



FAIRBANKS CITY COUNCIL  
AGENDA NO. 2012-10  
**REGULAR MEETING May 21, 2012**  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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PRELIMINARY MEETING

- I 6:00 P.M. Presentation by the Complete/Signature Street Steering Committee
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REGULAR MEETING

- II 7:00 P.M.
1. ROLL CALL
  2. INVOCATION
  3. FLAG SALUTATION
  4. PROCLAMATIONS
  5. CITIZENS COMMENTS, oral communications to Council on any item not up for Public Hearing. Testimony is limited to five (5) minutes. Any person wishing to speak needs to complete the register located in the hallway. Normal standards of decorum and courtesy should be observed by all speakers. Remarks should be directed to the City Council as a body rather than to any particular Council Member or member of the staff. In consideration of others, kindly silence all cell phone, electronic and messaging devices.
  6. APPROVAL OF AGENDA AND CONSENT AGENDA  
  
(Approval of Consent Agenda passes all routine items indicated by an asterisk (\*). Consent Agenda items are not considered separately unless a Council Member so requests. In the event of such a request, the item is returned to the General Agenda).
  7. APPROVAL OF PREVIOUS MINUTES  
  
\*a) Regular Meeting Minutes of April 23, 2012

8. SPECIAL ORDERS

9. MAYOR'S COMMENTS AND REPORT

10. UNFINISHED BUSINESS

- a) Ordinance No. 5882 – An Ordinance Amending the 2012 Budget Estimate for the First Time. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.
- b) Ordinance No. 5883 – An Ordinance Ratifying a Collective Bargaining Agreement Between the City and the Fairbanks Fire Fighters Association. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

11. NEW BUSINESS

- \*a) Resolution No. 4525 – A Resolution to Apply for and Accept Funding from the Alaska Department Of Natural Resources for a FFY2012 Travel and Training Grant. Introduced by Mayor Cleworth.
- \*b) Resolution No. 4526 – A Resolution by the City of Fairbanks Urging Congress to Retain the Current Level of Funding for the Alaska Railroad Under Federal Transit Administration Formula Funding. Introduced by Mayor Cleworth.

12. DISCUSSION ITEMS (INFORMATION AND REPORT)

Committee Reports

13. COMMUNICATIONS TO COUNCIL

- \*a) Chena Riverfront Commission Meeting Minutes of April 2, 2012
- \*b) Public Safety Commission Meeting Minutes of March 13, 2012
- \*c) Public Safety Commission Meeting Minutes April 17, 2012
- \*d) Appointment to the Building Code Review & Appeals Commission

- \*e) Memo Concerning the Additional Funds Available from the Department of Homeland Security in the amount of \$268,350 for Equipment
- f) Memo Concerning the CDBG Grant for Emergency Shelter for Homeless Youth

14. COUNCIL MEMBERS' COMMENTS

15. CITY ATTORNEY'S REPORT

16. CITY CLERK'S REPORT

17. ADJOURNMENT



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, APRIL 23, 2012  
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, following a Work Session on the Joint Land Use Study with the Fairbanks North Star Borough, 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  
Lloyd Hilling, Seat E  
John Eberhart, Seat F (Telephonic)

Absent: None

Also Present: Warren Cummings, Fire Chief  
Paul Ewers, City Attorney  
Janey Hovenden, City Clerk  
Tony C. Shumate, Director Personnel/Purchasing/RM  
Jim N. Soileau, Chief Financial Officer  
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**

Tim Sovde, 402 Bonnifield Street, Fairbanks – Mr. Sovde spoke in support of Resolution No. 4522. He thanked the Mayor and Council for bringing the issue into the public eye.

Frank Turney, 201 7<sup>th</sup> Avenue, Fairbanks – Mr. Turney spoke in support of Resolution No. 4522 and thanked Mr. Hilling for introducing it. He spoke to other states that have introduced legislation opposing the NDAA: Oklahoma, Missouri, Tennessee, Rhode Island, Washington, Utah, Wyoming, Arizona, Oregon and Virginia. He stated that sections 1021 and 1022 deny due process of American citizens' rights. He commended the Fairbanks City Council for their track record in taking a stance for American liberties and expressed hope that the Council would

support Resolution No. 4522. He spoke in support of Ron Paul. He read aloud a portion of an email from Congressman, Don Young which spoke to the NDAA issue.

Helen Renfrew, 4097 Yvonne Road, Fairbanks – Ms. Renfrew, with the Fairbanks Convention and Visitor’s Bureau (FCVB), spoke to the completion of the Meeting Planner Guide by the Meetings and Conventions Department. She stated that within two weeks of mailing the guide, FCVB had received two responses from planners who were considering Fairbanks as a location for their meeting.

David Lerman, 126 2<sup>nd</sup> Avenue, #15, Fairbanks – Mr. Lerman stated his intent to run for City Council in the 2012 Municipal Election. He spoke to his website, *Renovation Fairbanks*. Mr. Lerman spoke to the need for various task forces in the City of Fairbanks, each with a clear mission statement. He spoke to more public participation in the governance of the City.

**Mr. Hilling** asked Mr. Lerman if he had any specific ideas on how a task force would affect a renovation of the Polaris Building.

Mr. Lerman replied that the answer to renovation is in policy and in creating a synergy in the community. He stated that he does not have specifics, but he does have faith in what a Renovation Task Force could accomplish.

Maria Rensel, 1676 Taroka Drive, Fairbanks – Ms. Rensel spoke in support of Resolution No. 4522 and expressed appreciation for the language set forth in the resolution. She spoke to nullification of legislation that directly violates the U.S. Constitution.

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

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

**Mr. Roberts**, pulled Resolution No. 4522 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.

### **SPECIAL ORDERS**

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, heard interested citizens concerned with the below-referenced Application for Commercial Refuse Collector Permit.

Applicant: Waste Connections of Alaska, Inc.  
D/B/A: Alaska Waste-Interior, LLC  
Address: 3941 Easy Street

NOTE: FGC Sec. 14-366 Requires the City Council to take final action on all applications for commercial refuse collector licenses.

**Mr. Roberts**, seconded by **Mr. Gatewood**, moved to APPROVE the Application for a Commercial Refuse Collector Permit.

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

**Ms. Stiver** asked how long a Commercial Refuse License is valid. She also inquired as to why it has been so long since a license has come before the Council for approval.

Ms. Hovenden replied that the license is good for two years. She explained that ownership of the refuse company had changed numerous times over the past several years, making it difficult to pinpoint the owner and require a license.

**Mr. Eberhart** asked why there was no correspondence [pursuant to FGC Section 14-336(b)] to other permit holders in the packet.

Ms. Hovenden replied that there are no other Commercial Refuse License Holders.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE APPLICATION FOR A COMMERCIAL REFUSE COLLECTOR PERMIT AS FOLLOWS:

AYES: Roberts, Matherly, Gatewood, Hilling, Eberhart, Stiver

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED and the Application APPROVED.

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

Lic #	Establishment Name	License Type	Premise Location	Owner Name
104	Red Lantern Steak & Spirits	Beverage Dispensary	820 Noble Street	Westmark Hotels, Inc.
252	Club Alaskan	Beverage Dispensary	901 Old Steese Hwy	Jerwater, Inc.
435	Garden Island Party Store	Package Store	246 Illinois Street	Market Basket, Inc.
703	Gavora's Liquor #1	Package Store	250 Third Street Graehl	Market Basket, Inc.
704	Gavora's Liquor #2	Package Store	1255 Airport Way	Market Basket, Inc.
884	Pizza Hut	R/E Place	1990 Airport Way	Kurani, Inc.
1134	Thrifty Liquors	Package Store	1410 Cushman Street	Market Basket, Inc.
1475	Pizza Hut #5	R/E Place	89 College Road	Kurani, Inc.
1920	Reflections	Beverage Dispensary	2406 S Cushman St	The Lighthouse, Inc.
2424	Sophie Station Hotel	Beverage Dispensary-Tourism	1717 University Ave S	Fountainhead Development, Inc.
2565	El Dorado Bar & Grill	Beverage Dispensary	530 Third Avenue	El Dorado Bar & Grill Inc

2851	Shenanigan's	Beverage Dispensary	2406 S Cushman St	Tiffany Park West, Inc.
3074	Wedgewood Resort	Beverage Dispensary-Tourism	212 Wedgewood Dr	Fountainhead Development, Inc.
3170	The Odom Corporation	Wholesale – General	3101 Peger Road-Bay 1	Odom Corporation
3489	Arctic Bar	Beverage Dispensary	623 Old Steese Hwy	Arctic Inuk, Inc.
3616	Wedgewood Resort – Bear Lodge	Bev Dispensary – Tourism Duplicate	212 Wedgewood Dr	Fountainhead Development, Inc.
3969	Tony's	Beverage Dispensary	537 Gaffney Road	Full Moon, Inc.
3997	BPO Elks Lodge #1551	Club	1003 Pioneer Road	BPO Elks Lodge #1551
4174	Big Daddy's Bar-B-Q & Banquet Hall	Beverage Dispensary	107 Wickersham St	RTG, LLC
4247	Brewster's	Beverage Dispensary	3578 Airport Way	Restaurant Concepts, LLC
4530	The Hide Out	Beverage Dispensary	1288 Sadler Way	Xavier's, Inc.
4819	The Antler Room	Beverage Dispensary	1003 Pioneer Rd #A	The Antler Room, Inc.
4833	Odom Corporation	Wholesale – General	1200 Well St – Bay 1	Odom Corporation
4968	Xavier's Boom Boom Room	Beverage Dispensary – Dup.	1288 Sadler Way	Xavier's, Inc.
4720	Trappers Tavern	Beverage Dispensary	No Premise	Taco Azteca, Inc.

**Mayor Cleworth** stated that since there are two protests documented in the agenda packet, he would like a motion to waive protest only on the renewals with no written protest.

**Mr. Hilling**, seconded by **Ms. Stiver**, moved to WAIVE Protest on the above-referenced Liquor License Renewals, with the exception of El Dorado Bar and Grill and Arctic Bar.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE ABOVE-REFERENCED LIQUOR LICENSE RENEWALS, WITH THE EXCEPTION OF EL DORADO BAR AND GRILL AND ARCTIC BAR, AS FOLLOWS:

AYES: Stiver, Matherly, Gatewood, Hilling, Eberhart, Roberts  
 NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED.

**Mayor Cleworth** requested that the remaining two Liquor License Renewals be considered in two separate motions.

**Mr. Matherly**, seconded by **Ms. Stiver**, moved to WAIVE Protest on the El Dorado Bar and Grill Liquor License Renewal.

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

**Ms. Stiver** requested that the Fire Department provide a status report on the construction of Eldorado Bar and Grill.

Fire Chief Cummings reported that the construction has been underway for a couple years and the owners have been granted numerous extensions from the City Building Department. He added that the owners have been given a final notice that the Building Department will not grant any more extensions unless the work required to open for business is completed. Chief Cummings stated that there are major issues such as unfinished plumbing and electrical work that are not up to code. He concluded by stating that the Fire Department's protest for El Dorado Bar and Grill would be lifted once the building meets City Code.

**Mr. Hilling**, seconded by **Ms. Stiver** moved to amend from a motion to WAIVE Protest to a motion to PROTEST the El Dorado Liquor License Renewal contingent upon issuance of a Certificate of Occupancy from the City Building Department.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND, FROM A MOTION TO WAIVE PROTEST TO A MOTION TO PROTEST THE EL DORADO LIQUOR LICENSE RENEWAL CONTINGENT UPON ISSUANCE OF A CERTIFICATE OF OCCUPANCY FROM THE CITY BUILDING DEPARTMENT, AS FOLLOWS:

AYES: Eberhart, Gatewood, Stiver, Hilling, Matherly, Roberts

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE EL DORADO LIQUOR LICENSE RENEWAL CONTINGENT UPON ISSUANCE OF A CERTIFICATE OF OCCUPANCY FROM THE CITY BUILDING DEPARTMENT, AS FOLLOWS:

AYES: Hilling, Eberhart, Roberts, Stiver, Matherly, Gatewood

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED.

**Mr. Roberts**, seconded by **Ms. Stiver**, moved to PROTEST the Arctic Bar Liquor License Renewal until City liquor taxes are brought current.

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

**Ms. Stiver** asked how far behind the Arctic Bar owners are in City taxes. She asked what penalties the City had in place for late payments.

CFO Jim Soileau informed the Council that the current balance due is \$18, 829.18. He clarified that the Arctic Bar's January return has not yet been filed, which would make the balance higher, but unquantifiable. He reported the delinquency has been an on-going issue, adding that the last time they were current was in April, 2010. Mr. Soileau explained that the penalty for failure to file is \$500 for the first missed month and \$1,000 for the second missed month. He stated that they had recently made a \$3,000 payment, which brought penalties and interest current; he clarified that the balance due is for taxes only.



A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE ARCTIC BAR LIQUOR LICENSE RENEWAL UNTIL CITY LIQUOR TAXES ARE BROUGHT CURRENT, AS FOLLOWS:

AYES: Gatewood, Roberts, Eberhart, Matherly, Stiver, Hilling

NAYS: None

**Mayor Cleworth** declared the MOTION CARRIED.

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

**Mayor Cleworth** asked Yuri Morgan, City Lobbyist, to come forward and give a report on the Legislative Session.

Yuri Morgan highlighted the results of the Legislative Session in Juneau. He stated that the appropriation for revenue sharing statewide was \$60,000,000 this year; he added that, of that amount, the City's allocation was \$1,500,000. He explained that the House amended the revenue sharing total by adding an additional \$25,000,000, of which, \$650,000 was allocated to the City of Fairbanks. He announced that all eight projects on the City of Fairbanks priority list were funded by the Legislature, as well as three other City projects. Mr. Morgan spoke to DOT/FMATS project funding, the FY 2013 Operating and Capital Budgets; he provided a report on Legislative Bills and highlighted those that could affect the Fairbanks Community. He invited questions from the Council.

**Mr. Roberts** asked if the Rickert Subdivision Streets Project had been removed from the list of House-approved funded projects.

Mr. Morgan replied affirmatively. He explained that the House did add a couple projects to the funded list instead.

**Ms. Stiver** inquired about the status of the voucher bill proposed by Senator Thomas that would subsidize fuel costs for Alaskans.

Mr. Morgan stated that the voucher did not make it through the Senate Finance Committee.

**Mr. Roberts** asked Mr. Morgan if funding was granted to Golden Valley Electric Association (GVEA) for the Liquefied Natural Gas (LNG) trucking project that would involve trucking of LNG from the North Slope to Fairbanks, in partnership with Flint Hills.

Mr. Morgan spoke to the initial budget appropriation to GVEA for the LNG trucking project, but stated that funding did not make it through the Senate. He stated that Flint Hills and GVEA are still in the planning stages of the project and have not reached a decision on whether or not to proceed.

**Mr. Roberts** spoke to the tax credits for storing natural gas and for oil and gas exploration. He asked Mr. Morgan to speak to the effects of that legislation on the Fairbanks community.

Mr. Morgan provided an example of how a similar tax credit was used in the past at Cook Inlet. He stated that the ultimate goal in these tax credits is to cut the cost of energy in Alaska.

**Ms. Stiver** asked what was currently happening in the Special Legislative Session.

Mr. Morgan spoke to the Special Session Agenda, which includes oil & gas taxes and House Bill 9, In-State Gasline Development Corporation.

**Mr. Eberhart** temporarily lost telephonic communication.

**Mayor Cleworth** thanked Mr. Morgan for the report and for keeping the City informed as to what was happening during the Legislative Session.

Mr. Morgan gave credit to the City Council for their attention to the City of Fairbanks' legislative priorities.

**Mayor Cleworth** asked Fire Chief Warren Cummings to come forward. He recognized and commended Chief Cummings for his 40 years of service with the City of Fairbanks.

**Mayor Cleworth** announced the resignation of Frank Eagle from the Public Safety Commission and stated that a reappointment will be forthcoming. He stated that there have been two properties added to City fire services from Lakeview Terrace and that there will likely be more to come. **Mayor Cleworth** spoke to the Joint Land Use Study (JLUS) and the potential problems associated with the movement of the F-16's from Eielson Air Force Base to Joint Base Elmendorf/Richardson. He indicated that there may be an upcoming Council Work Session on 2012 City Abatements. **Mayor Cleworth** addressed Mr. Lerman's consistent testimony on the need for a Renovation Task Force in the City of Fairbanks. He explained that, since properties like the Polaris are privately owned, the City cannot take action until they become structurally unsound or a chronic problem in the community. He stated that any interest in renovating the Polaris Building would have to be taken up with its owner.

**Mr. Hilling** asked if the City is still in a position to forgive past taxes for the Polaris Building.

**Mayor Cleworth** replied that the Borough gave the owner a tax exemption/deferral some years ago that was matched by the City. He stated that the exemption/deferral is still in place, but is contingent upon development of the property; he further explained that the exemption would have to be reexamined should the property change ownership.

**Mr. Hilling** asked how many revenue dollars the City would see with the addition of the Lakeview properties to City fire services.

Fire Chief Cummings replied that the increase in revenue would equate to roughly \$3,000 – \$4,000 per year.

**Mayor Cleworth** confirmed that Mr. Eberhart was back on the telephone. He offered Mr. Eberhart the opportunity to ask questions of Mr. Morgan regarding the Legislative Session.

**Mr. Eberhart** thanked Mr. Morgan and the other City Lobbyist for their work in Juneau on behalf of the City of Fairbanks. He asked if the \$13.2 million mentioned earlier was specifically funded to the City of Fairbanks or if it was for the Fairbanks area.

Mr. Morgan replied that the \$13.2 million represents funding for the eight City of Fairbanks projects that were passed through the Legislature.

**Mr. Eberhart** asked how much of that amount will go towards road maintenance and improvements. He asked about the unfunded liability figure between PERS and TERS.

Mr. Morgan stated that the bulk of the funding would go to road construction. In response to Mr. Eberhart's second question, Mr. Morgan stated that the unfunded liability figure was \$11.1 billion as of July 30, 2011.

**Mr. Eberhart** asked if the additional \$650,000 in revenue sharing for the City of Fairbanks was only for this year.

Mr. Morgan replied that the additional funding was only for FY 2013. Mr. Morgan spoke further to state contributions to PERS and TERS.

### **UNFINISHED BUSINESS**

Ordinance No. 5881 – An Ordinance Amending Fairbanks General Code by Adding Section 46-329 Abuse of 911 System. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

**Mr. Gatewood**, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5881.

David Lerman – Mr. Lerman commented that if an individual calls the police for a non-emergency, they must go through a phone menu before reaching dispatch. He gave the direct phone number for City Dispatch, which bypasses the phone tree. He suggested that the non-emergency phone line be rerouted directly to dispatch. He indicated that such a change would lower the abuse of the 9-1-1 system.

**Mr. Gatewood** expressed concern that the language of the ordinance may cause the members of the public to be afraid to call 9-1-1 due to the penalty set forth in Sec. 46-329(c). He asked about the mechanics of the warning system for abuse.

**Mayor Cleworth** stated that he had hoped Stephanie Johnson, Dispatch Manager, would be present to answer questions. He suggested that the ordinance could be postponed if needed. He explained that the 9-1-1 system is frequently abused by citizens who use the service as a phone directory, which could prevent a legitimate emergency call from getting immediate attention. **Mayor Cleworth** indicated that the ordinance is aimed at those individuals who are chronic abusers of the 9-1-1 system.

**Mr. Roberts** stated that the ordinance appears to be targeted at those who abuse the system. He addressed Sec. 46-329(c), “A person convicted under subsection (a) is subject to a fine of \$250.00.” He asked if the word “convicted” implies a guilty verdict by the court system.

Mr. Ewers replied affirmatively.

**Mr. Matherly** asked if abuse of the 9-1-1 system is common in other municipalities. He spoke in support of Ordinance No. 5881.

Chief Cummings replied that it is.

**Mr. Gatewood** stated that the ordinance was unclear as to what would constitute “improper usage.”

**Ms. Stiver** stated that an individual would be told at the time of their call if they were misusing the 9-1-1 system.

**Mayor Cleworth** restated that the intent of the ordinance is to discourage the “frequent flyers” that misuse the system on a regular basis.

**Mr. Hilling**, seconded by **Ms. Stiver**, moved to AMEND Ordinance No. 5881 Section 46-329(a) by inserting the language “and that the penalty for subsequent misuse is a \$250 fine” between the words “improper” and “uses.”

**Mr. Roberts** asked if the amendment was intended to require City dispatch workers to warn abusers not only of their misuse, but the fine associated with the misuse.

**Mr. Hilling** replied that would be correct.

**Mr. Matherly** expressed his hesitancy in placing that requirement on dispatch workers because of the long dialog that could ensue on a call that isn’t even an emergency.

**Mr. Hilling** stated that requiring workers to notify abusers of the fine up front may help if the case ever went to the court.

**Mayor Cleworth** explained that the original draft of the ordinance had a graduated fine scale, but it had been modified for the sake of simplicity.

**Mr. Roberts** asked Mr. Ewers if the language could impede a court conviction.

Mr. Ewers stated that, since calls are recorded, there should never be a question as to whether a warning was given to an abuser. He clarified that if the amendment were passed, and a dispatcher failed to notify an abuser of the \$250 fine, it could impede a court conviction.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5881 AS FOLLOWS:

YEAS: Hilling  
NAYS: Roberts, Matherly, Gatewood, Eberhart, Stiver  
**Mayor Cleworth** declared the MOTION FAILED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5881 AS FOLLOWS:

YEAS: Matherly, Hilling, Roberts, Stiver, Gatewood, Eberhart  
NAYS: None  
**Mayor Cleworth** declared the MOTION CARRIED and Ordinance No. 5881 ADOPTED.

**Mayor Cleworth** stated that he was just notified that Dispatch Manager Stephanie Johnson was not in attendance due to an emergency at home.

### NEW BUSINESS

Resolution No. 4522 – A Resolution Denying the Use of City Resources and Urging the State of Alaska to Deny Use of its Resources, in any Unconstitutional Federal Suspension of Habeas Corpus Pursuant to Section 1021 of the National Defense Authorization Act (NDAA). Introduced by Council Member Hilling.

**Mr. Hilling**, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4522.

**Mr. Roberts** asked the sponsor, Mr. Hilling, to speak to the mechanics of Resolution No. 4522.

**Mr. Hilling** defined “Habeas Corpus” as the right of any prisoner to challenge the terms of their incarceration before a judge. He stated that Section 1021 of the NDAA includes the power to detain any person who commits a “belligerent act” against the U.S. or its coalition allies “without trial until the end of the hostilities.” He explained that the wording of Section 1021 is not specific enough as to what constitutes a “rebellion” and how it would align with Article 1, Section 9 of the U.S. Constitution, which reads, “The privilege of the Writ of Habeas Corpus shall not be suspended, unless, when in Cases of Rebellion or Invasion, the Public Safety may require it.” He stated that, overall, Section 1021 of the NDAA is too vague as to when habeas corpus may be suspended. He stated that one of the purposes of Resolution No. 4522 is to prevent the City of Fairbanks from using its resources to assist in matters that violate the rights set forth in the U.S. Constitution.

**Mr. Roberts** asked if it would be decided by the Mayor whether or not to use City resources in the event of such an event.

**Mr. Hilling** replied that it would be the Mayor’s decision.

**Mr. Roberts** asked if Resolution No. 4522 would have an effect on cases like the 2-4-1 Local Militia that involve the City Police.

**Mr. Hilling** replied that it would have no effect because habeas corpus was not suspended in that case.

**Ms. Stiver** quoted Section 1021(e) of the NDAA, which states that “nothing in this section shall be construed to affect the existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States.” She stated that she thought that statement was strong enough to protect the rights of U.S. citizens.

**Mr. Hilling** replied that he does not believe it is enough. He explained that he believes the language on suspending habeas corpus would override Section 1021(e).

**Mr. Gatewood** stated that he agreed with Ms. Stiver on Section 1021(e). He added that he does not believe Section 1021 is out of line with Article 1, Section 9 of the U.S. Constitution. He expressed his belief that Section 1021 is an attempt to protect America.

**Mr. Hilling** stated that it’s not just Americans that should have the right of habeas corpus. He spoke to clarifications that need to be made in regards to Section 1021.

**Mr. Matherly** spoke to the small likelihood that this type of incident would occur in Fairbanks and asked Mayor Cleworth if he saw a need for Resolution No. 4522.

**Mayor Cleworth** clarified that resolutions are not codified, but are City policy. He agreed that the chances of such an incident are remote, but that Resolution No. 4522 could be used as a guide if the need arose.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO APPROVE RESOLUTION NO. 4522, AS FOLLOWS:

YEAS: Stiver, Matherly, Hilling, Roberts

NAYS: Gatewood, Eberhart

**Mayor Cleworth** declared the MOTION CARRIED and Resolution No. 4522 APPROVED.

## **DISCUSSION ITEMS**

### Committee Reports

FMATS Policy Committee – Mr. Roberts gave a summary of the April 18, 2012 meeting and spoke to various street construction projects for the 2012 summer season.

FCVB – Mr. Hilling stated that he will give a report at the next City Council Meeting.

Public Safety Commission – Mr. Eberhart gave a report of the last PSC meeting and announced that Frank Eagle tendered his resignation from the Commission. He thanked Mr. Eagle for his service. He stated that the next meeting will take place on May 8, 2012.

## COMMUNICATIONS TO COUNCIL

Chena Riverfront Commission Meeting Minutes of February 27, 2012.

ACCEPTED on the CONSENT AGENDA.

### COUNCIL MEMBERS' COMMENTS

**Mr. Eberhart** commented on the beautiful spring weather. He expressed hope that the Governor would approve the City's Capital requests. He thanked Mr. Gatewood and Mr. Roberts for attending the Legislative Session in Juneau on the City's behalf. He thanked fellow Council Members for allowing him the opportunity to attend the meeting telephonically.

**Mr. Hilling** echoed Mr. Lerman's request for a comparison in the number of police calls for Smith Apartments before and after renovation. He also suggested that the non-emergency phone line for the Police Department be examined and possibly changed. He asked Mr. Ewers if there was already a City, State or National law in place that addressed abuse of the 9-1-1 system.

Mr. Ewers replied that there is no such law to his knowledge.

**Mr. Matherly** commented on the beautiful weather, but cautioned drivers to drive safely. He spoke to the activities of the upcoming tourist season and thanked FCVB employees for providing the Council with regular updates. He thanked the public and the Council for allowing him the opportunity to serve on the Fairbanks City Council and stated that it is a great learning experience.

**Mayor Cleworth** asked Mr. Gatewood if he still planned on attending the next Borough Assembly meeting since Ms. Stiver was back in Fairbanks.

**Mr. Gatewood** replied that he would be willing to attend if Ms. Stiver did not wish to.

**Ms. Stiver** stated that she will attend and resume her role as the City Representative.

**Mr. Gatewood** shared that it was good to have Ms. Stiver present again. He thanked Mr. Eberhart for his comments regarding the Legislative Session and spoke to the combined efforts of the Mayor, Council Members and Fairbanks citizens in preparing and presenting the City's Legislative requests to Juneau. **Mr. Gatewood** expressed appreciation for Mr. Hilling's conscientiousness.

**Mr. Roberts** thanked Borough Mayor Luke Hopkins, Colonel Thomas Daack and Colonel Ronald Johnson for the information provided in the JLUS Work Session. He also thanked Mayor Cleworth for keeping the Council informed on the meetings regarding the possible changes at Eielson AFB. **Mr. Roberts** expressed appreciation to the City Lobbyists for their representation in Juneau. He expressed concern for Fairbanks residents in regards to the high cost of heating and there being no relief in sight.

**Ms. Stiver** stated that she is happy to be home. She spoke to the earlier discussion on Section 1021(e) of the NDAA. She commented on the lovely spring weather.

**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 9:05 P.M.

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JERRY CLEWORTH, MAYOR

ATTEST:

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JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DS



Introduced By: Mayor Cleworth  
Finance Committee: May 1, 2012  
Introduced: May 7, 2012

**ORDINANCE NO. 5882, MODIFIED**

**AN ORDINANCE AMENDING THE 2012 BUDGET ESTIMATE  
FOR THE FIRST TIME**

**WHEREAS**, this ordinance incorporates the changes outlined on the attached summary to amend the 2012 operating budget.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**SECTION 1.** There is hereby appropriated to the 2012 budget from the following sources of revenue for the City of Fairbanks in the amount indicated to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2012 and ending December 31, 2012:

	<b>Approved Budget</b>	<b>As Amended</b>
Taxes, (all sources)	\$ 19,476,971	\$ 19,476,971
Charges for Services	4,123,905	<b>4,086,905</b>
Intergovernmental Revenues	3,213,390	<b>3,132,326</b>
Licenses & Permits	1,796,078	<b>1,807,078</b>
Fines, Forfeitures & Penalties	959,175	<b>1,051,642</b>
Interest & Penalties	122,000	122,000
Rental & Lease Income	157,919	157,919
Other Revenues	212,500	<b>482,588</b>
Other Financing Sources	2,925,129	<b>2,684,960</b>
Total Appropriation	<b>\$ 32,987,067</b>	<b>\$ 33,002,389</b>

**SECTION 2.** There is hereby appropriated to the 2012 budget expenditures for the City of Fairbanks in the amount indicated:

**SECTION 3.** All appropriations made by this ordinance lapse at the end of the fiscal year to the extent they have not been expended or contractually committed to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2012 and ending December 31, 2012.

10	Mayor and Council	\$ 480,919	\$ 483,403
11	Office of the City Attorney	164,771	166,857
12	Office of the City Clerk	291,943	300,758
13	Finance Department	863,867	882,600
14	Information Technology	1,401,750	1,417,837
15	General Account	4,947,120	4,980,223
16	Risk Management	1,371,112	1,371,112
20	Police Department	6,552,634	6,770,347
21	Dispatch	1,933,941	1,971,025
30	Fire Department	6,098,719	6,118,118
50	Department of Public Works	6,774,611	6,990,010
51	Engineering Division	582,191	611,316
60	Building Department	627,037	640,741
	Total General Fund Appropriation	\$ 32,090,615	\$ 32,704,347
<hr/>			
	Total Revenues	\$ 32,987,067	\$ 33,002,389
	2011 Assigned Fund Balance for encumbrances	-	293,960
	Total Revenues and prior year assignments	\$ 32,987,067	\$ 33,296,349
	Total Appropriation	32,090,615	32,704,347
	Increase to general fund unassigned fund balance	\$ 896,452	\$ 592,002
	12/31/11 general fund balance	\$ 9,512,734	\$ 10,992,919
	Increase to fund balance	896,452	592,002
	Assigned encumbrances	(200,000)	(293,960)
	12/31/12 Projected general fund balance	10,209,186	11,290,961
	Committed for snow removal	(250,000)	(250,000)
	Committed for Self Insurance Reserve	(500,000)	(529,273)
	12/31/12 Projected Unassigned balance	\$ 9,459,186	\$ 10,511,688

**SECTION 3.** All appropriations made by this ordinance lapse at the end of the fiscal year to the extent they have not been expended or contractually committed to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2012 and ending December 31, 2012.

**SECTION 4.** The effective date of this ordinance shall be the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
**Jerry Cleworth, MAYOR**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM

\_\_\_\_\_  
Janey Hovenden, CMC, City Clerk

\_\_\_\_\_  
Paul J. Ewers, City Attorney

**SUMMARY OF ORDINANCE 5882, MODIFIED**  
**AMENDING 2012 GENERAL FUND BUDGET 1<sup>st</sup> Time**

ESTIMATED REVENUES  
\$15,322 Increase

1. Taxes – No Change
2. Charges for Services – \$37,000 Decrease - reclassify to fines
3. Intergovernmental Revenues – \$81,064 Decrease for revenue sharing
4. Licenses & Permits – \$11,000 Increase for chauffeur licenses
- a) Fines, Forfeitures, & Penalties – \$92,467 Increase
  - a. \$ 55,467 increase to moving traffic violations – Commercial Enforcement Officer
  - b. \$ 37,000 reclassify from charges for services
5. Interest & Penalties – No Change
6. Rental & Lease Income – No Change
7. Other Revenues – \$270,088 Increase for Bentley property agreement
8. Other Financing Sources & Uses – \$240,169 Decrease
  - a. \$ 270,088 decrease for transfer to the Permanent Fund – Bentley Property
  - b. \$ 29,919 increase for transfer from Permanent Fund – annual draw.

## **ESTIMATED EXPENDITURES, MODIFIED**

**\$613,732 INCREASE**

1. Mayor & Council – \$2,484 Increase
  - a. \$ 1,655 increase to salaries – IBEW CBA
  - b. \$ 757 increase to benefits – IBEW CBA
  - c. \$ 72 increase to leave – IBEW CBA
  
2. City Attorney’s Office – \$2,086 Increase
  - a. \$ 1,827 increase to salaries – IBEW CBA
  - b. \$ 27 increase to benefits – IBEW CBA
  - c. \$ 232 increase to leave – IBEW CBA
  
3. City Clerk’s Office – \$8,815 increase
  - a. \$ 3,201 increase to salaries – IBEW CBA
  - b. \$ 46 increase to benefits – IBEW CBA
  - c. \$ 68 increase to leave – IBEW CBA
  - d. \$ 5,500 increase to other outside contracts
  
4. Finance Department – \$18,733 increase
  - a. \$ 15,748 increase to salaries – IBEW CBA
  - b. \$ 228 increase to benefits – IBEW CBA
  - c. \$ 2,757 increase to leave – IBEW CBA
  
5. Information Technology – \$16,087 increase
  - a. \$ 12,132 increase to salaries – IBEW CBA
  - b. \$ 176 increase to benefits – IBEW CBA
  - c. \$ 1,020 increase to leave – IBEW CBA
  - d. \$ 2,759 increase for 2011 encumbrances

6. General Account – \$33,103
  - a. \$33,103 increase for 2011 encumbrances
  
7. Risk Management – No Change
  
8. Police Department - \$217,713 Increase
  - a. \$ 57,976 increase to salaries – IBEW/PSEA CBA
  - b. \$ 38,651 increase to salaries – Commercial Enforcement Officer
  - c. \$ 22,211 increase to benefits – IBEW/PSEA CBA
  - d. \$ 16,816 increase to benefits - Commercial Enforcement Officer
  - e. \$ 6,467 increase to OT – PSEA CBA
  - f. \$ 22,689 increase to leave – IBEW/PSEA CBA
  - g. \$ 52,903 increase for 2011 encumbrances
  
9. Dispatch - \$37,084 Increase
  - a. \$ 16,351 increase to salaries – IBEW/PSEA CBA
  - b. \$ 6,381 increase to benefits – IBEW CBA
  - c. \$ 3,090 increase to OT – PSEA CBA
  - d. \$ 6,462 increase to leave – IBEW/PSEA CBA
  - e. \$ 4,800 Increase for 2011 encumbrances
  
10. Fire Department – \$19,399 Increase
  - a. \$ 5,265 increase to salaries – IBEW CBA
  - b. \$ 76 increase to benefits – IBEW CBA
  - c. \$ 1,061 increase to leave – IBEW CBA
  - d. \$ 12,997 increase for 2011 encumbrances
  
11. Public Works – \$ 215,399 Increase
  - a. \$ 4,749 increase to salaries – IBEW CBA
  - b. \$ 69 increase to benefits – IBEW CBA
  - c. \$ 433 increase to leave – IBEW CBA

- d. \$ 187,398 Increase for 2011 encumbrances
- e. \$ 22,750 Increase for towing charges

12. Engineering – \$29,125 Increase

- a. \$24,808 increase to salaries – IBEW CBA
- b. \$ 360 increase to benefits – IBEW CBA
- c. \$ 3,957 increase to leave – IBEW CBA

13. Building Department – \$13,704 Increase

- a. \$12,466 increase to salaries – IBEW CBA
- b. \$ 181 increase to benefits – IBEW CBA
- c. \$ 1,057 increase to leave – IBEW CBA

Introduced by: Mayor Cleworth  
Date: May 7, 2012

**ORDINANCE NO. 5883**

**AN ORDINANCE RATIFYING A COLLECTIVE BARGAINING AGREEMENT  
BETWEEN THE CITY AND THE FAIRBANKS FIRE FIGHTERS  
ASSOCIATION**

**BE IT ORDAINED** by the City Council of the City of Fairbanks,

Section 1. The City Council hereby ratifies the attached Collective Bargaining Agreement.

Section 2. This ordinance is effective May \_\_\_\_, 2012.

**Passed and Approved this \_\_\_\_ day of \_\_\_\_\_ 2012.**

\_\_\_\_\_  
**Jerry Cleworth, Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM

\_\_\_\_\_  
Janey Hovenden, CMC, City Clerk

\_\_\_\_\_  
Paul Ewers, City Attorney



**RESOLUTION NO 4525**

**A RESOLUTION TO APPLY FOR AND ACCEPT FUNDING FROM THE  
ALASKA DEPARTMENT OF NATURAL RESOURCES FOR A  
FFY2012 TRAVEL AND TRAINING GRANT**

**WHEREAS**, the City of Fairbanks is considered a Certified Local Government that is eligible to apply for a historic preservation grant from the federal Historic Preservation Fund program that is administered through the Alaska Department of Natural Resources;

**WHEREAS**, the Alaska Department of Natural Resources is accepting applications for training and travel to attend the National Trust for Historic Preservation Conference; and

**WHEREAS**, the City of Fairbanks was awarded funds from the Alaska Department of Natural Resources to restore the bleachers and two classrooms in the City Hall building, and the conference will provide information addressing critical preservation issues; and

**WHEREAS**, the City of Fairbanks is requesting \$4,000; the grant requires a match, and the City plans to use currently budgeted funds;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that the Mayor is authorized to accept and execute any and all documents required for requesting and expending funds on behalf of the City for this project.

**PASSED AND APPROVED AND EFFECTIVE THIS \_\_\_\_ DAY OF MAY 2012.**

\_\_\_\_\_  
**Jerry Cleworth, City Mayor**

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Janey Hovenden, CMC, City Clerk

\_\_\_\_\_  
Paul J. Ewers, City Attorney

**RESOLUTION NO. 4526**

**A RESOLUTION BY THE CITY OF FAIRBANKS URGING CONGRESS  
TO RETAIN THE CURRENT LEVEL OF FUNDING FOR THE ALASKA  
RAILROAD UNDER FEDERAL TRANSIT ADMINISTRATION  
FORMULA FUNDING**

**WHEREAS**, the Alaska Railroad, a state-owned entity, operates both passenger and freight services to the interior of Alaska, greatly benefitting the interior of Alaska by providing year-round regularly scheduled public transportation; and

**WHEREAS**, the Alaska Railroad, which operates in a very rural state, is the only U.S. public rail transportation operation being singled out for formula funding reductions that would strip away \$25-30 million or more from the typical \$36 million allocation – which is essential to the operation, maintenance and bond guarantees of the Alaska Railroad; and

**WHEREAS**, the Alaska Railroad issued bonds in 2006 and 2007 with the full federal backing of the Federal Transit Authority (FTA) formula funds and could risk defaulting on \$135 million if the formula funding is changed; and such default would limit future financing options needed for the funding of required capital projects including the North Pole Road/Rail Crossing Reduction project, which is vital for increasing public safety, reducing transportation conflicts, improving Alaska Railroad operational efficiency, and opening up land for development through the realignment of 8 miles of track; and

**WHEREAS**, while essential to the Alaska Railroad, the \$36 million represents less than one-tenth of a percent of the total \$8 billion of FTA formula funds distributed and that cut would not reduce the federal deficit because the amount taken from the Alaska Railroad is divided among the other public transportation rail operators outside of Alaska; and

**WHEREAS**, the US Senate's current Surface Transportation Legislation (S. 1813/MAP-21) is a step backward in terms of fair and equal treatment, ignoring 90% of the Alaska Railroad route miles from Seward to Fairbanks and counting only a small portion of service in the Anchorage area; and

**NOW THEREFORE, BE IT RESOLVED** that the City of Fairbanks urges Congress to retain the current level of funding for the Alaska Railroad under the Federal Transit Administration formula funding; and

**BE IT FURTHER RESOLVED, THAT THIS** Resolution be distributed to:  
Governor of the State of Alaska; Senators Murkowski and Begich; Congressman Don Young; Interior Delegates of the Senate and House of the State of Alaska; Commissioner of ADOT&PF; Alaska Municipal League and Conference of Mayors; Fairbanks North Star Borough Mayor and Assembly; North Pole Mayor and Council; Fairbanks Metropolitan Area Transportation System Executive Director and Policy Committee Chair; Fort Wainwright Garrison Commander and Commanding General USAARAK; and Eielson Air Force Base Commander.

**PASSED and APPROVED this \_\_ Day of May 2012.**

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**Jerry Cleworth, City Mayor**

AYES:

NAYS:

ABSENT:

APPROVED:

ATTEST:

APPROVED AS TO FORM:

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Janey Hovenden, City Clerk

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Paul Ewers, City Attorney

**Fairbanks North Star Borough / City of Fairbanks**  
**CHENA RIVERFRONT COMMISSION**  
**MINUTES**  
**April 2, 2012**

The Fairbanks North Star Borough/City of Fairbanks Chena Riverfront Commission (CRFC) met on Monday, April 2, 2012, with Chair Plager presiding. The following Commission members were in attendance: Anna Plager, Annette Freiburger; Bob Henszey; Gordon Schlosser; and Lee Wood.

Also present were: Bernardo, Director, Community Planning; Jackson Fox, City of Fairbanks; Donna Gardino, FMATS; Barry Hooper, DOT; Melissa Kellner, FNSB Planner; Sarah Schacher, DOT, Jewels Nutter, TVWA; Dan Adamczak, DOT; Dwayne Davis, DOT; Steve Taylor, FNSB Parks & Recreation; Bobette McKirgan, FNSB Recording Clerk.

**1. Call to Order**

**Plager** called the meeting to order at 11:34 a.m.

a. Approval of Agenda

**Plager** asked if there were any changes to the proposed meeting agenda.

*Schlosser moved, seconded by Freiburger to approve the agenda. The motion carried unanimously.*

b. Approval of Minutes of March 5, 2012

**Plager** asked for any corrections to the proposed meeting minutes. Freiburger asked that her comments be corrected as follows: 'the power plant' be changed to 'the power plant on Ft. Wainwright'.

*Henszey moved, seconded by Freiburger, to approve the March 2012 meeting minutes as corrected. The motion carried unanimously.*

**2. COMMUNICATIONS TO THE COMMISSION**

**Hooper** advised of an upcoming public meeting about the Illinois project. Plager asked about the timeline for completion of the triangle project. Gardino said according to a schedule she received, work on utilities would begin in April. Hooper said that the contractor had an aggressive schedule he was trying to complete as soon as possible, but had not specifically identified a completion date. Hooper added that landscaping items are usually done last. Gardino said because of the permits involved, erosion control has to be applied to disturbed areas. Hooper said strategically the contractor may want to finish the triangle before winter to avoid having to carry through with erosion control. Henszey asked about completion of the Barnette Bridge and Hooper replied that was the hope, but not clear on the schedule. Hooper added the upcoming open house would be an opportunity to meet and have discussion with the contractor.

**3. PUBLIC COMMENTS** - No one asked to speak during this time.

**4. NEW BUSINESS** - No new business.

## 5. UNFINISHED BUSINESS

### A. Procedure for Evaluating Development Along the Chena River – Hernandez

**Plager** said that after previous discussions of the procedure for evaluating development along the river, it was concluded the commission would review major items passing through the Planning Commission and Borough Assembly. Plager said she understood that the commission would initiate review and provide comment to Planning staff to forward to the Planning Commission. Wood commented she would like the entire commission notified and Henszey added that there are links on the web.

**Hernandez** said there were details to work out and said review would be limited to variances, conditional uses and rezones, and highway projects. Hernandez said it had to be determined whether notification would be provided to the Chair and Vice-Chair or to the entire commission. Hernandez said it needed to be decided what distance from the river projects would be before notification to the commission was implemented.

**Plager** said the design committee and commission would need to work out details and when there are concerns, how those are communicated to staff. Hernandez said he would like to involve the CRFC early by advising applicants of the commission and having applicants attend meetings; adding that it would be helpful to have discussion with the applicant. Plager mentioned the possibility of developing a brochure about the CRFC to hand out to applicants.

**Henszey** asked about Corps permits, noting timelines, and Hernandez said the borough only provides feedback on zoning and floodplain issues. Henszey said Corps permits usually address bank stabilization concerns. Hernandez said he could forward Corps emails to whomever the commission preferred. Plager asked that staff screen emails and it was decided Wood would be the point of contact for Corps emails.

### B. Commissioners' Design Committee DRAFT Recommendations Regarding Ice Alaska Rezone – Plager

**Plager** cautioned that the draft recommendations not be shared until appropriate changes had been made. Plager said the CRFC's goal is to work with and support a non-profit entity and not impede its progress.

**Steve Taylor**, FNSB Parks & Recreation joined the meeting.

**Plager** said the Design Committee was preparing to meet with Ice Alaska to represent the interests of the Chena River. Plager said the current Ice Alaska proposal brought to the Planning Commission and Borough Assembly was not well informed by the Chena Riverfront Plan and the goal was to bring that to the attention of Ice Alaska. Plager provided a list of concerns that related to the plan guidelines for discussion that would address the Ice Alaska proposal. Plager said she hoped a revised development plan would be presented to the Planning Commission in May, so it could be brought to the Assembly meeting in June. Plager

said three topics generally covered the subject: 1. trails and public access guidelines, 2. healthy riparian zones, and 3. appropriate development. Plager opened the topic for discussion.

**Freiburger** thanked Plager for taking the time to produce the list of concerns. Plager said she thought this could be a prototype for how proposals of concern to the commission would be addressed.

**Hernandez** asked about the distinction between private and public property owners and said this should be considered. Hernandez cited for example whether the expectation was that private and/or public landowners provide river access; adding the plan might not be clear on how the different properties are treated. Schacher noted eminent domain and no public access to the river. Hernandez suggested the commission be mindful of the property owners' perspective. Henszey added these are guidelines and said a distinction needed to be made to avoid the perception as requirements. It was agreed the guidelines sounded regulatory and needed to be made clear this was voluntary.

**Schlosser** said there were four items in compliance followed by three pages of what might be interpreted as required action, noting that homeowners become scared when a contractor or government agency gets involved. Schlosser suggested repeat language be avoided bring the guidelines more into balance and Plager agreed that was a good idea.

**Wood** noted Ice Alaska proposed a greenbelt on the north bank of the river. Hernandez reiterated that the borough can only do the rezone and cannot require something not in the code; adding Ice Alaska had been asked about their willingness to add a riparian zone. Wood said this is an organization that would repeatedly ask for public donations and commission approval would be helpful.

**Freiburger** said that the trees by the slough were necessary to shade the structures and it seemed unlikely Ice Alaska would cut down more trees. Discussion of placement of the large pond and setbacks was made. Freiburger asked about the 196 huts planned and Plager said it was part of the development plan. Plager said placement of the artists' cabins along the riverfront detracts from public priorities for pedestrians and bike paths and is a major concern. Plager suggested Ice Alaska had a lot of space to work with and questioned why the cabins were being crowded along the river. Plager said there were two meetings scheduled with Ice Alaska the following week and asked commissioners to voice their concerns and how best to address the issues; suggesting the map overlay be shared with Ice Alaska. Freiburger asked about sewer and water to the cabins. Hernandez advised that specific items be brought forward to the applicant.

**Hernandez** said the cabins were planned as residential and the plan was tied to the rezone; and to be changed, would have to go through the Borough Assembly. Henszey asked if the development plan was tied to the zoning that was approved and Hernandez replied it was a rezone with special limitations. Freiburger asked about developed phasing and Plager said it consisted of three phases over the next 15-20 years, with the artist village being completed within the first five years. Nutter discussed state grant funds and cautioned not to assume the

building would not be in the first five years. Plager added that there may be development loans.

**Plager** said feedback resulted in the simplification of guidelines to essential items. Wood asked about the ten items discussed previously and Plager said they were addressed in the guidelines. Wood said there was way too much information and needed to be drastically simplified. Plager said suggestions made to Ice Alaska should be linked to the plan; she could make a one page cover for the detailed suggestions and Wood agreed simple was better. Freiburger said for reference, this was better than going through the plan. Plager outlined the key points and asked for input:

- a) Establish a greenbelt along the riverfront that will offer improved public access and future links to the pedestrian/bicycle network of pathways. Wood suggested preface with 'as you suggested'.
- b) Use more screening and setbacks from the Chena Riverfront. Provide artist cabins primarily in well-designed clusters within easy walking distance to the park; use the wooded areas along the Chena River to provide a more aesthetic setting.
- c) Reduce the number of artist cabins directly along the minimally-vegetated Chena Riverfront. Save construction costs by building fewer artist cabins that will meet anticipated demand and expansion.
- d) Retain the Chena Riverfront in a more natural state. Keeping the riverfront open to the public (without private housing) offers a wider range of alternative locations for proposed carving and educational activities. It was agreed to delete this language. Hernandez suggested acknowledging that Ice Alaska offered a greenbelt and talk about the good things first.
- e) Stabilize the riverbank with well-designed, limited development near riparian habitat that will better protect the fishery and reduce possible pollutants. Suggestion made to combine with enhancements. Plager suggested including waterway protection zone, as proposed. Hernandez said should have reference to the plan.
- f) Develop a single, large-scale, attractive focal point or gateway feature on the riverfront to enhance Ice Park visibility and improve recreational options instead of "privatizing" the riverfront. Plager suggested that language goes beyond the plan guidelines and could be suggested verbally. Agreed to remove
- g) Enhance existing features, such as the gravel pit and the natural shoreline, adding plantings and gently sloping the pond sides for safety and as a potential recreational asset (and revenue source). Hernandez said for every suggestion there should be a plan reference. Schlosser said this should be deleted.
- h) Keep waterfront development options open, especially for better boat access or related facilities. Hernandez cautioned again this is private property and suggested removal of the word 'privatizing'.

- i) Maintain flexibility to respond to unexpected market demand and needs and desires by the carving, educational, and visitor community, while developing the expanded learning center (snow-sand-wood carving) and addressing publicly-adopted priorities.
- j) Design improvements to achieve identified community goals and enhancements, such as linking future improvements to nearby parks or pathways.
- k) Improve landscaping and lighting design to increase public safety and minimize vandalism, including placing artist cabins closer to the core park protected structures.

Plager said she would provide a draft to the Design Committee with eight suggested items, a cover sheet, and soften the language to make the proposal sound more voluntary. Plager reminded staff of the Ice Alaska meetings on 4/11 and 4/13 at noon at Ice Alaska.

C. Date & Time for CRFC Meetings – Commissioners

Discussion of best meeting times was made and it was decided Plager would establish a Doodle calendar and provide results to the commission.

D. Wendell Avenue Bridge Update – DOT

**Schacher** provided handouts and presented plans for the Wendell Avenue Bridge replacement project and requested commission feedback. Schacher said the scope of the project was to rehabilitate or replace the Wendell Avenue Bridge, widen sidewalks and provide pedestrian and bicycle access from Graehl Park along the north side. Schacher cited three components of the project and explained reasoning to support replacement of the bridge. Schacher referenced the proposed concept of the bridge with sidewalks and made discussion of driving surfaces, shoulders, and roundabouts. Schacher said compliance with ADA was one of the challenges. Henszey made discussion of see-through barricades versus solid barricades. Placement of bike paths under the bridge and connection of both parks was discussed. Schacher asked that construction timelines be considered when suggestions are provided to DOT. Hooper added that comments did not need to be formal and that DOT was seeking input. Hernandez thanked Schacher for her presentation. Gardino said a draft non-motorized plan was posted on the web site and they would like comments by the end of the month. Hooper requested that the commission be mindful when providing feedback that these are concepts for connectivity.

E. Chena Riverfront Commission Preliminary Design Criteria – Hernandez

Pending another Design Committee meeting.

F. FMATS Art Selection Advisory Committee Report – Gardino

**Gardino** advised of FMATS committee meeting dates and plans for a launch event April 28<sup>th</sup>; and that public input was being solicited. Gardino said access issues and lessening of bike path grades were being discussed. Plager asked whether it would be too late to promote to the public an OLLI class regarding the CRFC. Gardino replied that an RFP would be out by fall and hopefully responses received. Gardino said FMATS would serve as jury for the RFP.



## 6. COMMISSIONERS' COMMENTS

**Plager** thanked Hernandez for his support of the commission.

## 7. STAFF and LIAISON COMMENTS

**Fox** reported the city would host the 8<sup>th</sup> annual stream cleanup June 9<sup>th</sup> at Lions Club Park, with focus on the full length of Noyes Slough and the downtown stretch of the Chena River. Fox said he would provide a flier with details at the next CRFC meeting.

**Hooper** reminded the commission about the upcoming Illinois Street meeting

**Taylor** mentioned Arbor Day and tree planting beginning in May.

**Nutter** said she had taken over the director position at TVWA. Nutter said a residential guidebook was being produced; and reported on grants used to work on water quality, sediment testing and citizen/scientist programs.

**Wood** wanted to look into getting more commissioners to attend meetings on a regular basis and Plager agreed that was a valid concern.

## 8. AGENDA SETTING FOR May 7, 2012 COMMISSION MEETING

- A. Ice Alaska Rezone Recommendations
- B. Date & Time for CRFC Meetings
- C. Wendell Avenue Bridge Update - Comments to DOT
- D. Schedule Design Committee Meeting to Address: 1) Procedure for Evaluating Development Along the Chena River and 2) Chena Riverfront Commission Preliminary Design Criteria
- E. FMATS Art Selection Advisory Committee Report

## 9. ADJOURNMENT

*Schlosser moved, seconded by Henszey, to adjourn the meeting. Plager adjourned the meeting at 1:35 p.m.*

/b

# PUBLIC SAFETY COMMISSION

March 13, 2012  
11:30 AM  
Fairbanks Police Department

PSC Members:	Peter Stern (Seat C - 2013)	Buzzy Chiu (Seat D - 2014)
	Frank Eagle (Seat E - 2012)	Robert Hall (FPD Representative)
	John Eberhart (Seat A - 2014)	Greg Taylor (FFD Representative)
	Bill Satterberg (Seat B - 2012)	

## Meeting Minutes

CALLED TO ORDER: 11:36 am

ATTENDANCE:

PSC Members: Peter Stern, John Eberhart, Bill Satterberg, Buzzy Chiu, and Robert Hall

PSC Members Absent: Frank Eagle and Greg Taylor

Others in attendance: Mayor Jerry Cleworth, Pat Cole, Stephanie Johnson and Kristi Merideth–FECC, Dave Burglin–CAO, Chief Laren Zager and Lt. Eric Jewkes–FPD; Chief Warren Cummings and Lisa Howard–FFD.

ADOPT AGENDA: Agenda adopted as published.

PUBLIC COMMENT: None

MINUTES: The minutes of the February 14, 2012 meeting were approved without changes.

OLD BUSINESS:

Possible Code Changes to Infractions Lt. Eric Jewkes reported the first round of changes is in the hands of the City Council. The next round will include the more complex issues, such as 911 chronic nuisance calls, alarm fees, and drug paraphernalia.

Role of the Public Safety Commission A work session will be held with the City Council on Monday, March 19<sup>th</sup> at 5:30. Peter Stern has the historic documentation he compiled and distributed several months ago. It was decided that members should be able to present their view points, but Stern will take the lead. General discussion is summarized as follows:

- ~ Satterberg: Council should give the commission a role beyond just hearing reports. If it does not have the ability to deal with issues or investigate and make recommendations to the Council it really serves no purpose.
- ~ Stern: The commission was actively involved in the panhandling and resource officers in the schools in the past, but no one really has brought anything to the commission to work on.
- ~ Zager: The commission could be a great tool for community awareness, but it has limited presence in the community at this point.
- ~ Johnson: She believes the commission should provide guidance to the council where public safety in Fairbanks should go
- ~ Burglin: He is not clear on what the purpose or mission of the commission is.
- ~ Cummings: From his point of view as a department head, he views one of the roles of the PSC as being a sounding board. If an idea makes it through the review of the PSC and is supported to the Council, it usually is successful.

Public Safety Officer Pat Cole discussed the concept of a Public Safety Officer (combined Fire/EMS/Police duties) as a potential avenue to be explored to solve the understaffing of both the Fire and Police Departments. He indicated that this would be a gradual phase in, as new hires would be hired under this job description, and of course, any existing employees would be eligible to apply for one of these positions. Many details have to be investigated further, but these are the bullet points.

- ~ Would be sworn officers with additional training in fire & EMS. More training, higher pay.
- ~ Program not intended to cut positions/reduce cost, but to more effectively use current funding. There is a growing demand for service and no corresponding growth in revenue.
- ~ Equipping police vehicles with AED's and other EMS equipment could offer potential of better care when initial contact is Police.
- ~ The city has precedent for having multiple "trades" in one union – could be done with FFD&FPD
- ~ This type of system is in place successfully across the states. One example is Sunnyvale, CA

Comments:

- ~ Zager: Has visited Kalamazoo, Michigan and learned a lot about how to do this successfully. He admitted this was a much greater benefit to the Police Department and has the biggest impact on the Fire Department. PSO officers jobs are usually 90% police work and 10% fire. A PSO program has huge potential if it is organized and delivered right.
- ~ Satterberg: Troopers were traditionally trained as EMT's but aren't any longer. The Fairbanks Airport currently uses PSO's. Chief Zager interjected that the airport specializes in a single type of fire/trauma that would be insufficient for what Fairbanks needs, but their concept can be blended and transitioned.
- ~ Jewkes: Currently police cars carry 1<sup>st</sup> aid supplies & extinguishers but don't have the training or equipment to provide greater care while waiting for Fire to respond. He acknowledged that both sides sometimes have to wait for the other to arrive, depending on the circumstances.
- ~ Hall: Patrol officers should have medical training for those cases they are on scene first, regardless of whether the PSO program moves forward. Having officers with fire training, even if they can't fight the fire until the fire trucks arrive, is able to provide information to the incoming units. Chief Zager inputted that this is similar to the role that helicopters play in some departments, even though they cannot directly provide law enforcement action, they serve as trained eyes and are deemed to be extremely valuable by some departments.
- ~ Cummings: This idea has been explored across the nation, and in the 1970's there were 40+ departments, and now the number in the 20's. The majority of the successful programs are not transporting agencies. Providing Advanced EMS is significantly more than doing first aid from the back of the car. The nature of the two jobs is very different and many good medical personnel are not interested in being police officers.

REPORTS:

FECC Report – Director Stephanie Johnson reported that the 2<sup>nd</sup> review of the FNSB call taking agreement is going before City Council next week. According to the analysis, the borough is paying about the right amount for the share of dispatcher services their agencies receive. There continues to be statewide discussion about the fact that VOIP (phones via internet) are exempt from the 911 surcharge fees paid by landlines and cell phones. They will be losing the front desk clerk, and she is exploring making it a dispatcher position and rotating staff through who would like a break from 911 call taking.

FFD Report – Chief Cummings reviewed the fire and ambulance response stats. He also shared a compilation of the training needs/exercise planning regarding emergency preparedness being forwarded to the State for the Fairbanks area. The final Alaska Shield exercise report should be available next meeting. A firefighter/paramedic left Fairbanks for a job in another state, and a new recruit is going through training. There were 76 applicants for developing the new recruit firefighter

hiring list, which is done every other year. The next step will be a written exam April 1<sup>st</sup>, followed by a CPAT (Candidate Physical Abilities Test) in May/June. This hiring list will be in place until January of 2014, when the cycle starts over. Lastly, an off duty Fairbanks firefighter and his EMT girlfriend were directly involved in saving the life of a man who collapsed in cardiac arrest at Planet Fitness.

**FPD Report** – Chief Zager reported that the Police Department used to have a rigid rule that there would always be 4 people on shift. He had given his Shift Commanders the latitude to go below that minimum staffing in situations they deem appropriate. He does not know yet how well this is working out as it has only been in place since December. There is a risk involved as four officers is sometimes inadequate. The type and model of vehicles the police department should move toward as they purchase replacement vehicles is currently under review – looking for 4WD SUV type vehicles. Deal breakers are fuel efficiency (need to be 4 cylinder) and having enough warm storage space to carry necessary gear and equipment. Currently the Subaru Outback is being seriously considered as an option. Some officers have concerns about performance while others are also concerned about department image. Chief Zager said that nothing is set in stone yet. There was discussion regarding the Subaru currently in service with the department. The FPD stats were reviewed and the question regarding why so many motor vehicle thefts in June and December. Officer Hall was going to review the data to ensure it was accurate, and would report back next meeting.

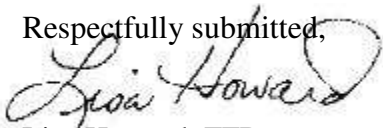
CLOSING COMMENTS:

Peter Stern will be mailing out his outline of his talking points for the council meeting next week.

NEXT REGULAR MEETING: April 10, 2012 – Fairbanks Police Department [later moved to 4/17]

MEETING ADJOURNED at 12:41PM

Respectfully submitted,



Lisa Howard, FFD

# PUBLIC SAFETY COMMISSION

April 17, 2012  
11:30 AM  
Fairbanks Police Department

PSC Members:	Peter Stern (Seat C - 2013)	Buzzy Chiu (Seat D - 2014)
	Frank Eagle (Seat E - 2012)	Robert Hall (FPD Representative)
	John Eberhart (Seat A - 2014)	Greg Taylor (FFD Representative)
	Bill Satterberg (Seat B - 2012)	

## Meeting Minutes

CALLED TO ORDER: 11:35 am

ATTENDANCE:

PSC Members: Peter Stern, Frank Eagle, John Eberhart and Robert Hall

PSC Members Absent: Bill Satterberg, Buzzy Chiu and Greg Taylor

Others in attendance: Mayor Jerry Cleworth, Stephanie Johnson and Kristi Merideth–FECC, Dave Burglin–CAO, Chief Laren Zager, Deputy Chief Johnson and Lt. Eric Jewkes–FPD; Chief Warren Cummings, Captain Sean Aldrich and Debra Davis - FFD.

ADOPT AGENDA: Agenda amended to remove “Officer Involved Shooting”.

PUBLIC COMMENT: None

MINUTES: The minutes of the March 13, 2012 meeting were approved without changes.

Peter Stern informed the group that Frank Eagle, after many years as a member of the Public Safety Commission, had tendered his resignation.

OLD BUSINESS:

Code Changes, Ordinance Update and False 911 Calls Ordinance Lt. Eric Jewkes reported the changes went to the first reading on Monday April 16, 2012. The second reading will be on April 23, 2012.

Role of the Public Safety Commission The City Council agrees that the PSC should continue, as they see value in the Commissions’ work. Mayor Cleworth handed out a draft for review and discussion for an updated Ordinance. The draft will be emailed to Bill Satterberg and Buzzy Chiu and the discussion will continue at the next meeting.

NEW BUSINESS:

Police Vehicles Chief Zager will be in a meeting on April 18, 2012 where a decision will be made on the vehicles that will be purchased. The two being discussed are the Subaru Legacy and a Ford SUV. The Subaru can be an immediate order whereas the Ford would go through a bidding process. Four vehicles are budgeted for each year, however there were none purchased last year, therefore the department is looking at purchasing a total of seven vehicles this year.

REPORTS:

FECC Report – Director Stephanie Johnson reported that the Call Taking agreement with FNSB has been finalized. It is in the process of being signed off at the State level. Other Borough users are working on their contracts as well. Part of the agreement is for a backup plan which needs to be turned into the Borough by 7/1/13. Stephanie is looking at Soldotna as a reciprocating backup as both FECC and Soldotna use the same ALMR talk groups. There is a Capital request for expansion of Public Works warm storage building, additions on each end of the building. One of the additions

would be a good location for backup communication equipment. She currently has two dispatch positions open and perhaps a third as a junior employee does not like the hours available. The Business Plan is not ready as it needs to be presented to the City Council first.

FFD Report – Chief Cummings reviewed the fire and ambulance response statistics. He also discussed a situation on March 24<sup>th</sup>, where two fire calls were going simultaneously and UAFF had to be diverted to the second, motor home fire, which had two fatalities. The Fire Prevention Grant is being submitted at the end of April. The focus is on home inspection and the elderly (ie-C02 and smoke detectors). The HLS Grant will be ready for submittal in a month. Projects are going to the Departments for discussion. Some items on the list are outside electric plugs at warm storage, SARS trench trailer, security improvements at FFD and FPD.

FPD Report – Officer Hall reviewed the March 2012 statistics report. He stated that the -1 for homicide was because of the way UCR functions with regard to changes to a case (arrest, indictment, new information) will reduce the number. There was discussion regarding the number of calls per officer month over month and what drives these numbers. Chief Zager stated the statistics show him trends. He was comfortable stating that based on annual reports from other agencies throughout the state, if they are correct, FPD has the biggest number of calls per officer in the state.

#### CLOSING COMMENTS:

Mayor Cleworth expressed his frustration at the misquote “If I have my way it’s going to happen” by the News Miner with regard to PSO in Fairbanks.

May 12<sup>th</sup> is the Salute to our Military Parade. Starting at Fort Wainwright and ending at Pioneer Park with a barbeque. 4000+ participating.

Officer Hall added that on May 19<sup>th</sup>, 10AM at UAF there will be the Special Olympics Torch Run. Channel 11 will be covering it; anyone can send him an email for more information.

NEXT REGULAR MEETING: May 8, 2012 (City Council Chambers hosted by FECC)

MEETING ADJOURNED at 12:47PM

Respectfully submitted,

Debra Davis, FFD

*City Of Fairbanks*



**MEMORANDUM**

To: City Council Members

From: Jerry Cleworth, City Mayor

A handwritten signature in black ink, appearing to be "JC", is written over the name "Jerry Cleworth".

Subj: Building Code Review & Appeals Commission

Date: May 21, 2012

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One member of the commission, Pete Jacobsen, has relocated and will not be returning to service with the commission. To fill the vacancy left by Mr. Jacobsen, I request your concurrence to the appointment of:

Billy Brookins – Permanent member. Term to expire: December 31, 2014.  
(Length of term shortened to fill current length of seat vacancy).

Mr. Brookins resume and application are attached.

Thank you.

ABC/



CITY OF FAIRBANKS  
 Clerk's Office  
 800 Cushman Street  
 Fairbanks, Alaska 99701-4615  
 Office: 907 459-6774  
[jihovenden@ci.fairbanks.ak.us](mailto:jihovenden@ci.fairbanks.ak.us)

**BOARDS AND COMMISSIONS  
 APPLICATION FORM**

DATE: January 27, 2012  
 NAME: Billy J Brookins  
 BOARD: Code Review Commission

The information provided below will be made available to the public. The Clerk's Office will provide a mailing address, at least one phone contact, and an e-mail address, please indicate your preferred method of contact with the public by placing a check mark in the appropriate box(es).

RESIDENCE ADDRESS: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

BUSINESS ADDRESS: c/o Design Alaska; 601 College Road; Fairbanks, AK 99712

CELL PHONE: ( ) \_\_\_\_\_ - \_\_\_\_\_

WORK PHONE: ( 907 ) 452 - 1241

HOME PHONE: ( ) \_\_\_\_\_ - \_\_\_\_\_

E-MAIL: billy@designalaska.com

**Statement of Interest:**

I am interested in assisting the Code Review Commission as a Structural Engineer. Clem Clooten mentioned at the January International Code Council (ICC) meeting at Sophie Station that there is an open seat available.

**Brief Personal Biography (or attach resume):**

Please see attached resume, please contact if additional information is required.

**Professional Licenses/Training:**

Alaska Professional Engineer License #12819 in Civil Engineering  
6+ years working in Structural Engineering at Design Alaska for projects throughout Alaska.

Please return this application to the City Clerk's Office.

FOR INTERNAL USE ONLY

Date Seated on Board	Date of Resolution or Council Action	Term Dates



# Billy J. Brookins, P.E.

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## Education

University of Alaska – Fairbanks, Fairbanks, AK  
Arctic Engineering – Spring 2007  
Earthquakes: Seismic Response of Structures – Spring 2011

Michigan Technological University, Houghton, MI  
**Bachelor's Degree, Civil Engineering – December 2005**

## Professional experience

Dec. 2005 to Present. Design Alaska Fairbanks, AK  
**Staff Structural Engineer**

Design of structures utilizing applicable building codes (wood, steel, concrete, masonry, light gauge steel). Inspect existing structures for structural capacity before modifications to ensure safe conditions. Perform special inspections for new construction and renovations per applicable building codes.

March 2004 to Dec. 2005. Charter Township of Portage – Hurontown  
Fire and Rescue Houghton, MI

### Firefighter

Certifications:  
Michigan Firefighter I & II  
Hazmat First Responder – Awareness & Operations  
Wild Land Firefighter (expired)  
Jaws of Life Operator

## Active Registration

Alaska Civil Engineer, License Number CE12819; First Year 2010.

## Professional memberships

National Society of Professional Engineers (NSPE)  
Alaskan Society of Professional Engineers (ASPE)  
American Society of Civil Engineers (ASCE)  
Structural Engineering Association of Alaska (SEEAK)

## Community activities

Board member of Arctic Amateur Radio Club (KL7KC)  
Member of Amateur Radio Emergency Services (ARES)  
Communications & Equipment Officer for Wilderness Search & Rescue (WSAR)  
Volunteer Examiner Coordinator for Interior of Fairbanks (Amateur Radio Testing)

## References

Available upon request.

# Fairbanks Fire Department

1101 Cushman St., Fairbanks, AK. 99701

(907) 450-6600 Fax (907) 450-6666

fire@ci.fairbanks.ak.us

## MEMORANDUM

**DATE:** May 21, 2012  
**TO:** Council Members  
**THRU:** Mayor Cleworth  
**FROM:** Warren B. Cumming, Fire Chief  
**SUBJECT:** Additional SHSP Funds


The City has been notified by the Alaska Department of Homeland Security that additional funds are available in the amount of \$268,350 (no match required) to purchase a Mass Casualty Transport Trailer, purchase a Bulk Material Handling Fork Lift, and upgrade the Trench Rescue Equipment.

The projects were submitted with our 2010 SHSP Application that was approved with Resolution 4428. The Council approved acceptance of the grant with Resolution 4441 but these items were not included since the projects were not initially funded.

The additional funds will allow the City to upgrade and modernize its response capabilities for Homeland Security as well as natural disasters.

## MEMORANDUM

TO: Mayor and Council Members

FROM: Paul Ewers, City Attorney 

SUBJECT: Update on CDBG Grant for Emergency Shelter for Homeless Youth

DATE: May 16, 2012

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At the May 7 council meeting, the council requested that a report be prepared examining the City's obligation to repay grant funds should the property no longer be used as an emergency shelter for homeless youth.

While the language from the federal code, 24 CFR 570.489(j)(2), limits the City's exposure, there was uncertainty based upon Council Member Eberhart's prior experience with similar grants and based upon certain language in the proposed grant documents. For example, the proposed Attachment A Scope of Work stated that the emergency shelter for homeless youth must be "dedicated to a public purpose for its useful life, and any disposal of the property will be in accordance with 24 CFR 570.489(j)(2)."<sup>1</sup> However, this sentence was followed by this language:

In the event the facility cannot remain as an emergency shelter for homeless youth for its useful life, the Grantee will be responsible for notifying the Department to determine if actions to recover **all or part of the project funds** are necessary [Emphasis added].

This language ties in with Article 21 Recovery of Funds from Attachment C Standard Provisions:

In the event of a default or violation of the terms of the Grant Agreement by the Grantee, the Department may institute actions to recover all or part of the project funds paid to the Grantee. Repayment by the Grantee of grant funds under this recovery provision shall occur within thirty (30) days of demand.

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<sup>1</sup> Copies of subsection (j)(2) were provided to the Council, and its provisions were discussed at length. It limits reimbursement to the grantor to the "amount of the current fair market value of the property, less any portion of the value attributable to expenditures of non-CDBG funds for acquisition of, and improvements to, the property."

All remedies conferred on the Department by this agreement or any other instrument or agreement are cumulative, not exclusive, and may be exercised concurrently or consecutively at the Department's option.

To clarify these ambiguities and remove any uncertainty, the City proposed the following amendment to the language of Attachment A Scope of Work:

In the event the facility cannot remain as an emergency shelter for homeless youth for its useful life, the Grantee will be responsible for notifying the Department ~~to determine if actions to recover all or part of the project funds are necessary.~~ The Grantee may still meet the national objective of the CDBG program by benefitting a group of people the majority of whom are low and moderate income, through the limited clientele criteria. A limited clientele project must benefit one of these specific groups: abused children; elderly persons; battered spouses; homeless persons; severely disabled adults; illiterate adults; migrant farm workers; persons living with the disease AIDS. **In the event the facility cannot remain dedicated to a public purpose at any point during its useful life, the provisions of 24 CFR 570.489(j)(2) shall control and supersede any remedy provided in Article 21 of the Standard Provisions, and the Grantee may retain or dispose of the property. In either case, the Grantee shall reimburse the Department in the amount of the current fair market value of the property, less any portion of the value attributable to the expenditures of non-CDBG funds for acquisition of, and improvements to, the property.**

This proposed amendment has been accepted by the State and is now included in the draft Attachment A Scope of Work (copy attached)(see p. 2).

# Attachment A

## Scope of Work

### Background

The Community Development Block Grant program is funded by the U.S. Department of Housing and Urban Development. The Federal Award Number is B-11-DC-02-0001. Catalog of Federal Domestic Assistance (CFDA) number is 14.228. This award is not for research and development. Recipients of state of Alaska CDBG program funds must obtain a Dun and Bradstreet Data Universal Number System (DUNS) number (<http://www.dnb.com>) and register with the Central Contractor Registration (CCR) (<http://www.ccr.gov>) database. This information must be kept current during the term of the grant.

### 1. Project Description

Fairbanks is located in the heart of Alaska's Interior, on the banks of the Chena River in the Tanana Valley. Every day in Alaska young people are faced with the same issues that affect youth across the nation. Estimates indicate that 2.8 million young people runaway each year in the United States. This number includes youth from all socio-economic backgrounds. Young people may know that running away is only a temporary solution, but they are desperately seeking immediate relief. In 2002, the Department of Justice reported that nearly three-quarters of these children were "endangered" from physical threats, drugs or sexual abuse while missing. Of these endangered children, the report states, it is estimated that 2% had spent some period of time while they were missing with a sexually exploitative person and another 1% were sexually assaulted or someone attempted to sexually assault them while a runaway.

Fairbanks North Star Borough School District Homeless Liaison, reports that 436 students were identified as homeless during the 2010/2011 school year. This only represents students in school; they also identified 50 out of school homeless youth. On January 26, 2011, the school district counted 296 homeless students. According to the National Coalition for the Homeless, one out of every three homeless persons is under the age of 18, meaning that 1.6 to 1.7 million people under the age of 18 will experience homelessness this year in the United States.

In 2010, the Fairbanks Housing and Homeless Coalition Youth Task Force conducted a survey of the faith community, youth service agencies, correctional facility leaders, law enforcement leaders, and other community stakeholders to seek information about the programs for young people in the community. They all expressed a similar sentiment, "When Family Focus closed their doors, they left a gap in our community that no one has filled." Family Focus operated an emergency shelter for youth, staffed 24 hours a day, 7 days a week, year round. This shelter was utilized well and is severely missed by community agencies.

The City of Fairbanks is working in partnership with Clearwater Ministries (d/b/a Fairbanks Youth Advocates). Clearwater Ministries has been an active member of the Fairbanks Housing and Homeless Coalition and networks regularly with other youth service providers. Clearwater Ministries purchased a three-story house in downtown Fairbanks in hopes of converting it to an emergency shelter for homeless youth. The house was chosen for its accessibility to the target population and proper zoning. In addition, the house is centrally located near major transportation arteries and accessible to health care and other social services.

The City of Fairbanks and Clearwater Ministries, Inc. have entered into a Memorandum of Understanding for the design and construction of an emergency shelter for homeless youth. The emergency shelter for homeless youth, which will be constructed with CDBG funds, shall be dedicated to a public purpose for its useful life, and any disposal of the property will be in accordance with 24 CFR 570.489(j)(2).

In the event the facility cannot remain as an emergency shelter for homeless youth for its useful life, the Grantee will be responsible for notifying the Department. The Grantee may still meet the national objective of the CDBG program by benefitting a group of people the majority of whom are low and moderate income, through the limited clientele criteria. A limited clientele project must benefit one of these specific groups: abused children; elderly persons; battered spouses; homeless persons; severely disabled adults; illiterate adults; migrant farm workers; persons living with the disease AIDS. In the event the facility cannot remain dedicated to a public purpose at any point during its useful life, the provisions of 24 CFR 570.489(j)(2) shall control and supersede any remedy provided in Article 21 of the Standard Provisions, and the Grantee may retain or dispose of the property. In either case, the Grantee shall reimburse the Department in the amount of the current fair market value of the property, less any portion of the value attributable to the expenditures of non-CDBG funds for acquisition of, and improvements to, the property.

This project is considered eligible for CDBG funding under Title I of the Housing & Community Development Act of 1974, as amended, Section 105(a)(2) which provides for the "acquisition, construction, reconstruction, or installation of public works, facilities, and site or other improvements..."

This project meets the national objective of the Community Development Block Grant Program, by benefitting a group of people the majority of whom are low and moderate income, through the limited clientele criteria. This project meets the limited clientele criteria by serving homeless youth, ages 12-17 in the Fairbanks community.