



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, OCTOBER 10, 2011  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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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 (telephonic)

Absent: None

Also Present: Patrick B. Cole, Chief of Staff  
Warren Cummings, Fire Chief  
Paul Ewers, City Attorney  
Janey Hovenden, City Clerk  
Ryan Rickels, IT Director  
Tony C. Shumate, Director Personnel/Purchasing/RM  
Ernie Misewicz, City Fire Marshal

### **INVOCATION**

The Invocation was given by City Clerk Janey Hovenden.

### **FLAG SALUTATION**

Mayor Cleworth led the Flag Salutation.

### **CITIZEN'S COMMENTS**

David Lerman, 126 2<sup>nd</sup> Avenue, Apt. 15, Fairbanks – Mr. Lerman spoke to improving policy by developing task forces to review various issues. He also spoke to the benefits of renovation and how it directly links to reduced crime.

Mark Davis, Interior Towing and Salvage, 3230 Van Horn Road, Fairbanks – Mr. Davis spoke in support of a towing ordinance and suggested that the towing industry be represented in the process. He spoke to reducing DUI's by City seizure of vehicles for first-time offenders; he added that this would send a clear message that the City is serious about driving under the influence.

**Ms. Stiver** spoke to insurance contracts for commercial businesses. She asked if there was another state agency that requires insurance. She asked about conditions that should be met in order for towing companies to remain on the towing list.

Mr. Davis, in response to Ms. Stiver's question, stated that the Federal DOT requires a \$750,000 policy for a commercial truck. He explained that most towing companies have a \$1 million liability policy on their trucks because the price difference between the two policies is "peanuts." He stated that borough and state contracts require a \$2 million dollar policy. Mr. Davis stated that if a company is in the towing business and wants to be on the City's rotation list, they should be available and responsive 24 hours a day. He restated his support for the towing ordinance.

Frank Turney, 201 7<sup>th</sup> Avenue, Fairbanks – Mr. Turney thanked those involved with the removal of the trees in Clay Street Cemetery. He voiced his hope that the capital budget would provide for a new lawn mower for the cemetery. He expressed his joy with the results of the Municipal Election. Mr. Turney spoke in support of the towing ordinance. He spoke strongly against drunk driving.

Victor Buberger, PO Box 58192 – Mr. Buberger spoke to the improvement of the pothole situation in Fairbanks. He mentioned a severely damaged sidewalk on South Cushman and other damaged areas towards the Airport Way intersection. He spoke in support of more road improvements on the south side of Fairbanks, instead of all the City's attention being focused on Hamilton Acres and Island Homes. Mr. Buberger spoke against drunk driving, but suggested community service as punishment instead of steep fines that cause hardship to families.

June Rogers, 1908 Esquire, Fairbanks – Ms. Rogers thanked the City Council for their hard work in the community and stated that she is proud to have such an involved City Council.

**Mayor Cleworth** thanked Ms. Rogers for her willingness to serve on the Complete Streets Committee.

Elizabeth Grizwold, 2058 Donald Avenue, Fairbanks – Ms. Grizwold stated that she is the owner and operator of Gabe's Towing, current contract holder with the City of Fairbanks. She stated that she supports much of the new towing ordinance, but addressed specific sections that she does not support. She spoke in favor of a five-day versus a seven day work week; she asked for clarification on the section regarding private property impoundment; she expressed appreciation for the generous rates listed in the ordinance, but suggested an administrative fee be added; she asked for clarification on the "immediate" access clause, stating that sometimes access to personal property is used as leverage for payment unless the property is medication, a live animal or personal identification. Ms. Grizwold spoke to the difficulties inherent with the towing industry.

**Ms. Stiver** asked for Ms. Grizwold's phone number so they could discuss the matter further.

Shawn Hess, 840 Faultline Drive, North Pole – Mr. Hess stated that he is the owner of S & S Towing. He spoke in favor of administrative and clean-up fees. Mr. Hess stated that he is the only operator in his company and added that he doesn't have a problem with the 30-minute response time or being on call 24 hours a day because he's already on the State Trooper on-call

list. He agreed with Ms. Grizwold that personal possessions, with a few exceptions, should be held as leverage for payment. Mr. Hess stated that all valuables are removed from the vehicle upon impoundment and items are inventoried for safe-keeping. He added that he charges an additional fee for inventory and covering a vehicle with a tarp.

**Mr. Matherly** asked Mr. Hess what he thought a fair administration fee would be.

Mr. Hess replied that \$250 sounds fair, but clean-up fees and wait-time fees should be additional.

**Mr. Matherly** asked how much the additional fees should be.

Mr. Hess stated that every case is different and each may vary in costs.

**Ms. Stiver** asked who requires a towing company to clean up after an accident?

Mr. Hess replied that it is a state requirement.

### **APPROVAL OF AGENDA AND CONSENT AGENDA**

**Ms. Bratcher**, seconded by **Ms. Stiver**, moved to APPROVE the Agenda and Consent Agenda.

**Mr. Roberts**, pulled Resolution No. 4491 from the Consent Agenda.

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

City Clerk Hovenden read the Consent Agenda into the record.

### **MAYOR'S COMMENTS AND REPORT**

**Mayor Cleworth** spoke to the Rare Earth Minerals Conference held at the Princess Hotel. He stated that the City had begun several abatement projects. He thanked Frank Turney for helping the Nordale family in setting up the memorial service at the Clay Street Cemetery. **Mayor Cleworth**, in response to Mr. Buberger's earlier comment regarding road construction, explained that the road improvements in Island Homes and Hamilton Acres were a product of a grant by State Representative, Jay Ramras. He added that the City makes sure to spread its resources throughout City limits so that no one area is excluded from road project attention. He named recent construction projects that have taken place on the south side of town. **Mayor Cleworth** congratulated John Eberhart and Lloyd Hilling on their success in the 2011 Municipal Election. He reflected on his year as Mayor and commended the City Council for their great work on various City matters during his administration. **Mayor Cleworth** announced that this is Ms. Bratcher's last meeting as a Council Member; he thanked her for her honesty, knowledge and willingness to voice her opinion and wished her the best in future endeavors. He spoke to unenforced City Code regarding towing and stated that, since federal law supersedes City Code, the towing ordinance has been presented to remove unnecessary portions. He stated that FPD would like to keep a formal rotation list. He explained that currently, the City has one established towing contract; only after that towing company has been offered the tow and refuses it, is another company called. He added that there is no formal rotational list at this time, but if a

list is formed, it would be a voluntary rotational list. **Mayor Cleworth** stated that the City's current contract with Gabe's Towing will be up at the end of the year, so now is the ideal time to address the matter. He stated his belief that towing fees should be limited and simple. He encouraged operators to bring their concerns to the City Council.

### **UNFINISHED BUSINESS**

- a) Ordinance No. 5860 – An Ordinance to Amend Fairbanks General Code Section 50-205 Eliminating the Alaska Day Holiday. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING

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

**Mr. Matherly**, seconded by **Mr. Roberts**, moved to ADOPT Ordinance No. 5860.

**Mayor Cleworth** stated that this Ordinance brings the City into line with most of its labor contracts.

**Ms. Bratcher** asked about the effective date of the Ordinance.

**Mayor Cleworth** replied that it was intended to be effective immediately.

**Mr. Roberts** asked which bargaining unit had not yet been changed, if those employees would receive a personal day in exchange for the eliminated holiday, and for clarification on how the ordinance came about.

**Mayor Cleworth**, in response to Mr. Roberts' questions, stated that it would affect some employees in the Fire Department and that those employees would receive a personal day in exchange. Mayor Cleworth asked Pat Cole to explain the origin of the ordinance.

Mr. Cole explained that most other agencies work on Alaska Day and, that by exchanging it for a floating personal day, the employees get something of equal value in exchange. He added that this will increase the City's service to the public.

**Mr. Roberts** stated his support for Ordinance No. 5860.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5860, AS FOLLOWS:

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

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED and  
ORDINANCE NO. 5860 ADOPTED.

## NEW BUSINESS

- a) RESOLUTION NO. 4490 – A Resolution Accepting the Bid of Tempest Environmental Systems. Inc. for the Mobile Water Purification System in the Amount of \$275,000. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) RESOLUTION NO. 4491 – A Resolution Conditionally Accepting Maintenance Responsibility for the Portion of Helmericks Road Extending East to the Old Steese Highway, Together with Improvements to the Herb Miller Boulevard Intersection and the Helmericks Road/Old Steese Highway Intersection. Introduced by Mayor Cleworth.

**Ms. Stiver**, seconded by **Ms. Bratcher**, moved to APPROVE Resolution No. 4491.

**Mayor Cleworth** provided a brief history of the complaints of congestion in that area of town and asked Mike Schmetzer to further explain the proposed plan for construction.

Mike Schmetzer gave a detailed explanation of the color-coded maps and how the plan will positively impact traffic and pedestrian flow in that area.

**Mayor Cleworth** pointed out that the part in red represents a public easement, taxable property. He explained that in exchange for City maintenance, private parties have agreed to pay the City a fee. He pointed out that there would be a much-needed snow dump area.

**Ms. Stiver** asked for clarifications regarding the turn pocket near the Johansen Expressway. She added that the plan looked good.

Mr. Schmetzer explained that the plan is to extend the turn pocket another 800 feet.

**Mr. Gatewood** expressed concern for the replacement of a traffic light with a roundabout at Old Steese and Helmericks.

Mr. Schmetzer, in response to Mr. Gatewood's concern, stated that the traffic study initiated by DOT a few years ago showed that the traffic capacity would grow to a higher level of service without the maintenance costs of a traffic light.

**Mayor Cleworth** stated that he is not a big fan of roundabouts, but in this case there is enough acreage to accommodate larger commercial vehicles.

**Mr. Gatewood** stated that while he will yield to the opinions of those involved in the survey, he believes that replacing the traffic signal with a "gimmick" is a step backwards.

Mr. Schmetzer explained that the planned roundabout would be similar to the one at UAF.

Bill Rogers (City Engineering Department) gave specific dimensions of the proposed roundabout and compared them in size to smaller roundabouts in the borough. He stated that the roundabout would help with air quality because there would be less idling of vehicles at stop lights.

**Ms. Stiver** asked for an estimate of the maintenance cost savings if the traffic light were replaced with a roundabout.

Mr. Schmetzer stated that there is an estimate, but that he did not have that number readily available. He told Ms. Stiver he could provide that estimate at a later time.

**Mr. Matherly** asked if changing the intersection to a roundabout would make snow removal more difficult.

Mr. Schmetzer stated that there would be more lane miles to plow, but it could be done late at night.

**Ms. Bratcher** asked when and for how long construction would take place. She asked if there were plans for pedestrian facilities

Mr. Schmetzer replied that construction would take place in the summer of 2012 and that there would be new pedestrian facilities in all the improved areas.

**Mr. Roberts** thanked Mayor Cleworth and Mike Schmetzer for their work on the project over the past three years. He commended them for focusing on the problem and maximizing the City's money. He stated his overall support for the Resolution.

Mr. Schmetzer spoke to the substantial improvements in the downtown and Bentley/Helmericks area by 2015.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4491, AS FOLLOWS:

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

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED and RESOLUTION NO. 4491 APPROVED.

- c) ORDINANCE NO. 5861 – An Ordinance to Amend Fairbanks General Code Chapter 14, Article X, Towing Vehicles. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- d) ORDINANCE NO. 5862 – An Ordinance to Amend Fairbanks General Code Section 74-117(f) Providing that Hotel/Motel Tax Grants May Only be Used for the Purposes Stated on the Application. Introduced by Council Member Stiver.

ADVANCED on the CONSENT AGENDA.

## COMMUNICATIONS TO COUNCIL

Reappointment and Appointment to the Chena Riverfront Commission.

APPROVED on the CONSENT AGENDA.

## COUNCIL MEMBERS' COMMENTS

**Mr. Gatewood** congratulated Mr. Eberhart and Mr. Hilling for their success in the 2011 Municipal Election; he thanked all the candidates who participated. He expressed his joy in working with Ms. Bratcher over the past three years and encouraged her to return to Fairbanks someday and run for Mayor.

**Mr. Roberts** commented on the low turn-out of City voters. He spoke to Ms. Bratcher's time of service on the City Council, stating that she was intelligent, eloquent, well-educated, and an outstanding Council Member.

**Ms. Stiver** announced that there is a new mining lab in Fairbanks that will positively affect the mining industry and will be a tremendous benefit to the community. She shared about her recent attendance at a biomass conference in Tok and spoke to the great advances in devices that burn cleaner and save money. Ms. Stiver congratulated Mr. Eberhart and Mr. Hilling on their recent election victories and thanked the Mayor and the public for the passing of Proposition I to pay off City bonds. She expressed thanks to Ms. Bratcher for her hard work on the City Council and commented on her youth and enthusiasm. She added that Ms. Bratcher's involvement in the Fairbanks community is invaluable.

**Mr. Eberhart** expressed his enjoyment in working alongside Ms. Bratcher on the City Council and wished her the best in future endeavors. He congratulated past Council Member, Lloyd Hilling on his win in the election and commended other candidates for running. Mr. Eberhart thanked the public for reelecting him for Seat F. He spoke of various accomplishments under Mayor Cleworth's administration and thanked the Mayor and City Council for their contributions to the City's progress.

**Mr. Matherly** shared that he was sorry to see his friend, Ms. Bratcher, leave the City Council. He stated that he has appreciated her guidance and praised her for being an excellent representative. He expressed his eagerness to work with newly-elected Lloyd Hilling. Mr. Matherly commented on the recent BCDC event and commended the organization for their great contributions to the community. He spoke to the history of the Pioneer Home and encourage others to visit. He shared Mr. Roberts' disappointment with the low voter turnout for the City, but was pleased that Proposition I was passed.

**Ms. Bratcher** expressed her personal comments on what it has meant to her to be a City Council Member. She thanked former Mayor Terry Strle and Mike Schmetzer for their encouragement along the way. She thanked City staff for their hard work and tireless efforts; she thanked fellow Council Members and Mayor Cleworth for their public service. She asked her peers to "continue to challenge the status quo that has defined our past and to always consider the greater good which can define our future."

**Mr. Gatewood**, seconded by **Mr. Roberts**, moved to go into Executive Session for the purpose of discussing Labor Negotiations for the Fire Fighter's Association and Wage Reopeners for IBEW, AFL-CIO and PSEA.

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

**Mayor Cleworth** called for a five minute recess.

Mr. Eberhart terminated his telephonic attendance.

**EXECUTIVE SESSION** – Labor Negotiations

- a) Fire Fighters Association
- b) Wage Reopeners for IBEW, AFL-CIO and PSEA

The City Council met in Executive Session to discuss FFA's Labor Negotiations and Wage Reopeners for IBEW, AFL-CIO and PSEA. No action was taken.

**ADJOURNMENT**

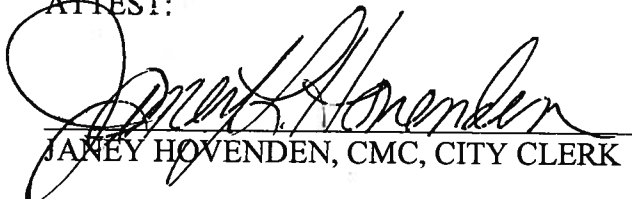
**Mr. Roberts**, seconded by **Ms. Stiver**, moved to ADJOURN the meeting.

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

**Mayor Cleworth** declared the Meeting adjourned at 9:45 p.m.

  
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JERRY CLEWORTH, MAYOR

ATTEST:

  
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JAREY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS