



FAIRBANKS CITY COUNCIL
AGENDA NO. 2013-01
REGULAR MEETING January 07, 2013
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

REGULAR MEETING

I 7:00 P.M.

1. ROLL CALL

2. INVOCATION

3. FLAG SALUTATION

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

5. APPROVAL OF AGENDA AND CONSENT AGENDA

(Approval of Consent Agenda passes all routine items indicated by an asterisk (*). Consent Agenda items are not considered separately unless a Council Member so requests. In the event of such a request, the item is returned to the General Agenda).

6. APPROVAL OF PREVIOUS MINUTES

*a) Regular Meeting Minutes of December 3, 2012

*b) Regular Meeting Minutes of December 10, 2012

7. SPECIAL ORDERS

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

Lic #	Establishment Name	License Type	Premise Location	Owner Name
2982	Carlson Community Center	Recreational Site	2010 Second Avenue	SMG of Alaska, Inc.

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

10. NEW BUSINESS

- *a) Resolution No. 4554 – A Resolution Allocating Discretionary Funds from Hotel/Motel Tax in the Amount of Two Hundred Sixty-nine Thousand, Nine Hundred Ninety-eight Dollars. Introduced by Council Member Matherly.
- *b) Resolution No. 4555 – A Resolution Authorizing the City of Fairbanks to Accept Funds from the United States Department of Homeland Security for the Purchase of Fire Protection Equipment. Introduced by Mayor Cleworth.
- *c) Resolution No. 4556 – A Resolution Authorizing the City of Fairbanks to Apply for and Accept Funds from the Alaska Division of Homeland Security for the FFY2012 Emergency Management Performance Grant. Introduced by Mayor Cleworth.
- *d) Resolution No. 4557 – A Resolution Authorizing the City of Fairbanks to Request Funds from the Department of Homeland Security U. S. Fire Administration Assistance to Fire Fighters Grant Program for the FFY2012 Fire Prevention and Safety Grant. Introduced by Mayor Cleworth.
- *e) Ordinance No. 5912 – An Ordinance to Amend the Date of the 2013 City of Fairbanks General Election. Introduced by Mayor Cleworth.
- *f) Ordinance No. 5913 – An Ordinance to Amend Fairbanks General Code Section 74-117 Regarding Definitions in Hotel/Motel Sales Tax Ordinance. Introduced by Mayor Cleworth.
- *g) Ordinance No. 5914 – An Ordinance to Amend Fairbanks General Code Section 86-52 Proof of Insurance to Increase Mandatory Minimum Insurance Coverage for Commercial Passenger Transport Vehicles. Introduced by Mayor Cleworth.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

Committee Reports

12. COMMUNICATIONS TO COUNCIL

- *a) Bed Tax Discretionary Fund Meeting Minutes of November 8, 2012
- *b) Bed Tax Discretionary Fund Meeting Minutes of December 12, 2012
- *c) Bed Tax Discretionary Fund Meeting Minutes of December 17, 2012

13. COUNCIL MEMBERS' COMMENTS

14. CITY ATTORNEY'S REPORT

15. CITY CLERK'S REPORT

16. ADJOURNMENT

suggested that there be a Particle Magnification Task Force to educate the public on what is in the air they are breathing. He spoke to his idea of creating a Decibel Regulation Task Force to prevent hearing damage to the public. He further suggested that images of a damaged inner ear and microscopic images of air particles be placed on display in City Hall to educate the public on the harmful effects of high decibels and the importance of air quality.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger commended the Public Works Department on a terrific job in snow removal this year, stating that it is the best snow removal he's seen in over 35 years. He spoke to opening Executive Sessions to the public and to broadcasting them over the radio or television. He expressed his distaste and distrust of what happens "behind closed doors" during union negotiations and the discussion of other matters. He spoke to tax relief for local residents. Mr. Buberger wished everyone a good holiday season and a happy new year.

Frank Turney, 201 7th Avenue, Fairbanks – Mr. Turney thanked those who stood in opposition to the National Defense Authorization Act (NDAA) Sections 1021 and 1022. He spoke to U.S. citizens' right to a trial by jury and due process. He spoke to Judge Beistline's ruling that the Drug Enforcement Agency (DEA) does not have to have a warrant to access utility records for suspected pot growers in Fairbanks and asked if the City is involved with this case in any way. He spoke to a citizen's right to privacy under state law. He stated his hope that the City would appeal the ruling if it is involved in any way. Mr. Turney expressed appreciation to Mayor Cleworth for recognizing jury rights the second year in a row. He spoke to upcoming contract negotiations between the City and the Public Safety Employees Association (PSEA). He stated that while City police officers are required to take a voice analysis and polygraph test upon hire, they can refuse to take the tests while employed. He spoke to changing the policy so that officers would not have the option to refuse the tests if they were asked to do so.

Amy Geiger, 4400 Stanford Drive, Fairbanks, Fairbanks Convention & Visitor's Bureau (FCVB) – Ms. Geiger provided an update on the 2012 Outdoor Writers Association Conference that was held at Chena Hot Springs. She stated that the media tour in September 2012 was quite possibly the largest ever held in Alaska. She stated that the conference was a big success, with about 200 people in attendance. She referenced the excursions guide distributed to Council Members and explained that it was created specifically for the conference in hopes that visitors would extend their stay in the Fairbanks area. She stated that the guide features various local attractions, tours and activities. She stated that since the event, there has been positive press and online activity promoting Fairbanks as a tourist destination. She thanked the City for supporting the FCVB.

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.

Mr. Gatewood pulled item 12(e), Funds Available from the Alaska Department of Homeland Security, from the Consent Agenda.

Mr. Matherly pulled Ordinance No. 5909 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 November 5, 2012.

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 below-referenced Appeal of Denied Application for new Chauffeur License.

Applicant: Julie A. McCaston

Mr. Gatewood, seconded by **Mr. Walley**, moved to GRANT the Chauffeur Appeal.

Mayor Cleworth called for Public Testimony.

Julie McCaston, 3558 Goldizon Avenue, #6, Fairbanks – Ms. McCaston stated that she has lived in Alaska for six years. She spoke to the altercation that took place between her and her daughter, resulting in a misdemeanor assault conviction in 2010. She stated that she is a good and responsible citizen and pleaded with the Council to give her a second chance and grant her appeal.

Mr. Hilling asked Ms. McCaston if there was an injury involved with the assault and if her daughter is the one who called the authorities.

Ms. McCaston replied that her daughter was still walking around after the altercation and that the neighbors contacted the authorities. She stated that she was not aware of any injuries associated with the incident. She explained that she requested a police report from North Pole Police Department but was denied because they stated there was no report and that the responding officer had been fired after the incident.

Mr. Eberhart asked Ms. McCaston if her daughter currently lives in Anchorage. He asked if Ms. McCaston is still in contact with her daughter.

Ms. McCaston replied that her daughter now lives in Anchorage and that they have contact. She commented that her daughter has been helping her try to get the issue resolved. She spoke to personal interactions with her mother and her daughter and the family dynamic.

Mr. Eberhart asked Ms. McCaston if she pleaded guilty to the assault.

Ms. McCaston replied affirmatively.

Mr. Eberhart asked Ms. McCaston if she was ordered to enroll in any programs as a result of the conviction. He also asked if there was any probation or community service tied to the conviction.

Ms. McCaston replied that the court ordered her to attend an anger management course, but that she did not have the money to do so at the time. She stated that there was no probation or community service ordered as a result of the conviction.

Mr. Eberhart asked Ms. McCaston if she has a criminal trespass case currently pending with the court.

Ms. McCaston was unclear in her response to Mr. Eberhart's question. First, she indicated that the charge may be associated with an effort to collect her personal property from her ex-husband; then, she denied that there were charges currently filed against her with the court.

Mr. Matherly asked Ms. McCaston to address the pending case.

Ms. McCaston denied knowledge of the criminal trespass charge. She spoke to the incident that occurred in an effort to obtain her property from her ex-husband.

Mr. Matherly asked if the State Troopers were involved in the incident.

Ms. McCaston replied that the State Troopers did arrive at the scene, but that no charges or arrests were made at that time.

Mr. Matherly commented that driving a cab isn't the only way to make a living in Alaska. He explained that the Council must always keep the interest of the citizens of Fairbanks in the forefront. He indicated that granting the appeal may be a problem since some of the cases on Ms. McCaston's criminal record are so recent.

Mr. Gatewood asked Ms. McCaston if she is aware of any other driving violations that the Council should consider.

Ms. McCaston explained the reasons behind the registration and insurance violations on her record.

Douglas Yoder, 242 Toga Lane, Fairbanks – Mr. Yoder stated that he was born and raised in Alaska. He stated that he met Ms. McCaston when he was a cab driver and that he still knows her personally. He spoke in support of granting Ms. McCaston's appeal, stating that he believes she deserves a second chance.

James Willis 3558 Goldizon Avenue, #1, Fairbanks – Mr. Willis stated that he is Ms. McCaston’s neighbor and friend. He commented that Ms. McCaston is a good person who deserves a second chance.

Frank Turney, 201 7th Avenue, Fairbanks – Mr. Turney expressed concern that Ms. McCaston had pled guilty and been convicted of an assault. He also spoke to his concern that she may not have followed through on court orders. He stated that he would like to know the degree of the assault and the court’s conclusion on the case.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger stated that the judge and the court system should decide what’s good for individuals in cases such as this, not the City Council. He recommended that the City get out of the Chauffeur Licensing business altogether. He remarked that lowering the look-back period for background checks was a joke. Mr. Buberger sneered at the power of the Council in regard to Chauffeur Appeals, asking if they compared themselves to God. He spoke to everyone’s right to work, no matter what their background or circumstance.

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

Mr. Hilling stated that this appeal is a tough one for him, commenting that Ms. McCaston’s explanation of the incidents on her record add up. He addressed Mr. Buberger’s testimony and explained the need for a City Chauffeur License from the public safety aspect.

Mr. Walley stated that he would not deny that Ms. McCaston is a good person. He commented that if it were him appealing to the City Council, he would have made more of an effort to enroll in an anger management course.

Mr. Eberhart stated that Ms. McCaston’s failure to fulfill court orders by attending an anger management course is troubling. He commented that there are good arguments on both sides of the appeal and stated that it would not be an easy decision for him.

Mr. Hilling stated that Ms. McCaston’s failure to complete an anger management program is a deciding factor for him.

Mr. Gatewood agreed with his fellow Council Members in that it is a difficult appeal and that the plea tugs at heart strings. He reminded the Council that the applicant pled guilty to the assault charge, failed to complete a court-ordered anger management course, and had more than one registration/insurance violation in recent years. He spoke to the fairness element and stated that “rules are rules.”

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO GRANT THE CHAUFFEUR APPEAL AS FOLLOWS:

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

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

Lic #	Establishment Name	License Type	Premise Location	Owner Name
556	International Hotel & Bar	Beverage Dispensary	122 N Turner	Dakota Ventures Inc
3687	Thai House Restaurant	Restaurant/Eating Place	412 5th Ave	ChalermponBoonprasert
4880	Geraldo's Restaurant & Pizzeria	Restaurant/Eating Place	701 College Rd	Garlic Lovers LLC
5051	Asiana Restaurant	Restaurant/Eating Place	2001 Airport Way	Young Mi Jin

Mr. Matherly, seconded by **Mr. Walley**, moved to WAIVE Protest on the above-referenced Liquor License Applications for renewal.

Mayor Cleworth called for Public Testimony.

Frank Turney – Mr. Turney asked if there were any violations against any of the businesses in regards to serving alcohol.

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

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

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

NAYS: None

Mayor Cleworth declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth congratulated the Finance Department for receiving a Certificate of Achievement for Excellence in Financial Reporting. He reminded the Council of the meeting with the Interior Delegation on Thursday, December 6, 2012, at noon. He announced that the upcoming Finance Committee meeting has been canceled. **Mayor Cleworth** expressed his sympathy in the tragic loss of the daughter of a Public Works employee who was killed in a car accident on the Parks Highway. He stated that the her death left a couple of very young children without a mother. **Mayor Cleworth** stated that Public Employee Retirement System (PERS) is about \$11 billion in debt. He added that the system was expected to earn about 8% in the last fiscal year, but earned less than 1%. He explained that the City tried to get all employees out of PERS years ago and switch to union retirement plans. He stated that the City was successful with all unions except for police and fire, which are still with the PERS system. **Mayor Cleworth**, in response to Mr. Buberger's comments on open sessions, stated that all union negotiations are open to the public. He clarified that the Council and City staff must use Executive Sessions to formulate a plan for negotiations.

UNFINISHED BUSINESS

- a) Ordinance No. 5905 – An Ordinance Amending Fairbanks General Code Sections 2-260 and 2-261 and Enacting 2-262 Regarding the Authorized Investment Selections of the City Permanent Fund Investment Policy. Introduced by Mayor Cleworth and Council Member Gatewood.

Mr. Matherly, seconded by **Mr. Walley**, moved to ADOPT Ordinance No. 5905.

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

Mayor Cleworth pointed out that an amended version of Ordinance No. 5905 is in the agenda packet. He explained that the primary difference between the two versions is a change in the target equities and fixed income percentages in Section 2-261.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to SUBSTITUTE Ordinance No. 5905, as Amended, for Ordinance No. 5905.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUBSTITUTE ORDINANCE NO. 5905, AS AMENDED, FOR ORDINANCE NO. 5905 AS FOLLOWS:

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

Mayor Cleworth declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5905, AS AMENDED, AS FOLLOWS:

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

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5905, as Amended, ADOPTED.

- b) Ordinance No. 5906 – An Ordinance Authorizing Release of an Easement in Peger Lake Development. Introduced by Mayor Cleworth.

Mr. Matherly, seconded by **Mr. Walley**, moved to ADOPT Ordinance No. 5906.

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. 5906, AS FOLLOWS:

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

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5906 ADOPTED.

- c) Ordinance No. 5907 – An Ordinance Adopting the 2013 Operating and Capital Budgets. Introduced by Mayor Cleworth.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5907.

Mayor Cleworth called for Public Testimony.

David Lerman – Mr. Lerman stated that as a City Council candidate in the last five election cycles, he has tried to understand the City's budget. He spoke to the City's unassigned fund balance, stating that he understands the balance to be comparable to a savings account. He expressed his opinion that it is not wise to have too much money in savings and that the City should reduce building permit fees for those who wish to renovate dilapidated structures within the City limits. He stated that he would also like to see the City's declaration of candidacy fee and bicycle license fee eliminated.

Matt Atkinson, 946 Coppet Street, Fairbanks – Mr. Atkinson thanked the City Council for their service to the community and for their ongoing support of the local travel industry. He stated that the City and the travel industry have a long history of cooperation and partnership rooted in the reality that there are not many other endeavors to improve the economics of the Fairbanks community through destination marketing. He spoke to the gradual growth in the local tourism industry and expressed gratitude to the City for the funding it provides to FCVB.

Dustin Adams, 1447 Joyce Drive, Fairbanks – Mr. Adams stated that he is the general manager for the Regency Hotel. He stressed the importance of reinvesting bed tax dollars into local tourism in order to promote Fairbanks as a tourist destination. He stated that the industry is heavily taxed, commenting that the Regency Hotel pays property taxes, bed taxes and alcohol taxes. He expressed his support for the current funding levels of FCVB written into the City Code and stated that now is a critical time for marketing as the economy starts to stabilize. He stated that Anchorage is a tough competitor for Fairbanks in the tourism market.

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

Mr. Gatewood, seconded by **Mr. Matherly**, moved to SUBSTITUTE Ordinance No. 5907, as Amended, for Ordinance No. 5907.

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

Mr. Gatewood asked if the only reason for the amended version was because of a computation error.

Mayor Cleworth replied affirmatively.

Mr. Eberhart, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 5907, as Amended, by increasing the pay and benefits of the Clerk/Cashier position and reclassifying the position as an administrative assistant.

Mr. Eberhart stated that Clerk Hovenden has come before the Council for a number of years with the request to increase the wage and classification of the Clerk/Cashier position. He asked Mayor Cleworth to allow Ms. Hovenden to speak to the request.

Ms. Hovenden explained that the main reason for the request is because of the train-hire-loss cycle of the Clerk/Cashier position over the years. She stated that the position is not an entry-level position as it has been thought to be. She spoke to the ever-growing responsibilities of the job and to the impact the position has on the public. She referenced a handout which compared the duties listed on the current job description, the actual duties of the position, and the typical duties of an administrative assistant. Ms. Hovenden remarked that the current duties of the job are more in line with the duties of an administrative assistant than the current job description.

Mr. Eberhart asked Ms. Hovenden to speak to the turnover issues the Clerk's Office has experienced in recent years.

Ms. Hovenden spoke to the numerous turnovers in the Clerk/Cashier position due to vacancies of administrative assistant positions in other City departments. She stated that wage discrepancy between the Cashier and Administrative Assistant positions is significant. She commented that the individual currently filling the position has been there for just over a year, which may be the longest period of time she has had the position filled. She stated that it takes about six months for a new hire to be fully trained in the Clerk/Cashier position.

Mr. Eberhart asked Ms. Hovenden if she and the Deputy Clerk perform the training and if the training takes away from Clerk duties.

Ms. Hovenden replied affirmatively. She explained that she and the Deputy Clerk perform all of the training and that it requires full-time dedication by one person until the new hire is up to speed.

Mr. Eberhart referenced page 69 of the 2013 draft budget. He pointed out that Ms. Hovenden had requested a wage increase for the Clerk/Cashier position and asked if that requested wage would bring the position in line with that of other City administrative assistants.

Ms. Hovenden replied affirmatively.

Mr. Eberhart asked Ms. Hovenden if she believed the increase would put a stop to the Clerk's Office turnover problem.

Ms. Hovenden stated that she believed the wage increase would absolutely rectify the turnover issue.

Mr. Gatewood asked if the reclassification portion of the request is the Council's decision to make or if the union must be involved.

Mayor Cleworth stated that it is a union issue. He explained that on rare occasions, there have been recommendations made to the Council for a 5-10% merit increase. He stated that this increase would be different in that it would involve a reclassification of the position.

Mr. Ewers explained that the union contract states that a reclassification of a union position requires notification to the union and an opportunity for the union to respond. He stated that since the Clerk's Office works directly under the authority of the City Council, the decision to reclassify the Clerk/Cashier position is fully within the powers of the Council.

Mr. Eberhart stated that the cost of turnover is expensive and that the problem can be fixed for less than \$7,000. He suggested that the money could be taken out of the City's General Fund.

Mr. Hilling asked if the total annual wage shown in the budget includes benefits.

Ms. Hovenden replied that it does.

Mayor Cleworth explained that the union has the right to allocate the 2.5% Consumer Price Increase (CPI) that union employees receive however they choose between wages and benefits. He stated that the number shown in the draft budget reflects the assumption that the union will allocate the increase solely to wages, not benefits.

Mr. Hilling asked about the current hourly wage of the Clerk/Cashier position.

Chief Financial Officer Jim Soileau stated that the current hourly wage of the position is \$22.54. He added that the current hourly wage of an administrative assistant is \$25.65. He spoke to the benefit package totals for the position. Mr. Soileau clarified that Mr. Eberhart's proposal would offer the position a 13% increase to the hourly wage which equates to a \$3.11/per hour raise. Mr. Soileau explained that the 2.5% CPI is on the entire package, but that the union has the discretion to allocate the increase however they see fit. He stated that regardless of how the union chooses to allocate the CPI, the total cost to the City would be the same.

Mr. Hilling stated that he respects Ms. Hovenden's efforts and the job that she does. He commented that the Clerk's Office seems to perform very well in spite of the high turnover rate. He acknowledged the problem with the position being a "training ground" for other positions within the City, but indicated that the training of the Clerk/Cashier position provides individuals with a transferrable skill set. **Mr. Hilling** commented that the possible elimination of City garbage billing may offer some relief to the Clerk/Cashier position in relation to duties. He stated that he feels inclined to vote against Mr. Eberhart's amendment.

Mr. Gatewood referenced Ms. Hovenden's handout comparing the duties of a Clerk/Cashier and a City administrative assistant. He stated that according to the comparison, it appears the Clerk/Cashier is working out of class. He spoke to the small staff of the Clerk's Office and to how critical the department is to the City of Fairbanks. He referred to the Clerk/Cashier position as the "life blood" of the City. **Mr. Gatewood** stated his support for Mr. Eberhart's amendment.

Mayor Cleworth stated that he and Ms. Hovenden rarely disagree on issues, but that they disagree on this one. He stated that the position was originally created to be a Clerk/Cashier although the duties have expanded over the years. He stated that the Citizen’s Review Commission recommended that the Clerk’s Office be cut back to 2½ positions, but added that he doesn’t see that happening. He stated that the wage of the position is good when compared to that of similar jobs in the private sector. He commented that there is only a problem with the wage when it is compared to a City administrative assistant. **Mayor Cleworth** stated that the City tried to eliminate “bumping rights” in the Collective Bargaining Agreement (CBA), but was unsuccessful. He stated that the City also made a proposal to the union in the last negotiation that would have increased the Clerk/Cashier position’s wage, “grandfathered” the current administrative assistant wage, and lowered the hiring wage for new administrative assistants. He stated that the union refused to accept the proposal.

Mr. Walley stated that he can see both sides of the issue, but expressed his struggle with the motion on the floor. He stated that as a business man in the private sector, he experiences turnover and training issues and understands the problems it creates. He indicated, however, that many of his employees would love to earn the wage of the Clerk/Cashier position. **Mr. Walley** jokingly suggested implementing an inter-governmental fine for “stealing” employees from other departments.

Mr. Hilling stated that his opinion that the City Council should stand by the original budget and “hold the line.” He stated that if the employee currently filling the Clerk/Cashier position chooses to leave, the Clerk’s Office will simply have to hire and train another. He spoke to the original purpose of the position when it was added to the department and stated that he does not believe the increase should be granted.

Mr. Eberhart stated that the City Clerk has the best knowledge of how the position has evolved. He stated that based on the handout and Ms. Hovenden’s comments, he believes the job has evolved far beyond a clerical-type position—even if that was the original intent of the position when it was created. He stated that there is clearly a problem and that it needs to be addressed and that the cost of increasing the position would likely equate to the savings in less turnover.

Ms. Staley stated that the wage is good when compared to the private sector, but agreed that the duties of the position have grown tremendously. She stated her support for changing the position classification from Clerk/Cashier to Administrative Assistant.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5907, AS AMENDED, BY INCREASING THE PAY AND BENEFITS OF THE CLERK/CASHIER POSITION AND RECLASSIFYING THE POSITION AS AN ADMINISTRATIVE ASSISTANT AS FOLLOWS:

YEAS: Gatewood, Eberhart, Matherly, Staley
NAYS: Walley, Hilling
Mayor Cleworth declared the MOTION CARRIED.

Mr. Hilling spoke to the ordinance that is being introduced which addresses the allocation of City Bed Tax funds to the Community Service Patrol (CSP). He explained the basic duties of the

CSP, the help it offers to Fairbanks citizens, and the benefit it provides to the City. He spoke to the mission of the City of Fairbanks, stating that it does not include rescuing those in trouble. **Mr. Hilling** questioned where the funds should come from if the City continued to contribute to the CSP. He stated that the most proper source of funding, in his opinion, is bed tax dollars. He suggested that the Council move the source of funding for the \$50,000 CSP contribution from the property tax and other revenue funds to the bed tax revenue fund.

Mr. Hilling moved to AMEND Ordinance No. 5907, as Amended, by reducing line item 7202 (CSP) by \$25,000 and adding a \$25,000 line item to account 7201 (Contributions to Agencies).

Mayor Cleworth stated that the MOTION DIED for lack of a second.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5907, AS AMENDED, AS FOLLOWS:

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

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5907, as Amended, ADOPTED.

d) Ordinance No. 5908 – An Ordinance Amending the 2012 General Fund Budget for the Third Time. Introduced by Mayor Cleworth.

Mr. Gatewood, seconded by **Mr. Walley**, moved to ADOPT Ordinance No. 5908.

Mayor Cleworth called for Public Testimony.

David Lerman – Mr. Lerman stated that it is his understanding that the City's savings account is supposed to be about 20% of the City's operating budget. He stated that if he is reading Ordinance No. 5908 correctly, the City's savings account balance under the approved 2012 budget is \$10,520,161.00, but is \$9,782,993.00 under the "as amended" 2012 budget. He stated his belief that the savings account should not grossly exceed 20% of the total operating budget. Mr. Lerman again spoke to his idea of reducing building permit fees for those who put forth an effort to renovate deteriorated properties within the City of Fairbanks. He stated that he will continue to repeat himself in regard to the reduction of various fees charged by the City.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5908 AS FOLLOWS:

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

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5908 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4551 – A Resolution Re-Designating Check Signing Authority for Banking and Investment Accounts of the City of Fairbanks, Alaska. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Ordinance No. 5909 – An Ordinance to Amend FGC Section 74-117 Hotel/Motel Tax Purpose and Limitation, to Appropriate Funds Regarding Funding for the Community Service Patrol. Introduced by Council Member Matherly.

Mr. Matherly, seconded by **Ms. Staley**, moved to ADVANCE Ordinance No. 5909.

Mr. Matherly provided a brief history of the City's \$50,000 contribution to the CSP. He spoke to the minimum match the City requires of the CSP for the duration of that provision. He stated that after the last budget meeting, he realized the match may be unfair. He explained that Ordinance No. 5909 would eliminate the requirement for a match.

Mr. Eberhart stated that when he first read Ordinance No. 5909 he did not see a problem with it. He stated that after speaking with David van den Berg from the Fairbanks Downtown Association (DTA), he learned that the CSP is required to meet matches for other grants they receive. He suggested lowering the match, but not eliminating it altogether for fear of undercutting CSP's ability to obtain other grant funding.

Mayor Cleworth stated that the Borough has a grant that can be awarded to the CSP if the City is also contributing to the organization.

Mr. Matherly asked if the Borough would still award grant dollars to the CSP if the City eliminated its requirement for a match. He stated that he would like to hear more Council Members' input on the match requirement issue.

Mayor Cleworth stated that the City's contribution to the CSP may still qualify the organization for the Borough grant.

Mr. Gatewood stated that the contribution to the CSP was initiated by former Council Member Stiver who saw a need to provide stable funding for the organization. He indicated that his original vote to allow for the \$50,000 contribution may have been different if the match had not been required. He stated that he is reluctant to eliminate the \$140,000 match.

Mr. Walley stated that his concern is that the CSP has not yet reached the \$140,000 match for 2012, although they are very close. He stated that he may be in favor of reducing the match requirement, commenting that it is a motivating tool.

Mr. Matherly stated that it is not his intent to let anyone “off the hook,” but it is an attempt to help simplify a City Finance issue. He pointed out that a match restriction is not required of any other organization that receives bed tax dollars from the City.

Mr. Soileau stated that Finance’s struggle with the match is that the CSP did not meet the match in 2011 because in-kind contributions cannot be counted towards the total. He asked the Council for direction on whether or not the City should cut off the funding. He stated that if the match was reduced to \$130,000, the problem would be solved going into future years, but it would still not solve the issue for prior years. He asked if the approval of the 2013 budget implies that the CSP funding is still approved, regardless of whether the match was met.

Mr. Eberhart stated that he believes the adopted 2013 budget implies that the \$50,000 will go to the CSP regardless of whether they’ve met their match. He added that Ordinance No. 5909 can be dealt with at the next Regular Meeting.

Mr. Hilling stated that he is inclined to vote in favor of advancement and see what happens at the next meeting.

Mayor Cleworth stated that he sees a much bigger issue. He indicated that there is no point in having the match requirement written into the City’s Code if the Council does not honor it. He spoke to the difficulty in ending the contribution at the end of the promised time period and to the CSP’s dependence on the funds. **Mayor Cleworth** suggested that the Council may want to do a review of the entire section of City Code pertaining to Hotel/Motel Tax. He indicated that he has a problem with some of the wages of employees of non-profits who are receiving funds from the City of Fairbanks.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADVANCE ORDINANCE NO. 5909 AS FOLLOWS:

AYES: Staley, Matherly, Gatewood, Hilling, Eberhart, Walley
NAYS: None

Mayor Cleworth declared the MOTION CARRIED.

- c) Ordinance No. 5910 – An Ordinance Amending the 2012 Collective Bargaining Agreement Between the City and the Fairbanks Fire Fighters Union. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- d) Ordinance No. 5911 – An Ordinance Amending the 2012 Capital Appropriations Fund Budget for the Second Time. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

Committee Reports

Fairbanks Convention and Visitor's Bureau (FCVB) Board – **Mr. Matherly** gave a brief report of his first FCVB Board Meeting. He commented that there is much more going on at FCVB than what meets the eye. He commended Deb Hickok and her staff for tackling some tough issues that affect the Fairbanks community. He expressed appreciation to the Mayor for appointing him to the Board.

FMATS Policy Committee – **Mr. Walley** provided a summary of the November 21 meeting. He stated that the Committee voted on the artwork that would be placed in the “green space” between the two bridges downtown. He announced that the winning art piece was titled *Polaris* by Cheryl Hamilton and reminded him of something out of a Superman movie. He stated that the artwork is projected to be installed in the summer of 2014. **Mr. Walley** congratulated Ms. Hamilton for winning the art competition. He announced that FMATS has a new website at www.fmats.us. He spoke to the Committee's discussion on the newly-proposed Metropolitan Planning Organization (MPO) boundaries based on the latest census data. He spoke to the early completion of the Illinois Street Project and to the appointment/reappointment of Chair and Vice Chair of the Committee. He briefly mentioned the upcoming study due in 2014 to quantify travel per household in the Fairbanks area.

Mayor Cleworth stated that the FMATS Office is given a budget each year by its Board. He stated that the City has felt that it should receive some of those moneys for its support of the FMATS Department. He explained that before Chad Roberts left the Committee, he made a motion to have the FMATS Technical Committee review the issue. He expressed hope that the appropriation to the City would be made in the near future. **Mayor Cleworth** indicated that nearly everyone but the Borough is in agreement that the City should receive its fair share of the money.

Mr. Gatewood asked Mayor Cleworth why the Borough is hesitating.

Mayor Cleworth replied that the Borough feels that the amount they receive in salary for the FMATS position at the Borough is justified even though the position is not working directly for Donna Gardino, MPO Coordinator.

COMMUNICATIONS TO COUNCIL

- a) Chena Riverfront Commission Meeting Minutes of October 10, 2012.

ACCEPTED on the CONSENT AGENDA.

- b) Reappointments to the Public Safety Commission.

APPROVED on the CONSENT AGENDA.

- c) Reappointments to the Fact Finding Commission.

APPROVED on the CONSENT AGENDA.

- d) Appointment to the Chena Riverfront Commission.

APPROVED on the CONSENT AGENDA.

- e) Funds Available from the Alaska Department of Homeland Security.

Mr. Gatewood stated that although he is in favor of grants, they often cost more to the City than anticipated. He expressed some confusion with the memo from Chief Cummings regarding funds. He asked what the total cost to the City would be over the life of the grant. He also requested an explanation of the funds that are being reallocated.

Chief Cummings explained that Homeland Security Grants are given to numerous communities statewide. He stated that there are times when grant recipients don't complete grant requirements and turn the money back over to the state. He stated that when money is returned to the state, the funds are reallocated to under-funded or unfunded projects. He stated that in this specific situation, the City had additional equipment for which they did not receive grant funding. He explained that the City was notified of the additional funding and that he has requested the \$25,191 to purchase the trench rescue equipment. He indicated that long-term costs to the City for the equipment should be very low. Chief Cummings stated that the state allocates money for equipment, training and exercise. He explained that the money being de-obligated in the memo is for unused grant money that was allocated to the City specifically for exercises. He stated that returning those funds to the state is part of the grant requirement, although the City can and has reapplied for the funds for a different purpose. He clarified that no match is required for any of the grants referenced in the memo.

Mayor Cleworth stated that the Memo from the Fairbanks Fire Department Concerning the Funds Available from the Alaska Department of Homeland Security does not need a motion to be accepted.

There was no objection from the Council on the ACCEPTANCE of the Memo Concerning Funds Available from the Alaska Department of Homeland Security.

COUNCIL MEMBERS' COMMENTS

Ms. Staley stated that she just flew back from New Zealand and that she witnessed firsthand that Australians love Alaska. She thanked the Council for allowing her to attend the meeting telephonically from Seattle. She stated that she is looking forward to attending the next Borough Assembly Meeting and that she will provide the Council with a report on her next Parking Authority Board Meeting.

Mr. Walley commented on the briefness of this meeting in comparison to all the others since he was sworn in as a Council Member. He spoke to the difficulty of the Chauffeur Appeal earlier in the meeting and indicated that things may have gone differently if Ms. McCaston had made a sincere effort at rehabilitation. He expressed hope that the forecast is correct that there will be a break in the cold weather. He cautioned the public to drive safely and bundle up in the frigid weather.

Mr. Gatewood had no comments.

Mr. Eberhart commented that he is happy that the Council passed the 2013 budget and thanked the Mayor, the administration and the Finance Department for their hard work. He also commended the Finance Department for having received an award. **Mr. Eberhart** asked to be excused for the Regular City Council Meeting of December 10, 2012, stating that he will be out of state at another meeting. He expressed uncertainty that he would be able to attend telephonically.

Mayor Cleworth called for objection regarding **Mr. Eberhart's** request to be excused on December 10, 2012 and, hearing none, so ORDERED.

Mr. Hilling spoke to the reasoning behind his motion to change the source of funding for the City's contribution to the CSP. He stated that he would like to see the City change its source of funding for "charity cases" from the General Fund to a more appropriate source such as the Bed Tax Fund. **Mr. Hilling** spoke to the method for determining fair wages, stating that one must try to judge what wage is sufficient to attract and retain the desired talent. He expressed his opinion that justice, fairness and entitlement should not be part of that wage consideration. He related his comments to the recent situation regarding the wages of the Director of the FCVB and spoke to the FCVB Board of Directors' decision to increase the director's wage. **Mr. Hilling** indicated that it may not be a good idea for the Board of Directors to hold the power of that wage determination. He clarified his comments regarding Ms. Hickok's wage are in no way meant to ridicule her. He commented that many City employee wages are below the national standard and that those employees stay with the City because of intangible benefits that make up the difference. **Mr. Hilling** concluded by stating that he approves of putting money back into the community, but suggested that a need to "watch dog" is in order.

Mr. Matherly cautioned everyone to bundle up and stay warm. He commented that he saw Frank Turney at a Christmas party recently and stated that it was nice to see him outside of a Council Meeting. He addressed Mr. Buberger's testimony regarding the Chauffeur Appeal and explained that monitoring the background of driver's does do the public a service. He stated that the Council must look at the criminal history of an individual and how recent their offenses, if any, may have been. **Mr. Matherly** addressed Clerk Hovenden and stated that he is glad the Council approved the increase to the Clerk/Cashier position. He commented that the Clerk's Office is deserving of the change.

Mr. Ewers addressed Frank Turney's earlier testimony regarding a court ruling from Judge Beistline. He clarified that the City was not involved in the case and that Joe Evans is not currently doing any work for the City of Fairbanks.

ADJOURNMENT

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

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

Mayor Cleworth declared the Meeting adjourned at 9:50 P.M.

JERRY CLEWORTH, MAYOR

ATTEST:

JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS

DRAFT

Franz was unable to attend the reception, she would like to present Ms. Franz with a certificate of appreciation for bringing the Alaska Native Health Board Meeting to Fairbanks in May. She provided the Council with the local estimated revenue brought to Fairbanks by the group. She announced that the Alaska Federation of Natives (AFN) Board of Directors voted to hold their 2013 convention in Fairbanks. She stated that the convention will bring about 4,000 visitors to Fairbanks in October of 2013. Ms. Renfrew thanked the Council for considering Resolution No. 4552 which opposes the inclusion of Alaska by the Environmental Protection Agency (EPA) in the North American Emission Control Area (ECA).

Mr. Gatewood asked Ms. Renfrew for clarification on the AFN Convention dates.

Ms. Renfrew replied that the AFN Convention would take place October 24 – 26, 2013.

Mr. Matherly asked Ms. Renfrew to speak to the projected local revenue generated by the 4,000 visitors.

Ms. Renfrew replied that the attendee spending for the AFN Convention is projected to be approximately \$4 million.

Mayor Cleworth stated for the record that Mr. Hilling was now present.

David Lerman, 126 2nd Avenue, #15, Fairbanks – Mr. Lerman stated that he will be a candidate for the City Council in the 2013 Municipal Election. He spoke to his new website, *Voter Butter*, which was created to “churn” good ideas. He commented that he repeats himself often, which is his way of peddling his ideas. Mr. Lerman stated that he still maintains his old website, *Renovation Fairbanks*, and that the site has now exceeded 1,500 views. He spoke to hosting various task forces to improve the City of Fairbanks and the quality of life for its citizens. He suggested that the City begin waiving building permit fees for property owners who wish to renovate their dilapidated properties and various other fees. He commented that the City’s Fluoride Task Force is a perfect example of how a task force can effect change.

Frank Turney, 201 7th Avenue, Fairbanks – Mr. Turney commented that he enjoys listening to Mr. Lerman’s testimonies and stated that although he sometimes finds his comments humorous, he believes some of his ideas hold value. Mr. Turney stated that December 15, 2012 is the 221st anniversary of the ratification of the U.S. Bill of Rights. He spoke to Founding Father George Mason’s refusal to sign the U.S. Constitution without the addition of the Bill of Rights. He stated his appreciation that the Fairbanks City Council has been publicly recognizing the Bill of Rights for at least ten years. He announced that he brought a Bill of Rights cake for everyone to enjoy after the meeting.

Mayor Cleworth thanked Mr. Turney for bringing the cake.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger indicated that he was not well-prepared for his testimony. He spoke to the Fairbanks General Code regarding Chauffeur Licensing, suggesting that the requirements be expanded to include all bus drivers, emergency vehicle operators, police officers and private citizens who transport other passengers. He indicated that ultimately the courts should govern the transportation industry, not the City

Council. He stated that he would prefer less regulation to the industry, not more. Mr. Buberger wished everyone a happy holiday season.

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 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 November 19, 2012.

PASSED and APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

a) Memo Regarding Asiana Restaurant Liquor License Renewal Application

Mayor Cleworth stated that the issue outlined in the memo has been resolved. He thanked the Finance Department for taking care of the problem.

READING OF THE BILL OF RIGHTS

Mayor Cleworth thanked Mr. Turney for reminding the Council to recognize the Bill of Rights each year. He spoke briefly to the history of the Bill of Rights and to how they were created. He asked Council Members to take turns reading aloud each of the Ten Amendments.

Council Members read each Amendment aloud in turn.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth stated that Resolution No. 4553 was a result of a collaboration with the Department of Transportation (DOT). He explained that in the past it was a common practice of DOT to use federal funding to maintain and refurbish some roads inside the City, under the condition that the City would take over permanent maintenance of the roads. **Mayor Cleworth** stated that the Council decided in the late 1980's that it was unfair for DOT to leverage federal money against a municipality to take over the maintenance on roads within DOT jurisdiction. He explained that the Council adopted an ordinance some years ago stating that there must be Council approval before a Mayor can agree to take over maintenance responsibilities for DOT roadways. He spoke to the problems in the Memorandum of Agreement (MOA) on the Illinois

Street project, stating that the City sat down with DOT to work out those issues. **Mayor Cleworth** stated that as the City takes over the maintenance responsibilities for Illinois Street, the DOT will take back some responsibilities for illumination in certain areas where they already have maintenance jurisdiction. He stated that given all the violations of MOA's between DOT and the City, there is cause to wonder if the MOA's are legal. He indicated that the City is looking into the issue. **Mayor Cleworth** thanked the City Clerk's Office for holding the agenda for last minute additions. He addressed Mr. Buberger's comments in regards to Chauffeur Licensing. He explained that taxi cab businesses within the City of Fairbanks used to be heavily regulated but that the City has since done away with much of the FGC governing the industry. He spoke to the recent review of the Code pertaining to Chauffeur's Licenses by the City Clerk's Office and their efforts to simplify and streamline the application process and requirements. He stated that he still receives positive feedback on those changes. **Mayor Cleworth** stated that there is an expectation by the public that cab drivers are screened in regard to their criminal background. He spoke to the City Chauffeur requirements as being "minimal" and that it is the Borough's duty to screen public bus drivers. He pointed out that the City can only control what falls within the jurisdiction of the City of Fairbanks. He wished everyone a Merry Christmas and a Happy New Year.

