



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, APRIL 22, 2013
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, following a Work Session with the Lobbyists to discuss the Legislative End of Session Wrap-up, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Acting Mayor Bernard Gatewood presiding and with the following Council Members in attendance:

Council Members Present: Renee Staley, Seat A
 Perry Walley, Seat B (Telephonic)
 Bernard Gatewood, Seat C (Acting Mayor for part of the meeting)
 Jim Matherly, Seat D
 Lloyd Hilling, Seat E
 John Eberhart, Seat F

Absent: Mayor Cleworth (Joined the meeting at approximately 8:00 p.m.)

Also Present: Warren Cummings, Fire Chief
 Ernie Misewicz, Assistant Fire Chief
 Paul Ewers, City Attorney
 Janey Hovenden, City Clerk
 Ryan Rickels, IT Director
 Jim N. Soileau, Chief Financial Officer
 Laren Zager, Police Chief

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Acting Mayor Gatewood led the Flag Salutation.

CITIZEN'S COMMENTS

Donna Gilbert, 2223 South Cushman Street, Fairbanks – Ms. Gilbert stated that she runs a small business on South Cushman and that there is a major problem with drugs, alcohol, prostitution and criminal activity in the area. She stated that she prides herself on not abusing the Fairbanks Police Department but has had to call them at least four times in recent months to take care of individuals causing problems who were not her customers. Ms. Gilbert recommended that liquor license approvals be considered more carefully for locations in troubled areas of town, such as the Holiday gas station on South Cushman. She insinuated that laws are for selected enforcement and that some people get away with breaking the law simply because they have money.

Mr. Hilling asked Ms. Gilbert if she could name something specific the City could do to remedy the problem before the next liquor license renewal.

Ms. Gilbert replied that there is nothing the City can do. She stated that the Fairbanks Police have been very responsive and professional in her dealings with them. She acknowledged that they have done everything they can to fix the problem. She suggested that the liquor license at the Holiday store is contributing to the problems in the south side of Fairbanks and that a liquor license does not belong there.

Ben Wilker, 1429 25th Avenue, Fairbanks – Mr. Wilker stated that he had recently gone to the Building Department to pull a mechanical permit in order to install a new boiler in his home. He stated that he was informed he could not install that particular type of boiler due to City Ordinance No. 5775 which passed in 2009. Mr. Wilker spoke to the Home Heating Protection Act passed in October of 2012 which forbids the Borough from banning, prohibiting or fining residents for the use of home heating devices. He stated that something needs to be done about the energy crisis and encouraged the Council to adopt the Home Heating Protection Act.

Mr. Hilling spoke to the language in Ordinance No. 5775 regarding hydronic heaters that states, “No permit shall be issued until standards are adopted by the Fairbanks City Council.” He asked Mr. Wilker if he has confirmed that no standards have been set.

Mr. Wilker replied that he confirmed with the City Building Department that standards had not yet been set.

Mr. Eberhart asked what type of boiler Mr. Wilker wanted to install in his home.

Mr. Wilker replied that it is a certified outside coal boiler that meets all Borough standards.

Mr. Eberhart asked Mr. Wilker for the location of the property.

Mr. Wilker replied that it is located at 1429 25th Avenue.

Frank Turney, 201 7th Avenue, Fairbanks – Mr. Turney spoke to the tragic death of Johnny Wallace and the irony that he died in a U.S. Post Office. He stated that Mayor Cleworth informed him that the findings of the medical examiner are in, but that the report is in the hands of Chief Zager. He suggested that the City share the results with the family of Mr. Wallace and the public right away. He also suggested that if a reward was offered, someone may come forward with more information about the death of Mr. Wallace. Mr. Turney spoke to the civil lawsuit that ended in a deadlock. He stated that six of the jurors favored the two police officers who filed the suit against the City of Fairbanks. He expressed hope that the City would not litigate the case and spend more money and suggested that the City offer a settlement to the two parties. He questioned why the administration at the time did not forward the case to the Fact Finding Commission for investigation. Mr. Turney stated that he is still trying to gather enough signatures in order to propose a change to the City Charter that would make the position of City Police Chief an elected position.

Amy Geiger, 4400 Stanford Drive, Fairbanks - Ms. Geiger spoke to the Fairbanks Convention and Visitor’s Bureau (FCVB) handout that was distributed earlier. She stated that Fairbanks had an

enormously successful year for press focusing primarily on the Aurora Borealis. She gave a brief summary of the various recognitions Fairbanks received over the winter months. Ms. Geiger showed a three-minute video that will be used in showcasing Fairbanks as a travel destination.

David Lerman, 126 2nd Avenue, #15, Fairbanks – Mr. Lerman stated that he is a candidate in the 2013 Municipal Election. He spoke to the various places he visited in Alaska on his way to Fairbanks when he first moved to the area. He commented that Fairbanks is very captivating for visitors and those new to the area but spoke to the “grime” one notices after a while. Mr. Lerman spoke to the renovation of the Smith Apartments where he lives. He stated that there are still many problems with Fairbanks and that renovation may be a solution. He offered various other solutions such as installing live webcams to mitigate crime. He spoke to the Local Improvement District (LID) that was recently voted down by downtown property owners. He suggested that the Clean Team be expanded to perform trash pick-up services outside of the core Downtown area. Mr. Lerman spoke to the need for a Renovation Task Force in Fairbanks and an ordinance to waive building permit fees.

Mr. Hilling asked Mr. Lerman if he believes the City should fund webcams for businesses that request them.

Mr. Lerman replied affirmatively. He stated that the first step to accomplishing that would be to consolidate the police and fire departments to save money.

Mr. Matherly asked Mr. Lerman if he had asked his landlord for a key to the basement laundry facility in his apartment complex. He also asked Mr. Lerman if he has spoken to his landlord about installing a webcam on the property and spoken with the owners of the vacant property behind the Bentley Trust area.

Mr. Lerman stated that he had spoken with the owner of his apartment complex. He explained that the owner stated he will not open up the basement laundry facilities because there is too much expensive equipment in there that he doesn't want to put at risk. He stated that he has not spoken with the owners of the Bentley Trust area yet.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger spoke to potholes surfacing with the melting of the snow and ice. He requested that the City be quick to repair and maintain its roads. He stated that there are a few portions on South Cushman that need basic maintenance and repair this year.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Hilling pulled Resolution No. 4571 from the Consent Agenda.

Acting Mayor 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 March 11, 2013.

PASSED and APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of March 25, 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 Applications for renewal:

Lic #	Establishment Name	License Type	Premise Location	Owner Name
270	Comet Club	Beverage Dispensary	208 Gaffney Road	John H. Moneymaker
576	Club Manchu	Beverage Dispensary	2712 Jessie Street	Randall G. Kelsch
1047	Silver Spur	Beverage Dispensary	No Premise	Jacobson Brothers Inc.
2258	Regency Hotel	Beverage Dispensary-Tourism	95 10th Avenue	Pacific Rim Associates I, Inc.
3282	Sam's Club #6603	Package Store	48 College Rd	Sam's West Inc.
3483	Fairbanks Curling Club	Beverage Dispensary	1962 Second Ave	Fairbanks Curling Club Inc.
4548	Brewsters	Beverage Dispensary	354 Old Steese Hwy	Restaurant Concepts LLC
4678	Fairbanks Junior Ice Dogs	Recreational Site	1920 Lathrop St	Fairbanks Junior Ice Dogs Inc.
4763	Bobby's Downtown	Beverage Dispensary	609 Second Ave	Delta Epsilon Inc.

Mr. Eberhart, seconded by Ms. Staley, moved to WAIVE Protest on the Liquor License Applications for Renewal, except for Silver Spur.

Acting Mayor 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, EXCEPT FOR SILVER SPUR, AS FOLLOWS:

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

NAYS: None

Acting Mayor Gatewood declared the MOTION CARRIED.

Mr. Staley, seconded by Mr. Matherly, moved to PROTEST the Silver Spur Liquor License Application for Renewal until all principal, interest and taxes are paid.

Acting Mayor Gatewood called for public testimony.

David Lerman – Mr. Lerman spoke to the liquor license renewal process and to the City revenue generated from the alcohol sales tax. He stated that while using alcohol tax to fund government is useful, it creates a problem.

Acting Mayor Gatewood interjected and asked Mr. Lerman if he had any specific comments on the liquor license approvals at hand.

Mr. Lerman replied that he did not.

Donna Gilbert – Ms. Gilbert asked Acting Mayor Gatewood which liquor license application for renewal was currently open for Public Testimony.

Acting Mayor Gatewood replied that the current liquor license application open for Public Testimony was the Silver Spur.

Ms. Gilbert spoke in favor of protesting the Silver Spur renewal due to their outstanding debt to the City and the absence of a location. She stated that she believes a business holding a liquor license must be active for at least 30 days per year to maintain its license. She requested that the Council look into the matter.

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

Mr. Matherly asked about the 30-day active business requirement.

Clerk Hovenden replied that she had spoken with the Alcoholic Beverage Control (ABC) Board about the license and that she was told they had been granted a waiver for not having been in operation. She explained that the board may grant one or two waivers before withdrawing the license if everything else is in good standing. She stated that it is her understanding that the ABC Board has granted the waiver.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE SILVER SPUR LIQUOR LICENSE APPLICATION FOR RENEWAL UNTIL ALL PRINCIPAL, INTEREST AND TAXES ARE PAID, AS FOLLOWS:

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

NAYS: None

Acting Mayor 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 Application for Transfer of Ownership and Restaurant Designation Permit:

Type: Restaurant/Eating Place
DBA: Wasabi Bay Restaurant, License #4831
Location: 1448 S. Cushman Street, Fairbanks

From: Chung Pak
To: Soon Teack Park

Acting Mayor Gatewood called for Public Testimony and, hearing none, declared Public Testimony closed.

Mr. Eberhart, seconded by **Mr. Hilling**, moved to WAIVE PROTEST on the Liquor License Application for Transfer of Ownership and Restaurant Designation Permit.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATION FOR TRANSFER OF OWNERSHIP AND RESTAURANT DESIGNATION PERMIT AS FOLLOWS:

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

MAYOR'S COMMENTS AND REPORT

Acting Mayor Gatewood stated that in Mayor Cleworth's absence, he would like to postpone comments until later in the meeting in case Mayor Cleworth arrives and wishes to comment.

UNFINISHED BUSINESS

- a) Ordinance No. 5917 – An Ordinance to Place Before the Voters the Question of Repealing Division 1 of Article II of Chapter 66 of the Fairbanks General Code Regarding Refuse Collection Fees, and Amending City Charter Section 6.5(A). Introduced by Mayor Cleworth. ADVANCED from the Regular Meeting of March 25, 2013.

Mr. Matherly, seconded by **Ms. Staley**, moved to ADOPT Ordinance No. 5917.

Mr. Eberhart, seconded by **Mr. Hilling**, moved to SUBSTITUTE Ordinance No. 5917, as Amended, for Ordinance No. 5917.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUBSTITUTE ORDINANCE NO. 5917, AS AMENDED, FOR ORDINANCE NO. 5917 AS FOLLOWS:

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

Acting Mayor Gatewood called for Public Testimony.

Donna Gilbert – Ms. Gilbert spoke against Ordinance No. 5917, stating that it jeopardizes the “good guys.” She stated that she pays in excess of \$300 per month to have a private entity pick up the garbage from her small business. She spoke to the equal treatment of citizens by government and stated that she's never minded paying her fair share. She argued that businesses contribute more to City

government through bed tax, liquor tax, tobacco tax and business licenses. She suggested that the City may be trying to punish businesses for the debt of those who do not pay for their garbage service. She spoke to the declining business in Fairbanks and her personal struggles as a business owner. Ms. Gilbert suggested that the City simplify the process by selling specially-marked garbage bags to the public, then pick up only those City bags. She urged the Council to come up with an alternative but equitable plan.

Ms. Staley asked Ms. Gilbert if she knew why they discontinued the special bag system.

Ms. Gilbert replied that she did not know much about the old system when it was in place. She stated that she believes the bag system would be worth it even if the City had to hire a part-time employee.

