hilling**, referring to Mayor Cleworth as "Jerry," stated that he went into Jerry's coin shop 10 – 12 years ago to sell some silver coins. He said that Jerry did not count or weigh the bag of coins at the time, but simply handed him the money. **Mr. Hilling** stated that his point is that the interaction was a testament to Mayor Cleworth's integrity. He stated that Mayor Cleworth "walks softly but carries a big stick," meaning that he is not afraid to speak up when necessary.

**Mayor Cleworth** offered his congratulations to Mr. Eberhart, Mr. Matherly and Mr. Gatewood for their success in the election. He thanked them for their willingness to continue to serve the City of Fairbanks. **Mayor Cleworth** commented that according to City Code, the incoming mayor must have a budget to present to the Council by October 31, which is a tall order. He stated that incoming Mayor Eberhart has been working with him over the past few weeks to help prepare the 2014 budget. He asked the Council to be patient with the new mayor.

**Mr. Eberhart** stated that he first met Mayor Cleworth in 1995 when he came to work in the City Attorney's Office. He expressed his admiration for Mayor Cleworth's quiet and reasonable approach and stated that while they have not always agreed on issues, he enjoys the civility and mutual respect in working together. **Mr. Eberhart** stated that he has some huge shoes to fill. He commented that Mayor Cleworth is admired by the public and Council for his historical knowledge of the City of Fairbanks and expressed his appreciation for Mayor Cleworth's knowledge of finance and help in preparing the 2014 budget. **Mr. Eberhart** stated that the City is currently in very good financial shape and commented that the Council should keep a positive outlook on future years.

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

After the recess, **Mayor Cleworth** called the meeting back to order.

c) Oaths of Office

City Clerk Hovenden swore in newly-elected Mayor Eberhart and re-elected Council Members Bernard Gatewood and Jim Matherly.

**Mr. Eberhart** assumed his seat as City Mayor.

d) Incoming Mayor's Comments

**Mayor Eberhart** thanked Mayor Cleworth again for his service to the City of Fairbanks. He commended Vivian Stiver for running against him in the 2013 election. He expressed a special thank you to Rev. and Mrs. Blackburn and the family and Mount Pleasant Baptist Church. **Mayor Eberhart** thanked Fairbanks residents for electing him and stated that he hopes to win the trust and confidence of those that did not support him. He recognized his wife Sylvia and Ms. Shirley Lee who were both in attendance. He thanked Shellie Severa, Captain Kevin Haywood and Ken Mayfield. He thanked others that have supported him: Robert Kinnard, Barbara Sunday and Candise Pulice. He commended City employees for providing excellent services to Fairbanks residents and stated that he would like everyone to continue working as a team in the best interest of the community. **Mayor Eberhart** stated that the slogan of his campaign was "Stronger Together." He indicated that there is much diversity in culture, ideas and beliefs within the community, but stated that teamwork is the key to being stronger together. He stated that he has enjoyed working with each Council Member, whether or not they have always agreed on issues. **Mayor Eberhart** spoke to some of the benefits of living in Fairbanks, such as the small population and plenty of land that is rich in resources. He spoke to the recent issues that the community has overcome such as Eielson, Fort Wainwright, energy and pollution. He stated that the road before him will be challenging juggling two jobs with the 2014 budget deadline approaching and labor negotiations soon to commence. **Mayor Eberhart** stated that his priorities as City Mayor will be to improve public safety and services, reduce energy costs, continue the prudent management of City finances, be fair and equitable to City employees, emphasize greater cultural awareness and respect for diversity by creating a Diversity Council, increase the focus on youth in the community, provide support for the local homeless population, and build an internship/work study program for students at the City of Fairbanks. **Mayor**

**Eberhart** stated that he would like to see the continued support of senior citizens within the community through housing and assisted care. He stated that he has been working on the Fairbanks Transportation Work Group which looks at improving transportation options for senior citizens and individuals with disabilities. **Mayor Eberhart** stated that he would like to see increased cooperation with other local governments which may improve advocacy for Interior Alaska both at state and federal levels. He stated that he feels privileged, honored and humbled to be the Mayor of the City of Fairbanks and extended thanks to everyone. He announced that the Public Safety Commission (PSC) will meet on October 29, 2013 at City Hall and will be reviewing the its recommendations to the Mayor regarding some public safety task reassignments.

## **NEW BUSINESS**

### a) Appointment to Council Seat F / Oath of Office

**Mayor Eberhart** asked Chris Anderson to come forward. He apologized that the Council did not have more time to review Mr. Anderson's resume. **Mayor Eberhart** stated that he first met Mr. Anderson about nine years ago when he began working for the Fairbanks Native Association (FNA) and Mr. Anderson was serving on the Board of Directors. He stated that Mr. Anderson has served on the City Council before. He asked Mr. Anderson to provide a brief summary of his work and community experience.

Chris Anderson, 1606-9 Marika Road, Fairbanks – Mr. Anderson congratulated Mayor Eberhart on winning the 2013 race for mayor. He thanked former Mayor Cleworth for his many years of dedication to the City of Fairbanks. Mr. Anderson stated that he was born in Fairbanks in 1948 and attended Fairbanks schools and the University of Alaska, Fairbanks (UAF). He stated that he served on the City Council from 1979 to 1985 and remarked that he remembers Clerk Hovenden as a new City employee during that time. He indicated that he has background in local government and has been well-known for his management of the World Eskimo-Indian Olympics (WEIO) and his work at Tanana Chiefs Conference (TCC). Mr. Anderson stated that he also had a part in the start of Doyon Limited and is a big proponent for the visitor industry in Fairbanks.

**Mayor Eberhart** stated that it is his pleasure to nominate Mr. Chris Anderson to the City Council.

**Mr. Hilling** expressed concern that he has not had much time to review Mr. Anderson's resume and credentials. He stated that he would have liked more time to talk to others and find out more about Mr. Anderson and indicated that he does not feel comfortable casting his vote on the appointment with such short notice. He suggested that more than one nominee would have provided the Council with greater latitude and autonomy. He deferred discussion to his fellow Council Members. **Mr. Hilling** asked Mr. Anderson to speak to his definition of fair compensation for labor.

Mr. Anderson replied that fair compensation depends on the parity of other wages within the municipality. He spoke to the importance of City employees to the community and stated that he believes the AFL/CIO agreement is a good example of fair compensation. Mr. Anderson

commented that, under Mayor Cleworth's administration, labor negotiations seemed to go very smoothly.

**Mayor Eberhart** stated that he recalls the procedure that Mayor Cleworth used for nominating a new Council Member. He explained that City Code states that the Mayor will nominate and the City Council will confirm the appointment of a new member to the Council. He stated that he felt it necessary to present the appointment as quickly as possible with the upcoming labor negotiations and 2014 budget. **Mayor Eberhart** apologized for the short notice.

**Mr. Gatewood** stated that he understands and respects Mr. Hilling's position on the appointment but commented that he knows Mr. Anderson and will support the appointment. He explained that he met Mr. Anderson in 2001 when he began working with youth in the Fairbanks area. **Mr. Gatewood** stated that if appointed, Mr. Anderson would likely bring a diverse dynamic to the City Council.

**Mr. Matherly** stated that although he has lived in Fairbanks his whole life, he has never had the opportunity to meet Mr. Anderson. He acknowledged Mr. Hilling's concerns with the short-notice. He asked Mr. Anderson if he initially approached Mayor Eberhart about the appointment or if Mayor Eberhart approached him.

Mr. Anderson stated that he received a voicemail from Mayor Eberhart several days ago and was just able to speak with him on the phone a day or two ago.

**Mr. Matherly** asked Mr. Anderson what his priorities for the City of Fairbanks would be.

Mr. Anderson stated that right before he first served on the City Council, former Mayor Ruth Burnett and some of the other cities in the Alaska Municipal League (AML) made a deal with the state legislature that if the state would give the cities more revenue sharing, the cities would cut sales tax. Mr. Anderson stated that at the time, the City of Fairbanks was doing well financially but was still cautious about expenditures. He stated that in the short-term, his priority will be the City Budget and his long-term priority will be sustainability, even if state revenues decline. He spoke to the importance of the City to work together with the community and unions.

**Mr. Matherly** spoke to the importance of being fiscally prudent and fair and stated that just because there is money in the bank, the City does not have to spend it.

Mr. Anderson stated that he believes that it would be fiscally prudent for the City not to touch permanent funds.

**Mr. Walley** thanked Mr. Anderson for coming forward. He commented that he is impressed with Mr. Anderson's resume and stated that he must have served the City along with his father, Bill Walley. He asked Mr. Anderson to give an example of a time serving on the Council when he may have accomplished a difficult task or helped solved a problem for the City.

Mr. Anderson stated that former Mayor Bill Walley appointed him to Chair the Blue Ribbon Committee on Alcoholism for the City of Fairbanks. He explained that the Committee was made



up of members of the public from fields of law, medicine and public safety. Mr. Anderson indicated that the Committee decided to clean up 2nd Avenue to help improve the alcohol problem in Fairbanks. He stated that the problem still exists and suggested that it is something that the City needs to look at through the support of agencies that deal with the problem directly.

**Mr. Walley** asked Mr. Anderson if he supports the tax cap.

Mr. Anderson replied that he does support the tax cap and commented that it is a good tool.

**Mayor Eberhart** called for a vote on the appointment of Mr. Chris Anderson to Seat F on the City Council.

A ROLL CALL VOTE WAS TAKEN TO APPROVE THE APPOINTMENT OF MR. CHRIS ANDERSON TO SEAT F ON THE CITY COUNCIL AS FOLLOWS:

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

City Clerk Hovenden swore in newly-appointed Council Member Chris Anderson.

- b) Resolution No. 4589 – A Resolution Re-designating Check Signing Authority for Banking and Investment Accounts of the City of Fairbanks, Alaska. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4590 – A Resolution Authorizing the City of Fairbanks to Accept Funds from the Alaska Division of Homeland Security and Emergency Management Under the FFY2013 Homeland Security Grant Program. Introduced by Mayor Eberhart.

**Mr. Matherly**, seconded by **Mr. Gatewood**, moved to APPROVE Resolution No. 4590.

**Mr. Gatewood** questioned the estimated support and maintenance costs of \$2,500 on the Fiscal Note for Resolution No. 4590. He stated that the costs seem too low for a \$431,749.00 grant. He asked how the City plans to use the grant money without spending more than \$2,500 in maintenance.

Fire Chief Cummings pointed out that much of the funding will go towards equipment, some of which will replace existing equipment at the Fire Department. He indicated that he is unsure what the maintenance costs will be for the network Wi-Fi system. He stated that for that reason, there will not be a large increase to support and maintenance costs.

**Mr. Gatewood** expressed confusion with how the \$2,500 was calculated if the Wi-Fi system maintenance costs are unknown.

Chief Cummings stated that he based his estimate on the replacement of the existing Wi-Fi system and that IT Director Ryan Rickels could better speak to any potential increase to

maintenance costs. He stated that the \$2,500 on the Fiscal Note covers support and maintenance costs for Fire Department equipment.

**Mr. Gatewood** asked if there is extra money associated with the Alaska Shield Exercise other than the 152,222.00 referenced in Resolution No. 4590.

Chief Cummings stated the Alaska Shield Exercise is a statewide earthquake drill being held in March, 2014 on the 50th anniversary of the earthquake in Anchorage. He stated that \$30,000 will go to the hospital for their costs to participate in the exercise. He stated that they will cover all three Fire Department shifts in the exercise. Chief Cummings indicated that the State of Alaska put a lot of effort into the Alaska Shield Exercise and stated that he is surprised that the City was granted full funding for it.

**Mr. Anderson** asked if the funding in Resolution No. 4590 would be used statewide for the exercise.

Chief Cummings replied that the funding would only be used for the Fairbanks area.

**Mr. Hilling** spoke against accepting federal money and spoke to the enormous national deficit. He stated that he cannot support Resolution No. 4590 on the principal that the City of Fairbanks is a city with means.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4590 AS FOLLOWS:

YEAS: Anderson, Walley, Staley, Matherly

NAYS: Hilling, Gatewood

**Mayor Eberhart** declared the MOTION CARRIED and Resolution No. 4590 APPROVED.

- d) Resolution No. 4591 – A Resolution Supporting Labeling Requirements for all Food Products Containing Genetically Modified Organism Content. Introduced by Council Member Gatewood.

**Ms. Staley**, seconded by **Mr. Anderson**, moved to APPROVE Resolution No. 4591.

**Mr. Gatewood** stated that there has been a swell of support for the labeling of GMO's. He stated that the Council has repeatedly heard Mr. Frank Turney testify in support of GMO labeling. He stated that he is Mr. Turney's Facebook friend and has observed the online "chatter" about the issue. **Mr. Gatewood** commented that many people seem to be unhappy with the way many foods are currently labeled. He stated that he is introducing Resolution No. 4591 because he is listening to his constituents. He pointed out the fourth "whereas" of the resolution and stated that it is about transparency and allowing consumers to make informed choices about what they purchase and consume. **Mr. Gatewood** stated that the resolution is not an attack Monsanto but is simply taking a stand against any foods being sold without sufficient labeling.

**Mr. Hilling** stated that his philosophy on GMO's is opposite to that of Mr. Gatewood's. He commented that he has not been convinced that GMO products are harmful and spoke against too much government control. He expressed his belief that government should only interfere with people's lives for the purpose of keeping order. He questioned the statistic Ms. Nuss provided during Public Testimony. He stated that if the health of the general population was declining rapidly, he could believe that the statistic that 90% of popular foods contain harmful GMO's. **Mr. Hilling** stated that the government has no business in trying to protect individuals from themselves. He stated that if someone misrepresents the contents foods by mislabeling products, they should be held accountable through the court. He spoke to the Food and Drug Administration's (FDA) involvement in the general labeling of foods. **Mr. Hilling** stated that from a practical point of view, it would make more sense to label products that do not contain GMO's. He commented that if GMO products are proven to be harmful, they will be banned from being sold. He compared the GMO issue to the consideration to remove fluoride from City water a few years ago. **Mr. Hilling** stated that he will vote against Resolution No. 4591.

**Mr. Matherly** stated that most people in the U.S. do not grow their own food but depend solely on what they purchase at the supermarket. He commented that five of his six children have allergies and that he and his wife depend on labeling every day. He stated that people should be able to see exactly what is in a product before purchasing and consuming it. **Mr. Matherly** stated that he respects Mr. Hilling's opinion but believes it is a consumer's right to be informed.

**Mr. Walley** echoed Mr. Matherly's comments on labeling. He stated that he chooses what to eat based on the label of contents. He stated that he will support Resolution No. 4591.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4591 AS FOLLOWS:

YEAS: Anderson, Gatewood, Staley, Matherly, Walley

NAYS: Hilling

**Mayor Eberhart** declared the MOTION CARRIED and Resolution No. 4591 APPROVED.

- e) Resolution No. 4592 – A Resolution Amending the City Schedule of Fees and Charges for Services, Adjusting Costs to Conduct Criminal History Checks for Massage Practitioner and Private Detective Applicants and Eliminate Fees for Security Guards. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

## **DISCUSSION ITEMS**

- a) Committee Reports

FMATS Policy Committee – **Mr. Walley** stated that the Committee met on October 16 and approved the Public Participation Plan as presented by the FMATS Technical Committee. He stated that the Policy Committee also approved meeting dates for 2014 and received an update on the historic plaque and artwork for the Illinois Street Bridge. **Mr. Walley** shared that the

Committee approved an operating agreement and passed a motion directing the Technical Committee find a consultant to simplify and consolidate the agreements and bylaws of FMATS.

- b) Committee Appointments and Council Member Appointment to the Public Safety Commission

**Mayor Eberhart** asked Council Members if they are content in remaining on the board or commission they are currently seated on.

**Ms. Staley** stated that she enjoys serving on the GHPS Board and is looking forward to possibly serving on the Public Safety Commission (PSC). She commented that it is difficult for her to attend the Borough Assembly Meetings as the City Representative and asked if the Council would be willing to share a rotating schedule.

**Mr. Matherly** stated that he would like to see City of North Pole and FNSB representatives attend Fairbanks City Council Meetings. He indicated that he would be willing to attend FNSB Assembly meetings on a rotating schedule.

**Mayor Eberhart** stated that he did not realize that Council Members were not on a rotating schedule to attend Borough Assembly meetings. He stated that he plans to attend the next Borough meeting to introduce himself and to congratulate new Assembly Members. He asked Clerk Hovenden to create a rotating schedule for Council Members.

**Mr. Hilling** stated that he teaches on Thursday nights and cannot attend the Assembly Meetings unless he can attend during Christmas vacation.

**Mayor Eberhart** referenced the appointment memo in the Council Agenda Packet and stated that he has nominated Ms. Staley for the non-voting Council Member seat on the PSC.

**Mr. Anderson**, seconded by **Mr. Matherly**, moved to APPROVE the Appointment of Council Member Staley to the Public Safety Commission.

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

### **COMMUNICATIONS TO COUNCIL**

- a) Appointment to the Hotel/Motel Bed Tax Discretionary Fund Committee

APPROVED on the CONSENT AGENDA

- b) Re-appointment to the FNSB Commission on Historic Preservation

APPROVED on the CONSENT AGENDA

## COUNCIL MEMBERS' COMMENTS

**Ms. Staley** expressed her excitement for the expansion of the Fairbanks Police Station. She stated that when she and Mr. Walley were first elected they went on a full tour of the City of Fairbanks' facilities. She commented that she is also excited about the formation of a Diversity Council and stated that it will bring in different perspectives from the community.

**Mr. Walley** thanked everyone who came to the meeting to honor Mayor Cleworth. He welcomed new Council Member Chris Anderson and congratulated Mayor Eberhart.

**Mr. Gatewood** reiterated his thanks to Mayor Cleworth for all the work that he did for the City of Fairbanks. He commented on the large congregation and stated that it was nice to see a full Council Chambers. He stated that it is nice to have new Member Chris Anderson on board and expressed his belief that Mr. Anderson will contribute a great deal to the Council. **Mr. Gatewood** stated that he respects Mr. Hilling's opposition to accepting federal grant dollars but commented that the money will be given away no matter what and the City of Fairbanks may as well be the grantee. He stated that he does not feel as though folks are taking the fiscal notes attached to ordinances and resolutions very seriously. **Mr. Gatewood** indicated that there was some information lacking in the note attached to Resolution No. 4590.

**Mr. Matherly** welcomed new Mayor Eberhart and stated that it is nice to meet Mr. Anderson. He spoke to the diversity of ideas and opinions on the City Council and to the respect that Council Members give each other. He stated that like Mayor Cleworth, he too had a great deal of respect for former Mayor Wayne Nelson. **Mr. Matherly** commented that it is a great honor to be a member of the City Council and to be involved in serving the community.

**Mr. Hilling** welcomed new Mayor Eberhart and new Council Member Chris Anderson. He stated that after hearing the comments from Mr. Anderson and other Council Members, Mr. Anderson has won him over. He expressed appreciation for Mr. Gatewood's comments regarding the accuracy of fiscal notes for ordinances and resolutions.

**Mr. Anderson** thanked fellow Council Members for their confidence and support and stated that he is looking forward to working with everyone. He congratulated both outgoing Mayor Cleworth and incoming Mayor Eberhart.

## EXECUTIVE SESSION

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

- a) Labor Contract Negotiations – International Brotherhood of Electrical Workers (IBEW) and Public Safety Employees Association (PSEA)

**Mr. Gatewood** stated that the City Council met in Executive Session to discuss labor negotiations for IBEW and PSEA. He stated that direction was given to staff and no action was taken.

**ADJOURNMENT**

**Mr. Matherly**, 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 11:15 P.M.

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JOHN EBERHART, MAYOR

ATTEST:

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JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, NOVEMBER 4, 2013  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 7:00 p.m. on the above date, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor 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 (Telephonic)  
Chris Anderson, Seat F

Absent: None

Also Present: Pat Cole, Chief of Staff (Telephonic)  
Ernie Misewicz, Assistant Fire Chief  
Paul Ewers, City Attorney  
Janey Hovenden, City Clerk  
Stephanie Johnson, Dispatch Center Manager  
Tony C. Shumate, Director Personnel/Purchasing/RM  
Laren Zager, Police Chief  
Amber Courtney, Executive Coordinator/PIO  
Eric Jewkes, FPD Administrative Lieutenant

### **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 thanked Mr. Anderson for his input last meeting on the resolution regarding the Fire Department grant. He commented that the anniversary of the death of Johnny Wallace is soon approaching and stated that the City should have heard from the medical examiner's office by now. Mr. Turney stated that the only City employees required to undergo drug testing are those with a commercial driver's license (CDL). He commented that City employees who operate emergency vehicles should also be subject to drug testing although the Public Safety Employees Association (PSEA) labor contract prohibits it. Mr. Turney spoke to the need for polygraph testing for City police officers and stated that the City of Ketchikan has a good policy on polygraph testing for employees. He inquired as to the

name of the police officer that performs polygraph testing and stated that there should be other qualified individuals outside of the police department who could do the testing.

Victor Buberge, PO Box 58192, Fairbanks – Mr. Buberge agreed with Mr. Turney’s comments on polygraph and drug testing for City police officers and stated that he has been with some of the law enforcement officers while they were using drugs. He spoke to the new roundabout near Sam’s Club indicating that it is confusing and needs more signage to direct drivers. Mr. Buberge inquired as to who designed the roundabout and suggested that Council Members test it out for themselves. He commented that the Council could also consider the issue of public restrooms in the downtown core area.

Floyd Terry, PO Box 73514, Fairbanks – Mr. Terry stated that it is a shame there are not more public restrooms available in the downtown area. He stated that in the summer there is a long line to use the facilities in the Co-op Plaza. He commented that most of the bars have closed downtown leaving the area nearly void of public restrooms. He stated that he would not like to see cheap-looking porta potty’s placed downtown. Mr. Terry spoke to the lack of parking in downtown Fairbanks and commented that the core area is dead. He suggested that there should be a general merchandise store downtown.

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.

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

City Clerk Hovenden read the Consent Agenda into the record.

#### **APPROVAL OF PREVIOUS MINUTES**

a) Regular Meeting Minutes of September 9, 2013.

PASSED and APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of September 23, 2013.

PASSED and APPROVED on the CONSENT AGENDA.

#### **SPECIAL ORDERS**

a) The Fairbanks City Council, Sitting as a Committee of the Whole, Heard Interested Citizens Concerned with the Following Application for a New Liquor License and Restaurant Designation Permit.



Type: Restaurant/Eating Place  
DBA: Aha Oriental Kitchen, License #5262  
Licensee/Applicant: Moonstone, LLC  
Location: 996 Blair Road, Fairbanks, AK

**Mayor Eberhart** called for Public Testimony.

Moon Stone, 909 D Street, Fairbanks – Ms. Stone stated that she is the owner of the Aha Oriental Kitchen. She stated that she is trying to create local jobs and would like to serve beer and wine at her restaurant.

**Mr. Gatewood** asked where the restaurant is located.

Ms. Stone replied that the restaurant is located at the corner of Trainor Gate Road and the Steese Highway.

Clint Stone, 909 D Street, Fairbanks – Mr. Stone explained that the new restaurant is a bright orange building with a red roof. He stated that the restaurant will seat about 50 people and eventually they will have outdoor patio seating. He stated that owning a restaurant has been a dream of theirs for many years and that they have finally saved enough money to make it happen. He commented that the restaurant would create more local jobs.

Victor Buberger – Mr. Buberger stated that he cannot place where the new restaurant is physically located but indicated that he will try it out. He stated that he hopes the Council will grant the new liquor license.

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

**Mayor Eberhart** pointed out that the Building and Fire Departments have recommended protesting the license until a Certificate of Occupancy (CO) is issued.

**Mr. Gatewood**, seconded by **Mr. Anderson**, moved to PROTEST the Application for a New Liquor License and Restaurant Designation Permit until a Certificate of Occupancy is issued.

**Mr. Matherly** asked how long it would be until a CO is issued.

Building Official Clem Clooten stated that the CO should be issued later in the week. He explained that the owner must request a final inspection from the City and if there are any deficiencies found, the owner must correct them before a CO may be issued. He stated that the owner has the option to request a temporary CO from the City if the deficiencies are minor.

**Mayor Eberhart** asked Mr. Clooten if the protest could be administratively lifted once the CO is issued.

Mr. Clooten deferred the question to City Clerk Hovenden.

Ms. Hovenden stated that the protest can be lifted administratively, but that the motion should contain such language.

**Mr. Gatewood**, seconded by **Mr. Anderson**, moved to AMEND the motion to protest by adding that the City may administratively LIFT PROTEST if all requirements of the Building Department are met.

**Mr. Hilling** asked for clarification on lifting protest if only a temporary CO was issued.

Mr. Clooten stated that a temporary CO would require the owners to correct the minor deficiencies within a 2 – 3 week correction period.

**Mr. Matherly** suggested that the motion be amended to include lifting protest even if a temporary CO is issued.

Ms. Hovenden stated that the motion states that the protest may be lifted if all requirements of the Building Department are met.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE MOTION TO PROTEST BY ADDING THAT THE CITY MAY ADMINISTRATIVELY LIFT PROTEST IF ALL REQUIREMENTS OF THE BUILDING DEPARTMENT ARE MET AS FOLLOWS:

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

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE APPLICATION FOR A NEW LIQUOR LICENSE AND RESTAURANT DESIGNATION PERMIT UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED, AT WHICH TIME THE CITY MAY ADMINISTRATIVELY LIFT PROTEST IF ALL REQUIREMENTS OF THE BUILDING DEPARTMENT ARE MET, AS FOLLOWS:

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

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED.

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

**Mayor Eberhart** stated that the first few weeks of his administration have been busy and exciting. He stated that he had the honor of addressing the Alaska Federation of Natives (AFN) Convention and commented that the AFN visitors seem to have found Fairbanks very hospitable. He stated that AFN has decided not to hold the convention in Fairbanks again until 2016, but expressed hope that they would reconsider. **Mayor Eberhart** stated that he attended the Borough Assembly Meeting on October 24. He reminded the Council of the email sent by Tanya in the Clerk's Office regarding a rotating schedule for Council Members' attendance at the Borough meetings. He commented that Interior Distance Education of Alaska (IDEA) recently visited City Hall on a field trip with about 30 students and thanked the group for

coming. **Mayor Eberhart** stated that he was able to attend the Fairbanks Convention and Visitor's Bureau (FCVB) dinner for the AFN delegates and indicated that there were a lot of positive comments made about the hospitality of Fairbanks. He stated that Fairbanks Economic Development Corporation (FEDC) held an "Energy for All Alaskans" meeting on October 29. He explained that the meeting was a part of a series of meetings that are held every Tuesday morning at 8 A.M. He stated that Jim Whitaker and Joe Paskvan spoke at the meeting addressing SB 21, the Oil Tax Reform Bill. **Mayor Eberhart** stated that on October 29 he also attended the Public Safety Commission meeting and signed the collective bargaining agreement (CBA) with the AFL/CIO Crafts Council. He thanked both management and labor for all their hard work in reaching an agreement. He shared that Consul Jeon of the Republic of Korea recently paid a visit to the Mayor's Office. He stated that he is interested in further meetings with Mr. Jeon to develop a better relationship and to possibly increase tourism to Fairbanks. **Mayor Eberhart** stated that he met with the City's lobbyists on November 1 and discussed the City's capital and legislative requests. He stated that he also met with Steve Titus from the Alaska Department of Transportation and Public Facilities (DOT/PF) to learn more about Fairbanks Metropolitan Area Transportation System (FMATS). **Mayor Eberhart** stated earlier in the day he attended the Greater Fairbanks Chamber of Commerce Board Meeting as the City Mayor, an ex-officio member. He stated that the Mayor's recommended budget for 2014 came out in a timely manner on November 1 and thanked the City's Finance Department for all their help in preparing it. He stated that the Finance Committee will continue to meet throughout the week at 7 A.M. to discuss the proposed 2014 budget. **Mayor Eberhart** shared that City department heads should have their legislative requests sent to the Mayor's Office by November 6. In reference to Mr. Turney's inquiry regarding the cause of death of Johnny Wallace, **Mayor Eberhart** stated that the police department is unable to disclose information due to the ongoing investigation. He announced that President Obama has proclaimed November as National Native American Heritage month to acknowledge the history of and relationship between federally-recognized Indian tribes and the U.S. government. He stated that Alaska is the home to over 230 of those tribes, about one-third of the total amount of federally-recognized tribes in the country. **Mayor Eberhart** referenced the transmittal letter attached to the 2014 Mayor's budget and spoke briefly to the staffing additions he is proposing for the Fire, Police, Dispatch, Public Works and Information Technology (IT) Departments. **Mayor Eberhart** spoke to his goal to be transparent and provide equal opportunity for all Fairbanks citizens to serve on City Boards and Committees. He indicated that some seats have special requirements but stated that all vacancies will be advertised in the newspaper and on the City's website. He reminded members of the public that the upcoming labor negotiations are open to the public.

## **DISCUSSION ITEMS**

### a) Committee Reports

Permanent Fund Review Board – **Mr. Gatewood** stated that the Board met on October 23. He stated that he is one of the few individuals on the Board who does not have a background in finances and indicated that his main concern is with the Fund's bottom line. He shared that at the end of June 2013 the Fund balance was \$109 million and grew to \$114 million by the end of September 2013. **Mr. Gatewood** stated that as of October 21 the balance was \$116.5 million. He commented that it is good to have Mr. Jeff Johnson back on the Board and stated that Mr. Ron Woolf is doing a great job as Chair.

Public Safety Commission (PSC) – **Ms. Staley** stated that she attended her first meeting as a member of the PSC on October 29 and commented that the City needs to give some focus to the incapacitated person (incap) problem in the downtown area. She expressed her belief that the proposed addition of administrative personnel in the police department will allow officers to spend more time in the field. **Ms. Staley** spoke to the Dispatch Department’s capital request for mobile radios and equipment and Dispatch Manager Stephanie Johnson’s long-term strategy for working with the military. She stated that the PSC will hold a special meeting on December 10 and indicated that she is learning a lot as a new member of the Commission.

## COMMUNICATIONS TO COUNCIL

a) Permanent Fund Review Board Meeting Minutes of July 17, 2013.

ACCEPTED on the CONSENT AGENDA.

## COUNCIL MEMBERS’ COMMENTS

**Ms. Staley** stated that she can attend the next Borough Assembly meeting if no one else is able to attend on the City’s behalf. She stated that she is excited to attend the Finance Committee meetings to review the 2014 budget.

**Mayor Eberhart** asked for volunteers to attend the Borough Assembly meeting. Hearing no responses, **Mayor Eberhart** stated that Ms. Staley will attend the meeting but reminded Council Members to respond to Tanya’s email to get their names on the rotating schedule.

**Mr. Walley** stated that he emailed Tanya earlier in the day. In reference to Mr. Buberger’s comments on the new roundabout, **Mr. Walley** stated that he has only driven through it once and indicated that he was also a bit lost. He suggested that additional signage be placed near the roundabout to better steer traffic.

**Mr. Gatewood** stated that he has also driven through the roundabout and agreed with Mr. Walley and Mr. Buberger that it is somewhat confusing. He spoke to Mr. Turney’s comments regarding polygraph testing and commented that if the testing is only being performed by a Fairbanks police officer the issue should be explored. **Mr. Gatewood** stated that he will respond to the email regarding the rotating schedule for Assembly Meetings.

**Mr. Matherly** congratulated Mayor Eberhart on his first full City Council Meeting as Mayor. He apologized for having missed the Finance Committee budget meeting and stated that he simply forgot. He stated that he will attend the rest of the meetings throughout the week.

**Mr. Matherly** stated that he was relieved to see the demolition of the Klondike Inn near the Washington Plaza. He spoke to the abundance of negative feedback the Council receives about downtown Fairbanks, but shared with the Council a recent phone call he received from a friend who had nothing but good things to say about their recent experience in the downtown area.

**Mr. Matherly** indicated that it was nice to hear something positive. He stated that he will be happy to sign up on the rotating schedule for Assembly meetings. He reminded drivers to slow down and drive carefully on the icy roads.

**Mr. Hilling** stated that he had no comments.

**Mr. Anderson** stated that he was also confused by the new roundabout near Sam's Club but figured it out after driving through it a few times. He agreed that additional signage may be necessary. **Mr. Anderson** stated that he will also be happy to participate in the rotating list for Assembly Meetings. He commented that he is having difficulty with his City email and that he was unaware that the first budget meeting had been held earlier in the morning. He apologized for missing the meeting and stated that he should be able to attend the rest of the meetings. **Mr. Anderson** stated that the meetings are a great learning opportunity and commented that he is looking forward to attending the rest of the week.

### **CITY CLERK'S REPORT**

City Clerk Hovenden advised that she has distributed a draft of the updated Council contact information to each member. She requested that members return the sheet to her with any updates that need to be made.

**Mr. Anderson**, seconded by **Mr. Matherly**, moved to go into Executive Session for the purpose of discussing International Brotherhood of Electrical Workers (IBEW) and Public Safety Employees Association (PSEA) Labor Contract Negotiations.

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

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

### **EXECUTIVE SESSION**

a) Labor Contract Negotiations – IBEW and PSEA

**Mr. Gatewood** stated that the City Council met in Executive Session to discuss IBEW and PSEA labor contract negotiations. He stated that direction was given to staff and no action was taken.

### **ADJOURNMENT**

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

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

**Mayor Eberhart** declared the Meeting adjourned at 8:45 P.M.

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JOHN EBERHART, MAYOR

ATTEST:

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JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, NOVEMBER 25, 2013  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 7:00 p.m. on the above date, following a 5:30 P.M. Work Session with the Fairbanks Economic Development Corporation (FEDC) and a 6:10 P.M. Work Session with the Fairbanks Convention & Visitor's Bureau (FCVB), 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: Warren Cummings, Fire Chief  
Ernie Misewicz, Assistant Fire Chief  
Dave Burglin, Deputy City Attorney  
Janey Hovenden, City Clerk  
Stephanie Johnson, Dispatch Center Manager  
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.

**Mayor Eberhart** asked Mr. Greg Bizub with BMS Solutions to come forward to present an award.

Genaro Negrete, Director of Operations for BMS Solutions – Mr. Negrete stated that Mr. Bizub could not be present but gave the Council his regards. He thanked Mayor Eberhart and the City Council, Susan Hendricks and Fire Chief Douglas Schrage with the University of Alaska, Fairbanks (UAF), the American Heart Association and the Lewis family. He stated that BMS Solutions provides citizens the opportunity to take action and save lives through training. Mr. Negrete stated that the actions of two citizens last April saved the life of a local student. He asked Ms. Sarah Maffe and Ms. Carey Werlein to come forward to receive the American Heart

Association's Heart Saver Hero Award. Ms. Werlein was not able to be present to receive the award.

Sarah Maffe – Ms. Maffe stated that she has been a lifeguard for about a month and walked in just after the student collapsed. She stated that she was glad she was there and was able to help.

J.R. Lewis – Mr. Lewis introduced his son Robbie, whose heart stopped at a high school jazz festival. He stated that he was not present when the incident occurred but stated that his son survived because of the quick response from Ms. Maffe and Ms. Werlein. He stated that because of the near tragedy he has become an advocate for CPR training. He recommended that every first responder have an automatic defibrillator packet in their vehicle at all times. He thanked the City Council for the opportunity to share his son's story.

Robbie Lewis – Mr. Lewis stated that he does not remember anything from the incident but expressed his deepest gratitude to the individuals who saved his life. He stated that there is nothing scarier than getting that close to death.

### **CITIZEN'S COMMENTS**

**Mayor Eberhart** addressed the Council and members of the public and stated that a hand-carried resolution in honor of Patrick Cole will be added to the agenda. He stated that he will allow Public Testimony for the resolution under New Business.

Terrence Cole, 321 Hawk Road, Fairbanks – Mr. Cole stated that he is one of Patrick Cole's brothers. He stated that he and his family is very touched that the Council introduced the resolution in honor of Patrick. He commented that he asked Patrick a number of times why he still worked for the City of Fairbanks and Patrick's response was always that he loved working for the City. Mr. Cole stated that after the 40 years his brother spent in local government he believes Patrick really enjoyed the camaraderie at the City of Fairbanks. He stated that part of Patrick's job was to participate in labor negotiations and he commented that his brother always remained calm and professional. Mr. Cole spoke to the significant role Patrick took in getting City Hall moved to its current location at Old Main School. He stated that in all the years since Fairbanks has been incorporated, there have been very few people in the political world that have been able to get along with people as well as Patrick could. He spoke in great admiration of his big brother and expressed hope that the Council would memorialize Patrick's name in some way.

Dermot Cole, 827 Gold Mine Trail, Fairbanks – Mr. Cole thanked the current and past mayors and members of the City Council on behalf of the Cole family for allowing Patrick to do what he loved to do by serving the City of Fairbanks for so many years.

James Eddy, 314 Iditarod Street, Fairbanks – Mr. Eddy stated that he has been in the construction business for 42 years. He stated that when contractors do not perform on a job they lose the contract. He stated that Fairbanks Natural Gas (FNG) has not performed well. He explained that FNG ran a six-inch gas line down Trainor Gate Road to Tanana Middle School and Fort Wainwright, but not to residential neighborhoods. Mr. Eddy indicated that he would have his home ready for natural gas next year and suggested that a contract be given to the Interior Gas Utility (IGU). He stated that gas trucking is not a permanent fix and that there

should be a gas line from the North Slope. He commented that he heats his home primarily with wood because he cannot afford to heat it with fuel oil. Mr. Eddy stated that many Fairbanks residents are relocating because of the high energy costs. He recommended that residents keep their oil boiler system as a back-up for a natural gas system.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney thanked Mayor Eberhart and the City Council for introducing the resolution in honor of Pat Cole. He stated that although he and Mr. Cole have disagreed in the past, Mr. Cole always showed a great amount of respect. Mr. Turney offered his condolences to Mr. Cole's family. He spoke to the need for polygraph testing for police department employees who are already on the City's payroll and stated that their union contract needs to be changed to allow for it if they are asked to undergo such a test. He stated that City employees who have a commercial driver's license (CDL) as part of their job should be subject to random drug testing. Mr. Turney stated that it is good to see that Mr. Buberger is recovering well from shoulder surgery.

Henry Cole, 1550 Dogwood Street, Fairbanks – Mr. Cole thanked the Mayor and Council for introducing the resolution in memoriam of his uncle. He commended the City's Public Works Department for their hard work in keeping City streets in good condition despite the ice storm.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger offered his condolences to the Cole family with See's Candies. He stated that Patrick Cole was always a fair person and commented that the community will not be able to replace his knowledge and experience. Mr. Buberger thanked The Ornamentry gift shop for selling See's Candies during the holiday season. He wished everyone a Happy Thanksgiving and a Merry Christmas.

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

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

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

**Mr. Matherly**, seconded by **Ms. Staley**, moved to ADD Hand-carried Resolution No. 4596 to the Agenda under item 10(a).

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

City Clerk Hovenden read the Consent Agenda into the record.

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

**Mayor Eberhart** thanked everyone who brought flowers for Patrick Cole. He stated that Patrick's passing has left a void in City Hall and in the lives of those who knew him. He commented that to him Patrick was a mentor, a colleague and a friend. **Mayor Eberhart** stated that he worked with Patrick on and off for eighteen years and that his institutional knowledge, experience and innovative ideas have served City residents in an unparalleled fashion. He spoke to Patrick's wonderful disposition and personality and stated that he was always optimistic. He



stated that he will always remember Patrick B. Cole. **Mayor Eberhart** stated that the Mayor's Office has been very busy since the last City Council Meeting. He stated that there have been several meetings with the Fairbanks Downtown Association and the Fairbanks Memorial Hospital (FMH) regarding the Community Service Patrol (CSP). He listed many other meetings he has attended: Interior Alaska Natural Gas Utility (IANGU) Board of Directors meetings, meetings with North Pole Mayor Bryce Ward, Fairbanks Metropolitan Area Transportation System (FMATS) meetings, Candlelight Vigil meetings for homeless youth put on by Fairbanks Counseling and Adoption, a meeting with Borough Mayor Luke Hopkins, and some Civilian/Military meetings at the borough. **Mayor Eberhart** stated that he recently attended the Community and Technical College Law Enforcement graduation ceremony and spoke at the event. He stated that he also attended Tiger Team meetings at the borough and the Festival Fairbanks Veteran's Day Celebration. He commented that he had an interview with Eric Allen at Clear Channel Radio, attended an Alaska Industrial Development and Export Authority (AIDEA) update at the borough, went to a Fairbanks Economic Development Corporation (FEDC) board meeting, spent a day at the Alaska Municipal League Conference in Anchorage, spoke with Mayor Potoroka from Dawson City about the Air North application and charter flights from Dawson City to Fairbanks, met with Governor Parnell and local mayors regarding the disaster declaration, attended a potluck at Public Works, met with representatives from the International Brotherhood of Electrical Workers (IBEW) regarding upcoming labor negotiations, met with the School District regarding work study opportunities with the City for high school students, and attended the grand opening of Raven Landing over the weekend. **Mayor Eberhart** stated that he has spoken with the Director of Public Works to see if the City can get a crew downtown to replace the Clean Team. He indicated that he would like to see the crew clean up the streets and sidewalks in the downtown area once a week. **Mayor Eberhart** stated that the City will open labor negotiations with the Public Safety Employees Association (PSEA) on November 26. He announced that the City's legislative requests will be discussed at the Finance Committee Meeting and Staff Meeting on November 26. He wished everyone a Happy Thanksgiving.

### **NEW BUSINESS**

- a) Hand-carried Resolution No. 4596 – A Resolution in Memoriam of Patrick B. Cole. Introduced by Mayor Eberhart and Council Members Staley, Walley, Gatewood, Matherly, Hilling and Anderson.

**Mayor Eberhart** stated that he would like to read the title of Resolution No. 4596 aloud and have each Council Member read a paragraph of the document into the record.

The Mayor and Council each read aloud portions of Resolution No. 4596.

- b) Resolution No. 4593 – A Resolution Authorizing the City to Participate in the FFY2013 Community Development Block Grant (CDBG) Program. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4594 – A Resolution in Support of the Fairbanks Metropolitan Area Transportation System (FMATS) Request for Transportation Funding for Fiscal Year 2015. Introduced by Council Member Walley.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Resolution No. 4595 – A Resolution Continuing the Disaster Emergency Declared by Mayor Eberhart for the City of Fairbanks. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

- e) Ordinance No. 5933 – An Ordinance Amending the 2013 Operating and Capital Budgets for the Third Time. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

- f) Ordinance No. 5934 – An Ordinance Amending FGC Section 78-929 Insurance or Other Security Required to Allow Disposition without Court Appearance. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

## **DISCUSSION ITEMS**

- a) Committee Reports

FMATS Policy Committee – **Mr. Walley** stated that the Committee elected FNSB Mayor Hopkins as the new Chair and City of North Pole Mayor Bryce Ward as the new Vice Chair. He stated that the \$16 million funding request to the Governor has been submitted. He explained that the amount is significantly greater than the requests of prior years because of the numerous projects that need funding and the drop in available funding. **Mr. Walley** stated that the City of North Pole and FNSB will be introducing resolutions similar to Resolution No. 4594 in support of the FMATS funding. He spoke to the scope of services for the Metropolitan Planning Organization (MPO) agreement consolidation, explaining that it is an attempt at taking all the governing documents of FMATS and combining them into one. He indicated that the first step in that process was to go to the Technical Committee to identify the steps that need to be taken to accomplish the task. He stated that the Technical Committee recommended seeking consultation with an outside entity but added that the recommendation failed. **Mr. Walley** stated that the Policy Committee reviewed and approved the long-range transit plan. He spoke to the update the Committee received on the College Road Corridor study. He stated that the Committee also received a historical plaque update, and he encouraged fellow Council Members to visit the FMATS Office to view the two recommendations for plaques.

Golden Heart Parking Services (GHPS) Board – **Ms. Staley** stated that the Board met on November 13. She shared that they have been discussing the ongoing abuse of parking over the two hours allotted time in the downtown area. She stated that the Board will be taking a poll regarding parking meters and extended hours for the parking garage. **Ms. Staley** stated that the

Boards efforts are in part due to the upcoming holiday season. She stated that GHPS's annual revenues have flat-lined and indicated that she will try to provide an update on the organization's financials at the next meeting.

**Mr. Hilling** asked if parking meters are being considered for the parking garage.

**Ms. Staley** replied that meters are not being considered for the garage but for the general public parking on 2nd and 3rd Avenues.

**Mr. Hilling** stated that the Council has heard former Mayor Cleworth's argument against parking meters but asked if that argument has been presented to the Board for consideration.

**Ms. Staley** stated that she has not heard any positive feedback in regard to parking meters but that some board members are very interested in placing meters in the downtown area. She stated that she has suggested that the Board do more research and gain community support for parking meters before proceeding.

**Mr. Hilling** asked if the free parking offered recently in the downtown area is contributing to the low revenues.

**Ms. Staley** indicated that free parking in the parking garage is offered during summer months when vehicles do not need to be plugged in. She commented that the garage may offer very limited free parking during winter months. She stated that increasing usage of the parking garage is an ongoing challenge.

### **COMMUNICATIONS TO COUNCIL**

- a) Approval of the 2014 City Council Meeting Schedule

APPROVED on the CONSENT AGENDA.

### **COUNCIL MEMBERS' COMMENTS**

**Mr. Anderson** indicated that he has been under the weather. He thanked Mayor Eberhart for allowing him to attend the AML Conference in Anchorage and stated that he was able to see some old friends and met some new ones. He commented that he spent a day and a half of the conference learning about the Open Meetings Act and how it pertains to elected officials. **Mr. Anderson** stated that although the Act was put together by the Alaska State Legislature, the legislature is exempt from its provisions. He commented that the public has the right to know what Council Members say and think about every piece of legislature that comes before the body for consideration with the exception of items discussed during Executive Sessions. **Mr. Anderson** spoke to the importance of being conscientious of actions and conversations as a Council Member in order to abide by the Open Meetings Act.

**Mr. Hilling** stated that Patrick Cole was an extraordinary individual with a great amount of integrity and competency. He stated that Mr. Cole was a great value to the City of Fairbanks for many years. He expressed satisfaction with Resolution No. 4596 and stated that he hopes the

City Council can find a proper way to memorialize Patrick Cole. **Mr. Hilling** thanked Mayor Eberhart for attending the various meetings throughout the community and for serving the City of Fairbanks so well. He spoke to the numerous complaints about parking tickets issued in the downtown area but stated that if he were to park illegally and get caught, it is only fair that he receive a ticket. He stated that the parking enforcement officers should continue to be diligent in their efforts and commented that he hopes the officers have some sort of financial incentive to write tickets. **Mr. Hilling** stated that the City has tried parking meters downtown but indicated that the meters were not successful. He expressed support the current parking system in the downtown area.

**Mr. Matherly** stated that it has been an emotional evening. He stated that he is good friends with J. R. Lewis and is close to the Lewis family. He expressed his support for the type of life-saving training that BMS Solutions offers. **Mr. Matherly** stated that he first met Patrick Cole about 20 years ago when he worked in the banking industry and helped Mr. Cole with a loan. He jokingly stated that Mr. Cole drove him nuts because he asked so many questions and was so intelligent. **Mr. Matherly** stated that as a Council Member, he asks City employees a lot of questions and indicated that he received the best answers and information from Mr. Cole. He commented that he has a great deal of respect for Mr. Cole and stated that Mr. Cole always made time for him. He stated that life is precious and that he is thankful to live in a community like Fairbanks. He stated that it is an honor to serve the City with his fellow Council Members.

**Ms. Staley** stated that Patrick Cole was the one City employee she could always count on and was one of the only individuals with the City that she knew when she began as a Council Member. She expressed her sadness in Mr. Cole's passing and stated that he will be greatly missed. **Ms. Staley** thanked Mayor Eberhart for attending the many meetings throughout the community and stated that she feels honored to serve the City with the other members of the Council. She wished everyone a Happy Thanksgiving.

**Mr. Walley** stated that he did not know Patrick Cole as well as many of the other Council Members knew him but indicated that Mr. Cole always praised others and was very knowledgeable when it came to the City of Fairbanks. He stated that Mr. Cole will be truly missed by all. **Mr. Walley** commented that the Lewis family's story is very touching and shared that he worked as a CPR trainer for many years with Arctic Fire & Safety. He spoke to the importance of automatic defibrillators and stated that the devices are more common and less expensive than they used to be. **Mr. Walley** commented on the long list of things Mayor Eberhart has been involved in. He indicated that he may be absent for the next Regular Meeting of December 2nd. He wished everyone a Happy Thanksgiving.

**Mayor Eberhart** called for objection regarding Mr. Walley's request to be excused on December 2, 2013 and, hearing none, so ORDERED.

**Mr. Gatewood** commented that it is a sad time due to the loss of Patrick Cole. He indicated that he is in agreement with everything that has already been expressed regarding Mr. Cole. **Mr. Gatewood** stated that he can sometimes be difficult to get along with and can usually find fault with anyone, but commented that he could never find fault with Mr. Cole. He stated that Mr. Cole was a genuinely nice person with a brilliant mind. **Mr. Gatewood** stated that Mr. Cole was a problem solver and was always willing to make time for people. He spoke to the enormous

amount of institutional knowledge that Mr. Cole possessed and expressed his shock in learning that Mr. Cole had passed. **Mr. Gatewood** stated that his shock was due to the expectation that Mr. Cole would recover from the heart transplant and return to work at the City of Fairbanks. He expressed his support for some type of memorial for a man he referred to as a “gift to the City of Fairbanks.”

**ADJOURNMENT**

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

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

**Mayor Eberhart** declared the meeting adjourned at 8:10 P.M.

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JOHN EBERHART, MAYOR

ATTEST:

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JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, DECEMBER 2, 2013  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 7:00 p.m. on the above date, following a 6:15 P.M. Work Session with Festival Fairbanks regarding the Chena River Walk, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor pro tem Bernard Gatewood (Council Member, Seat C) presiding and with the following Council Members in attendance:

Council Members Present:        Renee Staley, Seat A  
   Perry Walley, Seat B (Excused)  
   Jim Matherly, Seat D  
   Lloyd Hilling, Seat E  
   Chris Anderson, Seat F (Joined the meeting at 8:15 P.M.)

Absent:                                John Eberhart, Mayor

Also Present:                        Warren Cummings, Fire Chief  
   Ernie Misewicz, Assistant Fire Chief  
   Paul Ewers, City Attorney  
   Janey Hovenden, City Clerk  
   Stephanie Johnson, Dispatch Center Manager  
   Michael J. Schmetzer, City Engineer  
   Tony C. Shumate, Director Personnel/Purchasing/RM  
   Laren Zager, Police Chief

**Mayor pro tem Gatewood** stated that he will be acting Mayor for the Meeting because Mayor Eberhart is out of town.

**INVOCATION**

The Invocation was given by City Clerk Janey Hovenden.

**FLAG SALUTATION**

**Mayor pro tem Gatewood** led the Flag Salutation.

**CITIZEN'S COMMENTS**

Michael Schmetzer, 2860 Waldheim Drive, Fairbanks, City Public Works Director – Mr. Schmetzer stated that he feels he did a poor job in explaining the need for the public safety dump trucks at the recent Finance Committee Meeting. He stated that the Finance Committee recommended that the request for the vehicles not be included in the legislative request to the State and that the trucks should be rented from a local business. Mr. Schmetzer indicated that both he and Fire Chief Cummings feel that the City should own the vehicles. He explained that

the grant would bring \$275,000 directly to the City with no match and would be enough to purchase two trucks without losing any vehicles already in the City's fleet. He stated that if the City were to rent the dump trucks it would cost approximately \$575,000 over a ten-year period. Mr. Schmetzer stated that he and Fire Chief Cummings would like to put the item back into the legislative request to Juneau.

Warren Cummings, 3292 Jefferson Drive, Fairbanks, City Fire Chief – Mr. Cummings stated that as the City's Emergency Manager, he sees a need to have the dump trucks available in the event of a heavy snow or natural disaster in Fairbanks. He stated indicated that it would be smart to add the two dump trucks to the City's fleet. He pointed out that if there were a local disaster or emergency, all the heavy equipment rentals in Fairbanks would likely be unavailable.

**Mr. Matherly** asked how many dump trucks the City currently owns and how old the oldest one is.

Mr. Schmetzer replied that the City owns ten dump trucks and that the oldest one is 21 years old. He stated that the average life span of a City dump truck is about 20 years. He pointed out that many contractors who own fleets in the Fairbanks area are not here during the winter months and that there are not many dump trucks available for rent locally.

**Mr. Hilling** asked what Mr. Schmetzer and Mr. Cummings are hoping to accomplish with their testimony.

Mr. Cummings explained that the hope is that the Council will substitute the amended version of Resolution No. 4597 pertaining to the City's legislative request.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney commended the Fairbanks Fire Department for the rescue of a woman that either jumped or fell from the Northward Building's eighth floor. He stated that he observed the woman hanging from the window and watched the two City firemen catch her. Mr. Turney spoke the current labor contract that does not allow polygraph testing to be performed on City police officers after they are hired. He stated that he attended the first negotiation meeting between the City of Fairbanks and the Public Safety Employees Association (PSEA). He expressed gratefulness to Mayor Eberhart for having allowed him to question the PSEA representative on why one of their own employees performs the polygraph testing for the Fairbanks Police Department. He stated that it reflects badly on the City, making it appear as though there is a lack of transparency. Mr. Turney suggested that an independent examiner perform the polygraph testing. He questioned who would be the Lead Negotiator for the City of Fairbanks in union negotiations since the City's Chief of Staff, Patrick Cole recently passed away. He asked if it would be legal for Mayor Eberhart to conduct the negotiations. Mr. Turney stated that he has a copy of the City of Ketchikan Police Department's labor contract that he will share with the Council before the next Regular Meeting. He indicated that the portion of the contract that speaks to polygraph testing is a good model to follow. He wished an early happy birthday to Council Member Hilling and reminded everyone that December 15th will mark the 222nd anniversary of the Ratification of the U.S. Bill of Rights. He expressed hope that the Council would continue the tradition of reading aloud the Bill of Rights at the next Regular Meeting on December 9, 2013.

Charity Gadapee, 1224 Gilmore Trail, Unit B, Fairbanks – Ms. Gadapee stated that she is the Director of Visitor Services and Membership for the Fairbanks Convention and Visitor’s Bureau (FCVB) and provided an update on the volunteer efforts that were put forth at the recent Alaska Federation of Natives (AFN) Convention. She stated that FCVB filled 616 shifts of volunteer work for the week of the convention. She commented that there were significantly more volunteers recruited this year than the last time the Convention came to Fairbanks in 2010.

David van den Berg, Executive Director of the Downtown Association (DTA) of Fairbanks, 410 Cushman Street, Fairbanks – Mr. van den Berg spoke to Mayor Eberhart’s proposed budget item that would improve public safety and resolve a capacity problem at both the City police and fire departments. He explained that the proposal would use \$190,000 to expand DTA’s Community Service Patrol (CSP) program to a City-wide enterprise instead of just the core area of downtown Fairbanks. He stated that the Mayor’s proposal is a part of ongoing efforts to manage the chronic inebriate problem in the community. Mr. van den Berg stated that he believes the premise of the Mayor’s proposal is that if the City steps up with more public funding, then other governments will be inclined to contribute to the efforts. He stated that Mayor Eberhart is asking the DTA to enlarge its outlook and indicated that the organization is willing to do so if the Council supports the proposal. He stated that the DTA agrees with Mayor Eberhart’s view of and solution to the chronic inebriate problem.

**Mayor pro tem Gatewood** asked Mr. van den Berg if anyone has drafted a detailed breakdown of what the expanded service will look like.

Mr. van den Berg replied that he has prepared some unofficial budget documentation out of his own curiosity. He commented that the chronic inebriate issue is a difficult one because no one “owns” the problem.

**Ms. Staley** asked Mr. van den Berg if he followed City Dispatch statistics in preparing the unofficial budget.

Mr. van den Berg replied affirmatively.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger stated that the bridge over Chena River in the downtown area is poorly-designed. He commented that the bridge is too low and is cock-eyed to the street. He criticized that some of the construction designs in Fairbanks look like they were created by children. He stated that he has visited other countries where residents build their own speed bumps when they see the need because they cannot afford to hire consultants for design and planning. Mr. Buberger suggested that the City’s construction designs be reviewed more carefully before being built and commented that the roundabout near Sam’s Club is very poorly designed. He offered a suggestion of how he would have designed the area and indicated that the City has wasted money in design consultants. He encouraged the Council to keep up the good work and wished everyone a Merry Christmas and a Happy New Year.

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



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

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

**Mayor pro tem Gatewood** passed along a message to the Council from Mayor Eberhart to inform them that Ordinance No. 5935 recommends the approval of a full-time Chief of Staff position, which differs from the version of the ordinance that was discussed at the last Finance Committee Meeting. He explained that before the passing of Mr. Pat Cole, the plan was to cut the position back to half time. He added that Mayor Eberhart believes that under the current circumstances, the City needs a full-time Chief of Staff. He pointed out the location of the change to Ordinance No. 5935 is on page 2, Section 2 under Department 10, Mayor and Council.

**Mr. Hilling** pulled Resolution No. 4598, Resolution No. 4599, Resolution No. 4600 and Ordinance No. 5935 from the Consent Agenda.

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

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

## **APPROVAL OF PREVIOUS MINUTES**

a) Regular Meeting Minutes of October 7, 2013.

PASSED and APPROVED on the CONSENT AGENDA.

## **SPECIAL ORDERS**

a) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the following Liquor License Application for Transfer of Ownership, Location, and Name Change.

Type: Beverage Dispensary, License #2847  
From: The Attic / John J Lounsbury / 2701 Cushman St.  
To: No DBA / Scruff N Pork's, Inc. / No Premises

**Ms. Staley**, seconded by **Mr. Matherly**, moved to WAIVE Protest on the Liquor License Application for Transfer of Ownership, Location, and Name Change.

**Mayor pro tem Gatewood** called for Public Testimony and, hearing none, declared Public Testimony closed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATION FOR TRANSFER OF OWNERSHIP, LOCATION, AND NAME CHANGE AS FOLLOWS:

YEAS: Staley, Matherly, Gatewood, Hilling

NAYS: None

ABSENT: Anderson, Walley

**Mayor pro tem Gatewood** declared the MOTION CARRIED.

- b) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the following Liquor License Applications for Renewal.

Lic #	Establishment Name	License Type	Premise Location	Owner Name
3118	V.F.W. Post #3629	Club	324 2nd St	V.F.W. Golden Heart Post #3629
3151	Fred Meyer #485	Package Store	3755 Airport Way	Fred Meyer Stores Inc.
4156	Holiday #622	Package Store	2300 S Cushman St	Holiday Alaska Inc.
4170	Lavelle's Bistro	Beverage Dispensary	575 1st Avenue	Café de Paris Catering Co
4772	Ajimi Restaurant	Restaurant/Eating Place	550 Third Avenue	Kwang Yul Lee

**Ms. Staley**, seconded by **Mr. Matherly**, moved to WAIVE Protest on the Liquor License Applications for Renewal.

**Mayor pro tem Gatewood** called for Public Testimony and, hearing none, declared Public Testimony closed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATIONS FOR RENEWAL AS FOLLOWS:

YEAS: Hilling, Staley, Matherly, Gatewood

NAYS: None

ABSENT: Anderson, Walley

**Mayor pro tem Gatewood** declared the MOTION CARRIED.

- c) VACATION OF PUBLIC RIGHT-OF-WAY (VA 004-11, Riverside Drive) – Request by Laurence Irving on behalf of ANJO, Inc. and Abie Neubauer, to resubmit the expired platting request to vacate a 12,070 sq. ft. portion of Riverside Drive and to combine that area with Lots 7 – 12, Block 3 and Lot 1 & 2SE, Block 4, Riverside Park, totaling approximately 1.32 acres, resulting in two lots of approximately 12,630 and 45,100 sq. ft., within the E1/2 SW1/4 Section 8, T1S R1W, FM, AK (located on Riverside Drive, Geraghty Avenue and Bartlett Avenue).

City Attorney Paul Ewers stated that the vacation had come before the City Council some time ago and that for some reason it lay dormant, requiring the applicants to reapply. He stated that by statute, the City must concur with the vacation before it can be approved. Mr. Ewers explained that by taking no action, the City Council approves the vacation of right-of-way. He pointed out that the last time it was before the City Council, it was approved.

**Ms. Staley** asked if the right-of-way followed the normal procedure of the Fairbanks North Star Borough.

Mr. Ewers replied that the right-of-way has been through the full planning process. He stated that the issue is being presented a second time before the City Council because it did not get finalized the first time.

The Council made no objection to the vacation and no formal action was taken.

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

**Mayor pro tem Gatewood**, on behalf of Mayor Eberhart, stated that the Mayor has received updated information from the DTA which may change the emergency services patrol funding requirements in Ordinance No. 5935. He explained that if changes are needed they will be spelled out in an amendment to the ordinance and presented at the next Regular Meeting. **Mayor pro tem Gatewood** acknowledged that the CSP is a vital service and stated that if it were to be expanded, it would require some consideration and discussion by the City Council. He indicated that he would need more information before making a decision on the matter. He stated that the entire community shares the chronic inebriate problem but commented that it may take the leadership of the City to effect change.

### **UNFINISHED BUSINESS**

- a) Ordinance No. 5933 – An Ordinance Amending the 2013 Operating and Capital Budgets for the Third Time. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

**Ms. Staley**, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5933.

**Mayor pro tem Gatewood** called for Public Testimony and, hearing none, declared Public Testimony closed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5933 AS FOLLOWS:

YEAS: Gatewood, Staley, Hilling, Matherly

NAYS: None

ABSENT: Anderson, Walley

**Mayor pro tem Gatewood** declared the MOTION CARRIED and Ordinance No. 5933 ADOPTED.

- b) Ordinance No. 5934 – An Ordinance Amending FGC Section 78-929 Insurance or Other Security Required to Allow Disposition without Court Appearance.. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

**Ms. Staley**, seconded by **Mr. Hilling**, moved to ADOPT Ordinance No. 5934.

**Mayor pro tem Gatewood** called for Public Testimony and, hearing none, declared Public Testimony closed.

City Attorney Ewers reminded the Council that there have been a number of ordinances to bring the City Code in line with the new State of Alaska minor offense rules. He explained that this change is a part of that process that was caught after the other changes were made. He stated that the City would like to continue to handle insurance violations without a court appearance and that Ordinance No. 5934 clarifies that the offenses are optional appearance violations.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5934 AS FOLLOWS:

YEAS: Gatewood, Matherly, Staley, Hilling

NAYS: None

ABSENT: Anderson, Walley

**Mayor pro tem Gatewood** declared the MOTION CARRIED and Ordinance No. 5934 ADOPTED.

City Clerk Hovenden stated that there was an “as Amended” version of Ordinance No. 5933 that was not mentioned or considered prior to the vote. She requested that the Council reconsider the ordinance.

Chief Financial Officer Jim Soileau explained that the changes in Ordinance No. 5933, as Amended, are to move the unexpended \$29,500 from the Clerks election account to the Public Works Department for temporary labor; to move \$40,000 from Public Works’ outside contracts account to temporary labor; and to move \$20,000 from the garbage collection account to temporary labor. He stated that Ordinance No. 5933, as Amended, does not change the bottom line. Mr. Soileau stated that the City Code does not allow the Mayor to approve inter- or intra-departmental transfers without ordinance or Council approval.

**Mr. Matherly** pointed out that the changes appear on page three of Ordinance No. 5933, as Amended.

**Mayor pro tem Gatewood** asked Clerk Hovenden what the proper procedure would be for reconsidering the ordinance.

Clerk Hovenden asked City Attorney Ewers if the Council could simply substitute the as Amended version or if they should first vote to reconsider.

City Attorney Ewers replied that the Council should vote to reconsider the ordinance.

City Clerk Hovenden read aloud Section 2-120 of the City Code pertaining to Rules of Procedure. She read, “The affirmative votes of four members of the city council, excluding the mayor, may order a reconsideration taken up at the same meeting that notice of reconsideration is given. The motion for reconsideration opens for debate, and the questions to be considered shall have precedence over every other motion except the motion to adjourn. When a motion is reconsidered, that vote is canceled as though it had never been taken. When a majority votes to reconsider, the question immediately recurs upon the question reconsidered.”

**Mr. Hilling**, seconded by **Ms. Staley**, moved to RECONSIDER Ordinance No. 5933.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO RECONSIDER ORDINANCE NO. 5933 AS FOLLOWS:

YEAS: Matherly, Hilling, Staley, Gatewood

NAYS: None

ABSENT: Anderson, Walley

**Mayor pro tem Gatewood** declared the MOTION CARRIED.

**Ms. Staley**, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5933.

**Mr. Hilling**, seconded by **Ms. Staley**, moved to SUBSTITUTE Ordinance No. 5933, as Amended, for Ordinance No. 5933.

**Mayor pro tem Gatewood** called for Public Testimony and, hearing none, declared Public Testimony closed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUBSTITUTE ORDINANCE NO. 5933, AS AMENDED, FOR ORDINANCE NO. 5933 AS FOLLOWS:

YEAS: Staley, Matherly, Gatewood, Hilling

NAYS: None

ABSENT: Anderson, Walley

**Mayor pro tem Gatewood** declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5933, AS AMENDED, AS FOLLOWS:

YEAS: Matherly, Gatewood, Hilling, Staley

NAYS: None

ABSENT: Anderson, Walley

**Mayor pro tem Gatewood** declared the MOTION CARRIED and Ordinance No. 5933, as Amended, ADOPTED.

## **NEW BUSINESS**

- a) Resolution No. 4597 – A Resolution Stating the City’s Capital Priorities for the State 2013-14 Fiscal Year. Introduced by Mayor Eberhart.

NOTE: Although Resolution No. 4597 was not pulled from the Consent Agenda, the Clerk did not read the resolution into the record as a Consent Item. The City Council considered Resolution No. 4597 as a Regular Agenda Item.

**Mr. Matherly**, seconded by **Ms. Staley**, moved to APPROVE Resolution No. 4597.

**Mayor pro tem Gatewood** stated that there is an as Amended version of Resolution No. 4597 that the Council may substitute if they choose. He asked Public Works Director Mike Schmetzer if he would like to provide the Council with additional information.

Mr. Schmetzer stated that he has seen maximum efficiency from the Public Works Department when all ten City dump trucks are running.

**Mayor pro tem Gatewood** asked Mr. Schmetzer how he missed the opportunity to address the issue at the last Finance Committee Meeting.

Mr. Schmetzer explained that the capital priorities list that was presented to the Council at the Finance Committee Meeting was made up of the requests from various City departments and was compiled and decided upon by Department Heads prior to that meeting. He commented that the request was so obvious to him that he did not anticipate it being questioned. Mr. Schmetzer acknowledged the large amount of information that has been presented to the Council but pointed out that there was a large narrative regarding the dump trucks in the information given to the City Council.

**Mr. Matherly**, seconded by **Ms. Staley**, moved to SUBSTITUTE Resolution No. 4597, as Amended, for Resolution No. 4597.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUBSTITUTE RESOLUTION NO. 4597 AS FOLLOWS:

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

**Mayor pro tem Gatewood** declared the MOTION CARRIED.

**Mr. Hilling** expressed his distaste for the wording in the first whereas of Resolution No. 4597, as Amended.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4597, AS AMENDED, AS FOLLOWS:

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

**Mayor pro tem Gatewood** declared the MOTION CARRIED and Resolution No. 4597, as Amended, APPROVED.

- b) Resolution No. 4598 – A Resolution Authorizing the City of Fairbanks to Request Funds from the United States Department of Homeland Security for the Replacement of Ambulance 05. Introduced by Mayor Eberhart.

**Mr. Matherly**, seconded by **Ms. Staley**, moved to APPROVE Resolution No. 4598.

Fire Chief Cummings stated that every year the Department of Homeland Security comes out with firefighter grants and the City is given the opportunity to apply for three of the grants. He explained that his department has submitted this particular grant for the past three years. Chief Cummings explained that each year in February he has the opportunity to travel to Washington D.C. through funding by the International Association of Fire Chiefs (IAFC) because he serves on the Constitution and Bylaws Committee of the organization. He commented that he spends time speaking to Congressional Delegates and that one of the biggest complaints they have about the grants is that there is not enough grant applications coming from Alaska communities. He indicated that there is only about a 1% chance of the request being federally funded but commented that it is worth a try and is in an effort to please the Congressional Delegation.

**Mayor pro tem Gatewood** asked Chief Cummings what the plan would be if the City did not receive the funding to replace the ambulance.

Chief Cummings explained that there is another request to replace an older ambulance in the capital request passed earlier in the meeting by Resolution No. 4597. He stated that if the capital request is also unsuccessful, the Fire Department would likely put the funding request into next year's City budget proposal.

**Mr. Hilling** commented that when he votes "no" on the federal grant requests, he is usually outnumbered in opposition by fellow Council Members. He stated that the City of Fairbanks is a City of means and that he is quite confident that the City can take care of itself without relying on federal funding that is already borrowed. **Mr. Hilling** referred to the acceptance of federal grant dollars as leeching and stated that he will vote against Resolution No. 4598. He stated that if he is not mistaken, it will take four affirmative votes of the City Council to pass the resolution.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4598 AS FOLLOWS:

YEAS: Gatewood, Matherly, Staley

NAYS: Hilling

ABSENT: Anderson, Walley

**Mayor pro tem Gatewood** declared the MOTION FAILED.

- c) Resolution No. 4599 – A Resolution Authorizing the City of Fairbanks to Request Funds from the United States Department of Homeland Security for the Upgrade of Fire and Rescue Equipment. Introduced by Mayor Eberhart.

**Mr. Matherly**, seconded by **Ms. Staley**, moved to APPROVE Resolution No. 4599.

Chief Cummings stated that the grant would fund cold weather gear, radio harnesses, rescue gloves and winter rescue gear.

**Ms. Staley** asked if in the event the City did not receive the grant, the City would still have to purchase the gear and equipment.

Chief Cummings replied that the funding is not in the current Fire Department budget.

**Ms. Staley** asked how many grants the City has sought and been approved for with this type of cold weather gear request.

Chief Cummings replied that this is the first time the City has applied for a grant to fund cold weather gear.

**Mr. Hilling** expressed his admiration for Chief Cummings' efforts to maintain and improve the City's Fire Department. He asked Chief Cummings if the cold weather gear is an item that would be justifiable in the City's budget.

Chief Cummings replied that the radio holsters are a new item that has just come out within the last year. He stated that the rescue gloves are very expensive but would improve the operation of the Fire Department.

**Mr. Hilling** questioned the cost/benefit ratio of improving the gear and equipment of the Fire Department. He acknowledged that the benefits would be hard to quantify but stated his intent to vote against Resolution No. 4599 on the principle that the funding comes from federal dollars.

**Mr. Matherly** stated that he places a lot of trust in Chief Cummings because of his experience in public safety and his longevity with the City of Fairbanks. He stated that he does not see how one can compare cost with the safety of the public and City employees. He stated that he will vote in favor of Resolution No. 4599.

**Mr. Hilling** expressed appreciation for Mr. Matherly's comments. He stated that it is sometimes part of the job in making public policy to weigh human life against cost.

**\*\*Mr. Anderson joined the Meeting at 8:15 P.M.\*\***

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4599 AS FOLLOWS:

YEAS: Matherly, Staley, Gatewood, Anderson

NAYS: Hilling

ABSENT: Walley

**Mayor pro tem Gatewood** declared the MOTION CARRIED and Resolution No. 4599 APPROVED.

- d) Resolution No. 4600 – A Resolution Authorizing the City of Fairbanks to Request Funds from the United States Department of Homeland Security for Certified Drivers Training. Introduced by Mayor Eberhart.

**Mr. Matherly**, seconded by **Ms. Staley**, moved to APPROVE Resolution No. 4600.

Chief Cummings explained that the Alaska Fire Standards Council just approved a Driver's Certification Course and stated that the grant would cover the costs of certifying City personnel



as fire apparatus operators. He commented on how disruptive it is to train staff while trying to keep enough personnel available for calls.

**Mayor pro tem Gatewood** asked who performs the driver training.

Chief Cummings replied that the City would use state certified instructors within the department.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4600 AS FOLLOWS:

YEAS: Matherly, Gatewood, Anderson, Staley

NAYS: Hilling

ABSENT: Walley

**Mayor pro tem Gatewood** declared the MOTION CARRIED and Resolution No. 4600 APPROVED.

- e) Ordinance No. 5935 – An Ordinance Adopting the 2014 Operating and Capital Budgets. Introduced by Mayor Eberhart.

**Mr. Anderson**, seconded by **Ms. Staley**, moved to ADVANCE Ordinance No. 5935.

**Mr. Hilling** stated that he has not been able to attend the Finance Committee Meetings where Ordinance No. 5935 has been discussed. He asked for clarification on the proposed changes to Fire Department personnel. He stated that, according to his understanding, the three individuals whose positions were grant funded five years ago will no longer be required to stay due to the expiration of the grant. He asked if the Council could choose to lay off any three positions they desired within the Fire Department next April.

Chief Cummings confirmed that after the grant that funded the three positions expires in April, the Council could layoff three positions at the Fire Department but only the three lowest-seniority positions at the department.

**Mr. Hilling** asked Chief Cummings to speak to his position on staffing at the Fire Department.

Chief Cummings commented that the City has been funding the three positions for nearly two years with very little grant funding. He confirmed that his recommendation would be to maintain the current staffing levels at the Fire Department. He commented that overtime costs would increase considerably if the positions are eliminated. Chief Cummings explained that there are currently 44 total employees at the Fire Department: 39 line personnel (13 per shift), two clerical positions, one Deputy Fire Marshal, an Assistant Fire Chief, and himself. He indicated that the department's minimum staffing is nine and that the current average is 10.2 per shift. He expressed concern that if the positions were eliminated, the department would fall below minimum staffing levels which would increase overtime.

**Mr. Hilling** asked Chief Cummings if he believes that by increasing his staff to 54 it would increase public safety.

Chief Cummings replied that he definitely would like to have more fire fighters. He stated that when he started working at the City Fire Department in 1972 there were 83 personnel. He stated that the national standard that he would like to reach is 15 line personnel for every shift.

**Mr. Hilling** asked Chief Cummings to speak to former Mayor Cleworth's argument that Fairbanks is above average when it comes to the ratio of fire fighters to population.

Chief Cummings replied that Fairbanks is very close to meeting the national average in regard to personnel. He reminded Mr. Hilling that, unlike many of those comparable municipalities, the City of Fairbanks Fire Department performs ambulance calls.

**Mayor pro tem Gatewood** asked if the Fire Department still incurred overtime costs when there were 83 personnel.

Chief Cummings replied that he recalls very little overtime back in the early 1970's when he was a fire fighter. He stated that he would have to research it further before answering the question on behalf of the department as a whole at the time.

**Mr. Hilling** asked Chief Cummings if fires were far more prevalent back in the 1970's.

Chief Cummings replied that the number of fires in the area has stayed fairly consistent over the past 20 years. He stated that although he does not believe that it is true for Fairbanks, the national average of the number of fires has dropped 53% since that time. He commented that the widespread installation of sprinkler systems has contributed to the decrease in the number of fires.

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

YEAS: Staley, Matherly, Gatewood, Anderson

NAYS: Hilling

ABSENT: Walley

**Mayor pro tem Gatewood** declared the MOTION CARRIED.

## **DISCUSSION ITEMS**

- a) Committee Reports

## **COUNCIL MEMBERS' COMMENTS**

**Ms. Staley** commented that the CSP has been weighing heavily on her mind and agreed with Mr. Gatewood that she would like to see more details about the plan and the budget for the expanded program before offering her consideration. She indicated that she would like to see Mr. van den Berg present a more detailed plan to the Public Safety Commission. **Ms. Staley** thanked Mr. Gatewood for filling in for Mayor Eberhart.

**Mr. Matherly** stated that there is a great photo of the Northward Building rescue on the Fairbanks Daily News Miner website. He commended the City's public safety departments for not only doing their job, but for doing their job in extreme weather conditions. He commented that he had a great Thanksgiving and echoed Mr. Gatewood's remarks regarding a plan for the expansion of the CSP. **Mr. Matherly** stated that it is a pleasure to serve on the City Council.

**Mr. Hilling**, in reference to Mr. Turney's earlier inquiry, asked City Attorney Ewers who is serving as the City's Lead Negotiator since the passing of Mr. Patrick Cole.

Mr. Ewers explained that the City Code clearly states that the Mayor is the Lead Negotiator for the City of Fairbanks. He clarified that the Mayor has the power to delegate the task to an employee and that the Council may vote to appoint a negotiator other than the Mayor. Mr. Ewers commented that, in the past, the Mayor and Mr. Cole performed the negotiations together. He stated that the duty of negotiations defaults to the City Mayor and that it would be up to Mayor Eberhart to decide whether to delegate the duties to the new Chief of Staff.

**Mr. Hilling** asked Mr. Ewers how much of his working hours are spent serving the Mayor.

Mr. Ewers explained that he is the legal advisor for all City departments and that he spends roughly half his working hours serving the Mayor.

**Mr. Hilling** asked Mr. Ewers to answer the same question on behalf of Deputy City Attorney Burglin.

Mr. Ewers replied that Mr. Burglin is a half-time employee who handles traffic and criminal cases and performs other duties as assigned. Mr. Ewers stated that he has been sitting through labor negotiation meetings with Mayor Eberhart in Mr. Cole's place.

**Mr. Hilling** asked Clerk Hovenden to confirm that the reading of the Bill of Rights would be on the agenda for the next Regular Meeting.

Ms. Hovenden confirmed that the Bill of Rights would be on the agenda.

**Mr. Hilling** expressed his agreement with fellow Council Members that he would like to see clear and detailed information regarding the expansion of the CSP. He remarked that it may be the only time in history when his one opposing vote stopped a grant resolution from passing.

**Mr. Anderson** stated that he had no comments.

**Mayor pro tem Gatewood** thanked the City Council for indulging him as Acting Mayor for the Meeting. He expressed concern with the possible name change of the CSP, cautioning on infringement of another agency or organization. He stated that he believes in the concept of a service patrol. **Mayor pro tem Gatewood** commented that Mike Powers with the Fairbanks Memorial Hospital (FMH) feels that the biggest problem with the chronic inebriate issue is transportation and indicated that the hospital is interested in playing a larger financial role. He stated that he believes the City needs to look at ways to fund the expansion to take care of local citizens and commented that the City may face a much greater problem if no action is taken.

**Mayor pro tem Gatewood** expressed hope that details would be presented prior to the next Regular Meeting. He reminded everyone that the high school basketball season has begun and invited everyone to attend local games and support youth in the community.

**ADJOURNMENT**

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

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

**Mayor pro tem Gatewood** declared the Meeting adjourned at 8:45 P.M.

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JOHN EBERHART, MAYOR

ATTEST:

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JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS

Introduced by: Mayor John Eberhart  
Finance Committee Review: December 31, 2013  
Date: January 6, 2014

**RESOLUTION NO. 4602**

**A RESOLUTION TO PROVIDE A LOCAL MATCH CONTRIBUTION FOR  
THE FMATS 2014 PREVENTIVE MAINTENANCE PROJECT**

**WHEREAS**, the Fairbanks Metropolitan Area Transportation System (FMATS) has the Preventive Maintenance Project listed in the Transportation Improvement Program as a project to be completed in 2014; and

**WHEREAS**, the project will improve roadways on 17<sup>th</sup> Avenue from West Cowles Street to South Cushman Street, Turner Street from 10<sup>th</sup> Avenue to Gaffney Road, and Gaffney Road from Barnette Street to Cushman Street; and

**WHEREAS**, the cost to improve the roadways is \$718,687 and the City of Fairbanks is required to provide a match in the amount of \$74,632; and

**WHEREAS**, the City has been awarded a state legislative grant and will use these funds to provide the match;

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

**PASSED and APPROVED** this \_\_\_\_\_ day of January 2014.

\_\_\_\_\_  
**John Eberhart, City Mayor**

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Janey Hovenden, CMC, City Clerk

\_\_\_\_\_  
Paul Ewers, City Attorney

**CITY OF FAIRBANKS**  
**FISCAL NOTE**

**I. REQUEST:**

Ordinance or Resolution No: 4602

Abbreviated Title: FMATS 2014 PREVENTIVE MAINTENANCE LOCAL MATCH

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:**

<b>ESTIMATED EXPENDITURES</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>Beyond</b>	<b>Total</b>
Personnel Wages					\$0
Personnel Benefits					\$0
Supplies					\$0
Contractual					\$0
Equipment					\$0
Administration					\$0
Construction		\$74,632			\$74,632
<b>TOTAL</b>	<b>\$0</b>	<b>\$74,632</b>	<b>\$0</b>	<b>\$0</b>	<b>\$74,632</b>

<b>ESTIMATED FUNDING SOURCES</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>Beyond</b>	<b>Total</b>
General Fund					\$0
Capital Fund					\$0
Federal Grant					\$0
State Grant		\$74,632			\$74,632
Local Contract					\$0
Cash Match					\$0
In-Kind Match					\$0
Other					\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$74,632</b>	<b>\$0</b>	<b>\$0</b>	<b>\$74,632</b>

Reviewed by Finance Department:

Initial mb

Date 12/11/2013

**RESOLUTION NO. 4603**

**A RESOLUTION ALLOCATING DISCRETIONARY FUNDS FROM  
HOTEL/MOTEL TAX IN THE AMOUNT OF TWO HUNDRED  
SEVENTY THOUSAND DOLLARS (\$270,000.00).**

**WHEREAS**, the total amount of discretionary funds from hotel/motel tax for the FY2014 budget is TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$270,000.00); and

**WHEREAS**, the Mayor appointed a committee to review grant applications from organizations to determine how and to whom these funds should be distributed; and

**WHEREAS**, although each proposal was laudable and had merit there was only a limited amount of funds available; and

**WHEREAS**, after due deliberation the committee is bringing forth the following recommendation for City Council consideration.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fairbanks, that:

Section 1. The following named recipients are hereby allocated the total sum of TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$270,000.00), as follows:

<b>Name of Organization</b>	<b>Award</b>
Fairbanks Youth Litter Patrol, Inc.	\$ 7,500.00
Alaska International Senior Games, Inc.	\$ 5,400.00
Fairbanks Community Band, Inc.	\$ 4,283.00
Festival Fairbanks, Inc.	\$ 28,417.00
Tanana-Yukon Historical Society	\$ 4,733.00
Iron Dog, Inc.	\$ 8,667.00
Clay Street Cemetery Commission	\$ 7,250.00
Fairbanks Downtown Association	\$ 4,550.00
Friends of the Tanana Valley Railroad	\$ 6,058.00
Tanana Valley State Fair Association	\$ 5,725.00
Friends of Creamers Field	\$ 5,333.00
Fairbanks 2014 Arctic Winter Games Host Society	\$ 14,167.00
Greater Fairbanks Chamber of Commerce	\$ 8,142.00
Pioneer Memorial Park, Inc.	\$ 9,417.00

Name of Organization	Award
Yukon Quest International, Ltd	\$ 28,771.00
ICE Alaska	\$ 24,500.00
Fairbanks Arts Association	\$ 53,067.00
Fairbanks Curling Club	\$ 5,767.00
Fairbanks Community Museum	\$ 5,899.00
Alaska Dog Musers Association, Inc.	\$ 27,000.00
Denakkanaaga, Inc.	\$ 5,354.00
<b>TOTAL</b>	<b>\$ 270,000.00</b>

Section 2. PASSED and APPROVED this \_\_\_\_ day of January 2014.

\_\_\_\_\_  
**John Eberhart, City Mayor**

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Janey Hovenden, CMC, City Clerk

\_\_\_\_\_  
Paul Ewers, City Attorney



Introduced By: Mayor John Eberhart  
Date: January 6, 2014

**RESOLUTION NO. 4604**

**A RESOLUTION AUTHORIZING THE CITY TO ACCEPT A LAND USE PERMIT FROM THE ALASKA RAILROAD CORPORATION TO CONSTRUCT AND MAINTAIN A PEDESTRIAN/BICYCLE PATH ON RAILROAD PROPERTY**

**WHEREAS**, Fairbanks General Code Section 70-134 states, "The City shall neither accept legal title to nor assume the maintenance or improvement obligation of any new street, public or private, or other thoroughfare in the City except upon the express approval of the City council by resolution"; and

**WHEREAS**, the City of Fairbanks ("City") applied for a Land Use Permit ("Permit") from the Alaska Railroad Corporation ("Railroad") to construct two segments of pedestrian/bicycle path ("Path") totaling 5,500 linear feet and associated improvements on the north bank of the Chena River on Railroad property; and

**WHEREAS**, the Permit requires the City to be ultimately responsible for maintenance of the Path once constructed, though the City may enter into separate agreements with other entities to perform the maintenance on the City's behalf; and

**WHEREAS**, the Permit additionally requires the City to take ownership of the existing pedestrian bridge over the Chena River at Pioneer Park, which is currently owned by the Railroad and will become part of the new Path; and

**WHEREAS**, four hundred thousand dollars (\$400,000) has already been secured from the Fairbanks Metropolitan Area Transportation System Policy Committee to design the Path.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor is authorized to accept and sign the Permit in accord with the terms stated herein.

**PASSED AND APPROVED THIS 6TH DAY OF JANUARY 2014.**

\_\_\_\_\_  
**JOHN EBERHART, MAYOR**

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Janey Hovenden, CMC, City Clerk

\_\_\_\_\_  
Paul Ewers, City Attorney

**CITY OF FAIRBANKS**  
**FISCAL NOTE**

**I. REQUEST:**

Ordinance or Resolution No: 4604

Abbreviated Title: PERMIT FROM THE ALASKA RAILROAD CORPORATION

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 x No \_\_\_\_\_

If yes, what is the estimate? using existing resources, totaling \$5,400

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:**

<b>ESTIMATED EXPENDITURES</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Beyond</b>	<b>Total</b>
Personnel Wages	\$3,000				\$3,000
Personnel Benefits	\$2,000				\$2,000
Supplies					\$0
Contractual	\$400				\$400
Equipment					\$0
Administration					\$0
Construction					\$0
<b>TOTAL</b>	<b>\$5,400</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,400</b>

<b>ESTIMATED FUNDING SOURCES</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Beyond</b>	<b>Total</b>
General Fund	\$5,400				\$5,400
Capital Fund					\$0
Federal Grant					\$0
State Grant					\$0
Local Contract					\$0
Cash Match					\$0
In-Kind Match					\$0
Other					\$0
<b>TOTAL</b>	<b>\$5,400</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,400</b>

Reviewed by Finance Department: Initial mb Date 12/31/2013

**PERMIT**

This permit ("Permit"), effective February 1, 2014, is made by and between the ALASKA RAILROAD CORPORATION, a public corporation of the State of Alaska formed pursuant to AS 42.40 ("ARRC"), whose mailing address is P.O. Box 107500, Anchorage, Alaska 99510-7500, and the City of Fairbanks ("Permittee"), whose mailing address is 800 Cushman Street, Fairbanks, Alaska 99701.

This Permit consists of this instrument and the following listed attachments, all of which constitute one and the same document:

- Exhibit "A" - Map/Legal Description
- Exhibit "B" - Standard Specifications (revised May 10, 2013)
- Exhibit "C" - Bill of Sale for Pedestrian Bridge

1. **GRANT OF PERMIT.** ARRC hereby grants to the Permittee a permit to construct, reconstruct, operate and maintain a pedestrian/bicycle trail known as the "Chena River Walk" consisting of two segments of pedestrian/bicycle trail measuring approximately 8 feet wide and totaling 5,500 feet in length and associated improvements (the "Facility") located along the north bank of the Chena River in the Chena Landings area of Fairbanks, Alaska, on land owned by ARRC (the "Site"). The first trail segment of the Facility will consist of approximately 2,000 linear feet, beginning at the point at which Peger Road intersects the north bank of the Chena River and continuing along the southern portion of Tracts 2 and 3 of the Chena Landings Subdivision, as filed under Plat Number 2000-31, located within the NW  $\frac{1}{4}$  and SW  $\frac{1}{4}$ , Section 9 Township 1 South, Range 1 West, Fairbanks Meridian, Alaska, and according to the official plat thereof, filed under Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska ("Plat No. 2000-31"). This first trail segment will extend to the beginning of the northern approach span of the existing pedestrian/bicycle bridge across the Chena River located on the southwestern corner of Tract 4 of Plat No. 2000-31 ("Bridge"). The second trail segment will consist of approximately 3,500 linear feet, beginning just east of Tract 5 of Plat No 2000-31, and continuing along the north bank of the Chena River in Section 9 of the ARRC Fairbanks Terminal Reserve. The Facility will include both asphalt and elevated walkway segments. The two segments of the permitted Chena River Walk pedestrian/bicycle pathway described above are set forth on the drawing attached as Exhibit "A". The permission herein granted is subject to the terms and conditions set forth in this Permit.

2. **TERM.** This Permit shall remain in effect for the remaining useful life of the Facility or until it is reconstructed or relocated off of ARRC property, whichever

occurs first, or until it is otherwise terminated under the terms of this Permit; provided, however, that ARRC shall have the right to terminate this Permit on sixty (60) days' written notice to Permittee, if ARRC determines, in its sole discretion, that the use interferes with expansion or replacement of ARRC facilities or those of its tenants and/or permittees, creates a safety hazard, or interferes with ARRC operations. ARRC's right to terminate set forth in this paragraph is required by AS 42.40.420(3). Notwithstanding the foregoing, this Permit shall terminate on January 31, 2019, or such later date as may be agreed to in writing by the parties, if funding for construction of the Facility has not been obtained by Permittee as of said date.

Except as expressly provided otherwise herein, any continued use of the Site by Permittee after the termination of this Permit, absent prior ARRC written approval, shall be under the same terms and conditions as set forth in this Permit. Permittee may abandon the Site and give up all rights under this Permit at any time; provided, however, that Permittee's obligation to pay the annual Permit Fee set forth in paragraph 3 of this Permit, and all other affirmative obligations of Permittee under this Permit, will continue until all of the following have occurred: (i) Permittee has given ARRC written notice that Permittee is abandoning all rights under this Permit; (ii) Permittee has removed from the Site the Facility and all other property owned and/or controlled by Permittee pursuant to paragraph 7.3 of this Permit; and (iii) Permittee has restored the Site pursuant to paragraph 7.3.

3. PERMIT FEE. As consideration for this Permit, Permittee shall pay an annual administrative fee of Four Hundred and no/100 Dollars (\$400.00), which shall be paid by Permittee within thirty (30) days of execution of this Permit, and a like amount on every January 1 thereafter; provided, however, that the annual fee shall be subject to increase no more than once every five (5) years to the extent necessary to allow ARRC to recover its annual costs to administer the permit. The annual fee provided for in this paragraph 3 is in addition to any and all other fees and payments required under this Permit.

#### 4. PLANS AND SPECIFICATIONS.

4.1 Permittee shall construct, reconstruct, operate and/or maintain the Facility in the location shown on Exhibit "A" attached.

4.2 Prior to advertising for bids, issuing amendments and/or issuing a change order(s) to its contractor for work on any part of the Facility covered by this Permit, or prior to commencing any such work itself, Permittee shall submit to ARRC's Chief Engineer for approval all plans and specifications, including final plans and specifications, and all amendments, additions or corrections thereto, for the original construction and all future modifications of the Facility. Permittee agrees not to commence any associated work until the aforesaid approval has been received.

4.3 Permittee shall submit its plans and specifications for Facility construction, along with the appropriate application-initial review fee, to ARRC for

review and consideration prior to engaging in any work on ARRC property related to the Facility. Permittee shall not undertake any such work unless and until ARRC approves the submitted plans and specifications or a modified version thereof. Permittee agrees that any Facility construction shall be substantially in accordance with Permittee's plans and specifications as first approved by ARRC.

4.4 Permittee must submit to ARRC for review and consideration any substantial change to Permittee's plans and specifications proposed by Permittee after ARRC's initial approval. Substantial changes subject to this paragraph include, but are not limited to, any substantial change to the plans and specifications for initial construction, reconstruction, alteration or removal of the Facility. Permittee shall not incorporate any such substantial changes into Facility construction, reconstruction, alteration or removal unless and until ARRC approves those changes. Permittee agrees that any Facility construction, reconstruction, alteration or removal approved pursuant to this paragraph 4.04 shall be substantially in accordance with the plans and specifications approved by ARRC. Permittee shall pay a fee for each substantial change submitted to ARRC for approval pursuant to this paragraph 4.4 based upon the ARRC fee schedule then in effect. The substantial change fee under this paragraph shall be additional to the annual Permit Fee provided for in paragraph 3 of this Permit.

4.5 Permittee agrees that if, at any time during the term of this Permit, ARRC deems it necessary to have additional safety equipment installed on or immediately adjacent to the Site for the protection of its passengers, personnel, or equipment from injury arising due to the use of the Facility or the Facility's existence on ARRC property, Permittee will, upon request from ARRC, install such equipment or safety devices as are prescribed by ARRC. Permittee agrees to comply with all ARRC standards for side and overhead clearances, which are available from ARRC.

4.6 The Standard Specifications for Work on Railroad Property (the "Standard Specifications") attached as Exhibit "B" are incorporated herein by reference. Permittee hereby agrees that all construction, reconstruction, operation and maintenance upon ARRC property shall be performed in accordance with (i) the Standard Specifications; and (ii) any supplemental conditions required by paragraph 22 of this Permit, including any supplements or revisions thereto in effect on the date any such activities are undertaken. Permittee agrees to make the Standard Specifications and any supplemental conditions under paragraph 22 part of all contractual bid specifications which the Permittee may publish for work associated with the Facility. If the Standard Specifications are revised by ARRC prior to termination of this Permit, Permittee agrees that any changes in or additions to the Facility shall be performed in accordance with such revised Standard Specifications, provided that ARRC has made such revisions reasonably available to the Permittee. Permittee shall be responsible for making itself aware of the attached Standard Specifications and any revisions thereof during the term of this Permit. If any term of this Permit conflicts with any provision in the Standard Specifications, the terms of this Permit shall control.

5. MAINTENANCE OF FACILITY. During the term of this Permit, the Permittee shall maintain the Facility to industry standards, or to those standards or levels of maintenance prescribed by federal, state or municipal laws and regulations. If no industry standards, laws or regulations exist, then the Permittee shall maintain its Facility to the reasonable satisfaction of ARRC. Safety features such as fences and signs shall be maintained by Permittee in their original functional condition. Permittee's obligations under this paragraph 5 may be fulfilled by Permittee contracting or otherwise agreeing with other entities to perform some or all of the required maintenance; provided, however, that Permittee shall nevertheless remain responsible for ensuring that the required maintenance is performed and meets the applicable standards, laws and regulations.

6. PAYMENT FOR WORK.

6.1 Permittee shall pay for all Facility construction, reconstruction, operation and/or maintenance, including the cost of ARRC inspectors and flagmen whose duties will be to protect the interests of ARRC and to ensure the completion of the work to the satisfaction of ARRC. In accordance with the attached Standard Specifications, flagmen are required whenever work is being performed within twenty (20) feet of centerline of any track.

6.2 Permittee shall reimburse ARRC for all costs in connection with the granting and operation of this Permit, including but not limited to, outside labor, materials, and equipment furnished by ARRC. Such reimbursement shall be at rates established by ARRC, and shall be due and payable within thirty (30) days following the date invoices are submitted by ARRC to the Permittee.

7. INTEREST IN RAILROAD PROPERTY.

7.1 It is understood that Permittee acquires no interest in or title to ARRC property by means of this Permit. Permittee shall have, at the discretion of ARRC and subject to Section 5 of Exhibit B (Standard Specifications), access to ARRC property for the purpose of construction, reconstruction, operation and/or maintenance of the Facility. This shall be done at times which will not in any way interfere with the operation of ARRC.

7.2 ARRC reserves the right of ingress to and egress from the Site and the right to enter any part of the Site, including buildings thereon, for the purpose of inspection at any reasonable time, and in time of emergency. All inspections will be coordinated with Permittee in order to minimize interference with Permittee's activities on the Site.

7.3 Prior to the termination of this Permit, Permittee will remove the Facility and all other property owned or controlled by Permittee and will restore the Site to natural drainage contour unless otherwise directed by ARRC. If Permittee fails to

comply with the preceding sentence, ARRC shall have the right, at its discretion, to remove the Facility and other property of Permittee from the Site and to restore the Site at Permittee's expense, which expense Permittee agrees to pay to ARRC upon demand.

## 8. NON-EXCLUSIVE USE/RAILROAD CONSTRUCTION.

8.1 ARRC and Permittee acknowledge that the Facility is designed and intended as a trail for the use of the general public. Nonetheless, ARRC reserves the right to grant permission to others to use and occupy the Site, provided that said use and occupancy will not, in the opinion of ARRC, unreasonably interfere with the Permittee's use of the Facility or impede the Facility's use by the general public or Permittee's maintenance, modification, construction or reconstruction of the Facility; provided, however, that ARRC may temporarily close or interfere with all or a portion of the Facility if such closure or interference, in the opinion of ARRC, is necessitated by ARRC's operations.

8.2 In the event ARRC finds it is necessary to alter or add to its facilities within or near the Site, Permittee shall make, at its own expense, any and all alterations to the Facility, including reasonable modification of the Site area, necessary to accommodate ARRC's activities related to such alterations or additions to its facilities.

## 9. INSURANCE.

9.1 The parties acknowledge that Permittee is a home rule city which has a program of self-insuring all risks of general liability and part or all of Permittee's risks of loss or damage to property. The insurance requirements of the attached Exhibit B (Standard Specifications) shall be applicable at all times to all activities of any contractor, subcontractor, or agent of Permittee performing work on the Site. Failure of ARRC to require insurance coverage of Permittee shall not be deemed to limit the liability of Permittee under this Permit in any manner. Permittee shall, however, require any contractor performing work for Permittee or on Permittee's behalf on or about the Site to keep in full force and effect a policy or policies of general liability insurance which includes bodily injury, property damage, and personal injury acceptable to ARRC with respect to the Site and the work being performed by Permittee or its contractors in the limits and otherwise in accordance with the requirements of Exhibit B (Standard Specifications) attached hereto or any revision of the Standard Specifications as described in paragraph 4.6 above. The policy or policies purchased pursuant to this subparagraph shall name both ARRC and Permittee as insureds with respect to the Facility and the Site and the work being performed for Permittee on the Site.

In addition to the foregoing and any provisions of the attached Exhibit B (Standard Specifications), Permittee shall ensure that, with respect to all personnel performing work on the Facility, Permittee or its contractors maintain in effect at all times during the term of this Permit, coverage or insurance in accordance with the applicable laws

relating to workers' compensation and employer's liability insurance.

9.2 Permittee shall deliver, or cause its contractors to deliver, to ARRC certificates of insurance for persons or entities required to have a policy of insurance under subparagraph 9.1 of this Permit prior to performing any work on the Site (or within such further time as ARRC may allow in writing), and such additional assurance certified by an authorized representative of the insurer as ARRC may from time to time reasonably request.

10. INDEMNIFICATION. Except as otherwise stated in this paragraph, Permittee shall defend, indemnify and hold harmless ARRC from and against all losses and all claims, demands, payments, suits, actions, recoveries, legal expenses and judgments of every nature and description made, brought or recovered against ARRC by reason of any act or omission of the Permittee, its bidders, contractors, subcontractors, agents or employees, in the execution of work or in guarding the same. Further, Permittee shall assume complete liability for and shall defend, indemnify and hold harmless ARRC from and against any and all claims resulting from the construction, reconstruction, maintenance, operation, use and existence of the Facility located on, under, or over the Site. The provisions contained in this paragraph shall not be given effect if the active negligence of ARRC or its employees or contractors is the sole proximate cause of any injury or damage done to the party asserting the claim.

Permittee shall give ARRC reasonable notice of any claims or actions subject to this paragraph 10. Permittee shall use counsel reasonably acceptable to ARRC in carrying out its defense obligations under this paragraph 10. Permittee's agreement to the release, indemnity and hold harmless obligations in this paragraph 10 is one of the considerations upon which this Permit is granted. The release, indemnity, hold harmless and defense obligations set forth in this paragraph 10 shall survive the expiration or other termination of this Permit.

All the foregoing obligations set forth in this paragraph 10 are subject to appropriations for the purposes stated herein, and are enforceable only to the extent permitted by law. Permittee shall exercise its best efforts to obtain such appropriations and ARRC shall assist Permittee in seeking funding from the appropriate agency or agencies or other governmental entity or entities.

#### 11. DEFAULT AND REMEDIES.

11.1 Default. The occurrence of any one or more of the following events shall constitute a material default by Permittee:

(a) The failure by Permittee to make any payments required to be made by Permittee hereunder, as and when due, where such failure shall continue for a period of twenty (20) days after written notice thereof from ARRC to Permittee;



(b) The failure by Permittee to observe or perform any covenant, condition or provision of this Permit to be observed or performed by Permittee, other than as described in subparagraph 11.1(a) of this Permit, which, in the reasonable opinion of ARRC, substantially endangers either the person or property of ARRC or a third party or human health or the environment, where Permittee does not commence curing the default immediately upon written notice from ARRC to Permittee or does not complete the cure within such reasonable time period as is imposed by ARRC or any governmental body having jurisdiction in the matter;

(c) Except as otherwise provided in subparagraphs 11.1(a) and 11.1(b) above, the failure by Permittee to observe or perform any of the covenants, conditions or provisions of this Permit to be observed or performed by Permittee, where such failure shall continue for a period of thirty (30) days after written notice thereof from ARRC to Permittee; or

(d) Vacation or abandonment of the Facility by Permittee except as specifically allowed under paragraph 2 of this Permit.

11.2 Remedies. In the event of any material default by Permittee, ARRC may at any time thereafter, without notice or demand and without limiting ARRC in the exercise of any right or remedy which ARRC may have by reason of such default:

(a) Terminate Permittee's rights under this Permit and ARRC may pursue other remedies.

(b) Maintain Permittee's rights under this Permit in which case this Permit shall continue in effect. In such event ARRC shall be entitled to enforce all of ARRC's rights and remedies under this Permit, including the right to recover the payments due hereunder.

(c) Pursue any other remedy now or hereafter available to ARRC under the laws or judicial decisions of the State of Alaska.

11.3 Interest. Permittee shall pay to ARRC interest at the highest rate allowed by law on any payment due from Permittee which is not received by ARRC when such amount shall be due. This payment does not waive, excuse or cure any default.

## 12. LAWS AND TAXES.

12.1 This Permit is issued subject to all requirements of the laws of the State of Alaska and regulations of ARRC relating to the granting of privileges on ARRC lands and facilities.

12.2 Permittee shall comply with all applicable laws, ordinances, rules, regulations, orders, licenses, permits and other requirements, now or hereafter in effect,

of any governmental authority including, but not limited to, matters of health, safety, sanitation and the environment. Permittee shall execute and deliver to ARRC copies of all documents as may be required to effect or to evidence such compliance. All laws, ordinances, rules, regulations, orders, licenses, and permits required to be incorporated in agreement of this character are incorporated herein by this reference. In furtherance of and not in limitation of the foregoing, Permittee shall obtain any approvals or non-objections from the Alaska Department of Transportation and Public Facilities required for the construction, maintenance, operation and use of the trail permitted hereunder.

12.3 Unless otherwise specified in this Permit, the attachments hereto or as directed by ARRC, Permittee shall obtain and pay for all permits, inspections, licenses and fees and shall furnish all bonds, security or deposits required to reconstruct, operate and/or maintain the Facility in accordance with this Permit. Permittee shall advise ARRC in writing and consult with ARRC prior to applying for any permit or other authorization from, or entering into any agreement with, any governmental authority with regard to the construction, reconstruction, operation and/or maintenance of the Facility.

12.4 Permittee agrees to notify ARRC of any claim, demand or lawsuit arising out of the Permittee's occupation or use of the Site. Upon ARRC's request, the Permittee will cooperate and assist in the investigation and litigation of any such claim, demand or lawsuit, notwithstanding whether such claim, demand or lawsuit is subject to Permittee's indemnity, defense and hold harmless obligations of paragraph 10.

12.5 ARRC makes no specific warranties, expressed or implied, concerning the title or condition of the Site, including survey, access or suitability for any use, including those uses authorized by this Permit. Permittee's use of the Site is subject to any and all of the covenants, terms and conditions affecting ARRC's title to the Site.

13. LIENS. Permittee shall keep the Site free of all liens and pay all costs for labor and materials arising out of any construction or improvements by the Permittee on the Site, and hold ARRC harmless from liability for any such liens, including costs and attorneys' fees. This provision shall not be interpreted to mean that ARRC in any way recognizes a liability on its part for any such liens. The hold harmless provision in this paragraph 13 is in furtherance of, and not in limitation of, Permittee's hold harmless obligations under paragraph 10.

14. ASSIGNMENT. This Permit shall not be assigned or in any manner transferred without the prior written consent of ARRC. This paragraph 14 shall not be construed to impair or prevent the carrying out by public agencies of responsibilities not inconsistent with the operation and policies of ARRC relative to construction, reconstruction, maintenance or control of the Facility.

15. NOTICES. Any notice permitted or required to be given hereunder shall be in writing and either delivered by hand or sent by certified mail, return receipt

requested:

- (a) If to ARRC, at
- ALASKA RAILROAD CORPORATION  
P.O. Box 107500  
Anchorage, Alaska 99510-7500  
Attn: Real Estate Department
- (b) If to Permittee, at
- CITY OF FAIRBANKS  
800 Cushman Street  
Fairbanks, Alaska 99701  
Attn: Engineering Division

Notice shall be deemed to have been given on the date delivered to the recipient, regardless of any other date indicated thereon.

16. NO WAIVER. The failure of ARRC to insist in any one or more instances upon the strict performance by the Permittee of any provision or covenant in this Permit shall not be considered as a waiver or relinquishment for the future, and any such provision or covenant will continue in full force, unless ARRC issues an authorized written waiver therefrom.

17. VALIDITY OF PARTS. If any provision or covenant of this Permit is declared to be invalid by a court of competent jurisdiction, the remaining covenants and provisions will continue in full force.

18. HEADINGS AND CAPTIONS. The heading and captions used in this Permit have been inserted solely for convenience of reference and shall not affect, or be deemed to affect, the meaning of any provision of this Permit.

19. BINDING. Subject to the provisions of paragraph 14 above, this Permit shall be binding on the successors and assigns of Permittee and ARRC.

20. MODIFICATIONS. No modification of this Permit is effective unless made in writing and signed by both parties.

21. GOVERNING LAW. This Permit and the rights and obligations of the parties hereto shall be governed by and construed in accordance with the applicable laws of the State of Alaska and of the United States of America. Permittee shall not commence or prosecute any suit, proceeding or claim to enforce the provisions of this Permit, to recover damages for breach or default under this Permit, or otherwise arising under or by reason of this Permit, other than in the courts of the State of Alaska or the District Court of the United States for the District of Alaska. Permittee hereby irrevocably consents to the jurisdiction of the courts of the State of Alaska with venue laid in the Third Judicial District or the United States District Court for the District of Alaska.

## 22. SPECIAL CONDITIONS.

22.1 Permittee acknowledges that fencing shall be required in some places for safety reasons as a condition of plan approval under this Permit. Once appropriate locations and level, type or quality of fencing are determined by ARRC for trail segments, said locations and levels, types or quality of fencing shall be required during the term of this Permit unless the parties agree otherwise in writing. Permittee agrees to construct and maintain any such fencing at its expense during the term of this Permit.

22.2 The grant of this Permit is specifically conditioned upon ARRC conveying, and Permittee accepting conveyance of, the Bridge by executing a Bill of Sale substantially similar to the document attached to this Permit as Exhibit C. If this Permit is terminated pursuant to paragraph 2 because funding to construct the Facility has not been obtained by Permittee by January 31, 2019, or such later date as may be agreed to in writing by the parties, the Bill of Sale for the Bridge shall become null and void and the ownership of and responsibility for the Bridge shall revert to ARRC as of the date of said termination.

22.3 The grant of this Permit is also specifically conditioned upon Permittee obtaining any and all necessary permissions for the pedestrian/bicycle trail permitted hereunder from any lessees or permittees of ARRC whose leasehold or permit interests will be impacted by said trail. ARRC shall cooperate with Permittee and ARRC's lessees and permittees in this regard and shall make reasonable modifications to existing leases or permits that Permittee and ARRC's lessees or permittees mutually agree upon to facilitate the permitted trail; provided, however, that any such cooperation by ARRC and modifications to existing leases or permits shall conform to ARRC's legal obligations under AS 42.40 and all other applicable laws, regulations and other authorities.

22.4 If, and only if, the design phase and/or ARRC's review of the plans and specifications indicate that it is necessary for any or all portions of the permitted trail to exceed the 8-foot width authorized herein, the permission granted in paragraph 1 of this Permit shall authorize an upward increase of up to twenty-five percent (25%) in the overall width of such portion or portions of the trail. If the design phase indicates that it is necessary for any or all portions of the trail to exceed the 8-foot width authorized herein by more than twenty-five percent (25%), then the redesigned trail will be subject to public notice and further consideration and authorization by the ARRC Board of Directors.

22.5 The grant of this Permit is also specifically conditioned upon Permittee obtaining the necessary access to conduct construction, reconstruction, repair and maintenance activities at the Site. Permittee's access to the Site shall not interfere with the activities, operations, occupancy or use of any adjoining property by

ARRC or its employees, contractors, lessees, permittees or licensees. Permittee shall obtain all necessary permissions for any access to the Site, including but not limited to permissions of ARRC's lessees or permittees for access via land subject to the affected leases and permits. This provision is in furtherance of, and not in limitation of Permittee's obligations under paragraph 22.3 of this Permit.

22.6 Permittee acknowledges that seasonal and non-seasonal flooding of the Chena River is likely to occur in the vicinity of the Site and the Facility. The Facility shall be designed and constructed in a manner that will not in any way worsen or exacerbate existing flooding conditions or existing flooding effects on the Site or on any other ARRC land within the ARRC Fairbanks Reserve.

23. Acknowledgement of Industrial Use of Adjoining Land. Permittee recognizes and acknowledges that land owned by ARRC in the immediate vicinity of the Site and the proposed Chena River Walk Trail is dedicated to industrial uses by ARRC and its commercial and industrial customers. Permittee further recognizes and acknowledges that said industrial uses involve and give rise to typical conditions attendant to such uses, including but not limited to the use of heavy machinery, noise, dust and other conditions and effects associated with such uses. Permittee further recognizes and acknowledges that such uses will continue after the development of the proposed trail, and that such uses may not be compatible with the enjoyment of the proposed trail by trail users. Permittee agrees that it will not invoke the existence of the trail permitted herein, or any incompatibility between industrial uses and trail uses to argue for or otherwise support any proposed change in land use on adjoining property belonging to ARRC.

ALASKA RAILROAD CORPORATION

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Bill O'Leary  
President & Chief Executive Officer

CITY OF FAIRBANKS

Dated: \_\_\_\_\_

By: \_\_\_\_\_

John Eberhart  
Mayor

STATE OF ALASKA                    )  
  ) ss.  
THIRD JUDICIAL DISTRICT        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by Bill O’Leary, the President & Chief Executive Officer of the Alaska Railroad Corporation, a public corporation created by A.S. 42.40, on behalf of the corporation.

\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires: \_\_\_\_\_

STATE OF ALASKA                    )  
  ) ss.  
FOURTH JUDICIAL DISTRICT        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by John Eberhart, the Mayor of the City of Fairbanks, on behalf of the City

\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires: \_\_\_\_\_



## BILL OF SALE

The **ALASKA RAILROAD CORPORATION** ("ARRC" or "Seller"), a public corporation organized under AS 42.40, whose address is P. O. Box 107500, Anchorage, Alaska 99510-7500, for good and valuable consideration, receipt of which is hereby acknowledged, does grant, sell, transfer and deliver to the **CITY OF FAIRBANKS** ("Buyer"), whose mailing address is 800 Cushman Street, Fairbanks, Alaska 99701, that certain pedestrian bridge across the Chena River, measuring approximately 6 feet in width and 170 feet in length (consisting of a 120-foot main span and two 25-foot approach spans), and located on the southwestern corner of Tract 4 of the Chena Landings Subdivision, as filed under Plat Number 2000-31, located within the NW ¼ and SW ¼, Section 9 Township 1 South, Range 1 West, Fairbanks Meridian, Alaska, and according to the official plat thereof, filed under Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska ("the Bridge"), as depicted on the drawing attached hereto as Exhibit A and made a part of this Bill of Sale. Buyer plans to use the Bridge as a link in the proposed Chena River Walk pedestrian/bicycle trail. The grant, sale, transfer and delivery of the Bridge effected by this document are contingent upon execution by Buyer of a permit between Seller, as Permitter, and Buyer, as Permittee, to be administered as ARRC Permit No. 9837, which will permit Buyer to construct, operate and maintain the Chena River Walk Trail. Failure of Buyer to execute ARRC Permit No. 9837 shall render said grant, sale, transfer and delivery null and void from the outset. The Bridge is transferred to the Buyer at its current location. Consideration to Seller for the transfer of the Bridge to Buyer, includes, but is not limited to, Buyer's agreement in said Chena River Walk permit to immediately assume responsibility to inspect and maintain the Bridge and to accept liability for the Bridge and all conditions and uses thereof.

Seller and Buyer recognize that Golden Heart Utilities maintains a water line that is attached to the Bridge. The parties do not intend that the purchase and sale of the Bridge between the parties shall in any way affect said water line or Golden Heart Utilities' right to operate and maintain said water line except that all permitting authority for the portion of said water line attached to the Bridge shall henceforth reside in Buyer.

Buyer agrees to save harmless, defend and indemnify Seller from any and all claims, demands, actions, debts, liabilities, and judgments, costs, and attorney's fees, in any manner arising out of, caused by, claimed on account of, or predicated upon injuries to or the death of any and all persons whomsoever, in any manner related or connected, directly or indirectly, to the Bridge; and to save Seller harmless from and on account of damages of any kind which Seller may suffer as the result of the use or removal or demolition of the Bridge. Buyer's obligations to save harmless, defend and indemnify Seller under this paragraph shall survive the termination of this Bill of Sale based on Buyer's failure to obtain funding to construct the Chena River Walk Trail, as provided below.

Seller makes no representations of any kind as to the condition of the Bridge or as to any use or purpose for which the Bridge is intended by the Buyer. Seller hereby specifically disclaims all



warranties of every type whatsoever, both express and implied, and specifically including, but not limited to, warranties of merchantability and fitness for a particular purpose concerning the Bridge. The Bridge is being transferred "AS IS-WHERE IS," and Buyer agrees that it has had sufficient opportunity to inspect the Bridge, and accepts the Bridge in its present condition.

This Bill of Sale shall become null and void if ARRC Permit No. 9837 is terminated because Buyer fails to obtain funding to construct the Chena River Walk Trail by January 31, 2019, or such later date as may be agreed to in writing by the parties, as provided in paragraph 2 of Permit No. 9837. If this Bill of Sale becomes null and void as provided in the preceding sentence, the ownership of and responsibility for the Bridge shall revert to Seller as of the date of termination of Permit No. 9837; provided, however, that any such reversion shall not release Buyer from nor make Seller responsible for any liabilities Buyer has incurred during the period of its ownership of the Bridge.

IN WITNESS WHEREOF the parties hereto have executed this Bill of Sale on the dates written below.

**SELLER**

**ALASKA RAILROAD CORPORATION**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

James W. Kubitz  
Vice President, Corporate Planning & Real Estate

**BUYER**

**CITY OF FAIRBANKS**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

John Eberhart  
Mayor

STATE OF ALASKA                    )  
  ) ss.  
THIRD JUDICIAL DISTRICT        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2014, by James W. Kubitz, Vice President, Corporate Planning & Real Estate of the Alaska Railroad Corporation, a public corporation created by Alaska Statute 42.40, on behalf of the corporation.

\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires \_\_\_\_\_

STATE OF ALASKA                    )  
  ) ss.  
FOURTH JUDICIAL DISTRICT    )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2014,  
by John Eberhart, Mayor of the City of Fairbanks, Alaska, on behalf of the City.

\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires\_\_\_\_\_

**RESOLUTION NO. 4605**

**A RESOLUTION HONORING PATRICK B. COLE BY DEDICATING  
AND RENAMING CITY HALL IN HIS HONOR**

**WHEREAS**, Patrick B. Cole died on November 21, 2013, due to complications following heart transplant surgery in Seattle, Washington; and

**WHEREAS**, Cole's history of service to local government in Fairbanks was outlined in Resolution No. 4596, A Resolution in Memoriam of Patrick B. Cole; and

**WHEREAS**, in November of 1994, Cole was the Deputy City Manager and was serving as Acting City Manager. At the Council meeting on November 7, 1994, the Council approved a motion to appoint him as the City Manager. At the next meeting on November 21, the Council assigned him the challenging task – “to move appropriate city offices into Main School in as quick a manner as possible;” and

**WHEREAS**, Main School had been vacant since 1992 when the Borough relocated to new office space. The windows had been boarded up to prevent entry and vandalism. Left cold, the building suffered extensive water damage caused by frozen and clogged roof drains; and

**WHEREAS**, Cole approached this challenge with the same energy and the same positive approach that were hallmarks of his life; and

**WHEREAS**, as was his style, Cole deflected any praise for the successful transition from himself on to all of the people that made it possible; and

**WHEREAS**, his dedication and service to the City of Fairbanks is perhaps best reflected in the building that residents now proudly call City Hall,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council, in recognition for his service to this community, that City Hall be renamed “Patrick B. Cole City Hall.”

**PASSED and APPROVED this \_\_\_\_\_ day of January 2014.**

\_\_\_\_\_  
**John Eberhart, City Mayor**

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Janey Hovenden, CMC, City Clerk

\_\_\_\_\_  
Paul Ewers, City Attorney

December 10, 2013

**Re: Plumbing Examiners Meeting Minutes of 12/03/13**

Attendees: Kraig Hogenson, Mike Davis, Shawn Randle, Mike Desmond, Clem Clooten, David Hughes

Meeting was called to order at 12:05. The board welcomed new members Mike Davis and Shawn Randle.

Board discussed possible ordinance to prohibit contractors with residential mechanical administrators Licenses from bidding commercial work in the City.

Chairman Mike Desmond went through some of the history of the board.

Test were passed out from the recent Masters exam and reviewed

Board was informed that the Building Department will be updating our codes and adopting the 2012.

Motion to adjourn was seconded. Meeting ended 12:50



BED TAX DISCRETIONARY FUND COMMITTEE  
MEETING MINUTES, NOVEMBER 22, 2013  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

---

The Bed Tax Discretionary Fund Committee convened at 12:00 P.M. on the above date to conduct a meeting at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Council Member Matherly presiding and with the following members in attendance:

Members Present:                   Karen Fox  
  Carter Crawford  
  Vivian Stiver  
  Randi Carnahan

Absent:                               Carole Newcomer

Also Present:                       D. Danyielle Snider, Deputy City Clerk  
  Margarita Bell, Grants Administrator

**NEW BUSINESS**

**Mr. Matherly** expressed sympathy for the passing of City Chief of Staff, Patrick Cole. He stated that Mr. Cole suffered from complications after a heart transplant and expressed his grief on behalf of the City of Fairbanks.

a)       Introduction of New Member, Randi Carnahan

**Mr. Matherly** thanked members for their participation on the Committee throughout the years. He commented that last year's presentations went very smoothly. He welcomed new member Randi Carnahan to the Committee and spoke to the significance of the Committee's role in the distribution of Hotel/Motel Discretionary Funds.

b)       Committee Policy on Tardiness/Absences

**Mr. Matherly** indicated that tardiness and absences have been a concern of the Committee in prior years but were not an issue last year. He stated that the Committee has had discussions on how to handle scoring when a member misses a presentation and indicated that the Committee has barred members from scoring presentations for which they were absent. **Mr. Matherly** stated that the issue can be completely avoided if everyone shows up to the presentations on time.

**Ms. Stiver** stated that it was her understanding that members could not vote to allocate any funds if they missed any of the presentations. She commented that it is unfair for a member to only score part of the presentations because it allows them to allocate more funds to the other applicants.

Deputy Clerk Snider read aloud the minutes from the November 8, 2012 Preliminary Meeting when the topic was discussed. The record indicated that members were barred from scoring only the presentations for which they were absent.

**Ms. Stiver** stated that the practice has been that if a member does not give the courtesy to listen to every presentation, the member loses his or her right to score any applications. She suggested that Mr. Matherly introduce an ordinance to amend the Fairbanks General Code (FGC) on taxation to clarify that members may not vote at all if they are absent or tardy for meetings.

**Ms. Stiver**, seconded by **Ms. Carnahan**, moved to recommend that Mr. Matherly introduce an ordinance to amend the FGC to clarify that Hotel/Motel Discretionary Fund Committee Members may not vote to allocate any funds if they are absent or tardy for Committee meetings.

**Mr. Matherly** pointed out that a member may not need to be barred from allocating funds if they are absent or tardy to the preliminary meeting.

**Ms. Stiver**, with concurrence from the Second, amended her motion to specify that a Committee member may not vote to allocate any funds unless they are present for all presentations.

**Mr. Matherly** called for objection and, hearing none, so ORDERED.

c) Late Application – World Eskimo-Indian Olympics

**Mr. Matherly** explained the circumstances surrounding the late application from World Eskimo-Indian Olympics. He asked members to discuss the issue.

**Ms. Carnahan** stated her belief that the same rules should be applied to all applicants. She asked how the Committee has handled late applications in the past.

**Ms. Crawford** stated that she recalls one late application issue in the past which was due to a mail issue.

**Ms. Stiver** stated that the Committee should not become politically involved in changing the rules to allow for late applications. She recommended that the Chair contact the late applicant and inform them that they have been eliminated from consideration. **Ms. Stiver** stated that the applicant should also be informed that they may appeal the denial of their application to the City Council. She spoke to the competitiveness of the Hotel/Motel Discretionary Fund Grant application process. She stated that the City Clerk's Office receives applications but does not deny them as it is the Committee's decision to do so. **Ms. Stiver** recommended that the Committee Chair take a larger role in the denial process.

**Mr. Matherly** stated that he does not have a problem in taking the heat for the denial of a late application. He agreed with Ms. Stiver's stance on how to handle late applications.

**Ms. Carnahan** asked if there have been similar cases in the past.

**Ms. Crawford** stated that the late application she referred to earlier was postmarked within the application period.

**Ms. Stiver** stated that there was an application from a prior year that was mailed from a mailing house where they change their mail meter to the next date at noon. She stated that the application was denied because it was not postmarked by the due date. **Ms. Stiver** spoke to the Yukon Quest's late application in a separate incident in a prior year. She asked if anyone remembered what happened in that case.

Margarita Bell stated that in her recollection, the Committee denied the Yukon Quest's application and the organization appealed to the City Council. Ms. Bell stated that she believes the Council granted the Yukon Quest's appeal and gave them some funding from a separate source.

**Ms. Stiver**, seconded by **Ms. Crawford**, moved to remove World Eskimo-Indian Olympics' late application from Committee consideration.

**Mr. Matherly** called for objection and, hearing none, so ORDERED.

d) Presentation Meeting

i) Start Time, Scheduled Presentation Times and Limits

**Mr. Matherly** stated that the Committee held all the 2012 presentations in one night. He explained that organizations were given two minutes to present and the Committee was given three minutes to ask questions. **Mr. Matherly** suggested that the Committee follow the same schedule this year.

**Ms. Stiver** suggested that since there are no specific times slots prescribed to presenters that they arrive at the presentation meeting on time.

**Mr. Matherly** referenced the calendar handout from the Deputy City Clerk. He asked members which dates would work best for the distribution and presentation meetings.

Members discussed the best time to hold the presentation and distribution meetings and concurred that the best date for presentations would be December 10 or 11.

**Ms. Fox** stated that it becomes increasingly difficult for everyone to attend meetings the closer it gets to Christmas. She recommended holding the distribution meeting the same week as the presentations.

**Ms. Stiver** indicated that she would like more than two days to score the applications. She reminded fellow members that they also need to allow time for the City's Finance Department to verify the allocations before awards are announced.

Ms. Bell stated that she will need the members' allocations no later than 10 A.M. on the morning of the distribution meeting.



**Mr. Matherly**, seconded by **Ms. Fox**, moved to hold the presentation meeting on Wednesday, December 11 at 5:30 P.M. and the distribution meeting on Friday, December 13 at noon.

**Mr. Matherly** called for objection to the motion. Seeing only one objection by Ms. Stiver, **Mr. Matherly** declared the MOTION CARRIED.

**Mr. Matherly** stressed the importance of being on time to the presentation meeting. He asked all members to arrive at 5 P.M.

ii) Committee Policy on “Zeroing Out” Applicants

**Mr. Matherly** explained the current Committee procedure for zeroing out applications at the end of the presentation meeting. He stated that if three or more members give an applicant a zero allocation, the Committee eliminates them from consideration. He asked the Committee if they would like the policy to continue.

Members responded affirmatively.

**Ms. Stiver** spoke to the history of the zeroing out process and explained that it is a simple way to eliminate applicants up front who may not meet the eligibility standards set forth in City Code. She spoke to the effort of the Committee in the past to increase the number of applicants and stated that it resulted in an increased number of ineligible applicants.

**Ms. Carnahan** asked if the Fairbanks Convention and Visitor’s Bureau receives a set percentage of bed tax dollars each year.

**Ms. Stiver** stated that the majority of bed tax dollars goes to the FCVB. She stated that the funding they receive is completely separate from the \$270,000 in discretionary funds. She clarified that there is also a certain amount of funding set in City Code that goes to Fairbanks Economic Development Corporation (FEDC) Festival Fairbanks.

**Ms. Fox** asked **Mr. Matherly** if there is a possibility of increasing the discretionary fund grant total from \$270,000 to \$300,000.

**Mr. Matherly** stated that the issue has not been brought up in preparation for the 2014 City budget. He indicated that it may be a consideration for future budget years.

e) Individual Distribution – Round to the nearest \$10 to make total grant amount \$270,000

**Mr. Matherly** reminded members that in order for the total \$270,000 to be distributed, members must round their allocations to the nearest \$10.

**Ms. Carnahan** asked for clarification on the form members should use for their individual allocations.

**Mr. Matherly** replied that members should use the Excel spreadsheet provided by the Clerk's Office and that it should be turned in to Ms. Bell in the Finance Department.

Ms. Snider confirmed that she would email the spreadsheet to Committee members.

f) Q & A

**Mr. Matherly** referenced the letter to the Committee from the Fairbanks Rotary Club stating their support for the Clay Street Cemetery Commission's 2013 grant request. He stated that often organizations will include letters of support in their application packet, but that this particular letter was submitted separately.

**Ms. Stiver** commented that the mission of some organizations like the Clay Street Cemetery Commission may not have a clear correlation to the promotion of tourism and economic development.

**Mr. Matherly** encouraged members to ask questions at the presentation meeting.

**Ms. Fox** reminded members that the Committee cannot accept any handouts from applicants at the presentation meeting.

Ms. Snider stated that Fairbanks Tired Iron, Inc. did not turn in a 2013 grant application. She stated that she received a call from David Weaver who explained that he simply forgot to apply. She suggested that Chair Matherly remind applicants at the night of presentations to have a backup plan for applying each year. Ms. Snider stated that the application period is advertised on five different dates in the newspaper and is also on the City's website.

**Mr. Matherly** stated that he will remind applicants to calendar the application period.

Ms. Bell asked how early the Committee would like the Finance Department's review of the applications.

Members replied that they would like to have the review soon, possibly the first week of December.

Ms. Bell indicated that there are some documents missing from some of the applications.

**Ms. Stiver** questioned whether missing documents would constitute an incomplete application. She asked Ms. Bell to speak to the incomplete applications.

Ms. Bell stated that the Clay Street Cemetery Commission is missing a balance sheet and the Fairbanks Curling Club is missing the annual report. She stated that the annual report was turned in to the Finance Department in a timely manner, but that the applicant failed to include a copy in their 2013 grant application.

**Ms. Matherly** suggested that Ms. Bell may be able to obtain the missing information from the applicants. He asked Ms. Bell if there have been incomplete applications in the past, and if so, how the applications were treated.

Ms. Bell replied that she typically does not have any contact with applicants in regard to the grant application. She stated that last year, an agency provided the wrong annual report with their application but the Finance Department pulled the correct document and replaced it in the packet. Ms. Bell stated that she has never contacted an applicant to obtain missing documentation. She indicated that she has provided applicants with clarification when they contacted her with questions. Ms. Bell stated that she can provide the Committee with the missing annual report from the Fairbanks Curling Club if members so desire.

**Ms. Stiver** asked Ms. Bell what grantors typically do when an incomplete application is submitted.

Ms. Bell replied that the process is different depending on the grantor. She explained that if the elements are not listed a grantor may be more lenient. Ms. Bell stated that the City's grant application has a checklist of items that need to be submitted with the application.

**Mr. Matherly** indicated that the two applicants with incomplete submittals may need to be eliminated from consideration. He asked Ms. Bell if she has reviewed all the applications for completeness.

Ms. Bell replied affirmatively. She stated that only the two applications she mentioned were incomplete.

**Mr. Matherly** read aloud the section of the application which states that "Incomplete or late applications will not be considered." He stated that above that statement, there is a checklist of six items that need to be included in the submittal. He commented that perhaps the Committee should request a copy of the missing annual report from the Finance Department to include with Fairbanks Curling Club's application.

Ms. Bell stated that the Finance Department reminds applicants when they turn in their annual report to keep a copy for submittal with their next grant application.

**Mr. Stiver** stated that she requested that the Finance Department be included in the grant application process two years ago since accounting is such a large component of the process.

**Ms. Fox** indicated that the Committee has been "loose" on incomplete applications in the past.

**Mr. Matherly** asked if the Committee has eliminated organizations from consideration in the past due to incomplete applications.

**Ms. Fox** replied that she does not recall an application being eliminated due to missing documentation in the past.

Ms. Bell stated that Clay Street Cemetery Commission did not include their balance sheet. She explained that the Commission is unique in that they are not a non-profit agency. She stated that since they are a City Commission, the Finance Department actually processes the payments for Clay Street's purchases.

**Mr. Matherly** suggested that both of the organizations with incomplete applications be included in the upcoming grant process. He indicated that for next year, the Committee may need to provide more clarification in the language that speaks to late applications.

**Ms. Stiver** suggested that the applicants be contacted regarding the missing documentation.

**Mr. Matherly** asked Ms. Bell if the Finance Department helps the Clay Street Cemetery Commission complete their grant application.

Ms. Bell replied that the Finance Department does not assist with the application. She stated that they only provide the Commission with the financial documentation pertaining to their purchases.

**Mr. Matherly** asked if the Commission was missing the same information in last year's application.

Ms. Bell stated that their application was complete last year.

**Mr. Matherly**, seconded by **Ms. Carnahan**, moved to include the Fairbanks Curling Club in the 2013 presentations by requesting that the Finance Department provide the missing annual report to Committee members.

**Mr. Matherly** called for objection and, hearing none, so ORDERED.

**Mr. Matherly**, seconded by **Ms. Fox**, moved to include the Clay Street Cemetery Commission in the 2013 presentations.

**Mr. Matherly** called for objection and, hearing none, so ORDERED.

**Mr. Matherly** asked Ms. Bell if he or the Finance Department could contact the Commission to request the missing balance sheet.

Ms. Bell replied that she would discuss the issue with the City Clerk's Office.

**Ms. Stiver** suggested that a letter be sent to the agencies who submitted incomplete applications to remind them that the Committee may not consider incomplete applications in the future.

Ms. Snider suggested that a general reminder statement be made by the Chair on the night of presentations in regard to late and incomplete applications.

**NEXT MEETING**

**Mr. Matherly** reminded members that the Presentation Meeting will take place on Wednesday, December 11 at 5 P.M. and the Distribution Meeting will be held on Friday, December 13 at noon.

**ADJOURNMENT**

**Ms. Fox**, seconded by **Ms. Crawford**, moved to ADJOURN the meeting.

**Mr. Matherly** declared the meeting adjourned at 1:05 P.M.



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Jim Matherly, Chair

Transcribed by: DS



HOTEL/MOTEL DISCRETIONARY FUND COMMITTEE  
MEETING MINUTES, DECEMBER 11, 2013  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The Bed Tax Discretionary Fund Committee convened at 5:30 P.M. on the above date to conduct a Presentation Meeting at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Council Member Matherly presiding and with the following members in attendance:

Members Present: Karen Fox  
Carter Crawford  
Vivian Stiver  
Randi Carnahan  
Carole Newcomer

Absent: None

Also Present: D. Danyielle Snider, Deputy City Clerk  
Margarita Bell, Grants Administrator

**Mr. Matherly** introduced himself to applicants and wished them a Merry Christmas.

**APPROVAL OF PREVIOUS MINUTES**

a) Meeting Minutes of November 22, 2013.

**Ms. Stiver**, seconded by **Ms. Fox**, moved to APPROVE the meeting minutes.

**Mr. Matherly** called for objection and, hearing none, so ORDERED.

**Mr. Matherly** thanked the Committee for volunteering their time to serve and asked Members to introduce themselves. He explained the presentation process and time limits. He reminded presenters that in the future it may be a good idea to have a backup applicant/presenter in case of an emergency. **Mr. Matherly** also recommended that applicants calendar the Hotel/Motel Grant application period.

**PRESENTATIONS BY APPLICANTS**

- a) Fairbanks Youth Litter Patrol
- b) Alaska International Senior Games, Inc.
- c) Fairbanks Community Band, Inc.
- d) Festival Fairbanks, Inc.
- e) Tanana-Yukon Historical Society
- f) Iron Dog, Inc.
- g) Clay Street Cemetery Commission
- h) Fairbanks Downtown Association

- i) Friends of the Tanana Valley Railroad
- j) Tanana Valley State Fair Association
- BREAK**
- k) Friends of Creamers Field
- l) Fairbanks 2014 Arctic Winter Games
- m) Greater Fairbanks Chamber of Commerce
- n) Pioneer Memorial Park, Inc.
- o) Yukon Quest International, Ltd.
- p) ICE Alaska
- q) Fairbanks Arts Association
- r) Fairbanks Curling Club
- s) Fairbanks Community Museum
- t) Alaska Dog Musers Association, Inc.
- u) Denakkanaaga, Inc.

**Mr. Matherly** stated that he would call out each applicant/organization to see if any Committee Members allocated a zero for distribution. He explained that if an applicant receives three or more zeros from the Committee Members, that applicant will be removed from consideration. **Mr. Matherly** reminded Members that their individual allocations need to be completed and turned into Margarita Bell in the City Finance Department no later than 10 A.M. on Friday, December 13.

**Mr. Matherly** called out all applicants/organizations one at a time and none were removed from consideration. He thanked everyone for attending the meeting and asked Members if they had any questions.

No Members had questions.

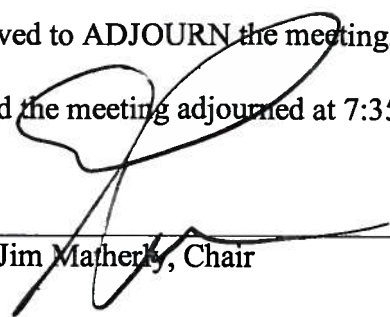
### **NEXT MEETING**

**Mr. Matherly** again reminded members that the Distribution Meeting will take place on Friday, December 13 at 12 P.M.

### **ADJOURNMENT**

**Ms. Stiver**, seconded by **Ms. Crawford**, moved to ADJOURN the meeting.

Hearing no objection, **Mr. Matherly** declared the meeting adjourned at 7:35 P.M.

  
\_\_\_\_\_  
Jim Matherly, Chair

Transcribed by: DS

**Fairbanks North Star Borough / City of Fairbanks**  
**CHENA RIVERFRONT COMMISSION**  
**MINUTES**  
**October 9, 2013**

The Fairbanks North Star Borough/City of Fairbanks Chena Riverfront Commission (CRFC) met on Wednesday, October 9, 2013 with Chair Anna Plager presiding. The following Commission members were in attendance: Kelley Hegarty-Lammers, Julie Jones, Lee Wood; John Jackovich; Sue Rainey; Gordy Schlosser and Bob Henszey.

Also present were: Kellen Spillman, FNSB Community Planning; Jewelz Nutter, TVWA; Barry Hooper, DOT; Nancy Durham, FNSB Community Planning; Donna Gardino, FMATS; Steve Taylor, FNSB Parks & Recreation and Angela Parker, FNSB Recording Clerk.

**1. CALL TO ORDER**

**Plager** called the meeting to order at 12:00 p.m.

**2. APPROVAL OF AGENDA**

Two items were added to the agenda under Unfinished Business:

- E. Historic Plaques
- F. Dermot Cole Appreciation Letter

*A motion was made by Rainey, seconded by Hegarty-Lammers to approve the Agenda for October 9, 2013. There were no objections.*

**3. APPROVAL OF MINUTES OF September 11, 2013**

**Jones** commented that she had several corrections for the September 11, 2013 minutes and Nutter had one suggestion. These changes were enumerated.

*A motion was made by Hegarty-Lammers, seconded by Schlosser to approve the minutes with the suggested changes and edits for September 11, 2013. There were no objections.*

**4. COMMUNICATIONS TO THE COMMISSION**

**Spillman** commented to the Commission that the actual name of the DOT project to be presented by Carl Heim is "Airport Way West Improvement Project".

**Jones** stated that she has put in a request to rename "Shoreway Park" to "Gordon Ware Park" to the Parks & Recreation Commission for review.

**Jones** said that Mr. Ware was a resident of the Chena River area just north of the Golden Heart Plaza and he mobilized people to plant flowers at his own expense every year. A plaque already exists at the park with some of that history.

**Jones** commented that Festival Fairbanks got an estimate on the new dock that they hope to install at the Golden Heart Plaza. It will have a 10' X 6' platform with stairs to a floating 16' X 5' dock. The estimated cost for this is approximately \$10,000 for Festival Fairbanks.



**Jones** clarified that there is still a plan to place the old dock in front of the Jackovich property on the north side of the river.

**Plager** thanked Jones for all of her efforts.

## 5. PUBLIC COMMENTS

None

## 6. NEW BUSINESS

None

## 7. UNFINISHED BUSINESS

### A. Airport Way West Improvement Project – DOT Presentation by Carl Heim

**Spillman** distributed handouts to illustrate the proposed DOT project along Airport Way that will combine two intersections (Airport Road / Hoselton Road and Airport Road / Dale Road) into one access point. Of particular interest for the CRFC would be the two points where these roadways approach the river near the Parks Highway interchange and the close point back by Dale Road. Heims' project is proposing to construct a 12-foot sidewalk along the entire project. When the project gets to Pikes Landing Road by the Princess Hotel, there will not be any road improvements after that point, but there will be a separated pathway along Hoselton Road to the Parks Highway interchange that will connect with the existing Boat Street pathway. The project proposes one access point, a roundabout on Airport Way. **Spillman** further commented that this project is proposing right-of-way acquisition on nine parcels. The DOT right-of-way will continue along the Chena River.

**Henszey** commented that the bank along the river is on the outside bend of the river which is usually highly erodible, so he would be very curious what the bank stability is in that particular location. **Heim** stated that DOT talked with hydrologists about perhaps doing some type of protection in that area. **Henszey** further commented that some of the vegetative stuff in the area is in good shape. **Spillman** commented that he mentioned this to Michael Bork, Director of Parks and Recreation, so that he is aware of the project. **Hegarty-Lammers** commented that in the 20 years of the CRFC existence, the most public comment that they receive is that people would like easier access to and from the river. When the CRFC sees a project where there are going to be public sidewalks that come that close to the river, that is something that the CRFC ends up being really interested in and if Heim could take that thought back to the design team and discuss any possibilities that would be great. The CRFC would really like to continue the project discussion with DOT & PF.

**Rainey** asked what the acreage of the land to be acquired is. **Spillman** responded that 3.6 acres is the amount of the take. **Henszey** commented that he is a bicycle rider and would recommend that DOT put some thought in as to how many driveways and who has the right-of-way when bicycles and pedestrians are walking across those driveways and roads. **Plager** added that it would be nice if the river could be accessible from the sidewalk rather than having a big embankment to have to go down. Perhaps not the full length of the sidewalk, but still somewhere along there would be nice. **Heim** reminded the CRFC that this project is in the very preliminary stages. He further commented that it will probably be 2016 before construction begins.

**Plager** asked what the best way was for the CRFC to convey their interest in this project. **Heim** stated that an e-mail to him would be sufficient or a letter to DOT. **Spillman** added that this project went before the Planning Commission on October 8, 2013, and that their recommendation to the Assembly is to approve the project. He further added that regarding the

Chena Small Tracts pathway the CRFC sent a letter of support to Russ Johnson, the project manager for the project. **Plager** commented that she feels it would be worthwhile to provide a letter of support for this project. **Hegarty-Lammers** and **Henszey** concurred. It was agreed that Commissioners will e-mail Plager with their thoughts and she will draft a letter to bring to the November meeting for approval.

#### B. Project List Review

**Plager** commented that Jones has been kind enough to review what the CRFC had from several years ago and has provided copies of the revised version. These are the leftover priorities from past years. However, if you look at the plan, you will see that the plan is full of projects and she handed out a sheet with project examples from the plan. **Schlosser** stated that he will volunteer for the Riparian Management and Landscape Design committees. **Henszey** volunteered for the Bike Paths and the Riparian Management committees. **Rainey** commented that she would be interested in the Public Access committee. **Hegarty-Lammers** noted that she would be interested in being taken off of Public Access as she is on several others already. **Jones** stated that she is on the landscape review board for the City and would like to be on the Landscape Design for this commission as well. She is also interested in staying on the Bike Paths committee. **Hegarty-Lammers** asked to be removed from the Landscape Design Committee.

**Wood** questioned if Wilken will still be serving on the Public Education on River Safety committee as he has not been attending the CRFC meeting. **Jones** commented that she thinks it would be nice to have an update on this committee because, for example, at the Chena River summit, there was a lot of great new information on river safety and education. **Plager** commented that Cam Leonard was the Chair of this particular committee and he wrote a summary of what they were able to accomplish and the issues that they worked on. **Plager** stated that she read this into the record several months ago. **Jones** commented that if that is the case, she would concord with Wood and there is no need to further the conversation. **Plager** further stated that there was a lot of public input in this area and all of those issues have not been addressed so she does not feel that the CRFC should let go of Public Education on River Safety. **Hegarty-Lammers** suggested that the topic be left in the list of projects as dormant topic. **Rainey** questioned if Public Education on River Safety was an issue recently with the new bridge that has been installed at Barnette Street.

**Plager** also commented that these committees are not limited to just commissioners. Outside folks or experts or interested people can be brought in. **Henszey** asked if we had to advertise and **Plager** responded that committee meetings must be noticed if more than two committee members meet. **Gardino** suggested that if specific entities are going to be mentioned within these committees, representatives of these entities should be included as members of the various committees. **Jones** thanked Gardino for her comment and suggested that perhaps she should consider asking someone from the city that seems appropriate to volunteer with her on some of the committees that she is involved with.

**Plager** commented that she would like to have a lead person for each of these committees. **Jones** volunteered for the Bike Path committee. **Henszey** volunteered for the Riparian Management committee. Wilken will remain as the lone person on the Public Education on River Safety. **Rainey** volunteered for the Public Access committee. **Jones** also volunteered for the Landscape Design committee. **Hegarty-Lammers** will remain as the lead on the Awards committee.

#### C. CRFC Plan Update

**Hegarty-Lammers** reported on the committee meeting which was held on October 2, 2013. The committee did make some changes. She created a process graphic and distributed it to

the CRFC. The committee will report to the CRFC commission with any changes proposed after their next meeting scheduled for November 6, 2013.

**Hegarty-Lammers** stated that after the CRFC votes about what they would like to forward for the Borough and City Council consideration, they will generate a draft plan. The draft review effort contains products; the document with proposed changes and a Powerpoint presentation which has been done every time the plan has been updated. The timeline that was distributed gives approximate dates that will be adhered to in order to accomplish this task in a timely manner. **Henszey** asked if North Pole has anything to do with this process. **Hegarty-Lammers** responded not much, but they could be included. The presentation could be presented to organizations such as Rotary to get the awareness out there. **Wood** commented that she is merely doing formatting changes to the plan. **Plager** volunteered to tackle technical edits before the next committee meeting.

D. Recap of walking tour

**Henszey** commented that there were a lot of nice projects to view during last month's walking tour along the river. **Hegarty-Lammers** wanted to thank Festival Fairbanks, Parks & Recreation, the City and FMATS and commented that it is really nice to see so much progress.

E. Historic Plaques

**Gardino** stated that Design Alaska is contracted to help with layout for the plaques. Gardino has also hired Pam Rice as an editor to review the plaques. Rice has done all of the plaques at Morris Thompson and at Gates of the Arctic and she knows how to write the abbreviated captions. There were several recommendations by the CRFC as to font size, color and border. She further stated that there are still two more reviews yet to come.

F. Dermot Cole thank you letter

**Rainey** read a short, sweet letter that she drafted and there were no comments so it will be sent to him.

## 8. STAFF AND LIASION COMMENTS

**Hooper** commented that the third public meeting regarding the Wendell Street bridge will be at the Morris Thompson Center on October 29, 2013, at 5:00 p.m.

**Taylor** stated that landscaping and improvements have been done at Kiwanis Park which is located on Wilbur Street across from the Carlson Center.

**Gardino** commented that the Illinois Street final inspection is at 3:00 today.

**Hegarty-Lammers** had two comments the regarding Airport Way West project. One was that the last thing that we want to do as the CRFC is to be anything but constructive and when something goes to the Planning Commission without them having the comments of the CRFC, the CRFC can be placed in a position where we are doing something counter to what the Planning Commission has recommended. It is her hope that the Chair will mention this to the appropriate avenues. **Durham** responded that some of the projects that they get in the Planning Department come in after the deadline for the agenda notification of the CRFC meetings. Durham added that the Planning Department is working on this issue. **Hegarty-Lammers** proposed that a standing agenda item is listed to allow for these situations. She suggested that "Staff and Liaison Comments" be that avenue. It was pointed out that perhaps

“publicly-funded projects” do not fall under our guidelines. In any case, the CRFC thanked Spillman for bringing the Airport Way West project to our attention.

**Hegarty-Lammers** second comment regarding the Airport Way West project is that she feels that this is the CRFC’s most outstanding opportunity to date to have gateway art welcoming people to Fairbanks. That is not to preclude something that a westbound person would see approaching the airport. She would really like to make sure that DOT gets a comment from the CRFC that there be something as you are coming eastbound that is welcoming.

*A motion was made by Jones, seconded by Hegarty-Lammers to extend the meeting for 15 minutes. There were no oppositions.*

**Jones** announced that Festival Fairbanks received a grant from the Fairbanks North Star Borough to match their funds for the riverbank restoration project by the Borough building. They will break ground within the week. **Plager** asked if there was going to be any media or press coverage about this project. **Jones** responded that the plan is to have signage afterwards. She is not sure if they have the space to allow for people to come by and view it. She was planning on doing a press release to encourage people to walk down the south Chena Riverwalk, enjoy the overlook view and be able to view this project as well.

**Jones** also commented regarding the roundabout coming to Airport Way. She stated that she agrees that she enjoys public art and she is enthusiastic, however she has concerns that artwork or plant life may interfere with visibility.

**Rainey** commented that she feels that the CRFC needs to pursue the Airport Way West project and push for public access. **Plager** asked **Henszey** to take a look at the access issue and be prepared to report back to the commission at the next meeting.

**Schlosser** reiterated the concerns that have been expressed.

**Henszey** agreed with the other comments that have been made. He also thanked **Plager** for representing the CRFC before the Assembly regarding the bank stabilization project.

## 9. COMMISSIONERS COMMENTS

**Plager** asked all commissioners to review their contact information to ensure that the information is current.

## 10. AGENDA SETTING FOR November 13, 2013 COMMISSION MEETING

- A. Plan Update Report
- B. Project List Review
- C. Airport Way West project comments
- D. Timing of Projects review

## 11. ADJOURNMENT

*A motion was made by Schlosser, seconded by Henszey to adjourn. There were no objections.*

/l

*City of Fairbanks*



**MEMORANDUM**

To: City Council Members  
From: John Eberhart, City Mayor *Jim E*  
Subject: Request for Concurrence – Public Safety Commission  
Date: December 27, 2013

---

Seat F on the Public Safety Commission, currently filled by Nathan Smoot, expired on December 31, 2013. I request your concurrence to the nomination of the following member to fill the seat:

Mr. Robert Kinnard – permanent member. Term to Expire: December 31, 2016

Mr. Kinnard's application and resume are attached.

Thank you.

DDS/



CITY OF FAIRBANKS  
 Office of the City Clerk  
 800 Cushman Street  
 Fairbanks, Alaska 99701-4615  
 Office: 907 459-6771  
 cityclerk@ci.fairbanks.ak.us

**RECEIVED**  
 DEC 27 2013  
 CITY CLERKS OFFICE

**BOARDS AND COMMISSIONS  
 APPLICATION FORM**

DATE: December 27, 2013  
 NAME: Robert Kinnard III  
 BOARD: Public Safety Commission

The information provided below will be made available to the public. The Clerk's Office will provide a mailing address, at least one phone contact, and an e-mail address, so please indicate your preferred method of contact with the public by placing a check mark in the appropriate box(es).

- RESIDENCE ADDRESS: 3020 Davis Road Apt. D01 Fairbanks, AK 99709
- MAILING ADDRESS: 827 17<sup>th</sup> Ave. Apt. #142 Fairbanks, AK 99701
- BUSINESS ADDRESS: \_\_\_\_\_
- CELL PHONE: (907) 347-3613       WORK PHONE: ( ) \_\_\_\_\_
- HOME PHONE: ( ) \_\_\_\_\_       E-MAIL: robert.c.kinnard@gmail.com

Statement of Interest:  
I am interested in serving on the Public Safety Commission and believe that I would be a valuable asset to the board.

Brief Personal Biography (or attach resume):  
Attached is a copy of my resume.

Professional Licenses/Training:  
None.

Please return this application to the City Clerk's Office.

FOR INTERNAL USE ONLY

Date Seated on Board	Date of Resolution or Council Action	Term Dates

# ROBERT KINNARD

827 17<sup>th</sup> Ave. Apt. #142 Fairbanks, Alaska 99701 (907) 347-3613  
robert.c.kinnard@gmail.com

## EDUCATION

B.A., Justice, University of Alaska Fairbanks, Fairbanks, Alaska  
May 2012  
*Leadership Honors with Distinction*

## EXPERIENCE

*Army Career and Alumni Program Counselor, Serco, Fort Wainwright, Alaska*

November 2012-Present

- Provide training and counseling services regarding transition into the civilian sector
- Assists service members with developing skills necessary to meet their post-military goals
- Assists service members with employment assistance regarding job hunting, resume writing, and interview techniques
- Create Individual Transition Plans (ITP) based on service member's goals
- Provide service members with information about post-military benefits and career options
- Accountable for notating and tracking counseling sessions that occur with service members
- Responsible for clearing service members who are departing the installation

*Student Assistant, University of Alaska Fairbanks, Fairbanks, Alaska*

February 2011- May 2012

- Networked and communicated with students, faculty, staff and administration concerning leadership development
- Responsible for organizing leadership lunches, workshops and activities at the university
- Provided information to students about leadership involvement and student organizations
- Received FERPA and Equal Employment Opportunity Training
- Provided campus tours to prospective/new students, faculty, staff, and parents
- Assisted the Admissions counselors with other assigned tasks
- Responded to student inquiries about UAF
- Encouraged students to enroll at UAF
- Organized events/conferences for prospective and incoming students
- Experience using electronic databases that include: Banner, EMAS, and Microsoft Office

***Student Intern, Alaska Legal Services Corporation, Fairbanks, Alaska***

January 2012-May 2012

- Obtained Client-Attorney privilege
- Performed administrative tasks that included: drafting letters responding to client inquires for clients, attending meetings, filing pleadings, conducting legal research, and organizing informative legal clinics
- Assisted supervising attorney with a state funded grant proposal

***Legislative Intern for U.S. Senator Mark Begich, United States Senate, Fairbanks, Alaska***

June 2011-August 2011

- Communicated with Alaskan constituents about concerns involving the federal government.
- Drafted memorandums, wrote memorandums, attended weekly staff meetings, and worked on assigned projects for the senator
- Attended events on behalf of the senator
- Entered Alaskan constituents concerns in the IQ database

**ADDITIONAL INFORMATION**

Curriculum Advisory Committee Member, Fairbanks North Star Borough School District

2012 School Board Candidate, Fairbanks North Star Borough School District

Student Government Senator, Associated Students of the University of Alaska Fairbanks

Pre-Law Society Member, University of Alaska Fairbanks

New Student Orientation Leader, University of Alaska Fairbanks



*City of Fairbanks*



**MEMORANDUM**

To: City Council Members  
From: John Eberhart, City Mayor *JE*  
Subject: Request for Concurrence – Public Safety Commission  
Date: December 12, 2013

---

The term of Seat C on the Public Safety Commission currently filled by Mr. Peter Stern will expire on December 31, 2013. The vacancy has been publically noticed.

Mr. Stern wishes to continue on this board and I hereby request your concurrence to the re-appointment of:

Seat C: Mr. Peter Stern                      Term to expire: December 31, 2016

Thank you.

DDS/

*City of Fairbanks*



**MEMORANDUM**

To: City Council Members  
From: John Eberhart, City Mayor *jme*  
Subject: Request for Concurrence – Building Code Review & Appeals Commission  
Date: December 12, 2013

---

One member of the Building Code Review and Appeals Commission, Billy Brookins, has relocated and will not be returning to service on the Commission. The vacancy has been publically noticed.

I hereby request your concurrence to the appointment of the following citizen to fulfill the remainder of Mr. Brookins' term:

Seat H: Mr. William Hrinko Term to expire: December 31, 2014

Mr. Hrinko's application and resume are attached.

Thank you.

DDS/



CITY OF FAIRBANKS  
 Office of the City Clerk  
 800 Cushman Street  
 Fairbanks, Alaska 99701-4615  
 Office: 907 459-6771  
 cityclerk@ci.fairbanks.ak.us

Initial: WJC  
 DEC 05 2013  
 RECEIVED

**BOARDS AND COMMISSIONS  
 APPLICATION FORM**

DATE: December 4, 2013  
 NAME: William Hrinko  
 BOARD: Structural Engineer for Appeals Board

The information provided below will be made available to the public. The Clerk's Office will provide a mailing address, at least one phone contact, and an e-mail address, so please indicate your preferred method of contact with the public by placing a check mark in the appropriate box(es).

- RESIDENCE ADDRESS: 651 Gold Vein Road, Fairbanks, AK 99712
- MAILING ADDRESS: Same
- BUSINESS ADDRESS: PDC Inc. Engineers, 1028 Aurora Dr., Fairbanks, AK 99709
- CELL PHONE: (907) 347 - 2272       WORK PHONE: (907) 452 - 1414
- HOME PHONE: ( ) \_\_\_\_\_ - \_\_\_\_\_       E-MAIL: williamhrinko@pdceng.com

**Statement of Interest:**

I was asked by Dave Misiuk of the City of Fairbanks Building Department to consider serving on the Appeals Board and helping review the COF's amendments and adoption of the 2012 IBC and IRC structural sections. Having been a structural engineer in the Fairbanks areas for over 16 years I felt this would be a good opportunity to serve the community.

**Brief Personal Biography (or attach resume):**

Attached

**Professional Licenses/Training:**

Professional Civil Engineer C9743, Professional Structural Engineer TI3602

Please return this application to the City Clerk's Office.

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Date Seated on Board	Date of Resolution or Council Action	Term Dates



**PDC INC. ENGINEERS**

**WILLIAM T. HRINKO, PE**  
Senior Associate Structural Engineer

**REGISTRATION**

Professional Structural Engineer  
Alaska – T13602

Professional Civil Engineer  
Alaska – C9743

**EDUCATION**

B.S., Civil Engineering  
University of Cincinnati (1990)

M.S., Structural Engineering  
University of Cincinnati (1992)

**PROFESSIONAL  
AFFILIATIONS**

American Institute of Steel  
Construction (AISC)

International Code Council (ICC)

Structural Engineers Association of  
Alaska (SEA-AK)

I graduated from the University of Cincinnati in 1990 with a Bachelor of Science Degree in Civil Engineering and received my Master of Science Degree from the University of Cincinnati in 1992. Upon graduation I began work at Lockwood Jones and Beal, an engineering firm in Dayton, Ohio. In 1996 I joined PDC Inc. Engineers, where I worked under Jim Loftus and Pat Reinhard gaining further knowledge as a junior engineer. In 1997 I earned my Alaska Civil Engineering license and in 2002 became an Associate at PDC.

During my time at PDC I have worked on various projects around the city of Fairbanks and the State of Alaska: Goldstream Cinema, Birch Hill Ski Building, University of Alaska Museum of the North, the UAF Biological Sciences building, DOT&PF's Jim River Maintenance station, DOT&PF's Unalakleet Maintenance and Snow Removal Building, Morris Thompson Cultural and Visitor Center, FNSB's Central Kitchen Facility, and the Copper River Princess Wilderness Lodge near Copper Center, Alaska. On these projects, I have worked with and continue to work with many design professionals at private A&E firms within the city and state, as well as for larger entities such as University of Alaska, State of Alaska Department of Transportation & Public Facilities, Alyeska Pipeline Service Company, Fairbanks North Star Borough, and Banner Health.


Throughout my career, I have developed the ability to understand the client's problems and give them the solutions they desire. Doing this well requires me to keep abreast of developments and changes in the building codes and the best practices for applying them to the local (Fairbanks/FNSB) environment.

1028 Aurora Drive  
Fairbanks, AK 99709  
T: 907.452.1414  
F: 907.456.2707

*City of Fairbanks*



**MEMORANDUM**

To: City Council Members  
From: John Eberhart, City Mayor   
Subject: Request for Concurrence – Permanent Fund Review Board  
Date: December 12, 2013

---

The term of Seat A on the Permanent Fund Review Board currently filled by Jeff Johnson will expire on December 31, 2013. The vacancy has been publically noticed.

I hereby request your concurrence to the appointment of the following citizen:

Seat A: Ms. Jennifer Imus Term to expire: December 31, 2016

Ms. Imus' application and resume are attached.

Thank you.

DDS/



CITY OF FAIRBANKS  
 Office of the City Clerk  
 800 Cushman Street  
 Fairbanks, Alaska 99701-4615  
 Office: 907 459-6771  
[cityclerk@ci.fairbanks.ak.us](mailto:cityclerk@ci.fairbanks.ak.us)

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 NOV 20 2013  
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**BOARDS AND COMMISSIONS  
 APPLICATION FORM**

DATE: 11/15/13  
 NAME: Jennifer Imus  
 BOARD: Permanent Fund Advisory Board

The information provided below will be made available to the public. The Clerk's Office will provide a mailing address, at least one phone contact, and an e-mail address, so please indicate your preferred method of contact with the public by placing a check mark in the appropriate box(es).

- RESIDENCE ADDRESS: 1200 Vesiv Way North Pole 99705
- MAILING ADDRESS: \_\_\_\_\_
- BUSINESS ADDRESS: 613 Cushman Fairbanks AK 99701
- CELL PHONE: (907) 378 - 4501
- WORK PHONE: (907) 459 - 4303
- HOME PHONE: (907) 488 - 4066
- E-MAIL: jimus@pci.net

**Statement of Interest:**

I work in downtown Fairbanks and I am committed to the economic health and activity of the community.

**Brief Personal Biography (or attach resume):**

See attached.

**Professional Licenses/Training:**

See attached.

Please return this application to the City Clerk's Office.

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Date Seated on Board	Date of Resolution or Council Action	Term Dates

# Jennifer R.W. Imus

1200 Vasi Way, Fairbanks AK 99705  
907.378.4501  
[jimus@gci.net](mailto:jimus@gci.net)

## Professional profile

- Accomplished commercial banker with an MBA in Capital Markets and over 14 years of professional banking experience in Alaska. Well-established statewide network of regulatory, political, and community contacts.
- Committed to community development and the unique brand of the State of Alaska.
- Excellent written and verbal communication skills, respectful of confidentiality and privacy.
- Ability to defuse situations and reach understanding.
- Well-developed problem-solving skills.
- Demonstrated leadership skills and interpersonal skills with ability to effectively interact with all levels of an organization.

## Education

Class of 2008                  Pacific Coast Banking School                  Seattle, WA

- Graduate level program of management education focused on the financial services industry. Delivered in partnership with University of Washington Graduate School of Business.

Class of 2003                  University of Alaska Fairbanks Fairbanks, AK

- M.B.A., Capital Markets. Coursework in Financial Management, Business Strategy, Accounting, Business Law, and Financial Derivatives.

Class of 1999                  Lewis and Clark College                  Portland, OR

- B.A., International Affairs, minor in Economics.

## Career Experience

2006 - present                  Wells Fargo Bank                  Fairbanks, AK

### **Business Banking Manager**

- Manage a team of four Business Relationship Managers and two Business Relationship Associates with complex portfolio of clients located in Fairbanks, Delta, Barrow and surrounding areas in Northern Alaska. Promotes the growth of the team's portfolio by implementing marketing and business plans, while managing risk, operations, and human resources management.
- Participate in allocating corporate contributions to non-profits in Northern Alaska.
- Lead outreach strategy for local community

- Maintain working relationships with local business owners and stakeholders

2003-December 2006      Wells Fargo Bank                      Nome, AK

**Community Banking President**

- Responsible for retail and business banking functions in Nome, Kotzebue and surrounding area markets in Northwest Alaska.
- Responsible for developing and maintaining account relationships with businesses, including ANCSA regional and village corporations, municipal and tribal governments, and private for-profit and non-profit enterprises.
- Ensures the credit quality of the loan portfolio and monitors credit performance.

1999-2003                      Wells Fargo Bank                      Fairbanks, AK

**Management Trainee, Personal Banker, Business Banker**

- Responsible for developing and maintaining account relationships with locally-owned businesses.
- Acts as relationship manager to existing customers for full range of credit and other Wells Fargo financial products and services.

**Community  
Activities**

Board Member, Fairbanks Economic Development Corporation  
 Breast Cancer Detection Center Gala, Auction Co-chair  
 Golden Valley Electric Association, Member Advisory Committee  
 United Way of the Tanana Valley Campaign Cabinet, 2012  
 Board Member, Greater Fairbanks Chamber of Commerce  
 Finance Committee, Greater Fairbanks Chamber of Commerce  
 Audit Committee, Fairbanks Convention and Visitors Bureau  
 Advisor, Viable Business Enterprises for Rural Alaska, ISER



*City of Fairbanks*



**MEMORANDUM**

To: City Council Members  
From: John Eberhart, City Mayor *JME*  
Subject: Request for Concurrence – Landscape Review & Appeals Board  
Date: January 2, 2014

---

The term of Seat E on the Landscape Review & Appeals Board currently filled by Ms. Julie (Engfer) Jones expired on December 31, 2013.

Ms. Jones wishes to continue on this board and I hereby request your concurrence to the re-appointment of:

Ms. Julie Jones – re-appointment only. Term to expire: December 31, 2016

Ms. Jones' application is attached.

Thank you.

DDS/



CITY OF FAIRBANKS  
 Clerk's Office  
 800 Cushman Street  
 Fairbanks, Alaska 99701-4615  
 Office: 907 459-6774  
 jjhovenden@ci.fairbanks.ak.us

**BOARDS AND COMMISSIONS  
 APPLICATION FORM**

DATE: 1/13/2012  
 NAME: Julie Engfer  
 BOARD: Landscape Review Board

The information provided below will be made available to the public. The Clerk's Office will provide a mailing address, at least one phone contact, and an e-mail address, please indicate your preferred method of contact with the public by placing a check mark in the appropriate box(es).

RESIDENCE ADDRESS: \_\_\_\_\_

MAILING ADDRESS: 516 Second Ave Ste 318, Fairbanks, AK 99701

BUSINESS ADDRESS: \_\_\_\_\_

CELL PHONE: ( ) - -  WORK PHONE: (907) 456 - 1984

HOME PHONE: ( ) - -  E-MAIL: julie@festivalfairbanks.org

**Statement of Interest:**

As a person who works with downtown beautification I am interested in serving on the Landscape Review Board.

**Brief Personal Biography (or attach resume):**

Julie Engfer is a 29 year resident of Fairbanks. She is the office manager at Festival Fairbanks, Inc. a 501(c)(3) non-profit.

**Professional Licenses/Training:**

Please return this application to the City Clerk's Office.

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Date Seated on Board	Date of Resolution or Council Action	Term Dates

# Hazard Mitigation Plan

## A Multi-Hazard, Multi-Jurisdictional Plan for the Fairbanks North Star Borough and its Communities

Prepared by the FNSB Community Planning Department:

Bernardo Hernandez, Director

Jae Hill, Deputy Director

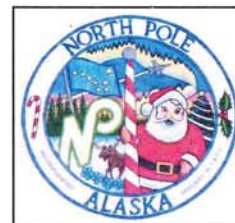
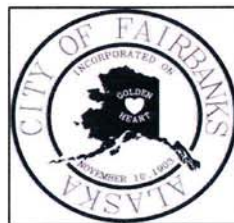
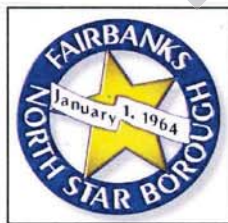
Doug Sims, Floodplain Administrator

Melissa Kellner, Planner III

Cristina Haworth, Planner II

Kathy Marx, Planner III

Prepared: December 20, 2013



This study was prepared by the Fairbanks North Star Borough, Alaska, and reviewed by the Alaska State DHS&EM and the US Federal Emergency Management Agency.

The Fairbanks North Star Borough is an Equal Opportunity Employer.

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## 1. Executive Summary

The intent of this plan is to meet the requirements of the Federal Emergency Management Agency (FEMA), as well as the State of Alaska Division of Homeland Security & Emergency Management (DHS&EM), in preparing the community for natural hazards and establishing area-wide pre-and post-disaster mitigation priorities.

### 1.01. Overview

The project team has been busy with iterations of a Multi-Jurisdictional Multi-Hazard Mitigation Plan (HMP) since 2004, but no final draft has ever materialized. In 2012, a renewed interest in obtaining grant funds to prepare the community for hazard events has led to a new push towards completion. A series of meetings of the project steering committee – comprised of representatives of the City of Fairbanks, City of North Pole, and the Fairbanks North Star Borough – has provided guidance and direction to the staff preparing the HMP. Coordination then occurred between the HMP committee and the local public safety agencies, public utility providers, and other major stakeholders for review of the plan and inclusion of local non-governmental priorities.

The general goals of the HMP are to:

- Eliminate and/or Reduce Loss of Life and Injuries
- Prevent and/or Reduce Property Damage
- Reduce Economic Impact
- Preserve Natural Systems
- Promote Outreach and Education
- Increase and Enhance Collaboration
- Enhance Coordination of Emergency Response

The HMP begins with a baseline community profile and risk assessment methodology. This is followed by individual chapters which each detail a specific hazard's characteristics, occurrence history and probability, and Action Matrices which identify mitigation actions for the hazard. The document concludes with a multi-hazard chapter, detailing efforts which are necessary for general disaster preparation and the possibility of combined events, such as an earthquake at forty below zero.

The plan was sent out for review in late 2013 with the intent of review by state and federal authorities in early 2014, and plan adoption by April 2014.

### 1.02. Planning Process

The Fairbanks North Star Borough (FNSB) Department of Community Planning has taken the lead role in preparing the HMP for the Borough as well as the Cities of Fairbanks and North Pole. Other stakeholders who provided input for the plan include representatives from local fire departments, utilities, resource management agencies, social service providers, and other state and local agencies.

**Requirement §201.6(c)(1) and §201.6(b)(2)... See Planning Process and Methodology, page 2-1.**



At the early stages of plan development, the HMP concept was presented to the public at the Disaster Preparedness Expo on September 28, 2013 at the Carlson Center where over 140 people learned about the hazards facing their properties and understood the need for such a plan. After a draft plan was prepared by the Steering Committee and Borough staff, the plan was then placed on a dedicated website at <http://hmp.fnsb.us> for public review and comment. The plan was further presented during work sessions at the city councils of both Fairbanks and North Pole, as well as to the Borough Planning Commission and the Borough Assembly, prior to submittal to the state and federal authorities. **Requirement §201.6(b)(1)...** see **Public Involvement, page 2-6.**

The plan incorporated a variety of previous planning efforts and required obtaining new and updated data from state, local, and private sources. **Requirement §201.6(b)(3) ... see , pages** **Error! Bookmark not defined.**

The document is expected to be updated regularly as new information is made available and will also be thoroughly revised on a five-year cycle. Representatives from the Steering Committee, or their appointees and successors, will continue to meet regularly to keep the document useful and relevant. **Requirement §201.6(c)(4)(i) and §201.6(c)(4)(iii) ... see Plan Monitoring, Evaluation and Updating, page 2-8.**

### **1.03. Hazard Identification and Risk Assessment**

In 2004, the Local Emergency Planning Committee (LEPC) determined that the Fairbanks North Star Borough was particularly susceptible to five natural hazards: floods, wildfires, severe weather, seismic events, and volcanic ash fall. Various parts of the community experience flood and wildfire hazards on a regular basis, and the occurrence of severe weather events has the possibility of causing area-wide shortages of supplies and outages of public utilities. While there is lesser seismic and volcanic activity in the immediate area around Fairbanks, the potential for regional events to disrupt air and port traffic could have a strong effect on the transportation of critical supplies to Fairbanks: 100% of the state's gasoline and 97% of all foodstuffs are shipped in from outside of Alaska. The vulnerability of the community to these hazard events, coupled with its relative isolation from other major population centers, underscores the need for methodical and well-organized planning and mitigation efforts. **Requirement §201.6(c)(2)(i) ... see , page 5-1.**

The plan further identifies the historic occurrence and scale of previous events in each individual chapter. Estimations of the probability and location of future events include the vulnerability of each community to those events. **Requirement §201.6(c)(2)(i) and §201.6(c)(2)(ii) ... see Wildfire Hazard Profile, page 7-1; Seismic Event Hazard Profile, page 8-1; Severe Weather Hazard Profile, page 8-1; Severe Weather Hazard Profile, page 9-1; Volcanic Ash Hazard Profile, page 10-1; and Flood Hazard Profile, page 11-1.**

An inventory of the Borough's repetitive loss properties and current mitigation efforts through the National Flood Insurance Program (NFIP) can be found in the Flood Hazard Profile. **Requirement §201.6(c)(2)(ii) ... see page 11-8.**

#### 1.04. Mitigation Strategies

The HMP inventories the abilities of the local municipalities, the Borough, and the emergency services providers to make policies and laws, to plan and program projects and funding, and to respond to **hazard events. Requirement §201.6(c)(3) ... see Community Profile, page 3-1.**

The FNSB is the sole entity participating in the National Flood Insurance Program in the region, and the authority of the Borough extends over the communities contained therein. **Requirement §201.6(c)(3)(ii) ... see Continued Participation in the NFIP, page 11-6.**

Through this process, the project team and the associated stakeholders have developed 7 goals to mitigate hazards and 31 actions to meet those goals, including actions and projects for new and existing construction and infrastructure. These are contained within each individual chapter. **Requirement §201.6(c)(3)(i) ... see Wildfire Hazard Profile, page 7-1; Seismic Event Hazard Profile, page 8-1; Severe Weather Hazard Profile, page 9-1; Volcanic Ash Hazard Profile, page 10-1; and Flood Hazard Profile, page 11-1.**

The Steering Committee developed basic screening criteria to determine the priority and cost-benefit for each mitigation action and project, which are also contained in each specific hazard chapter. The authority to plan for the hazard events remains with the FNSB, but the ability to implement may rest in a variety of city or service area type governments. **Requirement §201.6(c)(3)(iii) and §201.6(c)(3)(iv) ... see Wildfire Hazard Profile, page 7-1; Seismic Event Hazard Profile, page 8-1; Severe Weather Hazard Profile, page 9-1; Volcanic Ash Hazard Profile, page 10-1; and Flood Hazard Profile, page 11-1.**

The HMP will be further implemented by integrating the mitigation planning efforts into capital improvement plans, the Regional Comprehensive Plan, the FNSB Code of Ordinances, area emergency response plans, and other mitigation planning efforts like the Community Wildfire Protection Plan. **Requirement §201.6(c)(4)(ii) ... see Plan Approval and Implementation, page 2-7.**

#### 1.05. Plan Adoption

The plan is slated for adoption by the Assembly of the Fairbanks North Star Borough as the municipal entity given planning powers under Alaska Statute Sec. 29.35.180. While the Borough and its fire service areas have authority for emergency preparedness and response in the unincorporated areas, the Cities of North Pole and Fairbanks have authority for those actions within their limits. The adopting and enabling ordinances are included in this document for reference. **Requirement §201.6(c)(5) ... see Enabling Resolutions at the beginning of this document.**

# MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, City Clerk

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TO: Mayor John Eberhart  
City Council Members

FROM: Janey Hovenden, CMC, City Clerk



SUBJECT: Clerical Updates to City Code

DATE: December 6, 2013

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City Attorney Paul Ewers recently brought to my attention some clerical errors in Fairbanks General Code Chapter 78, Traffic and Vehicles. Please review the changes as follows:

Sec. 78-972(c) - The second paragraph currently reads "...if the vehicle appears to have been unusually high value for its age..." This should be corrected by deleting the word "been".

Sec. 78-973(d) - The last sentence is incomplete and has no period at the end. It currently reads "Charges for towing, access to the impounded vehicle and storage fees as set forth in the city's schedule of fees and charges for services" This may be corrected by adding the word "are" so it reads, "...storage fees are as set forth..." and adding a period at the end of the sentence.

Sec. 78-976(a) - This section contains two references to the "department of public safety" that should be changed to the "police department". Also, in subsection (b)(2) there is an "or" missing. The word "or" should be inserted in this part of the sentence: "after the sale of the vehicle or upon request and payment . . ."

I understand that these modifications are somewhat minor but I wanted you to be aware. The changes have been submitted to our codifier, Municode, and should be updated online by 2014.