UNFINISHED BUSINESS

- a) Request for Reconsideration by Council Member Eberhart (filed December 4, 2012) of Ordinance No. 5907, as Amended, the Amendment Relating to the Office of the City Clerk, Adopted at the Regular Meeting of December 3, 2012.

Mayor Cleworth explained that any Council Member on the prevailing side of a vote has the right to file a Motion to Reconsider the decision of the Council within 24 hours of passage. He stated that since the Council was unanimous in the decision to adopt the 2013 Budget, any member could have filed a reconsideration. He commented on the rarity of reconsiderations and explained that, in his opinion, the proper use of the tool is when information comes to light that may not have been available when the decision was made. **Mayor Cleworth** further explained that if the motion to reconsider is passed, Ordinance No. 5907 would be proposed to the Council again as if it had never been adopted.

Clerk Hovenden clarified that if the Council voted to reconsider, the original Ordinance No. 5907 would be before the Council, not the "as amended" version.

Mr. Eberhart, seconded by **Mr. Gatewood**, moved to RECONSIDER the budget amendment pertaining to the Office of the City Clerk that was adopted by Ordinance No. 5907, as Amended, on December 3, 2012.

Mr. Matherly asked for clarification of the motion on the floor.

Mayor Cleworth explained that a vote to reconsider would put Ordinance No. 5907, as Amended, back before the Council.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO RECONSIDER THE BUDGET AMENDMENT PERTAINING TO THE OFFICE OF THE CITY CLERK THAT WAS

ADOPTED BY ORDINANCE NO. 5907, AS AMENDED, ON DECEMBER 3, 2012, AS FOLLOWS:

YEAS: Staley, Matherly, Hilling, Eberhart, Walley
NAYS: Gatewood
Mayor Cleworth declared the MOTION CARRIED.

Mr. Eberhart commented that he was having difficulty hearing on his end of the phone connection. He stated that he doesn't recall ever filing a motion to reconsider in all his years of service on the City Council. He stated that he received a phone call from Mayor Cleworth and Tony Shumate. He stated that they indicated that there was information that wasn't provided to the Council at the time of the adoption of Ordinance No. 5907, as Amended, and that he would like to extend them the courtesy of a reconsideration in order to bring that information to light. **Mr. Eberhart** stated that he understood there to be some concern from other administrative positions because of the level of the increase that was granted. He explained that he has also been in touch with City Clerk Hovenden in regard to the issue. He indicated that it may be more logical for Mr. Shumate or Mayor Cleworth to present the new information, then give Clerk Hovenden an opportunity to respond.

Mr. Matherly asked Mr. Eberhart to repeat the last part of his discussion regarding the City Clerk.

Mr. Eberhart stated that he received some documents from Mr. Shumate which outlined a different plan for the Clerk position. He indicated that Clerk Hovenden has also seen the document and may wish to comment. He stated that he may wish to ask Clerk Hovenden some questions later in the meeting.

Mayor Cleworth stated that the original amendment regarding the Clerk's Office was adopted on a 4 – 2 vote. He explained that there were some things that he thought about at the time and that he wished he could have stated his case a little better before the original vote was taken. **Mayor Cleworth** spoke to the "fallout" at City Hall the day following that Council Meeting. He asked Mr. Shumate to speak to the proposed solution to the problem.

Mr. Shumate distributed copies to the Council of the proposed plan for the Clerk's position. He stated that in preparation of the proposed plan, he reviewed the classifications and requirements of the current administrative positions within the City of Fairbanks. Mr. Shumate stated that the goal was to develop a classification unique to the current Clerk/Typist position, which is how the Deputy Clerk I proposal came about. He stated that City administrative assistants are required to have a minimum of five years' experience in clerical/administrative work before they are put into those positions. He clarified that individuals can be hired to fill those positions with less than five years' experience, but that their starting pay would be reduced to 90 – 95% of the full administrative wage. Mr. Shumate stated that the proposal is an effort to allow for growth within the Office of the City Clerk.

Mayor Cleworth referenced the chart on the proposed plan handout. He explained that under the Collective Bargaining Agreement (CBA) with the International Brotherhood of Electrical Workers (IBEW), there are five possible salaries that could be given to new hires. He stated that

depending on the experience and skills of the individual, the department head may want to start the employee at a base level salary. **Mayor Cleworth** stated that if the department head does not believe a new hire has all the necessary skills, he or she may wish to hire them at a 90 – 95% of the base rate and offer them the full base rate once the employee has passed a probationary period. He stated that on rare occasions the City has gone above the base rate by 5 – 10% in hiring a new employee.

Mr. Gatewood asked how a determination is made on whether to bring an employee in at a lower rate. He expressed concern that there be an objective tool for making that determination.

Mr. Shumate replied that the determination is made through the interview process, assessments and evaluations.

Mayor Cleworth explained that in the given proposal the entry level position still exists. He stated that after a probationary period and the completion of one year of Clerk Institute training towards a Certified Municipal Clerk (CMC) designation, the position may be promoted into a mid-level Deputy Clerk I. **Mayor Cleworth** pointed out that there is no such position at this time, but that the IBEW union has agreed to allow the creation of the classification. He further explained that in order to receive the full administrative assistant wage, the individual in the position would be required to obtain their full CMC designation. He stated that the plan still carries the risk of losing the employee after the training is completed. **Mayor Cleworth** spoke to having employees reimburse training costs to the City if they chose to leave their position within a certain period of time after their certification.

Mr. Matherly asked for clarification on the Council's decision at the last Council Meeting in comparison to the proposed plan.

Mayor Cleworth replied that the Council essentially bumped the position from a base level 1(c) to a base level 3(c) when compared to the current proposal.

Mr. Hilling asked how long it would typically take for an employee to go from a 1(c) to a 2(c).

Mayor Cleworth replied that it would be partially left to the discretion of the City Clerk, but that one session of Clerk training towards certification would have to be completed in order to receive the increase.

Mr. Hilling suggested placing a time limit on the progression from an entry level Clerk [1(c)] to a Deputy Clerk I [2(c)] if there was not one in place already.

Mr. Shumate stated that the probationary period is six months.

Clerk Hovenden stated that it may take a year or more for the individual to complete the first session of Clerk Institute training since the classes are only offered once a year in June.

Mayor Cleworth asked Clerk Hovenden if the employee currently in the position has already attended her first year of training.

Clerk Hovenden replied affirmatively.

Mr. Hilling spoke to the CMC designation requirement for the individual to move from a 2(c) to a 3(c) pay scale. He asked if there would be a time frame associated with that increase.

Clerk Hovenden stated that it would take the individual in the position about five years to obtain their CMC designation. She stated that the proposed plan would make the 3(c) wage solely dependent upon funding for travel and training.

Mr. Hilling indicated that the proposed plan may defeat Clerk Hovenden's original intent in bringing the issue before the Council, which was to retain that employee for longer than a year. He stated that if an individual must serve five years in the position before achieving the desired wage, they may still leave the position after a short period of time.

Mr. Matherly stated that the Council's original decision to increase the wage from the entry level classification to the administrative assistant classification was justified because the individual currently filling the position is already performing all the duties of an administrative assistant. He spoke to additional responsibilities being rewarded through wages in order to retain City employees.

Mr. Gatewood asked if any of the required training classes are available online.

Clerk Hovenden stated that there are clerk-related classes available online, but that the classes required to obtain a CMC designation can only be taken in person at the Northwest Clerks Institute in Tacoma, Washington.

Ms. Staley asked if the 1(c)-2(c)-3(c) progression has been offered to the Clerks in the past.

Clerk Hovenden replied that it has never been offered.

Mayor Cleworth again spoke to the feedback he received the Tuesday morning following the last Council Meeting. He stated that the proposed plan offers the Clerk/Typist position a better package than the administrative assistant in the Mayor's Office. He stated that an increase in the Clerk position would create a problem with others. **Mayor Cleworth** argued that the position was created by the Council to be a clerical position, not an administrative position. He stated that the proposed plan is an attempt to find middle ground to give the individual an incentive to stay in the Clerk's Office. He stated that the risk of turnover cannot be eliminated completely from any position in any department.

Clerk Hovenden stated that her counter proposal is similar but does not base the wage on a CMC designation. She indicated that her proposal would base the wage on the length of time in the position. She stated that the entry level or "base level" rate of the position in her proposal is the same as the proposal from the Mayor and Mr. Shumate, but that the position would be classified as a Deputy Clerk I upon hire. Clerk Hovenden further explained that her proposal offers an increase to the position after one year of employment, then a second increase to bring the wage equivalent to that of administrative assistants would go into effect on the individual's second anniversary. She explained that another increase of 5% would be given to the individual upon

receipt of their CMC designation. She spoke to the added incentive of her plan to attract an individual to stay with the department for a longer period of time. Ms. Hovenden also spoke to the job security her plan would offer to the position by reclassifying it to a Deputy Clerk I. She explained that the unique classification would not allow the position to be “bumped” by other union employees.

Mr. Matherly asked Clerk Hovenden if she believes her plan would bring resolution to the turnover problem in her department. He spoke to the friction created by the Council’s decision at the last meeting and to the friction created by revisiting the issue. He asked Clerk Hovenden to confirm that she had taken the appropriate steps within the City to inform those involved of her counter proposal.

Clerk Hovenden replied affirmatively to both of Mr. Matherly’s inquiries.

Mr. Hilling stated that he had hoped that the City Clerk could “make do” with less. He indicated that when individuals are asked to do more with less, they often will rise to the occasion. He spoke in favor of the Mayor and Mr. Shumate’s proposed plan, stating that the one-year incentive would likely be enough to retain an employee.

Mayor Cleworth offered clarification on a union employee’s ability to “bump.” He stated that the bumping employee must meet the minimum requirements for the job and that the department head would still have discretion in hiring.

Mr. Shumate again spoke to the minimum hiring rate versus the base level rate for the position based on qualifications and experience.

Mr. Gatewood stated that his motivation in voting for the increase at the last meeting was to make a situation “right” in his mind. He spoke to the wide array of responsibilities of the position and to compensating it appropriately and to stabilizing a department that is vital to the operation of the City. He stated that turnover of the position in the Clerk’s Office places a tremendous amount of work on the other two positions within the department. **Mr. Gatewood** spoke to the importance of the Clerk’s Office, stating that its instability is a problem the Council should not ignore. He admitted that the pay scale offered by Mr. Shumate is attractive to him, but reminded the Council that Clerk Hovenden has been requesting an increase to the position’s classification and pay for about three years. **Mr. Gatewood** stated that no one in the City made much noise when the turnover of the position was at its peak, but pointed out that now that the Council is addressing the issue there seems to be a lot of “squeaking.” He expressed annoyance that it took the effort of the Council at the last meeting to get to this point.

Mr. Eberhart stated that he feels that he is at a disadvantage attending telephonically, and that he does not have a hard copy of the Clerk’s counter proposal in front of him. He indicated that he will defer further motions to his colleagues.

Mayor Cleworth, in response to Mr. Gatewood’s comments, stated that nearly every employee in the City works out of job class. Using the Finance Department as an example, he stated that the Accounts Payable Clerk must also learn accounts receivables and general ledger accounting. He stated that his own administrative assistant is constantly learning processes from other City

departments in order to fill voids when necessary. **Mayor Cleworth** added that his assistant spends about 50% of her time working in other departments. He commented that he may not have done a great job portraying to the Council the complications of increasing the Clerk position at the last meeting because he did not believe the Council would approve the reclassification. He again mentioned the problems that came about in City Hall as a result of the decision of the Council at the last meeting. He stated that the proposed plan is the best effort at a compromise. **Mayor Cleworth** spoke to a prior increase that was granted to the Deputy City Clerk a couple years ago. He explained that he was a Council Member at the time and that the Council granted the increase only to see the employee leave the City a short period of time after that.

Mayor Cleworth asked how best to proceed with Ordinance No. 5907 given the complications of the reconsideration.

Mr. Ewers replied that since the reconsideration was approved, the motion before the Council is the approval of the original, un-amended version of Ordinance No. 5907. He explained that the first motion affecting Ordinance No. 5907 at last week's meeting was to substitute the "as Amended" version which corrected a numerical error. Mr. Ewers suggested substituting the amended version again so that the correction would not be lost.

Mr. Gatewood, seconded by **Ms. Staley**, moved to SUBSTITUTE Ordinance No. 5907, as Amended, for Ordinance No. 5907.

Mayor Cleworth clarified that the Ordinance No. 5907, as Amended, corrects an error under the general account that was not caught before the original ordinance was introduced.

Mr. Gatewood asked if the change to the Clerk's position wage is reflected in Ordinance No. 5907, as Amended.

Mayor Cleworth replied that the change is not reflected in Ordinance No. 5907, as Amended. He stated that by substituting the "as Amended" version, the only change would be the correction of the general account error on line number six in the table on page two.

Clerk Hovenden commented that by substituting the "as Amended" version, it would put the ordinance in the same place it was before the Council made the motion to amend the Clerk position salary at the last meeting.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUBSTITUTE ORDINANCE NO. 5907, AS AMENDED, FOR ORDINANCE NO. 5907 AS FOLLOWS:

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

NAYS: None

Mayor Cleworth declared the MOTION CARRIED.