Mr. Matherly verbalized his respect for Ms. Gilbert. He pointed out that some people would refuse to buy the bags and asked what the City would do with those who would not cooperate with the system.

Ms. Gilbert stated that the City could fine citizens by the day for garbage that is piled up in non-approved bags. She commented that she doesn't foresee a problem with the system.

Mr. Matherly commented that he would like to know why the system was discontinued if there were no problems.

Doug Bishop, 3741 Frenchman Road, Fairbanks – Mr. Bishop stated that he currently serves as CFO for Doyon Utilities. He spoke to Ordinance No. 5917, expressing concern that rolling the garbage service fees into the property tax may “muddy the waters.” He asked the Mayor or Council to address the driving force behind the proposed change. He commented that although the new system would offer the City a savings of \$152,000 in overhead, it would create inequities that are far larger. Mr. Bishop spoke to the currently flawed system as recognized in the ordinance and commented that rolling the fees into the property tax would only perpetuate that flaw. He stated that the new system would increase Doyon Utilities' annual taxes by more than \$180,000. He encouraged the Council to read the letter his company submitted and ask questions.

Acting Mayor Gatewood asked why the letter was not given to the City sooner.

Mr. Bishop replied that he was caught a bit off-guard by the evening's meeting and stated that no organization is perfect.

Mayor Cleworth asked what the valuation of the plant on Fort Wainwright is. He asked if Doyon Utilities owns the structures but not the land they sit on.

Mr. Bishop replied that Doyon Utilities' asset base on Fort Wainwright is in the \$200 - \$250 million range. He stated that the estimate would include water, wastewater, heat and electrical distribution services on Fort Wainwright. Mr. Bishop confirmed that Doyon Utilities owns the structures, but not the land the structures sit on.

David Lerman – Mr. Lerman spoke to the commonality that Ordinance No. 5917 would create and to the pros and cons of the new system. He suggested that the Clean Team be funded by the new garbage service fees. He stated that trash is a hazard and that if he were on the Council, he would vote in favor of the ordinance.

Mayor Cleworth assumed his position as Chairman.

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

Mr. Hilling clarified his recent statement to Ms. Gilbert that businesses generally require more services than residential properties. He stated that Ms. Gilbert offered a good argument that businesses contribute more to the City through licensing fees and various taxes. **Mr. Hilling** stated that he had informed Ms. Gilbert that he must have research to back up his claim that businesses use more City services before he would be willing to vote for Ordinance No. 5917. He indicated that his primary reason for supporting the ordinance thus far is simply because of his belief that businesses use more City services than residences. He stated that so far, his research has failed to substantiate his reasoning. **Mr. Hilling** stated that he was surprised to hear Ms. Gilbert quote him as saying that “businesses don’t pay their fair share.” He explained that City Dispatch shows that at least 55% of 9-1-1 calls originate from commercial properties and that 65% of all City property taxes are generated from commercial properties. He stated that he will keep an open mind during discussion on the ordinance.

Mr. Eberhart stated that the garbage service issue is a difficult one and that all the Council can do is make their best assessment by looking at the pros and cons. He expressed appreciation to Ms. Gilbert for her testimony and to Doyon Utilities for their letter but stated that he wished the letter had arrived sooner. **Mr. Eberhart** stated that he sees a problem with the optional bag purchase system because a service like garbage that involves so much specialized equipment and manpower requires a substantial customer base. He indicated that the system may not be economical or efficient. He stated that he doesn’t remember the bag system when it was used in Fairbanks. **Mr. Eberhart** commented that many people may fail to purchase the bags and might begin using the Borough’s transfer sites, or they may let their garbage pile up which would create another problem. He spoke to the pros and cons outlined in Ordinance No. 5917. He pointed out that the residents would still have time to discuss the issue to decide their position if the ordinance passed.

Mr. Matherly agreed that the issue is a difficult one. He empathized with Ms. Gilbert and Mr. Bishop’s comments regarding fair treatment of citizens. He stated that although he and his family do not use the public school system or the fire or police departments, he does not mind paying taxes because he believes it is for the betterment of the City of Fairbanks. **Mr. Matherly** stated that he has never looked at Ordinance No. 5917 as a way to subsidize those who do not pay for their garbage service. He stated that he would much rather see an issue such as this go before City voters than for the Council to have the power to implement it on their own. He stated that it would never be his intent to hurt businesses but that the voters have the right to speak. **Mr. Matherly** expressed his intent to vote in favor of the ordinance so that the voters can make the decision.

Mr. Walley commented on the savings the new garbage service system would offer to the City and to homeowners. He spoke to the supreme court ruling that prohibits the City from placing liens on property for unpaid garbage service. He stated his belief that the proposition, if passed, would be unfair to local businesses. He stated that businesses already pay the majority of the total of City property taxes collected and that the proposition would ask them to start paying for a service that many of them do not use. **Mr. Walley** agreed that businesses generally use more City services but pointed out that commercial properties are worth more thus requiring them to pay more in property taxes. He stated that, in his opinion, they are already paying more for their higher demand on City services. He spoke to the

City Council's duty to make decisions on behalf of the community and expressed his opposition to burdening the voters with the decision. He stated his intent to oppose Ordinance No. 5917.

Mr. Matherly asked Mr. Walley for clarification on his statement that the proposition may "burden the voters."

Mr. Walley explained that the voters put the Council in office to make these decisions for them. He stated that he does not believe it is fair to pass a complex and difficult decision like this off to the voters.

Mr. Matherly commented that the Council rarely places decisions before the voters and stated that some voters may view a Council's decision on such an issue as taking away their rights.

Mr. Gatewood stated that the history of the topic and the Council's discussion on the matter thus far proves that the body is not trying to take the easy way out. He spoke to the garbage service issue, stating that it has always been a problematic issue. **Mr. Gatewood** commented that he will be satisfied no matter which way the vote goes.

Ms. Staley stated that her problem with the proposition is how it may affect business owners. She spoke to the City's difficulty in collecting on past due garbage accounts. She acknowledged fellow Council Members' points of view on the issue and stated that she is somewhat torn. **Ms. Staley** indicated that it really is the Council's duty to resolve the issue without placing it before the voters.

Mr. Hilling asked if there is any more statistical information available.

Mayor Cleworth replied that gathering the information is difficult because calls are not logged as residential or commercial. He clarified to the Council that since rolling garbage service fees into the property tax would require a change to the City's charter, it *must* go before the voters if the Council votes unanimously on the ordinance. He further clarified that the Council does not have the independent power to combine the service fees into the tax. **Mayor Cleworth** explained that back in the 1980's, residents were required to purchase special bags for garbage pick-up. He stated that over the years, people began using other containers for their garbage and the City continued to pick it up. He explained that it has been the City's policy since that time to pick up all items, within reason, that residents put out. **Mayor Cleworth** stated that the City has looked at privatization of the utility at least twice but found that the cost to residents would increase and the system would be based on usage. He indicated that the current pick-up system seems to be the most efficient and economical option. He spoke to the time drain on City staff to bill and collect garbage fees and stated that the average resident would save money on their service if the fees were rolled into the property tax. **Mayor Cleworth** stated that the downside to the consolidation into the property tax would be the increase in cost to the commercial property owners. He admitted that the increase would most affect large corporations like Doyon. He expressed appreciation for the Council's input and discussion on the issue. He stated that he will understand if there is not a unanimous vote by the Council to place the proposition before City voters but indicated that it would still leave the City with a huge problem – the 4.9% mill rate, the cap within the cap. He explained that the cap may have to be addressed in the event of a recession or a decline in property values to allow the City to adjust the mill rate. **Mayor Cleworth** stated that the way it is now, if property values increase, the City has to lower the mill rate, and the opposite should apply if property values should fall. He stated that he believes in the tax cap formula and that it is a healthy philosophy for the community. He clarified that this proposition would not only have provided a solution to

garbage billing, but also the City's cap within a cap. He informed the Council that property assessment values are flat this year and that unless there is some major growth in the community, future property tax revenues will drop.

Mr. Matherly stated that he does not want garbage to become a problem in the community. He suggested that the City could negotiate with Doyon.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5917, AS AMENDED, AS FOLLOWS:

YEAS: Eberhart, Matherly, Gatewood

NAYS: Hilling, Walley, Staley

Mayor Cleworth declared the MOTION FAILED because a unanimous vote was required for adoption.

NEW BUSINESS

- a) Resolution No. 4570 – A Resolution Authorizing the City of Fairbanks Mayor to Apply for and Accept a FFY2014 Preservation Assistance Grant for Smaller Institutions from the National Endowment for the Humanities. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4571 – A Resolution Authorizing the City Mayor to Apply for and Accept a FFY2013 Bulletproof Vest Partnership Grant from the United States Department of Justice. Introduced by Mayor Cleworth.

There was no motion to put Resolution No. 4571 on the floor. **Mayor Cleworth** asked the Council Member who pulled to resolution to speak.

Mr. Hilling spoke to Alaska being the wealthiest state in the Union. He indicated that we should not be leaning on the other states to support our police department. He stated that he will stand on the principle that not only is the City of Fairbanks able to afford the cost on its own, but it would be nice to see the City take a position to stop accepting federal grant dollars. He spoke to the magnitude of the national deficit and to the responsibility government has to future generations. He stated that he will vote against Resolution No. 4571.

A ROLL CALL VOTE WAS TAKE ON THE MOTION TO APPROVE RESOLUTION NO. 4571 AS FOLLOWS:

YEAS: Gatewood, Walley, Eberhart, Matherly, Staley

NAYS: Hilling

Mayor Cleworth declared the MOTION CARRIED and Resolution No. 4571 APPROVED.

- c) Resolution No. 4572 – A Resolution to Apply for and Accept Funding from the Alaska Highway Safety Office for FFY2014 Traffic Safety Programs. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Ordinance No. 5918 – An Ordinance to Authorize a Loan to Aurora Energy LLC for Upgrades to Utilities as Part of the Second Avenue/Wickersham Road Reconstruction Project. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

Committee Reports

Public Safety Commission (PSC) – **Mr. Eberhart** stated that the PSC met on April 16. He stated that the Dispatch Center is now fully-staffed after some recent difficulties with a shortage of employees. He shared that Assistant Fire Chief Ernie Misewicz announced that new recruits will come on board in May to bring each shift up to 13 firefighters. **Mr. Eberhart** stated that the administration is considering transportation by ambulance between Chief Andrew Isaac Health Center (CAIHC) and the Fairbanks Memorial Hospital (FMH). He stated that Chief Zager distributed some year-end summary statistics for the Fairbanks Police Department and mentioned that the City is advertising for two positions to reestablish the police records department. He stated that there was discussion about what the police department plans to do for foot patrol in the downtown area this summer and that Chief Zager commended the work of the Community Service Patrol (CSP). He stated that Pat Cole gave an overview of the Public Safety Officer (PSO) concept, which would require some public safety personnel to be cross-trained. He stated that the City has done much research on the PSO concept and the associated costs. **Mr. Eberhart** stated that Chief Zager mentioned that there are over 100 departments in the U.S. where the PSO concept has been implemented successfully. He stated that Mr. Cole expressed concern as to how the City will operate more efficiently with declining revenues. He stated that two videos were presented at the meeting to show the benefits of each side of the issue. **Mr. Eberhart** announced that the next PSC meeting would take place on May 14 at the Fairbanks Fire Department at 11:30 AM. He stated that Fire Chief Cummings will address the PSO concept from his point of view at that meeting.

Permanent Fund Review Board – **Mr. Gatewood** stated that the Permanent Fund Review Board met on April 17, 2013. He provided a brief summary of the City's portfolio. He stated that the City is investing conservatively with minimal risk in order to be good stewards of the people's money. He spoke to draw-downs on the Permanent Fund.

Fairbanks Parking Authority Board – **Ms. Staley** reported that the Fairbanks Parking Authority Board met on April 10, 2013. She stated that the board had so many items to discuss they scheduled another meeting for April 23. She invited the public to attend the board meetings and commented that it would be nice to have more public input and feedback. **Ms. Staley** stated that the board is working with the Downtown Association (DTA) and the Greater Fairbanks Chamber of Commerce to promote use of the parking garage. She stated that the board is also considering "rebranding" the title of the Fairbanks Parking Authority to something more approachable. She stated that the Parking Authority Board is placing a much stronger focus on customer service. She apologized to fellow board members for

missing the last Parking Authority hearing. She thanked Mr. Matherly for attending the last Borough Assembly meeting in her absence.

