



POLICY COMMITTEE

Main Conference Room

State of Alaska DOT&PF, 2301 Peger Road

Fairbanks, Alaska

Meeting Minutes – October 16, 2013

1. Call to Order

Steve Titus called the meeting to order at 10:00 a.m.

2. Introduction of Members and Attendees

Attendee

*Mayor Jerry Cleworth
 *Mayor Bryce Ward
 *Mayor Luke Hopkins
 *Steve Titus, Chair
 *Guy Sattley, Vice-Chair
 *Perry Walley
 *Alice Edwards
 +Joan Hardesty
 +Brian Lindamood
 +Judy Chapman
 +Michael Schmetzer
 **+Donna Gardino
 **Aaron Buckley
 **Deborah Todd
 **Kellen Spillman
 **Linda Mahlen
 Cindy Heil
 Hannah Blankenship
 Ryan Anderson
 Jae Hill
 Bob Laurie
 Jeff Otteson
 Murray Walsh
 Brenda Hewitt (via telephone)
 Kevin Keller

Representative Organization

Mayor, City of Fairbanks
 Mayor, City of North Pole
 Mayor, Fairbanks North Star Borough
 DOT&PF, Northern Region Director
 FNSB Assembly Member
 City of Fairbanks Council Member
 DEC Division of Air Quality
 DEC Division of Air Quality
 Alaska Railroad
 DOT&PF Planning
 City of Fairbanks, Public Works & Engineering
 FMATS, MPO Coordinator
 FMATS Transportation Planner
 FMATS, Administrative Assistant
 FNSB Community Planning
 DOT&PF Planning
 DEC Division of Air Quality
 DOT&PF Public Information
 DOT&PF Preconstruction
 FNSB Deputy Planning Director
 DOT&PF Headquarters
 DOT&PF Headquarters
 DOT&PF Headquarters
 Representative Isaacson's Office
 HDR

****FMATS Policy Committee Members, **FMATS Staff Members, +FMATS Technical Committee Members***

Mr. Titus presented Mayor Cleworth with a Certificate of Appreciation and thanked him for his service to FMATS. Mr. Titus stated that he wished Mayor Cleworth the best of luck in all his future endeavors.

3. Public Comment Period (3 minute limit)

No public comment.

4. Approval of October 16, 2013 Agenda

- **Motion:** To approve the October 16, 2013 Agenda. (Hopkins/Sattley).
Discussion: Mayor Hopkins requested that the Nordale Road Trail Crossing be added to the Agenda under "Other Issues."
- **Vote on the motion:** None opposed. Approved

5. Approval of September 18, 2013 Minutes

- **Motion:** To approve the September 18, 2013 meeting minutes. (Ward/Hopkins)
- **Vote on the motion:** None opposed. Approved.

6. Committee Reports

a. Coordinator's Office Report and Technical Committee Action Items

Ms. Gardino provided an update and highlights from all workshops and meetings she had attended, as well as all other FMATS activities that had occurred since the last meeting.

7. Old Business

a. Public Participation Plan (Action Item)

Motion: To approve the Public Participation Plan as presented. (Ward/Heil)

Discussion: Ms. Gardino explained that the Public Participation Plan had gone out for a 75-day review and no additional comments had been received.

Ms. Gardino summarized all revisions that had been made to the document. Mayor Hopkins stated that it was his recollection at the last Policy Committee meeting that the document had been sent back to the Technical Committee for review. Ms. Gardino stated that the document was sent out for further public review until the end of the month and Technical Committee had recommended approval of the document by the Policy Committee.

Mayor Cleworth stated that this was a 30-page document that should be reduced to one page. Mayor Cleworth further stated that he understood the reasoning behind the number of pages, given all the laws and regulations that governed it. Mayor Cleworth stated that he thought DOT, the Borough and the Cities, had done a great job of keeping the public informed and involved. Mayor Cleworth stated that he thought all the rest of the document was a bureaucratic nightmare and he appreciated all that Ms. Gardino had done.

Mayor Hopkins inquired if there were signatories required for the document. Ms. Gardino stated that the document was an existing document they were making updates to and required no signatures. Mr. Titus inquired if there had been any changes to the document since the previous meeting. Ms. Gardino

stated that there had been no further changes to the document since the previous meeting.

Vote on Motion: Six in favor. One opposed (Cleworth). Approved.

b. Operating Agreement (Action Item)

Ms. Gardino explained the status of the Operating Agreement draft included in the meeting packet. Ms. Gardino stated that she had taken the action item off the agenda for the last meeting per Mr. Hernandez's request. Ms. Gardino explained that Mr. Hernandez wanted time for the Borough to further review the Agreement. Ms. Gardino stated that there had been a lengthy discussion of the Agreement at the Technical Committee meeting and she summarized discussion points brought up at that meeting for the Policy Committee. Ms. Gardino stated that Ms. Chapman had suggested the creation of a policy and procedures manual for FMATS to provide reference. Ms. Gardino stated that Ms. Hardesty had inquired about time constraints on the agreement. Ms. Gardino stated that Mr. Spillman had inquired if something was added about potential conflicts between FMATS and DOT. Ms. Gardino stated that in looking back at the minutes she realized that the Technical Committee had not addressed that issue. Ms. Gardino stated that the issue of authorities had been brought up and the suggestion was made by Mr. Butler of having an attorney review the document, as well as looking at all the agreements for ways to streamline them.

Mr. Titus stated that he recalled the State AG comments and the document being remanded back to the Technical Committee and inquired if the document would have to go back through the review process again if it were revised. Ms. Gardino stated that Mr. Titus was correct and it would have to go back through the review process if substantial changes were made to the document. Mr. Titus asked if opening the door for more comments would lengthen the approval time for the document and whether we could approve it this time and have a legitimate agreement in place.

Mayor Ward inquired if this was correct procedure to take an action item off the agenda without the consent of the Technical Committee. Mayor Hopkins inquired whether the Technical Committee had taken all the action that they could take at that time. Mayor Hopkins stated that the document had been referred back to the Technical Committee and Mayor Ward had brought it forward to the Policy Committee. Mayor Ward stated that as a point of order, a motion should be on the table before further discussion.

Motion: To approve the Operating Agreement as presented. (Cleworth/Ward).

Discussion: Mayor Cleworth stated that he would like to offer an amendment to the previous motion. Mayor Cleworth stated that on Page 59 of the meeting packet, it should be revised to add a sentence in Section 5.2 prior to the sentence that read "The MPO Coordinator would serve as a secretary for the

Policy Committee.” The added sentence would read: “A majority vote of the Policy Committee, as defined by the Bylaws would be binding to all parties.”

Amendment to the Motion: Amend Section 5.2 by adding the following sentence before the last sentence: “A majority vote of the Policy Committee, as defined by the Bylaws is binding on all parties. (Cleworth/Walley).

Discussion: Mr. Sattley inquired if this was a motion due to the Illinois Street landscaping issue. Mayor Cleworth stated that it was due, in part, to that but it would probably come up again in the future. Mr. Sattley stated that it had been decided that the project was not an FMATS project and inquired if that muddied the waters a little bit.

Mayor Ward stated that he did not think it was a bad amendment and his effort in bringing this forward was to get it passed and sent on to the Governor for signature. Mayor Ward stated that his concern was that future actions would be jeopardized by further delays.

Mayor Hopkins stated that when the Agreement was signed, it was signed by three mayors and the governor, and was not sure whether it would be binding to DOT, even if the Governor signed it. Mayor Hopkins stated that he was not sure if the Agreement would throw them into further unacceptable actions and throw a wrench into other people signing it, since we were putting it in saying that DOT would abide by that. Mayor Hopkins stated that he was not sure if any action taken at this meeting would solve the issue. Mayor Hopkins stated that he was currently not in favor of this amendment.

Mayor Cleworth stated that he did not think it would affect anything negatively since he thought it stated the obvious. Mr. Titus stated that he believed it was a major change that would require an AG review. Mr. Titus stated that he did not believe that the MPO had authority over another organization, i.e., the DOT. Mr. Titus stated that the MPO did not have the authority to say that this was what they should do. Mr. Titus stated that there were a number of things that a Planning organization was required to do, but did not believe that it was a function to dictate to others what they could or could not do simply by a majority vote of the Policy Committee. Mr. Titus stated that he suspected it would require another review and take more time. Mr. Titus stated his research told him that an MPO did not have the authority to tell other entities what they could or could not do. Mr. Titus stated that the intent of this amendment would make it binding to the DEC as well since they were an enforcement agency.

Mr. Sattley asked if the Policy Committee were to put conditions on a project prior to approval, would the DOT then be able to ignore it or deny approval. Mr. Titus stated that if those conditions were legitimate and within the project scope, they would then be incorporated into the project. Mr. Titus stated that the Department

could not change the scope, or refuse to do something if it were approved by the MPO.

Mayor Ward stated that his effort in bringing this forward was to pass it without amendments. Mayor Ward stated that he agreed with the amendment in principle with regards to control of FMATS funding allocations. Mayor Ward stated that in an effort to get this through so that we could have an MOU that defined our boundaries, he would like to see it go through without this amendment. Mayor Cleworth stated that all the amendment was saying was that we controlled the money and could make recommendations. Mayor Cleworth stated that votes should be binding on the parties, but would not be binding if any of the parties had other conflicting laws.

Mr. Sattley stated that since DEC was a party to this, they should have a say in the decision since it affected them. Ms. Edwards stated that she had a similar reaction as Mr. Titus to the amendment. Ms. Edwards stated that she would need to review this before DEC signed it, and whether it could be reviewed as a policy or procedure somewhere else. Ms. Edwards stated that to the extent if there were a conflict, the DEC should have a legal review of it to decide if it might cause an issue at some point in the future.

Vote on Amendment to the Motion: Two in Favor (Cleworth/Walley). Five opposed. (Hopkins/Sattley/Ward/Titus/Edwards). Motion did not pass.

Amendment to the Motion: Amend Section 6.1.4(2) by adding a new second sentence: "All PL funds shall be used to fund the MPO Coordinator's Office. (Cleworth/Walley)

Discussion: Mayor Hopkins stated that he could not agree with the amendment because as he understood PL funding, there were many different tasks performed under PL funding. Mayor Hopkins asked for clarification of what the PL funding was currently spent on. Ms. Gardino stated that it was outlined in the UPWP and right now funding was divided between DOT, FMATS, and the Borough for their various tasks. Ms. Gardino stated that the Coordinator's Office was responsible for development of the Long Range Plan, the Public Participation Plan, running the meetings, and preparation of the TIP. Ms. Gardino stated that the Borough responsibilities included providing GIS work, platting, and floodplain permits. Ms. Gardino stated that DOT was responsible for maintenance and match agreements as well as project starts.

Mr. Titus inquired whether if all PL funds were added to the budget of the Coordinator's Office, would the funds cover the entire Coordinator's Office operating budget. Ms. Gardino stated that all the PL funds would not cover the Coordinator's Office budget. Mr. Titus stated that if all the PL funding were allocated to the Coordinator's Office there would still be a deficit and Ms. Gardino would not be able to accomplish some of the tasks required of an MPO.

Mayor Cleworth stated that currently the FMATS Office was subsidized which was not the case elsewhere in the United States. Mayor Cleworth stated that we had a very unusual system here and felt that we were sometimes in violation of Federal rules with our funding allocation. Mayor Cleworth stated that he thought all monies should go to the intended office so precious highway funding was not used to subsidize the Coordinator's office.

Mr. Sattley stated that as he understood it, the Borough Transportation Planner was funded through the PL funds. Mr. Sattley inquired what would happen if that funding were taken away and how that office would be funded. Mayor Hopkins stated that we should be looking at the upcoming budget when discussing the Coordinator's Office and address how those funds were allocated.

Vote of Amendment to the Motion: Two votes for (Walley/Cleworth). Five votes against (Ward, Sattley, Hopkins, Edwards, Titus). Amendment failed.

Amendment to the Motion: Delete the motion and replace it with the following: Refer the Operating Agreement back to the Technical Committee per the actions of the last Policy Committee meeting to address the issues raised on Page 3 of the 9.18.13 minutes. (Hopkins/Sattley).

Discussion: Ms. Gardino stated that there were people in the audience who could answer the question of whether delaying action would jeopardize funding. Mr. Otteson stated that he did not believe that this action would jeopardize PL funding if remanded back to the Technical Committee. Mayor Ward stated that instead of referring this action back to the Technical Committee, we should go all the way back to the drawing board. Mayor Ward stated that he hated to see us go round and round in circles on this.

Vote on Motion: Three in favor. (Hopkins, Sattley, Walley) Four opposed. (Ward, Titus, Edwards, Cleworth). Amendment failed.

c. Local Planning Approval MOU

Ms. Gardino stated that a lot of work had been done by the Borough to streamline the process and there were some items that could be further streamlined such as right-of-way exemptions. Mr. Titus stated that there was a draft document with a number of comments at this time and inquired what was needed to move forward. Ms. Gardino stated that she had provided her comments and the moving forward was to be accomplished by DOT and the Borough.

Ms. Chapman stated that they had received the information and comments. Ms. Chapman stated that when they were comfortable with the draft, they would present it to the AG and the Borough for review and signatures. Mr. Titus inquired approximately how long the process would take. Ms. Chapman stated that it could probably be accomplished in a couple months.

Mayor Cleworth stated that he felt we were moving forward in the right direction with this Agreement. Mayor Cleworth stated that we needed to continue to achieve the goals set forth in the document to expedite the review process.

Mayor Ward stated that after reviewing this document he felt that there were some redundancies that could be looked at to smooth out and expedite the process. Mayor Ward stated that he hoped they could explore those possibilities in the future. Mayor Hopkins inquired whether this document was the same document that the Borough Planning Commission had already reviewed. Mr. Spillman stated that this was the same document reviewed by the Planning Commission.

8. New Business

a. Review of FMATS' Agreements (Action Item)

Ms. Gardino stated that Mayor Ward had requested the addition of this item and deferred to Mayor Ward. Mayor Ward explained his reason for having this item placed on the agenda. Mayor Ward stated that he felt that all the documents should be consolidated into a single agreement and that was the effort he would like to move forward with. Mayor Ward stated that he would like to have a third party review of all the FMATS documents to bring them under one umbrella similar to articles of incorporation for a business.

Motion: To direct the Coordinator's office to obtain at least three proposals for the consolidation of FMATS Operating MOU, Coordinator's Office MOU, and Bylaws and to update the UPWP accordingly, including the associated budget. (Ward/Cleworth).

Discussion: Mayor Cleworth inquired if Mayor Ward was requesting a RFP for a professional services contract. Mayor Ward stated that Mayor Cleworth was correct. Mayor Ward stated that the MOU for the Coordinator's Office and the Intergovernmental Operating Agreement were the documents that he would like to see incorporated. Mr. Sattley inquired what Mayor Ward had in mind for the type of professionals who would be reviewing the documents. Mr. Ward stated that it was his understanding that there were organizations or businesses that reviewed MOU's for consolidation and consistency. Mr. Sattley inquired if this was a cleaned-up version of the mediator idea that had been brought up previously.

Mayor Ward stated that even if we did not address those issues, he felt that it would be a very smart move if the documents were consolidated for transparency and consistency. Ms. Gardino stated that she had identified four companies that actually reviewed MPO documents. Mayor Hopkins inquired what Mayor Ward meant by consolidation and consistency when we already had approved documents in place that authorized and guided our operations. Mayor Hopkins inquired where funding would come from and

whether we had the resources available for such a review. Mayor Hopkins inquired if the consultant would review the FHWA Agreement that stated how we were authorized to do things. Mayor Hopkins stated that maybe a presentation was necessary to define what streamlining meant and whether a consultant was necessary to do that streamlining. Mayor Ward stated that we needed to have an MOU that addressed how the organization should run.

Mr. Titus stated that he understood the intent to bring clarity to this, but passing a motion today would not clear it up. Mr. Titus stated that an RFP would have to be prepared with a defined scope of work and agreed with Mayor Hopkins that this would have to be funded somehow. Mr. Titus stated that this agreement should be remanded back to the Technical Committee for a minimum of two months for review and discussion of how we were operating and what needed to be done as far as scope of work. Mr. Titus stated that there should possibly be a third party review of the Agreement to come up with recommendations for a score card for what the MPO was doing and appropriate distribution of PL funds.

Mr. Sattley stated that he would support sending it back to the Technical Committee for a couple months, but did not want the Technical Committee to waste a lot of time on the air quality issue. Mayor Ward stated that it was two-fold: consolidation of agreements and then substance of the agreements. Mayor Ward stated that it should be spelled out in the MPO about who would come up with an air quality plan, as it did not explicitly state that. Mayor Ward stated that he did not have a problem with coming up with a scope of work and authorizing it to go out for RFP.

Vote on Motion: Motion withdrawn.

Motion To direct the Technical Committee to obtain a scope of work for the consolidation of FMATS' Operating MOU, Coordinator's Office MOU, and Bylaws and to update the UPWP accordingly, including the associated budget. (Ward/Cleworth).

Discussion: Mr. Sattley stated that the word "obtain" seemed to him like an RFP request and he would not be in favor of that wording. Mayor Cleworth stated that the reality here was that some of this would be boilerplate stuff like marrying the two documents and that could be done, but sending it to the Technical Committee was just kicking the can over to them. Mayor Cleworth stated that he felt this needed to be addressed by the Policy Committee rather than sent back to the Technical Committee. Mayor Cleworth stated that it needed to be done because it was very complicated and nagging questions needed to be answered. Mayor Cleworth stated that he was not against having the document reviewed, but hated to see the Technical Committee do all the work and then the Policy Committee voting against it. Mayor Cleworth stated that a "yes" vote on this motion would be sending the

message that the Policy Committee was fundamentally in agreement and supported the consolidation of the documents.

Amendment to the Motion: Delete “obtain” and replace it with “recommend”. (Hopkins/Sattley)

Discussion: Mayor Ward stated that he agreed with Mayor Cleworth’s comment: “If you don’t think this is a good idea that these documents should be consolidated, then don’t waste our time.” Mayor Ward stated that he still thought it was a good idea to marry the two documents so that it was at least clear that there was one governing document for this organization. Mayor Ward stated that the way FMATS was currently structured was difficult to follow.

Amended Motion: To direct the Technical Committee to recommend a scope of work for the consolidation of FMATS’ Operating MOU, Coordinator’s Office MOU, and Bylaws and to update the UPWP accordingly, including associated budget.

Vote on Motion: None opposed. Approved.

b. FY 2014 FMATS Meeting Dates (Action Item)

Motion: To approve the Fiscal Year 2014 Technical and Policy Committee meeting dates. (Hopkins/Edwards).

Discussion: Mr. Titus stated that it should be noted that the November 14 Policy Committee meeting date might be changed due to the Alaska Municipal League Conference and the meeting date might be discussed and changed at the meeting next month.

Vote on Motion: None opposed. Approved.

c. Change in November Policy Meeting Date (Action Item)

Motion: To move the November Policy Committee meeting date to November 13, 2013 (Hopkins/Sattley)

Discussion: Mayor Hopkins stated that there were a number of reasons for the change to the November meeting date.

Vote on Motion: None opposed. Approved.

9. Public Comment Period (3 minute limit)

Brenda Hewitt of Representative Isaacson’s office spoke via telephone and stated that she just wanted to say hello and thank you.

10. Other Issues

a. Government Shutdown and Congressional Appropriation Delays

Ms. Gardino explained the governmental shutdown information included in the meeting packet. Mayor Hopkins inquired about General Fund impacts due to the government shutdown. Mr. Otteson explained that access was given to 94% of the FFY14 funding available to them but that could change if Congress did something to change that.

b. PL Funding Increase

Ms. Gardino explained the PL funding increase information she had received. Ms. Gardino stated that the UPWP would have to be amended to reflect the increased funding.

c. Nordale Road Crossing

Mayor Hopkins stated that this could be discussed at another time due to the meeting time constraints.

11. Informational Items

a. State Rail Plan Steering Committee Meeting (October 17-8:30 a.m.)

Ms. Gardino introduced Murray Walsh and Bob Laurie from DOT Headquarters who provided information regarding the State Rail Plan Update. Mr. Walsh stated that a Steering Committee meeting would be held from 8:30-11 a.m. on Thursday, October 17th and the public was welcome to attend.

b. Historical Plaque and Artwork Update

Ms. Gardino displayed two different design scheme samples for the historic plaques to the Policy Committee. Ms. Gardino explained the two different color schemes and designs stating that the color scheme were similar to the Downtown Wayfinding and Complete Streets projects. Ms. Gardino stated that they were working with an editor to shorten the narrative and provide for ease in reading. Mayor Hopkins stated that the blue color scheme rendered a much clearer and crisper picture. Mr. Titus stated that the pedestals for the plaques were already in place.

c. DEC Open House on Air Quality Proposed Regulation Changes

Ms. Gardino stated that information was included about the DEC Open House she had attended and another was being held at North Pole Middle School from 5-7 p.m. Ms. Edwards explained that there would be a variety of things going on to explain the Plan, the process, and provide opportunity for comments. Ms. Edwards stated that there would be a third open house in November at the Watershed School with the fourth and final open house being held January 8th at the Westmark Hotel. Ms. Edwards stated that DEC was hopeful they would get a lot of good comments and hoped to see everyone there.

d. Guidance on MPO Representation

Ms. Gardino explained the proposed guidance included in the meeting packet for MPO representation. Ms. Gardino stated that Mr. Lindamood of the Railroad stated that FTA had requested that the Railroad have a seat on the FMATS Policy Committee. Mr. Lindamood stated that the Railroad's lawyers

were attempting to get clarification from FTA with the attempt to get the ruling overturned. Mayor Hopkins stated that the Borough would like to receive any coordination of comment opportunities that were offered.

e. Obligations/Offset List

Ms. Gardino explained the obligations/offset list included in the meeting packet for the past fiscal year. Ms. Gardino explained the aerial photo taken of Illinois Street taken by Tom George who was a pilot and regular at the Transportation Committee breakfasts. Ms. Gardino stated that Mr. George had given her the license to use the photos.

12. Policy Committee Comments

- Mayor Cleworth asked Ms. Gardino to thank Mr. George for the photos. Mayor Cleworth thanked everyone for their help and dedication and wished them all the best in the future.
- Mr. Walley stated that he was excited about the possibility of combining all the various documents. Mr. Walley stated that he felt it would be easier to understand if it was all one document. Mr. Walley stated that he wanted to wish Mayor Cleworth good luck in his future endeavors. Mr. Walley stated that it had been an honor serving beside him on this committee.
- Ms. Edwards thanked Mayor Cleworth stating that she appreciated all his efforts over the years and working with him on this committee. Ms. Edwards stated that she would be happy to provide air quality status updates to anyone that requested them.
- Mr. Titus thanked Mayor Cleworth for his service stating that it had been fun and liked that he was not afraid of sharing his perspective with them. Mr. Titus stated that he was sure they would see him at the coin shop. Mr. Titus stated that he knew that the Illinois Street had been a topic on the news and everywhere else, but he took every chance he got to drive Illinois Street and Helmericks. Mr. Titus stated that he was amazed how much time it saved in getting across town. Mr. Titus stated that he appreciated all the effort that went into the design and construction of the project. Mr. Titus stated that he was excited that it was done and that people would get to use it for years to come.
- Mayor Ward thanked Mayor Cleworth for his political insights and assistance and wished him the best in the future.
- Mr. Sattley stated that he also wanted to wish Mayor Cleworth the best and would see him at his coin shop.
- Mayor Hopkins stated that he appreciated that Mayor Cleworth had brought forward respectful discussions to the committee and they would all move forward with those discussions in the future. Mayor Hopkins thanked Mayor Cleworth for the North Chena Riverwalk that had been permitted by the Railroad under his authority. Mayor Hopkins stated that he was sure that Mayor Cleworth would be keeping tabs on them in the future and would not be going away. Mayor Hopkins asked Ms. Gardino to put forth a written thank you note to Mr. George for taking the photos rather than a verbal thank you.

13. Adjourn

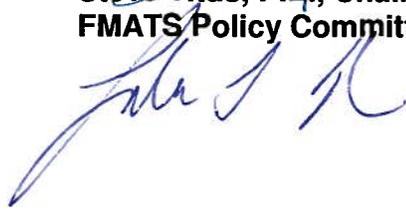
Motion to Adjourn: (Walley/Edwards).

The meeting was adjourned at **12:02 p.m.**

The next Policy Committee Meeting is scheduled for **10 a.m. on Wednesday, November 13, 2013** at the DOT&PF Main Conference Room on Peger Road.

Approved: 
Steve Titus, P.E., Chair
FMATS Policy Committee

Date: 11/13/13



11/13/13