Mr. Ewers explained that in order to amend the Clerk's budget, the Council would have to make a new motion.

Mayor Cleworth stated that Ordinance No. 5907, as Amended, is wide open for changes.

Mr. Eberhart moved to AMEND Ordinance No. 5907, as Amended, by increasing the salary of the Clerk/Cashier position to the 2013 department request of \$55,334 and by reclassifying the position to an administrative assistant.

Mr. Matherly requested clarification on Mr. Eberhart's motion.

Mayor Cleworth stated that Mr. Eberhart's motion is the same motion he made at the last meeting, which was adopted by the Council. He stated that the motion would bring the Clerk/Cashier wage up to the administrative assistant/3(c) equivalent.

Mayor Cleworth called for a second to Mr. Eberhart's motion to amend.

Mayor Cleworth stated that the MOTION DIED for lack of a second.

Mr. Hilling, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 5907, as Amended, by adopting the salary scale of the Clerk/Cashier position to the scale presented in Mr. Shumate's plan.

Mr. Matherly voiced his confusion, stating that he would like to fully understand the issues before voting. He asked Mr. Eberhart if his earlier motion to amend was exactly the same as his motion the week before that was adopted by the Council, even though Mr. Eberhart filed the motion to reconsider.

Mr. Eberhart replied affirmatively.

Mr. Matherly stated that he would have seconded Mr. Eberhart's motion if he had understood it at the time.

Mr. Walley stated that last week, the Council voted to adopt the \$6,600 increase to the Clerk position. He asked what the bottom line increase is in Mr. Shumate's proposal.

Mayor Cleworth replied that the individual currently filling the position would fall into the second category, a 2(c).

City Controller Carmen Randle clarified that the increase to the Clerk's Office 2013 budget would be approximately \$4,600.

Mayor Cleworth stated that the positions are scheduled for a 2.5% increase effective February 1, 2013.

Mr. Gatewood asked if the Clerk position would automatically be reclassified to a Deputy Clerk I if Mr. Shumate's plan was adopted by the Council.

Mr. Shumate replied affirmatively.

Mr. Gatewood asked if Mr. Shumate's proposal is a compromise.

Mayor Cleworth replied that he believes the plan is a compromise. He stated that it takes the position from one extreme to another in an attempt to help solve a problem. He commented that the entire system is cumbersome and that the City's attempt to solve the problem at the union level was unsuccessful.

Mr. Matherly asked if Clerk Hovenden could give her opinion on which proposal would work better for her department.

Mayor Cleworth stated that he believes Clerk Hovenden has made it clear that she would like the original plan.

Ms. Hovenden stated that she would settle for her counter proposal because she understands it and believes that it would offer her department security. She explained that her counter proposal is a compromise to the original plan that the Council adopted at the last meeting.

Ms. Staley echoed Mr. Matherly's expression of confusion. She commented that both the Clerk's plan and Mr. Shumate's plan appear very much the same.

Ms. Hovenden explained that her plan does not contain a minimum salary scale and does not place a five-year stipulation on the full wage. She stated that her plan offers the position the full administrative assistant hourly wage at the beginning of the third year of employment.

Mr. Eberhart commented that it is difficult to hear. He stated that he would like to amend the motion on the floor.

Mr. Eberhart, seconded by **Mr. Matherly**, moved to AMEND the motion to adopt the salary scale of the Clerk/Cashier position to the scale presented in Mr. Shumate's plan by substituting the wage scale, progression and details of Clerk Hovenden's plan.

Mayor Cleworth stated that he would accept the motion but indicated that it would be simpler to vote Mr. Hilling's motion up or down, then take Mr. Eberhart's motion. He asked Mr. Eberhart if it would be acceptable to wait until after the vote for his motion to be made.

Mr. Eberhart explained that he made the motion because he was concerned he would not have the opportunity to do so later.

Mayor Cleworth acknowledged acceptance of Mr. Eberhart's motion.

Mr. Hilling called for Point of Order. He asked the Parliamentarian if the motion was appropriate.

Clerk Hovenden and **Mayor Cleworth** verified that the motion was appropriate.

Mr. Gatewood asked if Mr. Eberhart's amendment would essentially substitute Clerk Hovenden's counter proposal for Mr. Shumate's proposal.

Mayor Cleworth replied affirmatively but stated that the motion would take the plan out of Human Resources hands.

Mr. Gatewood commented that the substitution would be giving Human Resources a different hand to play and that he understands the motion on the floor.

Mayor Cleworth stated that it is impossible to make "one size fits all" in this situation. He commented that his main objection to the Clerk's original proposal is that it tries to solve a problem by throwing money at it. He stated that all jobs are not the same. He commented that the Clerk's argument is all jobs are the same and that the individual has been performing functions outside of what was originally intended for the position. **Mayor Cleworth** stated that not everyone in the City is going to be an administrative assistant.

Mr. Gatewood commented that the reason why the Council is trying to throw money at the problem is because it is a money issue.

Mayor Cleworth stated that the position is an entry-level position at the City of Fairbanks. He restated his belief that the Council is trying to throw money at a problem and that by doing so, it will only create more problems for the Council to address later. He invited Mr. Shumate to chime in.

Mr. Shumate stated that two employees can never be compared to one another. He justified his proposed pay scale stating that without it, one is assuming that a new hire could perform at the same level as an employee who has been with the City for 20 years. He spoke to the hiring process and how wages for individuals with higher skill sets are determined versus the starting wage of those with a lower skill set. Mr. Shumate stated that job descriptions are set for each position within the City, and although an individual's duties may expand outside of their job description, they are still doing the job that they have been asked to do. He commented that department heads provide input into the development of job descriptions for their respective departments. He stated that an overlap of job duties within a department is typical, and that employees who are asked to work outside of their job classification may be paid at a higher rate for performing those duties. Mr. Shumate stated that the individual currently filling the Clerk/Cashier position works hard and that they are the first face the public sees when they enter City Hall.

Clerk Hovenden stated that she believes the \$22.54 starting hourly wage for the position is the lowest hourly wage of all City employees.

Mr. Shumate commented that a dispatcher makes less than \$22.54 as a starting hourly wage. He indicated that the referenced wage is still higher than that of a dispatcher in their second or third year of City employment.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE MOTION TO ADOPT THE SALARY SCALE OF THE CLERK/CASHIER POSITION TO THE SCALE

PRESENTED IN MR. SHUMATE'S PLAN BY SUBSTITUTING THE WAGE SCALE, PROGRESSION AND DETAILS OF CLERK HOVENDEN'S PLAN AS FOLLOWS:

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5907, AS AMENDED, BY ADOPTING THE SALARY SCALE OF THE CLERK/CASHIER POSITION TO THE SCALE PRESENTED IN MR. SHUMATE'S PLAN AS FOLLOWS:

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

Mayor Cleworth stated that precise numbers would be provided to the Council at a later time, but indicated that the increase is somewhere in the \$4,000 range.

Ms. Randle asked if the wage increase would become effective on January 1, 2013, in addition to the 2.5% CPI increase set to be effective February 1, 2013.

Mayor Cleworth stated that all IBEW positions within the City are scheduled to receive a 2.5% CPI increase on February 1, 2013 according to the CBA. He asked Mr. Hilling if the intent of his motion was to make the wage increase in lieu of or in addition to the CPI increase.

Mr. Hilling stated that he does not know.

Mayor Cleworth stated that the issue needs clarification and asked the Council to make a motion.

Mr. Hilling asked how much the current wage of the position is and how long the employee has been in the position.

Mr. Soileau replied that the current wage is \$22.54.

Clerk Hovenden stated that the individual has been in the position for about a year and a half.

Mr. Hilling asked on what date the position would become reclassified as a Deputy Clerk I along with the wage increase.

Clerk Hovenden replied that the change would go into effect on January 1, 2013.

Mayor Cleworth stated that there are two questions he would like to resolve: The effective date of the wage increase, and whether or not to allow the individual to receive the 2.5% CPI increase in addition to the wage increase.

Mr. Hilling, seconded by **Mr. Walley**, moved to SET the effective date of the wage increase February 1, 2013 in lieu of the 2.5% CPI increase.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SET THE EFFECTIVE DATE OF THE WAGE INCREASE FEBRUARY 1, 2013 IN LIEU OF THE 2.5% CPI INCREASE AS FOLLOWS:

YEAS: Walley, Matherly, Gatewood, Hilling, Staley
NAYS: Eberhart
Mayor Cleworth declared the MOTION CARRIED.

Mr. Soileau informed the Council that the 2013 increase would equate to approximately \$3,200.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5907, AS AMENDED, AS FOLLOWS:

YEAS: Staley, Matherly, Gatewood, Hilling, Eberhart, Walley
NAYS: None
Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5907, as Amended, ADOPTED.

- b) Ordinance No. 5909 – An Ordinance to Amend FGC Section 74-117 Hotel/Motel Tax Purpose and Limitation, to Appropriate Funds Regarding Funding for the Community Service Patrol. Introduced by Council Member Matherly.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5909.

Mayor Cleworth called for Public Testimony.

David van den Berg, 332 Slater Drive, Executive Director of Downtown Association (DTA) – Mr. van den Berg spoke in support of Ordinance No. 5909 stating that it is an effort to amend the existing language of the City Code pertaining to the match requirement placed on the Community Service Patrol (CSP) by the City of Fairbanks. He indicated that the match requirement that must be met by the CSP in order to receive the annual City contribution is an impediment to the program. He spoke to an email he sent to the Mayor and Council regarding the City's obligation to assist the public in the manner that the CSP does and the importance of letting the ordinance obligating the funds to the CSP to run its course. He spoke briefly to the board makeup of the Downtown Association of Fairbanks (DTA), which operates the CSP. He commented that the CSP narrowly missed its match requirement for the City in 2011 and is projected to even more narrowly miss the match again in 2012. He expressed appreciation to the sponsor of the proposed ordinance on behalf of the DTA Board and read aloud the names and professional associations of each member of the DTA Board of Directors.

Mr. Hilling asked for clarification on a statement in Mr. van den Berg's email in regard to the City's obligation to assist the public in the way the CSP does.

Mr. van den Berg explained that the statement Mr. Hilling was referring to was a quote from a previous Council Meeting.

Mr. Hilling asked Mr. van den Berg to verify that the exact dollar amount of the CSP's shortage to the 2012 match requirement is currently \$1,224.

Mr. van den Berg replied that the number is correct.

Mr. Hilling spoke to supporting the CSP through soliciting funds from local businesses and residents. He stated that he believes that the \$1,224 gap will be closed by the end of 2012.

Mr. van den Berg stated that he also believes the CSP will be able to raise the \$1,224 to meet the match requirement for 2012.

Mr. Hilling asked Mr. van den Berg if he believes the odds of raising the money would improve if the Council did not approve Ordinance No. 5909.

Mr. van den Berg stated that he is in support of Ordinance No. 5909. He stated that his organization is always motivated to fundraise. He indicated that if there were no match requirement placed on the CSP, they would still make an effort to raise the \$190,000 they attempt to raise every year. He stated that his understanding of the Finance Department's issue is that they cannot release the funds of the City's annual contribution to the CSP unless the match is made.

David Lerman – Mr. Lerman stated that he lives downtown and rides his bicycle. He commented that he sees a lot of drunk individuals, especially in the summer. He spoke to the policing powers of the organization and stated that it seems logical to waive the match requirement if the CSP offers a benefit to the City of Fairbanks Police Department. He stated his support for Ordinance No. 5909.

Frank Turney – Mr. Turney stated that to him it doesn't matter what the City's annual contribution is to the CSP. He stated that his concern is whether or not the DTA spends the City's contribution on the CSP program since non-profit organization audits are not mandated. He indicated that he has seen only one CSP employee in the downtown area, and questioned the whereabouts of the other two CSP employees.

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

Mr. Matherly stated that his intent was to lessen the burden on the Finance Department. He clarified that the ordinance did not come about at the request of Mr. van den Berg. He stated that since no other recipients of City contributions of bed tax funds are required to have a match, he believes the match requirement for the CSP should be eliminated. **Mr. Matherly** stated his belief that the organization would still put forth the same fundraising efforts without the match requirement. He explained that there is no proposed change to the longevity of the contribution.

Mr. Gatewood stated his respect for the reasoning behind Ordinance No. 5909. He stated that although he believes that the CSP and the DTA provide a tremendous service in the downtown area and that they are a great help to the City of Fairbanks, he will likely vote against the ordinance because he feels an obligation to maintain the integrity of the work Ms. Stiver did in creating the allocation to the CSP. **Mr. Gatewood** suggested that the Council may not have approved the original ordinance to grant the annual contribution of \$50,000 to the CSP without a match requirement. He stated that he would be open to raising the match to \$150,000, with a stipulation that \$100,000 of the match to be in cash. He explained that this would allow for in-kind contributions to be included in the match.

Mr. Matherly thanked Mr. Gatewood for his input. He stated that he personally spoke with Chief Zager about the issue and that the Chief confirmed that the CSP is a great help to the Fairbanks Police Department. He commented that CFO Jim Soileau indicated that in-kind contributions would create even more of a challenge for the Finance Department because it is difficult to quantify.

Mr. Hilling commented that he appreciates the CSP program. He stated that he would be much more conflicted in his decision if the CSP weren't so close to meeting their match for 2012. He expressed his certainty that the organization would raise the required match before the end of 2012. He stated that he would not vote in favor of Ordinance No. 5909.

Mr. Walley stated that the organization came very close to the required match in both 2011 and so far in 2012. He suggested possibly reducing the match to \$120,000 or leaving it at \$140,000 and extending the term of the contribution beyond 2014.

Mr. Walley, seconded by **Mr. Eberhart**, moved to AMEND Ordinance No. 5909 by setting the annual match requirement of the CSP at \$120,000.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5909 BY SETTING THE ANNUAL MATCH REQUIREMENT OF THE CSP AT \$120,000 AS FOLLOWS:

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

Mayor Cleworth explained that the CSP was originally funded by Alaska Mental Health. He stated that when funding for the organization started to dry up after a number of years, the Downtown Association took on the organization and began fundraising. He stated that the City has been involved with the CSP for a long time by housing and maintaining the CSP van. He commented that although the City has health and social service powers, they are not often exercised because the City cannot afford to do so. **Mayor Cleworth** explained that exceptions have been made and that getting involved in these types of contributions is a "slippery slope." He stated that he tends to agree with Mr. Gatewood's opinion on the issue that the original intent of the ordinance should be honored.

Mr. Hilling quoted AS Sec. 47.37.170(b), stating that he was unaware that state law requires a peace officer or emergency services to take incapacitated individuals into protective custody. He asked Mr. Ewers if the City Police would be obliged to perform those functions in the absence of the CSP.

Mr. Ewers replied affirmatively.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5909 AS FOLLOWS:

YEAS: Eberhart, Matherly
NAYS: Hilling, Walley, Staley, Gatewood
Mayor Cleworth declared Ordinance No. 5909 FAILED.

- c) Ordinance No. 5910 – An Ordinance Amending the 2012 Collective Bargaining Agreement Between the City and the Fairbanks Fire Fighters Union. Introduced by Mayor Cleworth.

Mr. Gatewood, seconded by **Mr. Walley**, moved to ADOPT Ordinance No. 5910.

Mayor Cleworth called for Public Testimony.

Dominic Lozano, Fairbanks Firefighter's Union, Local 1324, Fairbanks – Mr. Lozano offered to answer any questions the Council may have on the amendment to the CBA.

Mr. Gatewood thanked Mr. Lozano for offering to answer questions from the Council. He asked Mr. Lozano when the group insurance program is scheduled to be moved from the Public Safety Employee Association (PSEA) Trust to the Northwest Fire Fighters Trust (NWWFT).

Mr. Lozano stated that implementation is scheduled to take place on January 1, 2013. He stated that the union has already voted on and approved the change.

Mr. Gatewood asked if the change would offer any savings.

Mr. Lozano replied that the new trust will require a much larger deductible than the PSEA plan, but will lower the monthly premium by a few hundred dollars.

Mr. Hilling inquired about the change in the title of the Fairbanks Fire Fighters Association (FFA) to read, "Fairbanks Fire Fighters Union."

Mr. Lozano explained that his organization has been known as the Fairbanks Fire Fighters Association for many years, but that the group voted to change their name to the Fairbanks Fire Fighters Union (FFU) in the last year.

Mr. Hilling asked if Mr. Lozano could see any of the proposed CBA as being in the best interest of the City.

Mr. Lozano stated that the removal of the firefighters from a trust made up primarily of peace officers is a benefit to both the firefighters and the City, because it made the bargaining aspect rather awkward. He stated that he believes the change will make it easier for the City to bargain with the PSEA and the FFU.

Mayor Cleworth referenced the revised Letter of Agreement that was distributed to the Council at the meeting. He asked Mr. Lozano if he had any objection to the substitution of the revised agreement.

Mr. Lozano did not object.

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

Mr. Gatewood, seconded by **Mr. Walley**, moved to SUBSTITUTE the revised Letter of Agreement between the City of Fairbanks and the Fairbanks Fire Fighters Union dated December 3, 2012 for the original agreement.

There was no objection from the Council on the SUBSTITUTION of the Letter of Agreement between the City of Fairbanks and the FFU.

Mr. Gatewood asked for clarification on the changes in the revised version of the agreement.

Pat Cole stated that there are name changes to the organization and a date change to prevent any gap in coverage. He clarified that all the changes were for housekeeping purposes.

Mr. Gatewood referenced Section 5.6(D) of the agreement. He asked Mr. Cole what would happen if the FFU was removed from the NWWFT health care plan at what the union believed to be the fault of the City.

Mr. Cole stated that the agreement states that the City would be forced to provide the members with a comparable health care plan that does not increase their monthly premiums by more than \$300. He indicated that the process could be very difficult for the City, based on similar situations that have occurred in the past. He stated that paragraph one on page one of the agreement is being added to clarify that the changes are being made at the union's request, not the City's.

Mayor Cleworth expressed concern with the language of Section 5.6(D) stating that it appears that removal of the union from the NWWFT plan would result in more exposure to the City than when the union was under the PSEA health care plan.

Mr. Hilling asked Mr. Cole to speak his perception of how the City's interests would be affected by the changes in the agreement.

Mr. Cole spoke briefly to the NWWFT health care plan. He stated that the City is being "held hostage" by a different bargaining unit and that he believes that the plan change is a desirable one.

Mr. Hilling asked if there is a reason why the agreement could not wait until more clarity is provided.

Mr. Cole replied that in order to make the changes effective on January 1, 2013, the agreement must be finalized the following day. He indicated that if the agreement missed the cutoff, it would be delayed a month.

Mr. Ewers added that since there are no more Council Meetings in the month of December, he would assume that the agreement would be delayed until February if the Council chose to postpone Ordinance No. 5910.

Mr. Hilling asked if anyone knew for certain how long the effective date would be postponed if the Council were to postpone the ordinance until more clarity was provided.

Mr. Lozano explained that the agreement could be done on a month-to-month basis, but that the January 1, 2013 date was chosen to make the transition simpler for all involved parties. He gave a brief history as to how the changes in Section 5.6 of the agreement came about. He indicated that the decision to change health care plans was a long time in the making, not something that is being done on a whim.

Mr. Hilling asked Mr. Cole and Mr. Ewers if they believe they will run into difficulty in the final preparations of the agreement.

Mr. Ewers replied that the insurance form is a “one-size-fits-all” form. He stated that he and Mr. Cole will have to modify and clarify parts of the form and expressed confidence that the task could be successfully completed. He clarified for Mr. Hilling that if a problem arises that requires a change to the agreement, it would have to come back before the Council.

Mr. Cole spoke to some specific parts of the form that need fine tuning.

Mr. Hilling asked Mayor Cleworth to speak to how he feels the changes in the agreement will impact the City.

Mayor Cleworth replied that the changes do not affect the City financially. He stated that the changes would primarily affect the union employees.

Mr. Hilling asked if the City has looked at ways to protect itself with Obamacare on the horizon.

Mayor Cleworth replied that the City’s understanding is that Obamacare would implement two penalties to employers who are contributing too little to health care and one penalty for contributing too much. He stated that he believes the City is meeting the Obamacare standards for all of its current union contracts. **Mayor Cleworth** stated that the concern was addressed by the City during union negotiations last year.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5910 AS FOLLOWS:

YEAS: Gatewood, Walley, Eberhart, Matherly, Staley, Hilling
NAYS: None
Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5910 ADOPTED.

- d) Ordinance No. 5911 – An Ordinance Amending the 2012 Capital Appropriations Fund Budget for the Second Time. Introduced by Mayor Cleworth.

Mr. Matherly, seconded by **Ms. Staley**, moved to ADOPT Ordinance No. 5911.

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. 5911 AS FOLLOWS:

YEAS: Walley, Matherly, Gatewood, Hilling, Eberhart, Staley
NAYS: None
Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5911 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4552 – A Resolution in Opposition to the Inclusion of Alaska by the Environmental Protection Agency (EPA) in the North American Emission Control Area (ECA). Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4553 – A Resolution Authorizing Acceptance of Ownership and Maintenance Responsibility of Street and Pedestrian Illumination (Illinois Corridor) and Maintenance Responsibility of Noyes Slough Bridge Surfaces. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

DISCUSSION ITEMS

Committee Reports

Mayor Cleworth announced that the Public Safety Commission (PSC) would be meeting the following day to discuss the concept of the public safety officer concept. He stated that the Commission heard the Fire Department's response to the concept at the last meeting and that they will hear from the Police Department at the upcoming meeting.

COUNCIL MEMBERS' COMMENTS

Mr. Eberhart thanked Frank Turney for bringing the cake in recognition of the Bill of Rights. He commented on the good news from the Governor's office regarding funding for the natural gas project and expressed hope that all parties involved would pull together with a unified voice. **Mr. Eberhart** commended FCVB for its great work and stated that it is great news to hear that the AFN would be bringing its conference back to Fairbanks in 2013. He thanked the Council for allowing him to participate in the meeting telephonically, although he found it difficult to hear on his end of the line. He wished everyone a good holiday season.

Mr. Matherly announced that the Bed Tax Discretionary Fund Presentation Meeting would be held on Wednesday, December 12. He thanked the Clerk's Office and Margarita Bell for helping prepare for the meeting. He added that Monday, December 17 the Committee would meet again to announce their recommendations for distribution. **Mr. Matherly** echoed Mr. Eberhart's comments regarding the funding for the natural gas project and the 2013 AFN Conference. He expressed appreciation for his fellow Council Members and wished everyone a Merry Christmas.

Mr. Hilling had no comments.

Mr. Gatewood also echoed Mr. Eberhart's comments on the Governor's proposal for bringing natural gas to the Fairbanks community. He commented that he wished there was more funding, but expressed hope that the funds would be maximized. He stated that he was encouraged by last week's meeting with the Interior Delegation and remarked at the good turnout. **Mr. Gatewood** stated that he recently attended the dedication of the new gym floor at Lathrop High School, commending those who spoke at and participated in the event. He encouraged everyone to visit the newly remodeled gym and attend a Lathrop Malamutes basketball game.

Mr. Walley stated that he graduated from Lathrop High School and was a member of the basketball team throughout his high school years. He expressed excitement that the AFN would be bringing their 2013 conference to the City of Fairbanks and pointed out that the event would take place during Alaska's Permanent Fund Dividend (PFD) season. **Mr. Walley** commented that 103.9 is the "official Christmas station" and encouraged anyone wishing to help those in need to call the studio line to enter them in a drawing for a "Christmas Wish List." He commented on the forecast for a brief break in the cold weather and wished everyone a Merry Christmas and a Happy New Year.

Ms. Staley expressed her excitement for the 2013 AFN Conference being held in Fairbanks and for Fairbanks' rating as being the number two destination. She commented that Fairbanks is also listed in the top ten winter destinations according to National Geographic. She stated that she will attend her first Parking Authority Board Meeting and will provide a committee report at the next Council Meeting. **Ms. Staley** echoed fellow Council Members' comments on the Interior Delegation meeting. She stated that she recently attended "Christmas in Ice" in North Pole and commented that it was a nice event. She wished everyone a Merry Christmas.

Mayor Cleworth referenced the packets that were created for the Interior Delegation Meeting, stating that a conscious effort was made to have the packets prepared early this year. He

commended Amber Courtney and Joan Hancock for coordinating the preparation of the packets and thanked everyone who turned in timely reports. He commented that there is some scrambling in the community due to the Governor's 30-day timeline for a solicitation for interest in the natural gas project.

CITY ATTORNEY'S REPORT

City Attorney Ewers added to Mr. Turney's comments on how the Bill of Rights was brought about. He stated that the motion to add the Amendments to the Constitution were originally defeated by a 0-8 vote at the Constitutional Convention. He explained that it wasn't until later when the Constitution went to the states for ratification that the Bill of Rights was added. He stated that Mr. Turney's comments on the origin of the Bill of Rights was also accurate in that, ironically, most of the Amendments came from England.

ADJOURNMENT

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

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

Mayor Cleworth declared the Meeting adjourned at 9:40 P.M.

JERRY CLEWORTH, MAYOR

ATTEST:

JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715

Fax (907)459-6710

MEMORANDUM

TO: Mayor Jerry Cleworth
City Council Members

FROM: Janey Hovenden, CMC, City Clerk

SUBJECT: Renewal of Liquor Licenses

DATE: January 2, 2013

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

Lic #	Establishment Name	License Type	Premise Location	Owner Name
2982	Carlson Community Center	Recreational Site	2010 Second Avenue	SMG of Alaska, Inc.

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

Please note that there are no departmental protests.

Please contact me if you need any further information.



November 27, 2012

Renewal Application Notice

City of Fairbanks
Attn: JaneyHovenden
VIA EMAIL: jjhovenden@ci.fairbanks.ak.us

DBA	Lic Type	Lic #	Owner	Service Location
Carlson Community Center	Recreational Site	2982	SMG of Alaska Inc	2010 Second Ave

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

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

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

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

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

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

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

Sincerely,

SHIRLEY A. COTÉ
Director

/s/Christine C. Lambert

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

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

Introduced by: Council Member Matherly
Date: January 7, 2013

RESOLUTION NO. 4554

**A RESOLUTION ALLOCATING DISCRETIONARY FUNDS
FROM HOTEL/MOTEL TAX IN THE AMOUNT OF TWO
HUNDRED SIXTY-NINE THOUSAND, NINE HUNDRED
NINETY-EIGHT DOLLARS (\$269,998.00).**

WHEREAS, the total amount of discretionary funds from hotel/motel tax for the FY2013 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 SIXTY-NINE THOUSAND, NINE HUNDRED NINETY-EIGHT DOLLARS (\$269,998.00), as follows:

Name of Organization	Award
Friends of the Tanana Valley Railroad	\$ 5,883.00
Fairbanks Youth Litter Patrol	\$ 7,000.00
World Eskimo-Indian Olympics	\$ 10,167.00
Tanana-Yukon Historical Society	\$ 4,537.00
Alaska International Senior Games, Inc.	\$ 5,253.00
Pioneer Memorial Park, Inc.	\$ 8,907.00
Friends of Creamer's Field	\$ 3,750.00
Festival Fairbanks, Inc.	\$ 26,333.00
Downtown Association of Fairbanks	\$ 4,976.00
Interior Freight Dog Association	\$ 2,433.00

Name of Organization	Award
Fairbanks Curling Club	\$ 4,167.00
Fairbanks Community Band	\$ 3,083.00
Yukon Quest International, Ltd.	\$ 28,700.00
Clay Street Cemetery Commission	\$ 4,833.00
Fairbanks Community Museum	\$ 4,917.00
Fairbanks Tired Iron, Inc.	\$ 6,883.00
Fairbanks Arts Association	\$ 57,288.00
Fairbanks 2014 Arctic Winter Games	\$ 11,783.00
ICE Alaska	\$ 20,875.00
Nordic Ski Club of Fairbanks	\$ 2,083.00
Greater Fairbanks Chamber of Commerce	\$ 7,417.00
Iron Dog, Inc.	\$ 8,562.00
Denakkanaaga	\$ 3,921.00
Alaska Dog Mushers Association, Inc.	\$ 26,247.00
TOTAL	\$ 269,998.00

Section 2. PASSED and APPROVED this ____ day of January 2013.

 JERRY CLEWORTH, MAYOR

AYES:
 NAYS:
 ABSENT:
 APPROVED:

ATTEST:

APPROVED AS TO FORM:

 Janey Hovenden, CMC, City Clerk

 Paul Ewers, City Attorney

Introduced By: Mayor Jerry Cleworth
Date: January 7, 2013

RESOLUTION NO. 4555

A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO ACCEPT FUNDS FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR THE PURCHASE OF FIRE PROTECTION EQUIPMENT

WHEREAS, the City Council wishes to upgrade and modernize its fire protection equipment and to purchase a vehicle fire training device for the Fairbanks Fire Department; and

WHEREAS, the City wishes to accept a grant in the amount of \$128,700 from the Office for Domestic Preparedness, U.S. Department of Homeland Security; and

WHEREAS, this program requires a 10% match of \$14,300 that is available in the Fire Department capital account;

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

PASSED AND APPROVED AND EFFECTIVE THIS ____ DAY OF JANUARY 2013.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 4555

Abbreviated Title: U.S. Homeland Grant for the purchase of Fire Protection Equipment

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? \$3,000 first year then \$1,500 yearly

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

If yes, how many positions? _____

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

II. FINANCIAL DETAIL:

ESTIMATED EXPENDITURES	2013	2014	2015	Beyond	Total
Personnel Wages					\$0
Personnel Benefits					\$0
Supplies					\$0
Contractual					\$0
Equipment	\$143,000				\$143,000
Administration					\$0
Travel					\$0
TOTAL	\$143,000	\$0	\$0	\$0	\$143,000

ESTIMATED FUNDING SOURCES	2013	2014	2015	Beyond	Total
General Fund					\$0
Capital Fund	\$14,300				\$14,300
Federal Grant	\$128,700				\$128,700
State Grant					\$0
Local Contract					\$0
Cash Match					\$0
In-Kind Match					\$0
Other					\$0
TOTAL	\$143,000	\$0	\$0	\$0	\$143,000

Reviewed by Finance Department:

Initial mb

Date 12/28/2012

Introduced by: Mayor Jerry Cleworth
Date: January 7, 2013

RESOLUTION NO. 4556

A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO APPLY FOR AND ACCEPT FUNDS FROM THE ALASKA DIVISION OF HOMELAND SECURITY FOR THE FFY2012 EMERGENCY MANAGEMENT PERFORMANCE GRANT

WHEREAS, the City of Fairbanks has been notified by the Alaska Division of Homeland Security and Emergency Management that the City of Fairbanks is eligible to apply for Emergency Management Performance Grant (EMPG) funds to enhance response capabilities; and

WHEREAS, the City of Fairbanks plans to use the funds to assist in the development of an emergency operations plan and to enhance the continuity of operation plans; and

WHEREAS, the City of Fairbanks is eligible to receive \$5,000 and a match of \$5,000 is required; and

WHEREAS, the City of Fairbanks will provide the match using currently budgeted personnel costs;

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

PASSED AND APPROVED AND EFFECTIVE THIS ____ DAY OF JANUARY 2013.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 4556

Abbreviated Title: FFY2012 Emergency Management Performance Grant

Does the adoption of this ordinance or resolution authorize:

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

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

If yes, what is the estimate? _____

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

If yes, how many positions? _____

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

II. FINANCIAL DETAIL:

ESTIMATED EXPENDITURES	2013	2014	2015	Beyond	Total
Personnel Wages	\$6,200				\$6,200
Personnel Benefits	\$3,800				\$3,800
Supplies					\$0
Contractual					\$0
Equipment					\$0
Administration					\$0
Travel					\$0
TOTAL	\$10,000	\$0	\$0	\$0	\$10,000

ESTIMATED FUNDING SOURCES	2013	2014	2015	Beyond	Total
General Fund	\$5,000				\$5,000
Capital Fund					\$0
Federal Grant	\$5,000				\$5,000
State Grant					\$0
Local Contract					\$0
Cash Match					\$0
In-Kind Match					\$0
Other					\$0
TOTAL	\$10,000	\$0	\$0	\$0	\$10,000

Reviewed by Finance Department:

Initial mb

Date 12/28/2012

Introduced by: Mayor Jerry Cleworth
Date: January 7, 2013

RESOLUTION NO. 4557

A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO REQUEST FUNDS FROM THE DEPARTMENT OF HOMELAND SECURITY U. S. FIRE ADMINISTRATION ASSISTANCE TO FIRE FIGHTERS GRANT PROGRAM FOR THE FFY2012 FIRE PREVENTION AND SAFETY GRANT

WHEREAS, the Fairbanks City Council wishes to continue and enhance the public education programs of the Fairbanks Fire Department; and

WHEREAS, the City wishes to request a grant in the amount of \$19,200 from the U. S. Fire Administration Assistance to Fire Fighters Grant program: and

WHEREAS, this program requires a match of \$4,800 that is available in the Fire Department capital account;

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

PASSED AND APPROVED AND EFFECTIVE THIS ____ DAY OF JANUARY 2013.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 4557

Abbreviated Title: FFY2012 FIRE PREVENTION AND SAFETY GRANT

Does the adoption of this ordinance or resolution authorize:

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

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

If yes, what is the estimate? _____

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

If yes, how many positions? _____

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

II. FINANCIAL DETAIL:

ESTIMATED EXPENDITURES	2013	2014	2015	Beyond	Total
Personnel Wages					\$0
Personnel Benefits					\$0
Supplies					\$0
Contractual					\$0
Equipment	\$24,000				\$24,000
Administration					\$0
Travel					\$0
TOTAL	\$24,000	\$0	\$0	\$0	\$24,000

ESTIMATED FUNDING SOURCES	2013	2014	2015	Beyond	Total
General Fund					\$0
Capital Fund	\$4,800				\$4,800
Federal Grant	\$19,200				\$19,200
State Grant					\$0
Local Contract					\$0
Cash Match					\$0
In-Kind Match					\$0
Other					\$0
TOTAL	\$24,000	\$0	\$0	\$0	\$24,000

Reviewed by Finance Department:

Initial mb

Date 1/2/2013

Introduced by: Mayor Cleworth
Date: January 7, 2013

ORDINANCE NO. 5912

**AN ORDINANCE TO AMEND THE DATE OF THE 2013
CITY OF FAIRBANKS GENERAL ELECTION**

WHEREAS, Charter Section 11.1 states that the regular city election shall be held annually on the first Tuesday after the first Monday in October, or on such other date as may be fixed by ordinance; and

WHEREAS, the current date for the regular 2013 City election does not coincide with the 2013 regular election being held by the Fairbanks North Star Borough and the City of North Pole, and

WHEREAS, FGC Section 22-6(a), allows the City Council to set its election for the same day as the regular municipal election of the Fairbanks North Star Borough; and

WHEREAS, holding the City's regular election on the same date that the Fairbanks North Star Borough and the City of North Pole hold their regular election would be more convenient for local voters, would likely increase voter turnout, and would save the City time and money.

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

Section 1. That the 2013 regular municipal election be held on the same date as the Fairbanks North Star Borough's regular municipal election on October 1, 2013.

Section 2. That the effective date of this Ordinance shall be the ___ day of January 2013.

JERRY CLEWORTH, MAYOR

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney

ORDINANCE NO. 5913

**AN ORDINANCE TO AMEND FAIRBANKS GENERAL CODE SECTION
74-117 REGARDING DEFINITIONS IN HOTEL/MOTEL SALES TAX
ORDINANCE**

WHEREAS, the current hotel/motel room tax is an area-wide tax collected by the Fairbanks North Star Borough. The Borough tax is not levied upon hotel/motel rooms that are taxed by the City of North Pole or by the City of Fairbanks; and

WHEREAS, the Fairbanks General Code and the Fairbanks North Star Borough Code currently contain different definitions of certain terms; and

WHEREAS, the differences in these definitions has led to different application of the hotel/motel tax as between the City and the Borough; and

WHEREAS, the City's goal is the uniform application of the hotel/motel tax whether in the City or in the Borough,

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

Section 1. That Fairbanks General Code Section 74-116 is hereby amended as follows [new text in **bold/underline** font; deleted text in ~~striketrough~~ font]:

Sec. 74-116. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Guest or renter means an individual, firm, partnership, joint venture, club, fraternal organization, association, corporation, estate, trust, receiver, or any other entity or group who **pays rent for a room for a term of less than 30 consecutive days**for a consideration uses, possesses or has the right to the use or possession of any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement or otherwise.

Hotel/motel means ~~any building, trailer or other facility in which the public may, for consideration, obtain lodging, dwelling, or sleeping accommodations which are used for the accommodation of such guests whether such rooms are in one or several structures. The term shall include hotels, apartment hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, hostels, trailer houses, trailer motels, dormitory space, bed and breakfasts where bed space is rented to individuals or groups, apartments not occupied by permanent residents and all other facilities where rooms or sleeping facilities or space are furnished for a consideration. The term shall not include~~

~~hospitals, sanitariums or nursing homes, self contained and powered motor home, tent or tent space.~~

~~Occupancy means the use or possession, or the right to the use or possession, of any room in a hotel.~~

~~Operator means any person **who furnishes, offers for rent, or otherwise makes available a room, whether acting directly or through an agent or employee** operating a hotel in this city, including but not limited to the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee or any other person otherwise operating such hotel.~~

~~Permanent resident means a natural person who has or shall have the right of occupancy of any room **or rooms** in the same hotel for at least 30 consecutive days.~~

~~Rent means the consideration, whether received in money or otherwise, charged for occupancy of a room and any equipment, like but not limited to, rollaway beds and cribs including all receipts, cash, credits, and property or services of any kind or nature.~~

~~Room means **any structure or portion of a structure, permanent or temporary, fixed or mobile, in which a person, for money or other consideration, may obtain lodging, dwelling, or sleeping accommodations. This term includes hotels, apartment hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming-houses, hostels, trailers, bed and breakfasts, dormitories, and any other facility, structure, or room of whatever name where space for lodging, dwelling, or sleeping may be secured for consideration. "Room" does not include any hospital, self-contained and powered motor home, tent or tent space, medical clinic, sanitarium, or nursing home; any student dormitory operated by the University of Alaska; or any temporary lodging within a military reservation when that lodging is operated by the United States** any room of any kind in any part or portion of a hotel which is available for or let out for the use or possessed for the purpose of lodging or sleeping.~~

~~Tax means the room tax as levied under this article.~~

Section 2. That Fairbanks General Code Section 74-117(a) is hereby amended as follows [new text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

Sec. 74-117. Hotel/motel tax purpose and limitation.

(a) The tax on the daily rental of ~~hotel and motel~~ rooms levied by this article is for the primary purpose of funding services for the promotion of the tourist industry and other economic development, and for the funding of services for the general public.

Section 3. That Fairbanks General Code Section 74-118 is hereby amended as follows [new text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

Sec. 74-118. Tax levy and collection.

(a) There is levied and imposed upon the use and privilege of renting a ~~hotel or motel~~ room within the city a tax on the daily rate charged for each such ~~hotel or motel~~ room rented for each 24-hour period or any portion of such period. The tax shall be equal to eight percent of each daily rate. **This tax is imposed upon all room rentals unless the rental is specifically exempted herein or by other applicable law.** ~~however, T~~he tax shall not be levied and imposed upon a permanent resident of a ~~hotel or motel~~ room.

(b) The ultimate incident of and liability for payment of the tax shall be borne by the person who seeks the privilege of occupying such ~~hotel or motel~~ room, and such person shall be referred to as a **guest or** renter.

(c) The tax levied in this section shall be paid in addition to any and all other taxes and charges. It shall be the duty of the ~~owner, manager or~~ **operator providing rentals taxable under this article** of every ~~hotel or motel~~ to act as trustee for and on account of the city and to secure the tax from the renter of the ~~hotel or motel~~ room and pay over the tax as provided in this article.

(d) Every person required to collect the tax levied by this article shall secure the tax from the **guest or renter** at the time he collects the rental payment for the ~~hotel or motel~~ room. Upon the invoice, receipt or other statement or memorandum of the rent given to the **guest or** renter at the time of payment, the amount due under the tax provided in this article shall be stated separately on the documents.

(e) Accurate records of all taxes levied and collected shall be maintained by the person required to collect the tax levied by this article.

(f) Any ~~hotel~~ operator seeking an exemption under section 74-119(4) or (5) shall keep on file, available for inspection a lease, contract or other document detailing the terms of the occupancy and permanency.

Section 4. That the effective date of this ordinance shall be the ____ day of January 2013.

Jerry Cleworth, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney

ORDINANCE NO. 5914

**AN ORDINANCE TO AMEND FAIRBANKS GENERAL CODE SECTION
86-52 PROOF OF INSURANCE TO INCREASE MANDATORY
MINIMUM INSURANCE COVERAGE FOR COMMERCIAL
PASSENGER TRANSPORT VEHICLES**

WHEREAS, the current insurance minimum coverage limits for commercial transport vehicles have been in place since at least 1995; and

WHEREAS, the minimum coverage limits need to be adjusted to account for the increases in the price of motor vehicles, in the cost of parts and repairs, and in the cost of medical care; and

WHEREAS, adopting a “combined single limit” provides better coverage than the current “split” limits,

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

Section 1. That Fairbanks General Code Section 86-52 is hereby amended as follows [new text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

Sec. 86-52. - Proof of insurance.

There shall be submitted with an application for a commercial passenger transport vehicle permit copies of policies of liability or indemnity insurance providing coverage and protection against loss through personal injury or property damage arising from negligence covering all vehicles to be operated by virtue of the permit, such insurance to afford coverage in an amount determined to be satisfactory to the city attorney but not less than **\$500,000.00 combined single limit**~~\$300,000.00 for all personal injuries sustained in any one accident, coverage in the amount of \$25,000.00 for property damage arising out of any one accident, and \$50,000.00 for all persons injured or who died in any one accident caused by an uninsured motorist.~~ Each policy shall further contain a clause, addendum or endorsement providing that the insurer or his local agent will give written notice of the cancellation, revocation, termination or expiration of that policy, such notice to be submitted to the city clerk not later than five days prior to such eventuality. Any change in the city attorney's determination of what constitutes adequate insurance shall be provided in writing to each commercial passenger transport vehicle business with at least six months advance notice.

Section 2. That the effective date of this ordinance shall be the 1st day of August 2013.

Jerry Cleworth, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney



BED TAX DISCRETIONARY FUND COMMITTEE
MEETING MINUTES, NOVEMBER 8, 2012
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The Bed Tax Discretionary Fund Committee convened at 5:00 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

Absent: Vivian Stiver
 Darryl Lewis
 Carole Newcomer

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

NEW BUSINESS

- a) Introduction of New Chair, Jim Matherly
- b) Presentation Meetings – start time, scheduled presentation times, how to handle tardiness/absences in distribution totals

Ms. Hovenden asked Committee Members to discuss how to handle tardiness or absences for Bed Tax presentation and distribution meetings.

Ms. Fox conveyed a message from Ms. Stiver that tardiness and absences by Members should not be tolerated since the Committee meets only three times per year. **Ms. Fox** expressed her opinion that it is a Member's duty to be on time to listen to each presentation in full.

Ms. Hovenden asked the Committee to discuss ways to resolve the problem. She suggested that the presentation meetings be started on time regardless if all Committee Members are present to prevent a delay in the meeting. She further suggested that Members be permitted to score only those presentations for which they are present.

Ms. Fox stated that Ms. Hovenden's solution may be good in the short-term, but added that a long-term solution needs to be considered. She commented that Members should not volunteer their time to a Committee unless they are willing to make a firm commitment.

Mr. Matherly expressed his support for allowing Members to score *only* those applications for which they attended the presentation.

Ms. Crawford suggested that those Members who have a difficulty being on time for any reason either resign their position on the Committee or honor their commitment on those days. She indicated that some of the Members' jobs may interfere with Bed Tax Meetings.

Mr. Matherly asked the Members present if there was any objection to barring Members from scoring on presentations for which they were absent.

No members objected.

Ms. Hovenden asked Members if they would be open to eliminating allotted time slots for presentations. She suggested that all applicants be present at the start of the meeting to keep the meeting flowing.

Members had no objection to the elimination of allotted time slots for presentations.

Ms. Fox asked if presentation meetings would still be split between two evenings. She stated her support for holding only one presentation meeting.

Members present agreed that to have all presentations at one meeting. They agreed to allow two minutes for each presentation and three minutes for Member questions and responses.

c) Hotel/Motel Discretionary Fund Logo

Ms. Hovenden explained that the City has come up with a custom logo specific to the Discretionary Fund for the purpose of acknowledging the City in grant recipients' advertising.

Members present agreed unanimously that they would like to use colored design #3 for the City's official Hotel/Motel Discretionary Fund advertising logo.

d) Q & A Regarding New Application – Margarita Bell

Ms. Bell highlighted the 2012 changes to the Bed Tax Application. She stated that the Finance Department verifies applicants' tax ID number, state and City business license, and funding. She explained that the Finance Department will also provide Committee Members with a list of errors/omissions/problems/inconsistencies with an organization's application or reports, if necessary. Ms. Bell agreed to communicate any significant errors in financial reporting or any excess reserves of an organization to the Committee. She stated that upon initial review of the application packets, there was only one agency that did not include all the required documentation: a missing financial report from Interior Freight Dog Association. She indicated that since the report had been turned into the Finance Department in a timely manner and that it appears to have been excluded from the packet due to a clerical error, she would distribute the information to each Member. Ms. Bell requested that the Committee make note of any exclusions of items or events for which Bed Tax funding may not be spent within each organization so that those exclusions could be taken into account at the time of financial reporting.

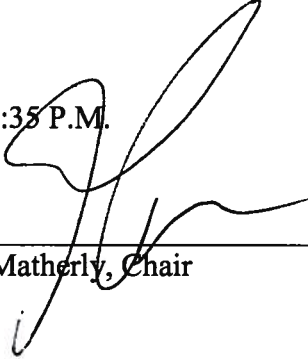
Ms. Hovenden informed Members that there is a score sheet included in their application packets and that the Clerk's Office would email the electronic version of the spreadsheet to members.

NEXT MEETING

Members present agreed to hold the presentation meeting at 5:30 P.M. on Wednesday, December 12, 2012. They chose to hold the distribution meeting at noon on Monday, December 17, 2012.

ADJOURNMENT

Mr. Matherly declared the Meeting adjourned at 5:35 P.M.



Jim Matherly, Chair

Transcribed by: DS



BED TAX DISCRETIONARY FUND COMMITTEE
MEETING MINUTES, DECEMBER 12, 2012
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The Bed Tax Discretionary Fund Committee convened at 5:30 p.m. on the above date to conduct a meeting at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Chair Jim Matherly presiding and with the following Members in attendance:

Members Present: Karen Fox
 Carter Crawford
 Vivian Stiver
 Carole Newcomer
 Darryl Lewis

Absent: None

Also Present: D. Danyielle Snider, Deputy City Clerk
 Margarita Bell, Grants Administrator
 Jim Soileau, Chief Financial Officer

WELCOME/INTRODUCTION

Chair Matherly welcomed applicants and wished everyone a Merry Christmas. He thanked those present for braving the inclement weather to attend the meeting. He briefly explained the presentation process and reminded applicants of the time limits.

PRESENTATIONS

- 1) Friends of the Tanana Valley Railroad
 - 2) Fairbanks Youth Litter Patrol, Inc.
 - 3) World Eskimo-Indian Olympics
 - 4) Tanana-Yukon Historical Society
 - 5) Alaska International Senior Games, Inc.
 - 6) Pioneer Memorial Park, Inc.
 - 7) Friends of Creamer's Field
 - 8) Festival Fairbanks, Inc.
 - 9) Downtown Association of Fairbanks
 - 10) Interior Freight Dog Association
 - 11) University of Alaska Fairbanks Department of Athletics
 - 12) Fairbanks Curling Club
 - 13) Fairbanks Community Band
 - 14) Yukon Quest International, Ltd.
- BREAK**
- 15) Clay Street Cemetery Commission
 - 16) Fairbanks Community Museum

- 17) Fairbanks Tired Iron, Inc.
- 18) Fairbanks Arts Association
- 19) Fairbanks 2014 Arctic Winter Games
- 20) Ice Alaska
- 21) Nordic Ski Club of Fairbanks
- 22) Alaska's Sourdough Triathlon
- 23) Society of Automotive Engineers
- 24) Greater Fairbanks Chamber of Commerce
- 25) Iron Dog, Inc.
- 26) North Pole Economic Development Corporation
- 27) Denakkanaaga
- 28) Alaska Dog Musers Association

Chair Matherly announced that the Bed Tax Committee Meeting will be held on December 17, 2012 at noon in Council Chambers.

APPROVAL OF MINUTES

Ms. Carter, seconded by **Ms. Fox**, moved to APPROVE the Meeting Minutes from the November 8, 2012, Bed Tax Committee Preliminary Meeting.

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

DELIBERATIONS

Chair Matherly asked Margarita Bell to come forward and address the City and State Business License Requirements of organizations applying for the Bed Tax Grant.

Ms. Bell stated that obtaining a State of Alaska Business License is usually the first step in becoming a non-profit organization. She indicated that some applicants failed to renew their state license or neglected to obtain a state license. Ms. Bell informed the Committee that she had Howard Zach, City Tax Specialist, review the 2012 Bed Tax applications to see which organizations were required to have a City License and identify those who were out of compliance. She referenced the Financial Review worksheet that was emailed to Committee Members prior to the meeting, stating that those organizations listed as not having a City Business License are out of compliance. She indicated that Mr. Zach would be following up with those agencies.

Ms. Stiver, seconded by **Mr. Lewis** moved to PROHIBIT disbursement of funds to those applicants that do not currently have a required business license until a copy of the license is presented to the City.

AYES: Stiver, Crawford, Fox, Newcomer, Lewis, Matherly

NAYS: None

Chair Matherly declared the MOTION CARRIED.

Chair Matherly asked Members to indicate by a raise of hand if they allocated zero to any applicants as he called out each organization in the order of presentation.

Chair Matherly announced that there were four organizations who received three or more zeroes from the Committee and were thus ineligible for bed tax grant disbursement:

1. UAF Department of Athletics
2. Alaska's Sourdough Triathlon
3. Society of Automotive Engineers
4. North Pole Economic Development Corporation.

Chair Matherly reminded the Committee that Alaska Bird Observatory has also been eliminated from disbursement due to their application withdrawal. He informed all Members that their disbursement numbers must be submitted to the City Finance Department and to the City Clerk's Office no later than 10 A.M. on Monday, December 17, 2012.

ADJOURNMENT

Ms. Stiver, seconded by **Ms. Newcomer**, moved to ADJOURN the Meeting.

Mr. Matherly declared the Meeting adjourned at 8:16 P.M.



Jim Matherly, Chair

Transcribed by: DS



BED TAX DISCRETIONARY FUND COMMITTEE
MEETING MINUTES, DECEMBER 17, 2012
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 Chair Jim Matherly presiding and with the following Members in attendance:

Members Present: Karen Fox
Carter Crawford
Vivian Stiver
Carole Newcomer
Darryl Lewis

Absent: None

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

APPROVAL OF MINUTES

Ms. Stiver, seconded by Ms. Crawford, moved to APPROVE the Meeting Minutes from the December 12, 2012 Bed Tax Committee Presentation Meeting.

Chair Matherly called for objection and, hearing none, so ORDERED.

DISTRIBUTION OF AWARDS

Chair Matherly asked each Committee Member to read their distribution numbers into the record as he listed each applicant. The following is the Committee's average distribution for each organization which is subject to City Council approval.

1) Friends of the Tanana Valley Railroad	\$ 5,883
2) Fairbanks Youth Litter Patrol, Inc.	\$ 7,000
3) World Eskimo-Indian Olympics	\$ 10,167
4) Tanana-Yukon Historical Society	\$ 4,537
5) Alaska International Senior Games, Inc.	\$ 5,253
6) Pioneer Memorial Park, Inc.	\$ 8,907
7) Friends of Creamer's Field	\$ 3,750
8) Festival Fairbanks, Inc.	\$ 26,333
9) Downtown Association of Fairbanks	\$ 4,976
10) Interior Freight Dog Association	\$ 2,433
11) University of Alaska Fairbanks Department of Athletics	\$ 0
12) Fairbanks Curling Club	\$ 4,167
13) Fairbanks Community Band	\$ 3,083

14) Yukon Quest International, Ltd.	\$ 28,700
15) Clay Street Cemetery Commission	\$ 4,833
16) Fairbanks Community Museum	\$ 4,917
17) Alaska Bird Observatory	\$ 0
18) Fairbanks Tired Iron, Inc.	\$ 6,883
19) Fairbanks Arts Association	\$ 57,288
20) Fairbanks 2014 Arctic Winter Games	\$ 11,783
21) Ice Alaska	\$ 20,875
22) Nordic Ski Club of Fairbanks	\$ 2,083
23) Alaska's Sourdough Triathlon	\$ 0
24) Society of Automotive Engineers	\$ 0
25) Greater Fairbanks Chamber of Commerce	\$ 7,417
26) Iron Dog, Inc.	\$ 8,562
27) North Pole Economic Development Corporation	\$ 0
28) Denakkanaaga	\$ 3,921
29) Alaska Dog Musers Association	\$ 26,247

TOTAL \$269,998

ADJOURNMENT

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

Chair Matherly called for objection and, hearing none, so ORDERED.

Chair Matherly declared the Meeting adjourned at 12:18 P.M.



Jim Matherly, Chair

Transcribed by: DS