Mr. Hilling asked Ms. Staley if the Northward Building or the bank near the parking garage could be considered “anchor tenants.”

Ms. Staley replied that the board recently met with Easy Park, the parking service who owns the 5th Avenue parking garage in Anchorage. She explained that the Fairbanks Parking Garage has several “anchor tenants” but that there is not a constant flow of traffic in and out of the garage. She admitted that until she was elected as a Council Member, she had never parked in the Fairbanks Parking Garage. **Ms. Staley** commented that many people don’t even know the garage is there and that she is trying to create awareness. She commended the owner of Frank’s Menswear for mentioning the parking garage in his advertising.

COMMUNICATIONS TO COUNCIL

- a) Public Safety Commission Meeting Minutes of January 8, 2013.

ACCEPTED on the CONSENT AGENDA.

- b) Public Safety Commission Special Meeting Minutes of February 12, 2013.

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS’ COMMENTS

Mr. Walley stated that he will provide an update on the FMATS Policy Committee at the next Regular City Council Meeting. He clarified his earlier comments in regard to burdening the citizens of Fairbanks with the proposition on garbage service fees. He explained that he was speaking on behalf of business owners, who would be hurt by the change.

Mr. Eberhart expressed his sympathies to the victims of the Boston Marathon tragedy and commended law enforcement for identifying and capturing the bombers so quickly. He stated that these sorts of tragedies have a galvanizing effect on a community. He also expressed his sympathies to the tragedy in West Texas where 12 of the 14 victims were first responders. **Mr. Eberhart** spoke to the risks that public safety personnel subject themselves to every day to protect the public. He commented on the lobbyist’s report to the Council in the earlier work session and stated that it was very informative. **Mr. Eberhart** spoke briefly to the gas distribution issue and expressed hope that it would move forward as quickly as possible in order to bring some energy relief to Fairbanks. He shared that May 1 is Law Day and explained that it is a day to fight against any form of injustice and inequality. He stated that, in workplaces across the U.S., women earn only \$0.77 on the dollar compared to men. He quoted Dr. Martin Luther King’s statement that “Injustice anywhere is a threat to justice everywhere.” **Mr. Eberhart** asked Mayor Cleworth to share any comments he may have about his attendance at the Listening Session for the Programmatic Environmental Assessment for the Army at Fort Wainwright.

Mr. Hilling stated that he does not believe it is an injustice to pay an employee a lesser wage because they are of a certain gender. He stated that it is a U.S. citizen’s right to do with their property as they

wish as long as one individual does not take away the rights of another. He challenged Mr. Eberhart to substantiate the wage statistic he quoted. He indicated that women are much less prone to stay in their jobs than men, thus being viewed as more high-risk to employers. He stated that women also tend to take less risky jobs and make a very comparable rate to men when all the variables are taken into account. **Mr. Hilling** explained that another reason why he voted against Resolution No. 4571 is that he doesn't believe the U.S. Constitution provides for the federal government to grant this type of funding to the states. **Mr. Hilling** spoke to Ordinance No. 5917, stating that he does not wish to place something before the voters that he feels is unjust. He stated that the City has not proven that businesses receive more City services for their money. He commented that he does not believe in democracy in the sense that majority groups should make decisions on how to deal with minority groups. He expressed his respect for the points of view of his fellow Council Members. He closed by stating his belief that the Council should not be burdening the voters with issues that the Council is competent to make decisions on.

Mr. Matherly expressed appreciation for the different points of view of his peers. He commented to Ms. Staley that he enjoyed attending the Borough Assembly meeting in her absence and stated that he wished there was more interaction between the Borough Assembly and the City Council. **Mr. Matherly** stated that he also enjoyed the presentation by Yuri Morgan, City Lobbyist. He thanked Chief Zager and his staff for providing a tour of their facility to a homeschool student group that his children attended. He thanked all those who addressed the Council during public testimony.

Ms. Staley stated that she attended FCVB's Annual Awards Ceremony over the weekend and that it was a fabulous event. She commented that the award for the best new business went to the Running Reindeer Ranch. She stated that she is eager to hear the Mayor's comments on the Listening Session for the Programmatic Environmental Assessment for the Army at Fort Wainwright.

Mr. Gatewood thanked Mayor Cleworth for entrusting him with the running of the Council Meeting and also thanked those in attendance for their patience. **Mr. Gatewood** jokingly stated that it sounded as if Mr. Hilling thought it okay for inequality among sexes in the workplace, but not okay for inequality between residential and commercial property owners in relation to garbage service fees. He stated that the garbage service issue was a difficult one and expressed his appreciation for the open debate of the Council. **Mr. Gatewood** stated that his philosophy on politics is, "No permanent friends; no permanent enemies; just permanent issues." He thanked Mr. Walley for his telephonic attendance so that action on Ordinance No. 5917 could be taken.

Mayor Cleworth thanked Mr. Gatewood for Chairing the Council Meeting until he arrived. He stated that the balance of the Permanent Fund is currently about \$110 million. He stated that the recession in 2008 caused the fund to suffer a significant loss, dropping it to about \$76 million. He stated that the City draws-down on the fund based on a five-year moving average and that next year the average will go up because 2008 will be excluded. **Mayor Cleworth** stated that he attended the Listening Session for the Programmatic Environmental Assessment for the Army at Fort Wainwright earlier in the evening. He stated that the Army is trying to avoid what has happened with the Air Force, which took the public somewhat by surprise. He stated that the Army is making an effort to gather community input before any decisions are made as to the future of Fort Wainwright. He explained that the three mayors in the area were asked to speak and that he emphasized the strategic importance of Fort Wainwright as an ideal location for deployment of resources and troops. He stated that he feels fairly confident that Fort Wainwright will rank highly when the analysis is complete. **Mayor Cleworth** stated that the City's two

student resource officers (SRO's) are grant-funded positions. He informed the Council that the City has received word that the grant is still available, but that the terms have changed which would burden the school district more than it has in the past. He stated that the administration will begin discussing the issue with FNSB School District Superintendent Lewis to see if he is interested in retaining those grant-funded positions. He explained that the changes to the grant terms would require a contribution from the school district every year during the grant term. **Mayor Cleworth** stated that for the past two summers those SRO officers have served as foot patrol officers, which has been a proactive and friendly way to enforce City Code in the core downtown area. He spoke to the good back-and-forth discussion of the City Council. In Mr. Hilling's defense, **Mayor Cleworth** stated that he has learned not to trust statistics without substantiation. He stated that many studies on wage equality do not factor in the qualifiers that explain how the statistic was calculated. He commented that statistics can be easily "bent."

Mr. Gatewood asked Mayor Cleworth if the grant to fund the SRO's is an escalating amount for the three years of funding.

Mayor Cleworth explained that the grant offers an equal amount for each of the first three years of the term and, in the fourth year, the funding would solely depend on the school district.

Mr. Eberhart asked what the next step would be in the Army's Programmatic Environmental Assessment.

Mayor Cleworth replied that the Army accepted written comments at the meeting. He stated that General Garrett gave a lengthy presentation at the beginning of the meeting which he would like to be able to share with the Council. He commented that there was too much information to remember and relate to the Council at this time.

CITY CLERK'S REPORT

a) Results of the Establishment of the Local Improvement District

ACCEPTED on the CONSENT AGENDA.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to go into Executive Session for the purpose of discussing Fire Fighters Association (FFA) Labor Negotiations.

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

Mayor Cleworth called for a five minute recess.

EXECUTIVE SESSION

a) Labor Contract Negotiations – FFA

The City Council met in Executive Session to discuss FFA labor negotiations. Direction was given to staff, and no action was taken.

ADJOURNMENT

Mr. Hilling, seconded by Mr. Eberhart, moved to ADJOURN the meeting.

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

Mayor Cleworth declared the Meeting adjourned at 11:00 P.M.



JERRY CLEWORTH, MAYOR

ATTEST:

for 

JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS