



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, FEBRUARY 28, 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 - Telephonic
Chad Roberts, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Emily Bratcher, Seat E
John Eberhart, Seat F

Absent: None

Also Present: Clem Clooten, Electrical Inspector
Patrick B. Cole, Chief of Staff
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Stephanie Johnson, Dispatch Center Manager
Ernie Misewicz, Assistant Fire Chief
Ryan Rickels, IT Director
Michael J. Schmetzer, City Engineer
Tony C. Shumate, Director Personnel/Purchasing/RM
Steve Shuttleworth, Building Official
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

None.

APPROVAL OF AGENDA AND CONSENT AGENDA

Ms. Bratcher, seconded by Mr. Matherly, moved to APPROVE the Agenda and Consent Agenda.

Mr. Gatewood, pulled Resolution Nos. 4460 and 4461 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

- a) Meeting Minutes of January 24, 2011.

PASSED and APPROVED on the CONSENT AGENDA.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth introduced Ron Jones, North Pole City Council, and AML District VII Representative.

Mr. Jones provided a brief report on his charge as the new AML Representative and how AML interfaces with the legislature.

Mayor Cleworth announced the plan for snow removal and read the immediate schedule on the record. **Mayor Cleworth** spoke of the FFA contract and announced that the contract would be discussed during Executive Session on March 7, 2011. He asked the Council to read the entire contract prior to that meeting. **Mayor Cleworth** announced that the Executive Session after tonight's meeting would be cancelled. He spoke of the PSEA contract and asked the Council to inform his office should any member be initiating any legislation. **Mayor Cleworth** stated that he attended the FNSB meeting when the grandfather rights issue was discussed. He explained that the Assembly adopted a resolution to expand the University Fire Department's area. **Mayor Cleworth** also informed the Council that the Assembly reviewed two liquor license protests: The Frontier Lodge and Soapy Smith. The Frontier Lodge was protested for nonpayment of property tax, but the Assembly did vote to renew the liquor license. The protest for Soapy Smith was removed from the agenda as the property taxes were paid. He clarified that the City reviews liquor license renewals and protests when liquor taxes are delinquent whereas the Borough looks at delinquent property taxes. **Mayor Cleworth** announced that Mr. Cole had been appointed to the Board of the AML/JIA.

UNFINISHED BUSINESS

- a) ORDINANCE NO. 5831 – An Ordinance to Revise FGC Section 10-401, Adopting the 2009 International Residential Code with Amendments and Setting an Effective Date. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Roberts, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5831.

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

Mr. Shuttleworth provided a brief report on the amendments. He indicated additional changes were needed and asked the Council to postpone adoption.

Mr. Roberts, seconded by **Ms. Bratcher**, moved to POSTPONE Ordinance No. 5831.

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

- b) ORDINANCE NO. 5832 – An Ordinance to Amend FGC Section 10-456, by Adopting the 2009 International Energy Conservation Code with Amendments and Setting an Effective Date. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Ms. Bratcher, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5832.

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. 5832, AS FOLLOWS:

YEAS: Stiver, Matherly, Gatewood, Bratcher, Eberhart, Roberts
NAYS: None
Mayor Cleworth declared the MOTION CARRIED and
ORDINANCE NO. 5832 ADOPTED.

NEW BUSINESS

- a) RESOLUTION NO. 4460 – A Resolution Authorizing the Application for a Loan to Make Improvements to the Wastewater Treatment Plant to be Repaid by Golden Heart Utilities. Introduced by Mayor Cleworth.

Mr. Matherly, seconded by **Ms. Bratcher**, moved to APPROVE Resolution No. 4460.

Mr. Cole provided a brief history of the treatment plan improvements, the loan needed to make those improvements, and the current lease.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO APPROVE RESOLUTION NO. 4460, AS FOLLOWS:

YEAS: Bratcher, Eberhart, Roberts, Stiver, Matherly, Gatewood
NAYS: None
Mayor Cleworth declared the MOTION CARRIED and
RESOLUTION NO. 4460 APPROVED.

- b) RESOLUTION NO. 4461 – A Resolution Authorizing the City of Fairbanks to Accept Additional Funds from the Alaska Division of Homeland Security and Emergency

Management Under the FY2008 Homeland Security Grant Program for a Total of \$66,756.06. Introduced by Mayor Cleworth.

Mr. Gatewood, seconded by **Ms. Bratcher**, moved to APPROVE Resolution No. 4461.

Based on Mr. Gatewood's question, Mr. Misewicz explained the upgrades and equipment improvements needed.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO APPROVE RESOLUTION NO. 4461, AS FOLLOWS:

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

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and RESOLUTION NO. 4461 APPROVED.

- c) ORDINANCE NO. 5833 – An Ordinance Ratifying a Labor Agreement Between the City of Fairbanks and the AFL-CIO Crafts Bargaining Unit and Setting an Effective Date. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- d) ORDINANCE NO. 5834 – An Ordinance to Amend FGC Sections 10-66 and 10-67, Adopting the 2009 International Building Code with Amendments and Setting an Effective Date. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- e) ORDINANCE NO. 5835 – An Ordinance to Amend FGC Sections 30-31 and 30-32, Adopting the 2009 International Fire Code with Amendments and Setting an Effective Date. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

- a) Committee Reports

FMATS. **Mr. Roberts** provided a report on the Policy Committee Meeting of February 16, 2011.

COMMUNICATIONS TO COUNCIL

- a) Mayor's Memorandum Regarding Negotiations for New Collective Bargaining Agreement with Fairbanks Firefighters Association.

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Ms. Stiver commented on the debate at the Borough regarding grandfather rights. She encouraged the public to testify at the next Assembly meeting.

Mr. Matherly commented on the passing of Mr. Dimbat.

Ms. Bratcher expressed her confusion on the City's resolution passed earlier this year regarding grandfather rights. She reviewed the three points: extended time periods, elected officials on the Board, and change permits. She spoke to her belief in the public process and the importance of it. **Ms. Bratcher** reminded the Council that its prior vote regarding the change permits took the public process out. She reiterated how important that process is.

Mr. Eberhart acknowledged that he was not aware that the vote diminished the public process and suggested revisiting the issue. **Mr. Eberhart** expressed his disappointment that the administration would not be proposing any legislation on the PSEA contract. He spoke of binding arbitration as a means for resolution. He stated that if no legislation was forthcoming, that would imply that the Council is refusing to live up to the contractual responsibility, which would send the wrong message. **Mr. Eberhart** stated that if he was contacted by the Union, he would consider introducing legislation.

Mr. Roberts shared that he attended a meeting with FEDCO to discuss mitigation of the energy crisis in Fairbanks. He stated that the options provided do not solve the problem. He encouraged the Council to find better options and get behind an idea.

Mr. Gatewood shared that he too attended the presentation by FEDCO. He expressed that an energy project needed to be initiated to jump start the cause. **Mr. Gatewood** stated that he completely understood that the public process was removed from the process regarding the grandfather rights issue.

Ms. Stiver explained the change permit process with the Borough.

Ms. Bratcher repeated her understanding that the process does eliminate the public process.

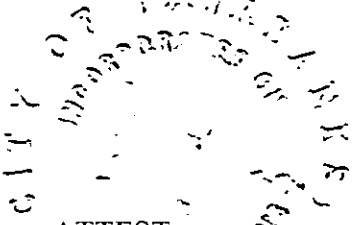
Mayor Cleworth further clarified the vote of the Council regarding the change permit. He explained that if the owner of a property that is currently in compliance with zoning requirements and re-zoning occurs forcing the property into a noncompliant condition, grandfather rights would kick in. Assembly Member Howard's bill would allow the owner the right, as a grandfathered property, to continue under the prior zoning regulations. The current Code requires a permit for any changes to grandfathered property. **Mayor Cleworth** shared his concerns with rising energy costs and a futuristic outlook on the economy and the City.

ADJOURNMENT

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

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

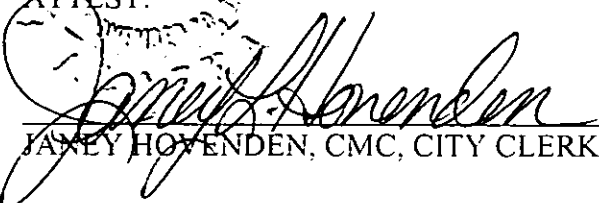
Mayor Cleworth declared the Meeting adjourned at 8:00 p.m.





JERRY CLEWORTH, MAYOR

ATTEST:



JAMEY HOYENDEN, CMC, CITY CLERK

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