



FAIRBANKS CITY COUNCIL
AGENDA NO.2012-07
REGULAR MEETING April 09, 2012
FAIRBANKSCITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

REGULAR MEETING

II 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 January 23, 2012

*b) Regular Meeting Minutes of February 06, 2012

*c) Regular Meeting Minutes of February 27, 2012

*d) Regular Meeting Minutes of March 05, 2012

7. SPECIAL ORDERS

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Ordinance No. 5879 – An Ordinance Ratifying an Amendment to the Current Labor Agreement Between the City of Fairbanks and the International Brotherhood of Electrical Workers. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.
- b) Ordinance No. 5880 – An Ordinance Amending Fairbanks General Code Section 1-15 by Adding a Correctional Facility Surcharge. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

10. NEW BUSINESS

- *a) Resolution No. 4517 – A Resolution Authorizing the City Mayor to Apply for and Accept a FFY2013 Preservation Assistance Grant for Smaller Institutions from the National Endowment for the Humanities. Introduced by Mayor Cleworth.
- *b) Resolution No. 4518 – A Resolution Authorizing the City of Fairbanks to Accept a FFY2011 Community Development Block Grant (CDBG) for a Homeless Shelter. Introduced by Mayor Cleworth.
- *c) Resolution No. 4519 – 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 FFY2011 Fire Prevention and Safety Grant. Introduced by Mayor Cleworth.
- *d) Resolution No. 4520 – A Resolution to Apply for and Accept Funding from the Bureau of Justice for the FFY2012 Edward Byrne Memorial Justice Assistance Grant (JAG). Introduced by Mayor Cleworth.
- *e) Resolution No. 4521 – A Resolution Expressing Our Concern and Opposition to Movement of the 18th Aggressor Squadron at Eielson Air Force Base to Joint Base Elmendorf/Richardson (JBER). Introduced by Mayor Cleworth.
- *f) Ordinance No. 5881 – An Ordinance Amending Fairbanks General Code by Adding Section 46-329 Abuse of 911 System. Introduced by Mayor Cleworth.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)
 - a) Committee Reports

12. COMMUNICATIONS TO COUNCIL
 - *a) Public Safety Commission Meeting Minutes of February 14, 2012.
 - *b) Chena Riverfront Commission Meeting Minutes of March 5, 2012.
 - *c) Reappointment to the Landscape Review & Appeals Commission.
 - *d) Memo Concerning Lease of Old City Hall to the Fairbanks Downtown Association.

13. COUNCIL MEMBERS' COMMENTS

14. CITY ATTORNEY'S REPORT

15. CITY CLERK'S REPORT

16. ADJOURNMENT



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JANUARY 23, 2012
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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

Council Members Present: Vivian Stiver, Seat A (telephonic)
Chad Roberts, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Lloyd Hilling, Seat E
John Eberhart, Seat F

Absent: None

Also Present: Warren Cummings, Fire Chief
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Ryan Rickels, IT Director
Michael J. Schmetzer, City Engineer
Tony C. Shumate, Director Personnel/Purchasing/RM
Ernie Misewicz, Assistant Fire Chief

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

David Lerman, 126 2nd Avenue, #15, Fairbanks – Mr. Lerman expressed hope that the City's mission statement would be read at the meeting. He spoke to the renovation at City Hall and suggested that the City of Fairbanks post its mission statements on the walls of the main level. He spoke to the formation of various task forces within the City and how it would create more public participation. He strongly suggested the creation of a renovation task force, listing the benefits to a community when rebuilding takes place.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Gatewood, pulled Resolution No. 4507 from the Consent Agenda. He asked for clarification on the location and schedule of meetings for the month of February.

Mayor Cleworth stated that the next Regular City Council Meeting would be held at the City's Public Works facility on February 6, 2012 and the February 27th meeting would be at City Hall, as usual. He clarified that the work session with the Public Safety Commission had been rescheduled for March.

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 October 24, 2011.

PASSED and APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of November 14, 2011.

PASSED and APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

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

Lic #	Establishment Name	License Type	Premise Location	Owner Name
54	American Legion Post #11	Club	129 1st Avenue	Dorman H Baker Post #11
542	Husky Lounge	Bev. Dispensary-Seasonal	1521 E Cushman	The Kishan Group Inc
710	Mecca Bar	Beverage Dispensary	549 2nd Ave	JRB Inc
995	Safeway Store #2754	Package Store	3627 Airport Way	Safeway Inc
999	Oaken Keg #3410	Package Store	30 College Road	Safeway Inc
3381	Food Factory	Rest/Eating Place	44 College Road	CNR Enterprise LLC
4156	Holiday #622	Package Store	2300 S Cushman St	Holiday Alaska Inc.
4170	Lavelle's Bistro	Bev. Dispensary	575 1st Avenue	Café de Paris Catering Co
4232	Kodiak Jack's	Bev. Dispensary	537 Gaffney	JSR Inc
4344	Siam Dishes	Restaurant/Eating Place	338 Old Steese Hwy	Air Choummittaphanh & Southsakone Pheunmany
4395	Boston's	Bev. Dispensary	1243 Old Steese Hwy	Goethe LLC
4941	Seoul Gate Restaurant	Rest/Eating Place	958 Cowles Street	Chong Pak

Mr. Roberts, seconded by **Mr. Gatewood**, moved to WAIVE Protest on the Renewals.

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

Mr. Roberts asked Ms. Hovenden if the location issue for the Husky Lounge had been resolved.

Ms. Hovenden replied that it had been.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE RENEWALS, AS FOLLOWS:

YEAS: Eberhart, Gatewood, Stiver, Hilling, Matherly, Roberts

NAYS: None

Mayor Cleworth declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth stated that there are two Transfer of Responsibility Agreements (TORA's) from the Department of Transportation: one for pedestrian access at Graehl Landing and the Front Street/Forty Mile area; the other for sidewalks along McGown Street and Kellum Street, from Lathrop Street to 10th Avenue.

Mayor Cleworth called for objection to accepting the Transfer of Responsibility Agreements, and hearing none, so ORDERED.

Mayor Cleworth thanked Mr. Gatewood for his willingness to attend Borough Assembly meetings as the City Representative. He asked for more volunteers from the Council. **Mayor Cleworth** spoke to a borough ordinance that would implement a motor vehicle tax for vehicle registrations with varying rates. Ninety percent of the fees collected would be used as revenue to reduce the mill rate and ten percent would be used for borough fire service area capital expenditures. He suggested that the Council look at the ordinance to see how it may affect the City of Fairbanks. **Mayor Cleworth** mentioned the fire in Lakeview Terrace over the weekend. He spoke to possible changes to City policy regarding mutual aid in areas outside of the City of Fairbanks fire service area. He asked the Council to include their thoughts on the matter during their comments later in the meeting.

UNFINISHED BUSINESS

- a) Ordinance No. 5873 – An Ordinance to Repeal FGC Sec. 50-286 Regarding PERS Participation by Elected Officials and Personnel Code Employees. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Roberts, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5873.

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

Mr. Roberts commented that the ordinance was mainly clean-up from old code that was written when the Council was a part of the PERS Program.

Mayor Cleworth confirmed Mr. Roberts' comments, stating that the Council had not participated in the PERS Program since roughly 2000.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO ADOPT ORDINANCE NO. 5873, AS FOLLOWS:

YEAS: Matherly, Hilling, Roberts, Stiver, Gatewood, Eberhart

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5873 ADOPTED.

- b) Ordinance No. 5874 – An Ordinance Ratifying an Amendment to the Current Labor Agreement Between the City of Fairbanks and the Public Safety Employees Association (PSEA). Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Roberts, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5874.

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

Mr. Hilling asked if there have been studies done on the efficiency of police officers after working more than an eight-hour shift.

Mayor Cleworth replied that he hasn't heard of any research or seen any literature to support a decline in an officers performance after working more than eight hours. He stated that the contract before the Council would allow officers the option of a 3-day, 36-hour workweek and clarified that overtime would not kick in until the employee worked more than 40 hours in one week.

Mr. Gatewood asked for clarification on Section 10.5(A)(4) of the attachment to Ordinance No. 5874.

Mayor Cleworth stated that the section Mr. Gatewood referred to is not a change but is part of the existing contract.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5874, AS FOLLOWS:

YEAS: Roberts, Matherly, Gatewood, Hilling, Eberhart, Stiver

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5874 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4506 – A Resolution to Change the Location of the Meetings of the City Council on February 06, 2012, to Comply with Continuity of Operation Plan (COOP) Requirements. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4507 – A Resolution Authorizing the Extraterritorial Extension of Fire Suppression Services by Contract. Introduced by Mayor Cleworth.

Mr. Gatewood, seconded by **Mr. Hilling**, moved to APPROVE Resolution No. 4507.

Mayor Cleworth referenced the Memorandum attached to Resolution No. 4507. He stated that the City has had a contract for fire service with some businesses and one residence near the Lakeview Terrace area at a fixed rate of 4.9 mills, a much higher rate than competing fire service providers. He added that the City is already under contract with the FNSB to provide ambulance service to the area. He explained that the new owners of Lakeview Terrace have requested to be annexed into the University Fire Service Area but could be much better and more efficiently served by the City of Fairbanks. He asked Chief Cummings and Assistant Chief Misewicz to come forward for their presentation.

Chief Cummings and Assistant Chief Misewicz gave a PowerPoint presentation on Lakeview Terrace and highlighted the benefits of extending the City's fire service to the area.

Mr. Eberhart asked if the matter had been discussed with the Firefighters' Association.

Chief Cummings stated that he had not been in communication with the Association in regards to the issue.

Mayor Cleworth indicated that the Firefighters' Association would like the City to annex the entire area. He stated that there would be no violation of contract with the Association because the City already has fire service contracts with other properties outside the City limits.

Doug Schrage, University Fire Chief – Chief Schrage spoke in support of extending fire protection to the Lakeview Terrace area. He explained that the area is too far away for the University Fire Department (UFD) to provide effective service and that, by extending protection, UFD may compromise the quality of services it provides to its existing area.

Mr. Roberts asked if the University could refuse to provide service to the area.

Chief Schrage replied that he was unclear on the issue.

Mr. Eberhart asked how the annexation process works.

Chief Schrage replied that he is new to the area. He stated that, to his knowledge, individual properties or small numbers of properties may be annexed without a public vote. He explained that property owners may petition the borough, launching a series of public hearings. The Borough would then make a decision on whether or not to allow the area to be annexed.

Mayor Cleworth spoke to the importance of mutual aid and pointed out that even if Lakeview Terrace were to be annexed into the UFD service area, the City would still respond under the mutual aid agreement. He spoke to the development possibilities of Lakeview Terrace under new ownership and how the City could potentially benefit by extending service to the area.

Ms. Stiver spoke in favor of providing fire service to the area if at least half the property value could be used in collecting taxes for the service.

Mr. Eberhart asked how the issue of fire service in the area came to involve the City.

Mayor Cleworth replied that the matter was brought up to the Fairbanks North Star Borough, who then brought it to the attention of the City. He explained that the matter is still in the Borough's hands, but that the City may not be competitive at all unless they offer a more reasonable rate for fire service.

Mr. Eberhart asked for confirmation of the City's standard mill rate and what services the tax included.

Mayor Cleworth answered that the base rate is 4.9 mills and includes all City services: fire, police and public works.

Mr. Eberhart spoke to past cases when the Council was unaware of extension of City fire services to certain areas. He commented that owners may not be interested in annexation if the City continues to allow them to purchase individual services based on their specific needs.

Mr. Hilling commented that he believes annexation would be desirable for the Lakeview Terrace owners because they would already be paying separately for fire and ambulance service and it wouldn't cost much more to have all City services. He spoke to potential development of the property.

Mr. Matherly stated that it makes sense for the City to make its fire service rate competitive for this particular area. He added that the owners may consider City annexation at a later time.

Mr. Roberts cautioned the Council on opening themselves up to a "cherry-picking" situation. He expressed hope that the Borough would say no to UFD annexation of the property and that the City would have the opportunity to annex the area. He asked Mayor Cleworth to offer his thoughts on City annexation of Lakeview Terrace.

Mayor Cleworth stated his belief that annexation should be by mutual consent. He commented that the people in that particular area do not seem desirous of all City services, only fire protection.

Mr. Roberts spoke to the benefits of City services and how those services protect the well-being of its citizens.

Ms. Stiver again spoke in favor of City annexation of the property, and acknowledged fellow Council Members' concern with allowing owners to pick and choose City services. She expressed her belief that the Lakeview Terrace owners would be more inclined to annex into the City at a later time if they were already receiving the City's fire service.

Mr. Hilling spoke to concerns of annexation if the property remained in its current state. He explained that the tax revenue brought in by the existing property may not cover the cost of additional staffing necessary to provide full services to the area. He spoke in favor of Resolution No. 4507.

Ms. Stiver spoke to the Alaska State Troopers' difficulty with staffing, thus making City police services desirable to areas like the Lakeview Terrace property.

