



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 (NWFFT).

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 NWFFT 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 NWFFT 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 NWFFT 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**

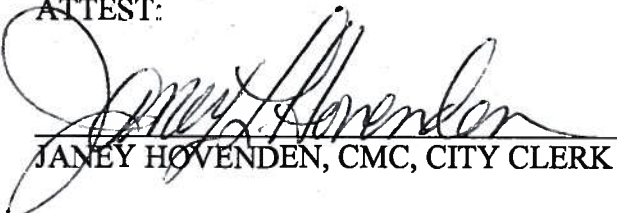
**Mr. Gatewood**, seconded by **Ms. Staley**, moved to ADJOURN the meeting.

**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