



FAIRBANKS CITY COUNCIL
AGENDA NO. 2012-06
REGULAR MEETING March 19, 2012
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

PRELIMINARY MEETING

- I 5:30 PM Work Session with the Public Safety Commission
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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 December 12, 2011

*b) Regular Meeting Minutes of January 9, 2012

7. SPECIAL ORDERS

- a) VACATION OF PUBLIC RIGHT-OF-WAY (VA 006-11 Tanana Clinic 1st addn.) – Request by Stutzmann Engineering on Behalf of the Greater Fairbanks Community Hospital Foundation to Vacate that Portion of 11th Avenue East of Noble Street and to Replat Lots 1-8, Blk 119, Lot 1-A, Blk 120, portions of Lots 1 and 2, Blk 120, Lots 2-C-1-A, 2-C-1-B, and 2-C-1-C, Blk 120, Fairbanks Townsite, into four lots ranging in size from 22,865 Square Feet to 1.725 Acres within the SE ¼ of Sec. 10, T1S R1W, FM (located on 10th and 11th Avenues and Noble Street).

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) 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. SECOND READING AND PUBLIC HEARING.

10. NEW 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.
- *b) Ordinance No. 5880 – An Ordinance Amending Fairbanks General Code Section 1-15 by Adding a Correctional Facility Surcharge. Introduced by Mayor Cleworth.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

- a) Committee Reports
- b) Fairbanks North Star Borough Dispatch Contracts

12. COMMUNICATIONS TO COUNCIL

- *a) Chena Riverfront Commission Meeting Minutes of February 13, 2012
- *b) Request for Concurrence – Correcting Ordinance No. 5863

13. COUNCIL MEMBERS' COMMENTS
14. CITY ATTORNEY'S REPORT
15. CITY CLERK'S REPORT
16. ADJOURNMENT



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, DECEMBER 12, 2011
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
John Eberhart, Seat F

Absent: None

Also Present: Pat Cole, Chief of Staff
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Ryan Rickels, IT Director
Michael J. Schmetzer, City Engineer
Tony C. Shumate, Director Personnel/Purchasing/RM
Jim N. Soileau, Chief Financial Officer
Laren Zager, Police Chief
Bonnie Nolan, FPD Dispatch
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

Frank Turney, 201 7th Avenue, Fairbanks – Mr. Turney spoke to the anniversary of the ratification of the Amendments to the U.S. Constitution. He thanked the City of Fairbanks for being the first to approve a resolution in 2008 opposing portions of the Patriot Act. He inquired about litigation money in the lawsuit involving two former FPD employees and requested an update on the case. Mr. Turney wished everyone a Merry Christmas.

Mary Richards, 763 7th Avenue, Fairbanks – Ms. Richards, owner of All Seasons Inn, addressed allocation of Bed Tax dollars. She stated that the Bed Tax Fund's original purpose was to

encourage development of the tourism industry and, in turn, help increase revenue for the City of Fairbanks. Referencing a recent article in the Fairbanks Daily News Miner, she stated her concern that the \$25,000 needed to fund the maintenance and cleaning of the Downtown Parking Garage may come out of the Fairbanks Convention and Visitors Bureau (FCVB) portion. She remarked that FCVB has had to make significant budget cuts in recent years due to the slump in tourism and asked the Council, that if the \$25,000 were to come out of the Bed Tax Fund, that it be taken out of the City's portion.

Ms. Stiver stated that she had not seen the article in the newspaper and was not aware of any FCVB funding being reallocated to parking garage maintenance.

Ms. Richards clarified that the news article was not specific from what source the \$25,000 would come. She added that she was strictly speaking against cutting funding for the FCVB and the Community Service Patrol (CSP).

John Ferree, 939 Smallwood Trail, Fairbanks – Mr. Ferree, Trustee for Alaska Electrical Health and Welfare Plan, offered to answer any questions from the Council regarding the IBEW's Health Care Plan and what measures have been taken to reduce employee costs.

Ms. Stiver asked Mr. Ferree when the last dependent care audit was conducted.

Mr. Ferree replied that a complete audit on the entire plan is performed annually. He explained that the audit randomly selects members and reviews their billing, usage and qualifications for coverage.

Ms. Stiver asked what has been done to help make the plan more affordable to its members.

Mr. Ferree shared other measures taken by the Alaska Electrical Health and Welfare Plan Trustees to reduce costs to its members:

- The Flex Plan was terminated seven years ago resulting in a cost-savings to the members.
- The Disease Management Program was implemented five years ago for members with chronic health issues as a cost-containment measure.
- Three years ago, the trustees raised the minimum number of working hours required under IBEW Construction Agreements in order for workers to qualify for health benefits.
- An actuarial consultant reviewed IBEW retiree subsidization and found that retirees were being over-subsidized by active members. A raise to retiree health care premium from 2008 – 2010 resulted, which lowered cost for active members.
- The Trust recently contracted with a provider to offer active members with pre-qualifying conditions subsidized travel and medical costs for out-of-state procedures.
- The Alaska Electrical Health and Welfare Plan is a member of the Statewide Health Care Coalition, which saved the plan \$8,300,000 in 2010.
- Mail-order prescription availability and an emphasis on generic brands offer savings for members.
- The plan is self-insured.
- By using a multi-plan national network, the plan saves \$6,000,000 annually.

Mr. Ferree stated that maintaining affordable health care is a national problem and a great challenge.

Stephen Anderson, 1653 2nd Avenue, Fairbanks – Mr. Anderson clarified his response to a question asked by Ms. Stiver at the previous meeting regarding the Chronic Care Program.

Denise Kendrick, 892 Runamuck Avenue, Fairbanks – Ms. Kendrick spoke to the 125 Plan and the reason why those funds were not placed directly towards medical. She stated that no matter where the members would have chosen to apply the funds, the employee cost would have been the same.

David Lerman, 126 2nd Avenue, #15, Fairbanks – Mr. Lerman spoke to his intent to run for City Council in 2012 and to his website, “Renovation Fairbanks.” He suggested adding a two-minute response from Council for each five-minute public testimony. He advocated for the formation of a renovation task force, stating that the City has nothing to lose. Mr. Lerman also spoke to the need for a DUI task force.

Mr. Gatewood commented on Mr. Lerman’s idea of a two-minute response from Council and asked if, hypothetically, it would be optional for the Council to use the entire two minutes.

Mr. Lerman replied in the affirmative. He commented that it is nice to be acknowledged by the Council.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger spoke to the various local authorities created by the City and funds spent to better the community over the years. He suggested the Council formulate a plan to provide public restroom facilities in the downtown area. He commended the Community Service Patrol (CSP) for their work with chronic inebriates and proposed that the restrooms be part of the CSP rounds. He spoke to the dual use of “porta potties” as not only restrooms, but also garbage receptacles, stating that the units would help cut down on littering in the downtown area. He suggested also the prospect of opening the bid process to a public toilet service.

Mr. Gatewood asked Mr. Buberger to explain what he meant by using the portable restrooms as a receptacle for empty bottles and other garbage.

Mr. Buberger replied that it would be better to suck the refuse out of a contained unit than to pick it up off the street.

APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Roberts, seconded by **Mr. Matherly**, 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) Meeting Minutes of September 19, 2011.

PASSED and APPROVED on the CONSENT AGENDA.

READING OF THE BILL OF RIGHTS

Mayor Cleworth thanked Mr. Turney for reminding him of the anniversary of the adoption of the Ten Amendments and bringing a cake to share in honor of Bill of Rights Day. He asked Council Members to take turns reading each amendment aloud.

City Council Members read aloud the Ten Amendments to the Constitution of the United States.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth stated that the 2012 operating budget has been reduced due to the City's share in the property tax lawsuit between FNSB and TCC. He thanked the City Finance Department and Council for their work in preparing the 2012 proposed budget. He informed Council that an amended version of budget Ordinance No. 5865 would be introduced during the meeting and provided an explanation for the two changes. He reminded the Council of the upcoming meeting with the Interior Delegates at the State's LIO Offices. **Mayor Cleworth** spoke to the City's Boards and Commissions and suggested that now would be the best time for Council Members to make a change, if they so desired. He stated that he had reviewed a list of marketable City properties with Property Manager, Pat Smith, and discovered that there are only 8 – 10 remaining. He added that some of those properties may not even be marketable due to odd shape, no access or other reasons. **Mayor Cleworth** addressed Mr. Lerman's suggestion for a two-minute response time from the Council for each public testimony. He stated that members of the Council have an opportunity to speak freely under "Council Members' Comments." He spoke to the formation of various task forces and explained that task forces do not have to be created by the City; rather, anybody can create a task force and make recommendations to the City Council. **Mayor Cleworth**, in response to Mr. Buberger's support for portable restrooms, remarked that "porta potties" present a host of problems and are subject to vandalism and theft. He added that the units are expensive and, at this time, are illegal within Fairbanks City limits. He stated that he and the Council will continue to look for a solution. He wished everyone a Merry Christmas.

UNFINISHED BUSINESS

- a) Ordinance No. 5865 – An Ordinance Adopting the 2012 Operating and Capital Budgets. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING. ADVANCED from the Regular Meeting of November 21, 2011.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5865.

Matt Atkinson, 946 Coppet Street, Fairbanks – Mr. Atkinson, Treasurer of the FCVB Board, spoke to the proposed 2012 budget relative to bed tax. He stated FCVB's support for Ordinance

No. 5865 and spoke briefly about the state of the travel industry in Fairbanks. He spoke to the history of the City's Bed Tax. He thanked Emily Bratcher for her service as an ex-officio member of the FCVB Board and welcomed any member of the Council to replace her.

Mr. Matherly thanked Mr. Atkinson for coming and asked him how the tourist industry was shaping up for 2012.

Mr. Atkinson stated that 2011 had been a "flat" year, but that 2012 is expected to show gradual growth.

Ms. Stiver asked how much revenue was brought in last year for the City's portion of bed tax earnings.

Mr. Atkinson replied that the City's 22.5% equated to \$566,673.

David Lerman – Mr. Lerman recommended that election filing fees be waived for City candidates. He suggested that the City also waive building permit fees for properties undergoing renovation.

David van den Berg, Fairbanks Downtown Association, 410 Cushman Street, Fairbanks – Mr. van den Berg spoke in support of Ordinance No. 5865 and the treatment of the Community Service Patrol funds. He stated that the CSP is in its best financial state since 2007.

Terese Kaptur, Fairbanks Summer Arts Festival Director, 838 Lodgepole Lane, Fairbanks – Ms. Kaptur stated that she is a member of the FCVB Board and Chairman of the FCVB Advertising & PR Committee. She thanked the Council for their hard work on the City's budget. She touched on the major achievements of the FCVB in 2011 and spoke to future goals and opportunities of the bureau. She spoke to the cycle of the Bed Tax Fund, and how great a benefit it is to the Fairbanks community.

Mr. Gatewood asked where he could obtain more information on the Outdoor Writers Conference.

Ms. Kaptur suggested Mr. Gatewood contact FCVB directly.

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

Mr. Gatewood, seconded by **Mr. Roberts**, moved to SUBSTITUTE Ordinance No. 5865, as Amended, for Ordinance No. 5865.

Ms. Stiver asked if the lost revenue on the court case involving FNSB and TCC was the reasoning behind the amended version.

Mayor Cleworth replied that the only two changes in the amended version were to allow for the AFL-CIO settlement and the additional funds needed for training in the police department.

Mr. Roberts stated his concern that the AFL-CIO Contract Award was included in Ordinance No. 5865, as Amended, while the actual contract would not be ratified until the next regular meeting.

Mayor Cleworth stated that there should not be a problem with allocating the money in the 2012 budget before the AFL-CIO Contract is officially passed, since both parties have already agreed on the terms.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO SUBSTITUTE ORDINANCE NO. 5865, AS AMENDED, AS FOLLOWS:

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

NAYS: None

Mayor Cleworth declared the MOTION CARRIED.

Mr. Eberhart, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 5865, as Amended, by adding “one-and-a-half sworn officer positions” to the 2012 police budget.

Mr. Eberhart asked Chief Zager to come forward and provide a report. He asked Chief Zager to elaborate on the statement made at the last Finance Committee meeting regarding the importance of maintaining a minimum staffing of 50 officers.

Police Chief Zager distributed a handout on police staffing. He thanked Mayor Cleworth for allowing him the latitude to openly disagree with him on various matters. He explained in great detail the complexities and challenges of maintaining minimum staffing—especially for on-duty patrol officers. Chief Zager cautioned that anything less than three patrol officers and one patrol supervisor on duty at all times would redefine public services. He closed by stating that, no matter what the outcome, he would provide the best police department that he possibly could.

Mr. Gatewood asked if the presentation concerned strictly patrol. He asked for clarification on a point in the presentation regarding patrol officers assigned to light duty.

Chief Zager confirmed that the handout pertained only to patrol officers. He answered Mr. Gatewood’s second question by clarifying that individuals on light duty are still productive administratively, but are typically not able to perform patrol duties. Chief Zager spoke to unforeseen vacancies and the inability to operate efficiently and affordably without adequate staffing. He explained that short-staffing is compensated daily by overtime, and the consequential expense is overwhelming.

Mr. Eberhart asked what the cost would be to maintain the one-and-a-half positions.

Jim Soileau replied that it would cost the City \$137,000.

Mr. Roberts asked Chief Zager if the officers cut out of the budget were in positions that were previously grant-funded.

Chief Zager answered affirmatively.

Mr. Roberts stated that the Council is having difficulty funding 1 ½ positions because it's actually an increase to the City's bottom line for minimum staffing.

Chief Zager acknowledged the Council's position but spoke to the perpetual problem of staffing issues. He stated that grant funding may have been a temporary fix for those issues in the past, but a better solution needs to be reached.

Ms. Stiver spoke to the proposed funding of a clerical position.

Chief Zager stated that if one non-sworn position was granted, he would prefer it be placed in FPD Dispatch. He added that if the Council only approved a one-half, non-sworn position, it would be given to a current, half-time administrative employee.

Ms. Stiver asked Mr. Soileau what the cost difference would be between the 1 ½ sworn positions and the one non-sworn position.

Mr. Soileau replied that it would be roughly \$80,000.

Mr. Matherly asked Chief Zager to describe the morale in the department.

Chief Zager stated that while morale is important, he doesn't allow it to be a driving factor in managing his department. He added that any current issues with morale, other than exhaustion, fall outside the scope of staffing.

Mr. Eberhart asked that if the clerk position was not funded, if Chief Zager would continue to use light-duty officers administratively. He asked how often patrol officers were assigned to light duty.

Chief Zager replied that the practice would continue. He remarked that, for various reasons, patrol officers are placed on light duty rather frequently.

Mr. Roberts referenced a recent presentation by the Chief that compared staffing of similar police departments with the City of Fairbanks. He stated that, according to the report, FPD's unsworn staff was drastically underserved. He asked how things have changed since that time.

Chief Zager responded that he is so short-staffed on sworn officers, that he would forfeit a non-sworn position in order to field an additional officer. He added that the best scenario would be the addition of a sworn officer and changing the current, half-time, clerical position to full-time.

Mr. Hilling asked how many overtime hours were represented by the 884 call-in/hold-over incidents in January – November, 2011. He asked how the minimum number of four patrol officers originated.

Chief Zager stated that he isn't sure of the exact number of hours because there are many types of overtime. He spoke to mutual aid from the Alaska State Troopers, which is a great help to FPD during periods of short staffing.

In response to Mr. Hilling's question, **Mayor Cleworth** stated that four patrol officers was an unofficial minimum set about 20 years ago that the City has chosen to abide by.

Ms. Stiver asked if there would be money left over from numerous vacancies in 2011 to help fund 2012 positions.

Chief Zager stated that there would be some funding leftover, but not a significant amount due to the high cost of overtime.

Mr. Soileau informed Ms. Stiver that it would be difficult to quantify a surplus, if any, in FPD's 2011 budget until year-end.

Mr. Hilling asked if the demands of the Fairbanks Police Department were similar to those of comparable police departments.

Chief Zager replied that the demands are comparable. He stated that he believes the biggest difference between Fairbanks and similar municipalities is in the citizens' high expectations of FPD.

Mr. Eberhart expressed concern for the police department if the additional 1 ½ positions were not funded. He suggested various sources of funding.

Mayor Cleworth handed out a spreadsheet that showed the history of staffing levels at FPD. He pointed out that the total number of officers was averaging between 41 and 43 from 2001 – 2007; then numbers began rising when grant funding was awarded in the years that followed. He stated that, in 2011, the plan was to keep the two positions that had been previously funded by grant dollars, then let attrition run its course. He added that the Fairbanks Police Department has not allowed that process to take place. He explained that it is difficult for the City Council to cut positions that are currently filled and that the loss of grant funding is going to take a toll on FPD's staffing. **Mayor Cleworth** provided national statistics to support a minimum staffing level of 45 officers. He spoke to a memorandum from Chief Zager that stated the department's willingness to give up one position when salaries were last negotiated. He mentioned the statement by the Police Department that no additional staffing—except possibly a one-half position—would be needed during the City's recent annexation. **Mayor Cleworth** spoke to the benefits of adding a non-sworn clerical position to occupy the front desk after normal business hours and be available to work in Dispatch, when needed. He explored the various directions Council could go in approving the 2012 budget.

Mr. Hilling spoke to the study on police department staffing done in 2007. He stated that he will not support the amendment to the budget because of the prior agreement to let attrition take its place for the grant-funded positions.

Mr. Roberts thanked Mr. Eberhart for bringing the amendment forward. He stated his intent to vote against the amendment, but added that he is open to the addition of a police officer instead of a clerical position.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5865, AS AMENDED, AS FOLLOWS:

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

Ms. Stiver, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 5865, as Amended, to eliminate the newly-added clerk position and add one sworn officer.

Mr. Matherly asked for clarification on what the amendment would accomplish.

Ms. Stiver explained that the amendment would replace the new clerical position with a sworn patrol officer. She spoke to the importance of having officers ready to respond in an emergency versus an available clerk in the lobby of the police department.

Ms. Randle asked if the intent was to hire a skilled officer at the top of the pay scale or someone with inexperience who would start at a lesser rate.

Mayor Cleworth stated that there was no way to know at this point.

Mr. Hilling asked what the monetary difference in Ordinance No. 5865, as Amended, would be if Ms. Stiver's amendment were to pass.

Mr. Soileau replied that Ms. Stiver's amendment would increase the budget by \$33,700.

Ms. Stiver remarked that there may be a surplus in the 2011 FPD budget that could fund the officer position in full.

Mr. Soileau explained that, according to code, any unencumbered funds lapse at year-end and a new appropriation would be required to fund the position.

Mr. Matherly commented that Fairbanks is not a "typical" city because of the extremes to which it is exposed.

Mr. Gatewood asked if Mr. Matherly was referring to the weather.

Mr. Matherly explained that there are more challenges for officers in Fairbanks because of the harsh winters.

Mr. Gatewood stated that if the Council used that logic, it would apply to every job in the City of Fairbanks, not just police. He spoke to "holding the line" on the grant-funded positions, but agreed with Ms. Stiver that there was a need for an additional officer. He expressed his support for Ms. Stiver's amendment, stating that it was a good compromise.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5865, AS AMENDED, AS FOLLOWS:

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

Ms. Stiver introduced the idea of forming a committee to discuss a tax increment increase for specific properties downtown that could fund the Festival Fairbanks Clean team and the Community Service Patrol (CSP). She stated that the City of Fairbanks Public Works Department doesn't have the manpower to afford the same level of service that is currently being provided by the Clean Team and CSP.

Ms. Stiver, seconded by **Mr. Matherly**, moved to AMEND Ordinance No. 5865, as Amended, to take \$50,000 from the General Fund in the 2012 budget to support the Festival Fairbanks Clean Team.

Mr. Eberhart suggested taking the money from the City's 2012 abatement appropriation or the FEDCO allocation instead of the General Fund.

Mr. Roberts stated that he is not interested in taking funding from FEDCO for a downtown janitorial service. He supported the idea of downtown property owners paying an increased tax to support the Clean Team. He spoke in favor of the amendment to Ordinance No. 5865, as Amended, commending Michelle Roberts for her work in running the Clean Team program. He agreed with Mr. Eberhart that the funding could be pulled from the City's appropriation to abatements.

Mr. Matherly asked if Ms. Stiver's intent was to present the voters with an initiative in the 2012 Municipal Election that would make downtown property owners responsible for funding the CSP and Clean Team in the future. He asked for affirmation that the proposed \$50,000 in funding would be for one year only. He spoke in support of the amendment and the Clean Team.

Ms. Stiver replied that she would make every effort to form a committee and get the initiative before voters in 2012. She confirmed that her \$50,000 funding proposal was a one-time offering.

Mayor Cleworth spoke against using Bed Tax dollars for anything other than its original purpose; he also explained why it is not a good idea to allocate 2011 surplus for use in 2012. He asked Ms. Stiver why she had proposed giving the Clean Team \$50,000 if they would only be left \$30,000 short after taking into account the \$25,000 they had received from BP.

Ms. Stiver stated that the Clean Team is looking at funding one full-time and one half-time position.

Mayor Cleworth asked Julie Engfer to come forward to speak to the justification of the amount requested by Festival Fairbanks.

Ms. Engfer, Festival Fairbanks Office Manager, explained that there are other costs to operating the Clean Team, such as fuel cost and insurance for equipment. She stated that the \$55,000 requested would only cover the wage and employment costs for one employee.

Mr. Hilling asked from what City account the money would come according to the amendment on the floor.

Mayor Cleworth replied that it would come from the General Fund; he added that it would take a separate amendment to change the funding source.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5865, AS AMENDED, AS FOLLOWS:

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

Ms. Stiver, seconded by **Mr. Matherly**, moved to AMEND Ordinance No. 5865, as Amended, to reduce the Abatement allocation in the City's 2012 budget by \$50,000 to fund the Festival Fairbanks Clean Team request.

Mr. Roberts asked why there was a 100% increase in the abatement account from 2011 to 2012.

Mayor Cleworth replied that there is a significant project list for potential abatements in 2012.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5865, AS AMENDED, AS FOLLOWS:

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5865, AS AMENDED, AS FOLLOWS:

YEAS: Stiver, Matherly, Gatewood, Hilling, Eberhart, Roberts
NAYS:
Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5865, As Amended, ADOPTED.

Without objection, **Mayor Cleworth** ORDERED items "b" and "c" under Unfinished Business to be interchanged to allow immediate public testimony for those present to speak on behalf of the Korean Community of Fairbanks.

- c) Ordinance No. 5870 – An Ordinance Authorizing Sale of Surplus Property to the Korean Community of Fairbanks, Inc. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Ms. Stiver**, moved to ADOPT Ordinance No. 5870.

Insuk Frising, President of the Korean Community of Fairbanks – She referenced a letter she had sent to the Mayor and City Council Members. She stated that the purpose of the new facility would be to educate second-generation Korean-American and American youth who wish to learn Korean as a second language. She added that the program would be open to anyone who had an interest in learning the Korean language, and that they would also offer English lessons to Koreans who did not know how to speak English. She informed the Council that the facility would also be used as a Senior Center. She concluded by stating that there are good funding opportunities for the project already.

Mr. Gatewood thanked Ms. Frising for her testimony. He asked if the facility would be rented to other groups. He expressed some concern that the center may only target the local Korean population.

Ms. Frising replied that, since the Korean Community of Fairbanks, Inc. is a non-profit organization, she would have to look into the rules for renting the facility. She stated that much of the funding for the new building would come from the Korean government. She clarified that the program would be open to anyone in the community, no matter what their ethnicity.

Mr. Roberts stated that the proposed purchase agreement is for a total of \$30,000, of which \$10,000 would be a down payment. He stated that the remaining \$20,000 would be paid in full within a five-year period. He asked if the land would be paid off prior to construction of the building.

Ms. Frising explained that each board member of the Korean Community donated their Permanent Fund Dividend in order to make the down payment for the property purchase. Ms. Frising, in response to Mr. Roberts question, stated that the land must be paid before the government would assist financially with the new structure.

Mr. Matherly asked if the Korean Community of Fairbanks currently had an open facility. He also asked how significant the demand was for a Korean language school in Fairbanks.

Ms. Frising answered that the Korean Community does not have a building dedicated solely to the language school at this time; she explained that they operate out of the Korean Church, but it has not been a great success. In response to Mr. Matherly's second question, Ms. Frising stated that there used to be a Korean language class offered at the University of Alaska, Fairbanks, but the program has closed, leaving a demand in the community.

Ms. Stiver asked for clarification on the numbers the Korean government is willing to contribute to the building project and who would assume ownership upon completion.

Ms. Frising stated that the government will contribute \$250,000, half of the total construction cost. She added that the Korean Community of Fairbanks, Inc will retain ownership upon completion.

Mr. Hilling spoke to the purpose of the Korean Community of Fairbanks, "to bring services and education to the Korean community." He asked if the senior citizen program would be open to elderly individuals no matter what their ethnicity.

Ms. Frising stated that all seniors would be welcome. She explained that the Korean Community will have many activities in which seniors can participate, such as dance, massage and gardening.

Mr. Hilling asked if the center would have the resources to teach English to other ethnic groups; for example, an individual who speaks only Spanish.

Ms. Frising replied that the community does not have the teaching staff necessary to do that at this time. She commented that they would be open to the idea if teaching volunteers came forward.

Mayor Cleworth asked if the Korean Community of Fairbanks' board members were comfortable with the provisions set forth in Ordinance No. 5870.

Ms. Frising replied that the agreement was very reasonable.

Victor Buberger – Mr. Buberger commented that the property has been vacant for decades. He mentioned an illegal alien that he employed in the early 1980's and how the young man didn't know English when he came to Fairbanks. He went on to explain that the young man learned the English language from a Korean language school here in Fairbanks and is now a U.S. citizen. Mr. Buberger spoke in favor of Ordinance No. 5870.

Frank Turney – Mr. Turney spoke in support of Ordinance No. 5870. He stated his belief that every foreigner coming to the United States should learn the English language.

Nan Gang – Mr. Gang expressed his excitement for what he called a “cultural center” that would be open to everyone in the community. He spoke to the need for indoor community activities in Fairbanks due to the long, dark winters.

Mr. Hilling asked if there should be a deadline for the construction of the new facility.

Mayor Cleworth pointed out that the issue is addressed in Sections 6 and 7 of Ordinance No. 5870.

Mr. Ewers explained that if the construction project does not commence within the five-year period, monies paid to the City would be refunded and the City would take back ownership of the property.

Mr. Hilling asked Mr. Ewers if there should be a deadline set for project completion.

Mr. Ewers stated that there should be no project completion deadline and that the decision to sell the property to the Korean Community of Fairbanks for less than full market value is a political decision, not a legal one.

Mr. Matherly invited Ms. Frising to comment.

Ms. Frising stated that there have been no architectural plans drawn and no building permits pulled for the project, but the board members of the Korean Community are serious about the project and determined to complete it.

Mr. Hilling asked Ms. Frising if the board would feel comfortable agreeing to obtain a Certificate of Occupancy in seven years.

Ms. Frising replied that the first step is to purchase the property and, although seven years sounds like a reasonable amount of time to complete construction, she would not be willing to make that promise.

Mr. Hilling moved to AMEND Ordinance No. 5870, Section 6, to add “Furthermore, completion of the property with a Certificate of Occupancy must be completed in seven years of date of purchase.”

Mayor Cleworth declared the motion dead for lack of a second.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5870, AS FOLLOWS:

YEAS: Hilling, Eberhart, Roberts, Stiver, Matherly, Gatewood
NAYS: None
Mayor Cleworth declared the MOTION CARRIED and
ORDINANCE NO. 5870 ADOPTED.

Mayor Cleworth called for a five minute recess.

- b) Ordinance No. 5869 – An Ordinance Amending Fairbanks General Code Chapter 66, Section 66-43, Senior Citizen Rate. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Gatewood, seconded by **Mr. Roberts**, moved to ADOPT Ordinance No. 5869.

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

Mr. Matherly asked for background information on Ordinance No. 5869.

Mayor Cleworth replied that the ordinance provides more direction for the Finance Department when approving, revoking or reinstating the Senior Citizen Rate—especially in cases when the property owner is deceased.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5869, AS FOLLOWS:

YEAS: Gatewood, Roberts, Eberhart, Matherly, Stiver, Hilling
NAYS: None

Mayor Cleworth declared the MOTION CARRIED and ORDINANCE NO. 5869 ADOPTED.

NEW BUSINESS

- a) Ordinance No. 5871 – An Ordinance Adopting Fairbanks General Code Section 2-657, Regarding Acceptance of Grants. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- b) Ordinance No. 5872 – An Ordinance Ratifying a Labor Agreement Between the City of Fairbanks and the AFL-CIO Crafts Bargaining Unit. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Matherly wished everyone a happy holiday. He spoke to acknowledgement of Public Testimony and encouraged the public to come forward, whether or not the Council has questions or comments. He stated that he enjoys Public Testimony because it provides him with a different perspective on issues.

Mr. Hilling commented on the lack of a second on his motion to amend Ordinance No. 5870.

Mr. Eberhart remarked that the adoption of the 2012 budget had gone more smoothly than any other year he has served on the City Council. He commented that Raven Landing had recently secured financing from AHFC for a new building. He announced the date and location of the next Public Safety Commission meeting and highlighted the agenda items. He wished everyone a safe and happy holiday season.

Mr. Gatewood wished everyone a happy holiday. He stated his intent to attend the upcoming meeting with the Interior Delegates and encouraged fellow Council Members to attend. He expressed satisfaction in the approval of the 2012 City budget. He commented that he will be sad to see Jeff Johnson leave the Permanent Fund Review Board, but welcomed his replacement, Ron Woolf. He thanked Mr. Johnson for his service on that committee and his continued service on the Finance Committee.

Mr. Roberts stated that he appreciates the budget process. He remarked that it is difficult to cut the grant-funded positions when the grant period ends. He spoke to his hopes for the future of Alaska's economy and oil development. He wished everyone a Merry Christmas.

Ms. Stiver thanked fellow Council Members for supporting her amendment to Ordinance No. 5865, as Amended. She apologized to Mary Richards for the context of her comments during public testimony regarding bed tax funds. She recommended a website that teaches children the traditional Christmas story. She wished everyone a very Merry Christmas and a blessed New Year.

CITY ATTORNEY'S REPORT

Mr. Ewers provided a report on the Whorton/Hutton court case. He stated that the case was filed in June of 2008 and has been pending in the Federal District Court since then. He explained that, in the federal system, the trial date is not set at the outset of the case; instead, the trial date will be set when both parties certify to the judge that the case is ready. He added that there is one more deposition scheduled and two motions pending. Mr. Ewers stated that, to date, the City's litigation costs are just over \$200,000. He added that once the \$250,000 deductible is met, AML/JIA will pay the remainder.

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

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

EXECUTIVE SESSION

a) Labor Contract Negotiations – IBEW

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

ADJOURNMENT

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

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

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

JERRY CLEWORTH, MAYOR

ATTEST:

JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JANUARY 9, 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
John Eberhart, Seat F

Absent: None

Also Present: Warren Cummings, Fire Chief
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
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

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger wished everyone a Happy New Year. He spoke to the need for more snow removal in the City, both on the streets and the sidewalks. He mentioned the proposed monument between the two bridges downtown and expressed his opinion that it was not an attractive work of art. He suggested that the City construct frontier-style outhouses downtown, stating that they would be practical and serve as a tourist attraction. Mr. Buberger thanked the City for its hard work.

Lance Roberts, PO Box 83449, Fairbanks – Mr. Roberts spoke to the negativity associated with downtown due to the lack of parking and high volume of parking citations issued in the area. He remarked that he will have more hesitation about visiting downtown Fairbanks in the future. He quoted various violations listed on a parking ticket he had received and explained that many of them are for offenses unrelated to parking. He indicated that these citations are issued mainly for revenue purposes. He recommended that the purpose for citation issuance be reviewed so that

only parking offenses be included as violations. He suggested opening the matter up to public opinion and offer incentives for citizens to participate in the process.

Mayor Cleworth encouraged Mr. Roberts to attend Fairbanks Parking Authority Meetings and share his ideas with the board members.

David van den Berg, 410 Cushman Street, Fairbanks, Fairbanks Downtown Association – Mr. van den Berg distributed a map to the Mayor and Council Members that depicted where supplemental services occur in the downtown area. He spoke in favor of Resolution No. 4504. He explained that the area shown may be a reasonable place for the local improvement district to take place. He stated that, upon solicitation by the Downtown Association, many downtown property owners had contributed to the Community Service Patrol in the past, and he believes they would be willing to offer their support in the future.

Mr. Hilling asked if there were any business owners that contributed.

Mr. van den Berg replied that only landowners were approached.

David Lerman, 126 2nd Avenue, #15, Fairbanks – Mr. Lerman stated that he will be a candidate for the 2012 Municipal Election and shared his website address. He spoke to various task forces in the City, especially a renovation task force. He spoke specifically to getting owners of dilapidated properties involved in the task force, such as the owner of the Polaris Building and the Smith Apartments.

Mr. Gatewood asked Mr. Lerman if he had spoken to the owner of Smith Apartments about his ideas. He also asked if that individual had expressed interest in serving on a renovation task force.

Mr. Lerman replied that he had spoken with him about the idea of a task force, but had not asked about his interest in serving on one.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Gatewood, pulled Resolution No. 4503 and Ordinance No. 5874 from the 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

Regular Meeting Minutes of October 10, 2011.

PASSED and APPROVED on the CONSENT AGENDA.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth announced that the \$450,000 payment had been received for the Chena Building and had been transferred to the Permanent Fund. He spoke to the Continuity of Operations Plan (COOP), an emergency operations plan being put together by Chief Cummings. He explained that each City Department would operate from a remote location for one day to simulate an emergency situation. He added that, in February, one City Council Meeting would be held at the City's Public Works Facility as part of the participation in the COOP simulation. **Mayor Cleworth** reminded City residents that it is against City Code to shovel or plow snow into the streets. He spoke to the report to be given at the upcoming Public Safety Commission from Eric Jewkes and Brad Johnson regarding offenses and the redundancy of state law in City code. He expressed hope that changes to the Code would be proposed by ordinance in February or March that would reduce the punishment for some offenses to a citation instead of an arrest. **Mayor Cleworth** asked the Council if anyone wished to change their appointment to a board or commission. He stated that there is an ex-officio position open on the Fairbanks Convention and Visitor's Bureau (FCVB) Board and that he has been asked to find a replacement. He asked Mr. Hilling if he would be willing to fill the vacancy.

Mr. Hilling replied affirmatively.

Mayor Cleworth, without OBJECTION from the City Council, reappointed all Council Members to service on their respective boards and commissions.

Mr. Gatewood stated that he had meant to pull the memo concerning Police Overstaffing on the Consent Agenda. He asked what "non-permanent status" meant in this case.

Mayor Cleworth replied that a former City police officer is interested in returning to the department. Since all positions are currently filled, the position would have to be non-permanent until attrition took place, allowing the officer to fill that vacancy. He informed the Council that Chief Zager has identified ways to cut overtime costs in order to accommodate the temporary employment of the officer.

UNFINISHED BUSINESS

- a) Ordinance No. 5871 – An Ordinance Adopting Fairbanks General Code Section 2-657, Regarding Acceptance of Grants. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5871.

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. 5871, AS FOLLOWS:

YEAS: Stiver, Matherly, Gatewood, Hilling, Eberhart, Roberts
NAYS: None
Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5871 ADOPTED.

- b) Ordinance No. 5872 – An Ordinance Ratifying a Labor Agreement Between the City of Fairbanks and the AFL-CIO Crafts Bargaining Unit. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Ms. Stiver, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5872.

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

Mr. Eberhart asked for clarification on the pension “red zone” situation in the funding of the AFL-CIO contract. He asked if the City is paying an extra hourly rate to rectify the pension problem.

Mayor Cleworth provided some history on a similar pension issue with a different union in the past. He explained that the addendum attached to Ordinance No. 5872 places limitations on the union’s allocation of their increase if their pension is in the “red zone.”

Mr. Ewers further clarified that a member of that union whose pension is critically underfunded would be required to allocate their entire increase to pension.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO ADOPT ORDINANCE NO. 5872, AS FOLLOWS:

YEAS: Hilling, Eberhart, Roberts, Stiver, Matherly, Gatewood
NAYS: None
Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5872 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4502 – A Resolution Authorizing the City of Fairbanks to Accept Funds from the U.S. Department of Homeland Security for the Upgrade and Modernization of Fire Protection Equipment. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) Resolution No. 4503 – A Resolution Allocating Discretionary Funds from Hotel/Motel Tax in the Amount of Two Hundred Seventy Thousand Dollars (\$270,000). Introduced by Council Member Stiver.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4503.

Ms. Stiver, seconded by **Mr. Gatewood**, moved to SUBSTITUTE Resolution No. 4503, As Amended, for Resolution No. 4503.

Mr. Gatewood asked why Resolution No. 4503, as Amended, differed from the Bed Tax Discretionary Fund Committee's original recommendation.

Ms. Stiver explained that, after speaking with all the committee members but one, they agreed their allocation to Festival Fairbanks would have been less had they known that the City was considering giving the Clean Team \$50,000 from the 2012 budget.

Mr. Eberhart acknowledged Ms. Stiver's concern, but presented the argument that the committee was aware of the possibility of the \$50,000 funding before they made their allocations. He expressed concern in changing the committee's decision.

Ms. Stiver pointed out that the Fairbanks Downtown Association has been asked not to apply for the Bed Tax Grant due to the City's annual funding of their organization. She stated that this misallocation was an oversight by the committee and the majority do not wish to reconvene.

Mr. Roberts remarked on the anomalous nature of the request to override the committee's recommendation. He agreed with Mr. Eberhart's concerns for going against the committee's decision and spoke to the Council's stringency on bed tax matters in the past. He stated that, while he understands Ms. Stiver's reasoning, he would struggle to support the reallocation of the committee's decision without something in writing.

Ms. Stiver commented that five of the six committee members have responded in an understanding way to the reallocation to Festival Fairbanks.

Mr. Eberhart stated that the committee had to act as a body to give its allocations. Further, he stated that, according to Robert's Rules of Order, it would be inappropriate to prohibit the committee from reconvening based on the majority of the members' response. He expressed his uneasiness with the proposed reallocation.

Mayor Cleworth stated that Councils have changed committee recommendations in the past and that amending the allocation would not violate any rules. He indicated that what should be questioned is whether or not everything—other than the Clean Team—is already funded for Festival Fairbanks. He explained that if all other budgeted expenditures have been funded, then Resolution No. 4503, as Amended, may be appropriate.

Mr. Matherly asked if there has ever been an incident similar to this in the past.

Ms. Stiver replied that she did not know.

Mayor Cleworth clarified that the committee's decision is only a recommendation to the City Council. He stated that, ideally, it would be nice if the committee could reconvene, but that doing so would put some grantees in a quandary.

Mr. Matherly stated that he could support the amended version based on the discussion.

Mr. Hilling asked Mr. Ewers to share his view. He asked if all disbursements would be delayed if Resolution No. 4503, as Amended, did not pass.

Mr. Ewers restated that the committee's allocations are only a recommendation.

Mayor Cleworth, in response to Mr. Hilling's question, stated that the other disbursements could be made immediately; however, once the decision on Festival Fairbanks' portion is made, disbursement amounts could differ for other organizations. He added that this could cause the Finance Department to have to cut a second check to each organization affected.

Mr. Eberhart spoke to the bed tax history since 2003 and stated that the Council has always elected to accept the committee's recommendation.

Mayor Cleworth agreed with Mr. Eberhart, adding that his last recollection of changes to a committee's recommendation was in the 1980's or early 1990's.

Ms. Stiver stated that Festival Fairbanks is fully funded, with exception of the Clean Team. She shared a suggestion from a Bed Tax Committee member that if an organization receives more than a set amount of funding from the City, they be excluded from applying for the bed tax grant.

Mr. Roberts stated that since the Council decides the appropriation of funds, he would support Resolution No. 4503, as Amended.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO SUBSTITUTE RESOLUTION NO. 4503, AS AMENDED, AS FOLLOWS:

YEAS: Gatewood, Roberts, Matherly, Stiver

NAYS: Eberhart, Hilling

Mayor Cleworth declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO APPROVE RESOLUTION NO. 4503, AS AMENDED, AS FOLLOWS:

YEAS: Gatewood, Stiver, Matherly, Roberts

NAYS: Eberhart, Hilling

Mayor Cleworth declared the MOTION CARRIED and RESOLUTION NO. 4503 APPROVED.

- c) Resolution No. 4504 – A Resolution to Form a Committee to Study a Limited Improvement District Downtown to Fund the Clean Team and the CSP. Introduced by Council Member Stiver.

PASSED and APPROVED on the CONSENT AGENDA.

- d) Resolution No. 4505 – A Resolution Authorizing Mutual Aid Agreements for Emergency EMS and Fire Protection Services. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- e) 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.

ADVANCED on the CONSENT AGENDA.

- f) 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.

Mr. Gatewood, seconded by **Ms. Stiver**, moved to ADVANCE Ordinance No. 5874.

Mayor Cleworth stated that the Council may elect to postpone first reading if they did not feel comfortable advancing the ordinance without backup material.

Mr. Gatewood asked for clarification on the section pertaining to overtime and how overtime would be accrued.

Mr. Ewers provided an explanation of when overtime would be accrued, both on a daily and weekly basis.

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

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

NAYS: None

Mayor Cleworth declared the MOTION CARRIED.

DISCUSSION ITEMS

Public Safety Commission

Mayor Cleworth provided a brief history on the role of the Public Safety Commission (PSC). He explained that the commission has been looking at its mission; he added that, if the commission is still necessary, changes must be made to the City Code. He stated that the PSC had requested a joint meeting with the City Council to see what the Council's vision of their purpose may be and to give them input and direction as to whom the commission should serve. **Mayor Cleworth** stated that the City is reviewing all its boards and commissions to examine their purposes and effectiveness. He asked the Council when they would like to meet with the PSC. He suggested creating a work session preceding a Regular Meeting.

Mr. Hilling stated that he may be out of town for the next meeting.

Mr. Gatewood stated that he would like the meeting to be scheduled for a time when all Council Members could be present. He asked Mr. Eberhart, Council representative to the PSC, what his preference would be.

Mr. Eberhart recommended setting a date when all Council Members could be present.

Mayor Cleworth suggested scheduling the work session for the second Regular Meeting in February.

COMMUNICATIONS TO COUNCIL

- a) Memo Concerning Approval of Police Overstaffing.
ACCEPTED on the CONSENT AGENDA.
- b) Public Safety Commission Meeting Minutes of August 9, 2011.
ACCEPTED on the CONSENT AGENDA.
- c) Public Safety Commission Meeting Minutes of September 13, 2011.
ACCEPTED on the CONSENT AGENDA.
- d) Public Safety Commission Meeting Minutes of October 11, 2011.
ACCEPTED on the CONSENT AGENDA.
- e) Public Safety Commission Meeting Minutes of November 8, 2011.
ACCEPTED on the CONSENT AGENDA.
- f) Chena Riverfront Commission Meeting Minutes of July 11, 2011.
ACCEPTED on the CONSENT AGENDA.
- g) Chena Riverfront Commission Meeting Minutes of September 12, 2011.
ACCEPTED on the CONSENT AGENDA.
- h) Chena Riverfront Commission Meeting Minutes of November 7, 2011.
ACCEPTED on the CONSENT AGENDA.
- i) Bed Tax Discretionary Fund Committee Meeting Minutes of June 14, 2011.
ACCEPTED on the CONSENT AGENDA.

j) Reappointments to the Fact Finding Commission.

APPROVED on the CONSENT AGENDA.

k) Reappointment to the Finance Committee.

APPROVED on the CONSENT AGENDA.

l) Reappointment to the Public Safety Commission.

APPROVED on the CONSENT AGENDA.

m) Appointment and Reappointments to the Building Code Review & Appeals Commission.

APPROVED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Gatewood congratulated City constituents on their recent marriage. He paid tribute to long-time Fairbanks resident Nelson Miles who recently passed away.

Mr. Roberts seconded Mr. Gatewood's sentiments toward Nelson Miles and his family. He expressed hope that the forecast would bring warmer weather soon.

Ms. Stiver asked Mayor Cleworth if he had heard from Mayor Hopkins regarding the City's appointment to the Planning Commission. She thanked the members of the Bed Tax Committee for their hard work on the 2012 grant distribution. She reminded the Council of her upcoming physical absence from Regular Meetings, but stated that she will be attending telephonically from Juneau.

Mayor Cleworth, in response to Ms. Stiver's question, stated that he had not heard from the borough mayor. He commented that Ms. Stiver has done well at covering the Borough Assembly Meetings as the City Council Representative, but will need a replacement while out of town. He asked the Council if anyone would be willing to attend the meetings on behalf of the City.

Mr. Matherly wished everyone a Happy New Year. He expressed condolences for Fairbanks residents George Wise and Mr. Herbeck who recently passed away. He encouraged members of the public to attend and participate in City Council Meetings.

Mr. Hilling spoke to Mr. Buberger's suggestion for placing frontier-style outhouses downtown. He wondered if the idea could be considered under the newly proposed Downtown Improvement District Committee. He spoke to the parking situation in downtown Fairbanks. He supported Lance Roberts' idea of inviting the public to offer input on a parking solution. He suggested that parking citation forms be updated. **Mr. Hilling** asked about the Parking Authority's power to issue citations for offenses other than parking related violations. He asked, in reference to Mr. Lerman's inquiry at a recent meeting, if the City's mission statement was available. **Mr. Hilling**

spoke to his conflict with the recent adoption of Ordinance No. 5870 due to his wife's involvement on the JP Jones board and her ethnicity.

Mayor Cleworth, in response to Mr. Hilling's inquiry on public restroom facilities, stated that the Downtown Improvement District Committee's formation is still in its preliminary stages so it is unclear whether or not the idea could be considered by the committee. **Mayor Cleworth** explained briefly the power given by the City to the Fairbanks Parking Authority to issue citations for offenses that are not parking-related. He added that their forms are updated when the old supply runs out and new forms are ordered. **Mayor Cleworth**, in response to Mr. Hilling's question regarding the City's mission statement, stated that he did not have it available at the moment, but it would be provided to Mr. Hilling. **Mayor Cleworth** spoke to Resolution No. 4504, the resolution to form a committee to study a limited improvement district downtown to fund the Clean Team and the CSP. He explained that the resolution states that the Mayor is to appoint members to the committee, but he asked the Council for input or suggestions on appointments.

Mr. Ewers clarified that the City has adopted by reference much of the State of Alaska Administrative Code pertaining to traffic and parking regulations.

Mr. Eberhart wished his fellow Council Members a Happy New Year. He offered his condolences in regards to the death of Nelson Miles, stating that Mr. Miles was an interesting man and a gentleman. He announced the date, time and location of the next Public Safety Commission meeting and highlighted the agenda items. He added that he will inform the commission of the proposed work session date in February.

CITY ATTORNEY'S REPORT

City Attorney Ewers advised that the Mayor has a Memorandum of Agreement involving the Clay Street Cemetery and Northern Land Use Research, Inc. The agreement would allow Northern Land Use Research to provide labor and equipment and use ground-penetrating radar mapping to prepare a report for the Elk's Lot in the cemetery. He explained that there will be no cost to the City and the results of the survey will be shared with the Clay Street Cemetery Commission and the City.

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

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

Mayor Cleworth called for a five minute recess.

EXECUTIVE SESSION

a) Labor Contract Negotiations

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

ADJOURNMENT

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

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

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

JERRY CLEWORTH, MAYOR

ATTEST:

JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS



Fairbanks North Star Borough

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907/459-1000

www.co.fairbanks.ak.us

February 21, 2012

RECEIVED

FEB 21 2012

City Mayor's Office

The Honorable Jerry Cleworth, Mayor
City of Fairbanks
800 Cushman Street
Fairbanks, Alaska 99701

RE: Vacation of a Public Right-of-Way (VA 006-11 Tanana Clinic 1st Addn.)

Dear Mayor Cleworth:

At its regular meeting of February 15, 2012 the Platting Board of the Fairbanks North Star Borough approved a request by Stutzmann Engineering on behalf of the Greater Fairbanks Community Hospital Foundation to vacate that portion of 11th Avenue east of Noble Street and to replat Lots 1-8, Blk 119, Lot 1-A, Blk 120, portions of Lots 1 and 2, Blk 120, Lots 2-C-1-A, 2-C-1-B, and 2-C-1-C, Blk 120, Fairbanks Townsite, into four lots ranging in size from 22,865 square feet to 1.725 acres within the SE¼ of Sec 10, T1S R1W, FM (located on 10th and 11th Avenues and Noble St).

Alaska Statute 29.40.140 states that no vacation of a city street may be made without the consent of the City Council. The Council shall have thirty (30) days from the date of the Board's decision in which to veto that decision. If no veto is received within the thirty-day period, the consent of the City of Fairbanks shall be deemed to have been given to the vacation.

The Department of Community Planning recommends approval (no veto) as conditioned by the Platting Board.

Sincerely,

Bernardo Hernandez, Director
Department of Community Planning

BH/b

Attachments: Action Letter
Platting Board Minutes
Staff Report
DPO and Preliminary Maps

Hand-delivered to City Mayor, Surveyor, and City Clerk – 2/21/12



Fairbanks North Star Borough

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907/459-1000

www.co.fairbanks.ak.us

February 16, 2012

Stutzmann Engineering Assoc., Inc
PO Box 71429
Fairbanks AK 99707

Re: SD 039-11 / RP 035-11 / VA 006-11 Tanana Clinic 1st Addn.

Dear Jeremy,

At its regular meeting on February 15, 2012 the Platting Board of the Fairbanks North Star Borough considered your request to vacate the portion of 11th Ave east of Noble St and to replat Lots 1-8, Blk 119; Lot 1-A, Blk 120; portions of Lots 1 and 2, Blk 120; Lots 2-C-1-A, 2-C-1-B, and 2-C-1-C, Blk 120, Fairbanks Townsite, into four lots ranging in size from 22,865 sf to 1.725 ac within the SE¼, Sec 10, T1S R1W, FM AK.

The Board gave preliminary approval to the request, subject to the following conditions:

1. Easements be reserved on the final plat within the vacated 11th Avenue right-of-way to cover all existing utilities, the storm drain catch basins and the street lights.
2. Standard utility notes be placed on the final plat and GVEA review and comment on the final plat.
3. GHU and Aurora Energy review and comment on the final plat.
4. GCI be given ten days to review and comment on the final plat utility easement provisions.
5. Twenty foot radius corner rounding be reserved at the corner of 12th Avenue and Noble Street and the City of Fairbanks review and comment on the final plat.
6. ACS review and comment on the final plat utility easement provisions.

Alaska Statute 29.40.140 states that no vacation of a city street may be made without the consent of the City Council. The Council shall have thirty (30) days from the date of the Board's decision in which to veto that decision. If no veto is received within the thirty-day period, the consent of the City shall be deemed to have been given to the vacation.

Your request is being forwarded to the City Council. Please contact the City Clerk's office (459-6715 or FAX 459-6719) City Clerk (488-2281) for the meeting date.

Upon non-veto by the City Council, a final plat must be prepared by a registered land surveyor and submitted to this office within 24 months of the City Council action or the preliminary approval will become void.

If you have any question regarding this matter, please contact the Fairbanks North Star Borough Department of Community Planning at 809 Pioneer Road, 459-1260, or FAX 459-1254.

Sincerely,



Loriann Quakenbush
Platting Officer

LQ/b

Enclosure to Addressee

- c: Greater Fairbanks Community Hospital Foundation
ADOT Planning
Pete Eagan, ADOT ROW
Jennifer Schmetzer, FNSB Public Works Engineer

FNSB PLATTING BOARD MINUTES February 15, 2012

A regular meeting of the Fairbanks North Star Borough Platting Board was held in the Assembly Chambers, 809 Pioneer Road, Fairbanks, Alaska. The meeting was called to order at 6:05pm by Merle Jantz, Chair.

PRESENT: Merle Jantz, Chair
Margery Kniffen
Dave Lanning
Kirk Maynard
Joanne Trefethen, Vice Chair

ABSENT: Andrew Bryan
Bill Mendenhall
Randy Pitney
Leo Woster

ALSO PRESENT: Luke Hopkins, FNSB Mayor
Cynthia Klepaski, Asst Borough Attorney
Loriann Quakenbush, Platting Officer
Jennifer Schmetzer, Public Works Engineer
Bobette McKirgan, Recording Clerk

CITIZENS' COMMENTS (On items not scheduled for public hearing, including consent agenda items)

None

***APPROVAL OF AGENDA AND CONSENT AGENDA**

The agenda and consent agenda for this meeting, including the minutes of the January 18th Platting Board meeting, were approved without objection after a motion by Trefethen, seconded by Maynard.

***APPROVAL OF THE MINUTES** (January 18, 2012)

CHAIR'S COMMENTS

None

COMMUNICATIONS TO THE BOARD

Quakenbush reported that the Assembly reconsidered the Platting Board's suggested changes to Title 17 and that 1) soil testing prior to road construction was eliminated, 2) the bond amount went to 5%, 3) the two-year warranty was approved, and 4) the road inspection report remained. **Quakenbush** said she wanted to comment at the end of the meeting on the Title 17 changes introduced by Assemblyman Dukes.

Mayor Hopkins expressed his appreciation to the board for their support and work on Title 17. The mayor said he anticipates further Title 17 amendments will be forthcoming and thanked the Platting Board for the appropriate work they did.

DISCLOSURE & STATEMENT OF CONFLICT

Lanning said he was considered for, but not awarded, the civil work on Wilbur Street.

There was no objection to Lanning's participation in discussion of VA 006-12 / RP 018-12 Wilbur Street Vacation.

Lanning declared that he had a brief discussion with another board member regarding the Tanana Clinic 1st Addition and he had suggested to the board member that he/she meet with the surveyor.

There was no objection to Lanning's participation in discussion of SD 039-11 / RP 035-11 / VA 006-11 Tanana Clinic 1st Addn.

PUBLIC HEARING ITEMS

Preliminary Applications

1. **VA 006-12 / RP 018-12 Wilbur Street Vacation** – A request by 3-Tier Alaska on behalf of Fairbanks Montessori Assn., 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 16, T1S R1W, FM (located on 30th Ave and Wilbur St).

Quakenbush gave the staff report; staff recommended approval of the vacation and replat of Wilbur Street with the following findings:

- a) The Mitchell Expressway was built after the dedication of Wilbur Street, thereby negating Wilbur's purpose as a collector.
- b) The Mitchell Expressway is a controlled access highway which prohibits any additional access.
- c) Wilbur Street is not constructed between Davis Rd and 30th Ave.
- d) Wilbur Street was vacated by similar conditions in South Davis Park in 2003 by VA 006-12.
- e) The adjoining property owners are the City of Fairbanks and the FNSB, both of which have no objection to vacating the area of Wilbur Street.
- f) Adjoining land also has adequate frontage onto 30th Ave, which is paved and maintained.
- g) There will be a 50' width remaining for Wilbur Street after the vacation that will be adequate for future access needs to adjoining properties.
- h) Vacating the 50' portion of Wilbur Street will not adversely affect alignment with North Van Horn Rd south of the intersection at 30th Ave.
- i) Peger Road and Lathrop Street provide adequate access onto the Mitchell Expressway without the need for using Wilbur Street.

Staff recommended preliminary approval of the replat with the following conditions:

1. Standard Flood Zone A note, base flood elevation, and temporary bench mark be shown on the final plat.
2. ADOT review and comment on the final plat.
3. Standard utility notes be placed on the final plat, and GVEA, ACS and GCI review and comment on final plat utility easement provisions.

4. FNSB Zoning permit be submitted to verify the building addition will conform to zoning standards.
5. City of Fairbanks review and comment on the final plat.
6. Lot be designated as 1-A on the final plat.

Finding of fact: In addition to the findings for the replat/vacation approval, staff further recommended adoption of the following finding:

- a) As conditioned, this replat/vacation meets the applicable requirements of Title 17.

Trefethen asked whether the City owned the property to the east and the Borough owned the property to the west and **Quakenbush** replied yes.

Kniffen questioned whether the Montessori school was a non-profit and if ownership was fee-simple and **Quakenbush** replied yes, adding that it was incorporated and agreed with **Kniffen's** assertion that the school was not a public entity or part of the school district.

A motion was made by Trefethen, seconded by Kniffen, to approve the replat and vacation of a portion of Wilbur Street with the six conditions and one finding of act, as recommended by staff.

Trefethen said that she did not foresee Wilbur Street ever being used.

Jantz said he did not see any issues with the application.

A roll call vote was taken on the motion by Trefethen, seconded by Kniffen, to approve the replat and vacation of a portion of Wilbur Street with the six conditions and one finding of act, as recommended by staff. Approval was unanimous.

APPROVED

2. **SD 039-11 / RP 035-11 / VA 006-11 Tanana Clinic 1st Addn** – A request by Stutzmann Engineering on behalf of the Greater Fairbanks Community Hospital Foundation to vacate that portion of 11th Avenue east of Noble Street and to replat Lots 1-8, Blk 119, Lot 1-A, Blk 120, portions of Lots 1 and 2, Blk 120, Lots 2-C-1-A, 2-C-1-B, and 2-C-1-C, Blk 120, Fairbanks Townsite, into four lots ranging in size from 22,865 square feet to 1.725 acres within the SE¼ of Sec 10, T1S R1W, FM (located on 10th and 11th Avenues and Noble St).

Quakenbush gave the staff report. Staff recommended approval of the vacation of that portion of 11th Avenue lying east of Noble Street with the following findings:

1. All existing and proposed lots adjacent to this segment of 11th Avenue have access to other public streets.
2. This segment of 11th Avenue is currently being used as a common driveway for the two medical clinic buildings and is not providing primary access to any other parcels.
3. The only other lot with access to 11th Avenue is Lot 1, Tanana Clinic Subdivision. The apartment buildings on this lot use 10th Avenue for access. The owner has provided a letter of non-objection to the vacation.
4. Vacation of the street will allow for the redesign of parking areas and pedestrian access to the clinic buildings, which will improve public safety.
5. The Fairbanks Fire Department and City of Fairbanks have no objection to the vacation.

Staff recommended preliminary approval of the replat with the following conditions:

1. Easements be reserved on the final plat within the vacated 11th Avenue right-of-way to cover all existing utilities, the storm drain catch basins and the street lights.
2. Standard utility notes be placed on the final plat and GVEA review and comment on the final plat.
3. GHU and Aurora Energy review and comment on the final plat.
4. GCI be given ten days to review and comment on the final plat utility easement provisions.
5. Twenty foot radius corner rounding be reserved at the corner of 12th Avenue and Noble Street and the City of Fairbanks review and comment on the final plat.
6. ACS review and comment on the final plat utility easement provisions.

Finding of fact: Staff further recommended adoption of the following finding:

- a) With the conditions recommended by staff, this subdivision meets the applicable requirements of Title 17.

Kniffen asked about the provisions Dixon Apartments has for off-street tenant parking. **Quakenbush** replied there is parking along the sides; and the south lot is for Tanana Clinic employees. **Kniffen** asked about sufficient access for emergency vehicle when parking is full and **Quakenbush** replied that the majority of the parking takes place on the sides and there appears to be enough area for other vehicles to access.

Lanning said he was concerned about emergency vehicle access and asked whether the Fairbanks Fire Department had reviewed the plans. **Quakenbush** replied yes and their only comment was regarding relocation of a hydrant on 11th Avenue, and that would be done at the time the physical re-design of the facilities was done.

Jeremy Stark, Stutzmann Engineering, stated that the staff report summarized the purpose of the application, which will allow Tanana Clinic to make modifications and improve pedestrian and vehicle access on their medical campus. **Stark** said Fire Marshal Ernie Miscewicz reviewed the plans and confirmed there would be adequate access for fire trucks.

Klepaski asked for an explanation of an access shown on the conceptual TVC Parking Revision and **Stark** replied that it would be for dumpster access. **Klepaski** wanted to know about vehicular access for patients and **Stark** said that access for patients and staff would be off 10th and 12th Avenues. **Stark** added that further review would be done through the driveway process for the city and appropriate traffic analysis.

A motion was made by Trefethen, seconded by Kniffen, to approve the vacation of 11th Avenue lying east of Noble Street with the five findings of fact, as recommended by staff.

Trefethen said the street serves basically one property owner and she had no objection.

A roll call vote was taken on the motion by Trefethen, seconded by Kniffen, to approve the vacation of 11th Avenue lying east of Noble Street with the five findings of fact, as recommended by staff. Approval was unanimous.

APPROVED

A motion was made by Trefethen, seconded by Lanning, to approve the preliminary plat of Tanana Clinic 1st Addition with the six conditions, changing number six to ACS review and comment on the final plat utility easement provisions, and the one remaining finding of fact, which is noted as letter E, as recommended by staff.

A roll call vote was taken on the motion by Trefethen, seconded by Lanning, to approve the preliminary plat of Tanana Clinic 1st Addition with the six conditions, changing number six to ACS review and comment on the final plat utility easement provisions, and the one remaining finding of fact, which is noted as letter E, as recommended by staff. Approval was unanimous.

APPROVED

EXCUSE ABSENT MEMBERS

The absences of Pitney, Woster and Mendenhall were excused without objection.

COMMENTS

Citizens

None

Platting Staff

Quakenbush said the proposed Title 17 ordinance introduced by Assemblyman Dukes on January 26th had been referred to the Platting Board and Assembly Road Service Area Commission (ARSAC) for comment and recommendation to the Assembly. **Quakenbush** reported that the ARSAC voted 6-2 to approve the ordinance. **Quakenbush** noted three Assembly members serve on the RSAC. **Lanning** asked who the Assembly members are and **Quakenbush** replied Sattley, Howard and Dukes. **Quakenbush** suggested it would be beneficial for the Platting Board to have a work session to gain an understanding of the purpose for the ordinance, staff concerns and to provide input. **Quakenbush** noted the two items for review are the family exemption and road building exemption, adding that the deadline to refer to the Assembly is April 17th.

Lanning said he preferred to have a work session to discuss all items instead of piece-meal discussions and **Quakenbush** agreed.

Jantz advised he will be gone through the end of March and said a meeting could be set for early April. **Jantz** said there are real issues that need addressed and discussion could be held prior to a public hearing.

Trefethen added that her preference is to have an early April meeting, as there is a heavy schedule in March.

Discussion was made and it was agreed to hold a special meeting with a public hearing following. **Jantz** said to let the public hear what is being said by the board and then take comments.

Trefethen added that the public would get a lot from the Platting Board's discussion during a special meeting instead of a work session where the public is invited, but cannot participate.

Kniffen wanted to clarify the timeline for the Platting Board meeting with regard to the Assembly agenda. **Quakenbush** said agenda setting would be April 17th and the Platting Board deadline to provide comment would be April 16th. All board members present expected to be able to attend a meeting proposed for April 4th.

Action: The Platting secretary will secure a meeting place and date, and contact Platting Board members regarding their availability to attend.

Kniffen said she would likely be gone for the March meeting.

Lanning said he was confused about the need for revisiting Title 17 after spending 1½ to 2 years doing so. **Quakenbush** said that Assembly members have the authority to introduce ordinances at any time. She said this ordinance was introduced by an Assembly person at the Assembly level and referred down. **Jantz** added that **Mayor Hopkins** has elected to bring forth steering committee recommendations incrementally.

Klepaski said the presentation by **Bob Henszey** and **Mitch Osborne** of the US Fish & Wildlife Service was excellent and good information to know, especially during consideration of riverfront developments.

Board Members

Jantz thanked **Trefethen** for chairing the January meeting.

Jantz advised he will not attend the March meeting.

ADJOURNMENT

The meeting was adjourned at 6:56pm.

/b

Prepared 1-27-12 by ~ Revised @ 2/15/12 Platting Board meeting ~ Loriann C. Quakenbush Platting Officer	STAFF REPORT FNSB PLATTING BOARD TANANA CLINIC 1st Addn #SD 039-11 / RP 035-11 / VA 006-11	February 15, 2012
-----------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------

Applicant/Owner/ Subdivider:	Greater Fairbanks Community Hospital Foundation 1650 Cowles St, Floor 5 Fairbanks AK 99701
Surveyor:	Stutzmann Engineering Assoc., Inc PO Box 71429 Fairbanks AK 99707
Specific Request/ Legal Description:	To vacate the portion of 11 th Ave east of Noble St and to replat Lots 1-8, Blk 119; Lot 1-A, Blk 120; portions of Lots 1 and 2, Blk 120; Lots 2-C-1-A, 2-C-1-B, and 2-C-1-C, Blk 120, Fairbanks Townsite, into four lots ranging in size from 22,865 sf to 1.725 ac within the SE¼, Sec 10, T1S R1W, FM AK
Location/Access:	Noble St, Tenth Ave, Eleventh Ave
Existing Land Use:	Proposed lots 3 and 4: vacant Proposed Lot 5: First Care Clinic building Proposed Lot 6: TVC building
Current Zoning:	CBD - Central Business District Minimum Lot Size: No minimum Minimum Setback: 0 ft
Comprehensive Plan:	Medium Density Residential, Urban Preferred, Commercial Area, Office
Soils:	This area not covered by the USDA soils mapping
Flood Zone:	X
Road Service Area:	City of Fairbanks

History: Blocks 119 and 120 were created by the survey known as the L.S. Robe Map of 1909, reproduced by Karl Theile, U.S. Surveyor-General in 1922. This survey platted Block 119 into four lots and Block 120 into two lots.

The lots within these blocks have been reconfigured over the years through a combination of formal replats and deeds of record. The plats of record associated with Blocks 119 and 120 are as follows:

- Oct. 29, 1959 Plat # 87.402 replatted Block 119 into Lots 1 through 8.
- May 3, 1965 Plat # 65-2921 replatted reconfigured Lots 1 and 2, Block 120.
- June 9, 1965 Plat # 65-3992 replatted Lot 2-C-1, Block 120 into three lots.
- June 19, 1987 Plat # 87-43 replatted portions of Lot 1, Block 120 back into one lot.

Specific Request: This request is to vacate 11th Avenue between Blocks 119 and 120, east of Noble Street, and to reconfigure 22 lots into four lots ranging in size from 22,865 sq. ft. to 1.725 acres.

The Greater Fairbanks Community Hospital Foundation owns all the lots within Blocks 119 and 120. This property is developed with the Tanana Valley Clinic, the Tanana Valley Clinic First Care building and associated parking lots.

Access: Tenth and Twelfth Avenues and Noble Street will provide access to the four proposed lots. These streets are maintained by the City of Fairbanks.

Variance: Not applicable.

Soils Report: A soils report is not required as these lots are served by community sewer and water.

Flood Zone/Wetlands: This property is not within Flood Zone A nor does it appear to be in wetlands.

FNSB In-house Review:

Transportation Planner: Comments are not available as this position remains vacant.

Street Addressing: Commented that Log Cabin Court is misspelled on the preliminary plat. Further commented that there are no addressing issues with this plat.

Public Works Engineering / Rural Services / Service Area: This property is within the City of Fairbanks; therefore, FNSB Public Works defers to the City.

Advanced Planning/Zoning: No objection.

Flood Plain Administrator: No comment/objection.

Trails: No objection.

Land Management: No comment/objection.

Agency and Utility Review:

ACS: ACS has requested an easement be reserved, 10' wide, adjacent to the easterly lot line of proposed Lot 6.

The hospital foundation is objecting to providing the 10' PUE. along the east boundary of proposed Lot 6 as there are no existing facilities in this area. The telephone facilities are currently located along the east boundary of proposed Lot 3.

ACS has commented that the easement is needed because the facilities along the east boundary of Lot 3 may need to be extended or relocated in the future. The applicant commented that ACS can pursue acquisition of additional easement in the future, if necessary. The applicant further contends that this is commercial property and very valuable. The property owner should not be expected to provide utility easements on property that has already been platted.

Title 17.60.080.A stipulates that: "The platting board shall require reservation of utility easements along lot lines or rights-of-way within a subdivision when a utility company demonstrates a specific need for them."

The title does not take into consideration the value of the land. Furthermore, the demonstrated need is not restricted to an immediate need per the title language. The platting board routinely requires utility easements on subdivisions plats and replats for future use by utility companies.

ADOT: ADOT reviewed the preliminary plat and had no comment.

GHU: Requested easements be provided for existing water and sewer main lines located in the 11th Avenue right-of-way. GHU also requested review of the final plat.

Aurora Energy: Requested a 20' utility easement be provided centered on hot water district heat mains located within the 11th Avenue right-of-way.

GCI: GCI was provided a copy of the preliminary plat on March 18, 2011. GCI has not provided comments, to date.

GVEA: Requested easements to cover existing facilities, standard utility notes on the final plat, and review of the final plat.

City of Fairbanks: Requested public utility easement be reserved to cover storm drain catch basins and street lights located within the proposed 11th Avenue vacation. Further requested a 20' radius corner rounding be reserved at the 12th Avenue corner with Noble Street.

Mike Schmetzer, City Engineer, commented during a phone conversation on April 13, 2011 that a reconstruction of Noble Street is planned for 2014 to include a traffic signal at 12th Avenue and Noble Street. He further commented that the vacation would not adversely impact traffic circulation or inhibit access to the parcels in the area.

Fairbanks Fire Department: Commented that the fire hydrant in the 11th Avenue right-of-way will need to be relocated when the hospital foundation redesigns the parking area.

Vacation Analysis: The Greater Fairbanks Community Hospital Foundation is requesting the vacation of 11th Avenue in order to incorporate the vacated street into a parking and pedestrian area that provides for safer patient access. The hospital foundation believes that the vacation is beneficial not only to the large percentage of the Fairbanks population that uses these facilities, but also the city and borough. The city will receive fair market value for the vacated right-of-way and will no longer be responsible for the maintenance of a street that's functioning as a common driveway for the TVC and First Care facilities. The borough will benefit from additional tax revenue once the property is in private ownership.

Title 17.40.030.E.1 states that it shall be incumbent upon the applicant to demonstrate that the area proposed to be vacated is no longer practical for the uses and purposes authorized, or that other provisions have been made that are more beneficial to the public.

The portion of 11th Avenue lying east of Noble Street currently functions as a driveway for TVC and First Care. The hospital foundation owns all the lots north and south of the street. There is a large amount of pedestrian traffic between the two facilities as well as several parking areas. For these reasons, it is no longer practical or safe for 11th Avenue to function as a public street.

The only other parcel with access to 11th Avenue is the Dixon Apartments on Lot 1, Tanana Clinic Subd. to the east. The primary access for the Dixon Apartments is 10th Avenue. The owners of the Dixon Apartments have provided a letter of non-objection to the vacation.

The Fairbanks Fire Department reviewed the proposed vacation and did not raise any objections. The City of Fairbanks also reviewed and commented on the proposed vacation without objection. The Fairbanks City Council will have 30 days to veto if the vacation is approved by the Platting Board.

Vacation Recommendation and Findings: Staff recommends approval of the vacation of that portion of 11th Avenue lying east of Noble Street. This vacation meets the requirements of Title 17.40.030.E.1 as this street is no longer practical for the purposes authorized, as supported by the following findings:

1. All existing and proposed lots adjacent to this segment of 11th Avenue have access to other public streets.
2. This segment of 11th Avenue is currently being used as a common driveway for the two medical clinic buildings and is not providing primary access to any other parcels.
3. The only other lot with access to 11th Avenue is Lot 1, Tanana Clinic Subdivision. The apartment buildings on this lot use 10th Avenue for access. The owner has provided a letter of non-objection to the vacation.
4. Vacation of the street will allow for the redesign of parking areas and pedestrian access to the clinic buildings, which will improve public safety.

5. The Fairbanks Fire Department and City of Fairbanks have no objection to the vacation.

Recommendation: Staff recommends preliminary approval of the replat with the following conditions:

1. Easements be reserved on the final plat within the vacated 11th Avenue right-of-way to cover all existing utilities, the storm drain catch basins and the street lights.
2. Standard utility notes be placed on the final plat and GVEA review and comment on the final plat.
3. GHU and Aurora Energy review and comment on the final plat.
4. GCI be given ten days to review and comment on the final plat utility easement provisions.
5. Twenty foot radius corner rounding be reserved at the corner of 12th Avenue and Noble Street and the City of Fairbanks review and comment on the final plat.
6. ~~A ten foot wide public utility easement be reserved along the east boundary of proposed Lot 6 and ACS~~ review and comment on the final plat utility easement provisions.

Findings of fact: Staff further recommends adoption of the following findings:

- a) ~~ACS provides telephone utilities to this area.~~
- b) ~~ACS has existing telephone facilities along the east boundary of proposed Lot 3.~~
- c) ~~These facilities may need to be relocated or extended north along the east boundary of proposed Lot 6, according to ACS.~~
- d) ~~Title 17.60.080.A provides that: "The platting board shall require reservation of utility easements along lot lines or rights of way within a subdivision when a utility company demonstrates a specific need for them."~~
- e) With the conditions recommended by staff, this subdivision meets the applicable requirements of Title 17.

Recommended Motions:

(Vacation) I move to approve the vacation of 11th Avenue lying east of Noble Street with the five findings of fact, as recommended by staff.

(Replat) I move to approve the preliminary plat of Tanana Clinic, 1st Addition with the six conditions and five findings of fact, as recommended by staff.

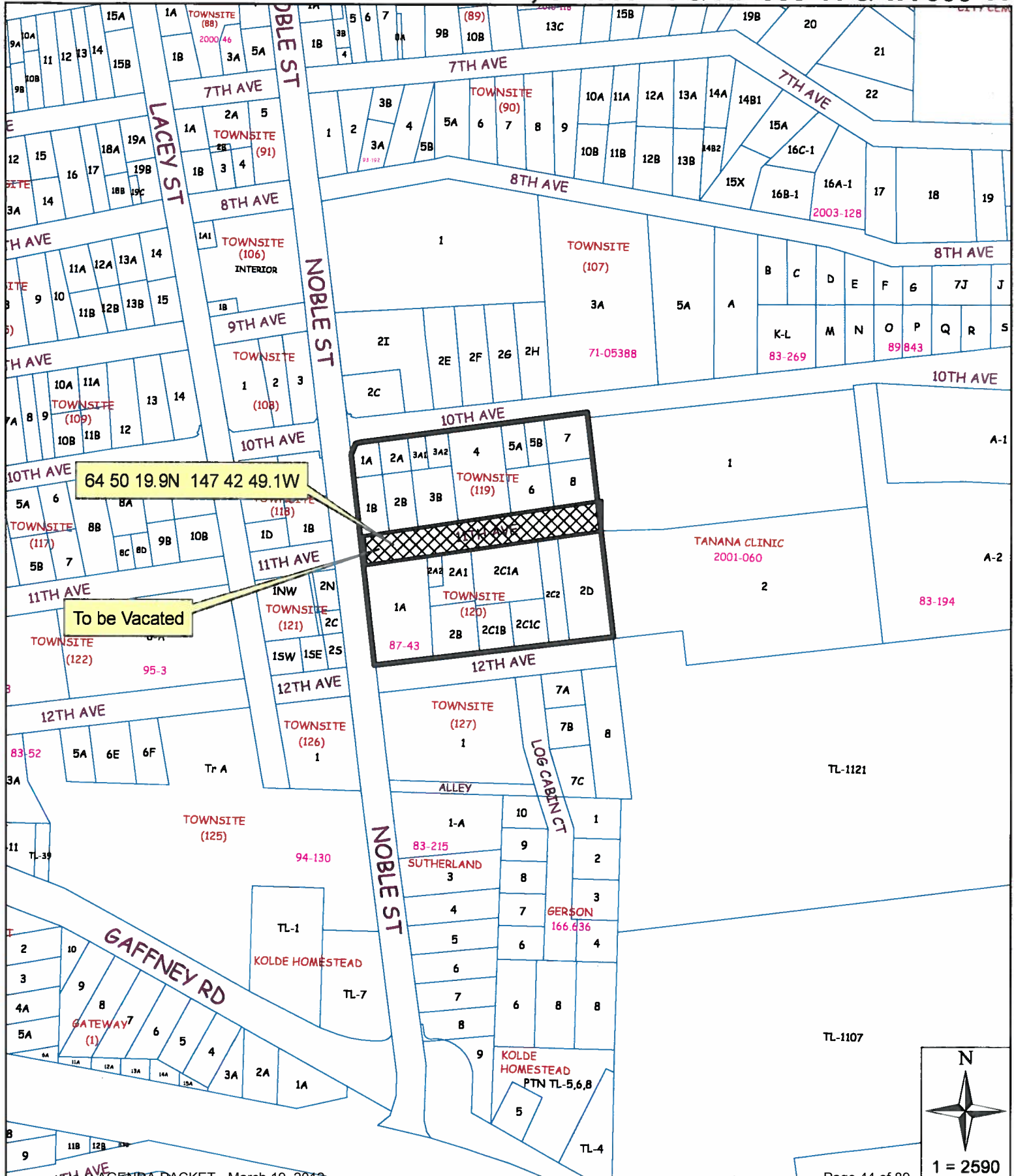
LQ/b2

13 DPOs sent	50 Parcels notified	Opposed:	Favor:	Undeliverable:
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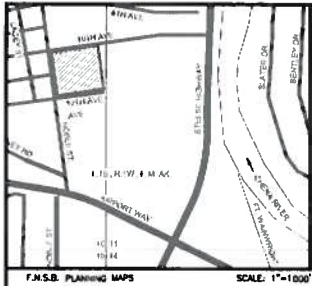


Platting Board

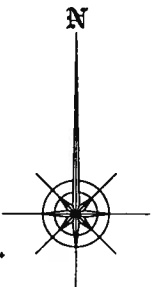
Tanana Clinic 1st Addition, SD 039-11 & RP 035-11 & VA 006-11



1 = 2590



VICINITY MAP



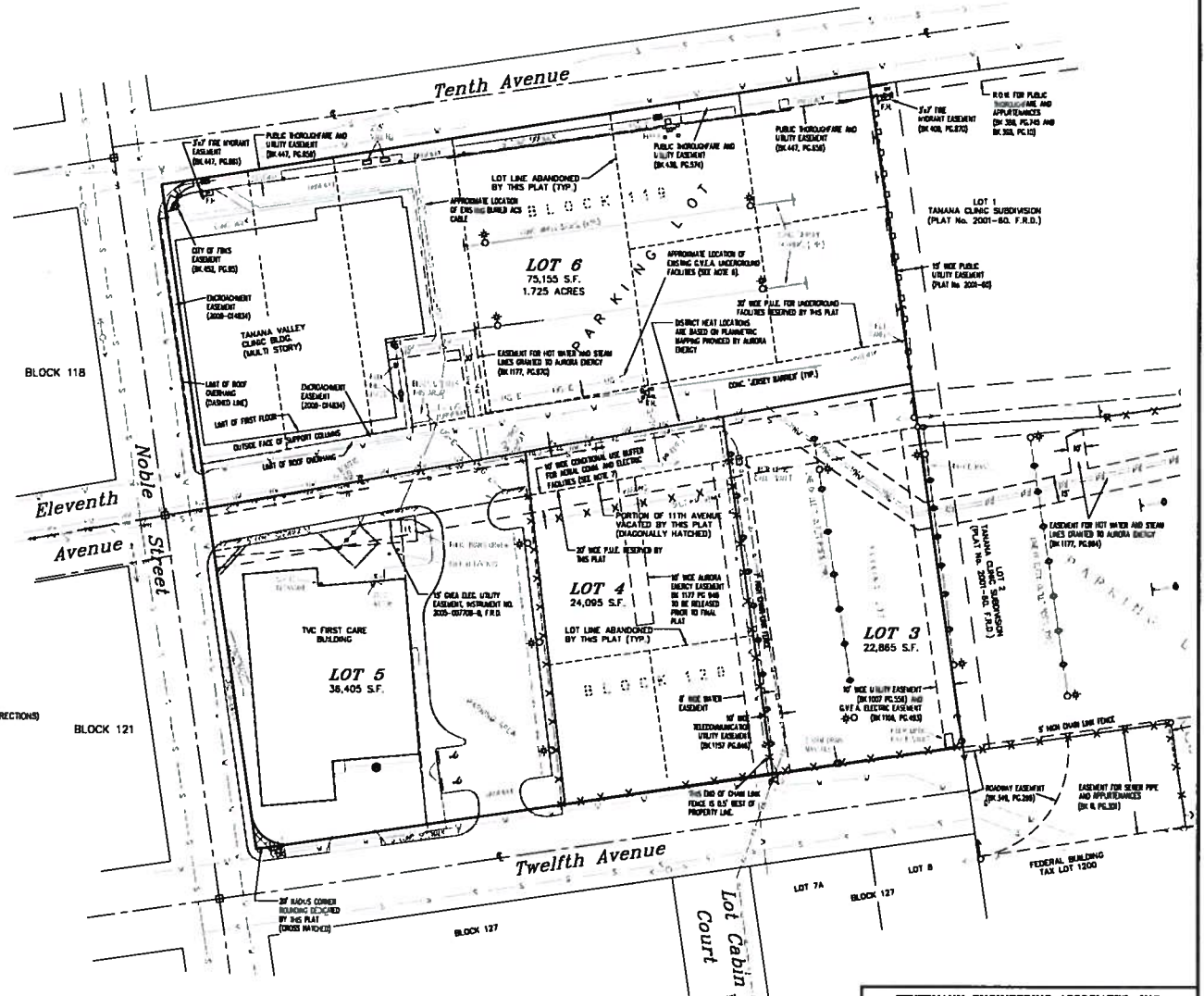
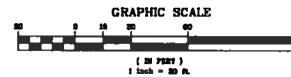
LEGEND

	UNDERGROUND ELECTRIC	U/G	UNDERGROUND
	UNDERGROUND TELEPHONE		CITY
	BURIED SEWER LINE		LIGHT POLE (APPROX. MAST DIMENSIONS AND DIRECTIONS)
	BURIED WATER LINE		HEADBOLT HEATER OUTLET POST
	BURIED HOT WATER LINE		WATER VALVE
	UTILITY POLE		MONITORING WELL
	FIRE HYDRANT		FIRE HYDRANT
	FENCE		SIGN
	FENCE GATE		CONCRETE BOLLARD
	WOODEN BARRIER WITH HEADBOLT HEATER OUTLETS		MANHOLE
	FIBER OPTIC CABLE		CONCRETE WHEEL STOP

NOTES

- This property lies within Flood Zone "X" per Federal Emergency Mapping Agency Flood Insurance Rate Map No. 025000 D1B2D dated January 2, 1992.
- This area is not covered by USDA soils mapping.
- The purpose of this plot is to vacate a portion of 11th Avenue and replot existing lots into larger parcels.
- This property is served by Golden Heart Utilities sewer and water.
- Buried utility locations shown hereon are a compilation of field locations and utility company mapping. Buried facilities will be field located as necessary prior to final plot approval.
- A 15' wide easement for buried electric facilities will be reserved centered on the as-built location of buried G.V.E.A. facilities.
- The 10' conditional use buffer is hereby established to provide an aerial clear zone around an existing overhead utility line. The utility company shall have the right to clear vegetation within the buffer as necessary. The owner reserves the right to utilize the buffer as desired, including the presence of structures and other improvements, provided that use meets minimum applicable electric safety clearance requirements.

TOTAL AREA = 3.54 ACRES



STUTZMANN ENGINEERING ASSOCIATES, INC.
 P.O. BOX 71489, FAIRBANKS, ALASKA 99707-1489
 OFFICE AT 9 AVENUE, FAIRBANKS, ALASKA 99701-4094

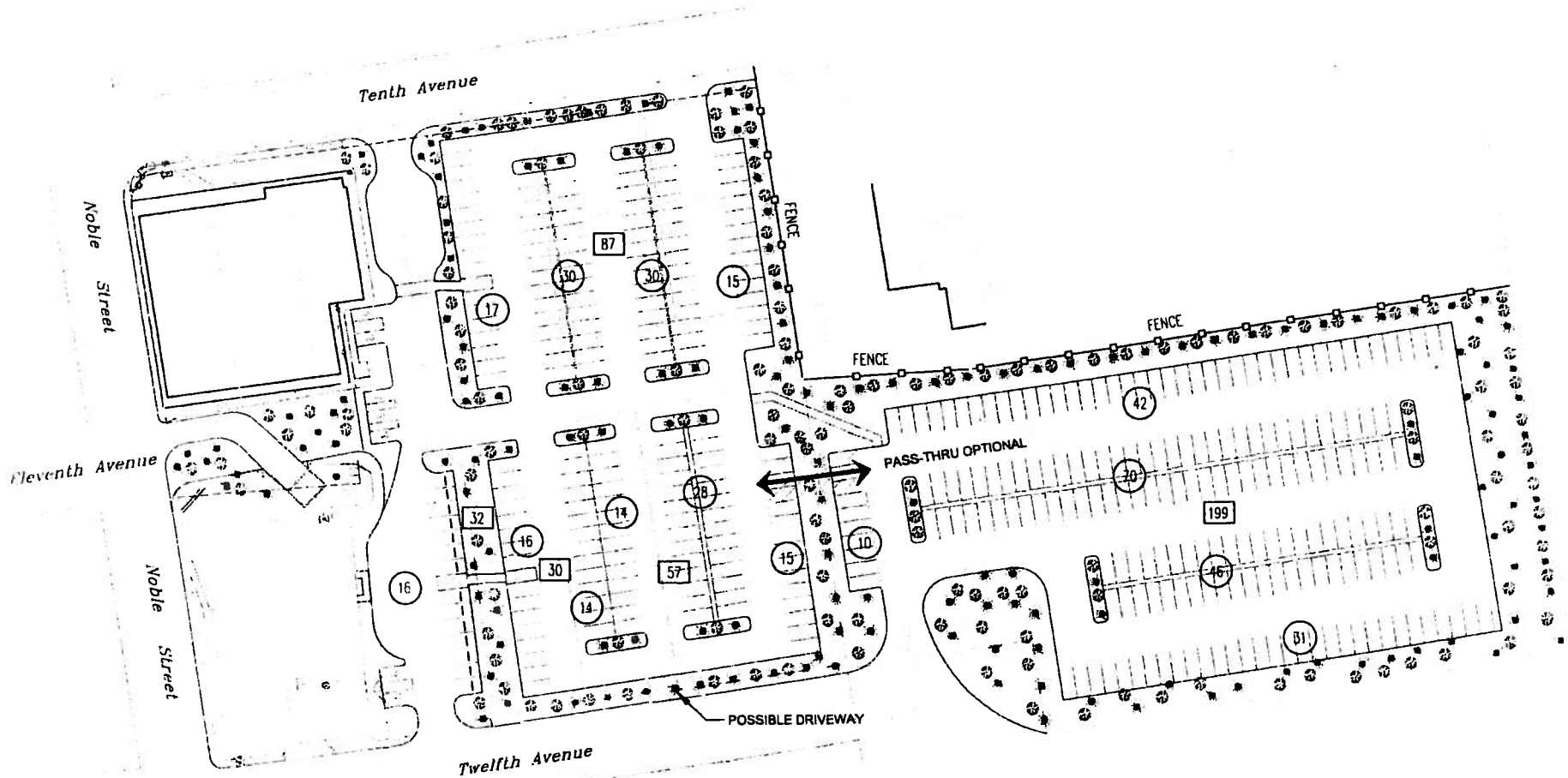
**TANANA VALLEY CLINIC SUBDIVISION
 1ST ADDITION**

THE REPLAT OF BLOCKS 119 AND 120 FAIRBANKS TOWNSHIP
 AND THE VACATION OF A PORTION OF 11TH AVENUE
 WITHIN THE SE 1/4 OF SECTION 10, T.15S., R.1W., F.M. AK.
 FAIRBANKS RECORDS DISTRICT

FOR: THE GREATER FAIRBANKS COMMUNITY HOSPITAL FOUNDATION

SURVEYED BY: S.E.A. DATE: 2008
 DRAWN BY: J.D.S. DATE: JAN. 2012
 CHECKED BY: J.D.S. SCALE: 1"=30' SHEET 1 of 1





PARKING LAYOUT

CONCEPTUAL ONLY

TVC Parking Revision
(Conceptual)

PRELIMINARY PLATTING APPLICATION

NOTE: An informal pre-application conference by appointment with FNSB staff prior to the submittal of this application is encouraged.

Applicant: The Greater Fairbanks Community Hospital Foundation

Mailing Address: c/o Stutzmann Engineering

Telephone: Work 452-4094 Home _____

Surveyor: Stutzmann Engineering P.O. Box 71429 Fairbanks, AK 99707 (907) 452-4094

PROPERTY INFORMATION

Legal description of property involved in this request (as shown on attached title report)

Blocks 119 and 120 Fairbanks Townsite

Please include Sec 11 T 1S R 1W

Existing Zone: CBD Road Service Area: CITY OF FAIRBANKS

Total Acreage: 3.5 No. of Lots Resulting: 4 Size of each lot: 23,000 - 71,000 S.F.

Describe the proposed change: VACATE 11TH AVE. AND EXISTING LOT LINES

Proposed name [non-duplicate] for new subdivision/waiver: TANANA VALLEY CLINIC 1ST

FOR VACATION, COMPLETE THIS SECTION ALSO

Legal description of area to be vacated: PORTION OF 11TH AVE.

Dedicated public right-of-way---street name 11th Ave.

Section line easement---width of easement _____

Park or public area

Trail easement---width of easement _____

Designation in FNSB Comprehensive Trail Plan _____

The Platting Board deems the area for which vacation is requested to be of value to the public. The applicant must show that the area proposed for vacation is no longer practical for the uses or purposes authorized or that other provisions have been made which are more beneficial to the public.

Justification for requested vacation (attach separate page if necessary):

Comm. Planning Dept.

SEE ATTACHED

APR 01 2011

RECEIVED

...other provisions have been made which are more beneficial to the public.

SD039-11 RP035-11 VA006-11

STUTZMANN ENGINEERING ASSOCIATES, INC.

9 Adak Avenue • P.O. Box 71429 • Fairbanks, Alaska 99707-1429
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March 31, 2011

Fairbanks North Star Borough
Platting Board

Platting Board Members,

Tanana Valley Clinic and Tanana Valley Clinic 1st Care serve a large percentage of the Fairbanks population's primary medical care needs. The Greater Fairbanks Community Hospital Foundation is pursuing the vacation of 11th Avenue to create a safer parking situation for their large clientele of sick and elderly patients. The eventual goal of the foundation is to incorporate the vacated street into a parking lot that provides for safe drop off at the entrances with accessible parking spaces that allow for safer patient access. The vacation of this street will benefit both the large percentage of the Fairbanks population that uses the clinics as well as the city and the borough. The City of Fairbanks will receive fair market value for the property per their land ordinances. The city will also benefit from the removal of the maintenance burden for a street that functions primarily as a driveway. Both the City of Fairbanks and the borough will benefit from additional tax revenue received from the property.

This portion of 11th Avenue meets Title 17 vacation requirements. This section of street currently functions as a driveway for the Tanana Valley Clinic complex. The Hospital Foundation owns all of the property to the north and south of this portion of 11th Avenue. Due to the large amount of pedestrian traffic between the two facilities and the multiple parking areas, it is no longer practical or safe for 11th Avenue to continue to exist as a public street. The primary access for Dixon Apartments to the east of this property is 10th Avenue and is unaffected by this vacation. The City of Fairbanks Fire Department responds to the Dixon Apartments from 10th Avenue and does not object to this vacation. The long term plans of the Hospital Foundation for a more pedestrian friendly access and parking arrangement provide more benefit to the public than the existing condition.

Sincerely,



Jeremy Stark

STUTZMANN ENGINEERING ASSOCIATES, INC.

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**

WHEREAS, The Landscape Review and Beautification Commission was established by Ordinance No. 5566 in 2004; and

WHEREAS, that ordinance also created the Landscape Review Board from within the Commission's membership; and

WHEREAS, the Commission has fulfilled its role in preparing a Landscape Manual for use by the Building Department; and

WHEREAS, during Fairbanks' short construction season, review of landscaping plans by the Commission is often not practicable; and

WHEREAS, the functions of the Landscape Review Board are still valuable and are retained within this ordinance under the new name of the Fairbanks Landscape Review and Appeals Commission; and

WHEREAS, the proposed changes to Chapter 2, Art. III, Div. 8 will require amendments to related sections of the Fairbanks Landscape Ordinance (FGC Sections 10-435 – 441),

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

SECTION 1. That Fairbanks General Code Chapter 2, Article III, Division 8 Landscape Review and Beautification Commission is amended as follows [new text is in **bold/underlined** font; deleted text is in ~~strike-out~~ font]:

ARTICLE III. Boards and Commissions

DIVISION 8. LANDSCAPE REVIEW AND **APPEALS** BEAUTIFICATION COMMISSION

Sec. 2-371. Created.

(a) There is created a landscape review and **appeals** ~~beautification~~ commission consisting of ~~five~~**nine** members, serving without compensation, to be appointed by the mayor subject to confirmation by the city council.

(b) At least ~~three~~**five** members of the commission shall be residents of the city or own property or operate a business within the city limits. The membership of

the commission shall consist of a minimum of ~~one~~^{three} architects or landscape architects and a maximum of ~~four~~^{six} lay members interested in civic improvements. The chair shall be elected by and from the commission subject to approval by the city council and shall serve in this capacity for one year. ~~Of the nine members first appointed, three shall be appointed for one year, three for two years, and three for three years; thereafter, A~~appointments to the commission shall be for three years except where an interim appointment is necessary to complete the term of a commissioner who resigns or dies while in office.

(c) The city building official shall be an ex officio members of the commission without vote. A secretary, who need not be a commission member, shall also be appointed by the members of the commission.

~~(d) Five members of the commission shall be appointed to serve as the landscape review board with no more than one architect or landscape architect. Two alternates shall be appointed. The landscape review board shall be nominated by the city mayor and confirmed by the city council. The landscape review board shall be available to meet in public upon five days public notice to any matter and render a decision.~~

Sec. 2-372. Meetings.

~~(a) The landscape review and beautification commission shall establish rules of procedure. There shall be regular meetings of the commission not less than once each calendar quarter which shall be open to the public. The chair is authorized to call special meetings, or a majority of the members may require a special meeting to be called.~~

~~(a)~~ A majority of the commission shall constitute a quorum for the transaction of business, and ~~three~~^{five} affirmative votes shall be necessary to carry any question.

~~(b)~~ The physical attendance of four members of the landscape review board constitutes a quorum and ~~three~~ affirmative votes shall be necessary to carry any question. An applicant's appeal to the landscape review and appeals commission board is deemed granted if the commission landscape review board does not deny the appeal within ten city working days of submission of the matter to the commission landscape review board by the building official.

Sec. 2-373. Records.

Permanent records, or minutes of meetings of the landscape review and appeals beautification commission (“LRBC”), as well as the landscape review board, (“LRB”), shall be kept. The minutes shall promptly be filed in the office of the city clerk and shall be open to inspection by any person.

Sec. 2-374. Powers and duties.

The landscape review and appeals beautification commission shall have the duties and be empowered to:

- (1) ~~Act when requested in an advisory capacity to the city council on urban beautification matters. The landscape review board is granted powers and duties as provided at FGC Sec. 2-375, subject to the applicant's right of appeal to the city council.~~
- (2) ~~Review the proposed plans of federal, state, borough and city governments concerning structures, appurtenances or other improvements in, upon or adjacent to city property, including city streets and sidewalks, in order to make recommendations which will make the proposed structures, appurtenances or improvements compatible with city beautification plans and aesthetics.~~
- (3) ~~Advise owners of private property in relation to beautification of such property when anyone contemplating the erection of any building or the making of any improvement submits the plans and designs or sketches thereof to the commission for advice and suggestions for which no charge shall be made by the commission.~~
- (4) ~~Investigate and make recommendations to the city administration and the city council concerning the abatement of public nuisances in the city.~~
- (5) ~~Cooperate with other city boards and commissions and the borough planning commission to promote plans and programs aesthetically compatible with policies and programs of the commission.~~
- (6) ~~Help unite citizens toward common goals of civic pride in urban beautification.~~
- (7) ~~Submit quarterly reports to the city council concerning its activities.~~

Sec. 2-375. Review.

(a) ~~Landscape review board.~~ The landscape review and appeals commission shall, within ten city working days of submission, review any disputes arising from the building official's application of the prescriptive design method (FGC Sec. 10-438(C)(1)), an applicant's election to use the professional design method (FGC Sec. 10-438(C)(2)), or an applicant's election to use the alternative compliance method (FGC Sec. 10-438(C)(3)). Applicants may appeal an adverse decision of the landscape review and appeals commission to the city council at the next regular meeting of the city council that occurs at least

~~seventhree~~ calendar days after a denial by the ~~commission~~landscape review board.

~~(b) Full landscape review and beautification commission. The landscape review and beautification commission may review:~~

~~(1) Any proposed design and location of any structure, appurtenance or other improvements erected, or to be erected by the city upon property belonging to the city, including the city streets and sidewalks.~~

~~(2) Any proposed city plan or program which may have an effect on the aesthetics of the city. Any person proposing to extend or alter any structure, appurtenance, sign or other device over or upon any city street or sidewalk shall submit to the commission for review and approval design drawings and plans of the proposal.~~

~~(c) The design of traffic signal or control device need not be submitted if the design is determined by state law and cannot be altered or varied consistent with such law.~~

~~(d) The commission shall decide any matters submitted to it within 30 days after submission unless the commission shall by resolution declare the nature and complexity of the proposal submitted requires an additional period of time for decision and shall set forth in the resolution the additional period of time needed.~~

~~(e) If the commission fails to decide within the required period of time, its recommendations shall be considered unnecessary.~~

~~(f) The commission shall submit all proposed recommendations, plans and programs to the mayor for administrative action prior to any city council action recommended by the commission.~~

~~(g) The city mayor, with the concurrence of the city council, may remove any commission member who has three unexcused absences in any calendar year. An unexcused absence is an absence of which the chair is not notified in advance.~~

Section 2. Fairbanks General Code Sections 10-438, 439, and 441 are amended as follows [new text **bold and underlined** font; deleted text in ~~strikeout~~ font]:

ARTICLE XV. FAIRBANKS LANDSCAPE ORDINANCE

Sec. 10-436. Scope and applicability

A. *[Minimum requirements.]* The minimum requirements and standards set forth in this section shall apply to all public and private, commercial, industrial, religious, educational, institutional and multi family uses that are developed or expanded after

January 1, 2004. For the purpose of this section, a building which undergoes a change of use as defined by the building code, shall comply with this ordinance. If a building covered by this ordinance expands its floor area, compliance with this ordinance is required on a pro-rata percentage basis, with a 15% minimum compliance, under the alternative design method (FGC 10-438(C)(3)). The Fairbanks Landscape Ordinance shall apply to the construction of a new parking lot, expansion of an existing parking lot or a surface improvement to an existing parking lot. The intent of the landscape ordinance is to apply to provided parking, whether required by zoning ordinances, or provided for any other reason. Multiple residential buildings located on one lot shall also comply with all provisions of the Landscape Ordinance.

B. *Exemptions*

- (1) Property with one, two, and three family dwelling units located on individual lots are exempt from the provisions of the Fairbanks Landscape Ordinance.
- (2) Property of which the principle use is the sale of vehicles is not required to comply with the prescriptive method FGC I 0-438(C)(1).
- (3) Property located within the area specified by Borough Code section 18.50.060(C)(12) (presently described as: First Avenue to Fifth Avenue, Noble Street to Barnette Street, and First Avenue to Third Avenue, Barnette Street to Wickersham Street, and as may be subsequently expanded), provided that, if a new parking lot is constructed within said area, compliance shall be with the alternative design method or the professional design method (FGC 10-438(C)(2) and (C)(3)). The City Landscape Manual will provide a map of this region of the City.

C. *Landscape Plan* Where a landscape plan is required under this section, the plan shall include:

1. The common name of each plant used;
2. The number, height and diameter of each plant;
3. The locations where different plant types will be used;
4. The locations, size and type of vegetation to be preserved in their natural state;
5. Location of any retaining walls and fences;
6. Location of existing or proposed utilities and easements of record;
7. Location of all property lines including all streets which border the lot;
8. Location of any existing or proposed structures or parking areas;
9. North arrow and scale;
10. Site drainage and drainage patterns; unless shown on civil drawings

D. *Approved Plant Materials.* ~~The Landscape Review and Beautification Commission will adopt and publish a Landscape Manual, which shall include~~ A list of approved plant and ground cover materials, a map of the area described in Section 10-436(B)(3), and general landscaping information, will be set out in a Landscape Manual. The Manual,

which will be revised as needed **by the Landscape Review and Appeals Commission, will be** made available at the Building Department and on the Building Department web site.

Sec. 10-438. Landscape design standards.

* * * * *

C. Technical design standards. One of the following three design methods shall be used to comply with the Fairbanks Landscape Ordinance.

* * * * *

2. *Professional Design Method.* A landscape plan, prepared and sealed by a licensed landscape architect registered in the State of Alaska, which is equivalent to the criteria set forth in section 10-438(C)(1), shall be considered as meeting the intent of the landscape ordinance. All Landscape plans which utilize the Professional Design Method shall be reviewed and approved by the City of Fairbanks Landscape Review **and Appeals Commission** ~~Board~~, **as needed.**
3. *Alternative Compliance Method.* Project conditions associated with individual sites may justify approval of alternative methods of compliance with the landscape design requirements. Conditions may arise where normal compliance is impractical or impossible, such as facilities that sell vehicles, or where maximum achievement of the City's objectives and goals can only be obtained through alternative compliance. Such Landscape Plans shall be reviewed and approved by the Landscape Review **and Appeals Commission** ~~Board~~ on a case-by-case basis.

Sec. 10-439. Plan submittal and inspection requirements.

A preliminary landscape plan shall be submitted to the building department in conjunction with the required building permit application and related construction documents. A final and complete landscape plan shall be submitted to the building department for review and approval before the final inspection is conducted. A certificate of occupancy shall not be issued until all landscaping has been completed by the contractor or developer and inspected and approved by the building department or Landscape Review **and Appeals Commission** ~~Board~~. In the event landscaping is not completed due to planting season restrictions, a temporary certificate may be issued but shall expire within one year of such certificate. If a temporary certificate of occupancy is issued, a performance bond or suitable guaranty shall be posted with the City of Fairbanks until such time as the landscaping is completed and approved. The amount of the bond or guaranty shall be equivalent to one percent of the total cost of the construction project up to one million dollars or shall be equal to one half of one percent of the total construction cost if the total construction costs exceed one million dollars.

Sec. 10-441. Enforcement, appeals and penalties

1. The City of Fairbanks Building Department in conjunction with the Landscape Review ~~and Appeals Commission~~**Board** shall enforce the requirements of this section and shall be responsible for performing the necessary inspections to determine if the required landscaping has been installed according to the approved landscape design.

2. A Certificate of Occupancy shall not be issued until the landscape requirements are met as shown on the approved landscape design plans and given final approval by either the building department or Landscape Review ~~and Appeals Commission~~**Board** unless a performance bond is secured in the amount of the estimated cost of the landscaping as approved by the Landscape Review ~~and Appeals Commission~~**Board** or in accordance with section 10-439. Occupancy of any building prior to the issuance of a temporary or final Certificate of Occupancy shall be unlawful.

3. Any applicant denied a building permit or issued a stop work order due to non compliance of the landscape ordinance or who wishes to appeal a decision of the building official may appeal to the Landscape Review ~~and Appeals Commission~~**Board**. The appeal shall be made in writing and submitted within one week upon rejection from the building official. If an applicant, owner or developer wishes to appeal a decision of the Landscape Review ~~and Appeals Commission~~**Board**, they shall appeal to the City Council acting as a Board of Adjustment. The appeal shall be in writing and fully state the reason or reasons for the appeal. The appeal shall be accompanied by a copy of the landscape design submitted to the Landscape Review ~~and Appeals Commission~~**Board**.

SECTION 3. That the effective date of this Ordinance shall be the ____ day of March 2012.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

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

**INTERGOVERNMENTAL
AGREEMENT FOR 9-1-1 CALL TAKING SERVICES**

- 1.0 **PURPOSE:** This Intergovernmental Agreement serves to establish the 9-1-1 Call Taking agreement between City of Fairbanks (City) operating the Fairbanks Emergency Communications Center (FECC), the Fairbanks North Star Borough (Borough) and the Department of Public Safety and contains the following objectives:
- 1.1 To promote the health, safety and general welfare of the citizens and visitors throughout the Fairbanks North Star Borough. To that end, the parties wish to continually improve procedural efficiency and technical capabilities of emergency call taking, emergency call processing, and all emergency response communications.
 - 1.2 To save lives by improved call processing time which reduces response times to emergency incidents.
 - 1.3 To improve safety of emergency responders.
 - 1.4 To effectively receive calls for routine and emergency assistance, based on structured call intake protocols, and coordinate response resources to those calls for service based on the needs of the caller and the direction of field response agencies.
 - 1.5 To provide all agencies with a single contact point for the notification of emergencies and receipt of emergency assistance requests, and for the control of coordinated dispatch for law enforcement, fire and EMS.
 - 1.6 To bring about increased efficiencies and coordination of communications and emergency response services, including the use of the National Incident Management System. These communications improvements are intended to impact emergency response for all services provided by law enforcement agencies, fire departments, ambulance services, and other organizations that respond to emergency situations of imminent danger to life or property.
 - 1.7 To provide the public and field response agencies with highly trained and certified 9-1-1 call-takers who strive to provide the best service possible to all parties involved.
 - 1.8 To set the goals of 1) meeting NFPA's 1221 standards; and 2) meeting National Emergency Dispatch standards for Emergency Medical Dispatch (EMD),

Emergency Fire Dispatch (EFD) and Emergency Police Dispatch (EPD) Accreditation.

- 1.9 ~~To plan for establish an alternate center to serve as a backup, overflow and training site, and as a secondary location where emergency dispatchers will function in the event that they need to evacuate the primary 9-1-1 Center.~~ To plan for disaster situations that may impact the ability of the FECC to maintain normal operations.

2.0 **DEFINITIONS:** As used in this Agreement the following words and phrases shall have the meanings indicated unless the context clearly requires otherwise:

- 2.1 "9-1-1 Services" shall mean services and equipment to answer 9-1-1 calls on a 24 hours per day basis.
- 2.2 "Agency" – Individual police, fire and/or EMS provider.
- 2.3 "Call-Taker" – means a person employed in a primary or secondary answering point whose duties include the initial answering of 911 or enhanced 911 calls and routing the calls to the agency or dispatch center responsible for dispatching appropriate emergency services and a person in a primary or secondary answering point whose duties include receiving a 911 or enhanced 911 call either directly or routed from another answering point and dispatching appropriate emergency services in response to the call; the term "Call-Taker" is synonymous with the term "dispatcher" in that it is inclusive of the functions of both answering the 911 or enhanced 911 calls and dispatching emergency services in response to the calls.
- 2.4 "Dispatch Center Time Study" - the identification of specific tasks and job elements performed by Call-Takers/dispatchers and allocating the time needed to perform those tasks to the individual agencies that receive services from the FECC.
- 2.5 "Dispatching" – The act of alerting, directing and documenting the response of public safety units to the desired location.
- 2.6 "Enhanced 911 equipment" means the equipment dedicated to the operation of, or use in, the establishment, operation, or maintenance of an enhanced 911 system, including customer premises equipment, automatic number identification or automatic location identification controllers and display units, printers, cathode ray tubes, recorders, software, and other essential communication equipment required by the system or as may be defined by state law.
- 2.7 "Enhanced 911 system" means a telephone system consisting of network, database, and enhanced 911 equipment that uses the single three digit number, 911, for reporting a police, fire, medical, or other emergency situation, and that enables the users of a public telephone system to reach a public safety answering

point to report emergencies by dialing 911; an enhanced 911 system includes the personnel required to acquire, install, operate, and maintain the system and its facilities and to dispatch the calls generated by the system.

2.8 "Jurisdiction" – Local or State government with the authority to provide public safety services.

2.9 "NENA" – National Emergency Number Association.

2.10 "Other Services" shall mean services related to emergency service or jurisdictional communications provision, such as administrative call-taking.

2.11 "Participants" shall mean the parties to this Agreement.

2.12 "Public safety answering point" (PSAP) means a 24-hour local jurisdiction communications facility that receives 911 service calls and directly dispatches emergency response services or that relays calls to the appropriate public or private safety agency.

2.12.1 Primary PSAP – Refers to the initial PSAP to which 9-1-1 calls are routed to for initial screening.

2.12.2 Secondary PSAP – Refers to the PSAP to which calls are transferred after initial screening by the Primary PSAP.

2.13 "Significant workload change" - an annual increase or decrease in call volume of greater than eight hundred Fire/EMS calls for service or one thousand law enforcement calls for service; an annual increase or decrease of greater than 10 percent of 911 calls received by the FECC; or the addition of a task(s) requiring the need for additional staffing as determined by the Dispatch Center Manager.

2.14 "User Group"– Individual police, fire and/or EMS provider that uses the services of the FECC.

2.15 "Wireless telephone" means a telephone that is not a wireline telephone and includes cellular and mobile telephones.

2.16 "Wireline telephone" means a telephone that uses a local exchange access line.

3.0 FACILITIES AND EQUIPMENT:

3.1 The City will provide a PSAP (FECC) that includes facilities sufficient to maintain the E911 equipment and provide call-taking services.

- 3.2 The City will provide the labor to staff the FECC.
- 3.3 The City recognizes the ~~long term~~ need to establish a suitable location to function as a backup facility to the primary facility for 9-1-1 Call Taking. The City agrees to continue to explore options for locating a back up location or to develop agreements with other jurisdictions/entities for this purpose.
- 3.4 The Borough provides the enhanced 9-1-1 Equipment, networking components, telephone lines, workstation hardware, software, annual maintenance and GIS support for the 9-1-1 system.
 - 3.4.1 Long Distance or other charges that are incurred at FECC unrelated to the delivery of the 9-1-1 service shall be paid by the City.
- 3.5 The City will provide the Computer Aided Dispatch (CAD) system, emergency dispatch protocols related to police, fire and medical call taking.
- 3.6 The City agrees to allow the Borough access to the FECC for the purpose of trouble-shooting, maintaining, and replacing E9-1-1 equipment. The Borough will attempt to provide reasonable notice to the City when such access is required.
- 3.7 The City agrees to assist the Borough with periodic testing of the E9-1-1 system. This includes receiving test E9-1-1 calls from wireless, VoIP, and wireline service providers.
- 3.8 The City agrees to provide a representative from the FECC to serve on the E9-1-1 system replacement project team.

4.0 PERFORMANCE STANDARDS: The City will meet the following standards:

- 4.1 Call taking standards as set forth in NENA Call Answering Standard / Model Recommendation (NENA Document 56-005), with specific attention given to the following sections:
 - 4.1.1 Standard for answering 911 calls: Ninety percent (90%) of all 911 calls arriving at the PSAP shall be answered within ten (10) seconds during the busy hour (the hour of the day with the greatest call volume). Ninety-five percent (95%) of all 911 calls should be answered within twenty (20) seconds.
 - 4.1.2 Abandoned call / disconnects: The Call-Taker will attempt to call back when a 911 call is routed to the PSAP and the call disconnects before the Call-Taker can determine if assistance is needed. The Call-Taker will call the number back once to make the determination. If the phone is busy or

there is no answer, additional attempts to contact the caller will not be made by the Call-Taker. If the callback attempt goes to voice mail, no message will be left.

- 4.1.3 Silent Calls. In compliance with Public Law 101-336, also known as the Americans with Disabilities Act, all silent calls will be interrogated with a TTY/TDD to determine if the caller is attempting to report an emergency using a special communications device for hearing impaired individuals.

4.2 9-1-1 Calls requiring transfer to a Secondary PSAP.

- 4.2.1 Ninety-five (95) percent of calls requiring transfer to a Secondary PSAP shall be transferred within thirty (30) seconds.
- 4.2.2 One Hundred (100) percent of calls requiring transfer to a Secondary PSAP shall be transferred within sixty (60) seconds.
- 4.2.3 When transferring to another PSAP, the Call Taker shall remain on the line until the Call-Taker at the secondary PSAP answers the call. Should the call fail to transfer or be answered, the Call Taker will retain control and handle the call. The PSAP responsible for dispatch of the appropriate resources will then be contacted and given the call information in any manner that is reasonable. This includes contact via telephone, radio, radio intercom or any other means that are reasonable.

4.3 Wireless Calls. Call taking standards as set forth in NENA Guidelines for Minimum Response to Wireless 9-1-1 Calls (NENA Document 56-001).

4.4 Call processing and dispatch.

- 4.4.1 Ninety-five percent of emergency call processing and dispatching shall be completed within 60 seconds, and 99 percent of call processing and dispatching shall be completed within 90 seconds (in accordance with NFPA 1221 – Standard for the Installation, Maintenance, and Use of Emergency Services Communication Systems)

4.5 The City shall create an event in the Computer Aided Dispatch (CAD) system for every 9-1-1 call, even those that do not require an emergency services response.

- 4.5.1 For a single incident which generates multiple 9-1-1 calls, a single event shall be recorded in the CAD system.
- 4.5.2 An event shall be created within the CAD system to log attempts to call back abandoned calls.

5.0 **ACCESS TO RECORDS:** All records kept by the City in support of this contract shall be the property of the City, but these records shall be made available to the Borough upon reasonable notice and at reasonable times and places. This power to review written records continues for six (6) years after the termination of this contract, whether the parties terminate the contract or it ends by its own terms. Electronic audio records—Audio recordings of 9-1-1 calls will be preserved for three (3) years.

6.0 **TRAINING** – The City agrees to train staff members in the following manner.

6.1 All City call takers will be trained and certified in the use of the following Priority Dispatch protocols: Emergency Fire Dispatch (EFD), Emergency Medical Dispatch (EMD) and Emergency Police Dispatch (EPD) within one (1) year of beginning employment.

6.2 The City will ensure that staff members receive Continuing Dispatch Education (CDE) sufficient to recertify through the National Academies of Emergency Dispatch (NAED) biannually on the protocols listed in section 5.1 of this agreement.

~~6.3~~ 6.3 The City will ensure that FECC staff members receive ~~approved~~ required National Incident Management System (NIMS) training commensurate with the functions that staff will be expected to perform during routine and disaster emergencies. ~~for the following courses:~~

~~6.3.1 IS-100: Introduction to Incident Command System~~

~~6.3.2 IS-200: ICS for Single Resources and Initial Action Incidents~~

~~6.3.3 IS-700: An Introduction to National Incident Management System (NIMS)~~

~~6.3.4 IS-800: An Introduction to National Response Framework~~

7.0 **E9-1-1 WORKING GROUP:** The City agrees to provide a representative from the FECC to the Fairbanks North Star Borough E9-1-1 Advisory Committee.

8.0 **FAIRBANKS EMERGENCY COMMUNICATIONS CENTER MANAGER:** The Borough agrees that the FECC will be managed, operated and supervised by a Center Manager, who is a City of Fairbanks employee subject to the City's personnel policies and other employee regulations.

8.1 Responsibility and Authority of the Center Manager:

- 8.1.1 The Center Manager shall be the administrative head of the FECC and will be responsible for handling administration and personnel matters within the framework of the City of Fairbanks regulations and personnel policies.
- 8.1.2 A copy of the budget as recommended by the Mayor will be provided to participants no later than ~~November 1st~~ ~~October 31~~ of each year. A copy of the ~~The~~ finalized budget ordinance as approved by City Council will be provided to participants no later than ~~January~~ ~~December~~ 31~~st~~ of each year. The City will publish the budget on the City of Fairbanks website each year.
- 8.1.3 The Center Manager will be responsible for managing the Center within the approved annual budget.
- 8.1.4 The Center Manager will work closely with the Borough's Emergency Operations Director (or designee) regarding equipment, training, and other issues for which 9-1-1 funds can be utilized to maintain the best available technology and training.
- 8.1.5 The Center Manager will be responsible for all activities of the 9-1-1 Center, including but not limited to oversight of call-taking, dispatching, records (custodian), recording, staffing, training and security.
- 8.1.6 The Center Manager shall establish and utilize performance standards for employees. The Center Manager shall actively and continually consider and evaluate all means and opportunities toward the enhancement of operational effectiveness of 9-1-1 call-taking for the benefit of the public and emergency response agencies.
- 8.1.7 The Center Manager shall review and evaluate requests from the User Groups for changes to service levels, performance standards, and / or operational procedures. For any requests that will generate a potential cost for change, the Center Manager will prepare a proposal to include, at a minimum, implementation costs, benefits and liabilities, and will provide recommendations of whether to incorporate the requested changes. Such reports and recommendations will be forwarded to the User Groups and the agency requesting the change for final decision on implementation.
- 8.1.8 The Center Manager participates in the User Group meetings. Should it be necessary for the Center Manager to miss a meeting, he/she will have a designee present.
- 8.1.9 The Center Manager will develop appropriate long-range plans, including strategic capital improvements, staffing, technology, and other matters. A

comprehensive long-range plan will be developed and updated yearly. This plan will be presented to the User Groups on a yearly basis at a date and time agreed to by the User Group.

9.0 CONTRACT REPRESENTATIVES -- NOTICES

A. The Borough's representative shall be the Emergency Operations Director.

B. The City's representative shall be the FECC Manager.

C. Any notice required under this agreement shall be in writing and shall be personally delivered, mailed, or faxed, and shall be addressed to the respective contract representative at the address shown below. Either party may change its contract representative or its address for notices by written notice to the other.

BOROUGH: Emergency Operations Director
Fairbanks North Star Borough
P.O. Box 71267
Fairbanks, AK 99707
Tel: 459-1481 Fax: 459-1119

CONTRACTOR: Manager, Fairbanks Emergency Communications Center
City of Fairbanks
911 Cushman Street
Fairbanks, AK 99701
Tel: 450-6507 Fax: 452-1588

DEPARTMENT OF PUBLIC SAFETY: Commander, "D" Detachment
Alaska State Troopers
1979 Peger Road
Fairbanks, AK 99709
Tel: (907) 451-5100

10.0 **DISPATCH CENTER TIME STUDY:** The participants agree to have a Dispatch Center Time Study of FECC completed within year two (2) of this agreement. The cost of the time study shall be allocated to ~~the~~ User Groups in accordance with the allocation schedule in Exhibit B.

11.0 **ADMISSION OF NEW JURISDICTIONS:** Additional jurisdictions may become participants by written addendum to this Agreement, with the approval of the City and the Borough, with terms and conditions as agreed upon.

11.1 A new time study will be performed within one year of the addition an agency or jurisdiction, when the addition of the agency or jurisdiction results in a significant workload change of the FECC.

11.2 The cost of the time study will not be funded by existing jurisdiction(s) receiving services from the FECC.

11.3 The vendor selected [to perform the time study](#) shall be familiar with public safety operations and shall employ a similar methodology to previously completed time studies.

11.4 A variance in the time study methodology, as ~~used~~ [described](#) in Exhibit A, requires the approval of all jurisdictions that fund fifteen percent or more of the cost of FECC.

12.0 DURATION OF ~~AGREEMENT~~ [AGREEMENT](#) ~~WITHDRAWAL~~: The initial duration of this Agreement shall be for a period of five (5) years beginning on July 1, 2012 and continuing through June 30, 2017, and thereafter shall be automatically extended for consecutive two (2) year periods unless terminated by the parties.

~~12.0~~ **13.0 [WITHDRAWAL](#):** In the event that any party desires to withdraw from the Agreement, said party must give at least twelve (12) months advance written notice to the other parties, and the withdrawal shall take effect only as of the beginning of the succeeding fiscal year of the Borough, unless otherwise agreed between the parties.

~~13.0~~ **14.0 [CONTRACT COMPLIANCE](#):** The participants will meet quarterly to review reports related to performance standards.

~~13.1~~ **14.1** If the City fails to meet the performance requirements set forth in Section 4.0 of this agreement, it shall provide the Borough with a written improvement plan upon request describing how it intends to comply during the next reporting period.

~~13.2~~ **14.2** The City will provide no later than ~~February 1~~ ~~March 1~~, ~~January 15th~~, an annual report to the Borough. The annual report will discuss the following: [1](#)) activities performed under this agreement during the previous calendar year with a detailed description of the City's success with achieving the performance standards described in Section 4.0; [2](#)) a summary of issues related to the performance and operation of Borough-owned call answering equipment and software; [3](#)) a summary of issues related to E9-1-1 data including street addressing, geo-spatial data and error reporting.

~~13.3~~ **14.3** The City will [report-submit](#) to the Borough by July 1, 2013, ~~on the status of its plans to develop the alternate centera completed disaster and contingency plan for the FECC. The plan will be completed in accordance with NENA~~

[Communications Center/PSAP Disaster and Contingency Plans Model Recommendation Document](#) -described in Section 1.9 [53-001](#).

~~14.0~~15.0 **COMPENSATION:** The Borough will compensate the City for the services provided under this agreement as stated on the attached cost allocation table, Attachment "A."

~~14.1~~15.1 The Borough agrees that the City may use an indirect rate of eleven percent of direct costs, when calculating the total cost to operate the FECC.

~~14.2~~15.2 On July 1st, the Borough agrees to adjust the annual level of compensation to the City for services performed under this agreement by the annual percent change published by the Bureau of Labor Statistics Consumer Price Index, Anchorage Area in effect as of December 31st of the previous year.

~~14.3~~15.3 In the event of a significant workload change to the services provided in this agreement, either party may request to renegotiate the level of compensation due. The requesting party shall provide notice to the other on or before December 1st.

~~14.4~~15.4 The City will annually provide to the Borough, a cost allocation table (superceding version of Attachment "A") showing each agency's share of the overall cost to operate FECC.

~~14.5~~15.5 The parties acknowledge and agree that this agreement is funded solely with E911 surcharge revenue, the use of which is subject to limitations in state law. The surcharge revenue may not be used for any capital or operational costs for emergency responses that occur after the call is dispatched to the emergency responder. The surcharge revenue may not be used for constructing buildings, leasing buildings, maintaining buildings, or renovating buildings, except for the modification of an existing building to the extent that is necessary to maintain the security and environmental integrity of the public safety answering point and equipment rooms. The surcharge revenue may be used for the following costs to the extent the costs are directly attributable to the establishment, maintenance, and operation of an enhanced 911 system:

~~14.5.1~~15.5.1 the acquisition, implementation, and maintenance of public safety answering point equipment and 911 service features;

~~14.5.2~~15.5.2 the acquisition, installation, and maintenance of other equipment, including call answering equipment, call transfer equipment, automatic number identification controllers and displays, automatic location identification controllers and displays, station instruments, 911 telecommunications systems, teleprinters, logging recorders, instant

playback recorders, telephone devices for the deaf, public safety answering point backup power systems, consoles, automatic call distributors, and hardware and software interfaces for computer-aided dispatch systems;

~~14.5.3~~ 15.5.3 the salaries and associated expenses for 911 call takers for that portion of time spent taking and transferring 911 calls;

~~14.5.4~~ 15.5.4 training costs for public safety answering point call takers in the proper methods and techniques used in taking and transferring 911 calls;

~~14.5.5~~ 15.5.5 expenses required to develop and maintain all information necessary to properly inform call takers as to location address, type of emergency, and other information directly relevant to the 911 call-taking and transferring function, including automatic location identification and automatic number identification databases.

~~14.5.6~~ 15.5.6 any other use or purpose allowed by state law.

~~15.0~~ 16.0 **BILLING:** Billing for 9-1-1 Call Taking services will be executed once yearly for the period covering July 1 through June 30 of the following year. The City agrees to invoice the Borough on or before September 1st of each year and the Borough agrees to remit payment to be paid within 60 days of billing receiving the invoice from the City.-

~~16.0~~ 17.0 **INDEMNIFICATION AND HOLD HARMLESS:** Subject to a specific appropriation by the City Council for this purpose, the City agrees to indemnify and defend the Borough against any claim arising from any wrongful act or negligence of the City. The City has no duty to defend or indemnify the Borough against any claim or action alleging, arising from, or based on a wrongful or negligent act by the Borough. The duty of the City to indemnify and defend the Borough extends to:

1. claims for death, or for damage to persons or property,
2. claims for economic loss, and
3. claims for costs expenses, and attorney's fees.

The parties to this agreement recognize and agree that the City has no appropriation currently available to it to indemnify the Borough under this provision and that enactment of an appropriation in the future to fund a payment under this provision remains in the sole discretion of the City Council and the City Council's failure to make such an appropriation creates no further liability or obligation of the City.

Subject to a specific appropriation by the Assembly for this purpose, the Borough agrees to indemnify the City against any claim arising from any wrongful act or negligence of the Borough. The Borough has no duty to defend or indemnify the City against any claim or

action alleging any wrongful or negligent act by the City. The duty of the Borough to indemnify and defend the City extends to:

1. claims for death, or for damage to persons or property
2. claims for economic loss and
3. claims for cost expenses, and attorney's fees.

The parties to this agreement recognize and agree that the Borough has no appropriation currently available to it to indemnify the City under this provision and that enactment of an appropriation in the future to fund a payment under this provision remains in the sole discretion of the Assembly and the Assembly's failure to make such an appropriation creates no further liability or obligation of the Borough.

The obligation to indemnify for acts occurring during the term of this contract shall be continuing in nature and extend beyond the term of this agreement. The doctrine of equitable tolling extends the time within which an action for breach of this provision may be filed.

Nothing in this agreement shall be construed as a waiver of immunity granted to the parties under law.

~~17.018.0~~ **SEVERABILITY:** Should any part of the Agreement be determined by a court of competent jurisdiction to be invalid, illegal or against public policy, said offending section shall be void and of no effect, and shall not render any other section herein, nor this Agreement as a whole, invalid. Those rights and obligations under this Agreement, which by their nature should survive, shall remain in effect after termination, suspension or expiration hereof.

~~18.019.0~~ **EXECUTION:** This Agreement or amendments hereto, shall be executed on behalf of each participating jurisdiction by its duly authorized representative and pursuant to an appropriate motion, resolution or ordinance of each participating jurisdiction. This Agreement or any amendment thereto, shall be deemed adopted upon the date of execution by the last so authorized representative.

~~19.020.0~~ **SIGNATURES:** Each party to this agreement shall sign a signature page to constitute valid execution.

~~20.021.0~~ **ENTIRE AGREEMENT:** This document encompasses the entire Agreement of the parties. No understanding or amendment, addendum, or addition to this Agreement shall be effective unless made in writing and signed by all members.

Luke Hopkins, Mayor

Jerry Cleworth, Mayor

Attest:

Mona Lisa Drexler, Borough Clerk

Janey Hovenden, City Clerk

|
Alaska State Troopers

Burke Barrick, Commander, "D" Detachment

**Fairbanks North Star Borough / City of Fairbanks
CHENA RIVERFRONT COMMISSION
MINUTES
February 13, 2012**

A regular meeting of the Fairbanks North Star Borough/City of Fairbanks CHENA RIVERFRONT COMMISSION was held in the Ester Conference Room, 809 Pioneer Road, Fairbanks, Alaska. The meeting was called to order at 11:36 a.m. by Kelley Hegarty Lammers, Acting Chair.

1. ROLL CALL

PRESENT: Annette Freiburger
 Kelley Hegarty Lammers, Acting Chair
 Bob Henszey
 Karen Lavery
 Anna Plager, Chair (By phone)
 Matt Wilken (Joined @ 12:08 p.m.)
 Lee Wood

ABSENT: Michelle Roberts, Vice Chair
 Gordon Schlosser
 Buki Wright

ALSO PRESENT: Jackson Fox, City of Fbks
 Donna Gardino, FMATS
 Bernardo Hernandez, FNSB Community Planning
 Barry Hooper, DOT
 Mark Mussman, FNSB Planner
 Steve Taylor, FNSB Parks & Recreation
 Bobette McKirgan, Recording Clerk

2. APPROVAL OF AGENDA - The agenda was approved without objection.

3. APPROVAL OF MINUTES (12/05/11 and 12/15/11)

The minutes were approved without objection after a motion by **Henszey**, seconded by **Freiburger**.

4. COMMUNICATIONS TO THE COMMISSION

Hegarty Lammers reported on **Henszey's** efforts to help draft letters to the US Fish & Wildlife Service (USF&W) in support of the TVWA grant application to study the Chena River habitat of the Chinook salmon, and to the borough and city mayors in support of Elodea control on the river. **Plager** requested discussion be confined to the grant letter and her request was approved, without objection. **Henszey** said the draft letter in support of the TVWA grant application included goals and objectives included in the CRFC plan.

A motion was made by Plager, seconded by Lavery, to send the letter of support and a cover memo to the borough and city mayors, with a request to forward the letter to USF&W.

Discussion of edits to the draft letter, including correction of the year, addition of the TVWA director's name, addition of a return address, and proper routing, was made,

A motion was made by Plager, seconded by Lavery, to accept the edits, send the letter of support and a cover memo to the borough and city mayors, with a request to forward the letter to USF&W.

The commission agreed to copy the North Pole mayor. **Freiburger** questioned which mayor would forward the letter to USF&W.

A voice vote was taken on the motion by Plager, seconded by Lavery, to accept the edits, send the letter of support and a cover memo to the borough and city mayors, with a request to forward the letter to USF&W. Approval was unanimous

APPROVED

5. PUBLIC COMMENTS

None

6. NEW BUSINESS

A. Procedure for Evaluating Development Along the Chena River

Hegarty Lammers said Community Planning staff gave a report at the 2/09/12 Assembly meeting in response to CRFC concerns about the delay in hearing of the Ice Alaska rezone request. **Hegarty Lammers** encouraged commissioners to listen to the report on the borough web-site, as it was informative and addressed the lack of a quorum in October 2011 that resulted in cancellation of the meeting; noting further that the October meeting would have been when **Mussman** provided initial information about the rezone request.

Hegarty Lammers stressed the importance of the CRFC working with the Department of Community Planning to reach two objectives: 1) make the CRFC an official reviewer of rezones and 2) develop specific design guidelines within the river corridor. **Hegarty Lammers** welcomed **Hernandez'** invitation for the CRFC and Community Planning to work together to achieve the stated objectives.

Hernandez remarked on the importance of the CRFC to the community and thanked **Plager** and **Hegarty Lammers** for their leadership, noting that, due in large part to the commission's efforts, the river has become more of a focus to the community.

Hernandez said his intent is to devote more time to the CRFC and suggested there had been misunderstandings of the Community Planning processes that he wanted clarified and resolved. **Hernandez** cited Policy 4, Goal 3 that reads: develop a review procedure for the Chena Riverfront Commission to review development in the river corridor in order to determine consistency with this plan. **Hernandez** wants written policy in order to clarify expectations of the what, when, and how for both Community Planning staff and commissioners. **Hernandez** would like for Community Planning and the commission to work together to develop procedure.

Hernandez reviewed the Department Permits information provided and explained the time lines that Community Planning has to follow with regard to issuance of permits.

Hernandez said he wanted to review each item in order to clarify which projects would be addressed and reviewed by the CRFC, consistent with the plans' policy.

Hernandez listed the types of permits Community Planning processes: zoning permits, floodplain development permits, certificates of compliance, affirmative recognition of grandfather rights, variance applications, conditional use permits, rezones, quick plats, regular plats and, occasionally, review of Army Corp of Engineers Permit Comments.

Hernandez said there are time constraints involved with permitting, citing for example, having to issue a zoning permit in five days when a requester is in compliance with the zoning code. **Hernandez** said in his opinion, and because of time constraints, zoning permits would not be within the purview of the CRFC. **Hernandez** noted that, even if there were time and the CRFC did not like the permit, Community Planning is still obligated to issue a zoning permit within five days, when the applicant meets the requirements.

Henszey suggested one way for the CRFC to address zoning issues would be by working on Title 18, and **Hernandez** agreed.

Hegarty Lammers said the members should agree that, with regard to zoning permits, the CRFC would hold up the process. She noted that once design guidelines are developed and there is a commitment from Community Planning to use those guidelines, the CRFC could somehow meld into the process. **Hernandez** noted, as currently written, the commission's plan calls for voluntary design guidelines.

A suggestion by Hegarty Lammers to remove Zoning Permits from consideration by the CRFC as part of the permitting process was met with no objection.

Hernandez said that Community Planning is required to issue floodplain permits, although there is not a specific timeline. He said when people build in the floodplain, Community Planning wants to ensure they are building according to floodplain regulations because it elevates structures above the floodplain and they have to be able to withstand flooding. **Hernandez** cited the difficulty enforcing this part of the code and said that FEMA has warned that the borough could be removed from the FEMA program if a better job is not done enforcing the code. **Hernandez** said this would affect residents' ability to obtain flood insurance. He said Community Planning has earmarked funds for public awareness, changed code and created citations to get people to follow their floodplain permits. **Hernandez** said he did not find floodplain permits within the purview of the CRFC and was open for discussion of the topic.

Mussman added that as awareness increases, the initial floodplain permits will hopefully mimic the five day timeline of zoning permits. **Mussman** said that at the time of application for zoning permits, applicants are advised of the need for floodplain permits and that contributes to the delay in initial issuance of floodplain permits. **Mussman** said the certificate of compliance means that something has been built as it should have been and that process can take six weeks to two years after the initial permit was issued.

A suggestion by Hegarty Lammers to remove Floodplain Development Permits from active participation by the CRFC as part of the permitting process was met with no objection.

Hernandez explained that recognition of grandfather rights addresses situations where zoning changes have happened and, by code, a determination of grandfather rights has to be made.

Hegarty Lammers asked whether this was a matter of someone either legally meeting the requirements of the grandfather ordinance or not legally meeting the requirements, and **Hernandez** replied she was correct.

A suggestion by Hegarty Lammers to remove Affirmative Recognition of Grandfather Rights from active participation by the CRFC as part of the permitting process was met with no objection.

Plager voiced concern that removing these items from discussion by the CRFC would affect the commission's ability to provide comment on items that may affect the Chena River.

Hegarty Lammers replied that the three types of permits discussed were items over which the CRFC has no control, as the applicant either meets Title 18 requirements, floodplain requirements, or grandfather rights requirements, as written in law. **Hegarty Lammers** added there are no judgments to be made and the process is a technical exercise by borough staff.

Hegarty Lammers noted for the record that **Wilken** joined the meeting.

Plager asked whether the Planning Commission reviewed these types of permits and **Hernandez** replied no, and added that there are no appeals.

Plager noted the CRFC message of educating residents about their impact on the river is not strictly limited to the legal or permitting role, citing the neighbor to neighbor approach; and said she does not want to miss opportunities for education.

Plager asked for clarification of grandfather rights and **Hernandez** explained the process for determining whether a property owner has grandfather rights.

The suggestion by Hegarty Lammers to remove Affirmative Recognition of Grandfather Rights from active participation by the CRFC as part of the permitting process was met with no objection.

Hernandez said that variance applications go to the Planning Commission, they are highly regulated and state requirements have to be met. He said variance applications are generally difficult to obtain because of all the requirements and the Planning Commission usually only grants variances in cases where there is some issue with the land, for example a lake or steep grade that prevents them meeting numerical standards, like setbacks. **Hernandez** said this is an approximately 30 day process before hearing by the Planning Commission; property owner letters are sent, signage is posted and notices are placed in the paper.

Henszey asked how often variance requests are received for along the river and **Hernandez** replied he could not remember the last one, noting only about ten to fifteen variance requests are received yearly.

Hegarty Lammers added that the issuance of variances could be affected by the political tenor of the Assembly and Planning Commission.

Hernandez said that in recent history the code has been followed very closely, and ten to fifteen years ago, the Planning Commission issued variances at a much greater frequency; adding that the FNSB legal department instructed strict adherence to the code.

Plager asked whether the variance application process allowed for negotiation with regard to setbacks. **Hernandez** thought this was more of a legal question and there were a couple of decisions, citing Nolan Dolan for example, wherein you cannot force owners to negotiate in order to obtain a variance.

Hernandez noted that the Ice Alaska rezone request could have been a 30 day process and it was delayed because of a breakdown with the Planning Commission.

Wood wanted to know if the CRFC could be notified when variances are requested. **Hernandez** said he and **Plager** had discussed that, as part of the process, Community Planning would notify the chair and vice chair when variance requests are received.

Hegarty Lammers added that variance, conditional use and rezone requests are time sensitive and the CRFC feels important to review. She said she would like to consider this meeting the first work session to determine processes.

Hernandez explained that Quick Plats are applications for the subdivision of property, including property along the rivers, into four lots or less that do not require new right-of-way and, because they are simple, processed as Quick Plats,. He said Quick Plats go through a hearing in Community Planning instead of before the Platting Board.

Hernandez said a Full Plat is processed through the Platting Board for applications to subdivide property into more than four lots, where there is dedicated right-of-way, and he noted there is a specific timeline for Full Plats.

Hernandez explained that Army Corp of Engineers permits are not issued by Community Planning. **Hernandez** said Community Planning is generally always notified in order to determine and comment on the type of borough permits that may be required, for example zoning or flood plain permits.

Henszey added that he also comments on Army Corp of Engineers permits with regard to trust resources, such as migratory birds and fishes. He said the CRFC could request to be placed on the Corp mailing list, adding most permits are for thirty days, although occasionally ten to fifteen days, that would not allow much time for comment. **Hernandez** offered to notify the CRFC when Corp permit notifications are received.

Wood noted that the commission would have had time to comment on the Ice Alaska rezone request before the Planning Commission in October, had there been notification to the CRFC.

Hegarty Lammers said there needed to be additional discussion of the rezone request process. **Hernandez** suggested that Planning Commission packets could be reviewed on the FNSB web site prior to upcoming meetings. **Hegarty Lammers** expressed her appreciation to **Hernandez** for his assignment of support staff to the CRFC and would prefer to be notified by staff of issues of concern to the CRFC, instead of having to review the entire Planning Commission packet.

Henszey asked how comments from the CRFC would be treated by the Planning Commission or Platting Board. **Hernandez** hoped the CRFC would review projects for consistency with the riverfront plan; and further discussion is needed for how to implement the how and when. **Hegarty Lammers** added it was good to begin discussion of the framework for processes in order for the CRFC to be responsible in a timely way to public needs for development.

Plager asked if the CRFC could have a voice in plat requests that come before the Platting Board that might include a road or eventual vehicular/boat access to the river or whether the Platting Board is governed strictly by its rules. **Hernandez** said the Platting Board is obligated to approve a platting request if it meets platting requirements, and denials must be supported by lack of adherence to Title 17. **Hernandez** said the CRFC could provide comments to the Platting Board.

Freiburger asked about the makeup of the Platting Board and **Hernandez** replied that members are volunteers and appointments are suggested by the mayors and confirmed by the Assembly or City Council. **Hernandez** added that the Platting Board is a quasi-judicial group with strict requirements to follow, and its decisions are legal and final.

Hegarty Lammers asked **Hernandez** to expand on what process would more fully involve the CRFC on variance applications, conditional use permits, and rezones. **Hernandez** said an item of greater import would be discussion of the Ice Alaska rezone request at the March CRFC meeting.

Hernandez opinion was that when the CRFC intends to review an application, the applicant should be invited to attend the meeting. **Hernandez** noted his discussions with the legal department with regard to inclusion of the CRFC in the process, and said fairness issues are of utmost importance, including notification to interested parties. **Hernandez** questioned how to ensure the CRFC's decisions are fair and said the legal department advised that the CRFC should review the riverfront plan and make recommendation to the Planning staff, who will then recommend approval or denial to the Planning Commission.

Hernandez said that, in order to keep the process fair, the recommendations of the CRFC would always be considered and included in the packet to the Planning Commission; however recommendations would be from the Department of Community Planning and not the CRFC. **Hernandez** added that if the CRFC were to make a direct recommendation to the Planning Commission, the fairness of how the Planning Commission conducted its review would always be in question. **Hernandez** used for example when Ice Alaska representatives might attend a CRFC meeting but adjainers were not notified, resulting in the appearance of unfairness. **Hernandez** cited the transparency exercised by the Planning Commission utilizing signage and notices during its process.

Hegarty Lammers asked whether the Planning Commission would view CRFC's recommendations and **Hernandez** said yes, through the Department of Community Planning. **Hernandez** said that although the CRFC and Department of Community Planning might differ in their recommendations, the Planning Commission would still be able to see the CRFC recommendation.

Hegarty Lammers said that one of the CRFC concerns in the past has been implementation of the Chena Riverfront Plan and that the commission understands the need, from a regulatory perspective, for timeliness.

Freiburger commented that the Ice Alaska event is coming up in March, which does not allow adequate time for review of the rezone request. **Hernandez** said that was a good point and perhaps another meeting should be scheduled.

B. Development of Design Criteria for Chena Riverfront development

Hernandez said design criteria would be useful and he is in favor of having volunteer guidelines for applicants considering development along the river. **Hernandez** said design

guidelines would go a long way in support of a better and more economically sustained community, noting that riversides throughout the country are being developed in this manner. **Hernandez** added that Community Planning would be happy to assist in any way to accomplish this.

Hegarty Lammers said there was a model developed by **Lavery** during her tenure on Downtown Association Main Street that she would like to work with. **Hegarty Lammers** noted that the borough adopted the landscape ordinance and she would like that to be reviewed, also. **Hegarty Lammers** suggested a special committee be developed and invited **Hernandez** to return for additional discussions. **Hernandez** said he would give priority to the procedure for evaluating development along the Chena River.

Plager said this would be the first of several sessions on how to implement the Chena Riverfront Plan. **Plager** concluded there are two items for the CRFC to address: 1) where and for what kind of activities the CRFC will get noticed, and how the commission participates, and 2) the development of guidelines, which she stated could be done separately from one another. **Hegarty Lammers** added that **Hernandez** was in agreement and design criteria would be of secondary discussion. **Hegarty Lammers** said it was also decided that the CRFC needed to determine how to move forward on the Ice Alaska rezone before a formal process would likely be implemented.

7. UNFINISHED BUSINESS

A. Update on Ice Alaska Properties

Mussman reported that the Assembly approved an ordinance rezoning the property that Ice Alaska currently owns, that will house this year's event. **Mussman** said the Assembly postponed decision for the southern part of the property until timely input from the CRFC was given to the Planning Commission. **Mussman** said the southern part is essentially the location for the proposed artists' village.

Hegarty Lammers added that the Assembly gave Ice Alaska the rezoning needed to carry out this year's operations. **Hegarty Lammers** said it was important to note the location of the gravel pit and lack of trees. **Mussman** noted the lack of vegetation along the riverbank and commissioners agreed riparian habitat existed. **Henszey** said this was an area with cement slabs and willow; and not at risk from erosion, because the major velocity is on the outside.

Mussman said it was important to determine when the CRFC wants to meet to review Ice Alaska's request and prepare a recommendation to provide Community Planning staff for inclusion in the next staff report for the Planning Commission meeting. **Mussman** added that the Assembly was clear they want an ordinance introduced that rezones the Ice Alaska property no later than June 14th. **Mussman** said it would be better to schedule a Planning Commission hearing sooner rather than later, noting April 3rd would be preferable, although April 17th could work. This scheduling would allow the Planning Commission time to make a recommendation and meet the legal notice guidelines for the Assembly. **Mussman** said Ice Alaska should understand the issues with their request as proposed; with the international artists' village and residential development, in the event they wanted to make modifications. **Hernandez** added that he preferred meetings be held in April instead of March.

Wood asked for clarification of what was meant by residential, as she understood the cabins would not be rented, and it was explained that when someone lives in a building, the term residential is applied for planning purposes. **Mussman** added that Ice Alaska is not violating any Title 18 requirements.

Hegarty Lammers suggested commissioners visit the Ice Park to see how it develops. **Wood** noted that an invitation for a tour had been extended by Ice Alaska and **Hegarty Lammers** said that could still be arranged.

Hegarty Lammers asked members whether they would be willing to serve on an Ice Alaska Committee and **Henszey, Wood, Plager, Hegarty Lammers,** and **Freiburger** said they would be available. **Freiburger** said March was a busy month for her but would like to be notified of meetings in the event she can make time to attend. **Plager** said she would not return until April. **Mussman** said he would also be available.

Hernandez directed staff to ensure the committee meeting was noticed. **Hernandez** added that he is concerned about the Open Meetings Act and would like to have the FNSB Legal department present information, as membership has changed since the last presentation to the commission.

B. Update on Illinois St. Project Gateway Feature Design Process

Gardino said there had been a change in the committee name from the Gateway Feature Design Process to FMATS Art Selection Advisory Committee

Gardino said she was designated to establish a committee to pursue a selection process for a public feature not to exceed \$100,000 to be included in the Illinois Street Construction Project timeline and have FMATS staff report back in one year with a project. **Gardino** said she assembled a committee for the project and the first meeting was February 2nd. **Gardino** said committee members for this project include June Rogers, Mark Fejes, Amy Nordrum, Ron Inouye, Kelley Hegarty Lammers, George Lounsbury, Julie Engfer, Sue Sprinkle, and Carole-Ann Newcomer. **Gardino** noted support staff Michael Bork, Meadow Bailey, Maureen Carey, Margaret Carpenter, Kellen Spillman, and Mike Schmetzer.

Gardino said several recommendations would be brought forth at the policy committee meeting on February 15th, including 1) to accept the art selection advisory committee as presented, 2) to expand the potential location of artwork to the entire grassy area, 3) the deadline of the art feature completion be extended to September 2014, and 4) the budget for the gateway feature be reinstated to the original engineer's estimate of \$325,000.

Gardino said the next committee meeting was scheduled for February 23rd.

Hegarty Lammers asked commission members whether there was objection to her appointment as the CRFC representative on the committee and if anyone else wished to step in. **Hegarty Lammers** asked for input as to what level of participation the commissioners are comfortable with, including budget matters.

Hegarty Lammers requested commission permission to represent the CRFC on the FMATS committee and was met with no objection.

Lavery noted there would be a lot of public input before the project was completed. **Gardino** added that the next agenda included the public participation plan draft.

C. Riparian Brochure and TVWA Letter of Support

Henszey said the TVWA riparian brochure provided in the CRFC meeting materials was sorely needed and hard copies were currently being printed. **Mussman** asked if Community Planning could obtain copies and **Henszey** said he would like to see it added to the brochures available in Community Planning. **Henszey** credited **Medinger** with having this brochure produced.

Henszey said he would like concurrence from the CRFC to produce a letter in support of funding for Elodea control. **Hegarty Lammers** noted it would be inappropriate for the CRFC to send a letter directly and suggested a draft to the city and borough mayors with a cover memo request for them to send a correspondence. She said the draft had been reviewed and it could be approved with a cover memo to the mayors. **Henszey** said he had spoken with TVWA and felt it would be okay to postpone the Elodea letter of support. **Hegarty Lammers** suggested the item be moved to the March meeting agenda.

8. COMMISSIONERS' COMMENTS

Freiburger said she was recently in San Antonio, Texas and was impressed by the Riverwalk and development along the river; noting the ease of public access and her enjoyment of the pleasant environment that had been created.

Henszey informed commissioners that he and Mitch Osborne will make a presentation of high risk areas of erosion along the Chena River at an upcoming work session of the Platting Board. **Henszey** invited CRFC members to attend as individuals.

Hernandez wanted to make sure to add highway projects to the list and thanked members for their volunteer service on the commission.

Gardino advised that the Noble Street upgrade project open house would be held at the Morris Thompson Center on Thursday, 2/16/12 and added there were innovative features being suggested by DOT.

9. STAFF and LIAISON COMMENTS

Fox reported the city would hold a public meeting on 2/22/12 regarding Graehl Subdivision, including pavement on Front Street and the driveway apron to the boat launch in Graehl Park. **Hegarty Lammers** added that this area, with the exception of the Chena boat launch, contains the most used boat launch in Fairbanks. **Henszey** asked if there were drainage plans and **Fox** replied they were being developed.

Hooper asked **Gardino** for clarification about green space expansion and whether concrete would be removed. **Gardino** said the committee discussed this item, but did not make a motion, however said she can see it forthcoming.

Wood added she will contact **Mussman** for discussion of business zones in the area of the Temporary Dog Park.

10. AGENDA SETTING FOR March 5, 2012 COMMISSION MEETING

- A. Elodea Memorandum - Henszey
- B. Temporary Dog Park Resolution update - Wood
- C. Commercial Areas at 1st & Lathrop and 1st & Wien - Wood
- D. Procedure for Evaluating Development Along the Chena River - Hernandez
- E. FMATS Art Selection Advisory Committee Report - Gardino

Plager asked about setting a date for the design committee meeting and **Hegarty Lammers** said that could be discussed after the meeting adjourned.

Wood said the borough would notify the CRFC about changes to the Temporary Dog Park, so that discussion item could be delayed. **Hegarty Lammers** said the existing dog park was of interest to many diverse interests that it would be beneficial to have a resolution that speaks to the property remaining in use for the same purpose.

Hegarty Lammers asked whether the communication method of sending a cover memo to the mayors with a letter to a third party worked and **Henszey** and **Plager** agreed that it did. **Plager** said this was a vehicle for the commission to send a letter to an outside agency through the mayors and **Hegarty Lammers** agreed.

Wood asked about setting a date for the design committee meeting to discuss the Ice Alaska rezone request and it was determined to hold the meeting at noon on Monday, February 27, 2012.

Plager questioned what could be accomplished during a design committee meeting and whether it was appropriate at this time to include Ice Alaska representatives. **Wood** said she felt it unnecessary to hear the Ice Alaska plan that had already been presented. **Hegarty Lammers** and **Henszey** both preferred to determine what the commission wanted to see in the plan before inviting Ice Park representatives to a meeting. **Plager** suggested it was important to meet with the Ice Alaska board and not just the spokesperson.

Hegarty Lammers proposed the CRFC design committee meet on February 27, make recommendations to the commission at the regular meeting on March 5th, ask for passage of any resolutions, and then request to be placed as an agenda item at an Ice Alaska board meeting. It was agreed that placement as an item on the Ice Alaska meeting agenda would likely happen after the current ice carving event is over. **Plager** added that invitation could be extended to representatives of Ice Alaska to attend a future design committee meeting. Discussion was made regarding agenda topics for the February 27th design committee meeting.

Henszey offered to assist **Mussman** with overlay of the Ice Park plan on aerial photographs to provide a more realistic rendering of the plan.

11. ADJOURNMENT

A motion was made by Wood, seconded by Henszey, to adjourn the meeting. The meeting adjourned at 1:56 p.m.

/b

City Of Fairbanks



MEMORANDUM

To: City Council Members
From: Jim Soileau, Chief Financial Officer
Subj: Request for Concurrence – Correcting Ordinance 5863
Date: March 12, 2012

In the course of our 2011 audit, we detected entry errors on page 2 of Ordinance 5863. In order to create an accurate historical record, I ask you to concur in the corrections noted.

The entry errors do not affect the totals in the ordinance, and did not affect our “bottom line” As always, please call with questions.

Thank you.

cc:

A handwritten signature in black ink, appearing to be "J. Soileau", written over the "cc:" label.

Introduced By: Mayor Cleworth
 Finance Committee: Oct 18, 2011
 Introduced: Oct 24, 2011
Corrected: March 19, 2012

ORDINANCE NO. 5863, AS CORRECTED

**AN ORDINANCE AMENDING THE 2011 BUDGET ESTIMATE
 FOR THE THIRD TIME**

WHEREAS, this ordinance incorporates the changes outlined on the attached summary to amend the 2011 operating budget.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows, corrected numbers in underlined bold italic font:

SECTION 1. There is hereby appropriated to the 2011 budget from the following sources of revenue for the City of Fairbanks in the amount indicated to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2011 and ending December 31, 2011

	Approved Budget	As Amended
Taxes, (all sources)	\$ 19,372,237	\$ 19,479,237
Charges for Services	3,960,860	4,238,185
Intergovernmental Revenues	3,761,208	3,780,471
Licenses & Permits	1,454,570	1,658,379
Fines, Forfeitures & Penalties	906,587	984,544
Interest & Penalties	135,000	136,597
Rental & Lease Income	224,663	213,831
Other Revenues	216,500	216,500
Other Financing Sources	2,688,794	766,963
Total Appropriation	\$ 32,720,419	\$ 31,474,707

SECTION 2. There is hereby appropriated to the 2011 budget expenditures for the City of Fairbanks in the amount indicated:

10	Mayor and Council	\$ 472,130	\$ 472,130
11	Office of the City Attorney	163,423	163,423
12	Office of the City Clerk	288,335	288,335
13	Finance Department	877,069	877,069
14	Information Technology	1,292,445	1,292,445
15	General Account	5,517,868	7,739,868
16	Risk Management	1,681,606	1,659,032
17	Property Management	58,959	58,959
20	Police Department	6,360,614	6,360,614
21	Dispatch	1,937,529	1,937,529
30	Fire Department	5,959,531	5,959,531
50	Department of Public Works	6,765,761	6,765,761
51	Engineering Division	519,816	519,816
60	Building Department	652,624	652,624
	Total General Fund Appropriation	\$ 32,547,710	\$ 34,747,136
	12/31/10 General Fund Balance	\$ 12,763,194	\$ 12,785,163
	Increase/(Decrease) to Fund Balance	172,709	(3,272,429)
	Reserve for 2011 Encumbrances	(174,436)	(174,436)
	Designated for 21st Street Project		
	Designated for Snow Removal	(250,000)	(250,000)
	Designated for Abatements	(5,940)	(5,940)
	Estimate Self Insurance Reserve	(577,896)	(577,896)
	12/31/11 Projected Unreserved Balance	\$ 11,927,631	\$ 8,504,462
	12/31/10 Unreserved Fund Balance	\$ 11,754,922	\$ 11,776,891
	Designations from 2010 Revenue and OFS	-	-
	Increase to Unreserved Fund Balance	172,709	(3,272,429)
	2011 Projected Undesignated Fund Balance	\$ 11,927,631	\$ 8,504,462

SECTION 3. All appropriations made by this ordinance lapse at the end of the fiscal year to the extent they have not been expended or contractually committed to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2011 and ending December 31, 2011.

SECTION 4. The effective date of this ordinance shall be the 19th day of November 2011.

Jerry Cleworth, MAYOR

AYES: Gatewood, Stiver, Hilling, Matherly, Roberts
NAYS: None
ABSENT: Eberhart
ADOPTED: November 14, 2011

ATTEST:

APPROVED AS TO FORM

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

**SUMMARY OF ORDINANCE 5863
AS SUBSTITUTED
AMENDING 2011 GENERAL FUND BUDGET THIRD TIME**

ESTIMATED REVENUES \$676,119 INCREASE AND OTHER FINANCING SOURCES
\$1,921,831 DECREASE FOR A NET DECREASE OF \$1,245,712

1. Taxes – \$107,000 net increase
2. Charges for Services - \$277,325 net increase
3. Intergovernmental Revenues – \$19,263 net increase
4. Licenses & Permits – \$203,809 net increase
5. Fines, Forfeitures, & Penalties – \$77,957 net increase
6. Interest and Penalties - \$1,597 net increase
7. Rental & Lease Income – (\$10,832) decrease
8. Other Revenues – No Change
9. Other Financing Sources & Uses – (\$1,921,831) decrease due to transferring \$1,918,431 to the Fairbanks Transportation Center to pay off the capital lease and \$3,400 to the Permanent Fund for sale of real property.

ESTIMATED EXPENDITURES

\$2,199,426 INCREASE

1. Mayor & Council – No Change
2. City Attorney's Office – No Change
3. City Clerk's Office – No Change
4. Finance Department – No Change
5. General Account – \$2,222,000 Increase
 - a. \$1,890,000 increase for Bond Principal (Police Station Defeasance)
 - b. \$ 192,000 increase for Bond Interest (Police Station Defeasance)
 - c. \$ 20,000 increase for Street Lights
 - d. \$20,000 increase for telephone
 - e. \$20,000 increase for electric
 - f. \$80,000 increase for heating fuel
6. Risk Management – \$22,574 Decrease
 - a. (\$ 22,574) decrease to 2010 actual expenditure
7. Police Department – No Change
8. Dispatch – No Change
9. Fire Department – No Change
10. Public Works – No Change
11. Engineering – No Change
12. Building Department – No Change