Mayor Cleworth clarified that annexation is not the subject at hand. He stated that annexation would involve a lot of research on cost vs. benefit. He expressed concern that the Borough may allow the annexation of Lakeview Terrace into the University Fire Service Area to take place and urged the Council to consider that possibility when voting on Resolution No. 4507.

Mr. Gatewood spoke to the flaw in the mutual aid system in this particular case. He explained that the City would be the first to respond to a fire in the Lakeview area regardless of who's fire service area the property fell into. He spoke also to his hesitation in allowing property owners to "cherry-pick" City services.

Ms. Stiver asked if a timeline could be laid out that would require discussion of annexation into the City with an interim agreement to provide City fire protection at a set mill rate.

Mayor Cleworth explained that all current City contracts have an expiration date and this one would be no different. He stated that he is unsure if the subject of annexation could be a part of a contract agreement.

Mr. Matherly stated his belief that the new owners would develop the property and eventually be inclined to approach the City for annexation. He spoke in support of Resolution No. 4507.

Mayor Cleworth clarified that the City has never allowed "cherry-picking" of services. He commented that the only services the City has provided on an individual basis are fire and ambulance.

Mr. Gatewood stated that just because the City services such as police and public works haven't been provided on an individual basis to date, doesn't mean property owners won't try to purchase them separately in the future. He asked if Resolution No. 4507 would give the Mayor the authority to allow property owners to purchase services individually.

Mayor Cleworth replied that the Council would still have the ability to review service contracts in the future.

Mr. Eberhart asked for clarification on the authority bestowed to the Mayor in Resolution No. 4507.

Mayor Cleworth stated that if someone approached the City requesting fire protection service, the contract would have to be brought before the Council according to current City code.

Mr. Eberhart suggested a change to the language in Resolution No. 4507 that would clarify that all service contracts must still be brought before the Council for approval.

Mayor Cleworth stated that a change to the language would be fine, but that City Code would trump the resolution regardless. He explained that the intent of Resolution No. 4507 was only to give the Mayor authority to offer competitive rates for property owners wishing to obtain City fire service.

Mr. Ewers referenced FGC Sec. 2-656, which requires approval by the City Council for all potential contracts for services.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4507, AS FOLLOWS:

YEAS: Stiver, Matherly, Hilling, Eberhart, Roberts

NAYS: Gatewood

Mayor Cleworth declared the MOTION CARRIED and Resolution No. 4507 APPROVED.

DISCUSSION ITEMS

Committee Reports

Public Safety Commission – **Mr. Eberhart** provided a brief report of the January 10, 2012 meeting. He announced the next PSC meeting date of February 14, 2012.

FMATS Policy Committee – **Mr. Roberts** gave a brief report on the January 18, 2012 meeting.

Fairbanks Convention and Visitor's Bureau – **Mr. Hilling** stated that he was absent at the last FCVB board meeting but will review the meeting minutes and provide a report to the Council at the next regular meeting, if necessary.

COMMUNICATIONS TO COUNCIL

- a) Board of Plumber Examiners Meeting Minutes of October 4, 2011.

ACCEPTED on the CONSENT AGENDA.

- b) Public Safety Commission Meeting Minutes of December 13, 2011.

ACCEPTED on the CONSENT AGENDA.

- c) Reappointments to the Board of Plumber Examiners.

APPROVED on the CONSENT AGENDA.

- d) Appointment and Reappointments to the Landscape Review Board.

APPROVED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Roberts spoke to the City's policy regarding response to areas outside its service area when there is a life-safety issue. He added that it only makes sense for the City to respond if a life may be at stake. He explained the reasons why he voted in favor of Resolution No. 4507. He spoke to the high cost of annexing the Lakeview area due to the poor road conditions and suggested the possibility of a future increase in the City's mill rate.

Ms. Stiver announced that she will be back in Fairbanks for the Regular Meeting of February 27, 2012. She expressed gratitude to the Mayor and fellow Council Members for allowing her to attend the meetings telephonically.

Mr. Gatewood expressed appreciation for his fellow Council Members' views and discussion on Resolution No. 4507. He spoke to the City's policy on responding to fires outside of its service area and the seriousness of determining whether or not a life is at stake. He spoke in favor of City policy that would allow for response and determination on whether or not there is a life-safety issue.

Mr. Eberhart commended Public Works for their quick response to the recent heavy snowfall. He expressed satisfaction on the agreement between the City and PSEA. He spoke to the City's response to properties outside the fire service area and indicated that there may be a need for a boundary limit. He commented that mutual aid played into his decision in favor of Resolution No. 4507 and stated that City residents are, in essence, subsidizing the service to that area.

Mr. Hilling asked Ms. Hovenden if she had the City's mission statement available for reading.

Ms. Hovenden replied that she had emailed it to all Council Members.

Mr. Hilling expressed skepticism on the development of a renovation task force in the City. He vocalized concerns with the effectiveness of such a task force and the financial risk to the City if building permit fees were waived. He spoke to the Borough's proposal of a vehicle tax, questioning whether or not the mill rate would be lowered as a result of the tax. He spoke in favor of implementing a policy of response to areas with no fire protection.

Mr. Matherly expressed appreciation for the respect shown by the Mayor and Council during discussions. He volunteered to attend the next Borough Assembly Meeting as the City Representative. He spoke in favor of a City policy that would require response to areas without

fire service. He commented on recent discussion in the Fairbanks Daily News-Miner regarding driving in severely cold weather and the safety precautions that need to be taken.

ADJOURNMENT

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

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

Mayor Cleworth declared the Meeting adjourned at 8:35 P.M.

JERRY CLEWORTH, MAYOR

ATTEST:

JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, FEBRUARY 6, 2012
CITY OF FAIRBANKS PUBLIC WORKS FACILITY
2121 PEGER ROAD, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, following a tour of the City's Public Works Facility, to conduct a Regular Meeting of the Fairbanks City Council at the City of Fairbanks **Public Works Facility, 2121 Peger Road**, Fairbanks, Alaska, with Mayor Jerry Cleworth presiding and with the following Council Members in attendance:

Council Members Present: Vivian Stiver, Seat A (telephonic)
Chad Roberts, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Lloyd Hilling, Seat E
John Eberhart, Seat F (telephonic)

Absent: None

Also Present: Pat Cole, Chief of Staff
Warren Cummings, Fire Chief
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Michael J. Schmetzer, City Engineer
Tony C. Shumate, Director Personnel/Purchasing/RM
Ernie Misewicz, Assistant Fire Chief
Donna Gardino, MPO Coordinator

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

Donna Gardino, 811 Bullion Drive, Fairbanks – Ms. Gardino, MPO Coordinator, spoke in support of Hand-carried Resolution No. 4512, to apply for Congestion Mitigation and Air Quality (CMAQ) funding from the State Alaska for sidewalk improvements throughout the City of Fairbanks. She also spoke in support of Resolution No. 4508 regarding the purchase of an articulated tractor. She offered to answer Council Members' questions on Resolution No. 4510.

Mr. Roberts asked where the additional \$3 million in CMAQ funding came from.

Ms. Gardino replied that DOT had been holding the \$3 million in anticipation of possible non-attainment designations. She stated that she had been notified the week prior that the funds were not needed and would be available along with the other \$1.5 million in CMAQ funding.

Mr. Matherly asked about the category of CMAQ funding that sidewalk improvement falls into.

Ms. Gardino replied that sidewalks encourage people to get out and walk instead of drive, thus improving air quality.

Mr. Roberts asked if Fairbanks was the only EPA-designated non-attainment area in Alaska.

Ms. Gardino replied affirmatively.

Mr. Gatewood asked Ms. Gardino if she was in favor of Resolution No. 4510.

Ms. Gardino explained that under new federal legislation, any Metropolitan Planning Organization (MPO) with a population of less than 200,000 would be terminated unless it could be reaffirmed by the existing MPO, the U.S. Secretary of Transportation and the Governor of the State of Alaska. She spoke against the bill, stating the importance of an MPO's connection to a community and its effectiveness at the local level.

Helen Renfrew, 4097 Yvonne Avenue, Fairbanks – Ms. Renfrew shared highlights from the Fairbanks Convention and Visitor's Bureau's Annual Fairbanks Meeting Ambassador Reception held January 30, 2012. She spoke to the positive impact meetings have on the local economy and stated that there were over 200 meetings held in Fairbanks in 2011. She concluded by stating that the estimated direct attendee spending for events brought to Fairbanks by meeting ambassadors in 2011 was \$1,163,480.

Mr. Matherly thanked Ms. Renfrew for sharing the information. He asked how the numbers in 2011 compared with prior years.

Ms. Renfrew replied that meeting trends have followed the same lines as the tourist industry the past few years. She indicated that numbers from 2011 resemble those of 2006, which are nowhere near the peak in 2008.

David Lerman, 126 2nd Avenue, #15, Fairbanks – Mr. Lerman stated that he will run for a City Council seat in the 2012 Municipal Election. He spoke to his website and online discussion board. He spoke to the benefits of renovation and advocated for a renovation task force in the City of Fairbanks. He indicated that he has witnessed first-hand the difference renovation can make to a community by lowering crime and improving the quality of life. He spoke to the need for specific City mission statements in order to accomplish goals such as renovation and DUI enforcement.

Mr. Hilling praised Mr. Lerman's persistence in regards to task forces. He asked Mr. Lerman if he believed the crime was absolutely reduced by the renovation of his apartment complex or if it just moved elsewhere.

Mr. Lerman stated his belief that renovation results in a downward slope in crime overall.

David van den Berg, 332 Slater Drive, Fairbanks Downtown Association – Mr. van den Berg thanked the administration for, and spoke in support of, Resolution No's. 4508, 4509, 4510 and 4512. He stated that all the resolutions would benefit the community and downtown Fairbanks.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger spoke to the poorly marked parking areas downtown. He recommended a modification to 3rd Street across from the Bahn Thai Restaurant to allow for more parking space. He expressed concern with taxing downtown property owners in order to fund the Downtown Association and Community Service Patrol.

Frank Turney, 201 7th Avenue, Fairbanks – Mr. Turney commented on the location change of the Council Meeting. He spoke against the National Defense Authorization Act passed by Congress on December 15, 2011. He listed various states that are working to have the law repealed. He urged the Council to bring forth a resolution opposing the National Defense Authorization Act and suggested the City Attorney look into the bill.

Mr. Hilling asked what affect a state would have on federal law.

Mr. Turney replied that he believes there has to be a minimum number of states who nullify the bill before Congress will take action. He spoke to the power and duty of the states and U.S. citizens to uphold the Constitution.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Roberts pulled Resolution No. 4511 from the Consent Agenda.

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

Mayor Cleworth called for objection to ADDING Hand-carried Resolution No. 4512 to the Agenda, under New Business; and, hearing none, so ORDERED.

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

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth thanked the City Clerk for her hard work and research in preparing Ordinance No. 5875. He informed the Council that there will be a series of ordinances coming forward to amend City code for arrest-able offenses. He explained that there are numerous redundancies between State statutes and City code. He referenced a handout of the 9-1-1 Dispatch Agreement between the City and the Fairbanks North Star Borough and asked the Council to review it for future discussion. **Mayor Cleworth** thanked Public Works employees for the facility tour and explained that the reason for the alternate meeting location was to comply with Continuity of Operations Plan (COOP) requirements. He added that all City Departments are obligated to

participate in the COOP. **Mayor Cleworth** addressed Mr. Buberger's concern with the bulbouts on 3rd Avenue and assured him that Mike Schmetzer, City Engineer, is working to solve the problem. He notified the Council that immediate approval would be needed in order to apply for the grant funds. He explained that he does not support Resolution No. 4511 because it would be difficult for the City to finance the additional positions after the grant expires.

NEW BUSINESS

- a) Resolution No. 4508 – A Resolution to Apply for and Accept Funding from the Alaska Department of Transportation and Public Facilities for a Compact Articulated Tractor. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4509 – A Resolution to Apply for and Accept Funding from the Alaska Department of Natural Resources for a FY2012 Historic Preservation Fund Grant. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Resolution No. 4510 – A Resolution in Support of the Fairbanks Metropolitan Area Transportation System (FMATS) Metropolitan Planning Organization (MPO). Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Resolution No. 4511 – A Resolution to Apply for Funds from the Federal Emergency Management Agency (FEMA) for a FY2011 Staffing for Adequate Fire and Emergency Response (SAFER) Grant. Introduced by Mayor Cleworth.

Mr. Matherly, seconded by **Mr. Eberhart**, moved to APPROVE Resolution No. 4511.

Mr. Matherly asked Mayor Cleworth to speak more in depth to disapproval of the resolution.

Mayor Cleworth stated that he didn't believe there would be enough attrition in the Fire Department before the expiration of the grant to keep the three existing grant-funded positions as well as the additional proposed positions. He explained that the grant comes with a cost to the City, both in equipment and wages.

Mr. Hilling asked what the benefits of adding the three new positions would be.

Fire Chief Cummings replied that the increase in staffing would reduce overtime and help with emergency operations by manning a second ambulance. He stated that the City's cost in employing the three current grant-funded positions for 2012 is \$241,000 and that the grant funding gradually decreases each year, allowing the City to absorb the cost of those employees. He noted that Resolution No. 4511 is only for authorization to apply for the SAFER Grant. Chief Cummings informed the Council that the City applied for the SAFER Grant last year, but

was denied. He indicated that if the Fire Department had to perform future layoffs due to a lack of funding, those trained individuals could be rehired when the funding became available. He further explained that the SAFER Grant is being molded to offset the increase of firefighter layoffs and to prevent layoffs in the future.

Chief Cummings replied affirmatively to **Mr. Matherly's** question concerning the methodology for applying for the grant is in hopes that the City will have more revenue in the future.

Mr. Gatewood asked how significantly overtime has been reduced by the current grant-funded positions.

Chief Cummings stated that he doesn't have a good handle on the actual figure and that it would be difficult to quantify with mutual aid taken into account.

Mr. Gatewood expressed doubt that the reduction in overtime would be significant.

Mr. Roberts asked Chief Cummings to address the issue of attrition.

Chief Cummings indicated that four positions in the Fire Department are eligible for retirement in 2012. He referenced the 20-year termination study in the handout, showing that, on average, one employee retires and one employee resigns each year.

Mayor Cleworth clarified that the SAFER Grant stipulates the grant-funded positions cannot be laid off.

Mr. Hilling spoke to the benefits of the SAFER Grant, but expressed his feelings of conflict with expending federal dollars for a purpose that may not be worth it.

Mr. Eberhart asked Chief Cummings to explain how the previous SAFER Grant worked year by year. He asked the chief if the grant funds would be dispersed even if the City decided not to apply. **Mr. Eberhart** also inquired as to the terms of the grant, and further asked if the addition of the positions would help the City with its ISO insurance rating and increase public safety.

Chief Cummings replied that the grant funds are reimbursed heavily for the first year and are gradually reduced every year thereafter. He stated that the City takes on the majority of the cost of employing the positions from the third year forward. He confirmed that the SAFER Grant moneys would be dispersed to some other department if the City of Fairbanks chose not to apply. Chief Cummings also confirmed that the grant would cover the cost of employing the proposed positions for two years, with the exception of overtime and training. He stated that the added positions would increase the average number of on-duty positions by 10%, thus increasing public safety and would have a positive effect on the City's ISO rating.

Mr. Eberhart shared that the Public Safety Commission (PSC) recommended the Fire Department apply for the SAFER Grant. He spoke to the low cost to the City if the grant were to be secured. He spoke also to the likelihood of attrition taking place during the life of the grant.

Mr. Matherly asked what Chief Cummings' recommendation would be for applying.

Chief Cummings spoke in support of applying for the SAFER Grant, but added that obtaining the funding may be a long-shot.

Mr. Gatewood stated his appreciation for Mr. Eberhart's comments. He commented that although an individual may be eligible for retirement, they may choose not to retire. He spoke to the decline in the economy in recent years and how it has affected retirement and job security.

Mayor Cleworth reminded the Council that, as part of the terms of the SAFER Grant, the funded positions must be filled at all times. He provided a summary of the City's projected budget for the next two years and stated that a surplus is not likely.

Mr. Roberts asked for an explanation of the "layoff" condition in the grant terms.

Mayor Cleworth explained that the SAFER Grant mandates that a department maintain the minimum number of employees it had at the time of application for the grant.

Chief Cummings added that the department can choose to lay off employees upon the expiration of the grant in 2014.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4511, AS FOLLOWS:

YEAS: Eberhart
NAYS: Gatewood, Stiver, Hilling, Matherly, Roberts
Mayor Cleworth declared the MOTION FAILED.

- e) Ordinance No. 5875 – An Ordinance Amending Chapter 86 Vehicles for Hire Chauffeur Requirements. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- f) Resolution No. 4512 – A Resolution to Apply for Funding From the Alaska Department of Transportation and Public Facilities for Sidewalk Improvements. HANDCARRIED. Introduced by Mayor Cleworth.

Mr. Gatewood, seconded by **Mr. Hilling**, moved to APPROVE Resolution No. 4512.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4512, AS FOLLOWS:

YEAS: Gatewood, Roberts, Eberhart, Matherly, Stiver, Hilling
NAYS: None
Mayor Cleworth declared the MOTION CARRIED and Resolution No. 4512 APPROVED.

DISCUSSION ITEMS

Committee Reports

Permanent Fund Review Board - Mr. Gatewood provided a summary of the City's Permanent Fund deposits, expenses, withdrawals and earnings in 2011 and its balance at year-end. He spoke to the reasons why the benchmark wasn't met by the fund managers and stated that the board would like to use 2012 as a litmus test for those managing the fund.

COUNCIL MEMBERS' COMMENTS

Mr. Eberhart thanked those responsible for making it possible for him to attend the relocated meeting telephonically. He announced that the Public Safety Commission will be meeting on February 14, 2012. **Mr. Eberhart** asked to be excused for the Regular City Council Meeting of February 27, 2012, due to a possible conflict with travel arrangements.

Mayor Cleworth called for objection regarding **Mr. Eberhart's** request to be excused on February 27, 2012 and, hearing none, so ORDERED.

Ms. Stiver announced that she will be physically present at the next regular meeting and is looking forward to returning home.

Mr. Hilling spoke to Mr. Lerman's ideas and justifications for creating a renovation task force in the City. In response to Mr. Buberger's earlier testimony regarding parking issues on Third Avenue, **Mr. Hilling** stated his intent to look at the signage and possibly see what can be done to improve the parking in that area. He concurred with Mr. Turney's request that the City Attorney research a section of the National Defense Authorization Act. He asked Mayor Cleworth to provide an example of the "redundant rules" he referred to earlier when speaking to the series of ordinances coming forward to amend City code for arrest-able offenses. **Mr. Hilling** commented on the cleanliness and organization of the Public Works Facility and stated that he is proud of the City.

Mayor Cleworth explained that there are numerous offenses addressed in the City of Fairbanks General Code that are already cited under state statutes. To avoid unnecessary cost to the City, those duplicated rules can be removed from the City code, thus allowing officers to arrest individuals under state statute on the state's dime. He stated that some arrest-able offenses may be reduced to a ticket-able offense, also a cost-savings measure.

Mr. Matherly spoke to the Borough Assembly Meeting he attended on behalf of the City and encouraged the public to attend the meetings as well. He expressed pride for the U. S. Military and spoke of his recent opportunity to attend a 617 Cavalry Deployment Ball. He mentioned upcoming local fundraisers with which he will be involved. He expressed sympathy for the passing of long-time Fairbanks resident, Bob Meath. He remarked that his uncle, Mike Geraghty, is Alaska's new Attorney General.

Mr. Gatewood expressed his appreciation for the COOP exercise and for the tour of the Public Works Facility. He remarked that the warm storage facility is a significant cost-saver for the City. **Mr. Gatewood** asked to be excused for the Regular City Council Meeting of March 5, 2012, due to a conflict with travel arrangements.

Mayor Cleworth called for objection regarding **Mr. Gatewood's** request to be excused on March 5, 2012 and, hearing none, so ORDERED.

Mr. Roberts stated that he may be absent at the next scheduled Council Meeting, but would do his best to make it. He spoke to the vote on Resolution No. 4511, stating his belief that the Council made the right decision. He expressed appreciation for all the work that was done to relocate the City Council Meeting and stated that the COOP exercise has been a good experience.

Mr. Roberts, seconded by **Mr. Matherly**, moved to go into Executive Session for the purpose of discussing IBEW Labor Negotiations.

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

Mayor Cleworth called for a five minute recess.

EXECUTIVE SESSION

Labor Contract Negotiations – IBEW

The City Council met in Executive Session to discuss IBEW Labor Contract negotiations. Direction was given to staff and no action was taken.

Mr. Matherly, seconded by **Mr. Hilling**, moved to APPROVE Ron Woolf's appointment as Chair of the Permanent Fund Review Board.

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

ADJOURNMENT

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

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

Mayor Cleworth declared the Meeting adjourned at 9:05 P.M.

JERRY CLEWORTH, MAYOR

ATTEST:

JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, FEBRUARY 27, 2012
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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

Council Members Present: Vivian Stiver, Seat A
Chad Roberts, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Lloyd Hilling, Seat E

Absent: John Eberhart, Seat F (excused)

Also Present: Clem Clooten, Building Official
Pat Cole, Chief of Staff
Warren Cummings, Fire Chief
Ernie Misewicz, Assistant Fire Chief
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Tony C. Shumate, Director Personnel/Purchasing/RM
Laren Zager, Police Chief

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

Tim Sovde, 402 Bonnifield Street, Fairbanks – Mr. Sovde spoke to the Borough Zoning Code in regards to the Sandstrom Appeal. He stated that the structures on the property are clearly temporary and can easily be moved. He spoke in support of granting the Sandstrom Appeal.

Mayor Cleworth stated that the Council cannot to hear testimony or arguments for or against the appeal.

Mr. Ewers agreed with Mayor Cleworth, stating that the Council would have to disregard Mr. Sovde's comments.

Karen Lane, 101 Dunkel Street, Fairbanks Convention and Visitor's Bureau (FCVB) – Ms. Lane provided a report on the Visitor's Services and Membership Department. She thanked Mayor Cleworth for speaking at the FCVB Interior Tours and Conference. She announced that the Visitor Industry Walk for Charity would be held on May 11, 2012. She mentioned other upcoming FCVB events, such as the March Luncheon and the Annual Banquet in April. She shared that she will be leaving the organization soon to begin her new job as the General Manager of the 2014 Arctic Winter Games. She introduced Charity Gadopee as FCVB's new Director of Visitor's Services and Membership.

Mr. Gatewood asked if there is a list of non-profit organizations that benefit from the Walk for Charity on the FCVB website.

Ms. Lane replied that the list will be posted soon.

Chris Eshleman, 776 8th Avenue, Fairbanks – Mr. Eshleman thanked the Mayor and City Council for their public service. He thanked the City's Police and Fire Departments for their quick response to the recent fire that burned his cabin in downtown Fairbanks.

Frank Turney, 201 7th Avenue, Fairbanks – Mr. Turney apologized for not bringing the Council a hemp granola bar. He thanked Mr. Hilling for "getting the ball rolling" on the hemp issue. He also thanked Borough Assembly Members Natalie Howard and Michael Dukes for their support. He stated that his next goal is to get support on the hemp issue from the City of North Pole and the Municipality of Anchorage. Mr. Turney spoke against the National Defense Authorization Act (NDAA), specifically sections 1021 and 1022. He stated that he is seeking support from the Borough Assembly to introduce a resolution urging the State of Alaska to oppose the NDAA. He spoke to possible State nullification of the bill. He quoted portions of a Resolution passed by the City of Northampton, Massachusetts to oppose the NDAA and to restore due process and rights to a trial by jury.

Diane Darnall, 2024 Jack Street, Fairbanks – Ms. Darnall, President of the Alaska International Senior Games, expressed gratefulness on behalf of her organization for being a recipient of the City's Bed Tax Discretionary Fund Grant dollars. She stated that, because of the grant funding, the organization was able to promote the Senior Games internationally, thus receiving the prestigious award for Excellence in Games Promotion from the National Senior Games Association.

David Lerman, 126 2nd Avenue, #15, Fairbanks – Mr. Lerman stated his intent to run for City Council in the 2012 Municipal Election. He spoke to the number of views he's received on his *Renovation Fairbanks* website, which he referred to as the "nucleus" of his campaign. He suggested an expansion of the City Council's domain by creating and using various task forces. He requested statistics from the Police Chief Zager to support the advantages of renovation.

APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Gatewood, seconded by **Mr. Roberts**, 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 21, 2011.

PASSED and APPROVED on the CONSENT AGENDA.

b) Regular Meeting Minutes of December 5, 2011.

PASSED and APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

a) The Fairbanks City Council convened as a Board of Adjustment in the matter of the below-stated administrative decision of the Fairbanks North Star Borough Planning Commission:

A request by Wayne Sandstrom regarding a Bed and Breakfast Residence.

***NOTE:** The board did not hear arguments nor take additional testimony on the Appeal. Only the material contained in the Appeal packet was considered.

Mr. Gatewood, seconded by **Mr. Roberts**, moved to GRANT the Sandstrom Appeal.

Mr. Hilling requested a description of what the Motion to Grant the Appeal entailed.

Mr. Ewers stated that the appeal stemmed from a denial by the FNSB Planning Commission for multiple sleeping cabins to be used in a two-family residential zoning district.

Mr. Matherly stated that there is a compelling argument on both sides of the appeal. He asked how the appeal process works.

Mr. Ewers replied that all zoning issues are handled by the FNSB. However, when an appeal occurs, the matter must go before a Board of Adjustment. He explained that the Board of adjustment is the City Council when the property lies within the City limits and is the Borough Assembly when the property falls outside of the City of Fairbanks.

Mr. Matherly asked what would happen if the Board of Adjustment granted the Sandstrom Appeal.

Mayor Cleworth replied that it would not go back to the Borough for decision, but would end with the Board of Adjustment's determination.

Mr. Gatewood asked if building permits were to be considered in the appeal.

Mr. Ewers replied that the issue of building permits should not be taken into account for the appeal.

Mr. Roberts explained his reasoning supporting a grant of the appeal. He stated that the code defines a bed and breakfast as the rental and use of rooms on a daily basis. He asked Mr. Ewers about the frequency in the use of the cabins.

Mr. Ewers replied that he cannot provide additional information to the appeal packet.

Mr. Hilling stated that zoning serves the residents of a community. He asked if the Sandstrom property has been or could be a harm to its surrounding neighbors.

Mr. Roberts informed Mr. Hilling that there is a complaint from a neighbor included on page 165 of the appeal packet.

Mr. Hilling asked if the complaints involved a nuisance aspect.

Mr. Roberts replied that the complaint stated there was excessive activity at the residence.

Ms. Stiver stated that most bed and breakfasts provide long-term rentals in the off-season. She stated that her understanding of a bed and breakfast would require the secondary structures to be connected to the primary structure by a covered walkway.

Mr. Gatewood stated that he would consider the accessory buildings no different than hotel rooms. He echoed Mr. Roberts' opinion that the Sandstrom property fits under the definition of a bed and breakfast.

Mr. Hilling solicited Mr. Ewers' legal opinion on the appeal.

Mr. Ewers replied that he, as the City Attorney, should not state his opinion on the appeal.

Mr. Hilling asked if the Board of Adjustment's decision should be based on the Borough Code as written, or on whether or not the Board feels the Borough Code is fair.

Mayor Cleworth stated that the decision of the Board must be based on the finding of facts and conclusions as they are presented in the packet. He quoted a portion of the Borough Code regarding principal buildings and indicated that it would be the Council's duty as the Board of Adjustment to determine whether or not the accessory structures are principal buildings. He pointed out that, since the appellant claims that the property is used as a bed and breakfast, the issue of back and current bed tax may come into play if the appeal was granted by the Board of Adjustment.

Mr. Ewers concurred with Mayor Cleworth's statement regarding bed tax.

Ms. Stiver stated that non-nightly rentals provided to a customer for more than a 30-day period are not required to pay bed tax and are not classified as a bed and breakfast.

Mr. Matherly stated that he is torn in his decision on the appeal. He indicated that the property appears to be a long-term stay, commercial property.

Mr. Roberts stated that the Borough Code allows for a 9-room bed and breakfast in that specific zoning area. He added that he believes the accessory structures should be classified as rooms, provided the property is being used as a bed and breakfast as Mr. Sandstrom claims. He stated if the structures are used on a long-term basis, they cannot be classified as a bed and breakfast, thus violating the Borough Code and are subject to City bed tax.

Ms. Stiver asked if the Board could consider the fact that Mr. Sandstrom has never paid bed tax.

Mayor Cleworth replied that, since that is a City issue and has not been included in the appeal packet, the matter should not be considered.

Mr. Hilling stated that in the absence of local government, communities sometimes make covenants that govern property use. He remarked that zoning is the government's way of setting those rules for property owners to abide by. He asked if Mr. Sandstrom uses the structures as long-term rentals throughout the winter, and if the Borough Code allows for a bed and breakfast to do so.

Mr. Roberts provided Mr. Hilling with the Borough's definition of a bed and breakfast: "a facility with five to nine guest rooms where lodging with or without meals is provided for compensation to transient guests on a day-to-day basis." He then quoted the Borough Code's definition of a bedroom: "a room marketed and/or designated to function primarily for sleeping by humans."

Mr. Matherly quoted the Borough Code's definition of a principal building as "a building in which is conducted the principal use of the lot on which it is located." He further cited the Code, which stated that "not more than one principal building may be located on a lot." He asked if there is a room in the primary building that is used for the bed and breakfast or if only the detached structures are used as the bed and breakfast. He argued that the eight structures are principal buildings and only one is allowed according to Code.

Mr. Roberts spoke to the definition of a principal building. He commented that Mr. Sandstrom's argument is that the accessory structures are not permanent.

Mr. Gatewood referenced the photos in the packet. He stated that the structures' classification is a matter of interpretation and that is what needs to be determined.

Mr. Hilling asked if it would be possible to postpone the appeal until more investigation can be done. He asked if the Board of adjustment was at liberty to look further into the Borough Code.

Mayor Cleworth stated that a decision could not be postponed for the purpose of gathering new information.

Mr. Ewers stated that all of the definitions, code, and information pertinent to the appeal is included in the packet. He clarified that, in preparation for the appeal, it was permissible for Mr. Hilling to have looked further into the Borough Code.

Mr. Hilling again recommended postponing the appeal for the purpose of becoming more informed and prepared to make a decision.

Mayor Cleworth commented that all pertinent information has been presented. He added that postponing would be the Council's decision.

Mr. Hilling moved to POSTPONE the Sandstrom Appeal to the Regular Meeting of March 5, 2012, under the condition that no new information be considered.

Mayor Cleworth declared the MOTION FAILED for lack of a second.

Mayor Cleworth indicated that granting the appeal could be risky, given the Borough definitions of a principal building and a bed and breakfast.

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

YEAS: Gatewood, Stiver, Roberts

NAYS: Hilling, Matherly, Cleworth

Mayor Cleworth declared the MOTION FAILED and the APPEAL DENIED.

Mr. Ewers informed the Council that there will be a draft version of the Finding of Facts and Conclusion of Law on the Sandstrom Appeal for consideration at the next Regular City Council Meeting.

- b) Vacation of Public Right-of-Way (VA 006-12 Wilbur Street) – Request by 3-Tier Alaska on Behalf of Fairbanks Montessori Association, Inc., to Vacate the Westerly 50-foot Wide Portion of Wilbur Street Adjacent to the Eastern Boundary of Lot 1, Tract H, ASLS 80-64, and Add the 0.37 Acre Vacated Area to Create One New Lot of 1.37 Acres, Within Sec 15, T1S R1W, FM (located on 30th Avenue and Wilbur Street).

Mayor Cleworth explained that by taking no action, the Council would be agreeing with the Vacation. If there was an objection to the Vacation, the City would enter a protest.

No formal action was taken.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth shared that Doug Buchanan had passed away and offered his sentiments for the loss of a great Alaskan. He spoke to the census report out of Juneau, stating that the decrease in the Fairbanks population will translate to an estimated \$81,000 loss in revenue sharing for 2012. **Mayor Cleworth** stated that he had met with General Schwartz to discuss the plan to

transfer the F-16's from Eielson Air Force Base to Elmendorf Air Force Base and the impact it would have on the Fairbanks community. He praised City Engineer, Jerry Colp, on his recent award as Engineer of the Year and his work in the conversion of City street lights to LED's. He mentioned a letter from Chris Eshleman thanking the Fairbanks Fire Department for their response to the fire at his downtown residence.

UNFINISHED BUSINESS

- a) Ordinance No. 5875 – An Ordinance Amending Chapter 86 Vehicles for Hire Chauffer Requirements. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Mr. Hilling**, moved to ADOPT Ordinance No. 5875.

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

Mr. Roberts asked the reasoning behind the elimination of the defensive driving certification that had been put into place less than a year ago.

Ms. Hovenden explained that the requirement only applied to those who had already been a chauffeur for two years. She added that the defensive driving classes primarily benefit the cab companies by lowering their insurance rates and is an added expense to applicants. She indicated that the certificate requirement also causes unnecessary delays for licensing.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5875, AS FOLLOWS:

YEAS: Matherly, Hilling, Roberts, Stiver, Gatewood

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5875 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4513 – A Resolution Amending the City Schedule of Fees and Charges for Services, Adjusting Costs to Conduct Criminal History Checks for Chauffeur Applicants. Introduced by Mayor Cleworth.

Mr. Gatewood, seconded by **Ms. Stiver**, moved to APPROVE Resolution No. 4513.

Mr. Roberts asked if the purpose of Resolution No. 4513 was only to bring the fee schedule into compliance with Ordinance No. 5875.

Mayor Cleworth confirmed that Mr. Roberts was correct. He stated that, although the fees to obtain a Chauffeur License are being increased, there will be a net savings and less hassle for

applicants. He commended the City Clerk for her work and research in simplifying the Code regarding Chauffeurs.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4513, AS FOLLOWS:

YEAS: Roberts, Matherly, Gatewood, Hilling, Stiver

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Resolution No. 4513 APPROVED.

- b) Resolution No. 4514 – A Resolution Urging the Alaska Legislature to Refrain from Enacting any Legislation that Would Increase the State’s Pension Liability. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- c) Ordinance No. 5876 – An Ordinance to Amend Chapter 14, 46, and 78, to Repeal, Amend, and Clarify Certain Offenses. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- d) Ordinance No. 5877 – An Ordinance Authorizing a Land Exchange Between the Greater Fairbanks Community Hospital Foundation and the City of Fairbanks to Facilitate Vacation of 11th Avenue and to Provide Parking Adjacent to Fire Station Headquarters. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

- a) Committee Reports

Fairbanks Convention and Visitors Bureau Board of Directors – Mr. Hilling gave a brief summary of the 2011 auditor’s report for FCVB.

FMATS Policy Committee – Mr. Roberts stated that the February 15, 2012 meeting was lengthy, stretching over a span of two days. He spoke to the work being done in planning the artwork for the section of land between the Cushman Street Bridge and the Barnette Street Bridge. He stated that more funding was given to the LED street light conversion project due to some grounding issues. He spoke briefly to the proposed Bentley/Helmericks roundabout upgrades.

Mayor Cleworth spoke to the confusion of the public on the Bentley roundabout project and mentioned that it may be a good idea to have a presentation from Mike Schmetzer to clarify the construction plans for the area.

- b) Fairbanks North Star Borough Dispatch Contracts

Mr. Roberts asked if any of the modifications to the contract would affect the Borough.

Pat Cole stated that a copy of the proposed contract was sent to the Borough, but their response has not yet been received. He indicated that the item of biggest concern to the Borough was the retention length of electronic records.

Mr. Gatewood apologized for missing the discussion of the contract at the last Finance Committee Meeting. He asked if the fee structure with various entities had been settled.

Pat Cole replied that the fees have been agreed upon with the Borough.

Mayor Cleworth stated that, upon studying the cost of providing dispatch services to outside entities, most are a bigger expense than what the City is currently collecting. He added that the Borough was the exception, being the only one who's fees were in line with actual cost. **Mayor Cleworth** stated that unless the Council had changes to the proposed contract with the Borough, the City would proceed.

No changes or objections were requested.

COMMUNICATIONS TO COUNCIL

- a) Permanent Fund Review Board Meeting Minutes of November 2, 2011.

ACCEPTED on the CONSENT AGENDA.

- b) Chena Riverfront Commission Meeting Minutes of December 5, 2011.

ACCEPTED on the CONSENT AGENDA.

- c) Chena Riverfront Commission Meeting Minutes of December 15, 2011.

ACCEPTED on the CONSENT AGENDA.

- d) Public Safety Commission Meeting Minutes of January 10, 2012.

ACCEPTED on the CONSENT AGENDA.

- e) Reappointment to the Permanent Fund Review Board.

APPROVED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Ms. Stiver thanked Chris Eshleman for publicly recognizing the Fairbanks Fire and Police Departments for their service. She stated that she will be heading back to Juneau before the next

meeting and will attend Council Meetings telephonically until her return to Fairbanks in mid-April.

Mr. Roberts asked what could be done to put infrastructure in place for the possibility of getting gas in Fairbanks. He stated that with the long, cold winter and the high cost of heating oil, Fairbanks residents need relief.

Mayor Cleworth stated that the Borough had funding to do a study on the estimated costs of getting a distribution system in Fairbanks and that he could provide Mr. Roberts with a copy of the preliminary report. He commented that without a distribution network, gas wouldn't do much good in Fairbanks. He announced that a resolution was sent to Juneau by the Chamber of Commerce to fund the preliminary work for a distribution system. He spoke to the large amount of groundwork, such as environmental impact and right-of-way issues, that would have to be dealt with in order for the project to begin.

Mr. Gatewood expressed appreciation for the opportunity to represent the City in Juneau by meeting with the Interior Delegation in reference to the City's 2012 legislative priorities. He stated that he was well-received by the legislators and is hopeful that the City will be successful. He spoke to his attendance as the City Representative at the last Borough Assembly meeting and the highlighted the key topics that were discussed.

Mayor Cleworth thanked Mr. Gatewood for his representation in Juneau on the City's behalf.

Mr. Matherly also thanked Mr. Gatewood for his attendance at the Interior Delegation in Juneau. He spoke to the upcoming tourist season and expressed hope that numbers would increase. He commented on the high cost of heating oil and how it could negatively affect the Fairbanks population and spoke in support of getting gas to Fairbanks. He spoke to the recent Alaska Air Carriers event honoring prominent individuals in the history of aviation.

Mr. Hilling spoke to his appreciation of public testimony. He commented on the discussion surrounding the Sandstrom Appeal and justified his vote to deny the appeal. He stated that he had looked at Mr. Lerman's website, *Renovation Fairbanks*, and acknowledged Mr. Lerman's persistence on various issues. He stated that he would try to read the City's mission statement at the next Regular Meeting. **Mr. Hilling** indicated that he will be able to attend Borough Assembly meetings on behalf of the City during the summer months.

Mayor Cleworth asked Mr. Ewers if the Council was free to discuss the decision on the Sandstrom Appeal.

Mr. Ewers replied affirmatively.

Mayor Cleworth discussed the reasoning behind the denial of the appeal. He explained that, during construction of the cabins, the appellant was issued several Stop-work Orders by the City of Fairbanks and all were disregarded. He stated that the City code requires all dwellings to be hooked up to utilities and those requirements were flagrantly ignored by the property owner. He stated that it was difficult to separate the City's issues from the Borough's, that he respects each Council Member's vote on the appeal.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to go into Executive Session for the purpose of discussing IBEW and Firefighter Labor Contract Negotiations.

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

Mayor Cleworth called for a five minute recess.

EXECUTIVE SESSION

Labor Contract Negotiations – IBEW and FFA

The City Council met in Executive Session to discuss IBEW and FFA Labor Contract Negotiations. Direction was given to staff and no action was taken.

ADJOURNMENT

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

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

Mayor Cleworth declared the Meeting adjourned at 10:05 P.M.

JERRY CLEWORTH, MAYOR

ATTEST:

JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, MARCH 5, 2012
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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

Council Members Present: Chad Roberts, Seat B
Jim Matherly, Seat D
Lloyd Hilling, Seat E
John Eberhart, Seat F

Absent: Vivian Stiver, Seat A
Bernard Gatewood, Seat C (Excused)

Also Present: Pat Cole, Chief of Staff
Warren Cummings, Fire Chief
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Michael J. Schmetzer, City Engineer
Tony C. Shumate, Director Personnel/Purchasing/RM
Laren Zager, Police Chief

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

David van den Berg, 332 Slater Drive, Fairbanks – Mr. van den Berg spoke in favor of Hand-carried Resolution No. 4516 and thanked the Mayor and Council for their willingness to address the energy crisis issue.

David Lerman, 126 2nd Avenue, #15, Fairbanks – Mr. Lerman stated that he will run for City Council in the 2012 Municipal Election. He defined the “nucleus” of his campaign as his *Renovation Fairbanks* website. Mr. Lerman spoke to the establishment of various task forces in the City of Fairbanks. He suggested that these task forces would benefit the City by reducing crime and raising property values and would benefit the public by soliciting participation and encouraging input. He spoke in favor of waiving building permit fees for property owners who are willing to renovate their dilapidated properties, stating that the fees would be recovered by the City in the increase of property taxes and decrease in police calls.

APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Hilling, seconded by **Mr. Roberts**, moved to ADD Hand-carried Resolution No. 4516 to the Agenda, under New Business.

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

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE AGENDA AND CONSENT AGENDA, AS AMENDED, AS FOLLOWS:

YEAS: Hilling, Eberhart, Roberts, Matherly

NAYS: None

ABSENT: Gatewood (excused), Stiver

Mayor Cleworth declared the MOTION CARRIED.

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

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: Matthew Robert Hayes

Mr. Roberts moved to WAIVE Protest on the Chauffeur Appeal.

Mayor Cleworth declared the MOTION FAILED for lack of a second.

- b) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the below-referenced Application for a New Liquor License and Restaurant Designation Permit.

New License:

License Type: Beverage Dispensary – Duplicate License

D.B.A.: **Lavelle's Annex, #5125**

Licensee/Applicant: Café de Paris Catering Co.

Physical Location: 519 1st Avenue, Fairbanks

Mr. Matherly, seconded by **Mr. Hilling**, moved to WAIVE Protest on the New Liquor License and Restaurant Designation Permit.

Franklin Eagle, 912 Gillam Way, Fairbanks – Mr. Eagle, owner of Lavelle’s Bistro, stated that he would be happy to answer any questions concerning the application for a new license. He explained that the New Horizons Gallery downtown in the Lathrop Building has been vacant for a few years and there is a lot of potential for the vacant space. He stated that the first step in the process to establish a catering business from the new location is to obtain the duplicate license. He added that there are no definitive plans to renovate the space at this time. Mr. Eagle spoke to the challenges of successfully obtaining a duplicate Liquor License for two unattached properties. He stated that if the duplicate License does not go through, he could transfer his current Lavelle’s Liquor License to the new location and apply for a new license for Lavelle’s Bistro.

Mr. Hilling asked for clarification on the location of the new catering business.

Mr. Eagle replied that the Lathrop Building is just down the street, contiguous to the Marriott Hotel parking lot.

Mr. Eberhart asked for more information on the business plan for the proposed space.

Mr. Eagle replied that there is not adequate space in his bar/restaurant to meet the high demand for catering services. He stated that the new space would likely be used primarily as a private catering facility, but may also be used for storage and office space.

Mr. Matherly asked what the square footage of the new location is.

Mr. Eagle stated that it is 6,000 square feet on one floor. He spoke to the benefits of creating more activity in Downtown Fairbanks.

David Lerman – Mr. Lerman stated that he has frequented Lavelle’s Bistro since his move to the City of Fairbanks. He spoke highly of the food and service at the restaurant and bar, but voiced his concern with too many liquor establishments in the downtown area.

David van den Berg – Mr. van den Berg disclosed that Mr. Eagle is a member of the Board of Directors for the Downtown Association. He spoke in support of the proposed catering business and duplicate liquor license.

Mayor Cleworth stated that two City departments have entered a protest for the new license due to the condition of the space. He explained that the Fire and Building Departments will not have the opportunity to inspect the location until renovation is complete. He suggested that the Council move to waive protest contingent upon successful completion of inspection by the City’s Fire and Building Departments.

Mr. Roberts asked if building and fire code standards differ between private businesses and businesses open to the public.

Mayor Cleworth clarified that the proposed catering operation would house events, thus qualifying as a business open to the public.

Mr. Matherly, with concurrence of the second, moved to WITHDRAW the motion to WAIVE Protest on the New Liquor License and Restaurant Designation Permit.

Mr. Matherly, seconded by **Mr. Roberts**, moved to PROTEST the New Liquor License and Restaurant Designation Permit contingent upon final inspection by the City Building and Fire Departments.

Mr. Roberts asked Ms. Hovenden if the protest would slow the progress of Mr. Eagle's business plan.

Ms. Hovenden replied that the only hurdle standing in the way of the Council's approval of the license is a Certificate of Occupancy or approval from the City to open for business. She stated that the ABC Board will likely allow Mr. Eagle to proceed with the application for the license in the interim.

Mayor Cleworth spoke in favor of the development of the Lathrop Building and wished Mr. Eagle the best of luck.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE NEW LIQUOR LICENSE AND RESTAURANT DESIGNATION PERMIT CONTINGENT UPON FINAL INSPECTION BY THE CITY BUILDING AND FIRE DEPARTMENTS, AS FOLLOWS:

YEAS: Roberts, Matherly, Hilling, Eberhart

NAYS: None

ABSENT: Gatewood (excused), Stiver

Mayor Cleworth declared the MOTION CARRIED.

- c) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the below-referenced Liquor License Application for Transfer and Restaurant Designation Permit.

Transfer of Ownership:

Type: Restaurant Eating Place
License: **Alaska Salmon Bake, #1639**
Licensee/Applicant: Malemute, Inc.
Physical Location: 2300 Airport Way, Fairbanks

Current DBA: Alaska Salmon Bake
Licensee: Inter Sea, Inc.
Location: 2300 Airport Way, Fairbanks

Mr. Matherly, seconded by **Mr. Hilling**, moved to WAIVE Protest on the Liquor License Transfer and Restaurant Designation Permit.

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

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

YEAS: Matherly, Hilling, Eberhart, Roberts
NAYS: None
ABSENT: Gatewood (excused), Stiver
Mayor Cleworth declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth announced that Stephanie Johnson, City Dispatch Director, has been selected as Association of Public Safety Communications 9-1-1 Professional of the Year. He offered his congratulations to Ms. Johnson. He stated that the IBEW bargaining unit had accepted the City's offer and an ordinance would be coming forward at the next Regular Meeting to ratify the terms of the agreement. **Mayor Cleworth** explained that Resolution No. 4516 had been hand-carried due to the time sensitivity of the issue of gas distribution. He spoke briefly to the planning of the Helmericks/Bentley Upgrade Project and asked Mike Schmetzer to come forward and provide the Council with an update.

Mr. Schmetzer referenced an aerial map of the Bentley/Helmericks area. He explained the basic construction design and the locations of the proposed roundabouts. He stated that 8-foot wide sidewalks will be constructed on the north side of Helmericks Avenue and Bentley Trust Road and 4-foot wide bike paths/shoulders will be built on both sides of each road. Mr. Schmetzer informed the Council that a traffic light is under consideration for the intersection at Bentley Trust Road and the Old Steese Highway. He explained the design and construction plan of the roundabouts in greater detail. He stated that the estimate for the project is roughly \$7.8 million dollars.

Mr. Roberts commented on the bypass lanes.

Mr. Schmetzer stated that the bypass lanes will greatly improve traffic flow due to the high volume of traffic in the area.

Mr. Hilling asked Mr. Schmetzer if it was ever in the construction plan to build a roundabout at the intersection of Helmericks Avenue and the Old Steese Highway.

Mr. Schmetzer replied that a roundabout is recommended for that intersection but is not included in the Bentley/Helmericks Project. He added that the State of Alaska and the City of Fairbanks have agreed to commit to improvements to the Old Steese/Helmericks intersection upon completion of the Bentley/Helmericks Project.

Mr. Hilling asked Mr. Schmetzer how confident he is in the plan to replace the Old Steese/Helmericks intersection with a roundabout.

Mr. Schmetzer clarified that the new roundabouts are large enough to accommodate the largest commercial vehicles on the roadways.

Mayor Cleworth commented that he has always felt hesitant about placing roundabouts in the City unless they have a good footprint. He stated that there is enough land space at all of the proposed sites to build sufficient roundabouts.

Mr. Schmetzer stated that Eric Grant, the City's Operator Foreman, formerly maintained the roundabout at the University of Alaska, Fairbanks. He assured the Council that all maintenance for the new construction would be done at night when there is little traffic flow.

Mayor Cleworth stated that the Bentley/Helmericks Project Plans would be submitted to the Borough Planning Commission and the State DOT within the next few days.

Mr. Roberts thanked Mr. Schmetzer and the City's Engineering Department for their swift and thorough work on the project plan.

Mayor Cleworth welcomed the homeschool students in attendance.

UNFINISHED BUSINESS

- a) Ordinance No. 5876 – An Ordinance to Amend Chapter 14, 46, and 78, to Repeal, Amend, and Clarify Certain Offenses. Introduced by Mayor Cleworth. **SECOND READING AND PUBLIC HEARING.**

Mr. Matherly, seconded by **Mr. Roberts**, moved to ADOPT Ordinance No. 5876.

David Lerman – Mr. Lerman spoke in support of enhancing regulations on “disturbing the peace.”

Mr. Hilling asked for the reasoning behind the removal of “Urinating in Public” as an offense.

Mr. Ewers explained that the offense had been stricken under the “Penalties” provision, but is still included under Section 46-257, “Urinating in Public.”

Mayor Cleworth explained that, up until now, the only punishment for urinating in public was to arrest the individual or issue a court summons. He stated that the change to the Code would give officers the option to issue a citation.

Mr. Eberhart stated that there had been some discussion at a recent Public Safety Commission (PSC) Meeting about changing the hours governing “disturbing the peace” from 11:00 p.m. to 7:00 a.m. to 10:00 p.m. to 7:00 a.m. He remarked that he was absent from the meeting and asked Mayor Cleworth if the PSC had made a recommendation on the issue.

Mayor Cleworth stated that much of the upcoming road construction in the City will be done at night due to traffic congestion. He clarified that the hours of 11:00 p.m. to 7:00 a.m. are already set forth in the existing Code and the PSC did not make a formal motion to amend it.

Mr. Eberhart asked the reasoning behind striking “motorcycle, snow machine” in Section 46-42(a)(3). He asked if there was already State law governing modified mufflers on vehicles of various types.

Mayor Cleworth replied that the section was dated and had never been enforced. In response to Mr. Eberhart’s second question, **Mayor Cleworth** stated that the City’s Code contains tools to address excessive noise. He asked Chief Zager to come forward to further answer Mr. Eberhart’s question.

Chief Zager explained that some offenses could be cited under “disorderly conduct” depending on the nature of the situation. He stated that his intention was to see how the changes made by Ordinance No. 5876 played out, then tweak the Code as necessary. In response to Mr. Eberhart’s question regarding modified mufflers, Chief Zager stated that he was unsure if the City had an ordinance specifically addressing the issue. He informed the Council that the primary author of Ordinance No. 5876 was Lieutenant Eric Jewkes.

Mr. Roberts expressed concern with taking the section addressing snow machines and motorcycles out due to the individuals who abuse riding in residential areas.

Mayor Cleworth acknowledged Mr. Roberts’ concern, but stated that keeping and enforcing that section of Code would prohibit someone from riding a motorcycle down Airport Way after 11:00 p.m.

Mr. Roberts argued that riding a motorcycle down Airport Way is different than doing so in a residential neighborhood. He stated that he would not like to see the language removed.

Mr. Eberhart respectfully disagreed with Mayor Cleworth’s interpretation of the Code. He agreed with Mr. Roberts’ comments on the matter, stating that simply riding a motorcycle is much different than abusing the right to ride by disturbing the peace in a residential area.

Mr. Eberhart, seconded by **Mr. Roberts**, moved to AMEND Ordinance No. 5876 by including the language, “motorcycle, snow machine” previously stricken in Section 46-42(a)(3).

Mayor Cleworth asked Mr. Ewers if Sections 46-42(c)(1), (2) addressing “loud sound” would allow for the City to take action in such events as described by Mr. Eberhart and Mr. Roberts.

Mr. Ewers commented that the current Code specifies that driving a motorcycle or snow machine in the City is only an offense if the offender had been previously informed that such operation was disturbing the peace. He stated that the offense could also fall under the regulations outlined in Sections 46-42(a)(1), (2) as long as the disturbance had been brought to the attention of the offender previously.

Mr. Hilling concurred with Mr. Roberts’ and Mr. Eberhart’s position on the issue.

Mr. Eberhart commented that citizens should not be expected to be put in the position of issuing warnings to offenders. He expressed his opinion that there would be no benefit to removing the language, “motorcycle, snow machine.”

Mr. Hilling asked Chief Zager to address the issue.

Chief Zager indicated that FPD is willing to issue a warning to offenders once they are alerted of a disturbance. He stated that noise level is a highly debatable issue and he acknowledged the concern of the Council. He informed Mr. Hilling that issues of this nature are typically handled by first issuing a warning.

Mr. Hilling spoke in favor of the amendment to Ordinance No. 5876.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO AMEND ORDINANCE NO. 5876, AS FOLLOWS:

YEAS: Eberhart, Hilling, Matherly, Roberts
NAYS: None
ABSENT: Gatewood (excused), Stiver
Mayor Cleworth declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO ADOPT ORDINANCE NO. 5876, AS AMENDED, AS FOLLOWS:

YEAS: Hilling, Eberhart, Roberts, Matherly
NAYS: None
ABSENT: Gatewood (excused), Stiver
Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5876, as Amended, ADOPTED.

- b) Ordinance No. 5877 – An Ordinance Authorizing a Land Exchange Between the Greater Fairbanks Community Hospital Foundation and the City of Fairbanks to Facilitate Vacation of 11th Avenue and to Provide Parking Adjacent to Fire Station Headquarters. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Eberhart, seconded by **Mr. Roberts**, moved to ADOPT Ordinance No. 5877.

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. 5877, AS FOLLOWS:

YEAS: Roberts, Eberhart, Matherly, Hilling
NAYS: None
ABSENT: Gatewood (excused), Stiver

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5877 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4515 – A Resolution Amending the Schedule of Fees and Charges for Services by Adjusting Refuse Collection Rates and Tow Fees. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Ordinance No. 5878 – An Ordinance to Amend Chapter 2, Article III, Division 8, Landscape Review and Beautification Commission and FGC Sections 10-436, 438, 439, and 441 of the Fairbanks Landscape Ordinance. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- c) Resolution No. 4516 – A Resolution Supporting House Bill 289 and Senate Bill 153 to Extend Tax Credits for the Costs of Construction of Natural Gas Storage Facilities in Interior Alaska. HANDCARRIED. Introduced by Mayor Cleworth.

Mr. Matherly, seconded by **Mr. Hilling**, moved to APPROVE Resolution No. 4516.

Mr. Roberts thanked Mayor Cleworth for introducing Resolution No. 4516, Representative Steve Thompson for his work on House Bill 289, and Representatives Thomas and Coghill for their work on Senate Bill 153. He spoke in support of bringing gas to Fairbanks.

Mr. Hilling spoke in support of the House and Senate Bills and Resolution No. 4516.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4516, AS FOLLOWS:

YEAS: Matherly, Hilling, Roberts, Eberhart

NAYS: None

ABSENT: Gatewood (excused), Stiver

Mayor Cleworth declared the MOTION CARRIED and Resolution No. 4516 APPROVED.

DISCUSSION ITEMS

Committee Reports

Public Safety Commission – Mr. Eberhart gave a brief report of the February 14, 2012 committee meeting. He announced that there would be a Work Session on March 19, 2012 to discuss the future role, if any, of the PSC.

COMMUNICATIONS TO COUNCIL

- a) Proposed Findings and Conclusions – Board of Adjustment Appeal

Mr. Roberts, seconded by **Mr. Eberhart**, moved to APPROVE the Proposed Findings and Conclusions on the Board of Adjustment Appeal of Wayne Sandstrom.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE PROPOSED FINDINGS AND CONCLUSIONS, AS FOLLOWS:

YEAS: Roberts, Matherly, Hilling, Eberhart
NAYS: None
ABSENT: Gatewood (excused), Stiver
Mayor Cleworth declared the MOTION CARRIED.

- b) Appointment to the Board of Plumber Examiners

PASSED and APPROVED on the CONSENT AGENDA

COUNCIL MEMBERS' COMMENTS

Mr. Roberts praised the City Engineering Department for their work in the plan to reconstruct roads and intersections in the Bentley Trust area.

Mr. Eberhart expressed his appreciation for the financial stability of the City of Fairbanks. He congratulated Jerry Colp for his award as Engineer of the Year. He announced the next PSC meeting will be March 13, 2012. He encouraged the public to visit the 2012 Ice Park at their new location.

Mr. Hilling apologized to Mr. Hayes that he was not presented an opportunity to speak on behalf of the denial of his Chauffeur License. He spoke to the City's mission statement and requested that it be posted on the home page of the City of Fairbanks website.

Mr. Matherly greeted the homeschoolers in attendance. He expressed appreciation for members of the public who regularly attend Council meetings and offer their input. He spoke to Mr. Lerman's consistent testimony and indicated that many of the requests made by Mr. Lerman can be accomplished without delegating a task force. He commented that waiving building permit fees to promote renovation would not be a good idea because defining and limiting which properties are eligible would be difficult. He commended Mr. Lerman for his desire to make Fairbanks a better place to live.

Mr. Eberhart, seconded by **Mr. Hilling**, moved to go into Executive Session for the purpose of discussing FFA Labor Negotiations.

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

Mayor Cleworth called for a five minute recess.

EXECUTIVE SESSION

Labor Contract Negotiations – FFA Labor Negotiations

The City Council met in Executive Session to discuss FFA Labor Negotiations. Direction was given to staff and no action was taken.

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 9:15 P.M.

JERRY CLEWORTH, MAYOR

ATTEST:

JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS

Introduced by: Mayor Cleworth
Introduced: March 19, 2012

ORDINANCE NO. 5879

**AN ORDINANCE RATIFYING AN AMENDMENT TO THE CURRENT
LABOR AGREEMENT BETWEEN THE CITY OF FAIRBANKS AND THE
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS**

WHEREAS, the current Collective Bargaining Agreement ("CBA") between the City and the International Brotherhood Of Electrical Workers ("IBEW") contained provisions that allowed for renegotiation regarding wages and benefits for 2012; and

WHEREAS, tentative agreement has been reached on an amendment to the CBA which incorporates the labor goals of the City Council, is consistent with the terms of other recently adopted labor contracts, and has been approved by the membership of the bargaining unit.

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

Section 1. That the attached amendment to the 2011 collective bargaining agreement is hereby ratified effective retroactively to February 16, 2012.

Section 2. That the effective date of this ordinance shall be the ____ day of _____ 2012.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

City Of Fairbanks

March __, 2012



**City of Fairbanks & IBEW
Tentative Agreement, 2012 Wage Re-opener**

WHEREAS, section 26.1 of the Collective Bargaining Agreement (“CBA”) between the parties provides that the parties will reopen negotiations on economic issues in October of 2011; and

WHEREAS, the parties to this agreement mutually desire to amend the CBA to resolve economic issues for 2012 and 2013.

Now, therefore, subject to ratification, the parties tentatively agree to amend CBA section 26.1 as follows (new text in **bold underlined font**; deleted text in ~~strikeout font~~):

26.1 Term of Agreement **& Provisions Regarding Wage Re-openers.**

~~Except for re-openers for economics and Section 10.1(e),~~ This agreement shall be effective from January 1, 2011 through December 31, 2013. Any provision within this Agreement which has a retroactive effect shall only apply to those employees covered by this Agreement and actually employed by the City on the date that this Agreement is approved and signed by both the City and the Union. This Agreement may only be amended in the form of Letters of Understanding, executed upon the mutual agreement of both parties.

- A. **The 2011 package rate for each covered classification will be increased by 2.5% on February 16, 2012 (the first day of the fourth payroll period in 2012).**
- B. **The 2012 package rate for each covered classification will be increased by 2.5% on February 1, 2013 (the first day of the 3rd payroll period in 2013. The parties agree to further negotiation of economics if the Anchorage annual CPI exceeds 2.5%, negotiations to commence within 30 days of the announcement in 2013.**
- C. **The Union agrees to allocate sufficient funds from the package rate to comply with the requirements of law regarding minimum and maximum health care funding.**
- D. **During the life of this agreement, the Union will allocate sufficient funds from the package rate to comply with the terms of the Pension Protection Act of 2006, as may be amended, and agrees that the City will not be required to increase compensation beyond the increases provided in sub-sections (A) and (B).**

Ratified by the City Council on _____ by passage of Ordinance _____. Ratified by the Union membership on _____.

SIGNED FOR THE IBEW
LOCAL 1547 :

SIGNED FOR THE CITY OF
FAIRBANKS:

Business Representative
Date:

Jerry Cleworth
Mayor, City of Fairbanks
Date:

Date: _____

Patrick B. Cole
Chief of Staff
Date: _____

Date: _____

Antonio Shumate
Human Resources Director
Date: _____

ORDINANCE NO. 5880

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE SECTION
1-15 BY ADDING A CORRECTIONAL FACILITY SURCHARGE**

WHEREAS, the City currently pays the cost of incarceration for persons arrested for violation of the City code; and

WHEREAS, it is the intent of the City Council to recover these charges from the responsible party rather than the taxpayers,

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

SECTION 1. That Fairbanks General Code Section 1-15 is amended by adding subsection (e) as follows:

Sec. 1-15. General Penalty; maximum; application to amendments; exceptions.

* * * * *

(e) In addition to any fine or other penalty prescribed by this code, a defendant convicted of a crime under any city ordinance shall pay a correctional facility surcharge of \$140.00 if, in connection with the crime, the defendant (1) was arrested and taken to a correctional facility or (2) is sentenced to serve a term of imprisonment. The court shall impose a single surcharge on a defendant being sentenced for one or more crimes in a single judgment.

Section 2. That the effective date of this Ordinance shall be the ____ day of _____ 2012.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, City Clerk

Paul Ewers, City Attorney

RESOLUTION NO. 4517

**A RESOLUTION AUTHORIZING THE CITY MAYOR TO APPLY FOR AND
ACCEPT A FFY2013 PRESERVATION ASSISTANCE GRANT FOR SMALLER
INSTITUTIONS FROM THE NATIONAL ENDOWMENT FOR THE HUMANITIES**

WHEREAS, the National Endowment for the Humanities is accepting applications for the Preservation Assistance Grants for Smaller Institutions to improve the ability to preserve and care for humanities collections; and

WHEREAS, the City's historical records are a unique informational resource and an important link to the past that provides public access to the history of the City, and without proper care, these irreplaceable records could be lost due to the ravages of time, usage, temperature fluctuations and imperfect storage conditions; and

WHEREAS, the City was awarded a grant to assess the conditions affecting the care and preservation of City documents, and the assessment recommended increasing staff expertise in archives/records management and preservation through additional training; and

WHEREAS, the City of Fairbanks plans to request \$6,000 for training, and a match is not required;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, that the Mayor is hereby to execute documents required for requesting and accepting funds on behalf of the City of Fairbanks.

BE IT FURTHER RESOLVED that the Mayor is also authorized to execute subsequent amendments to the grant request to provide for adjustments to the project within the scope of services or tasks, based upon the needs of the project.

PASSED and APPROVED this _____ Day of April 2012.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney

Introduced By: Mayor Jerry Cleworth
Finance Committee Review: April 3, 2012
Introduced: April 9, 2012

RESOLUTION NO. 4518

**A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO
ACCEPT A FFY2011 COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) FOR A HOMELESS SHELTER**

WHEREAS, a required public hearing was held by the City of Fairbanks on October 25, 2011, for the proposed use of CDBG funds; and

WHEREAS, community members identified an emergency homeless shelter for youth as a priority; and

WHEREAS, the City of Fairbanks applied for a grant and has been awarded \$720,000 from the Alaska Department of Commerce, Community, and Economic Development, under the CDBG program on behalf of Clearwater Ministries, a non-profit organization, for the renovation of their facility to provide emergency shelter for homeless youth; and

WHEREAS, Clearwater Ministries understands that the grant requires a match of \$240,000 and is responsible for providing the match; and

WHEREAS, Clearwater Ministries understands that the building must serve as a homeless youth shelter for at least five years or CDBG funds must be returned; in the event Clearwater Ministries was unable to make the payment(s), the City would face potential liability; and

WHEREAS, Clearwater Ministries has signed a Memorandum of Understanding to limit the City's liability for grant repayment in the event of any default of grant requirements; and

WHEREAS, Fairbanks Rescue Mission has signed a letter of guarantee that the building will be used for purposes in accord with the terms of the grant if Clearwater Ministries defaults on grant performance standards;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor is hereby authorized to execute any and all documents required for accepting and managing funds from this grant on behalf of Clearwater Ministries.

BE IT FURTHER RESOLVED that the Mayor is also authorized to execute subsequent amendments to the grant agreement to provide for adjustments to the project within the scope of services or tasks, based upon the needs of the project.

PASSED and APPROVED this _____ Day of April 2012.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney

**MEMORANDUM OF UNDERSTANDING
BETWEEN
CITY OF FAIRBANKS
AND
CLEARWATER MINISTRIES, INC**

WHEREAS, the City of Fairbanks is eligible to accept a grant in the amount of \$720,000 from the Alaska Department of Commerce, Community, and Economic Development, under the CDBG program on behalf of Clearwater Ministries, a non-profit organization, for the renovation of its facility so as to provide emergency shelter for homeless youth; and

WHEREAS, Clearwater Ministries agrees to cooperate in the implementation of the submitted CDBG project as approved by the Alaska Department of Commerce, Community, and Economic Development; and

WHEREAS, Clearwater Ministries understands that the City of Fairbanks will have the ultimate responsibility to assume all obligations under the terms of the grant including assuring compliance with all applicable laws and program regulations and performance of all work in accordance with the grant agreement; and

WHEREAS, Clearwater Ministries understands that the building must serve as a homeless youth shelter for at least five years or CDBG funds must be returned; and

WHEREAS, Clearwater Ministries understands that the grant requires a match of 25% and that it is responsible for providing the match;

NOW, THEREFORE, it is mutually agreed that:

1. Clearwater Ministries will execute a conditional promissory note, secured by a senior deed of trust naming the City as beneficiary for all sums, together with penalty, interest and costs, which may become due upon any default of the terms of the grant. Upon successful operation of the project in accord with the terms of the grant, the City will issue a deed of full re-conveyance.
2. Clearwater Ministries will provide a letter of guarantee from the Fairbanks Rescue Mission, Inc., in a form approved by the City Attorney, that the project real property will be used for purposes in accord with the terms of the grant should Clearwater Ministries default on any grant performance standard.
3. Clearwater Ministries agrees that it will not sell or lease the project premises or assign its responsibilities under the grant to others without City approval.
4. Clearwater Ministries will maintain at all times general liability and casualty insurance in the amount of \$1,000,000 and motor vehicle insurance coverage in the amount of \$1,000,000, with the City named as an additional insured.

5. Clearwater Ministries will provide financial statements prepared by an independent accountant to the City annually beginning Fiscal Year 2013.
6. Clearwater Ministries agrees that the design and construction of the project building will be managed by the City Engineering staff to ensure compliance with the grant conditions and all provisions of law and all applicable building codes. Clearwater Ministries agrees that the cost (including benefits) of all time expended by City staff for construction and grant management will be reimbursed through grant funds.
7. Clearwater Ministries is responsible for the operation and maintenance of any facility improvements, equipment, or other items acquired under the grant.

<u><i>Patrick J. Enclres</i></u>	<u><i>President</i></u>	<u><i>3-20-2012</i></u>
Signature (Representing Clearwater Ministries Board)	Title	Date

_____	_____	_____
Signature (Representing City of Fairbanks)	Title	Date

WAITING FOR SIGNED DOCUMENT

[Date]

Mr. Paul Ewers
City Attorney
City of Fairbanks
800 Cushman Street
Fairbanks, AK 99701

Dear Mr. Ewers:

Please accept this letter as a statement of guarantee for Clearwater Ministries, Inc. Fairbanks Rescue Mission will guarantee that the emergency shelter services for homeless youth will be provided at 138 Tenth Avenue, Fairbanks, Alaska for five years. This letter of guarantee will be valid until December 31, 2017.

Regards,

Rodney Gaskins
Executive Director
Fairbanks Rescue Mission

ATTEST:

Patty Loud
Secretary, Board of Directors
Fairbanks Rescue Mission

Timbo Erickson
President, Board of Directors
Fairbanks Rescue Mission

Introduced By: Mayor Jerry Cleworth
Finance Committee Review: April 3, 2012
Introduced: April 9, 2012

RESOLUTION NO. 4519

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 FFY2011 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 by the City of Fairbanks of \$4,800;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, that the Mayor is hereby authorized to execute documents required for requesting funds on behalf of the City of Fairbanks.

BE IT FURTHER RESOLVED that the Mayor is also authorized to execute subsequent amendments to the grant request to provide for adjustments to the project within the scope of services or tasks, based upon the needs of the project.

PASSED and APPROVED this _____ Day of April 2012.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney

RESOLUTION NO. 4520

**A RESOLUTION TO APPLY FOR AND ACCEPT FUNDING FROM THE
BUREAU OF JUSTICE FOR THE FFY2012 EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG)**

WHEREAS, the City of Fairbanks has received notification of funding through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program in the amount of \$45,080.00; and

WHEREAS, the City of Fairbanks has used Federal and State JAG funds in combination to pay for the placement of a law enforcement officer into our local Alaska Bureau of Drug and Alcohol Enforcement (ABADE) task-force for the purpose of conducting area-wide drug and alcohol investigations; and

WHEREAS, the grant has a four-year award period, and there is no local match requirement for use of these funds;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor is hereby authorized to execute any and all documents required to apply for and accept funding on behalf of the City of Fairbanks.

BE IT FURTHER RESOLVED that the Mayor is also authorized to execute subsequent amendments to the grant agreement to provide for adjustments to the project within the scope of services or tasks, based upon the needs of the project.

PASSED and APPROVED this _____ Day of April 2012.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney

RESOLUTION NO. 4521

**A RESOLUTION EXPRESSING OUR CONCERN AND OPPOSITION TO
MOVEMENT OF THE 18TH AGGRESSOR SQUADRON AT EIELSON AFB TO JOINT
BASE ELMENDORF/RICHARDSON (JBER)**

WHEREAS, the USAF Force Structure Adjustments includes the realignment of the 18th Aggressor Squadron based at Eielson AFB to Joint Base Elmendorf/Richardson (JBER); and

WHEREAS, normal programming actions were not followed in considering FY 2013 Budget Submission Programming Actions, and no site survey was conducted prior to the announcement which would analyze both financial and logistical data; and

WHEREAS, no cost savings have been identified, which raises many questions about the feasibility of the move; and

WHEREAS, the geographic location of Eielson gives it a strategic advantage in several theaters of operation, an advantage that is shared by few other bases; and

WHEREAS, the training opportunities afforded by the 63,000 square mile range adjacent to Eielson offer a resource that is unmatched elsewhere; and

WHEREAS, the State of Alaska has made a large capital investment of \$80,000,000 to help provide access to the Joint Pacific Alaska Range Complex near Eielson AFB, strongly showing our commitment to the military in the interior of Alaska; and

WHEREAS, our Congressional Delegation has expressed their concern and dismay with the process, the lack of information that has been provided to them, and the justification for the move; and

WHEREAS, the Council is extremely concerned about the lack of transparency in this process, the ability to provide input up front, especially when considering the real costs associated with the move, the loss of the logistical importance that Eielson affords, and the effect it will have on families relocating, considering the disparity in the housing markets at both locations,

NOW, THEREFORE, BE IT RESOLVED, that the Fairbanks City Council opposes the Air Force's plan to relocate the 18th Aggressor Squadron from Eielson AFB to Joint Base Elmendorf/Richardson (JBER).

PASSED and APPROVED this __ Day of _____ 2012.

Jerry Cleworth, Mayor

AYES:
NAYS:
ABSENT:
ADOPTION:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, City Clerk CMC

Paul Ewers, City Attorney

ORDINANCE NO. 5881

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE BY
ADDING SECTION 46-329 ABUSE OF 911 SYSTEM**

WHEREAS, the 911 telephone system is a critical component in the emergency response system; and

WHEREAS, abuses of this system waste 911 dispatcher's valuable time and potentially delay the response of emergency personnel to true emergencies,

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

SECTION 1. That Fairbanks General Code, Chapter 46, Article VII, is amended by adding Section 46-329 as follows:

Sec. 46-329. Abuse of 911 system.

(a) Any person who, after being warned that their use of the 911 telephone system is improper, uses the 911 telephone system for any reason other than because of an emergency is guilty of an infraction.

(b) For purposes of this section "emergency" means any condition in which a reasonable person would believe emergency services will result in the saving of a life, a reduction in the destruction of property, quicker apprehension of a criminal, assistance with potentially life-threatening medical problems, a fire, a need for rescue, an imminent potential crime, or a similar situation in which immediate assistance is required. "Emergency" also includes calls to 911 the purpose of which is to prevent an emergency response from being initiated when no such response is needed.

(c) A person convicted under subsection (a) is subject to a fine of \$250.00.

Section 2. That the effective date of this Ordinance shall be _____, 2012.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, City Clerk

Paul Ewers, City Attorney

PUBLIC SAFETY COMMISSION

February 14, 2012
11:30 AM
Council Chambers hosted by FECC

PSC Members:	Peter Stern (Seat C - 2013)	Buzzy Chiu (Seat D - 2014)
	Frank Eagle (Seat E - 2012)	Robert Hall (FPD Representative)
	John Eberhart (Seat A - 2014)	Greg Taylor (FFD Representative)
	Bill Satterberg (Seat B - 2012)	

Meeting Minutes

CALLED TO ORDER: 11:40 am

ATTENDANCE:

PSC Members: Peter Stern, Frank Eagle, Buzzy Chiu, Robert Hall and Greg Taylor

PSC Members Absent: John Eberhart, Bill Satterberg

Others in attendance: Mayor Jerry Cleworth, Stephanie Johnson and Kristi Merideth–FECC, Dave Burglin–CAO, Chief Laren Zager and Lt. Eric Jewkes–FPD; Asst Chief Ernie Misewicz and Lisa Howard–FFD.

ADOPT AGENDA: Agenda adopted as published.

PUBLIC COMMENT: None

MINUTES: The minutes of the January 10, 2012 meeting were approved without changes.

OLD BUSINESS:

Possible Code Changes to Infractions Lt. Eric Jewkes reviewed a draft ordinance created by the City Attorney's office in conjunction with FPD. The ordinance is intended to a) remove redundant codes already covered under State statute, b) revert some crimes back to violations under State statute that currently are misdemeanors under City code, c) repeal outdated and unenforceable codes, and d) create progressive penalties (citation for first offense, misdemeanor for repeat offenses) for a variety of offenses, giving officers more options. The draft was favorably received, with discussion resulting in support of the changes. The only recommendation offered was to consider adding changing hours restricting certain noisy activities to 10pm to 7am rather than the current 11pm – 7am under the *Disturbing the Peace* section of the ordinance. A motion by Eagle/seconded by Chiu in support of the proposed changes to City Code, passed unanimously. Lt. Jewkes reported that work continues on an ordinance dealing with false 911 calls, to include calling 911 for non-emergencies and for repeat offenders of alarm system activations.

Role of the Public Safety Commission The motion that was made by Bill Satterberg, seconded by Frank Eagle to sunset the City of Fairbanks Public Safety Commission and was tabled at the November 2011 meeting, pending feedback from the Mayor and City Council with regards to their vision of the commission, remains tabled. A worksession is scheduled with City Council at 5:30p on March 19th to discuss the role of the PSC. The presentation to the council to be a topic at the March 13th PSC meeting.

REPORTS:

FECC Report – Director Stephanie Johnson reported that FECC has a new prospective dispatcher candidate currently undergoing a background check. The last candidate elected not to take the job after being advised of the pay scale and the employee portion of health insurance premiums, which would have resulted in a pay cut from her current job.

FPD Report – Chief Laren Zager reported that FPD is up to staff numerically, having hired several new recruits, but it will be a while before the department is operating at full staff, as the recruits have months of training to undergo. The department's primary traffic officer responsible for a considerable portion of the department's traffic citations is still out on light duty, so the decrease in traffic citations continues. Officer Robert Hall distributed the FPD stats. The elevated number of Motor Vehicle Thefts in December was questioned, and he said he would look into that and report at the next meeting. A short discussion was held regarding how the number of officers are assigned to a call and the protocol in place that establish a minimum number of officers for various types of calls.

FFD Report – Asst Chief Ernie Misewicz reported that FFD along with many other city departments, are currently involved with various Continuity of Operations (COOP) exercises, simulating having to operate from an alternate location. There have also been various simulated responses like hazmat exercises, mass casualty exercise. A summary report and lessons learned should be available at the next meeting. FFD statistics were distributed and briefly reviewed.

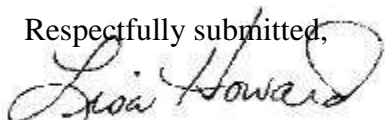
CLOSING COMMENTS:

Welcome home from Baghdad offered to Robert Hall.

NEXT MEETING: March 13, 2012 – Fairbanks Police Department

MEETING ADJOURNED at 12:32PM

Respectfully submitted,



Lisa Howard, FFD

**Fairbanks North Star Borough / City of Fairbanks
CHENA RIVERFRONT COMMISSION
MINUTES
March 5, 2012**

The Fairbanks North Star Borough/City of Fairbanks Chena Riverfront Commission (CRFC) met on Monday, March 5, 2012, beginning at 11:38 a.m. with Acting Chair Hegarty Lammers presiding.

The following Commission members were in attendance: Annette Freiburger; Kelley Hegarty Lammers, Acting Chair; Bob Henszey; Karen Lavery; Anna Plager, Chair (by phone); Gordon Schlosser; Lee Wood and Buki Wright.

Also present were: Jackson Fox, City of Fairbanks; Donna Gardino, FMATS; Barry Hooper, DOT; Mark Mussman, FNSB Planner; Luke Kline, FNSB Parks & Recreation; Bobette McKirgan, FNSB Recording Clerk.

1. Call to Order

Plager called the meeting to order at 11:38 a.m. **Hegarty Lammers** joined the meeting at 11:42 a.m.

a. Approval of Agenda

Hegarty Lammers asked if there were any changes to the proposed meeting agenda. **Plager** requested that discussion of Unfinished Business, Topic A be postponed until **Director Hernandez** was in attendance.

The agenda as altered was approved without objection.

b. Approval of Minutes of February 13, 2012

Hegarty Lammers asked if there were any corrections to the proposed meeting minutes

Plager stated there was a change on page 4 of the February 2012 meeting minutes. Change the phrase 'neighbor's neighbor' to 'neighbor to neighbor'. **Plager** added there was a change on page 5 of the February 2012 meeting minutes. Change the word 'to' to the word 'for'.

Lavery moved, seconded by Wright, to approve the February 2012 meeting minutes as corrected. The motion carried 8-0.

2. COMMUNICATIONS TO THE COMMISSION - No one asked to speak during this time.

3. PUBLIC COMMENTS - No one asked to speak during this time.

4. NEW BUSINESS - No new business.

5. UNFINISHED BUSINESS

A. Procedure for Evaluating Development Along the Chena River

Postponed pending attendance by **Director Hernandez**.

B. Chena Riverfront Commission Preliminary Design Criteria

Hegarty Lammers reported that a checklist for use by Community Planning staff had been drafted and **Plager** was in the process of aligning checklist criteria with the CRFC Plan. **Plager** noted the goal is to provide a checklist for inclusion with the review by Community Planning staff to determine issues of interest to the CRFC. **Plager** said a draft checklist would be reviewed with the Design Committee and presented to the commission as a whole.

Mussman stated that evaluation of a project for consistency with the CRFC Plan should be made by the CRFC and not Community Planning staff; adding the CRFC's responsibility is to implement the CRFC Plan. **Hegarty Lammers** disagreed and said the CRFC Plan was adopted as an addendum to the Comprehensive Plan. **Wood** questioned whether it was Planning's role to identify properties and pass on to the commission to determine adherence to the riverfront plan and **Mussman** replied yes.

Hegarty Lammers cited the need for timely action. **Mussman** said the notification process would help avoid missed items. **Plager** added it was important to avoid duplication of work by Community Planning staff.

Hegarty Lammers suggested the topic be deferred to a future Design Committee meeting when **Director Hernandez** could attend. **Plager** agreed the topic should be deferred and suggested thought be given as to how notifications to the commission would be made.

Hegarty Lammers said the Open Meetings Act prohibited more than two commissioners sharing information and that Community Planning staff would be allowed to disseminate information to everyone. Decision to notify the entire commission was decided by a 5-1 vote. **Mussman** invited commissioners to contact Community Planning for additional information, after notification had been sent to the entire commission. **Plager** said she preferred the commission be notified by staff and questioned how to avoid inundating Community Planning with questions. **Hegarty Lammers** suggested taking the idea to the Design Committee to develop a proposal to the entire commission.

C. Elodea Memorandum

Plager said it was important to show support for the Fairbanks Soil and Water Conservation District's efforts to obtain funding for the control of Elodea. **Plager** suggested addition of the words 'and state' to paragraph three of the memorandum included in the packet.

Gardino remarked that agencies prefer to see resolutions of support included. **Plager** responded that the intent was to make this a generic alert and not a specific request, however could make it a generic request for a resolution; noting this was an opportunity to gain understanding of proper protocol. **Hegarty Lammers** said the memorandum had to go to the city and borough mayors before becoming a resolution.

There was no objection to the content of the draft memorandum.

Freibruger moved, seconded by Wood, to change the memorandum into a resolution. The motion carried unanimously.

Plager suggested sending the memo with a resolution to the mayors requesting they forward the resolution to the list of CCs. **Lavery** noted she was more comfortable with this plan.

Action: Hegarty Lammers will discuss the memorandum/resolution with Mayor Cleworth.

Action: Plager will develop a resolution for inclusion with the memorandum to Mayors Hopkins and Cleworth.

D. FNSB Temporary Dog Park Resolution

Hegarty Lammers noted that **Wood's** resolution would protect near term actions on this (dog park) property. **Wood** said the dog park was an attractive property and the point of the resolution was for the CRFC to be apprised of development requests early in the process. **Wood** gave the location of the property and **Mussman** provided coordinates and zoning information. **Freiburger** reminded commissioners that the city wants the area retained as a snow dump.

Wright questioned who would receive the adopted resolution and **Hegarty Lammers** responded it would go to the city and borough mayors, the city council and borough assembly.

Plager moved, seconded by Schlosser, to adopt the resolution and send it to the mayors with a request to forward to the legislative bodies.

Gardino suggested adding the property description at the beginning of the resolution and changing the word 'feel' to 'believe'.

Henszey called for the question.

Plager moved, seconded by Schlosser, to adopt the resolution and send it to the mayors with a request to forward to the legislative bodies, add the property description and change the word 'feel' to 'believe'. The motion carried unanimously.

E. Commercial Areas Update: First & Lathrop and First & Wien

Wood said she met with **Mussman** and determined there were no current plans pending to commercialize this area. **Wood** pointed out the location on maps provided by **Mussman**. **Hooper** was unaware of any plans pending with DOT and **Gardino** said there was no 10th Avenue Boulevard concept in the FMATS 25-year plan. **Lavery** noted the property would remain inactive, similar to Ice Alaska, until there was someone interested in pursuing development.

Mussman explained zoning and location and said the property was zoned mostly outdoor recreation, as reflected in the existing land use. **Wood** restated the importance of notification to the CRFC by Community Planning when changes are proposed. **Hegarty Lammers** suggested this item be referred to a Design Committee meeting for discussion as to whether the process proposed would alert the CRFC to this kind of development.

F. FMATS Art Selection Advisory Committee Report

Gardino reported that a presentation by Fish & Wildlife and discussion of permits in place along the riverfront provided the committee a good understanding of the area and fish habitat. **Gardino** spoke about the public participation plan and the efforts to identify enhancements through questions to the public. **Gardino** said from that input the committee will review comments and narrow down concepts for inclusion in an RFP to artists. She noted efforts to develop a plan to get schools involved and connect with kids.

Hegarty Lammers added that Fish & Wildlife stressed Elodea issues during their presentation. **Hegarty Lammers** asked the commission for input about how to involve the public.

6. COMMISSIONERS' COMMENTS

Lavery wanted to know when the next review of the CRFC plan was and **Hegarty Lammers** replied every five years; having been two years since adoption by the city council and borough assembly. **Hegarty Lammers** added that review of the plan could be made before five years. **Lavery** said the plan should be looked to when something is identified; and a list of changes kept, instead of waiting for the five year review.

Wood asked **Mussman** about the lack of a rezone sign at Ice Alaska and whether this indicated the rezone request had been withdrawn. **Mussman** said that a volunteer had returned the rezone sign to the borough and added that the sign had to be replaced at Ice Alaska. **Hegarty Lammers** said this was a great way for public education on the proposed rezone. **Mussman** noted the signage had to be placed on the property for which the rezone request was pending and said the property currently in use had already been rezoned. **Hegarty Lammers** asked whether it was reasonable for the commission to request staff have the sign replaced within the next 48 hours in the most visible location possible and **Mussman** agreed it was. **Mussman** said it was the applicant's responsibility to place the sign.

Freiburger asked whether *water was dumped into the river from the power plant* and **Wright** advised it was not. AMENDED TO READ: ... WATER WAS DUMPED INTO THE RIVER FROM A SOURCE ON FT. WAINWRIGHT... **Freiburger** questioned whether there was any type of public education about the dangers of walking on the river. Commissioners recalled their personal experiences with thin ice on the river.

Hegarty Lammers welcomed **Schlosser** to the commission, citing his landscape architecture background and familiarity with Fairbanks as a welcome addition to the commission.

Plager thanked **Wood** for her efforts on the Dog Park Resolution, **Henszey** for his work on the Elodea memo, **Hegarty Lammers** for filling in as Chair and for her service on the FMATS Art Committee. **Plager** welcomed **Schlosser** and expressed the commission's appreciation for his participation on the CRFC. **Plager** clarified the date for the next Design Committee meeting as March 12th.

Lavery reported that **Roberts** would likely be in attendance next month and said **Roberts'** interest in the commission continued.

Hegarty Lammers wanted to ensure that the scheduled date and time of the CRFC meetings worked for commissioners and directed this topic be added as an agenda item.

7. STAFF and LIAISON COMMENTS

Kline reported that FNSB Parks & Recreation intended to pave lots near the ball fields next to the Carlson Center, from Wilbur back to the river. **Kline** invited commissioners to contact him if they needed additional information.

Action: McKirgan will provide Kline's contact information to the commissioners.

Mussman reported that he had accepted a Planning Director position in Indiana and his last day would be March 13th.

8. AGENDA SETTING FOR April 2, 2012 COMMISSION MEETING

- A. Wendell Avenue Bridge Update – DOT
- B. Procedure for Evaluating Development Along the Chena River – Hernandez
- C. Chena Riverfront Commission Preliminary Design Criteria – Hernandez
- D. FMATS Art Selection Advisory Committee Report – Gardino
- E. CRFC Meeting Date & Time

9. ADJOURNMENT


Plager moved, seconded by Lavery, to adjourn the meeting. Acting Chair Hegarty Lammers adjourned the meeting at 1:00 p.m.

/b

City Of Fairbanks



MEMORANDUM

To: City Council Members
From: Jerry Cleworth, City Mayor 
Subj: Landscape Review & Appeals Commission
Date: March 22, 2012

The position on the Landscape Review & Appeals Commission currently filled by Mr. Bill Payton will expire on April 30, 2012.

I therefore request your concurrence to the **re-appointment** of:

Mr. Bill Payton. To stagger terms and ensure consistency in the month of expiration, Mr. Payton's term will expire: December 31, 2015

Thank you.


ABC/



City of Fairbanks

TO: City Council Members

THRU: Mayor Jerry Cleworth

FROM: Pat Smith, Property & Development Manager 

DATE: April 3, 2012

SUBJECT: Downtown Association Lease – Old City Hall

The City through successive ordinances, has leased "Old City Hall" at 410 Cushman to the Downtown Association since 1996.

The current lease will expire on May 31, 2012. Once expired, the lease becomes a month-to-month tenancy, unless otherwise determined. It is my understanding that the City intends to allow the Downtown Association to convert to month-to-month status. Under this arrangement, all terms and conditions of the lease will continue in force.

The month-to-month status can be terminated at any time by 30-day advance notice. I will notify the Downtown Association of this change in status in writing.

We will also obtain a Limited Appraisal to establish market value of the building. Once obtained, we will submit the appraisal to the Finance Committee for further consideration and direction.

Please contact me if you require additional information, 459-6766

PJS/ps.