



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, JULY 8, 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
Perry Walley, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Lloyd Hilling, Seat E
John Eberhart, Seat F

Absent: None

Also Present: Pat Cole, Chief of Staff
Warren Cummings, Fire Chief
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Tony C. Shumate, Director Personnel/Purchasing/RM
Pat Smith, Development Manager
Margarita Bell, Grants Administrator
Laren Zager, Police Chief

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

Mayor Cleworth asked Floyd Terry to come forward to accept a City Proclamation presented by Mr. Matherly in Mr. Terry's honor.

CITIZEN'S COMMENTS

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney thanked the Mayor for expediting the removal of the falling spruce tree in the Clay Street Cemetery. He also thanked Public Works employees for doing the work. He thanked Mr. Matherly and Mayor Cleworth for acknowledging Floyd Terry with a Proclamation. Mr. Turney stated that he recently moved to 6th Avenue and that his new neighbors claim that the City is responsible for some of the problems with old, corrugated pipe in the street that causes pipes to freeze in the winter. He requested that the City Engineering Department show residents the original layout and design of

the pipe system. He indicated that other streets in the downtown area may have similar problems. Mr. Turney spoke to his comments directed at a specific Council Member at the last meeting. He stated that he does not hate anyone, but quoted Harry Truman: "If you can't stand the heat, get out of the kitchen." Mr. Turney spoke to the tree that recently fell in the Clay Street Cemetery and to the gravesites that were near where the tree fell. He thanked the Public Works Department for their expedited service in the removal of the tree. He stated that the water line needs to be put in at the cemetery.

Floyd Terry, PO Box 73514, Fairbanks – Mr. Terry spoke to the homeless youth and adults in the Fairbanks area. He referenced documentation from a 2004 Mayor's Forum with the three local mayors where the issue was discussed. He also referenced local news articles speaking to the topic. Mr. Terry spoke to the loss of community and stated that he has many different ideas on how to bring people together. He suggested that town meetings be held in Fairbanks and urged the Fairbanks community to get back to family values.

Mr. Hilling asked Mr. Terry what a town meeting is.

Mr. Terry explained that town meetings started back in 1998, with the first meeting at City Hall. He stated that Buzz Otis was a key player in getting the meetings started.

Thomas Monroe, 609½ Fourth Avenue, #16, Fairbanks – Mr. Monroe spoke to the litter problem in Downtown Fairbanks. He suggested that the City find a way to use community work service to clean up the streets and sidewalks. He stated that he would be willing to do his share of cleaning.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger stated that the Fairbanks Daily News Miner (FDNM) reported that Alaska has the worst roads in the nation. He commented that Fairbanks may be found to have some of the worst roads in Alaska after more research is done. Mr. Buberger suggested that the City slow down on applying for grants for new projects and focus on maintenance and repair for existing roadways. He stated that there are big potholes on 15th Avenue from Cushman Street to Gillam Way and on Noble Street. He commented that the holes should be repaired before they grow to be bigger problems. Mr. Buberger spoke to the need for public restrooms in the downtown area. He stated that signage stating "No Public Restrooms" should be placed throughout the downtown area if the City is not going to provide restroom facilities.

Marylee Bates, 1290 Saint Anton Drive, Fairbanks – Ms. Bates stated that she is the Executive Director of Fairbanks Youth Advocates. She provided the Mayor and Council with an update on what has been happening with the program. She stated that Youth Advocates began serving homeless youth last December out of the First Presbyterian Church and commented that there have been over 120 different youths pass through the doors since that time. Ms. Bates stated that April peaked at nearly 500 bed nights for the month and commented that a three-month-old baby spent the night at the shelter the previous night. She spoke to what is nationally referred to as "the invisible population" but commented that these youth are out there and that the number of homeless youth doesn't seem to be decreasing. She stated that the Fairbanks Youth Advocates supports Hand-carried Resolution No. 4584. She explained that it is difficult to help kids move forward with their lives when the program is limited to overnight stays.

Mr. Matherly stated that it is wonderful to know that Youth Advocates is helping so many youths in the Fairbanks area. He asked Ms. Bates about the demographics of the youth she sees come through the program.

Ms. Bates replied that in June, Youth Advocates helped about 65% boys and 35% girls. She stated that the number of girls has grown since then. She explained that the primary age group of the youths is 17 to 19 years old, with some 13 to 16 year-olds. Ms. Bates stated that the Youth Advocates Program serves youth from age 12 to 21.

Mr. Matherly asked if special measures have to be taken when a very young child comes to the shelter.

Ms. Bates stated that Fairbanks Youth Advocates is not yet licensed through the State of Alaska. She stated that if her organization saw something or knew something that needed to be reported, they would do so.

Mr. Eberhart asked Ms. Bates about the new location of Fairbanks Youth Advocates. He asked what the capacity of the new location would be.

Ms. Bates stated that Resolution No. 4584 proposes the award of a contract for the repairs of the building on 10th Avenue where the new location of Fairbanks Youth Advocates will be. She stated that the new location would have 12 bed spaces for youth.

Mr. Eberhart asked when the organization expects to open its doors at the new location.

Ms. Bates replied that the clock already started ticking a couple weeks ago. She stated that everything has started rolling as if the decision to award the contract had been made several weeks ago. She indicated that there has already been a delay and that even if the contractor started work the following day, they would likely not open the doors until November.

Mr. Eberhart asked Ms. Bates how a youth may apply to stay at the shelter.

Ms. Bates stated that right now, all youths between the ages of 12 and 21 are being accepted into the shelter if they are in need of a safe place to stay. She expressed hope that Fairbanks Youth Advocates could continue to operate the overnight youth shelter at the Presbyterian Church, even after the new, full-time facility opens.

Mr. Eberhart asked how long a youth would be permitted to stay at the new shelter.

Ms. Bates replied that length of residency has not yet been determined. She indicated that similar facilities offer 18-month to 3-year stays. She stated that the length of time will also be dependent on the youth.

Mr. Eberhart asked if Clearwater Ministries is still involved with the Fairbanks Youth Advocates.

Ms. Bates clarified that Clearwater Ministries is the name of the Fairbanks Youth Advocates' 501(c)(3). She stated that her organization changed their name to Fairbanks Youth Advocates because they felt it better reflected the focus of the organization.

Mr. Eberhart stated that, in his recollection, there were some requirements from the City in the original agreement, such as a guarantee from the Fairbanks Rescue Mission. He asked if those terms are still in place.

Ms. Bates replied affirmatively.

Mr. Hilling asked what the current location of the Fairbanks Youth Advocates is.

Ms. Bates replied that it is at 547 7th Avenue.

Mr. Hilling asked how many youths are allowed in the current facility at one time.

Ms. Bates stated that they can turn youths away if there is not enough space or staff. She stated that there have been up to 21 youths at a time spend the night at the current facility.

Mr. Hilling asked about the sleeping arrangements.

Ms. Bates stated that everyone sleeps in one large room on cots or mats.

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.

Mayor Cleworth pulled Resolution No. 4583 from the Consent Agenda.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to ADD Resolution No. 4584 to the General Agenda.

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

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

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

NAYS: None

Mayor Cleworth declared the MOTION CARRIED.

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

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth asked Fire Chief Cummings to come forward and provide a staff report on local wildfire activity.

Chief Cummings distributed a report on the status of local fires. He explained that the City of Fairbanks has an agreement with the State Department of Forestry and surrounding departments to assist with fires when needed. He stated that the City typically does not get called unless it is an emergency. He provided a brief update on the Stuart Creek 2 fire, the Chena Hot Springs Road fire and the Skinny's fire and explained the details for how the City bills other entities for providing supplemental fire services. He reported that the evacuation order for the fire on Chena Hot Springs Road had been lifted.

Mr. Gatewood asked if the bills sent to the Department of Forestry are ever challenged.

Chief Cummings stated that the billings for rental and personnel costs have never been a problem because there is plenty of supporting documentation.

Mr. Eberhart asked Chief Cummings who conducts the briefings on the fires.

Chief Cummings replied that many of the local fire chiefs attend the briefings. He stated that there have been daily planning meetings taking place at the Fire Training Center for the Skinny's fire.

Mr. Eberhart asked Chief Cummings under what circumstances the City responds to wildfires outside the City.

Chief Cummings replied that in order to respond, the City must receive a request from the Department of Forestry or another fire department within the Fairbanks North Star Borough. He clarified that the City does not bill other fire departments for fire services because of mutual aid agreements.

Mayor Cleworth stated that the FDNM did a front-page story on the City's littering offenses. He spoke to the complaints the City receives on a regular basis from residents who are upset by trash on other properties in their neighborhood. He stated that the City responds by sending out an employee to see if the complaint is warranted. He explained that if the complaint is justified, the City notifies the owner that they must clean their property. **Mayor Cleworth** stated that if the property owner fails to do so, the City may use its own staff to perform the clean-up and file a lien against the property. He explained that the City also has the right to issue a littering citation to the property owner, for which he/she must appear in court. **Mayor Cleworth** stated that the mandatory appearance is a time-consuming process that doesn't seem to get good results. He stated that Ordinance No. 5921 proposes a change that would make this littering offense a fixed dollar amount with an optional court appearance. He clarified that this type of littering offense is different than littering from a vehicle. **Mayor Cleworth** thanked the City Clerk's Office for putting together the labor contract packets that were distributed to Council Members. He stated that City Code requires contracts to be distributed to Council Members prior to labor negotiations and encouraged Members to begin reading through them. He announced that there

would be an Executive Session after the next regular meeting to discuss labor contract negotiation goals and problems. **Mayor Cleworth** addressed Mr. Turney's testimony regarding the old wood stove pipe in the Downtown area. He explained that even when the City owned the water/sewer utility, the portion of pipe between the property and the main line were always maintained by the property owner. He stated that he continues to receive complaints about the old water and sewer lines, but indicated that the City does not get involved unless they are responsible for a problem. **Mayor Cleworth** spoke to Mr. Buberger's testimony on the quality of streets in Alaska. He stated that due to harsh weather conditions, the life expectancy of roads in Alaska is much shorter than those in other parts of the U.S. He requested that local residents contact Public Works to report potholes within the City limits. He commended Public Works crews for doing a great job in road repair and for their quick response time. **Mayor Cleworth**, in reference to Mr. Monroe's testimony on littering, explained that clean-up is now a responsibility of Downtown property owners since the Clean Team is no longer in operation. He expressed appreciation for Mr. Monroe's concern.

UNFINISHED BUSINESS

- a) Ordinance No. 5921 – An Ordinance to Amend Fairbanks General Code Sections 46-4 Penalties and 46-162 Littering to Make Littering a Bail Schedule Offense. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Gatewood, seconded by **Ms. Staley**, moved to ADOPT Ordinance No. 5921.

Mayor Cleworth called for Public Testimony.

Frank Turney – Mr. Turney recommended that the City place sand buckets throughout the Downtown area to prevent the littering of cigarette butts. He expressed confusion with Section 46 of the FGC, particularly the portion regarding illegal handbilling. He asked for clarification on the City Code pertaining to handbilling. He spoke in support of Mr. Monroe's ideas to clean up the Downtown area and spoke out against citizens who do not clean up after their pets.

Victor Buberger – Mr. Buberger stated that he agrees with the Mayor's stance on littering from a vehicle. He shared a recent, personal experience with an individual littering from a vehicle on the Richardson Highway. He stated that his own vehicle contains a lot of trash but stated that he does not litter it on the ground. He suggested that the City require citizens who litter to perform community work service. He indicated that it would likely embarrass people and make them less likely to commit the offense in the future.

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

Mr. Matherly asked Mayor Cleworth to provide clarification on Section 46-137, Illegal Handbilling.

Mayor Cleworth stated that Ordinance No. 5921 does not propose any changes to the section pertaining to illegal handbilling.

Mr. Walley asked how frequently a person could be fined the \$250 for littering under the proposed change.

City Attorney Ewers stated that if a person receives a citation for littering and fails to clean up the area, they could be fined repeatedly until the area is cleaned. He stated that if an individual refuses to cooperate, the City could then take action under FGC Chapter 66, Solid Waste.

Mr. Hilling spoke to Section 46-162(7). He asked if a person could be penalized for littering upon their own property if such litter is contained.

Mayor Cleworth replied that the type of littering Mr. Hilling is referring to may fall under the City's section of Code for abatements, if the littering is excessive. He clarified that the section of Code being addressed in Ordinance No. 5921 pertains more to trash on property that can be blown onto other properties.

Mr. Hilling asked if a person may litter on their own property as long as it does not become a public health or safety issue.

Mayor Cleworth replied that that is his understanding of the City Code.

Mr. Hilling pointed out that Section 46-162(7) does not speak to litter that has blown away, but addresses litter that accumulates on a premises. He argued that the subsection may be contrary to the City's abatement Code. He questioned how Section 46-162(7) may be a definition of littering.

City Attorney Ewers explained that subsection 7 simply means that a person who accumulates litter on their own property may be penalized if they fail to clean it up within five days of written notice to do so from the Department of Public Works.

Mr. Hilling asked why City Code speaks to litter on property if such litter does not disturb neighbors and does not cause a health or safety concern.

City Attorney Ewers replied that Section 46-162(7) is not being added to the Code, but has been a part of the Code for quite some time. He clarified that the only reason the subsection is a part of the ordinance is because the title of the director of public safety is being changed to the director of public works.

Mayor Cleworth explained that the current general practice is to only penalize those property owners who have had warranted complaints filed against them for littering. He stated that the City tries not to get involved unless there is a public nuisance.

Mr. Matherly stated that another byproduct of litter may be odor. He indicated that although there may not be trash encroaching onto a neighbor's property, a foul odor can be just as offensive.

Mr. Eberhart pointed out that since Section 46-162(7) references Chapter 66, Solid Waste, the two sections must be read together in order to fully understand the intent.

Ms. Staley asked how the City can file a lien against a property for offenses outlined in Section 46, but not for non-payment of garbage service.

Mr. Ewers explained that the lien in Section 46 was not part of the court ruling that disallowed liens for non-payment of garbage service.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5921 AS FOLLOWS:

YEAS: Walley, Matherly, Gatewood, Hilling, Eberhart, Staley
NAYS: None
Mayor Cleworth declared the MOTION CARRIED and Ordinance No. 5921 ADOPTED.

NEW BUSINESS

- a) Resolution No. 4583 – A Resolution Awarding a Contract to (Company) for the Wickersham Street Improvements Project FB-13-14 in the Amount of \$XXX. (The Company and Amount to be determined at bid opening on July 8, 2013). Introduced by Mayor Cleworth.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4583.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to SUBSTITUTE Resolution No. 4583, as Amended, for Resolution No. 4583.

NOTE: The title of Resolution No. 4583, as Amended, is as follows:

A Resolution Awarding a Contract to HC Contractors, Inc. for Wickersham Street Improvements Project FB-13-14 in the Amount of \$4,175,260. Introduced by Mayor Cleworth.

Mayor Cleworth explained that Resolution No. 4583 served as a place holder to award the contract until a contractor could be selected. He stated that although that method is not preferred, it is sometimes necessary since the construction season is so brief in Fairbanks. He commended City staff for collecting the required signatures from property owners in order to get all the easements approved.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUBSTITUTE RESOLUTION NO. 4583, AS AMENDED, FOR RESOLUTION NO. 4583 AS FOLLOWS:

YEAS: Hilling, Eberhart, Walley, Staley, Matherly, Gatewood
NAYS: None
Mayor Cleworth declared the MOTION CARRIED.

Mr. Hilling asked what “the successful low and apparent responsive bidder” means in the second whereas of Resolution No. 4583, as Amended.

Purchasing Director, Tony Shumate, stated that there were four other companies who bid on the Wickersham Project. He explained that "low and apparent" is standard language which means that the bidder selected has met all the specified requirements in the bid documents.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4583, AS AMENDED, AS FOLLOWS:

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

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Resolution No. 4583, as Amended, APPROVED.

- b) Hand-carried Resolution No. 4584 – A Resolution Awarding a Contract to Johnson River Enterprises, Inc. for the Fairbanks Youth Advocates Project in the Amount of \$827,000.00. Introduced by Mayor Cleworth.

Mr. Matherly, seconded by **Ms. Staley**, moved to APPROVE Hand-carried Resolution No. 4584.

Mayor Cleworth asked Property Manager Pat Smith and Grants Administrator Margarita Bell to come forward for a staff report.

Mr. Smith stated that the Fairbanks Youth Advocates Project is something that the City is doing on behalf of the non-profit. He clarified that all costs are covered by a grant and that there will be no cost to the City of Fairbanks. He stated that the City received bid proposals about three weeks ago and that a five-member committee made up of both City and Youth Advocates' representatives evaluated the proposals. Mr. Smith explained that the proposed bids were higher than the allotted Community Block Grant funds, which delayed the award process. He indicated that the committee had to look at other sources for funding.

Mr. Gatewood asked if Johnson River Enterprises, Inc. is a local company.

Mr. Smith replied affirmatively. He stated that the company has a good reputation and has been around Fairbanks since the 1980's.

Mr. Gatewood asked if the total award contract in the title of Resolution No. 4584 is accurate. He pointed out that the figure in the title does not match the total of the figures in third and fourth whereases.

Mr. Smith explained that the totals in the third and fourth whereases are \$20,000 more than the award amount because that \$20,000 is the total estimated administrative cost to include structural and engineering costs.

Ms. Bell stated that the measures that were taken in the original agreement for the project to protect the City are still in place. She stated that even with the increase in grant funding, the City holds no additional liability.

Mayor Cleworth commended Ms. Bell for her work in finding additional grant funding for the project.

Mr. Gatewood asked if the change in name from Clearwater Ministries, Inc. to Fairbanks Youth Advocates would need to be addressed in the agreement documents.

Ms. Bell explained that an amendment to reflect the change may come forward once the \$127,000 in additional funding is approved.

Mr. Gatewood asked if the City would need to see something in writing from the Fairbanks Rescue Mission in regard to the changes.

Ms. Bell stated that the letter from the Fairbanks Rescue Mission states that they will serve as the guarantor regardless of the changes.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE HAND-CARRIED RESOLUTION NO. 4584 AS FOLLOWS:

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

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and Resolution No. 4584 APPROVED.

COMMUNICATIONS TO COUNCIL

Appointment to the Clay Street Cemetery Commission

APPROVED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Mr. Gatewood observed that it is nice when all members of the Council are physically present at the meetings. He spoke in support Mr. Turney's suggestion of putting sand buckets in the Downtown area for cigarette butt disposal. He wished luck to those running for office in the 2013 Municipal Election.

Mr. Eberhart expressed condolences for the 19 members of the "Hot Shot" crew that lost their lives in the Arizona fire. He stated that it reinforces the importance of the dangerous jobs that public safety employees perform. He also gave his sympathies to the family of Jay Rydberg, a local Fairbanks man perished at sea in the waters near Cuba. He stated that Mr. Rydberg's father was the City Engineer at one time. **Mr. Eberhart** shared that Fort Wainwright is scheduled to receive 552 new personnel and spoke to the terrific boost the increase would have on the community. He thanked City Attorney Ewers for his written report and stated that it is very helpful. **Mr. Eberhart** announced that the next Public Safety Commission Meeting would take place on July 9 at 11:30 AM at the Fairbanks Police Department. He commented on the good turnout at Pioneer Park for Independence Day and stated that he is happy to see the Fairbanks Youth Advocates Project moving forward.

Mr. Hilling had no comments.

Mayor Cleworth commented on how refreshing it is to see a brief City Attorney report.

Mr. Walley spoke to the idea of sand buckets and stated that they cost about \$30 at Arctic Fire and Safety. He commented that businesses could purchase the buckets and possibly use them for advertising. He stated that the same thing could be done with Sani-cans. **Mr. Walley** stated that one of his favorite activities as a kid was to go roller skating. He commented that he would like to see a roller skating rink open in the Fairbanks area and suggested that Mr. Terry look into using the Carlson Center as a venue.

Ms. Staley echoed Mr. Walley's comments on the opportunity local businesses may have to advertise while cleaning up the Downtown area. She thanked Mr. Walley for attending the last Borough Assembly meeting in her absence. She stated that the next Golden Heart Parking hearing will be held at City Hall on July 17, 2013 with the regular board meeting following.

Mayor Cleworth announced that there would be a press conference with the local mayors and Mayor Sullivan from Anchorage on July 17 in Council Chambers regarding the relocation of the F-16's from Eielson to Joint Base Elmendorf/Richardson (JBER). He stated that the press conference is the same day as the public hearing for the draft Environmental Impact Statement. **Mayor Cleworth** indicated that Mayor Sullivan has been a supporter of the Interior's position on the F-16 relocation.

Mr. Matherly agreed with Mr. Gatewood's comments on how nice it is to have the entire Council physically present. In reference to the earlier suggestion to place Sani-cans throughout the Downtown area with business logos on them, **Mr. Matherly** stated that he would rather have no public restrooms. He acknowledged the need for public restroom facilities Downtown, but stated that he doesn't know what the best solution may be. He expressed his fascination with the scoopers out at Harding Lake that assisted with the wildfires and stated that he is happy to hear the progress in fighting the local fires. **Mr. Matherly** cautioned the public on abiding by speed limits in residential areas and obeying the laws when taking part in activities along the Chena River.

Mayor Cleworth stated that radar speed signs are budgeted for Sunset Drive and Ivy Drive. He stated that the City will wait to see how the devices work in that area before placing them in other neighborhoods.

ADJOURNMENT

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

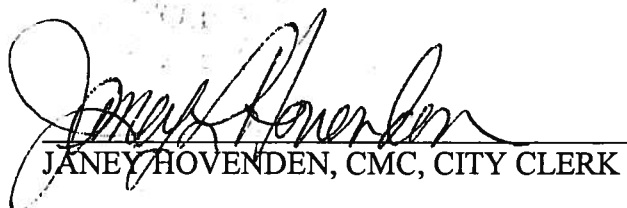
Mayor Cleworth called for objection and, hearing none, so ORDERED.

Mayor Cleworth declared the Meeting adjourned at 8:52 P.M.



JERRY CLEWORTH, MAYOR

ATTEST:



JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS