



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, SEPTEMBER 9, 2013
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: Renee Staley, Seat A (Telephonic)
Perry Walley, 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
Pat Cole, Chief of Staff (Telephonic)
Janey Hovenden, City Clerk
Michael J. Schmetzer, City Engineer
Tony C. Shumate, Director Personnel/Purchasing/RM
Jim N. Soileau, Chief Financial Officer

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 stated that he has called in a number of potholes that need to be repaired but indicated that many were not fixed. He thanked the City for repairing the bad pothole near 10th Avenue and Noble Street. He spoke to the recent endorsement announcement of the Interior Taxpayers Association (ITA) that took place at the Borough and commented that it would have been nice if the candidates for City Council had been present. Mr. Buberger spoke to the proposal to repeal the Fairbanks General Code (FGC) pertaining to security guards. He suggested that the City either deregulate chauffeur licensing or require City public safety personnel to obtain a chauffeur's licenses. Mr. Buberger stated even if there were no tourists in Downtown Fairbanks, there is still a need for public restroom facilities.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney thanked Mayor Cleworth for signing the Jury Rights Day Proclamation honoring William Penn and the jurors that set him free. He stated that September 17 is the 226th birthday of the final draft of the U.S. Constitution. He requested that since Mr. Gatewood attended the Borough Assembly meeting where the resolution on genetically modified foods was discussed, that Mr. Gatewood introduce a City resolution on the issue. He stated that if the markets are putting out bad food with the support of the U.S. government, then the government has a responsibility to require that those products come with a label describing the health risks. Mr. Turney encouraged the two candidates for City Council to attend local public events. He stated that the weather has been beautiful but commented that he believes it may be an early winter.

Helen Renfrew, 4097 Yvonne Avenue, Fairbanks – Ms. Renfrew stated that she is representing the Fairbanks Convention and Visitor's Bureau (FCVB). She provided the Council with the Alaska Federation of Natives (AFN) Convention week planning report and gave a summary of the events that would take place during the convention. She stated that there are over 100 volunteers serving on 12 different committees to make the convention a success. She listed various local organizations that are also contributing to the planning and funding of the event. Ms. Renfrew summarized the activities of the various AFN committees. She stated that there will be roughly 540 volunteers needed for the week of the convention.

Mr. Eberhart asked how many visitors are expected in Fairbanks for the convention.

Ms. Renfrew replied that they expect between 4,000 and 5,000 visitors.

Mr. Eberhart asked Ms. Renfrew about the expected direct economic impact the convention would have on Fairbanks.

Ms. Renfrew stated that the estimated impact would be \$4 million.

Mr. Eberhart stated that he has served as the parliamentarian at the Doyon Convention for the past two years. He stated that there has been some criticism that, in the past, there were no banners at the airport to welcome AFN delegates. He asked Ms. Renfrew if that issue has been addressed.

Ms. Renfrew replied that there will be banners, greeters and entertainers at the airport to welcome the delegates.

Mr. Eberhart asked Ms. Renfrew to speak to the safety and security arrangements for the conference.

Ms. Renfrew stated that Deputy Police Chief Brad Johnson is the chairman of the Health and Safety Committee for the AFN Convention. She indicated that there will be safety teams patrolling in the evenings and safety cards will be distributed to local establishments. She stated that representatives from the Interior Alaska Center for Non-violent Living will have taxi slips available to those visitors who need to get home safely.

Mr. Gatewood asked how many times Deputy Chief Johnson has chaired the Health and Safety Committee.

Ms. Renfrew stated that she has only been involved with AFN planning in 2010 and 2013. She stated that Mr. Johnson served as chair of the committee in both years and may have served in 2007 as well.

Mr. Gatewood stated that Mr. Johnson does a good job with the committee.

Ms. Renfrew stated that there have been no incidents involving victimization the past two times that the AFN Convention has come to Fairbanks.

Mayor Cleworth asked if the AFN Convention potlatch is unique to Fairbanks.

Ms. Renfrew replied affirmatively. She stated that the potlatch is recognized as a part of the hospitality that Fairbanks offers to delegates.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Hilling pulled Resolution No. 4588 from the Consent Agenda.

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

City Clerk Hovenden read the Consent Agenda, as Amended, into the record.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth stated that Chief of Staff Pat Cole is attending telephonically. He asked Mr. Cole if there was anything he wished to report.

Mr. Cole stated that it was sunny and hot in Seattle and that he would rather be home.

Mayor Cleworth expressed appreciation to Mr. Cole for the work he is doing while he is away. He stated that Mr. Gatewood has requested that there be some time set aside at the September 23 City Council Meeting for the Golden Heart Community Foundation. He asked Mr. Gatewood if he had anything to add on the topic.

Mr. Gatewood shared that the Golden Heart Community Foundation was started within the past year and is trying to build capital to help non-profits and the Fairbanks community. He stated that the Chair of the foundation, Jo Kuchle, will be giving the presentation to the Council on September 23.

Mayor Cleworth stated that he attended the Golden Heart Utilities (GHU) open house at the dewatering facility and was impressed by the operation. He spoke to the history of the utility when it was owned by the City and to the difficulty in dealing with sludge and the Environmental Protection Agency (EPA). He indicated that the new facility has done a great job in getting the sludge to market more quickly and in a better form. **Mayor Cleworth** stated that local officials met with Air Force Chief of Staff, General Welsh, regarding the future of Eielson Air Force Base. He stated that the biggest question for the Air Force is what they plan to do with the facility if the F-16's are relocated. He indicated that there has not been a clear answer to the question. **Mayor Cleworth** stated that General Welsh provided more reassurance and indicated that he is waiting for a report on the future plans for Eielson Air Force Base. He stated that the Environmental Impact Statement (EIS) for the F-16 relocation should be out by December. He expressed hope that the F-16's and F-35's would remain at Eielson Air Force Base and encouraged the community to keep up the fight. **Mayor Cleworth** stated that he made a presentation at the Republican Luncheon and distributed a handout to the Council of what was given to attendees at the luncheon. He stated that the handout is helpful in demonstrating where City revenues originate and the diversity of revenue sources. He pointed out that the Permanent Fund makes up 10% of the City's total revenue, which eliminates the need for a higher property tax mill rate. He indicated that the diversity of the City's revenue sources is a good thing when difficult times come. **Mayor Cleworth** spoke to the second handout which summarized the history of transactions for the City's Permanent Fund. He expressed appreciation that the Council has been responsible with the fund and has added to it whenever possible. **Mayor Cleworth** stated that he recently spoke with Mr. Marlow, owner of the Polaris Building, and stated that Mr. Marlow is scheduled for a Council Work Session on September 23. He stated that he hopes Mr. Marlow has good news about the future of the building. **Mayor Cleworth** asked Mr. Gatewood if he is planning to attend the Borough Assembly meeting on September 12.

Mr. Gatewood replied affirmatively.

Mayor Cleworth stated that he would like to share his recommendation with Mr. Gatewood on the makeup of the Enhanced 911 Advisory Committee that will be discussed at the Borough Assembly Meeting under Borough Ordinance No. 2013-64. **Mayor Cleworth** commended Ms. Renfrew and the FCVB for their work in organizing the 2013 AFN Convention. He stated that he would like to add two items of discussion to the Executive Session: Public Safety Employees Association (PSEA) and Fairbanks Firefighters Union (FFU) labor contract negotiations.

Mr. Eberhart asked where the approximate \$400,000 recent contribution to the Permanent Fund appears on the handout.

Mayor Cleworth replied that the contribution was not included on the handout, but that it was added to the Permanent Fund.

Mr. Eberhart asked Mayor Cleworth to speak to what is being done with the petition from residents on Kantishna Way regarding the repaving of the streets in their neighborhood.

Mayor Cleworth stated that he recently noticed that Vagabond Road (near Kantishna Way) is in very poor shape. He stated that he spoke with Public Works Director Mike Schmetzer about improving the street and that the residents on Kantishna Way heard that the City would be making improvements. He asked Mr. Schmetzer if he would like to add anything.

Mr. Schmetzer stated that Vagabond Road is in very bad shape, but that Kantishna Way is in good condition. He indicated that the City will likely wait to make improvements to Kantishna Way until 2014 because of time constraints.

Mr. Walley asked Mr. Schmetzer for an update on the 2nd Avenue improvements and the Bentley Trust Road project.

Mr. Schmetzer stated that Bentley Trust Road is now open on the north side of the railroad tracks. He stated that the roundabout seems to be functioning very well. He stated that the curbs are in and the concrete has been poured on the south side of the road and that the road should be fully open by the end of September. Mr. Schmetzer stated that 2nd Avenue will be open by the first week in October. He explained that the overhead power will remain until it is strung through the duct bank next year. He stated that 3rd Avenue will also be reconstructed in 2014.

Mr. Walley asked when the lanes will be switched on 1st Avenue to pave the other side.

Mr. Schmetzer replied that the 1st Avenue project is being done by the Department of Transportation (DOT) and that he is unsure.

Mr. Hilling asked Mayor Cleworth to clarify the ratio of commercial property tax revenues to residential.

Mayor Cleworth stated that he believes roughly 60% of City property tax revenues are from commercial properties and the other 40% comes from residential properties.

UNFINISHED BUSINESS

- a) Ordinance No. 5923 – An Ordinance to Repeal Fairbanks General Code Sections 14-31 through 14-40 Regarding Licensing of Security Guards. Introduced by Mayor Cleworth.
SECOND READING AND PUBLIC HEARING.

Mr. Hilling, seconded by **Mr. Walley**, moved to ADOPT Ordinance No. 5923.

Mayor Cleworth called for Public Testimony.

Frank Turney – Mr. Turney asked if Ordinance No. 5923 pertains to the Community Service Patrol (CSP) officer.

City Clerk Janey Hovenden stated that it does not. She explained that the City's Security Guard license requirements pertain to companies offering security guard services.

Mr. Turney spoke to the importance of firearm training for individuals carrying concealed weapons. He stated that he doesn't believe that an individual needs a security guard license to watch over private property. He asked for clarification on the definition of a security guard.

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

Mayor Cleworth stated that Ordinance No. 5923 originated with the City Clerk. He stated that the City Clerk's Office restructured the requirements for the chauffeurs in 2012 to simplify the process for applicants. He clarified that the proposed ordinance will eliminate City regulation of security guards since the State of Alaska currently governs security guards.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5923 AS FOLLOWS:

YEAS: Staley, Matherly, Gatewood, Hilling, Eberhart, Walley

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5923 ADOPTED.

- b) Ordinance No. 5924 – An Ordinance Authorizing Grant of Easement to Cure a Survey Defect at “Old City Hall.” Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Matherly, seconded by **Mr. Walley**, moved to ADOPT Ordinance No. 5924.

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

Mr. Gatewood asked what the long-term impact would be if the ordinance was adopted.

Mayor Cleworth stated that a re-plat would have to be done. He pointed out that the final “whereas” in Ordinance No. 5924 speaks to the long-term solution. He stated that this is a bizarre situation and that the problem came to light when the City was reviewing paperwork to place “Old City Hall” on the market. **Mayor Cleworth** stated that, many years ago, the City was looking at the possibility of widening Cushman Street and was protecting some of the easements so that there would be room to do so. He explained that it essentially created a situation of land-locked property which is a violation of City Code. He stated that by granting the easement, it would correct the problem and give the owner the rights they already enjoy.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5924 AS FOLLOWS:

YEAS: Hilling, Eberhart, Walley, Staley, Matherly, Gatewood

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5924 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4588 – A Resolution Awarding a Contract to True North Emergency Equipment for a Heavy Rescue Vehicle FB-13-21 in the Amount of \$775,000. Introduced by Mayor Cleworth.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to APPROVE Resolution No. 4588.

Mayor Cleworth stated that the source of funding for the vehicle is a grant that the City requested through the State of Alaska “Programs for Progress.” He clarified that the funding source is not federal dollars.

Mr. Hilling asked for more information on the bidders for the project.

Fire Chief Cummings stated that the bid request was sent to over 20 different entities and that only one bid was submitted. He explained that the City had some restrictive requirements in the request for proposal (RFP) regarding manufacturing.

Mr. Hilling asked if the restrictive language was the cause for the low number of bids.

Chief Cummings replied affirmatively.

Mr. Hilling stated that an individual could write a RFP to purposely limit the proposal to a single bidder. He indicated that it appears that there may have been no chance for any other company to win the bid. **Mr. Hilling** asked Chief Cummings if the proposal seems to be a competitive price.

Chief Cummings stated that he believes that the price is somewhat high but that it may be warranted for what the City is trying to get out of it. He indicated that he had hoped to see more bid proposals come in. He stated that the City spoke with other companies and encouraged them to make a proposal.

Mr. Gatewood asked if the entire \$775,000 will come from the grant.

Chief Cummings stated that the actual bid came in at \$837,551. He explained that \$625,000 will come from the state grant and the other \$150,000 has already been set aside in the Fire Department budget. He stated that he believes the total amount for the contract will be under \$750,000.

Mayor Cleworth asked if the City is dealing directly with the company or with an intermediary in regard to the bid process.

Chief Cummings stated that the company, True North Emergency Equipment, is the intermediary.

Mayor Cleworth asked if multiple companies have access to the same manufacturing equipment.

Chief Cummings replied that of the 20 companies invited to participate in the RFP, over half of them could have fulfilled the specific requirements.

Mr. Eberhart stated that he is surprised that \$150,000 of the funding is coming from a match by the City. He indicated that he does not see the match referenced in the resolution. He suggested that the breakdown be included in future resolutions of similar nature. He asked Chief Cummings to speak to the use of the heavy duty rescue vehicle.

Chief Cummings explained that it will replace the small rescue unit. He stated that it will be used for extrication in motor vehicle accidents and collapsed structures, for water and ice rescue and for all other types of rescue. He stated that the vehicle is designed to be a regional asset to be used anywhere in the state.

Mr. Eberhart asked how often the vehicle might be used.

Chief Cummings replied that he thinks the vehicle would be used ten times per month, at most. He stated that the vehicle should last for at least 30 years.

Mayor Cleworth asked if the \$150,000 match was required by the grant.

Chief Cummings stated that the grant did not require a match.

Mayor Cleworth stated that since the City had already budgeted the \$150,000 in capital funds, it was not required to be a part of Resolution No. 4588.

Mr. Hilling asked what the minimum use of the vehicle might be.

Chief Cummings replied that he believes the vehicle would be used at least once per month.

Mayor Cleworth asked if any other fire departments in the area have this type of vehicle.

Chief Cummings replied that this would be the only vehicle of its kind in the Interior.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4588 AS FOLLOWS:

YEAS: Eberhart, Gatewood, Staley, Hilling, Matherly, Walley

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Resolution No. 4588 APPROVED.

- b) Ordinance No. 5925 – An Ordinance to Amend Fairbanks General Code Section 86-95(b) Regarding Chauffeur’s License Appeals. Introduced by Council Member Eberhart.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

Committee Reports

FMATS Policy Committee – **Mr. Walley** stated that the Policy Committee has directed DOT to continue the design of the Chena Small Tracts project. He indicated that the project needs an additional \$985,000 to take off and that they are waiting on legislative funding. He stated that the Policy Committee approved a motion to add \$142,000 in funding to the foundation and art installations project. **Mr. Walley** stated that the Policy Committee also approved the FY2014 FMATS Coordinator's Office budget. He stated that the Committee voted to recommend that the land by the Illinois Street Bridge be landscaped with shrubs and trees. He explained that the state DOT brought up the issue of maintenance since it would fall into their hands and eventually decided to put a lawn in the section of land.

Mayor Cleworth stated that the City and DOT have a maintenance agreement for Illinois Street. He explained that one of the provisions in the agreement is that all landscaping will be done by DOT. He stated that the City made an offer to swap some other maintenance responsibilities with the state in exchange for the landscaping of that section of land on Illinois Street. He stated that DOT rejected the City's offer.

Public Safety Commission (PSC) – **Mr. Eberhart** stated that the PSC met on August 20 and discussed the use of cross-trained personnel and volunteers in public safety. He stated that since there was no quorum, there was no action taken. He stated that Police Chief Zager indicated that a full-time administrative employee would be needed in order to get a "Volunteers in Policing" (VIP) program up and running. **Mr. Eberhart** stated that the policies for VIP's indicate that they are auxiliary for the police force, serving as their eyes and ears. He stated that Deputy Chief Brad Johnson indicated that the police department is looking for sustainable funding for the VIP program instead of seeking grant funding. **Mr. Eberhart** stated that Chief Mitch Flynn of the Steese Volunteer Fire Department spoke about his experience in working with a volunteer fire department. He stated that Chief Flynn indicated that finding volunteers is very time-intensive and that it is difficult to find long-term volunteers.

COMMUNICATIONS TO COUNCIL

- a) Appointment to the Board of Plumber Examiners

ACCEPTED on the CONSENT AGENDA.

- b) Appointments to the Fairbanks North Star Borough Planning Commission

ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Ms. Staley thanked everyone for allowing her to attend the meeting telephonically and thanked **Mr. Gatewood** for attending the FNSB Assembly Meeting in her absence. She expressed her

excitement with the activities of the FCVB in preparation for the 2013 AFN Convention. She stated that she received a lot of calls regarding the landscaping on Illinois Street.

Mr. Walley stated that he had no comments.

Mr. Gatewood thanked everyone who commented during Public Testimony and expressed appreciation for the “regulars” at City Council Meetings. He spoke to the public comments regarding his absence at the ITA forum on Friday, stating that it was the first time in his political career that he has missed the forum. He explained that he had made a prior commitment to be at the Lathrop football game and chose to honor that commitment. **Mr. Gatewood** spoke to his enjoyment in serving as the “voice of the Lathrop Malemites” and expressed his belief that the students of Lathrop high school are his constituents as well. He stated that he will not apologize for choosing to support his non-voting constituents. He clarified that he has a great deal of respect for the ITA and that he was in no way blowing them off by not attending the forum.

Mayor Cleworth expressed his hope that the football team makes it to the state championships.

Mr. Eberhart spoke to the 50th anniversary of the March on Washington which was led by Dr. Martin Luther King, Jr. and was instrumental leading to Title 7 of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. He congratulated the J.P. Jones Center on their recent reopening. **Mr. Eberhart** stated that he recently attended the unveiling of the Window Project sponsored by the Fairbanks Downtown Association and commented that there are some very creative works of art displayed. He expressed his relief to hear that the Fairbanks Community Behavioral Health Center has received assistance from an Anchorage entity through the State Department of Health and Social Services in order to continue to service its 1,000 or more clientele. **Mr. Eberhart** mentioned the upcoming anniversary of September 11 and spoke to the impact that the event has had on the U.S. and in the lives of many Americans. He encouraged everyone to keep the victims and heroes of the tragedy in their prayers over the next couple of days.

Mr. Hilling spoke to the attacks on the Benghazi Embassy that took place on September 11, 2012, and stated that Americans are still waiting for a full accounting of the event. He spoke also to the rebel activity and international affairs in the Middle East and to how President Obama reacted to the dissidence. **Mr. Hilling** stated that the attacks on Benghazi were a direct result of those events.

Mr. Matherly echoed Mr. Gatewood’s comments on youth football and expressed his appreciation for public comment. In reference to his absence at the ITA forum on Friday, he stated that he had made a commitment to his family to attend his children’s football games. He indicated that it is the first ITA forum he has missed and expressed appreciation for having been invited to the event. **Mr. Matherly** stated that he and Mr. Gatewood visited Jerry Sadler’s hangar to see the new Q400 aircraft that will soon be used by Alaska Airlines. He stated that he spoke with one of the pilots who stated that speed and noise are not a concern. **Mr. Matherly** expressed concern about the Jetways that will be used to board and de-board the new aircraft. He stated that he received some phone calls regarding the landscaping on Illinois Street and that some people had expressed concern that the area would look like Airport Way. **Mr. Matherly** stated that he contacted Steve Titus at DOT to ask some questions and that Mr. Titus indicated

that Illinois Street will not look like Airport Way. He expressed his excitement for the upcoming Work Session with Mr. Marlow to discuss the future of the Polaris Building.

Mayor Cleworth asked for a motion to expand the topic of the Executive Session to include discussion of PSEA and FFU labor contract negotiations.

Mr. Matherly, seconded by **Mr. Gatewood**, moved to go into Executive Session for the purpose of discussing AFL-CIO, PSEA and FFU labor contract 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: AFL-CIO, PSEA and FFU

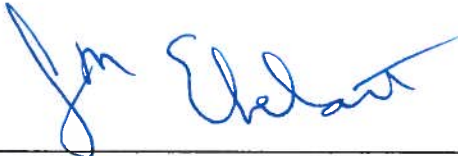
The City Council met in Executive Session to discuss AFL-CIO, PSEA and FFU labor contract negotiations. Direction was given to staff and no action was taken.

ADJOURNMENT

Mr. Hilling, seconded by **Mr. Matherly**, moved to ADJOURN the meeting.

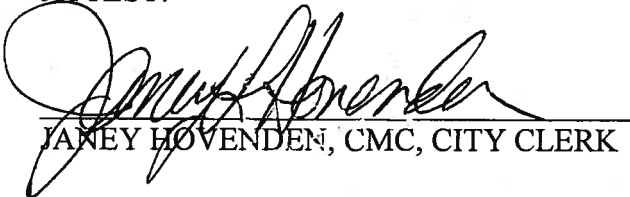
Mayor Cleworth called for objection and, hearing none, so ORDERED.

Mayor Cleworth declared the Meeting adjourned at 9:50 P.M.



JOHN EBERHART, MAYOR

ATTEST:



JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS