



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, OCTOBER 24, 2011  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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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  
John Eberhart, Seat F

Absent: Emily Bratcher, Seat E (Excused)

Also Present: Warren Cummings, Fire Chief  
Paul Ewers, City Attorney  
Janey Hovenden, City Clerk  
Ryan Rickels, IT Director  
Tony C. Shumate, Director Personnel/Purchasing/RM  
Laren Zager, Police Chief

### INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

### FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

### CITIZEN'S COMMENTS

Frank Turney, 201 7<sup>th</sup> Avenue, Fairbanks – Mr. Turney thanked the voters for electing Lloyd Hilling and congratulated Mr. Eberhart on his reelection to the Council. He spoke to a polygraph examination of police officers for internal investigations. He spoke against the increase of certain fees in the City's towing ordinance. Mr. Turney mentioned small measures that could be taken to cut costs in the Fairbanks Fire Department budget.

Tim Sovde, 402 Bonnifield, Fairbanks – Mr. Sovde encouraged the Council to reexamine the City's fee schedule; he specifically recommended lowering building permit fees in order to promote renovation.

Lance Roberts, PO Box 83349, Fairbanks – Mr. Roberts apologized for not having attended the City Council meeting on June 27, 2011, when the police contract was passed. He stated that he was on Citizen's Review Committee in 2007 and gave specifics on the wage and cost of living

comparison between the City of Fairbanks Police Department and other municipalities of equivalent size. He added that the results showed FPD employees were 15% - 20% higher than their comparables. Mr. Roberts spoke against the proposed roundabout at the Old Steese/Helmericks intersection stating that the intersection was far too busy and a roundabout would only cause more congestion.

Dan Yount – Mr. Yount complained about the poor parking in downtown Fairbanks, stating that he has received parking citations because of signs that weren't visible enough.

**Ms. Stiver** asked Mr. Yount to provide the specific locations he was referring to so that the signage could be examined.

Mr. Yount explained that one area was on 2<sup>nd</sup> Avenue and the other at 250 Cushman.

### **APPROVAL OF AGENDA AND CONSENT AGENDA**

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

**Mr. Roberts** pulled Resolution No. 4492 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**

Meeting Minutes of June 27, 2011.

PASSED and APPROVED on the CONSENT AGENDA.

### **MAYOR'S COMMENTS AND REPORT**

**Mayor Cleworth** stated that North Haven has taken over the hotel on Fort Wainwright and they will enter into a PILT agreement with the City. He stated that they made some recommendations to the City at a recent meeting and the Council will have the opportunity to look over and respond to their proposal in a future Executive Session. **Mayor Cleworth** explained the reasoning behind the City's Capital Priorities in Resolution No. 4492. He further explained that a lump sum of all City street improvement projects may be submitted to the state instead of listing each project individually. He offered his personal position on ANWR and requested that the Council give their input on whether or not the City should take a formal stance on the issue. **Mayor Cleworth** announced that the City's 2012 Budget was almost completely drafted and would be provided to Council within the next week. He spoke to the meeting of the FNSB Economic Development Commission and the two Resolutions that were brought up involving the City: 1) a request that the City of Fairbanks modify its code on hydronic heaters, and 2) a request for a tax exemption for the Dance Theater of Fairbanks, located in the old fire station. He added that the resolution regarding hydronic heaters was advanced to the Borough Assembly.

He stated that the City's policy has always been against granting tax exemptions to non-profit organizations, but that the recommendation to grant a partial tax exemption was advanced to the Borough Assembly. **Mayor Cleworth** recommended a change in the City code to formalize the City's policy on tax exemptions. He briefly explained the background of Ordinance No. 5861 regarding towing and pointed out that the rotation list and licensing requirements would be completely voluntary. **Mayor Cleworth** acknowledged concern for the proposed roundabout at Old Steese and Helmericks. He explained that while the plan is not yet finalized, the hope is that all the proposed roundabouts would be large enough to accommodate the heavy traffic and large commercial vehicles.

### **UNFINISHED BUSINESS**

- a) Resolution No. 4489 – A Resolution to Amend the City Schedule of Fees and Charges for Services. Introduced by Mayor Cleworth. POSTPONED from the Regular Meeting of September 19, 2011.

**Ms. Stiver**, seconded by **Mr. Gatewood**, moved to SUBSTITUTE Resolution No. 4489, as Amended.

**Ms. Stiver** explained the reasoning behind the substitution.

**Mr. Gatewood** asked about the rationale behind the increase in emergency vehicle fees.

**Ms. Stiver** replied that the increase is a flat rate charged to the individual who caused the accident, regardless of the number of vehicles damaged in the accident.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO SUBSTITUTE RESOLUTION NO. 4489, AS AMENDED, AS FOLLOWS:

YEAS: Eberhart, Roberts, Stiver, Matherly, Gatewood

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED.

**Mr. Roberts** spoke in support of Resolution No. 4489, as Amended. However, he indicated that the intent of the increased ambulance fee in the original resolution was to offset the deletion of the emergency response fee. Since that fee was no longer being deleted, he recommended the ambulance fees be lowered to their original amount.

**Mr. Roberts**, seconded by **Ms. Stiver**, moved to AMEND Resolution No. 4489, as Amended, to change Ambulance Service fees from \$1,050 for Advanced Life Support to \$1,000 and from \$850 for Basic Life Support to \$800.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO AMEND RESOLUTION NO. 4489, AS AMENDED, AS FOLLOWS:

YEAS: Eberhart, Gatewood, Stiver, Matherly, Roberts

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO APPROVE RESOLUTION NO. 4489, AS AMENDED, AS FOLLOWS:

YEAS: Stiver, Matherly, Gatewood, Eberhart, Roberts

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED and Resolution No. 4489, as Amended, APPROVED.

- b) Ordinance No. 5861 – An Ordinance to Amend Fairbanks General Code Chapter 14, Article X Towing Vehicles. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

**Mr. Matherly**, seconded by **Mr. Roberts**, moved to ADOPT Ordinance No. 5861.

Frank Turney – Mr. Turney suggested the Council amend Ordinance No. 5861 to waive impound fees for vehicles that are the sole source of transportation for a family. He inquired about the number of citizens the City has compensated for missing possessions after an impound.

Shawn Ross, Alaska Towing Association, PO Box 80242, Fairbanks – Mr. Ross spoke in favor of Ordinance No. 5861, stating that it makes the code more clear. He offered his opinion on hours of operation, manned offices, and storage fees.

**Mr. Roberts** asked for clarification on Mr. Ross' suggestion for hours of operation and his proposal for eliminating storage fees when offices are closed.

Mr. Ross replied that regular hours of six days per week, ten hours per day is too much and that daily storage fees should not be charged if offices are closed.

**Mayor Cleworth** asked Mr. Ross what he would suggest for required hours of operation.

Mr. Ross offered 10 AM – 5 PM, Monday thru Friday, 12 PM – 3 PM on Saturday, and owner's choice on Sunday.

Elizabeth Grizwold, Gabe's Towing, PO Box 84452 – Ms. Grizwold expressed her appreciation for the cleanup of Ordinance No. 5861. She pointed out that the ordinance would only regulate City call-outs, which is a small percentage of all tows. She spoke to Section 14-432(b)(5), addressing minimum hours of operation and suggested lessening the minimum requirement. She proposed that companies be available by appointment during closed hours. She recommended that the towing fees mirror the City's impound fees.

**Mr. Matherly** asked Ms. Grizwold what administrative fee would be reasonable.

Ms. Grizwold replied that \$250 is fair. She spoke to the rising costs of operating a business and compared her current rates with the City's proposed rates.

Lance Roberts, PO Box 83449, Fairbanks – Mr. Roberts spoke to more leniency to the public on City impounds and gave a brief account of an acquaintance's recent experience with a City impound. He suggested that storage fees should not be charged for days when an impound yard is not open for business. He spoke against the City's requirement for a Master Operator License, stating that it was nothing more than a tax.

**Mayor Cleworth** asked that Mr. Roberts provide more information on the impound to which he referred. Mayor Cleworth requested that clarification be made as to the actual cause of impound, with the assistance of the City Attorney.

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

**Mayor Cleworth** spoke to the recent changes in the City's impound fees and the reasons behind those changes.

**Ms. Stiver**, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 5861, Section 14-432(b)(5) by striking "ten hours per day, six days per week" and replacing with "eight hours per day, five days per week."

**Mr. Matherly** asked if the intent of the motion was to require specific hours of operation or only a minimum number of hours per day and days per week that a company must be open for business.

**Ms. Stiver** stated that her intent was to set minimum hours and days only.

**Mr. Gatewood** spoke in favor of requiring that tow companies be available by appointment during hours of closure.

**Mr. Roberts** stated that while the proposed hours are good hours from an operation standpoint, they are not necessarily preferred by the working public. He suggested that tow companies be required to carry Saturday hours or at least operate by appointment after hours.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO AMEND ORDINANCE NO. 5861, AS FOLLOWS:

YEAS: Matherly, Roberts, Stiver, Gatewood, Eberhart

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED.

**Mr. Roberts**, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 5861, as Amended, Section 14-432(b)(4), to add "(May only be charged on days vehicles are available for retrieval by owner)."

**Ms. Stiver** suggested that the proposed amendment may encourage the industry to provide after-hours service by appointment.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5861, AS AMENDED, AS FOLLOWS:

YEAS: Roberts, Matherly, Gatewood, Eberhart, Stiver

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED.

**Mr. Eberhart**, seconded by **Mr. Roberts**, moved to AMEND Ordinance No. 5861, as Amended, Section 14-433(b), by striking "Sec. 14-431(c)" and replacing with "Sec. 14-432(b)."

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5861, AS AMENDED, AS FOLLOWS:

YEAS: Stiver, Matherly, Gatewood, Eberhart, Roberts

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED.

**Ms. Stiver** spoke to the heavy administrative workload in the towing industry and offered discussion on adding a fee to recover those costs.

**Mayor Cleworth** stated that administrative fees fluctuate greatly from company to company and that he believes the fees as presented in Ordinance No. 5861 are sufficient.

**Mr. Eberhart** spoke to the addition of an administrative fees and suggested two options.

**Mr. Roberts** recommended moving forward without an additional fee for the sake of simplicity. He added that if there was no money to be made on the City's rotation list, no one would sign up.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5861, AS AMENDED, AS FOLLOWS:

YEAS: Gatewood, Roberts, Eberhart, Matherly, Stiver

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED and ORDINANCE NO. 5861, AS AMENDED, ADOPTED.

- c) Ordinance No. 5862 – An Ordinance to Amend Fairbanks General Code Section 74-117(f) Providing that Hotel/Motel Tax Grants May Only be Used for the Purposes Stated on the Application. Introduced by Council Member Stiver. SECOND READING AND PUBLIC HEARING.

**Mr. Matherly**, seconded by **Ms. Stiver**, moved to ADOPT Ordinance No. 5862.

Tim Sovde, 402 Bonnifield, Fairbanks – Mr. Sovde spoke in support of Ordinance No. 5862.

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

**Mr. Eberhart** asked Ms. Stiver the purpose of Ordinance No. 5862.

**Ms. Stiver** explained that the intent of the ordinance is to improve the accountability and reporting of organizations on how bed tax dollars are spent and to clarify the discretionary fund's purpose and limitation.

**Mr. Gatewood** asked where unused grant dollars are deposited when they are reimbursed back to the City from an organization.

**Ms. Stiver** explained that, while that rarely happens, she believes those dollars go into the General Fund.

**Mr. Roberts** inquired as to how an organization would certify that grant dollars were used for the intended purpose and if an auditing team would be required.

**Ms. Stiver** replied that the auditing system was already in place through the City's Finance Department.

**Mayor Cleworth** added that in order to receive the final ten percent of their allotted grant dollars, organizations must file the appropriate paperwork with the City's Finance Department.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5862, AS FOLLOWS:

YEAS: Eberhart, Roberts, Stiver, Matherly, Gatewood

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED and ORDINANCE NO. 5862 ADOPTED.

### 2011 MUNICIPAL ELECTION

a) Certification of the 2011 Municipal Election Results

**Mr. Matherly**, seconded by **Ms. Stiver**, moved to CERTIFY the 2011 Municipal Election Results.

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

b) Oath of Office

Ms. Hovenden swore in newly elected Council Member, Lloyd Hilling, and incumbent Council Member, John Eberhart.

## NEW BUSINESS

- a) Resolution No. 4492 – A Resolution Stating the City’s Capital Priorities for the State 2012-13 Fiscal Year. Introduced by Mayor Cleworth.

**Mr. Gatewood**, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4492.

**Mayor Cleworth** invited the Council to offer their input for the City’s Capital Priorities.

**Mr. Roberts** agreed with Mayor Cleworth that the City should ask for a lump sum for street construction projects and allocate funding to projects as the Council sees fit.

**Ms. Stiver** asked for confirmation that the City was requesting roughly \$7 million towards street improvement.

**Mayor Cleworth** affirmed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4492, AS FOLLOWS:

YEAS: Stiver, Matherly, Gatewood, Hilling, Eberhart, Roberts  
NAYS: None  
**Mayor Cleworth** declared the MOTION CARRIED and  
RESOLUTION NO. 4492 APPROVED.

## DISCUSSION ITEMS

### Committee Reports

Public Safety Commission – **Mr. Eberhart** gave a brief report on various discussion items at the October 11, 2011 meeting: polygraph tests for employees, role of the Public Safety Commission, FPD recruitment report, arrest vs. citation at officer’s discretion, and FPD grant report. He added that the next PSC meeting would be held November 8, 2011 at City Hall.

**Mayor Cleworth** suggested the next meeting be rescheduled due to the conflict with the AML Conference.

## COUNCIL MEMBERS’ COMMENTS

**Mr. Matherly** welcomed Mr. Hilling and congratulated Mr. Eberhart on his reelection. He addressed the public comment regarding the frustration of parking in the downtown area. He stated that it is not the Fairbanks Parking Authority’s (FPA) intent to discourage people from visiting downtown Fairbanks. **Mr. Matherly** encouraged the public to appeal parking citations if they feel they were cited unfairly because the FPA board is reasonable. He stated his support for the development of ANWR.



**Mr. Hilling** expressed his joy in being back on the City Council. He remarked that the City is headed in a good direction and he would like to see it continue in that path. He stated his intent to be objective in negotiations and deliberations, without preconceptions. He committed to vote his conscience and make decisions based on what he believes is right for the City of Fairbanks.

**Mr. Eberhart** congratulated and welcomed Mr. Hilling back to the City Council. He briefly discussed ANWR and stated that he is not in support of its development. **Mr. Eberhart** asked to be excused for the Regular Meeting of November 14, 2011.

**Mayor Cleworth** called for objection regarding **Mr. Eberhart's** request to be excused on September 14, 2011 and, hearing none, so ORDERED.

**Mr. Gatewood** offered his congratulations to Mr. Eberhart and Mr. Hilling. He stated his appreciation for his fellow Council Members and Mayor Cleworth. He expressed his hesitation in sending a letter of support for ANWR development from the City and indicated that he was uncertain about his stance on the issue.

**Mr. Roberts** welcomed back Council Members Hilling and Eberhart. He spoke to City fees and his mindfulness of keeping them in good balance. He affirmed his support of opening ANWR, stating that the City of Fairbanks would benefit from more oil in the pipeline. He added that Alaska's dependency on oil makes it necessary for development.

**Ms. Stiver** spoke to the Arctic Innovation Competition that took place at the University of Alaska, Fairbanks. She shared an invitation to an upcoming meeting at the Morris Thompson Center regarding health effects of hydronic heaters. She recommended that the City Building Department research alternate heating devices to permit within City limits. **Ms. Stiver** suggested that the Public Safety Commission appoint a new member, active in the towing business, to take recommendations from the industry on fees and general complaints. She addressed ANWR, stating that it would be beneficial for the State of Alaska. She added that she is in favor of development, but she is unsure about the City taking a position on the issue.

**Mayor Cleworth** asked for clarification on Ms. Stiver's suggestion of a possible code change regarding hydronic heaters and whether or not that research would address "grandfathered" devices only or open it up to new technology.

**Ms. Stiver** replied that she would like to see research and recommendations for alternate heating devices that could give local consumers more affordable options for heating their homes.

**Mr. Hilling**, seconded by **Mr. Matherly**, moved to go into Executive Session for the purpose of discussing AFL-CIO and 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 - ALF-CIO and IBEW

The City Council met in Executive Session to discuss Labor Negotiations for AFL-CIO and IBEW. Direction was given to staff and no formal action was taken.

**ADJOURNMENT**

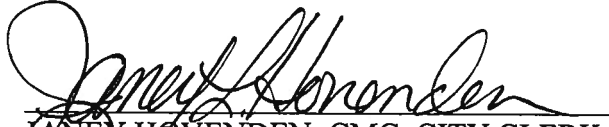
**Mr. Roberts**, seconded by **Ms. Stiver**, moved to ADJOURN the meeting.

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

**Mayor Cleworth** declared the Meeting adjourned at 10:05 p.m.

  
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JERRY CLEWORTH, MAYOR

ATTEST:

  
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JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS