



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