



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, AUGUST 20, 2012
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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

Council Members Present: Vivian Stiver, Seat A
 Chad Roberts, Seat B
 Bernard Gatewood, Seat C
 Jim Matherly, Seat D
 John Eberhart, Seat F

Absent: Lloyd Hilling, Seat E

Also Present: Pat Cole, Chief of Staff
 Paul Ewers, City Attorney
 D. Danyielle Snider, Deputy City Clerk
 Michael J. Schmetzer, City Engineer
 Laren Zager, Police Chief
 Margarita Bell, Grants Administrator
 Ernie Misewicz, Assistant Fire Chief

INVOCATION

The Invocation was given by Deputy City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

David Lerman, 126 2nd Avenue, #15, Fairbanks – Mr. Lerman stated that he is competing against three other candidates for Seat A of City Council in the 2012 Municipal Election. He spoke to the “miraculous” overhaul of Smith Apartments and used it as an example of what renovation can accomplish. He stated his opinion that the Polaris Building could be successfully renovated and shared his ideas on how it could be done. He spoke to the motivation behind his campaign and website: renovation. Mr. Lerman stated his belief that the City has enough excess in its savings to waive building permit fees for property owners who are willing to restore dilapidated properties. He spoke to the need for a DUI Task Force in the City of Fairbanks to lower DUI statistics and suggested that liquor establishments be required to make self-testing available to patrons by means of breathalyzers.

Frank Turney, 201 7th Avenue, Fairbanks – Mr. Turney indicated that it would be nice to have a task force in place to oversee the IRS. He expressed frustration with the News Miner article that insinuated that the reason for his own withdrawal from candidacy for City Council had something to do with his opponent's removal of the nickname "Monkey" from his name. He stated that the article implied the change in Mr. Bowen's name caused other candidates to take him more seriously. Mr. Turney stated that he has been known to file for candidacy when he sees an individual running unopposed, and that the reason for his withdrawal was another candidate's declaration for Seat B. He asked if the City had used all the insurance money for the court case involving the former Chief of Police. Mr. Turney reminded everyone that Jury Rights Day is September 5, 2012 and spoke to the history of how those and other rights of U.S. citizens came about.

Mayor Cleworth, in response to Mr. Turney's inquiry on litigation costs, stated that he would have Mr. Ewers give an update on the case later in the meeting.

Tim Sovde, 402 Bonnifield Street, Fairbanks – Mr. Sovde spoke to his candidacy for City Council, Seat A. He spoke to the upcoming state primary election and encouraged the public to stay informed and vote. He commended the City Council for requiring a fiscal note for all ordinances and resolutions that have an effect on the City's budget. He compared the City to other municipalities, stating that the City of Fairbanks is more accountable to its citizens than most.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

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

Deputy City Clerk Snider read the Consent Agenda into the record.

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of July 23, 2012.

PASSED and APPROVED on the CONSENT AGENDA.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth stated that he and Mr. Gatewood had the opportunity to attend the ceremony turning over the JP Jones Community Center to the Interdenominational Ministerial Alliance of Fairbanks (IMAF). He provided some history on the Center since its construction in 1985 and spoke to the City's involvement in overseeing grants and maintaining the structure. He explained that the Center's grant funding had recently been exhausted and that the Council had already authorized the turnover of the Center to IMAF last year, making the timing of the

ceremony ideal. **Mayor Cleworth** spoke to the upcoming Special Finance Committee Meeting on August 22, 2012 with the Borough to discuss the possibility of transferring utility powers for natural gas from the City to the Borough. He expressed hope that there would be free exchange of concepts, ideas and pitfalls. He encouraged the Council to vocalize their opinions on the issue at the upcoming meeting.

Mr. Roberts asked if the transfer of power would have to be done by ordinance.

Mayor Cleworth replied affirmatively. He stated that Mr. Cole and Mr. Ewers have been monitoring the evolution and mechanics of the idea and have found that the City may revoke the transfer of power at any time during period of the agreement. **Mayor Cleworth** spoke to the Public Safety Officer concept and the complexities involved in implementing such a system at the City. He asked the Council for their concurrence on allowing the Public Safety Commission to further research and explore the possibilities and report their findings back to the Council.

There was no objection from the Council.

UNFINISHED BUSINESS

- a) Ordinance No. 5889, as Amended – An Ordinance Seeking Voter Approval for the City to Accept a Pass-Through Loan from the Alaska Clean Water Fund to Golden Heart Utilities of up to \$4.6256 Million for a Sludge Dewatering Project, up to \$650,623 for a Clarifier Project, and Ratifying a Loan of \$637,830 for Prior Improvements at the City-Owned Wastewater Treatment Facility. Introduced by Mayor Cleworth. Public Hearing was Held August 6, 2012. POSTPONED from the Regular Meeting of August 6, 2012.

Mr. Roberts, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5889, as Amended.

Mayor Cleworth, with the consent of the Council, reopened Public Hearing on Ordinance No. 5889, as Amended.

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

Mr. Ewers asked the Council to take note of two small typos caught by Mr. Eberhart in the loan reimbursement agreement attached to the ordinance.

Mr. Roberts spoke to the discussion at the last Finance Committee Meeting regarding whether or not the agreement would involve a pass-through loan or a lease. He asked Mr. Ewers about the product of that discussion.

Mr. Ewers asked Ms. Bell to come forward to speak to the agreement language on page 4, paragraph 4.

Ms. Bell stated that the State agreed with the revised language in the contract that would make the agreement a capital lease. She explained that the capital lease would allow GHU to

depreciate the asset over a 40-year period instead of charging the full amount for 15 years, thus resulting in a lower rate to users.

Mr. Gatewood thanked City staff and GHU staff for their work in coming to an agreement. He stated that the project is inevitable and that it makes sense for the City to support GHU in the loan process. He stated the importance of sticking to the percentage increase that will go before voters on the 2012 ballot to prevent the people from feeling betrayed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5889, AS AMENDED, AS FOLLOWS:

YEAS: Matherly, Roberts, Stiver, Gatewood, Eberhart

NAYS: None

ABSENT: Hilling

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5889, as Amended, ADOPTED.

- b) Ordinance No. 5890 – An Ordinance Amending Fairbanks General Code Sections 2-471 through 2-474 Regarding the Public Safety Commission. Introduced by Mayor Cleworth and Council Member Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Mr. Eberhart**, moved to ADOPT Ordinance No. 5890.

Mayor Cleworth called for Public Testimony.

Peter Stern, 1608 Carr Avenue, Fairbanks – Mr. Stern, Chairman of the Public Safety Commission, spoke in support of Ordinance No. 5890. He provided a brief overview of the revisions that have been made and an explanation as to why those changes are being proposed. He stated that the Commission was unanimous in their recommended changes regarding the PSC's duties and powers, composition, member attendance, frequency of meetings, and terms of office.

Frank Turney – Mr. Turney read aloud a portion of Section 2-472 of the ordinance addressing the Commission's jurisdiction. He asked where the line is drawn in regard to complaints from the public.

David Lerman – Mr. Lerman stated that he has never participated in a PSC meeting. He spoke to an incident near his apartment involving an outdoor fire and asked if that would be an appropriate issue to bring before the Commission.

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

Mr. Eberhart thanked those involved in the discussion and drafting of Ordinance No. 5890. He stated that the PSC is a good forum for the public to voice their complaints. In reference to Mr. Lerman's question, he replied that the incident would be an appropriate topic to bring before the Commission. He addressed Mr. Turney's comments, stating that citizens may come to the

Commission with complaints, as long as those complaints do not violate the restrictions set forth in the ordinance. He stated that some issues and complaints may be referred to the Fact Finding Commission by authorization of the Council.

Mayor Cleworth stated that the Code is very strict on matters involving individuals and that the PSC may only speak to policy in regard to such complaints or issues. He stated that the Fact Finding Commission may have the authority to be involved in personal matters only by referral of the Council.

Mr. Eberhart stated that the new, task-oriented structure of the Commission is much more clear than it was. He encouraged the Council to make referrals to the PSC.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5890, AS FOLLOWS:

YEAS: Roberts, Matherly, Gatewood, Eberhart, Stiver

NAYS: None

ABSENT: Hilling

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5890 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4544 – A Resolution to Apply for and Accept Funding from the Alaska Department of Transportation & Public Facilities for a FY2013 Safe Routes to School Grant. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4545 – A Resolution to Apply for and Accept Funding from the Alaska Department of Public Safety for the FY2013 Edward Byrne Memorial Justice Assistance Grant (JAG). Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Ordinance No. 5891 – An Ordinance Amending the 2012 Budget Estimate for the Second Time. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

Committee Reports

Local Improvement District (LID) Ad-hoc Committee – **Ms. Stiver** gave a report on the Committee's last meeting and stated that boundaries have been set for the district. She spoke to the "negative election" that would be held giving property owners involved the opportunity to

object. She stated that discussion was also given to educating the property owners as to the purpose of the district. She indicated that there are still many items open for discussion. She stated that Mr. Ewers has been asked to draft an ordinance to amend the FGC on LID districts to allow for a 501(c)(3). Ms. Stiver shared that one of the goals of the Committee is to come up with a structure that would allow the district to operate independently. She commented that the Committee will need a little more time to come up with a recommendation to Council.

Mayor Cleworth asked if Ms. Stiver could share the geographic boundaries the Committee had agreed upon.

Ms. Stiver replied that she did not have the map with her, but that it is the smaller of the two boundaries that were discussed.

Mr. Roberts asked if the boundaries corresponded with the existing Clean Team and CSP service areas.

Ms. Stiver replied affirmatively and gave a general description of the boundaries.

FMATS Policy Committee Meeting – **Mr. Roberts** spoke to the recent Committee meeting, stating that members decided to allow the FMATS Coordinator to hire a part-time administrative employee. He spoke to DOT's intent to have Illinois Street, south of Monroe Catholic School, open by October or November of 2012. He commended DOT for moving up the deadline for that portion of the Illinois Street Project, which will allow for better traffic flow throughout the winter.

COMMUNICATIONS TO COUNCIL

- a) Permanent Fund Review Board Meeting Minutes of February 1, 2012.

ACCEPTED on the CONSENT AGENDA.

- b) Permanent Fund Review Board Meeting Minutes of May 10, 2012.

ACCEPTED on the CONSENT AGENDA.

- c) Chena Riverfront Commission Meeting Minutes of July 11, 2012.

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Matherly stated that he lives in the Riverview neighborhood and believes he has come to be known as the "cranky guy" when it comes to speeding in that area. He cautioned folks to slow down and obey speed limits in residential areas.

Mayor Cleworth commented that electronic speed signs are still in the works for that area.

Mr. Eberhart spoke of his visit to the "Housing First" center. He stated that the program looks promising as it slowly opens up and added that the facility is set up nicely. He stated that the program director, Shirley Lee, provided him with statistics that show some improvement in Downtown Fairbanks' chronic inebriate problem. **Mr. Eberhart** encouraged the public to participate in the state primary election on August 28, 2012.

Mr. Gatewood commented on the quickly approaching start of the 2012-2013 school year. He spoke to the success of the 2012 Tanana Valley State Fair and commended Randi Carnahan and her staff for a job well done. He commented on how quickly the summer season had gone by.

Mr. Roberts shared his optimism that there would be plenty of good weather left. He stated that the start of school is a big deal in his home and wished his daughter luck on her first day. He stated that, while time in his term as a Council Member is limited, there are many upcoming issues in the community that interest him.

Ms. Stiver announced that there will be a rally held at the federal building on Thursday at 11:00 A.M. to protest Ken Salazar's decision to place restrictions on the National Petroleum Reserve. She spoke to the "Farm to Table" event she attended at UAF and to the benefits of eating local food. She announced that the Energy Fair will take place on Sunday, August 26, 2012 at Chena Hot Springs and encouraged everyone to attend. She echoed Mr. Roberts' optimism that there will be plenty of good weather in store for the fall season. **Ms. Stiver** invited everyone to attend the City's 2nd Annual Pig Roast at City Hall on August 30, 2012 at 4:30 P.M. She stated that tickets for the event can be purchased for \$15 per family through the Mayor's Office.

Mr. Gatewood asked to be excused for the Regular Meeting of September 24, 2012 due to a conflict with work travel.

Mayor Cleworth called for objection to **Mr. Gatewood's** request to be excused on September 24, 2012 and, hearing none, so ORDERED.

Mayor Cleworth announced that Dorothy Chomicz had left the Fairbanks Daily News Miner and asked her replacement to introduce himself to the Council.

Sam Friedman stated that he moved from Kodiak, Alaska to Fairbanks in 2011 and will be filling in as the staff writer for matters concerning the City Council. He stated that he is eager to meet each Council Member.

CITY ATTORNEY'S REPORT

City Attorney Ewers stated that the Whorton-Hutton case is still ongoing and is set for trial in March of 2013. He stated that City litigation costs have reached the deductible limit and that insurance coverage has now kicked in. Mr. Ewers mentioned the passing of Jack Townsend and related a humorous story about the man's ever-encouraging nature.

ADJOURNMENT

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

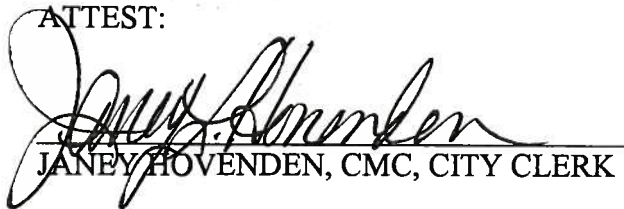
Mayor Cleworth called for objection and, hearing none, so ORDERED.

Mayor Cleworth declared the Meeting adjourned at 8:09 P.M.



JERRY CLEWORTH, MAYOR

ATTEST:



JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS