



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

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

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

Absent: None

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

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

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

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

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

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

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

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

Ms. Gardino replied affirmatively.

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

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

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

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

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

MAYOR'S COMMENTS AND REPORT

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

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

NEW BUSINESS

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

PASSED and APPROVED on the CONSENT AGENDA.

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

PASSED and APPROVED on the CONSENT AGENDA.

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

PASSED and APPROVED on the CONSENT AGENDA.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ADVANCED on the CONSENT AGENDA.

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

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

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

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

DISCUSSION ITEMS

Committee Reports

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

COUNCIL MEMBERS' COMMENTS

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

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

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

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

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

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

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

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

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

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

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

Mayor Cleworth called for a five minute recess.

EXECUTIVE SESSION

Labor Contract Negotiations – IBEW

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

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

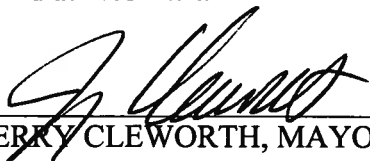
Mayor Cleworth called for objection and, seeing none, so ORDERED.

ADJOURNMENT

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

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

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



JERRY CLEWORTH, MAYOR

ATTEST:

for 

JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS