



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, MAY 9, 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
Emily Bratcher, Seat E
John Eberhart, Seat F

Absent: None

Also Present: Patrick B. Cole, Chief of Staff
Clem Clooten, Electrical Inspector
Warren Cummings, Fire Chief
Paul Ewers, City Attorney
Debi Osterby, Deputy City Clerk
Ryan Rickels, IT Director
Michael J. Schmetzer, City Engineer
Tony C. Shumate, Director Personnel/Purchasing/RM

INVOCATION

The Invocation was given by Deputy City Clerk Debi Osterby.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

Victor Buberger, PO Box 58192, Fairbanks, AK. Mr. Buberger spoke of the recent arrest of a young man riding an ice sheet on the Chena River.

Tori Foote, PO Box 80768, Fairbanks, AK. Ms. Foote spoke in favor of Ordinance No. 5847.

Tim Sovde, 402 Bonnielfield, Fairbanks, AK. Mr. Sovde spoke of the recent arrest of a young man riding an ice sheet on the Chena River. He suggested making the police chief position an elected position. He spoke of the fluoride issue before the Council and asked the Council to act on it.

David Lerman, 126 2nd Ave., Fairbanks, AK. Mr. Lerman spoke of renovations to Smith Apartments and expressed his hope that the Polaris Building would also be renovated. He spoke of his website Renovation Fairbanks, air pollution in Fairbanks, and heated bus stops. Mr. Lerman asked the Council to condemn the property located at 124 Second Avenue.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mayor Cleworth, added Resolution No. 4471 to the Agenda, under New Business.

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

Deputy City Clerk Osterby read the Consent Agenda into the record.

APPROVAL OF PREVIOUS MINUTES

a) Meeting Minutes of April 25, 2010.

PASSED and APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

(a) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the below-referenced Application for a New Liquor License.

License Type: Restaurant Eating Place
D.B.A.*: **Asiana Restaurant**, License #5051
Licensee/Applicant: Young Mi Jin
Physical Location: 2001 Airport Way

Mr. Matherly, seconded by **Mr. Roberts**, moved to WAIVE Protest of Application for New Liquor License.

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

Mayor Cleworth, based on Mr. Roberts' question, clarified that new license applications would be reviewed by the building department and that renewals and transfers no longer require those inspections.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST, AS FOLLOWS:

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

Mayor Cleworth declared the MOTION CARRIED.

- (b) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the below referenced Abatement Issue.

Notice to Recover Cost for Abatement Project.

Lot 14 Tract B, Bjerremark Subdivision, 806 20th Ave, Fairbanks, Alaska

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

Ms. Bratcher, seconded by **Ms. Stiver**, moved to ESTABLISH Abatement Costs at \$64, 373.85 as Submitted by Public Works.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ESTABLISH COSTS AT \$64,373.85, AS FOLLOWS:

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

Mayor Cleworth declared the MOTION CARRIED.

Mr. Matherly, seconded by **Ms. Bratcher**, moved to CREATE a Lien on the Property of \$64,373.85.

Mayor Cleworth confirmed that there is no structure on the named property.

Mr. Roberts informed the Council that the property is over-encumbered and questioned how that would work if it were to go up for sale.

Mr. Ewers indicated that the City would have to negotiate on any sale to recover what it could. He also indicated that the buyer would be forced to recognize that a lien existed and it would have to be paid prior to sale. Mr. Ewers explained options available should a sale be entertained.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO CREATE A LIEN ON THE PROPERTY OF \$64, 373.85, AS FOLLOWS:

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

Mayor Cleworth declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth reported that Mr. Schmetzer would like to make a budget change by moving a Public Works employee to Engineering. He indicated that a budget amendment would come forward later.

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

Mayor Cleworth reported that he attended the Military Appreciation Banquet and thanked the Council Members that were present for their attendance and support. **Mayor Cleworth** informed the Council that he would be presenting an ordinance for first reading on the fluoride issue at the next regular meeting. **Mayor Cleworth** indicated that the Fluoride Task Force final report was provided to the Borough Assembly for review and input. **Mayor Cleworth** spoke of a recent ordinance passed in Anchorage regarding panhandling.

UNFINISHED BUSINESS

- a) Ordinance No. 5846 – An Ordinance to Present to the Qualified Voters of the City the Question of Approving Additional City Services Through Pre-Paying the Outstanding Bond Debt for the Police Station. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Roberts, seconded by **Ms. Stiver**, moved to ADOPT Ordinance No. 5846.

Mr. Roberts, seconded by **Ms. Stiver**, moved to SUBSTITUTE Ordinance No. 5846, As Amended.

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

Mayor Cleworth called for Public Testimony.

Mr. Sovde spoke in favor of paying off the debt, but questioned whether using that savings to pay for additional services was the way to go. He suggested providing refunds to home owners/ tax payers.

Mr. Lerman spoke to the annual savings realized by the debt repayment. He suggested using that kind of money to subsidize fees on deteriorated properties.

Hearing no more requests for public comment, **Mayor Cleworth** declared Public Testimony closed.

Based on Mr. Eberhart's question, **Mayor Cleworth** explained that because the charter has a tax cap in it, it allows for adding to revenues by voting in additional services. In order to use that charter provision, the language must be precise. Further, that the funds cannot be dedicated. The frustration is that the language makes it necessary to keep the wording somewhat ambiguous.

Mr. Roberts spoke in support of the ordinance. He stated that the intent is to keep taxes low and off the backs of the property owners. He stated that the Council is very mindful of that.

Based on Mr. Roberts' question, **Mayor Cleworth** explained that the City could not spend money to campaign a ballot issue, inhibiting its ability to help the electorate understand the tax cap and the cap within the cap. He stated that it is important to help educate the electorate on this very convoluted issue.

Mr. Eberhart indicated that the City has not raised property taxes in recent years, but the Borough has. He explained that the City's \$32 million budget and the release of the \$695,380 or approximately 2.2% of the budget provides a bit of wiggle room. He questioned whether rebating the money back to property owners was a prudent tradeoff.

Mayor Cleworth explained that the base rate is frozen at 4.9. Further, that because of the cap within the cap, things would remain the same. He explained that the mil rate would go down as assessments go up. Further, that the burden is less now than what it was years ago. **Mayor Cleworth** indicated that taxes would not go up with this payoff. Further, that paying off the debt would make the City almost debt free, a rarity in municipal government.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5846, AS AMENDED, AS FOLLOWS:

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

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and ORDINANCE NO. 5846, as Amended, ADOPTED.

NEW BUSINESS

- a) Ordinance No. 5847 – An Ordinance Authorizing Lease of the “Chena Building” from the City to the Early College of Alaska, Inc. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- b) Resolution 4471 – A Resolution in Support of Hosting the Northwest Regional Managers Conference in 2013. Introduced by Mayor Cleworth.

Mr. Gatewood, seconded by **Mr. Roberts**, moved to APPROVE Resolution No. 4471.

Mr. Cole, based on Mr. Roberts' question, explained the Conference and festivities surrounding the event.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO APPROVE RESOLUTION NO. 4471, AS FOLLOWS:

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

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and RESOLUTION NO. 4471 APPROVED.

DISCUSSION ITEMS (INFORMATION AND REPORT)

- a) Committee Reports

Permanent Fund Review Board. **Mr. Gatewood** provided a brief report.

Arctic Winter Games Committee. **Mr. Matherly** provided a brief report.

FNSB Assembly Meeting. **Ms. Stiver** provided a brief report.

Mayor Cleworth reported on ongoing efforts by IT to completely renovate the City website.

COMMUNICATIONS TO COUNCIL

a) Proposed Findings and Conclusions – Board of Adjustment Appeal

Mr. Roberts, seconded by **Mr. Matherly**, moved to APPROVE the Proposed Findings and Conclusions.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE, AS FOLLOWS:

YEAS: Gatewood, Roberts, Matherly, Stiver

NAYS: Bratcher, Eberhart

Mayor Cleworth declared the MOTION CARRIED.

b) Appointment to the Chena Riverfront Commission.

ACCEPTED on the CONSENT AGENDA.

c) Permanent Fund Review Board Meeting Minutes of February 3, 2011.

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Eberhart apologized for not being available at the last meeting. He thanked the Fluoride Task Force for its report. He informed the Council that the next Public Safety Commission meeting is May 10, 2011. **Mr. Eberhart** asked to be excused from the next Council meeting as he would be working out of town.

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

Ms. Bratcher commented on the Military Appreciation Banquet. **Ms. Bratcher** challenged the Council to put some thought into the area of an abatement. She cautioned on the number of dangerous areas in Fairbanks and the potential for continually funding expensive abatements. **Ms. Bratcher** spoke of the appeal process for denied chauffeur licenses and the frustration when the human element leaves so much wiggle room, opposed to the Board of Adjustment appeals which has a process that follows the law.

Mayor Cleworth asked the Council to propose an ordinance modifying the appeal process for chauffeur licenses.

Mr. Matherly commented on the Military Appreciation Banquet, the Senior Appreciation Day at the FNSB, and Clean-Up Day.

Mr. Gatewood commented on the proclamation to Joyce Hilliard from the School District on her retirement. He congratulated the Ice Dogs on their win and recognition for its national championship.

Mr. Roberts questioned the lobbyist report; specifically the FMATS request.

Mayor Cleworth provided an explanation for the capital project change from \$15 million to \$7 million for FMATS. He stated that the capital request was arbitrarily reduced by the legislature to \$3 million and later bumped to \$7 million. Mayor Cleworth stated that the City would need to get letters of intent, but is waiting until something happens in Juneau regarding the budget.

Mr. Roberts read from an e-mail regarding the funding of FMATS in the capital budget.

Ms. Stiver commented on the Military Appreciation Banquet and Senior Appreciation Day. Ms. Stiver asked for the costs associated with the demolition of the Polaris Building as well as a total dollar figure for funds recovered from abatements. She suggested bringing in AIDA to help explain the tax cap and financing options for the City.

CITY ATTORNEY'S REPORT

Mr. Ewers indicated he would have available a briefing memo on a new chauffeur's license appeal process by the next regular meeting so that discussions could be had regarding changing the Code should the Council make that decision.


Mayor Cleworth suggested having the policy available at a Finance Committee meeting for first review.

ADJOURNMENT

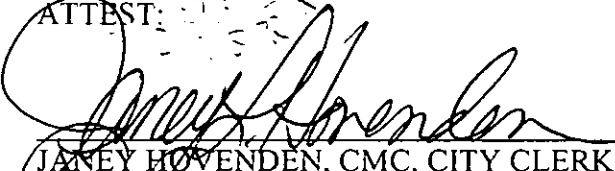
Mr. Roberts, seconded by Ms. Stiver, moved to ADJOURN the meeting.

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

Mayor Cleworth declared the Meeting adjourned at 8:30 p.m.



JERRY CLEWORTH, MAYOR

ATTEST:


JANEY HOVENDEN, CMC, CITY CLERK
Transcribed by: DO