



FAIRBANKS CITY COUNCIL
AGENDA NO. 2011-18
REGULAR MEETING *September 19, 2011*
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

PRELIMINARY MEETING

- I 5:30 PM Work Session – Using AK Legislative Site, BASIS and Bill Tracking
 - 6:15 PM Work Session – Festival Fairbanks Clean Team
-

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

7. SPECIAL ORDERS

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Ordinance No. 5858, As Amended - An Ordinance to Amend Fairbanks General Code Section 42-1 Regarding Labor Relations. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

10. NEW BUSINESS

- *a) Resolution No. 4488 – A Resolution Authorizing the City of Fairbanks to Accept a Grant from the State of Alaska Department of Environmental Conservation Municipal Matching Grant Program in the Amount of \$975,935 for Rehabilitation of the City-owned Peger Road Wastewater Treatment Plant Clarifier System. Introduced by Mayor Cleworth.
- *b) Resolution No. 4489 – A Resolution to Amend the City Schedule of Fees and Charges for Services. Introduced by Mayor Cleworth
- *c) Ordinance No. 5860 – An Ordinance to Amend Fairbanks General Code Section 50-205 Eliminating the Alaska Day Holiday. Introduced by Mayor Cleworth.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

Committee Reports

12. COMMUNICATIONS TO COUNCIL

13. COUNCIL MEMBERS' COMMENTS

14. CITY ATTORNEY'S REPORT

15. CITY CLERK'S REPORT

16. EXECUTIVE SESSIONS

- a) Labor Negotiations
- b) Dispatch Contract Renegotiations

17. ADJOURNMENT

ORDINANCE NO. 5858, AS AMENDED

**AN ORDINANCE TO AMEND FAIRBANKS GENERAL CODE SECTION
42-1 REGARDING LABOR RELATIONS**

WHEREAS, the City's mission is to provide essential municipal services; and
WHEREAS, the terms of the City's collective bargaining agreements have a large impact on the cost of providing essential municipal services; and

WHEREAS, it is the policy of the City to seek continuous improvements to the labor agreements in order to operate efficiently while compensating employees fairly; and

WHEREAS, the City's labor code is outdated in areas, and current policy needs to be set,

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

Section 1. That Fairbanks General Code Section 42-1 is amended as follows (new text in **bold and underlined** font, deleted text in ~~strikeout font~~).

Sec. 42-1. - Labor relations.

The mayor shall have the basic responsibility for the labor relations as set forth in this chapter, **unless the Council by majority vote selects a different spokesperson. The spokesperson** He specifically shall:

- (1)(a) Have the authority to negotiate with representatives of employee organizations representing city employees for the purpose of arriving at collective bargaining agreements as to wages, hours and terms or conditions of employment. The council by majority vote may delegate ~~the responsibility for negotiations to~~ a qualified individual ~~or entity~~ **to be a member of the negotiating team** without negating the authority of the mayor **to act as sole spokesperson for negotiations, provided that the Mayor may designate an alternate. The Mayor shall present any such**

agreements as may be negotiated to the city council, along with an explanation and cost analysis, and Any such

~~agreements as may be negotiated between the city~~ shall not be effective unless and until approved by ordinance of the city council. In negotiating contracts, the Mayor will use provisions of the personnel program, unless directed otherwise, as guidelines to be achieved. The basic goal will be to treat city employees in a similar manner as much as appropriate, and to pay similar wages for similar work.

- (b) Any amendments to a labor contract negotiated during the life of the contract shall not be effective unless and until approved by ordinance of the city council. The mayor shall convey the proposed amendment to the city council with explanation and cost analysis for the city council's consideration.
- (2) Conduct labor negotiations in a manner as follows:
 - (a) Prior to negotiations for a replacement bargaining agreement (or any part of an agreement), or at any time as the city is under a lawful obligation to bargain economic terms of employment, the mayor shall present to the city council a copy of the expired collective bargaining agreement, where applicable, and a proposed replacement agreement.
 - (b) The proposed replacement agreement shall be presented to the city council at least one month prior to the commencement of negotiations. The city council shall meet and discuss the replacement agreement and shall provide discernible direction to the mayor concerning strategies, goals, objectives, etc.
 - (c) The city council shall review and identify noneconomic bargaining items upon which the mayor may commence negotiations and reach tentative agreement. The city council shall review and identify economic bargaining items upon which the mayor may commence negotiations; however, the mayor shall

make no tentative agreement to any economic proposal which substantially deviates from the city council's approval prior to receiving further approval.

(d) The mayor shall provide the city council with ~~quarterly~~ **periodic** information reports which shall describe the status of pending negotiations.

(e) Upon completion of negotiations, the mayor shall, where applicable, present to the city council for ratification all tentatively agreed upon provisions in the replacement bargaining agreement.

(f) The provisions of section 50-83 regarding the one-year period of ineligibility for the employment of former city councilmembers shall be included in all collective bargaining agreements.

(g) The mayor shall ~~analyze all nine labor contracts and~~ look for a common policy on boiler plate language which will be consistent in each contract. This completed document shall be submitted to the different labor organizations and city council for review. A meeting shall be scheduled with all parties to establish a procedure for incorporation of the language into the contracts.

(h) **In preparing for negotiations,** ~~the mayor shall conduct a comprehensive wage and benefit survey before each contract is negotiated. This survey shall~~ incorporate **compensation** data from the public and private sector.

(i) The mayor shall negotiate **a competitive** wages and benefits **package** ~~at the average level revealed by the survey.~~ Wages and benefits which are found to be above average shall be frozen until such time as ~~the survey reveals such wages and benefits have~~ fallen below average.

(j) All **direct** labor negotiations, ~~with the exception of original negotiating strategies,~~ shall be negotiated in open sessions.

(k) **Not more than three on-duty union member employees may take part in negotiations.** ~~The negotiation teams shall consist of no more than three per side.~~

(l) Individual members of the city council shall not enter into separate negotiations with any union **representative or member** organization. **From the date of the Mayor's transmittal as provided in sub-section 2(b) until the ratification of the ordinance, all communication, both written and oral, from the union should be addressed to members of the City's negotiating team and not to individual council members.**

(m) The city negotiating team shall be solely embodied to negotiate on behalf of the city council.

(n) The city council ~~shall be~~ **remains** committed to the following goals during the negotiating process:

1. **Reward superior employees with merit pay increases in lieu of** ~~Elimination of~~ **increases based solely on** longevity pay for new hires.
2. Fair and reasonable deductibles in medical insurance.
3. Analyze possible alternatives to the state public employees retirement system plan.
4. **Limiting personal leave to reasonable levels** ~~The use of accumulated leave time in a year by the end of the year with balances forfeited to the city.~~
5. **Consistency between bargaining units, as well as between union and non-union employees.**
6. **Negotiate contracts with annual wage & benefit reopeners if future sources of funding are not secured.**
7. **Seek to eliminate terms with complex pay premiums, work rules that reduce productivity, or other terms that impede accountability.**

Section 2. That the effective date of this ordinance shall be the ____ day of _____ 2011.

Jerry Cleworth, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney

RESOLUTION NO. 4488

A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO ACCEPT A GRANT FROM THE STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION MUNICIPAL MATCHING GRANT PROGRAM IN THE AMOUNT OF \$975,935 FOR REHABILITATION OF THE CITY-OWNED PEGER ROAD WASTEWATER TREATMENT PLANT CLARIFIER SYSTEM.

WHEREAS, under terms of the 1997 sale of the City utility system, the City retains ownership of the Peger Road wastewater treatment plant (the "plant"); and

WHEREAS, Golden Heart Utilities ("GHU") operates the wastewater treatment facility in accordance with the terms of a lease with the City; and

WHEREAS, grant funding is available from the State of Alaska Department of Environmental Conservation Municipal Matching Grant Program for rehabilitation of a part of the plant known as the clarifier; and

WHEREAS, the total project cost is \$1,626,558 with this grant in the amount of \$975,935 and a subsequent loan in the amount of \$650,623 which will be repaid by GHU; and

WHEREAS, rehabilitation of the clarifier will increase operational reliability and efficiency thus reducing the expense to rate payers; and

WHEREAS, the City of Fairbanks, by resolution, must formally accept the grant and agree to the terms and conditions of the grant, and adhere to any governing state regulations; and

WHEREAS, GHU has agreed to be responsible for any and all project expenses, to operate and maintain the completed project constructed with said grant, and to fully reimburse the City for expenses incurred by this grant, including staff time for accounting, grant administration and the audit process,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, that the City Council approves accepting a grant from the State of Alaska Department of Environmental Conservation Municipal Matching Grant in the

amount of \$975,935 for the clarifier rehabilitation. The City Mayor is authorized to enter into an agreement with GHU under which GHU will be responsible for (a) all costs of the project, (b) proper use of grant funds, (c) operation and maintenance of the completed project constructed with said grant in accordance with law and regulation, and (c) reimbursement of the full costs of any City staff time in connection with this grant. This project will also require a subsequent loan approval to be repaid by GHU on terms to be approved by the City Council.

BE IT FURTHER RESOLVED that the City Mayor is also authorized to execute those documents necessary to implement the grant funded project and for adjustments to the project within the scope of the ADEC Municipal Matching Grant Program.

PASSED AND APPROVED THIS _____ DAY OF _____, 2011

JERRY CLEWORTH, MAYOR

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, CITY CLERK

Paul J. Ewers, CITY ATTORNEY

Introduced by: Mayor Cleworth
Introduced: September 19, 2011

RESOLUTION NO. 4489

**A RESOLUTION AMENDING THE CITY SCHEDULE
OF FEES AND CHARGES FOR SERVICE**

WHEREAS, the *City Schedule of Fees and Charges for Services* was enacted in 2008 by Ordinance No. 5744 and has been amended by resolution on several occasions since that time, most recently by Resolution No. 4480; and

WHEREAS, after review by the City Administration and Finance Committee, it is apparent that the \$200.00 fee for "Emergency Fire Equipment Response to Motor Vehicle Accident" charged to non-residents of the City is difficult to administer and recover; and

WHEREAS, an adjustment to the fee for ambulance service will offset the revenue loss that results from elimination of the \$200.00 response fee,

NOW, THEREFORE, BE IT RESOLVED by the City Council to approve the attached amended version of the *Schedule of Fees and Charges for Services* to delete the \$200.00 fee for "Emergency Fire Equipment Response to Motor Vehicle Accident" and set Ambulance Service fees as noted on the attached page of the *Schedule*.

PASSED and APPROVED this ____ day of ____, 2011.

JERRY CLEWORTH, MAYOR

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

JANEY HOVENDEN, CMC, City Clerk

PAUL J. EWERS, City Attorney

City of Fairbanks Fee Schedule

Resolution 4489

Category	Code Sec.	Topic	Current Fee	Resolution 4489	Unit	
Emergency Services	26-111	Ambulance Services	\$ 1,000.00	\$ 1,050.00	Advanced Life Support	
			\$ 800.00	\$ 850.00	Basic Life Support	
			\$ (200.00)		Discount for Fairbanks resident	
			Additional Patient Transport Mileage	\$ 12.00		Per mile; for all miles
			Non-emergency assistance to private care facilities	\$ 75.00		Per hour; one hour minimum. Physical assistance in moving patients or clients.
			Emergency Fire Equipment Response to Motor Vehicle Accident	\$ 200.00	Delete	Per vehicle involved in accident that requires emergency response which has received property damage
				\$ (200.00)	Delete	Discount for vehicle owned by Fairbanks resident(s)
	30-1		Fire Inspection, investigation, technical services, inspections for ABC actions	\$ 75.00		Per employee hour, one hour minimum. One free follow up. When deficiencies are not corrected within the time specified by the Fire Inspector, fees are doubled for a second inspection and tripled on a third visit.
	30-1		Routine Safety Checks, response to safety complaints	\$ -		Initial inspection no charge
				\$ 75.00		Per hour, when deficiencies are not corrected
			Mutual Aid			No Fee
			Fire Training Center	\$ 30.00		Per unit: Classroom 1 and Tower Building are 2 units per hour minimum block; Conference room is 1 unit per minimum 4 hour block.
	30-1		In Service Inspection	\$ 50.00		per employee hour; 0.5 hour minimum (only applied to uncorrected items from "no charge" first inspection)

ORDINANCE NO. 5860

**AN ORDINANCE TO AMEND FAIRBANKS GENERAL CODE SECTION
50-205 ELIMINATING THE ALASKA DAY HOLIDAY**

WHEREAS, all but six of the City's employees are represented by a labor organization; and

WHEREAS, the terms and conditions of employment for these six employees are governed by Fairbanks General Code, Chapter 50 Personnel; and

WHEREAS, in all but one of the collective bargaining agreements currently in effect, Alaska Day is no longer a City holiday; and

WHEREAS, this ordinance makes the holidays in the personnel chapter of the code consistent with the working agreements for the majority of city employees,

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

Section 1. That Fairbanks General Code Section 50-205 is amended as follows (new text in **bold and underlined** font, deleted text in ~~strikeout font~~):

Sec. 50-205. Holidays.

(a) The following days are observed as holidays:

- (1) January 1 – New Year's Day;
- (2) Third Monday in February – Presidents Day;
- (3) Last Monday in May – Memorial Day;
- (4) July 4 – Independence Day;
- (5) First Monday in September – Labor Day;
- ~~(6) October 18 – Alaska Day~~
- (6) November 11 – Veterans Day;
- (7) Fourth Thursday in November – Thanksgiving Day;
- (8) December 25 – Christmas Day;
- (9) Personal holiday (2).

(b) If a holiday falls on Sunday, the following Monday is the holiday.

(c) If a holiday falls on Saturday, the preceding Friday is the holiday.

(d) If a permanent, probationary or substitute employee volunteers to work on a holiday, an alternate day within the week preceding or following the holiday and agreed to by the employee and the department head is that employee's holiday.

(e) If a holiday falls on a permanent, probationary or substitute employee's day off, an alternate day within the week preceding or following the holiday and agreed to by the employee and the department head is that employee's holiday.

Section 2. That the effective date of this ordinance shall be the ____ day of _____ 2011.

Jerry Cleworth, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney