



FAIRBANKS CITY COUNCIL  
AGENDA NO. 2015-01  
*REGULAR MEETING JANUARY 05, 2015*  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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REGULAR MEETING

7:00 P.M.

1. ROLL CALL
2. INVOCATION
3. FLAG SALUTATION
4. 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).

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 PREVIOUS MINUTES
  - \*a) Regular Meeting Minutes of September 08, 2014
  - \*b) Regular Meeting Minutes of September 22, 2014
  - \*c) Regular Meeting Minutes of October 06, 2014
  - \*d) Regular Meeting Minutes of October 20, 2014

7. SPECIAL ORDERS

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, will hear interested citizens concerned with the following Appeal of Denied Application for New Chauffeur License. Public Testimony will be taken and limited to five (5) minutes.

Applicant: Michael J Mackey

- b) The Fairbanks City Council, Sitting as a Committee of the Whole, will hear interested citizens concerned with the following Appeal of Denied Application for New Chauffeur License. Public Testimony will be taken and limited to five (5) minutes.

Applicant: Jesse R Gabayan

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Ordinance No. 5962 – An Ordinance Ratifying a Labor Agreement Between the City of Fairbanks and the AFL-CIO Joint Crafts Council. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

10. NEW BUSINESS

- \*a) Resolution No. 4653 – A Resolution Allocating Discretionary Funds from Hotel/Motel Tax in the Amount of Two Hundred Seventy Thousand Dollars (\$270,000.00). Introduced by Mayor Eberhart.
- \*b) Resolution No. 4654 – A Resolution Awarding a Contract to Kinney Engineering, LLC for Design Work for the Cushman Complete Street Project in the Amount of \$269,572.00. Introduced by Mayor Eberhart.
- \*c) Resolution No. 4655 – A Resolution Awarding a Contract to Dowl, LLC for Design Work for the Gateway Subdivision Improvements Project in the Amount of \$250,020.00. Introduced by Mayor Eberhart.
- \*d) Ordinance No. 5963 – An Ordinance Amending FGC Section 2-396 Regarding the Fact Finding Commission. Introduced by Council Member Staley.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)
  - a) Committee Reports
  
12. COMMUNICATIONS TO COUNCIL
  - \*a) Recommendation for Appointments to the FNSB Planning Commission
  - \*b) Chena Riverfront Commission Meeting Minutes of November 12, 2014
  - \*c) Hotel/Motel Discretionary Fund Meeting Minutes of November 25, 2014
  - \*d) Hotel/Motel Discretionary Fund Meeting Minutes of December 10, 2014
  
13. COUNCIL MEMBERS' COMMENTS
  
14. CITY CLERK'S REPORT
  
15. CITY ATTORNEY'S REPORT
  
16. EXECUTIVE SESSION
  - a) Labor Negotiations: Public Safety Employees Association (PSEA) and the International Brotherhood of Electrical Workers (IBEW)
  - b) John Eberhart vs APOC, Superior Court Appeal, to Discuss Settlement
  
17. ADJOURNMENT



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, SEPTEMBER 8, 2014  
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 6:00 p.m. Work Session with the Interior Alaska Natural Gas Utility (IANGU) Board, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor John Eberhart presiding and with the following Council Members in attendance:

Council Members Present: Renee Staley, Seat A (Telephonic)  
Perry Walley, Seat B  
Bernard Gatewood, Seat C  
Jim Matherly, Seat D  
Lloyd Hilling, Seat E  
Chris Anderson, Seat F

Absent: None

Also Present: Ernie Misewicz, Assistant Fire Chief  
Margarita Bell, Grants Administrator  
Paul Ewers, City Attorney  
Janey Hovenden, City Clerk  
Jim Williams, Chief of Staff  
Stephanie Johnson, Dispatch Center Manager  
Michael J. Schmetzer, City Engineer  
Barbara Sunday, Director HR/Risk Management/Purchasing  
Pat Smith, Development Manager  
Brad Johnson, Acting Police Chief

### **INVOCATION**

The Invocation was given by City Clerk Janey Hovenden.

### **FLAG SALUTATION**

**Mayor Eberhart** led the Flag Salutation.

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

**Mayor Eberhart** called for objection to the APPROVAL of the Agenda and, hearing none, so ORDERED.

City Clerk Hovenden read the Consent Agenda into the record.

## CITIZEN'S COMMENTS

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that while he was in Reston, Virginia recently, he took the opportunity to go to the U.S. Congress. He thanked Oregon Senator Ron Wyden and Kentucky Representative Thomas Massie for sponsoring the House and Senate bills supporting the Industrial Hemp Act. He stated that the Fairbanks City Council was the first in the State of Alaska to pass a resolution in support of the use of industrial hemp. Mr. Turney commented on the photo that Clay Street Cemetery Commissioner Kate Ripley submitted to the News Miner and stated that the recent improvements to the cemetery, with the help of the community, have made a big difference. He thanked former Mayor Strle for creating the Clay Street Cemetery Commission. Mr. Turney spoke to the multiple calls of a shooting threat that were received by the Fairbanks Police Department (FPD) at the last regular Council meeting. He indicated that the inability of FPD to track the calls raises suspicion, since the calls were received during the consideration of the Public Safety Employees Association (PSEA) labor contract. He recommended that the Mayor and Council listen to the recorded calls. Mr. Turney asked Mayor Eberhart how much the City is willing to pay to defend him in the Alaska Public Offices Commission (APOC) v. Eberhart case, referring to the whole issue as a fiasco. He stated that he does not want the \$37.50 APOC fine to haunt Mayor Eberhart throughout his term as City Mayor. He spoke in favor of the production of industrial hemp.

**Mr. Hilling** asked Mr. Turney to elaborate on his comments regarding his suspicious of FPD due to the events at the last Council meeting.

Mr. Turney explained that he thought it was “convenient” that the shooting threat occurred during the consideration of the PSEA labor contract. He suggested that the threat was a ruse.

Mystiek Lockery, 1870 Dawson Road, North Pole – Ms. Lockery spoke in favor of the legalization of marijuana. She stated that she has created a website dedicated to the truthful information about marijuana titled, “*Marijuana, the Truth of the Matter.*” She read aloud a handout she drafted for the Council speaking to the content of the website and the reliability of the information. She stated that she is promoting her ideas because she believes them to be true and encouraged everyone to view the website.

Barb Schneider, 1223 2nd Avenue, Fairbanks – Ms. Schneider stated that she has lived in Fairbanks for 63 years and that this is the first time she has felt compelled to attend a City Council meeting. She expressed her disgust with the APOC v. Eberhart issue. She stated that she was surprised to read in the newspaper that Mayor Eberhart had hired outside legal counsel that has already cost thousands of dollars to make a point about a \$37.50 APOC fine. Ms. Schneider stated that she is almost certain that there will be a much more considerable attorney bill over the course of the appeal. She stated that the appeal is frivolous and the fine picayune. She stated that having been a legal secretary for over 30 years, she understands what happens when one party has deep pockets. Ms. Schneider asked Mayor Eberhart why he did not use the City’s Attorney if he thought it necessary to file the appeal. She asked Mayor Eberhart if his desire to be vindicated from a small fine overshadows the taxpayers’ right to have their tax dollars handled in a responsible and prudent way. Ms. Schneider stated that any Council Member who voted to support the City’s representation of Mayor Eberhart in the APOC case should be removed from office.

Candy Carroll, 1221 3rd Avenue, Fairbanks – Ms. Carroll encouraged the City Council to revisit the PSEA contract. She stated that she hopes the Council has been unaware of the Mayor’s decision to spend over \$7,000 in taxpayer dollars in outside counsel to defend a \$37.50 fine. Ms. Carroll read aloud the City of Fairbanks’ mission statement and emphasized the portion that speaks to the City’s goal to provide “sound management of community assets.” She spoke to the debate between Mayor Eberhart and Ms. Stiver during the 2013 Election campaign and to Mayor Eberhart’s clear misuse of City resources during that time. Ms. Carroll expressed her belief that Mayor Eberhart should be recalled from his position for embarrassing the City of Fairbanks and for misusing City resources. She offered to write a personal check made payable to APOC in the amount of \$37.50 if it would stop the litigation. She guaranteed that if any of the seated Council Members attempt to run for public office in the future, she would make it a personal mission to remind the community of this specific misuse of taxpayer dollars by the City of Fairbanks. Ms. Carroll stated that if the litigation continues, City residents should start a recall petition to remove Mayor Eberhart from office before any more taxpayer dollars are wasted. She reminded elected officials that, “Just because you can doesn’t mean you should.”

April Monroe Frick, 635 Fox Hollow Lane, Fairbanks – Ms. Frick thanked Mayor Eberhart for taking the position that there should be a federal investigation of the Fairbanks Four case. She applauded the Mayor and the City Council stating that it was an honest and brave choice in the goal towards transparency. She stated that the action is also a financially responsible one in that honesty limits liability.

Michael Walleri, 2518 Riverview Drive, Fairbanks – Mr. Walleri stated that in his 35-year experience practicing law, he is always amazed at the media’s coverage on cases such as this. He commented that press coverage is not always a good estimation of what is really happening. He stated that the APOC v. Eberhart matter is really about one of the major issues going on in the United States, the freedom of speech. He stated that two recent decisions of the Supreme Court stated that the “ankle-biting” going on in elections today is not necessarily constitutional. Mr. Walleri stated that the complaints filed with APOC and the Ethics Committee over minor matters discourage free speech. He commented that if Americans want to live in a country that honors free speech they need to stop government overreach. Mr. Walleri remarked that there have been more complaints filed with APOC than with the Federal Election Commission who is on a national level. He stated that the majority of APOC complaints are over minor matters with minor fine amounts, such as the \$37.50 fine discussed earlier. He spoke to the Lowell v. Hayes case several years ago in which a City of Fairbanks mayor made a statement to legislators accusing Lowell of perjury. He stated that the whole case came down to an apology, not money, and that the City’s legal department defended the rights of that mayor all the way to the Alaska Supreme Court. Mr. Walleri suggested that the recent outcry from the public over the Eberhart v. APOC case may be politically motivated. He also suggested that Ms. Gilbert filed the APOC complaint in retaliation against Mr. Arnold and Ms. O’Neill.

Vivian Stiver, 523 2nd Avenue, Fairbanks – Ms. Stiver stated that she contacted the Alaska Municipal League (AML) and asked them about the law in reference to the APOC v. Eberhart case because she was curious whether AML was in support of an elected official using municipal equipment during a campaign. She addressed the public, warning them that they need to wake up. Ms. Stiver commented that Mr. Walleri’s suggestion that the public outcry may be politically motivated is outrageous. She spoke to the filing of the APOC complaint by the Eberhart campaign right before the 2013 Municipal Election. Ms. Stiver stated that it made her

sick when the Eberhart campaign cast doubt upon her and implied that she was racially prejudiced. She spoke to the shame that Mayor Eberhart has brought upon the Fairbanks community on a national level and stated that she cannot tolerate the dismissal of public outcry.

Lee Despain, 352 Driveway Street, Fairbanks – Mr. Despain commended Mayor Eberhart for instituting the investigation into the Fairbanks Four case. He briefly spoke to the history of Mayor Eberhart’s employment as an attorney for the City of Fairbanks. He stated that Mr. Eberhart spent millions of taxpayer dollars unsuccessfully defending the City in the City of Fairbanks v. Rice/Despain case a number of years ago. He referred to the APOC v. Eberhart case as a joke. He stated that although he is unsure of the dollar amount spent in the Rice/Despain case due to poor bookkeeping at that time, he is confident that it was millions of taxpayer dollars. Mr. Despain questioned why Mayor Eberhart is not personally funding his fight in the case against APOC, then request reimbursement from the City after it is over. He stated that Mayor Eberhart has a history of spending large amounts of taxpayer dollars on “goose chases” without apology.

Tillila Beetus, 2225 Rickert Street, Fairbanks – Ms. Beetus thanked Mayor Eberhart on behalf of her family and friends for supporting an investigation of the Fairbanks Four case.

Scott McCrea, 2965 Westgate Place, Fairbanks – Mr. McCrea stated that he is the Director of Tourism for Explore Fairbanks. He updated the Council on what has been happening in the tourism industry in Fairbanks. He spoke to how the tourism department operates and presented the most recent publishing of Explore Fairbanks’ Group Tour Manual. Mr. McCrea spoke specifically to the rapidly-growing familiarization (FAM) tours and explained that these types of tours bring travel agents or group operators to Fairbanks to showcase what the community has to offer for their clients. He shared that Fairbanks has already entered the aurora season when the northern lights are visible. Mr. McCrea thanked the Council for reinvesting bed tax dollars into destination marketing.

Misty Nickoli, 320 Faith Lane, Fairbanks – Ms. Nickoli expressed thanks to Mayor Eberhart for supporting a federal investigation of the Fairbanks Four case. She stated that by doing so, it sends a message to Fairbanks citizens that justice is a primary concern of City government and that our freedom cannot be threatened without just cause.

Ron Kovalik, PO Box 72563, Fairbanks – Mr. Kovalik quoted H.L. Menckens’ statement that “Decent men are ashamed of the government they live under.” He stated that local government officials should quit pretending to serve the citizens and suggested that their mission is to abuse and enslave taxpayers by tightening the stranglehold on the ballot box. Mr. Kovalik spoke to the corruption in local elections stating that the “payrollees” decide who gets elected. He expressed his disgust that a citizen cannot get elected unless they violate the rules.

Donna Gilbert, 2223 South Cushman Street, Fairbanks – Ms. Gilbert stated that Eberhart’s campaign started the retaliation when they filed an APOC complaint against her and Ms. Stiver during the campaign. She stated that when she and Ms. Stiver were each fined \$650 they willingly paid the penalties. Ms. Gilbert stated that it is illegal for a candidate to use City equipment in a campaign and suggested that Mayor Eberhart knowingly violated City Code. She stated that Mayor Eberhart should own up to his mistake and pay the fine. Ms. Gilbert stated that if City Attorney Ewers indemnified Mayor Eberhart for knowingly breaking a law then the City

needs a new attorney. She stated that indemnification should be reserved for those who have unknowingly made a mistake. She read aloud a portion of an emailed request from then mayoral candidate John Eberhart to the City Clerk.

Chick Wallace, 80 B Street, Fairbanks – Mr. Wallace spoke in shock that the City had already paid over \$7,000 to defend Mayor Eberhart over a fine of \$37.50. He chastised the City Council for being unwise stewards of City money and expressed his opinion that the issue is absurd and is not about the freedom of speech. He suggested that Mayor Eberhart repay the City for attorney fees in the APOC v. Eberhart case. Mr. Wallace expressed his outrage that the City Council is allowing the situation to perpetuate and asked who selected Mr. Walleri to defend Mayor Eberhart.

Hazel Mayo, 1031 26th Avenue, Fairbanks – Ms. Mayo thanked Mayor Eberhart for seeking justice in the Fairbanks Four case. She stated that she prays the City Council feels the same.

Princess Lucaj – Ms. Lucaj stated that she has never attended a City Hall meeting, but that she is giving testimony because she cares deeply about social justice. She commended Mayor Eberhart for supporting a federal investigation of the Fairbanks Four case. Ms. Lucaj stated that she wished the Fairbanks Four case had received national news coverage like the APOC v. Eberhart case because it is about the lives of four young men. She spoke to her own experiences with racism as an Alaska Native and spoke to racial injustice as being a statewide issue. Ms. Lucaj expressed disappointment that she had to hear all the personal accusations being delivered at her first City Hall experience. She stated that she hopes true justice is brought in the case of the Fairbanks Four.

Robert Fox, 843 5th Avenue, Fairbanks – Mr. Fox stated that earlier comments on the APOC fine reflect his feelings about the issue. He stated that City taxpayers have been unfairly put on the hook and that he does not believe it is an issue of free speech. He recommended that the Council and Mayor Eberhart take a step back and reconsider who should pay for the fine. Mr. Fox spoke briefly to labor negotiations, stating that he is strongly opposed to allowing the police department to move to a 36-hour work week.

Skye Malemute, 5095 George Nelson Avenue, Fairbanks – Ms. Malemute thanked Mayor Eberhart for speaking out on behalf of the Fairbanks Four, four men who have been behind bars for 17 years. She compared the amount of taxpayer dollars being spent on the current APOC v. Eberhart issue versus how much of the taxpayer's money was spent to wrongfully convict four innocent men. Ms. Malemute stated that she has fought for her country and has done two tours to Iraq. She stated that she is ashamed to have fought for a community of people who cannot come together and speak to each other with respect. She stated that the four innocent men in prison have missed out on their children and grandchildren's lives and suggested that those present put things into perspective. Ms. Malemute spoke to another case where a man was suspected of committing a murder in Anchorage although he was in Las Vegas with his family at the time of the crime. She thanked the media who come forward and respect all sides of a story and tell the truth. Ms. Malemute commented on the childish remarks being made in the room while other people were speaking during the evening's meeting and stated that people should respect one another even when they disagree.



Terra Sipple, PO Box 83903, Fairbanks – Ms. Sipple commented that anyone who runs for public office should expect criticism. She expressed her support and respect for Mayor Eberhart.

Tim Staton, 4636 Fairchild Avenue – Mr. Staton stated his support for Mr. Matherly's reconsideration of the police contract. He encouraged the Council to also support the reconsideration.

David Pruhs, 324 Brandt Street, Fairbanks – Mr. Pruhs spoke in support of Ordinance No. 5954. He stated that the Yukon Quest organization has taken good care of the City-owned property and that they represent the flavor of Fairbanks. He stated that the Yukon Quest deserves the opportunity to stay in the cabin.

**Mayor Eberhart** clarified that the Motion to Suspend the Rules and Ordinances 5954, 5955 and 5956 are up for second reading and will come up under Unfinished Business.

Adrienne Titus, 2345 Maria Street, Fairbanks – Ms. Titus read aloud a quote and commended Mayor Eberhart and everyone who supported the federal investigation of the Fairbanks Four case. She stated that she calls Fairbanks home and that she believes it is a safe place to raise a family. Ms. Titus expressed her belief that the movement will ground young men and make them feel secure that more injustice will not be done.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger stated that the potholes on 10th Avenue were repaired very quickly after the road reconstruction near Raven Landing was completed. He indicated that Gilmore Street needs a great deal of pothole repair and suggested that the repairs are not being done because it is a low-income housing area. Mr. Buberger stated that the \$37.50 APOC fine is pathetic and added that the City should not be liable for the litigation costs. He suggested that Mayor Eberhart should have struck a deal with APOC because of his experience in law and arbitration to save City taxpayers' money.

Nate Brown, 1430 102nd Street, #3, Fort Wainwright – Mr. Brown stated that he came to the meeting because he was concerned after reading some articles in the News Miner. He stated that he is humbled by those present who spoke on behalf of the Fairbanks Four and expressed agreement that there are bigger issues to be concerned with than a \$37.50 fine. Mr. Brown stated that he voted for Mayor Eberhart and that the APOC issue stinks of politics. He stated that he will support Mayor Eberhart until he is proven guilty and also expressed his support for the investigation of the Fairbanks Four case.

Gloria Desrochers, 113 Cowles Street, Fairbanks – Ms. Desrochers stated that someone in leadership seems to be hiding behind their power. She spoke against Mayor Eberhart's fight against APOC and stated that he should not be allowing City taxpayers to pay the bill.

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

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

**Mayor Eberhart**, in response to Mr. Turney's question about the threatening phone calls at the last Council Meeting, commented that the calls came from Google phone. He stated that the

police department has not been able to trace the calls but indicated that they are attempting to obtain a search warrant for Google. **Mayor Eberhart** addressed the APOC issue and stated that the matter is not about the \$37.50 but is about unrestrained government and an out-of-control government agency. He stated that the APOC staff report did not support Ms. Gilbert's allegations and commented that the matter should have been dismissed. He likened APOC's investigation to a fishing expedition, stating that they contacted the City Clerk and requested all his sent emails for a period of about six months. He explained that the Clerk fulfilled the request with 99 emails and withheld one as privileged. **Mayor Eberhart** stated that APOC staff focused on one email in which he had asked City Clerk Hovenden to produce a list of ordinances and resolutions that he and Ms. Stiver had sponsored, respectively. He explained that the APOC report stated that the email *could* have influenced the election, but that APOC did not find any evidence that he actually used the information during his campaign. **Mayor Eberhart** stated that he has tried numerous times to settle the issue for an amount in excess of \$37.50 without any admission of wrongdoing, but indicated that APOC has refused. He stated that the accusation against him could be considered quasi-criminal in nature and that he is choosing to fight it because he believes APOC was wrong, unreasonable and arbitrary and inconsistent in their decision-making. He commented that APOC has a pattern of levying small fines so that most individuals cannot afford to fight them. He stated that he agrees with Ms. Stiver that APOC should focus more on education and corrective action versus "gotcha politics." **Mayor Eberhart** stated that because APOC would not agree to settle without an admission of wrongdoing, he was forced to hire an attorney to represent him. He spoke to the meaning of deliberative process privilege and to the importance of protecting that privilege for elected officials. **Mayor Eberhart** stated that during the campaign some of his opponent's supporters began criticizing his record and comparing it to that of his opponent. He explained that he sent the email to the City Clerk because he wanted to refresh his memory and be better prepared for future attacks. He stated that it was Ms. Stiver's supporters who injected the issue of the candidates' voting records into City Council business. **Mayor Eberhart** explained that the City is paying for the outside counsel costs because he was a City Council Member at the time and the issue relates to City Council matters or actions. He stated that City Attorney Ewers has conflicts of interest and is unable to represent him in the APOC case. He provided examples of other cases where the City has indemnified and defended other Mayors and Council Members. **Mayor Eberhart** listed the important issues as such: 1) protecting the deliberative process privilege for all Mayors and Council Members, 2) protecting the free speech rights of public officials, 3) the use of the wrong standard by APOC, 4) his unwillingness to admit fault for an action he does not believe he committed. **Mayor Eberhart** commented that AML may hold a session on APOC at its annual conference in November. He expressed his intent to continue the fight against APOC and stated that he believes he will win the case. He related his plan to then seek collection of attorney fees against APOC to repay the City in full. He stated that APOC is unrestrained and out of control. **Mayor Eberhart** read aloud an Interior Alaska Community Preparedness Proclamation declaring September 2014 as National Preparedness Month and encouraging all citizens and businesses to develop their own emergency preparedness plan. He announced that the City hired a new IT Director, Benjamin Barrio. He listed the many events and activities of the Mayor's Office since the last Regular City Council Meeting.

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

## UNFINISHED BUSINESS

- a) Request by Council Member Matherly to Suspend the Rules Concerning the Reconsideration of Ordinance No. 5953, an Ordinance Ratifying a Labor Agreement Between the City of Fairbanks and the Public Safety Employees Association, Fairbanks Police Department Chapter.

Note: The request was filed Wednesday, August 27, 2014, at 2:44 p.m. According to FGC Section 2-120(g), the request for reconsideration was not filed timely.

**Mr. Matherly**, seconded by **Mr. Hilling**, moved to SUSPEND THE RULES.

**Mr. Hilling** requested clarification on parliamentary procedure pertaining to suspension of the rules.

**Mayor Eberhart**, City Attorney Ewers and City Clerk Hovenden provided additional clarification on Suspension of the Rules per the Fairbanks General Code and Robert's Rules of Order. They stated that a motion to Suspend the Rules is not debatable.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUSPEND THE RULES AS FOLLOWS:

YEAS: Gatewood, Walley, Matherly, Staley, Hilling

NAYS: Anderson

**Mayor Eberhart** declared the MOTION CARRIED.

**Mr. Hilling**, seconded by **Mr. Matherly**, moved to RECONSIDER Ordinance No. 5953.

**Mr. Hilling** asked how the Motion to Reconsider will work.

**Mayor Eberhart** explained that the vote on the Motion to Reconsider will take a simple majority. He stated at that point it will reopen Ordinance No. 5953 as if the original vote never occurred. He clarified, however, that if there are four or more votes against the Motion to Reconsider, Ordinance No. 5953 will remain ratified.

**Mr. Anderson** asked if an ordinance may be reconsidered more than once.

City Attorney Ewers replied that an ordinance may not be reconsidered more than once, even if the Council's action is different than it was originally.

**Mr. Gatewood** asked if the public will have an opportunity to speak to the reconsideration.

City Clerk Hovenden affirmed that the item is not up for public hearing.

**Mr. Matherly** stated that after the original vote on the ordinance, he looked at the contract more closely with the Finance Department and members of the Finance Committee. He stated that his concern is with the cost to the City and that he feels it was worth bringing back to the Council for discussion and reconsideration. **Mr. Matherly** indicated that he felt that his reconsideration was

timely since the meeting where Ordinance No. 5953 was adopted did not adjourn until after midnight.

**Mr. Hilling** moved to allow Public Testimony.

**Mr. Matherly** asked if public comment could be permitted by the Council prior to the vote on the Motion to Reconsider.

**Mayor Eberhart** stated that he does not recall ever witnessing a Motion to Reconsider. He commented that it is somewhat unfamiliar territory and that the Clerk and Attorney are working to answer Mr. Matherly's question.

City Clerk Hovenden stated that it is the prerogative of the Council to allow public comment on the reconsideration.

City Attorney Ewers added that the Council is also free to request staff reports if they wish. He clarified that the FGC states that the public may make comment to the Council at any time by leave of the Presiding Officer or of the Council.

**Mr. Hilling** restated his motion to allow for Public Testimony and no members objected.

**Mayor Eberhart** called for Public Testimony.

Donna Gilbert, 2223 South Cushman Street, Fairbanks – Ms. Gilbert encouraged the Council to reconsider Ordinance No. 5953. She stated that she has nothing but respect for the employees of FPD. She spoke to the large number of military personnel and service industry employees in the Fairbanks community and stated that their wages are low in comparison to that of the City of Fairbanks' employees. Ms. Gilbert stated that she was offended recently when she filed a referendum at the City Clerk's Office. She explained that she was first questioned as to the number of signatures required then questioned as to why she was filing the referendum. She stated that the employee commented that City employees have been doing without for a long time. Ms. Gilbert stated that her nephew who served in the military had an increase of only \$5,000 over an eight year period and that the particular City employee she was speaking with had received \$10,000 in wage increases within two years. Ms. Gilbert stated that the community cannot afford large increases for City employees or the PSEA contract under consideration. She stated that many Fairbanks residents are relocating and many local businesses are closing their doors due to the high cost of living in the Interior. She stated that she has had to close the Ranch Motel because she could not afford the taxes and utility costs. Ms. Gilbert stated that her sister-in-law is the director for the Federal Bureau of Investigation (FBI) and earns less than many of the City's police officers. She thanked Mr. Matherly for filing the Reconsideration.

Jeff Johnson, 3283 Riverview Drive, Fairbanks – Mr. Johnson stated that he serves on the City's Finance Committee. He stated that there are some items in the Finance Department's cost analysis of the PSEA contract that need to be clarified. He stated that he emailed three worksheets to the Council and distributed extra copies. Mr. Johnson spoke specifically to the estimated costs of the contract and the projection of hours worked. He spoke to the assumptions and calculations of the spreadsheets he provided and pointed out that his numbers differ from

those previously provided in the projected costs of the contract. Mr. Johnson estimated that the cost of the PSEA contract would be much higher than what the fiscal note indicated.

**Mr. Matherly** asked Mr. Johnson why he assumed 100% backfill of positions in his analysis.

Mr. Johnson explained that the increased annual leave of 60 hours per senior officer would have to be made up by backfilling. He stated that he assumes the police department will still have to have someone work those hours while an officer is on paid leave.

**Mr. Hilling** asked Mr. Johnson what he estimates the cost will be to have police officers backfill those hours in 2015.

Mr. Johnson stated that sheet two of the handouts details the estimate. He explained that the previous estimates only calculated backfill at a 50% rate, which he believes is inaccurate. He stated that for 2015, he believes the total increased cost to fund the PSEA contract would be about \$1,068,147.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger stated that he has never received paid overtime or a paid holiday in his life. He commented that the younger generation's goal is to get a high school diploma and find a government job so that they can receive good benefits without working very hard. Mr. Buberger stated that if City employees are not satisfied in their jobs they should find work elsewhere. He commented that officers should work 8 hours a day, five days a week with no overtime unless there is an emergency and that they should not be allowed to drive City vehicles home every night. Mr. Buberger stated that the City should file for bankruptcy, disperse the Permanent Fund to the taxpayers, get rid of all the unions and hire new staff that will work for a decent wage without complaining. He encouraged the Council to do the right thing for the community.

Ann Roberts, 2821 Totem Drive, Fairbanks – Ms. Roberts spoke to the \$500,000 penalty set forth in the PSEA contract that could be imposed upon either party should they not abide by the agreement. She expressed concern that it would bind a future Council and commented that she is confused as to how the language was even allowed.

Jerry Cleworth, 907 Park Drive, Fairbanks – Mr. Cleworth stated that the vote on the PSEA contract could be the most important vote some may ever make as Council Members. He explained that the contract will establish a precedent for other labor contracts. He focused on the increase to the City's healthcare contribution in the PSEA contract and stated that if the same healthcare increase is given to the other unions it will cost the City an estimated \$350,000 more per year in the next couple years. He stated that the PSEA contract is not affordable under the current revenue scenarios. Mr. Cleworth asked the Council where and how they plan to gain more revenue. He urged the Council to vote against Ordinance No. 5953 and go back to negotiations with PSEA.

Lee Despain, 352 Driveway Street, Fairbanks – Mr. Despain stated that he was a negotiator for the Fire Department for about 20 years and that he believes Mr. Cleworth, Mr. Johnson and Mr. Matherly deserve a vote of confidence for revisiting the PSEA ordinance. Mr. Despain indicated that there is no way to cut hours and maintain current staff levels without increasing overtime. He spoke to the compounded effects of the reduction in the hourly work week

combined with the increase to annual leave hours. Mr. Despain spoke against the ratification of the PSEA contract and expressed his belief that the Council has been lied to in regard to its overall cost.

Ron Dupee, PSEA President – Mr. Dupee stated that he is confused by Mr. Johnson's assumption that the increased annual leave hours would have to be backfilled by other officers. He stated that FPD does not backfill positions on leave with overtime. He clarified that there are provisions in place so that only a minimum number of officers may take leave at the same time. Mr. Dupee stated that three Certified Public Accountants (CPA's) crunched the numbers in the contract with confidence that the contract can work. He spoke to the importance of trusting the negotiation process and those who were involved. Mr. Dupee expressed his belief that the PSEA contract is fair for both parties, will attract new applicants to the police department, and will encourage the retention of employees.

**Mr. Hilling** asked Mr. Dupee if he is recommending a reduction in the police force.

Mr. Dupee clarified that he does not support backfilling positions when an officer is on leave. He spoke to the higher wages of police officers, dispatchers and supervisors in Juneau and stated that the PSEA contract will help to somewhat close that gap.

**Mr. Anderson** asked Mr. Dupee to compare annual leave between FPD and Juneau's Police Department.

Mr. Dupee replied that even if the City of Fairbanks increased its officers' annual leave to 300 hours per year, it would still be second from the bottom in the list of municipalities within the entire State of Alaska in regard to annual leave.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney expressed hope that the Council would take the advice of Mr. Johnson. He suggested that Mr. Dupee may try to create a morale problem within the police department and spoke to how he witnessed Mr. Dupee lie under oath. He stated that he would not trust Mr. Dupee.

Brenda Geier, FPD Dispatch Center Supervisor – Ms. Geier stated that she was on the committee that negotiated the PSEA contract. She spoke to the retention problem particularly in the Dispatch Department due to non-competitive wages and expensive healthcare. Ms. Geier stated that her department must be minimally manned with three people at all times and that it results in a great deal of overtime. She expressed frustration in the department's inability to retain trained employees and stated that the PSEA contract would help solve retention problems.

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

**Mr. Matherly** requested that City staff come forward to provide a staff report.

Ms. Randle stated that she agrees with Mr. Johnson's cost analysis based on different assumptions. She spoke to the two major differences in the cost estimate Mr. Johnson provided and the one drafted by the Finance Department: backfill of increased annual leave hours and the

reduction in the hourly work week. She stated that former Chief Zager believed he could manage the backfill of annual leave at a 50% rate instead of Mr. Johnson's 100% assumption.

**Mr. Matherly** asked Ms. Randle if she believes the Mr. Johnson's scenario could realistically play out.

Ms. Randle expressed her belief that Mr. Johnson's analysis is reasonable, but may illustrate a worst case scenario. She stated that if the administration can actively manage the backfill and limit the hourly work week to 36 hours there will be a savings. She indicated that she is unsure whether those are realistic expectations and that there are many unknowns. Ms. Randle stated that the actual costs will likely be somewhere in between the Finance Department's estimates and Mr. Johnson's projections unless there is very tight management at FPD.

Chief of Staff Jim Williams stated that the original fiscal note presented with Ordinance No. 5953 was researched and calculated very carefully based on a 36-hour workweek. He stated that the conflicting opinions presented are based on much different assumptions.

**Mr. Matherly** asked Mr. Williams if he believes the City can afford the PSEA contract.

Mr. Williams replied that he believes the City can afford the contract if it is tightly managed.

**Mr. Matherly** asked Mr. Williams how the City can ensure the proper management and control the 36-hour work week at FPD.

Mr. Williams stated that leave will have to be better managed and that shift lieutenants will have to be sure that officers go home when they reach 36 hours.

**Mr. Matherly** asked Mr. Williams if he believes the approval of the PSEA contract will add more pressure on the City from other unions.

Mr. Williams replied affirmatively.

**Mr. Anderson** reminded the Council that Dominic Lozano, President of the Firefighters Union, openly admitted that they would ask for similar items in the PSEA contract if it were ratified.

**Mr. Walley** asked Ms. Randle if she agrees that the numbers could be even more disastrous for the City if either party opts out.

Ms. Randle replied affirmatively.

**Mr. Matherly** stated that he considers the needs of the Dispatch Center more crucial than that of the Police Department. He spoke to the importance of employee retention and requested that Dispatch Manager Stephanie Johnson come forward to comment on the contract.

Ms. Johnson agreed with earlier comments that success of the contract will be very dependent on how it is managed by both the Police Department and the Dispatch Center. She stated that the contract outlines working rules relating to staffing and shiftwork unique to her department, where before Dispatch was lumped in with the Police Department. She explained that the new

rules will allow her to create a blend of schedules: 8, 9 or 12 hour shifts. Ms. Johnson stated that three new dispatchers were just hired and that the technicalities of the job require a thorough and rigorous training process. She expressed her belief that she could make the contract work for her department and indicated that the Acting Chief and Deputy Chief at the Police Department have been looking at different schedules that would work under the new contract. She stated that letters of agreement have been implemented and other measures have been taken in the past to resolve shiftwork problems and overtime issues. She stated that overtime can be a good thing when it comes in small blocks, but shared that some dispatchers are working 20-30 hours per week in overtime and are having to work on their scheduled days off.

**Mr. Anderson** asked how many dispatchers Ms. Johnson would like to have fully trained and on staff.

Ms. Johnson replied that there are 18 1/2 employees in the Dispatch Center including herself, one full-time and one part-time employee that work the front desk of the Police Department and six who are currently in training. She stated her belief that her department should be staffed at about 20.

**Mr. Anderson** stated that he heard that in Detroit, Michigan it takes 48 hours for police to respond to a 9-1-1 call.

Ms. Johnson stated that the City of Fairbanks does better than that.

**Mr. Walley** asked Ms. Johnson if it would solve some of the problems within her department by amending the sections of the contract pertaining to the working rules of the Dispatch Center.

Ms. Johnson replied that changes to the contract would manage the problems in a more fair way, but would not completely solve her staffing and overtime problems. She clarified that some of the problems are unique to Dispatch and are not a problem for the Police Department.

**Mayor Eberhart** asked Mr. Williams if at one point during negotiations it appeared that the parties were at an impasse and would not reach an agreement.

Mr. Williams stated that early in negotiations it appeared that the parties were not going to agree on a contract. He explained that when former Chief Zager introduced the reduced work week concept, the numbers were crunched and progress started to be made. He stated that the City is seeing evidence of a savings of police officers' time through the expansion of the Community Service Patrol (CSP). He added that the new Public Safety Assistants (PSA's) will be taking over many of the administrative tasks of the officers which will also free up more of the sworn officers' time.

**Mayor Eberhart** asked Mr. Williams if the PSEA contract will save the City money on current wages and overhead.

Mr. Williams replied that if management sticks to the assumptions set forth, the contract will save the City money.



**Mr. Eberhart** asked if the City's healthcare contribution for PSEA employees is significantly lower than what other municipalities are paying on behalf of their public safety employees.

Mr. Williams replied affirmatively.

**Mr. Hilling** asked Mr. Williams if the estimated 16,000-hour annual reduction in work force would be completely offset by the addition of the PSA's and the expanded CSP.

Mr. Williams replied that some of the lost hours would be made up but that he could not quantify how much. At Mr. Hilling's insistence, Mr. Williams provided a rough estimate that 25-50% of the lost hours would be made up by the PSA's and CSP.

Acting Police Chief Johnson spoke to the implementation of the contract and stated that it is the department head's job to manage employees' hours within the parameters of the policies and contract in place. He stated that Mr. Johnson's assumption that employees would still be working 40 hours per week under the new contract is inaccurate. Chief Johnson explained that when there are extreme shift shortages, positions are backfilled but clarified that there are no established minimum staffing requirements in place for those situations. Chief Johnson further explained that the use of annual leave is also managed by policy to eliminate staffing shortages and the need to backfill. He stated that the department administration believes that the original fiscal note to Ordinance No. 5953 is based on sound and accurate assumptions.

**Mr. Hilling** asked Chief Johnson if he would agree that there will be an estimated 12% reduction in force by not backfilling the hours missed due to the reduced hourly work week.

Chief Johnson replied that he does not believe that operationally the change in hours will equate to a 12% reduction in force. He explained that the police department has developed a 9-hour/4-day weekly schedule with overlap periods built in that will not cause a big change to normal staffing levels.

**Mr. Hilling** commented that Chief Johnson's claim that staffing levels will not be significantly affected may be due to inefficient operations of the police department until now. He asked Chief Johnson to speak to that suspicion.

Chief Johnson clarified that the staffing levels may be different at FPD but not significantly reduced due to the shortened work week. He explained that the City could not afford both a bump in healthcare and a reasonable increase to employees so the reduced work week was a compromise. He stated that he does not believe that his officers are working inefficiently. He commented that the shortened work week will allow FPD to continue to provide good service to City of Fairbanks residents.

**Mr. Matherly** spoke to Ann Roberts' earlier testimony that the Council's decision on the contract may bind future Councils. He asked Mr. Williams what might happen if either party chose to opt out of the contract.

Mr. Williams stated that after one year, if either party feels that the reduced work week is not working, FPD will go back to the way it was. He explained that it would be more expensive for

PSEA to opt out than it would be for the City but that it will cost the City no matter who opts out.

**Mayor Eberhart** spoke to Section 11.14(e) of the contract which addresses the consequences of either party's election to end the 36-hour work week. He pointed out that there is a higher penalty for the City to end the shift schedule because the union was concerned that the City may take the decision to end the schedule too lightly.

**Mr. Gatewood** expressed his belief that the reduced work week concept introduced by Chief Zager is a best case scenario and that Mr. Jeff Johnson's assumptions are a worst case scenario. He agreed with Chief Johnson and Mr. Dupee that the City would not have to backfill positions 100%. **Mr. Gatewood** spoke with understanding to both sides of the issue and gave merit to each argument. He stated that when the contract was first presented with a cost savings to the City the Council thought it was very attractive even though it provided a 10% increase to wages. He stated that the Council has a responsibility to keep all the City's labor contracts as similar as possible and that if nothing else, the other unions will ask for a similar increase to the City's contribution to their individual health plans. **Mr. Gatewood** stated that the City cannot afford to contribute differing amounts to the respective union health plans. He commented that from a personal standpoint he would rather not entertain reconsideration, but that based on the feedback he has received from constituents he feels compelled to vote in favor of the reconsideration. He expressed his belief that the PSEA contract as it stands would hurt the City of Fairbanks.

**Mr. Hilling** stated that as an elected official, the most ethical and moral way to vote is according to what he believes to be right which may not always be what his constituents want. He spoke to the 10% reduction in work force and again suggested that there must have been a lack of efficiency at FPD up to this point if that 10% reduction will not equate to a lower level of staffing. **Mr. Hilling** stated that he does not believe that attrition is taking place at the Police Department on a large scale. He stated that if the dispatchers are not getting enough pay, the City may have to increase their wages in order to retain employees. He stated that it is imperative that the Council reconsider the PSEA contract. **Mr. Hilling** commented that just because other municipalities are paying their police officers a higher wage it does not justify an increase to the City of Fairbanks' police wages.

**Ms. Staley** stated that she is pleased that the contract is being brought up for reconsideration because she also received a lot of feedback from constituents. She reminded the Council that the CSP does not have a permanent funding source and could be at risk in the future.

**Mr. Anderson** stated that he has not had many phone calls from the public. He spoke to the City Fire Department's excellent Insurance Services Office (ISO) rating of level one in the early to mid-1980's when there were 80 fire employees. He stated that within three years, the rating fell to a level four or five which cost individuals \$600 each. **Mr. Anderson** stated that he would hate to see that kind of thing happen again. He commented that City employees are not line items or numbers on a spreadsheet. He stated that police officers work on the front lines in high risk jobs and that the City needs to maintain good public safety services by trained staff. He stated that wage parity matters to him and that he wants to take good care of City employees to retain them. **Mr. Anderson** spoke to the importance of bargaining in good faith and keeping morale up and stated that he will vote against the reconsideration.

**Mr. Walley** stated that the Council has been slammed with numbers over the past several months. He stated that the real question is whether the City can afford the contract, assuming the cost will fall in the middle of the worst case scenario and the best case scenario. He stated that the answer is no. He indicated that he would not support the contract.

**Mr. Matherly** stated that his intent is not to treat City employees like line items, but pointed out that the Council is elected to watch the bottom line. He commented that he also received a lot of calls from constituents and that he felt that filing the reconsideration was the right thing to do to gain more information. **Mr. Matherly** stated that he feels somewhat torn with the decision on the contract because he wants to trust the City's leaders. He stated that morale is very important, especially under the circumstances in the Dispatch Center.

**Mayor Eberhart** stated that the contract pertains to City employees that need to be valued and rewarded. He spoke optimistically about the future of the local economy. He stated that the negotiating team worked for many months to arrive at the PSEA agreement and reminded the Council that City department heads believe that the contract will work. **Mayor Eberhart** expressed his belief that the fiscal note on Ordinance No. 5953 is solid. He stated that if the contract does not pass, the issue will likely go to arbitration and the City would be faced with the possibility of non-funding. He stated that one of the fundamental rules of Robert's Rules of Order is to accept the will of the majority. He added that to undo the ratification of Ordinance No. 5953 would be very regressive and demoralizing.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO RECONSIDER ORDINANCE NO. 5953 AS FOLLOWS:

YEAS: Hilling, Walley, Staley, Gatewood  
NAYS: Matherly, Anderson  
**Mayor Eberhart** declared the MOTION CARRIED.

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

**Mr. Anderson**, seconded by **Ms. Staley**, moved to ADOPT Ordinance No. 5953.

**Mr. Hilling**, seconded by **Mr. Gatewood**, moved to POSTPONE Ordinance No. 5953 to the Regular Meeting of September 22, 2014.

**Mr. Walley**, seconded by **Ms. Staley**, moved to AMEND the motion on the floor by changing the postpone date from September 22, 2014 to November 3, 2014.

**Mr. Walley** expressed his belief that the Council needs more time to consider the new information before voting on the contract.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE MOTION ON THE FLOOR BY CHANGING THE POSTPONE DATE FROM SEPTEMBER 22, 2014 TO NOVEMBER 3, 2014 AS FOLLOWS:

YEAS: Gatewood, Staley, Hilling, Matherly, Walley  
NAYS: Anderson

**Mayor Eberhart** declared the MOTION CARRIED.

**Mr. Hilling** stated that the November 3 date will give the new members of the Council time to get up to speed before voting on the contract. He spoke in favor of the postponement.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE ORDINANCE NO. 5953 TO THE REGULAR MEETING OF NOVEMBER 3, 2014 AS FOLLOWS:

YEAS: Hilling, Walley, Staley, Matherly, Gatewood

NAYS: Anderson

**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 5953 POSTPONED until the Regular Meeting of November 3, 2014.

- b) Ordinance No. 5954 – An Ordinance Authorizing the Lease of City-Owned Real Property to Yukon Quest International, Ltd. Introduced by Council Member Matherly. SECOND READING AND PUBLIC HEARING.

**Mr. Anderson**, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5954.

**Mayor Eberhart** called for Public Testimony.

Marti Steury, 550 1st Avenue, Fairbanks – Ms. Steury thanked the City Council for taking the lease into consideration. She pointed out that the lease is uncomplicated and that the Yukon Quest understands that they are stewards of City property.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5954 AS FOLLOWS:

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

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 5954 ADOPTED.

- c) Ordinance No. 5955 – An Ordinance Amending the 2014 Operating and Capital Budgets for the Fifth Time. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

**Mr. Matherly**, seconded by **Mr. Anderson**, moved to ADOPT Ordinance No. 5955.

**Mr. Anderson**, seconded by **Mr. Gatewood**, moved to SUBSTITUTE Ordinance No. 5955, as Amended, for Ordinance No. 5955.

**Mayor Eberhart** called for objection to the substitution and, hearing none, so ORDERED.

**Mayor Eberhart** called for Public Testimony.

Donna Gilbert, 2223 South Cushman Street, Fairbanks – Ms. Gilbert expressed confusion as to why the Council would adopt an ordinance to fund the contract if the contract itself is postponed until November. She read aloud a letter from her nephew who serves in the military. She stated that even when he wrote to her from overseas during a time of war he did not whine about his situation. She stated that she spoke with her nephew last week and that he said his regular base salary is \$45,760 a year or \$59,760 a year for hazard pay. Ms. Gilbert stated that he worked long days, seven days a week with little to no breaks in the desert heat. She explained the hard conditions soldiers endure with little monetary compensation and spoke against fully funding the PSEA contract. She asked again why the Council is considering funding a contract that has been postponed to November.

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

**Mayor Eberhart** explained the differences between Ordinance No. 5955 and Ordinance No. 5955, as Amended. He expressed his support for the as Amended version.

**Mr. Anderson**, seconded by **Mr. Hilling**, moved to AMEND Ordinance No. 5955, as Amended, by striking all items except for the last bullet of item eight and all of item twelve in the fiscal note.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5955, AS AMENDED, BY STRIKING ALL ITEMS EXCEPT THE LAST BULLET OF ITEM EIGHT AND ALL OF ITEM TWELVE IN THE FISCAL NOTE AS FOLLOWS:

YEAS: Hilling, Anderson, Walley, Staley, Matherly

NAYS: Gatewood

**Mayor Eberhart** declared the MOTION CARRIED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5955, AS AMENDED, AS FOLLOWS:

YEAS: Walley, Matherly, Anderson, Hilling, Staley

NAYS: Gatewood

**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 5955, as Amended, ADOPTED.

d) Ordinance No. 5956 – An Ordinance Amending Fairbanks General Code Chapter 34, Article V, Tobacco Smoke, to Make Offenses Amenable to Resolution without Court Appearance. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

**Mr. Hilling**, seconded by **Mr. Anderson**, moved to ADOPT Ordinance No. 5956.

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

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5956 AS FOLLOWS:

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

NAYS: None

**Mayor Eberhart** declared the MOTION CARRIED and Ordinance No. 5956 ADOPTED.

### **NEW BUSINESS**

- a) Ordinance No. 5957 – An Ordinance Amending Fairbanks General Code Sections 2-260 and 2-261 Regarding the Authorized Investment Selections of the City Permanent Fund Investment Policy. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

### **DISCUSSION ITEMS**

#### Committee Reports

FMATS Policy Committee – **Mr. Walley** stated that the Policy Committee approved the new planning fund distribution. He announced that FMATS will receive an additional \$32,000 in planning funds. **Mr. Walley** stated that the Unified Planning Work Program (UPWP) for 2015 – 2016 was also approved and that the Badger Road corridor study was placed in the contingency project section, with about half of it funded through the added planning funds. He reported that \$375,000 in additional funding was approved to complete the South Cushman Street Project. **Mr. Walley** stated that the Committee reviewed a memo summarizing public input from the open house on the College Road reconfiguration and approved a letter of support for the Fairbanks International Airport master plan. **Mr. Walley** announced that the artist of *The Polaris* would hold a presentation at the Morris Thompson Cultural and Visitors Center on September 14 at 3 p.m. and the unveiling of the sculpture would be September 17 at 7 p.m.

### **COUNCIL MEMBERS' COMMENTS**

**Mr. Matherly** stated that he had no comments.

**Mr. Hilling** expressed appreciation for City staff and stated that they deserve to have good wages and benefits. He stated that he parked on 7th Avenue for five hours the Tuesday after Labor Day and did not receive a citation. He questioned the enforcement of parking rules by Golden Heart Parking Services (GHPS).

**Mr. Anderson** stated that the Diversity Council met for the first time on September 4 in the City Council Chambers. He indicated that he has never felt so welcomed or warmed by a group of people as he did with that particular crowd.

**Ms. Staley**, in response to Mr. Hilling's GHPS comment, stated that she is not sure why he did not receive a parking ticket. She thanked Deputy Clerk Snider for helping her get the word out through social media about the vacancy on the GHPS Board. **Ms. Staley** spoke to the discussion on the PSEA contract and expressed her agreement with Mr. Walley that the Council needs more time to ponder it.

**Mr. Walley** commented that the Council may feel rushed and not as clear in making decisions when a meeting runs very long. He stated that he believes that the issue deserves more consideration by the Council and that the Finance Committee is scheduled to meet four times before the November 3 meeting.

**Mr. Gatewood** pointed out that labor negotiations are generally discussed during Executive Sessions. He stated that he is unclear as to how it will work to discuss the issue in a public meeting.

**Mr. Walley** stated that he hopes to discuss the PSEA contract with Jeff Johnson during the Finance Committee meetings.

**Mr. Gatewood** stated that he had no further comments.

### **ADJOURNMENT**

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

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

**Mayor Eberhart** declared the Meeting adjourned at 11:50 p.m.

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JOHN EBERHART, MAYOR

ATTEST:

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JANEY HOVENDEN, MMC, CITY CLERK

Transcribed by: DS



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, SEPTEMBER 22, 2014  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 7:00 p.m. on the above date, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor pro tem Bernard Gatewood (Council Member, Seat C) presiding and with the following Council Members in attendance:

Council Members Present:        Renee Staley, Seat A (Telephonic)  
   Perry Walley, Seat B  
   Jim Matherly, Seat D  
   Lloyd Hilling, Seat E  
   Chris Anderson, Seat F

Absent:                                Mayor Eberhart

Also Present:                        Ernie Misewicz, Assistant Fire Chief  
   Paul Ewers, City Attorney  
   Janey Hovenden, City Clerk  
   Jim Williams, Chief of Staff  
   Barbara Sunday, Director HR/Risk Management/Purchasing  
   Brad Johnson, Acting Police Chief

**INVOCATION**

The Invocation was given by City Clerk Janey Hovenden.

**FLAG SALUTATION**

**Mayor pro tem Gatewood** led the Flag Salutation.

**APPROVAL OF AGENDA AND CONSENT AGENDA**

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

**Mr. Hilling** pulled Item 12(c) under Communications to Council from the Consent Agenda.

**Mayor pro tem Gatewood** called for objection and, hearing none,  
so ORDERED.

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



## CITIZEN'S COMMENTS

Donna Gilbert, 2223 South Cushman Street, Fairbanks – Ms. Gilbert questioned whether the vacancy on the Hotel/Motel Discretionary Fund Committee had been advertised. She also questioned the nomination of Mr. John Nobles, indicating that his experience may not be relevant to the Committee. Ms. Gilbert pointed out that Mr. Nobles' application states that he plans to build a home in Salcha, which is outside City limits. She stated that Hotel/Motel Discretionary Fund Committee members should be City residents since they are working with City bed tax dollars. Ms. Gilbert spoke to the purpose of the Discretionary Fund and stated that Mr. Nobles may not be eligible since he is new to the area.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that he had hoped to receive an update from Mayor Eberhart on the Johnny Wallis case. In regard to the recent threatening phone calls to the police department, Mr. Turney asked whether a warrant had been issued to search Google phone records in an attempt to locate the caller. He stated that nothing has been forwarded to the District Attorney's office on the matter. Mr. Turney spoke to the large number of potholes in Fairbanks and thanked the City for repairing the ones Mr. Buberger mentioned at the last Council Meeting. He stated that he enjoyed the performance by Mike Schmetzer and other musicians at the unveiling of *The Polaris*. He mentioned that he would like to see a public restroom installed in that downtown area and commended the Borough Transit Station for eliminating the ID requirement to use their restroom facilities. Mr. Turney spoke to the unsolved murder of David McNulty that occurred at the Garden Island Party Store several years ago. He stated that he recently saw Ms. McNulty and that she mentioned that she has been trying to reach the Fairbanks Police Department (FPD) evidence room to obtain her late husband's wallet. He said that Ms. McNulty told him that FPD told her that they lost the wallet and stated that he hopes the evidence facility is more secure than that.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger expressed satisfaction with the Council's decision at the last meeting to take another look at the Public Safety Employees Association (PSEA) labor contract. He stated that it appears to him that the contract will cause an excessive amount of overtime that will cost City taxpayers. Mr. Buberger spoke to the testimony of a police officer at the last Council Meeting who stated that the Council should ratify the PSEA contract or there would be problems. He remarked that if he had an employee say that to him, he would have fired him immediately. Mr. Buberger stated that he has worked hard in his life for a decent wage and has never received overtime wages and commented that he does not look at firefighters or police officers as heroes.

Amy Geiger, 4400 Stanford Drive, Fairbanks – Ms. Geiger stated that she works for Explore Fairbanks and spoke to their complimentary Winter Guide which focuses on the winter months in the Interior. She read aloud the introduction in the guide and outlined the changes to the guide this year.

Richard Lane, 3010 Picket Drive, Apt. A, Fairbanks – Mr. Lane stated that this is the first City Council Meeting that he has attended and explained that he was invited by Victor Buberger. He stated that Mr. Buberger calls him Elvis because he is an Elvis Presley impersonator and a singer/entertainer. Mr. Lane expressed support for Mr. Floyd Terry's long time goal of having a roller skating rink in Fairbanks. He commented that with more family-oriented activities, a

community sees less crime and drug problems. Mr. Lane stated that he is from the Bay Town area and is new to Fairbanks. He spoke to his goals, both long-term and short-term, and spoke to his experience and background as an entrepreneur. He stated that he hopes to be a meaningful part of the Fairbanks community.

Hearing no more requests for public comment, **Mayor pro tem Gatewood** declared Public Testimony closed.

### **SPECIAL ORDERS**

- a) The Fairbanks City Council, sitting as a Committee of the Whole, heard interested citizens concerned with the following Appeal of Revocation of Chauffeur License.

Appellant: Mark Siivola

**Mayor pro tem Gatewood** pointed out to the Council that the appeal is different than those typically heard because it is a revocation appeal instead of an appeal for a new license. He explained that Mr. Siivola has had a City Chauffeur License since 2012, but has had a recent conviction that has made him ineligible to carry a Chauffeur License.

**Mr. Anderson**, seconded by **Mr. Hilling**, moved to GRANT the Appeal of Revocation of Chauffeur License.

**Mayor pro tem Gatewood** called for Public Testimony.

Mark Siivola, 2541 Goldhill Road, Fairbanks – Mr. Siivola briefly spoke to the incident that he had with Jeff Webster, someone he has known since he was a child. He stated that he regrets the incident and that he has never had a problem with any of his customers. He stated that he moved here from Arizona in 2007 and that he began driving cab because he has back, neck and hip problems. He stated that driving a taxicab is his livelihood and provided Jason Hite as a reference. Mr. Siivola spoke also to the DUI charge against him and stated that the case was dismissed and that the driver came forward and admitted that she was driving the vehicle at the time.

Bryan Houghton, 2541 Goldhill Road, Fairbanks – Mr. Houghton stated that he is the appellant's landlord and that Mr. Siivola is not a violent person. He stated that Mr. Siivola is a well-mannered individual.

**Mayor pro tem Gatewood** asked Mr. Houghton how long he has been Mr. Siivola's landlord.

Mr. Houghton replied that he has been Mr. Siivola's landlord for about nine months.

Loren Boswell, 1390 Westwick Drive, Fairbanks – Mr. Boswell stated that he has known Mr. Siivola for two or three years and that during that time, Mr. Siivola has had a few incidents with Mr. Webster. He stated that none of the incidents got Mr. Siivola into legal trouble except for the one. He commented that Mr. Siivola is not violent with anyone except the one man. He stated that the two men are legally not supposed to be around each other.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger stated that he does not know the appellant but expressed his belief that it is not the place of the City Council to deal with these types of issues. He stated that it should be up to the court system to determine whether Mr. Siivola is eligible to drive a cab. Mr. Buberger commented that the City should get out of the Chauffeur Licensing business.

Hearing no more requests for public comment, **Mayor pro tem Gatewood** declared Public Testimony closed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO GRANT THE APPEAL OF REVOCATION OF CHAUFFEUR LICENSE AS FOLLOWS:

YEAS: Gatewood, Walley  
NAYS: Anderson, Staley, Hilling, Matherly  
**Mayor pro tem Gatewood** declared the MOTION FAILED.

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

**Mayor pro tem Gatewood** stated that the Fairbanks North Star Borough (FNSB) Student Work/Study Program is underway and that three West Valley High School students started working this week at the City: Logan Arpino in Engineering, Jillian Conover in the Clerk's Office, and Deacon Damario in the Mayor's Office. He stated that the City's first Work/Study student, Jada Anderson, was sworn into the U.S. Air Force last week. **Mayor pro tem Gatewood** announced that the City's new IT Director, Ben Barrio, will begin work on October 1, 2014. He shared that City staff has begun work on the 2015 budget and that draft proposals will be due to the Finance Department on September 26, 2014. He announced that the second round of Police Chief interviews will be held from 6 – 8 p.m. on Monday, September 29 at the Pioneer Park Civic Center and will be open to the public. He stated that the two finalists are Lieutenant Eric Jewkes from the City of Fairbanks and Chief Randall Aragon from La Marque, Texas. He briefly explained how the interview process will take place and how the public can be involved.

### **UNFINISHED BUSINESS**

- a) Ordinance No. 5957 – An Ordinance Amending Fairbanks General Code Sections 2-260 and 2-261 Regarding the Authorized Investment Selections of the City Permanent Fund Investment Policy. Introduced by Mayor Eberhart and Council Member Gatewood.  
SECOND READING AND PUBLIC HEARING.

**Mr. Hilling**, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5957.

**Mayor pro tem Gatewood** called for Public Testimony and, hearing none, declared Public Testimony closed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5957 AS FOLLOWS:

YEAS: Gatewood, Walley, Anderson, Matherly, Staley, Hilling  
NAYS: None  
**Mayor pro tem Gatewood** declared the MOTION CARRIED and Ordinance No. 5957 ADOPTED.

### **NEW BUSINESS**

- a) Resolution No. 4643 – A Resolution to Accept Funding from the Alaska Highway Safety Office for the FFY2015 Traffic Safety Program. Introduced by Mayor Eberhart.

PASSED and APPROVED on the CONSENT AGENDA.

### **DISCUSSION ITEMS**

#### Committee Reports

FMATS Policy Committee – **Mr. Walley** stated that the Committee met last week and reviewed a draft list of projects for the long-range plan update. He stated that the list is still under review and can be found at [www.fmats.us](http://www.fmats.us) and pointed out that public comment is due by September 24. He stated that the University Avenue Widening Project has been on the table for quite some time and indicated that the state is looking to do the project in sections. **Mr. Walley** stated that the Committee had the opportunity to enjoy a presentation by the artists of *The Polaris* sculpture where the artists provided an in-depth explanation how the sculpture was made.

### **COMMUNICATIONS TO COUNCIL**

- a) Clay Street Cemetery Commission Meeting Minutes of August 6, 2014

ACCEPTED on the CONSENT AGENDA.

- b) Chena Riverfront Commission Meeting Minutes of August 13, 2014

ACCEPTED on the CONSENT AGENDA.

- c) Appointment to the Hotel/Motel Discretionary Fund Committee

**Mr. Matherly**, seconded by **Mr. Walley**, moved to APPROVE the Appointment to the Hotel/Motel Discretionary Fund Committee.

**Mr. Hilling** acknowledged Ms. Gilbert's earlier point that Mr. Nobles is new to the Fairbanks area. He agreed that a deep familiarity with the community would be an attractive attribute for a member of the Hotel/Motel Discretionary Fund to have. He questioned whether the vacancy had been advertised to the public.

City Clerk Hovenden stated that the City Clerk's Office has been advertising the vacancy on a weekly basis for several months. She stated that the Clerk's Office also reached out to members of the Commission and Mr. Matherly, the Committee Chair, to help get the word out about the vacancy. She explained that the Clerk's Office then contacted the list of applicants on file for other City Boards and Commissions, asking if anyone would be interested in serving on the Hotel/Motel Discretionary Fund Committee. Clerk Hovenden stated that Mr. Nobles is the only applicant that responded to that solicitation. She read aloud a portion of Fairbanks General Code (FGC) Section 74-117(g) which speaks to the requirements to serve on the Hotel/Motel Discretionary Fund Committee. She explained that since the Discretionary Fund Grant Application period will be opening on October 1, time is of the essence.

**Mr. Hilling** questioned the definition of the term "community member."

City Attorney Ewers explained that the term community speaks to a broader area than the City limits of Fairbanks.

**Mr. Hilling** asked how the City found Mr. Nobles.

Clerk Hovenden replied that Mr. Nobles had already applied to serve on another City Board because he wanted to get involved with the City.

**Mr. Matherly** commented that new members of the community have to start somewhere. He stated that Mr. Nobles can learn from the other Committee members and offer a different perspective. He stated that as the Committee Chair, he does not have any reservations in appointing Mr. Nobles to the Hotel/Motel Discretionary Fund Committee.

**Ms. Staley** stated that it is difficult to fill vacancies on some Boards and Commissions. She spoke to the ongoing challenge she is having in trying to fill a vacancy on the Golden Heart Parking Services (GHPS) Board. She stated that the Council should recognize the wholehearted interest in making a difference and taking part in the Fairbanks community.

**Mayor pro tem Gatewood** asked Clerk Hovenden if there are other City Board and Commission members that do not reside within the City limits of Fairbanks.

Clerk Hovenden replied that there are several City Boards and Commissions that have members who are not required to be City residents.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE APPOINTMENT TO THE HOTEL/MOTEL DISCRETIONARY FUND COMMITTEE AS FOLLOWS:

YEAS: Matherly, Hilling, Walley, Staley, Gatewood, Anderson  
NAYS: None

**Mayor pro tem Gatewood** declared the MOTION CARRIED.

## COUNCIL MEMBERS' COMMENTS

**Ms. Staley** apologized for having to attend Council Meetings telephonically. She stated that she will be calling from New Mexico the next Regular Meeting.

**Mr. Anderson** asked if early voting is available.

Clerk Hovenden replied that absentee voting on both City and Borough ballots is currently available at the City Clerk's Office for the 2014 Municipal Election. She stated that absentee voting will be available until October 6, the day before the election.

**Mr. Anderson** stated that he had no further comments.

**Mr. Hilling** stated that he will have a full knee replacement surgery on Thursday, September 25. He commented that he should be able to attend the next Regular Council Meeting on October 6.

**Mr. Matherly** stated that there is a chance of snow in the forecast and cautioned the public to drive carefully. He announced that the Malemites youth football season will end with the championship game at 3 p.m. on Saturday, September 27 at Lathrop High School and invited everyone to attend.

**Mr. Walley** reminded everyone that he will be absent for the October 6 Regular City Council Meeting.

**Mayor pro tem Gatewood** shared that he received an inquiry from a resident asking if the City was installing street lights with surveillance cameras. He stated that Public Works Director Mike Schmetzer reported that there are no cameras being installed, only energy-efficient LED street lights and signals.

## CITY CLERK'S REPORT

a) Approval of Election Judges for the 2014 Municipal Election

APPROVED on the CONSENT AGENDA.

**Mr. Matherly**, seconded by **Mr. Walley**, moved to go into Executive Session for the purpose of discussing Fairbanks Firefighters Union Labor Negotiations.

**Mayor pro tem Gatewood** called for objection and, hearing none, so ORDERED.

**Mayor pro tem Gatewood** called for a five minute recess.

## EXECUTIVE SESSION

a) Labor Contract Negotiations – Fairbanks Firefighters Union

The City Council met in Executive Session to discuss Fairbanks Firefighters Union Labor Negotiations. Direction was given to staff and no action was taken.

**ADJOURNMENT**

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

**Mayor pro tem Gatewood** called for objection and, hearing none,  
so ORDERED.

**Mayor pro tem Gatewood** declared the meeting adjourned at 8:40 P.M.

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JOHN EBERHART, MAYOR

ATTEST:

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JANEY HOVENDEN, MMC, CITY CLERK

Transcribed by: DS



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, OCTOBER 6, 2014  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 7:00 p.m. on the above date, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor John Eberhart presiding and with the following Council Members in attendance:

Council Members Present: Renee Staley, Seat A (Telephonic)  
Bernard Gatewood, Seat C  
Jim Matherly, Seat D  
Lloyd Hilling, Seat E  
Chris Anderson, Seat F

Absent: Perry Walley, Seat B (Excused)

Also Present: Warren Cummings, Fire Chief  
Margarita Bell, Grants Administrator  
Paul Ewers, City Attorney  
Janey Hovenden, City Clerk  
Jim Williams, Chief of Staff  
Stephanie Johnson, Dispatch Center Manager  
Carmen Randle, Controller  
Ben Barrio, IT Director  
Barbara Sunday, Director HR/Risk Management/Purchasing  
Brad Johnson, Acting Police Chief

### **INVOCATION**

The Invocation was given by City Clerk Janey Hovenden.

### **FLAG SALUTATION**

Mayor Eberhart led the Flag Salutation.

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

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

Mr. Gatewood pulled the following items from the Consent Agenda:

- Item 10(a) – Resolution No. 4644
- Item 12(a) – Memorandum Concerning the Northern Door Clubhouse
- Item 12(b) – Appointment of the Chief of Fairbanks Police Department



**Mayor Eberhart** stated that there are many people in the audience that he assumes would like to speak to the appointment of the new Police Chief. He suggested that the Council move Items 8 and 12(b) (Mayor's Comments and Report and Appointment to the Chief of Fairbanks Police Department, respectively) up in the order of business to be heard after Citizen's Comments so that the public would not have to wait the whole meeting for the Council's decision on the issue.

**Mr. Gatewood**, seconded by **Mr. Matherly**, moved to rearrange the order of business so that Items 8 and 12(b) be heard immediately after Citizen's Comments.

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

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

### **CITIZEN'S COMMENTS**

Anna Richards, 1244 Viewpointe Drive, Fairbanks – Ms. Richards stated that she supports the Police Chief selection. She commended Mayor Eberhart for stepping out of his comfort zone and reaching out to the community with an invitation to participate in the selection process. She spoke to the composition and diversity of the selection committee. Ms. Richards stated that the selection process was neutral with a focus based on the candidates' qualifications. She stated that Randall Aragon was the most qualified candidate with a strong belief in community inclusion and transparency in the police force. She encouraged the Council to support the appointment of Chief Aragon.

Kevin Ginley, 1485 23rd Avenue, Fairbanks – Mr. Ginley stated that he is a strong proponent of hiring locally. He expressed appreciation for the committee's selection process. Mr. Ginley stated that he spoke with several people from La Marque, Texas where Randall Aragon is from. He stated that he would like to have a police chief who does not agree with everything he says. He commented that in five years, Randall Aragon will be gone and will not be a long-term member of the community. Mr. Ginley stated that the best choice for a new police chief is Eric Jewkes.

**Mayor Eberhart** asked Mr. Ginley if he attended the forum where the candidates were interviewed.

Mr. Ginley stated that he was not at the forum but added that he did follow the process.

**Mr. Hilling** asked Mr. Ginley if he is privy to information about why Randall Aragon moved to different places.

Mr. Ginley stated that Randall Aragon seems to be a likeable person and that it is not his intent to speak ill of him. He stated that after doing some research, it appears that Randall Aragon has had a pattern of moving from place to place.

Steve Ginnis, 288 Shannon Drive, Fairbanks – Mr. Ginnis stated that he has lived in Fairbanks since 1999 when he became the president of the Tanana Chiefs Conference (TCC). He commented that he does not recall any other time when the public was involved in the selection of a police chief and thanked Mayor Eberhart for being transparent in the process. He urged the Council to support

Mayor Eberhart's recommendation, pointing out that the decision was not made by the Mayor alone. Mr. Ginnis stated that the community's voice should be heard as well. He spoke to the trust issues that the Alaska Native people have with the Fairbanks Police Department (FPD). He stated that he would like to see someone leading FPD who is willing to reach out to the community and address the issues. He cited unresolved FPD cases such as the Johnny Wallis case and the case of the Fairbanks Four. Mr. Ginnis stated that it is unfortunate that the Native people feel they cannot call the police for fear of possibly being arrested. He stated that he supports a change in the community and the Mayor's recommendation for a new police chief.

Reverend Joe Blackburn, 3030 Peger Road, Fairbanks – Rev. Blackburn encouraged the City Council to support the Mayor's nomination. He thanked the Mayor and Council for the opportunity to speak and offer his support. He stated that without taking anything away from Lt. Jewkes who has served the Fairbanks community for more than 20 years, he believes Chief Aragon is the best choice for a new Chief of Police. Rev. Blackburn stated that Chief Aragon will bring a balance of diversity to FPD that has been missing for a number of years. He commented that it is very important that FPD reflect the diversity of the Fairbanks community. He spoke also to the imbalance of those being arrested and incarcerated and stated that for the most part, the only time he hears of a minority talking to a police officer is when they are being stopped for a violation or when they are being arrested. Rev. Blackburn stated that in about five more years, he believes Lt. Jewkes will be better equipped to serve as Chief of Police.

**Mayor Eberhart** asked Rev. Blackburn if the panel of five interviewers and five community leaders unanimously supported the nomination of Chief Aragon.

Rev. Blackburn replied that all ten individuals unanimously supported the recommendation of Chief Aragon for the Chief of Police position.

Monique Duncan, PO Box 74469, Fairbanks – Ms. Duncan commented that she enjoys hearing the views presented by others in regard to the selection of the Police Chief. She stated however, that she does not support the selection of Chief Aragon. She spoke to the honor and integrity of FPD employees and to the intensive background checks they must pass in order to be hired. Ms. Duncan stated that police officers are often labeled as racists because people do not like cops and will say anything when they are being arrested. She suggested that the Council has been treating the City police force like criminals by consistently practicing unfair labor laws and wasting taxpayer dollars on negotiations and arbitrations. She asked the Council what the police employees are doing wrong. Ms. Duncan spoke to the accusation of nepotism at FPD and reminded the Council that the courts found that charge to be false years ago. She suggested that nepotism may have played a part in the hiring of the City's new Human Resources Director. She pointed out that the City hired the police officers that are serving and questioned whether the members of the Council could pass the same background check. She stated that she lost faith in Mayor Eberhart when he allowed a convicted criminal and known drug user to serve on the selection panel for the new Chief of Police. She urged the Council to reconsider the choice and undo the wrong. She closed by stating that the men and women of FPD have honor and integrity and that she expects the same of her City.

Nate Brown, 1430 102nd Street, Fort Wainwright – Mr. Brown stated that the selection is a delicate issue for the citizens of the community. He stated that he plays softball with many people in the area and that he has nothing derogatory to say about City police officers. He stated that he will pray

for the Council to have the wisdom to know how to keep Fairbanks the way a small community should be and, at the same time, how to move forward with change. Mr. Brown commented that effective change cannot be accomplished without reaching beyond borders to have a fresh look at a situation. He stated that the City of Fairbanks is an equal opportunity employer and that each applicant should have a fair look beyond politics. He stated that if the nominee is qualified, has nothing in their past that would bar them from doing the job, and has the vote of confidence from the mayor all the rest is simply politics. Mr. Brown stated that he has never experienced racism from the Fairbanks police force. He commented that the other applicant should not be given the job based solely on his longevity with FPD. He thanked Mayor Eberhart for taking a broad look at the selection and for trying to bring balance to the City of Fairbanks. He stated that although he is military and has only lived in Fairbanks for a couple years, he enjoys the community and would hate to see it torn apart by the issue at hand. He expressed his support for the Mayor's nomination.

Daisy Stevens, 1841 Hilton Avenue, Fairbanks – Ms. Stevens stated that she has been a resident of Fairbanks, off-and-on, since 1965. She stated that she is a voting community member. She thanked Mayor Eberhart for making the right decision in his nomination for the Chief of Police. She stated that she had never known racism until she attended Lathrop High School in 1966 and went home from school crying. Ms. Stevens spoke to the problems at FPD and expressed her belief that a change in leadership will help make corrections. She stated that an individual can feel the racism at FPD as soon as they walk through the door or speak on the telephone. She stated that nepotism in any organization makes working with its employees difficult and spoke specifically to that of the Acting and Deputy Police Chiefs. Ms. Stevens stated that she came before the Council some time ago to make a complaint and explained that the former Chief of Police for helping her resolve her problem. She commented that now it seems that no one at FPD has the time to care. Ms. Stevens stated that she plans to meet with the new Police Chief to welcome him and convey her problems to him. She encouraged everyone to vote in the upcoming Municipal Election.

**Mr. Hilling** asked Ms. Stevens what sort of problems she believes exist in the police department.

Ms. Stevens stated that she has a son who lives in the village. She explained that when he was in Fairbanks visiting he went out to the bar and was walking home in the middle of the night. She stated that two City police officers stopped him, questioned him and told him to start running. She stated that another man picked him up and explained to him that he should not be walking alone at night because that is how Fairbanks cops are.

Charlie Leonelli, 730 Hillcrest Drive, Fairbanks – Mr. Leonelli stated that he is a local business owner and has been a member of the Fairbanks community since 1986. He stated Fairbanks is a unique community, very different from suburbs and cities in the lower 48 states. He commented that it is almost as if Fairbanks is on an island because it is so isolated. Mr. Leonelli stated that while Chief Aragon may have experience in larger communities and may know the right things to say, Lt. Jewkes knows the Fairbanks community and has given more than 20 years serving it. He pointed out that by hiring from the outside, the City will squash the opportunity for upward mobility within the police department. Mr. Leonelli spoke to the strong and quiet leadership of Lt. Jewkes and expressed his support for the selection of Lt. Jewkes as the new Chief of Police. He stated that there is potential for 4 – 5 years of turmoil under the leadership of an outsider at FPD. He encouraged the Council to postpone the decision on the selection or oppose Mayor Eberhart's nomination.

**Mayor Eberhart** asked Mr. Leonelli if he attended the forum.

Mr. Leonelli replied that he was unable to attend due to work.

**Mayor Eberhart** asked Mr. Leonelli if he had heard that Lt. Jewkes stated that he would continue working at FPD even if Chief Aragon was selected.

Mr. Leonelli replied that he read about Lt. Jewkes' statement.

**Mayor Eberhart** asked Mr. Leonelli if he is aware that he recommended that Chief Aragon make Lt. Jewkes a Deputy Chief so that he can be mentored to one day take the position of Chief of Police.

Mr. Leonelli replied affirmatively.

**Mr. Gatewood** asked Mr. Leonelli to speak to his recommendation for postponement.

Mr. Leonelli stated that the subject is a delicate one. He stated that more time would allow for more citizen participation. He suggested that there may be some unflattering information on the web about Chief Aragon and that the Fairbanks community may have only seen a limited scope of information about him.

Darlene Herbert, 906 Woodlawn Road, Fairbanks – Ms. Herbert stated that she took a photo the other day of a sign that read, “Showgirls, Showgirls, Showgirls...fully nude.” She asked if the Council approved of such a business and stated that it is a shame that it is in an area where so many kids pass by. Ms. Herbert stated that those kinds of places should be located outside of City limits. She expressed disappointment in the way people talk about Mayor Eberhart on Facebook. She spoke briefly to the selection of the new Chief of Police and also to the division between the Native people and the police. Ms. Herbert expressed her support for the nomination of Chief Aragon, stating that the police department needs change.

State Representative Scott Kawasaki, 2008 Carr Avenue, Fairbanks – Rep. Kawasaki stated that in going door-to-door, an issue was brought up in the Executive Estates Subdivision regarding a club that opened up in the old Klondike Lounge. He pointed out that the business is near a school bus stop, very close to a daycare center and near a family neighborhood. Rep. Kawasaki expressed his opinion that the residents of the area should have had an opportunity to comment and veto the new business coming to their neighborhood. He stated that other businesses like daycares and dog parks must go through a process before they can open for business. Rep. Kawasaki encouraged the Council to adopt an ordinance regarding adult entertainment establishments similar to the one he introduced when he served on the City Council. He spoke highly of Lt. Jewkes, stating that he is a hard-working individual of high moral fiber and impeccable ethics who may just be a victim of bad timing.

**Mr. Matherly** asked Rep. Kawasaki what he meant by “bad timing.”

Rep. Kawasaki stated that there is a certain momentum in the community that may stop local people from rising up the ranks at FPD. He stated that he does not know much about Chief Aragon, but that he sees the community's outcry for change as bad timing for Lt. Jewkes.

Ruth L'Hommedieu, 3282 Adams Drive, Fairbanks – Ms. L'Hommedieu spoke against the establishment of the Sinrock Club in her neighborhood. She stated that there seems to have been some confusion at the City Building Department as to whether the structure was being torn down or not. She asked how the Planning Commission dropped the ball on the issue and stated that it is a shame that the adult establishment is in such close proximity to a residential neighborhood. Ms. L'Hommedieu commented that sometimes those types of businesses attract unfavorable people, drugs and crime. She expressed appreciation to Rep. Kawasaki for the steps he has taken to look into the issue. She stated that they have installed a fence behind the Washington Plaza, but have not placed a fence along Rewak Drive.

**Mr. Matherly** asked Ms. L'Hommedieu if she knew that the new fence belongs to the owners of the Washington Plaza Mall.

Ms. L'Hommedieu replied that she was not aware. She stated that as a resident of the neighborhood there was no opportunity to give public comment on the issue. She asked why the community was not involved in the process.

**Mayor Eberhart** stated that the Council may only ask questions to the public during Citizen's Comments. He stated that the Council would have to move to Suspend the Rules if they wished to provide an explanation to Ms. L'Hommedieu.

**Mr. Hilling**, seconded by **Mr. Matherly**, moved to SUSPEND THE RULES to allow open discussion with Ms. Ruth L'Hommedieu regarding the Sinrock Club.

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

**Mr. Matherly** explained that he works in the Washington Plaza Mall facing the Safeway store. He stated that he did not know what business was being built in the old Klondike Lounge even after attempting to catch someone on-site to ask several times. He stated that as soon as the mall owner found out that the business was an adult establishment, he immediately put up a fence. **Mr. Matherly** stated that he does not know what rights nearby property owners had in the process. He added that the mall owner plans to put up another fence on the other side towards Midas. He stated that the business opened on Thursday.

**Mayor Eberhart** explained that the City of Fairbanks does not have planning and zoning powers. He stated that those are functions of the Fairbanks North Star Borough (FNSB). He stated that the Fairbanks Building Department learned of the construction and contacted the owner, explaining that the building could not be open for business until a Certificate of Occupancy was issued. **Mayor Eberhart** stated that the City only inspects to ensure the safety and compliance of the structure itself and cannot look at planning or zoning regulations.

**Mr. Matherly** pointed out that the club does not serve alcohol. He stated that he will be keeping an eye on the property. He shared that he has had many constituents contact him asking about the new establishment.

Ms. L'Hommedieu stated that it seems like the business snuck in through the back door. She stated that she felt uncomfortable asking questions to workers at the location.

**Mayor Eberhart** expressed hope that the Borough would take up the issue. He stated that Rep. Kawasaki has written a letter to them and that the Borough is the entity who holds the zoning power.

Shirley Lee, 457 Cindy Drive, Fairbanks – Ms. Lee stated that she is speaking as the Chair of the Justice Task Force at Tanana Chiefs Conference (TCC) and on behalf of TCC President Victor Joseph. She stated that TCC is a non-profit organization that works toward meeting the health and social service challenges for 15,000 Alaska Native people in the region. Ms. Lee thanked Mayor Eberhart for allowing her to participate in the second round of Police Chief interviews. She commended both candidates on their dedication to law enforcement. Ms. Lee stated that the selection of Chief Aragon was an insightful choice and spoke to the fracture in the relationship between FPD and the Native community. She indicated that Chief Aragon would be the most effective agent for change at the police department. Ms. Lee stated that crime against minorities is ongoing and routine in Fairbanks. She stated that she works with homeless people and chronic inebriates in the community and that she hears of numerous assaults, rapes and robberies against those populations every month. She commented that most of those incidents go unreported to the police because of the lack of trust with the FPD. Ms. Lee stated that Chief Aragon has demonstrated a superior ability to bring a community together to enhance policing, a systematic change to police departments resulting in national certification, and a record of keeping communities informed and involved in police work. She commended Mayor Eberhart for his open approach to the hiring process and asked the Council how they could object when everyone was given an opportunity to provide input. Ms. Lee stated that she and TCC support the selection of Chief Aragon.

Esther Cunningham, 1417 22nd Avenue, Fairbanks – Ms. Cunningham stated that she has lived in the Fairbanks community for over 30 years and has been involved in a great deal of volunteer work. She stated that one of the best programs she was involved with was Volunteers in Policing (VIP). She expressed her belief that Chief Aragon is a good candidate for Police Chief because of his 25 years of experience in law enforcement, his ability to talk to people and his enthusiasm. Ms. Cunningham mentioned the question asked to candidates during interviews that stood out to her: “Have you ever been broken and what was your experience?” She stated that Lt. Jewkes took a full minute to answer the question and was nowhere near the mark. Ms. Cunningham stated that her own experiences with FPD have been positive, but explained that as a secretary and board member of the National Association for the Advancement of Colored People (NAACP) she hears complaints of racial profiling by FPD quite frequently. She stated that her son was falsely accused and ambushed when he was arrested by FPD and was not told of the reason for his arrest until after he was put in the back of the police vehicle. Ms. Cunningham stated that the City of Fairbanks needs a fresh set of eyes and a Chief of Police who will have an open door policy with credibility in resolving matters in a fair and respectful way.

Glenn Carlo, 2365 King Road, Fairbanks – Mr. Carlo stated that he works with Denakkanaaga and Native Alaskan Elders. He stated that he attended the Police Chief interviews and expressed support for Mayor Eberhart's nomination. He apologized for an earlier testimony from a young lady who did not show respect for Mayor Eberhart. He stated that comments threatening mutiny if Chief Aragon is hired are proof that a change needs to take place at FPD.

Nancy Shafer, 1613 Madison Drive, Fairbanks – Ms. Shafer stated that she was concerned with Lt. Jewkes' transparency during the interviews. She stated that he did not answer some of the questions to her satisfaction. She commented that some people's resistance to change may be the reason that some do not support the nomination of Chief Aragon. Ms. Shafer spoke briefly to Chief Aragon's background. She expressed her belief that there is a lack of trust between FPD and all cultures and races in the Fairbanks area. She stated that her concern with Chief Aragon is that he seems to have a pattern of changing jobs but added that it could be because he enjoys a challenge. Ms. Shafer stated that she was a dispatcher with the Alaska State Troopers (AST) for eight years and with the Airport Police and Fire Department for four years. She stated that even police officers are not above the law and can sometimes make mistakes after they become police officers. She stated that she does not know Lt. Jewkes but indicated that he may not see a need for change since he has been working at FPD for so many years.

**Mr. Hilling** asked Ms. Shafer if there were any other instances in which she felt Lt. Jewkes did not fully answer an interview question.

Ms. Shafer replied that Lt. Jewkes' response to the question about being broken was lacking.

Eric Hoffman, 2107 Hilton Avenue, Fairbanks – Mr. Hoffman stated that he is a City constituent and a police officer for the City of Fairbanks. He commented that he has rarely felt as broken as he has throughout the evening while listening to all the negative comments about FPD. He stated that he grew up wanting to help people and that he feels he tries to do that every day in his job. Mr. Hoffman shared that he has been in contact with officers and staff at the Conway, Arkansas Police Department who had nothing positive to say about Chief Aragon. He added that he remains open-minded.

**Mr. Hilling** asked Mr. Hoffman to elucidate what he had heard about Chief Aragon.

Mr. Hoffman stated that it has been 12 years since Chief Aragon worked at the Conway, Arkansas Police Department. He stated that he spoke to a training officer who told him that Randall Aragon had barely qualified as a police officer in that state at that time, after having supposedly been doing police work since the 1970's. Mr. Hoffman stated that the same officer claimed that Chief Aragon was the worst chief he had ever worked for. He stated that he also claimed that other departments within the municipality began tracking his progress and made it a point to warn potential employers about Chief Aragon.

**Mr. Gatewood** asked Mr. Hoffman if he has had contact with other police departments where Randall Aragon has been employed.

Mr. Hoffman replied that he has not made contact with any other department. He commented that he is very open to change and has hopes that Chief Aragon has good ideas to bring to FPD. He

encouraged the Council to do some of their own research about Randall Aragon. He stated that five years is a long time for a community to have a police chief that does not understand the issues.

**Mayor Eberhart** asked Mr. Hoffman if the training officer explained that the Conway Police Department had been trying to unionize the department before Chief Aragon arrived.

Mr. Hoffman replied that the unionization was not a part of his discussion with the training officer.

**Mayor Eberhart** asked Mr. Hoffman if it is feasible to believe that Conway Police Department employees may have been dissatisfied because of the failed attempt to unionize.

Mr. Hoffman replied that it is a possibility.

**Mayor Eberhart** cautioned an audience member who spoke out of order. He stated that comments from the audience that are not a part of Public Testimony will not be tolerated.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger stated that he supports Mayor Eberhart's selection. He stated when he attended the Police Chief interviews he saw only two of the Council Members present. Mr. Buberger stated that he has nothing against Lt. Jewkes, but indicated that he believes Chief Aragon is the best choice. He spoke to the differences between the previous hiring process and the recent hiring process for the new Chief and spoke highly of former Chief Zager. Mr. Buberger spoke to his own experiences with racism and police and commented that there are some liars on the Fairbanks police force. He stated that he believes it was good that Mr. Turney was selected to serve on the interview panel.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that he has never been convicted of any drug offenses but admitted to having smoked herb on occasion. He read aloud the Law Enforcement Code of Ethics for the Fairbanks Police Department. He stated that of the two candidates for police chief, he believes Chief Aragon is the right choice to solve the problems with diversity in the Fairbanks community. Mr. Turney explained that under their union contract, City police officers may refuse to submit to a polygraph examination when being investigated for misconduct. He stated that Jewkes was opposed to these examinations while Aragon was in support of them. He thanked Mayor Eberhart for allowing him the opportunity to serve on the nomination committee. Mr. Turney commented that he has been aware of the nepotism at FPD for years and that he would see an issue with a Chief whose wife was employed by the same department. He spoke to the six threatening calls to FPD from an unknown caller and stated that the District Attorney's Office has not received anything from the City of Fairbanks regarding a warrant. He expressed hope that Mayor Eberhart would follow through on the issue and commented that he believes the calls were a ruse. Mr. Turney stated that upon hire at FPD, police officers are required to take a polygraph exam but that the exam is administered by a Fairbanks police officer. He expressed hope that the City would hire an independent professional to perform the examinations. He stated that in the many years he has lived in Fairbanks he has never witnessed this type of nomination process and thanked Mayor Eberhart.

David Duncan, PO Box 74469, Fairbanks – Mr. Duncan stated that he has been a police officer for the City of Fairbanks since October of 2005. He voiced his disgust over the recent actions of the Council in regard to the PSEA contract. He stated that the City's negotiating team bargained



according to the direction given by the Council. He clarified that it was the City—not PSEA—who proposed the 36-hour work week. Mr. Duncan stated that both teams spent months working out the details of the agreement with both sides making concessions. He stated that the Council adopted the contract by a 4-3 vote, which was later reconsidered by Council Member Matherly. He stated that the Finance Department provided a fiscal note to the Council on the PSEA contract. He suggested that the Council felt it necessary have an outside source check the work of the Finance Department. Mr. Duncan stated that although Council Member Matherly’s reconsideration was ruled untimely by the City Attorney, the Council voted to suspend the rules and allow for the reconsideration. He questioned the legality of the Council’s actions. He stated that he would like to propose a reconsideration of Mr. Matherly’s election to the City Council, commenting that he has learned new information since that time and did not understand Mr. Matherly’s views when he voted in the election. Mr. Duncan stated that the Council then voted to postpone the PSEA contract until the November 3 meeting to give new Council Members a chance to review and understand the proposal. He expressed his belief that the real reason behind the postponement was in anticipation that Jerry Cleworth would be back on the Council. He stated that some believe that Mr. Cleworth is the only one with the political and financial knowledge to run the City of Fairbanks. Mr. Duncan quoted Mr. Cleworth in a recent interview as stating that he “wants to work with the unions to form a partnership with them.” He expressed doubt as to the sincerity of the statement, commenting that he has sat at the negotiating table with Mr. Cleworth. He spoke to the unique situations that police officers encounter on the job and asked the Council to consider that not all unions are the same and that they cannot all be treated the same. Mr. Duncan stated that Mr. Hilling made a recent comment that the City should not strive to have the best police department but the cheapest. He spoke against the notion that one year union contracts are the way to go. He reproved Mr. Gatewood for voting against the Firefighters’ arbitration award because he did not like the tone of the arbitrator or the way the award was written. Mr. Duncan spoke to the Council’s goal to be fiscally responsible and questioned how it is prudent to pay over \$7,000 to fight a \$37.50 fine. He expressed his feeling that the Council is immoral and unethical. He stated that he will no longer put his life on the line for a Council or a City that does not support its employees and stated that he has submitted his resignation.

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

*Since there was no objection at the Approval of the Agenda and Consent Agenda to move Items 8 and 12(b) (Mayor’s Comments and Report and Appointment to the Chief of Fairbanks Police Department, respectively) to be read after Citizen’s Comments, the items were moved and the order of business was as recorded below.*

## **MAYOR’S COMMENTS AND REPORT**

**Mayor Eberhart** spoke to the threatening calls Mr. Turney mentioned earlier. He reported that a warrant has been served on Google in California to find out what computer was used to place the calls. He stated that police in Pennsylvania have identified the caller as a 14-year old boy with mental health problems. **Mayor Eberhart** referenced the handout detailing the September statistics for the Community Service Patrol (CSP) and pointed out that the calls for transport and service are at a historic high. He listed the numerous meetings and events that the Mayor’s Office had

participated in since the last Regular Meeting of the Council. **Mayor Eberhart** introduced and welcomed new IT Director Ben Barrio.

Mr. Barrio expressed his excitement to be a part of the City of Fairbanks and the community. He stated that he is from New Mexico but fell in love with Alaska when the military brought him here and decided to stay.

**Mayor Eberhart** spoke to his nomination of the Chief of Police. He stated that most Fairbanks residents are from other parts of the United States and commented that the community needs to remain welcoming to outsiders. He spoke to the process to fill the position from the time former Chief Zager resigned in July. **Mayor Eberhart** stated that of the five applicants for Police Chief, one did not meet the minimum qualifications, two were from FPD and two were from Texas. He explained that the interview and hiring process did not have to be public, but that he wanted to involve the public and be as transparent as possible. He stated that the first interview panel unanimously narrowed the applicants from four to two, Chief Aragon and Lt. Jewkes. **Mayor Eberhart** explained that an extensive background check was done on Chief Aragon because the City of Fairbanks had limited knowledge of him. He read aloud the summary of positive comments prepared by individual who performed the background investigation on Chief Aragon. **Mayor Eberhart** read aloud comments about Chief Aragon from the mayor of Conway, Arkansas. He read aloud a newspaper article from Conway, Arkansas which talked about Chief Aragon's effectiveness and leadership during his six-year tenure as Chief of Police. He pointed out the positive recommendations send via email from individuals that have worked with Chief Aragon. He listed the names of the individuals that served on the selection panel and stated that the nomination was unanimous. **Mayor Eberhart** asked Chief of Staff Jim Williams to comment on the nomination.

Mr. Williams stated that one of Mayor Eberhart's goals has been to draw more public participation at City Council meetings. He stated that the audience at the meeting proves that goal to be coming to pass. Mr. Williams spoke to change management and accountability, stating that the reaction of individuals is normal given the uncertainty of FPD's future. He advised that when an organization fails, the senior executive is usually responsible.

**Mayor Eberhart** stated that he met one-on-one with both candidates before the second round of interviews. He spoke highly of Lt. Jewkes but commented that both on paper and in interviews, Chief Aragon was clearly the stronger candidate. **Mayor Eberhart** stated that significant changes need to take place at FPD. He stated that Chief Aragon has indicated that he may make Lt. Jewkes a part of his management team and that he has asked Chief Aragon to make Lt. Jewkes a Deputy Chief of Police. **Mayor Eberhart** expressed that the City of Fairbanks would be fortunate to have Randall Aragon serve as the Chief of Police. He urged the Council to respect the selection panel and process and trust his nomination. **Mayor Eberhart** announced that the school resource officers (SRO's) are getting close to coming to an agreement with the Borough School District so that officers may soon return to West Valley and Lathrop High Schools. He stated that the City recently signed a memorandum of agreement (MOA) with the School District formalizing the high school work/study program. He shared that the City now has six work/study students working or soon-to-be working in the following departments: Engineering, Clerk's Office, Information Technology, Dispatch, Fire Prevention Office and Mayor's Office. He added that this is the first agreement of its kind in Alaska between a municipality and a school district. **Mayor Eberhart** reminded everyone to vote on Election Day and emphasized the importance of citizen participation.

## COMMUNICATIONS TO COUNCIL

### b) Appointment of the Chief of Fairbanks Police Department

**Mr. Anderson**, seconded by **Mr. Hilling**, moved to APPROVE the Appointment of the Chief of Fairbanks Police Department.

**Ms. Staley** expressed appreciation for the open interview process and commented on the great amount of public involvement. She stated that she is unsure of how the interviews were advertised or how many people attended the interviews.

**Mayor Eberhart** explained that three large ads were placed in the News Miner and that the interview information was also posted to the City's website. He stated that about 75 members of the public were in attendance.

**Mr. Anderson** spoke to Lt. Jewkes' intention to stay with FPD even if he is not selected as the next Chief of Police. He spoke to Chief Aragon's pattern of taking on challenging positions and leaving police departments better than he found them. **Mr. Anderson** stated that he believes Chief Aragon will not leave the City of Fairbanks until he knows his job is done. He stated that the idea of certification is new to him.

**Mr. Gatewood** stated that he received a great deal of feedback on the issue of the new Police Chief. He commented that he heard support for both candidates and that he tries to keep an open mind on all considerations that come before the City Council. **Mr. Gatewood** stated that he believes Chief Aragon interviewed the better of the two candidates, both in the first round and the second round. He stated that just because the selection was unanimous by the panel, it does not mean that the selection was automatic from the first vote. **Mr. Gatewood** stated that Mayor Eberhart should be commended for the selection process and for putting a diverse interview panel together. He stated that he supports the Mayor's nomination.

**Mr. Matherly** echoed Ms. Staley's comments. He stated that he also received a lot of public feedback on the issue. He stated that he has tried to put himself in the shoes of both candidates. He expressed that the "cop-bashing" that occurred earlier in the meeting was inappropriate. **Mr. Matherly** listed good qualities about each candidate and the different skills and experiences that each would bring to the table. He expressed his struggle with the idea of bringing someone new to the department who has no intention to stay long-term. **Mr. Matherly** asked if there is a reason why FPD was not represented on the interview and selection panel.

**Mayor Eberhart** stated that he has known Lt. Jewkes for a very long time and that he felt that he did not need any more information from that sector to make a selection.

**Mr. Matherly** commented that he is still struggling with the vote.

**Mr. Hilling** stated that he was unable to attend the interviews due to a recent knee surgery and that he feels unprepared on the selection of the new Chief of Police. He expressed that the biggest considerations for him are whether to hire local and whether to hire from another state knowing that

the individual may only stay short-term. **Mr. Hilling** spoke to the pros and cons of the situations that each candidate represents. He asked Mayor Eberhart if he is aware of why Chief Aragon has a pattern of moving from department to department.

**Mayor Eberhart** replied that Chief Aragon was asked that question on more than one occasion and indicated that he had consistent responses. He explained that Chief Aragon enjoys challenges and takes pride in addressing the problems within a municipality or community.

Mr. Williams stated that Chief Aragon was labeled as a “change agent” during the background investigation because he goes into communities, makes changes and moves on.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE APPOINTMENT OF THE CHIEF OF FAIRBANKS POLICE DEPARTMENT AS FOLLOWS:

YEAS: Gatewood, Anderson, Hilling

NAYS: Staley, Matherly

ABSENT: Walley

**Mayor Eberhart** declared the MOTION CARRIED.

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

### **SPECIAL ORDERS**

- a) The Fairbanks City Council, sitting as a Committee of the Whole, heard interested citizens concerned with the following Application for a New Liquor License:

Type: Distillery

DBA: Fairbanks Distillery Company, License #5353

Licensee/Applicant: Patrick Levy

Location: 410 Cushman Street, Fairbanks, AK

**Mayor Eberhart** called for Public Testimony.

Bill Rogers, 408 Cushman Street, Fairbanks – Mr. Rogers stated that he is the owner of McCafferty’s Coffee House, directly adjacent to the distillery. He thanked the Council for their hard work and service. He stated that when the Borough’s zoning code was proposed to include distilleries in the central business district, he spoke against it. Mr. Rogers stated that he supports the approval of the liquor license due to the decline in activity on that block. He mentioned nearby businesses that have closed their doors or plan to shut down in the near future. He expressed faith in Mr. Levy’s ability to be a responsible business owner.

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

**Mr. Matherly** stated that he recently spoke to Mr. Levy. He encouraged the Council to approve the application for a new liquor license with the contingency that Mr. Levy must first obtain a Certificate of Occupancy from the City.

**Mayor Eberhart** pointed out that there has not been a motion regarding the liquor license.

**Mr. Matherly**, seconded by **Mr. Hilling**, moved to WAIVE PROTEST on the Application for a New Liquor License contingent upon the issuance of a Certificate of Occupancy.

**Mayor Eberhart** spoke in favor of the liquor license, stating that it will help revitalize downtown Fairbanks.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE APPLICATION FOR A NEW LIQUOR LICENSE CONTINGENT UPON THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY AS FOLLOWS:

YEAS: Hilling, Anderson, Staley, Matherly, Gatewood

NAYS: None

ABSENT: Walley

**Mayor Eberhart** declared the MOTION CARRIED.

b) The Fairbanks City Council, sitting as a Committee of the Whole, heard interested citizens concerned with the following Liquor License Application for Transfer of Ownership (Stock Transfer):

Type: Package Store, License #0995

To: Oaken Keg #2754 / Safeway, Inc.  
3627 Airport Way, Fairbanks

From: Safeway, Inc. #2754 / Safeway, Inc.  
Same Location

**Mayor Eberhart** called for Public Testimony.

Eureka McCrae, 643 Wainwright Road, Fairbanks – Ms. McCrae stated that she is the store manager for the University Safeway located at 3627 Airport Way. She explained that Safeway, Inc. hold the license for the Oaken Keg stores at the University Avenue and College Road locations. Ms. McCrae stated that Safeway, Inc. is currently a publically-traded company, but clarified that there is a pending transaction that would change the ownership of Safeway, Inc. to Albertson's Holdings, LLC, which will affect 1,000 stores nationwide. She stated that the new entity has not indicated that there will be any changes to the look of the Safeway stores or to the current management of the stores. Ms. McCrae explained that the transfer of ownership is somewhat of a formality in order to comply with the regulations of the Alaska Beverage Control (ABC) Board. On behalf of Safeway, Inc. Ms. McCrae asked the Council to support the transfer.

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

**Mr. Gatewood**, seconded by **Mr. Matherly**, moved to WAIVE PROTEST on the Liquor License Application for Transfer of Ownership (Stock Transfer).

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATION FOR TRANSFER OF OWNERSHIP (STOCK TRANSFER) AS FOLLOWS:

YEAS: Anderson, Gatewood, Staley, Hilling, Matherly

NAYS: None

ABSENT: Walley

**Mayor Eberhart** declared the MOTION CARRIED.

- c) The Fairbanks City Council, sitting as a Committee of the Whole, heard interested citizens concerned with the following Liquor License Application for Transfer of Ownership (Stock Transfer):

Type: Package Store, License #0999  
To: Oaken Keg #3410 / Safeway, Inc.  
30 College Road, Fairbanks

From: Oaken Keg, #3410 / Safeway, Inc.  
Same Location

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

**Mr. Anderson**, seconded by **Mr. Matherly**, moved to WAIVE PROTEST on the Liquor License Application for Transfer of Ownership (Stock Transfer).

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATION FOR TRANSFER OF OWNERSHIP (STOCK TRANSFER) AS FOLLOWS:

YEAS: Gatewood, Anderson, Matherly, Staley, Hilling

NAYS: None

ABSENT: Walley

**Mayor Eberhart** declared the MOTION CARRIED.

### **NEW BUSINESS**

- a) Resolution No. 4644 – A Resolution Authorizing the City of Fairbanks to Accept Funds from the Alaska Division of Homeland Security for the FFY2014 Homeland Security Grant Program. Introduced by Mayor Eberhart.

**Mr. Anderson**, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4644.

**Mr. Gatewood** requested a staff report. He pointed out that the fourth whereas of the resolution speaks to a security upgrade at the Police Department, but indicated that under “Financial Detail” it speaks to a City-wide system upgrade. He asked a staff member to clarify the discrepancy.

Fire Chief Warren Cummings explained that under the grant program, the City applied for \$1.8 million in projects. He added that only three of the projects were fully or partially funded. He stated that the door security system upgrade is City-wide because the City would like to have one system to control all the buildings. Chief Cummings explained that the Police Department security will be addressed first since it is the highest priority. He stated that additional grant funding for the security upgrade at City Hall, Public Works and the Fire Stations may be requested at a later date.

**Mr. Gatewood** suggested that whenever a grant impacts multiple departments it be clarified in the fiscal note. He explained that it would allow the Council to have a much better grasp on the total cost of a given project.

**Mr. Hilling** objected to the approval of Resolution No. 4644, stating that he does not wish to saddle future generations with more debt. He spoke on the principle that the Fairbanks is a City of means and should not be taking borrowed money for something it can afford. He commented that he does not want to leave a legacy of government-dependency for his children. **Mr. Hilling** also spoke against allowing the federal government to have too much control.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4644 AS FOLLOWS:

YEAS: Matherly, Staley, Gatewood, Anderson

NAYS: Hilling

ABSENT: Walley

**Mayor Eberhart** declared the MOTION CARRIED and Resolution No. 4644 APPROVED.

- b) Ordinance No. 5958 – An Ordinance Amending the 2014 Operating and Capital Budgets for the Sixth Time. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

## **DISCUSSION ITEMS**

### Committee Reports

Explore Fairbanks Board of Directors – **Mr. Matherly** stated that the Board recently met and discussed the concern that Frontier Airlines will not be flying to Fairbanks, the lease of the City's log cabin downtown, and the winter tourist season. He stated that the Board also welcomed a new employee.

## **COMMUNICATIONS TO COUNCIL**

- a) Memorandum Concerning the Northern Door Clubhouse

**Mr. Gatewood** expressed confusion with the purpose of the memo. He stated that when the Council approved a grant for \$58,000, he thought that the fiscal agent was Access Alaska. He asked for clarification.

Grants Administrator Margarita Bell explained that while Ordinance No. 5941 referenced Access Alaska, the fiscal agent was Fairbanks Community Mental Health Services. She stated that the two entities were working together in order to provide funds for the program. Ms. Bell explained that the Northern Door Clubhouse is now working with JP Jones to lease an area for their program and is requesting approval from the Council to change their fiscal agent.

**Mr. Gatewood** asked if the Northern Door Clubhouse is currently functioning.

Ms. Bell replied that the program is not currently active and that none of the grant funds have been expended. She stated that the City has been waiting for Fairbanks Community Mental Health Services to provide the necessary documentation in order to release the funds and indicated that they have not done so.

**Mr. Gatewood** asked what it will mean if the grant funds are carried into 2015.

Ms. Bell replied that once the Council approves Crossroads to be the new fiscal agent, the City may encumber the funds and roll over any unexpended funds to the following year.

**Mr. Anderson**, seconded by **Mr. Hilling**, moved to APPROVE the Memorandum Concerning the Northern Door Clubhouse.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE MEMORANDUM CONCERNING THE NORTHERN DOOR CLUBHOUSE AS FOLLOWS:

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

### COUNCIL MEMBERS' COMMENTS

**Ms. Staley** stated that will be home in a couple of days. She requested to be excused for the Regular City Council Meeting of October 20, 2014, due to travel.

**Mayor Eberhart** called for objection to Ms. Staley's request to be excused on October 20, 2014, and hearing none, so ORDERED.

**Ms. Staley** stated that the Golden Heart Parking Services (GHPS) Board is still looking to fill a vacancy.

**Mr. Matherly** reminded everyone to vote in the upcoming Municipal Election. He cautioned drivers to slow down and drive safely. He thanked all who attended the meeting and gave testimony. **Mr. Matherly** stated that while some of the discussion at Council Meetings can be tense, everyone is still a part of the same community. He commented that he will continue to work as hard as he can for Fairbanks citizens and that he will support the new Chief of Police. He expressed hope that trust issues and relationships could be restored in regard to the Fairbanks Police



Department. **Mr. Matherly** stated that he plans to talk with Rep. Kawasaki about what may be done about the Sinrock Club.

**Mr. Hilling** suggested that the Sinrock Club be sued for calling themselves a “gentleman’s club” on the basis of discrimination. He stated that this meeting marks his last full meeting as a City Council Member. He spoke in support of Chief Aragon and commended Mayor Eberhart for the transparent selection process.

**Mr. Anderson** expressed excitement to bring the new Chief of Police on board. He reminded everyone to vote in the Municipal Election.

**Mr. Gatewood** echoed Mr. Matherly’s comments regarding the mood of the meeting. He stated that he has concerns with the hiring of the new Chief of Police. He expressed hope that the Council does not believe that the new Chief will come in like the Lone Ranger and fix everything. He stated that there are much bigger issues in the community that the City needs to address, whether those issues are real or perceived. **Mr. Gatewood** stated that there is racism throughout the Fairbanks community in all different types of jobs and walks of life. He stated that the Council cannot leave it up to one man to fix the problems in Fairbanks. He suggested that the community come together to live Mayor Eberhart’s motto of being “Stronger Together.”

**ADJOURNMENT**

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

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

**Mayor Eberhart** declared the Meeting adjourned at 10:15 P.M.

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JOHN EBERHART, MAYOR

ATTEST:

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JANEY HOVENDEN, MMC, CITY CLERK

Transcribed by: DS



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, OCTOBER 20, 2014  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 7:00 p.m. on the above date, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor John Eberhart presiding and with the following Council Members in attendance:

Council Members Present: Perry Walley, Seat B  
Bernard Gatewood, Seat C  
Jim Matherly, Seat D  
Lloyd Hilling, Seat E  
Chris Anderson, Seat F

Absent: Renee Staley, Seat A (Excused)

Also Present: Warren Cummings, Fire Chief  
Paul Ewers, City Attorney  
Janey Hovenden, City Clerk  
Jim Williams, Chief of Staff  
Stephanie Johnson, Dispatch Center Manager  
Carmen Randle, Controller  
Ben Barrio, IT Director  
Michael J. Schmetzer, City Engineer  
Barbara Sunday, Director HR/Risk Management/Purchasing  
Jim N. Soileau, Chief Financial Officer  
Brad Johnson, Acting Police Chief

### INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

### FLAG SALUTATION

**Mayor Eberhart** led the Flag Salutation.

### APPROVAL OF AGENDA AND CONSENT AGENDA

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

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

City Clerk Hovenden read the Consent Agenda into the record.

**Mayor Eberhart** presented awards to the following Fire Department employees for outstanding emergency response service in the Northward Building incident: Captain Sean Aldrich, Captain Tom Monicken, Driver Dominic Lozano, and Firefighter Shane Powers. He recognized Mr. Powers also for his life-saving actions in responding to the Geraghty Street Apartment fire and presented him with an award from the Office of the State Fire Marshal, naming Mr. Powers the 2014 Alaska Firefighter of the Year.

### **CITIZEN'S COMMENTS**

Darlene Herbert, 906 Woodlawn Road, Fairbanks - Ms. Herbert congratulated the newly-elected officials and reminded them that they are supposed to work together.

Daisy Stevens, 1841 Hilton Avenue, Fairbanks – Ms. Stevens echoed Ms. Herbert's comments. She commended Chris Anderson for his time served on the Council and congratulated the newly-elected officials. She stated that she voted for Jerry Cleworth and that she expects him to do a good job on the Council. Ms. Stevens commented that she has seen a lot of fighting occur amongst the Council and emphasized the need for the Council to work together for the good of Fairbanks citizens.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger thanked Mr. Hilling and Mr. Anderson for their service on the City Council. He commended the Public Works Department and Director Mike Schmetzer for the work done on South Cushman Street. He spoke to the inflated wages of City police officers and pointed out that one officer is earning \$188,000 a year. Mr. Buberger stated that the officer's overtime wages alone were more than an average person's annual wage. He spoke in opposition to the 36-hour work week that was recently proposed in the Public Safety Employees Association (PSEA) labor contract. He sarcastically commented that maybe City police officers are so good that they should be earning \$1 million per year. He expressed distaste with hearing City police officers whine about their wages and suggested that they may be happier being employed elsewhere.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that he hates to see Mr. Hilling not run again for City Council and expressed his belief that Mr. Hilling is a man with genuine principles. He thanked Mr. Hilling for introducing the first resolution passed in the State of Alaska in support of industrial hemp farming and for introducing a resolution opposing the United Nation's (UN) Agenda 21 Program. Mr. Turney thanked Mr. Anderson for his service on the Council and commended him for his consistency. In regard to citizen decorum at City Council Meetings, Mr. Turney quoted Harry S. Truman, "If you can't stand the heat, get out of the kitchen." He commented that the Council should be able to handle direct criticism from constituents. He stated that Mr. Matherly should not have criticized citizens for "cop bashing" during the process of selecting the new Chief of Police. Mr. Turney suggested that some Council Members may want to sweep issues of misconduct at the police department under the rug. He welcomed new Chief of Police Randall Aragon and stated that the people of Conway, Arkansas where Aragon used to work have had good things to say about him. Mr. Turney suggested that the City of Fairbanks install sanitizing machines in the halls of its buildings for the public to wash their hands.

Floyd Terry, PO Box 73514, Fairbanks – Mr. Terry stated that he has been sorting through 33 years-worth of collections representing the various activities he has been involved in since he has been in Alaska. He stated that he has lived with no running water for 33 years and that two of those years he had no electricity. Mr. Terry mentioned that he has been actively trying to promote a roller skating rink in Fairbanks for many years and stated that he has been unsuccessful in simply putting together a presentation meeting for his idea. He pointed out that he has never asked anyone for money to support his goal and that he has given thousands of his own dollars to promote his idea. He spoke out against local non-profits asking for money from other organizations.

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

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

**Mayor Eberhart** thanked Mr. Hilling for his service on the City Council and stated that he enjoyed his discussion and discourse. He thanked Mr. Anderson for being willing to serve on the Council again after having served several years ago. He expressed appreciation for Mr. Anderson's views, input and the diversity he brought to the City Council. **Mayor Eberhart** presented each departing member of the Council with a gold pan to commemorate their service. **Mayor Eberhart** congratulated Mr. Cleworth on his return to the City Council and shared that Mr. Cleworth has the most seniority of all time on the City Council of Fairbanks. He stated that Mr. Cleworth's accounting and budget experience will be very helpful in preparing the upcoming budget. **Mayor Eberhart** congratulated Mr. Pruhs for his election to the Council and stated that his background in real estate will be a welcome contribution to the body. He asked the Council to let him know if changes should be made to their Board/Commission assignments. He announced that with Mr. Anderson's departure, he would like to appoint Council Member Gatewood to the Fairbanks Diversity Council. **Mayor Eberhart** shared that there are many upcoming vacancies for seats on City Boards and Commissions and encouraged members of the public to apply. He stated that all applications will be considered. **Mayor Eberhart** stated that the City signed an agreement with the Fairbanks North Star Borough School District (FNSBSD) for two school resource officers (SRO's) and another agreement with the School District for a work/study program for high school students. He stated that there are five high school students currently working at the City and participating in the work/study program and added that another student will soon start working. **Mayor Eberhart** referenced the handouts regarding the Community Service Patrol (CSP) and stated that the program is a terrific investment and offers a significant savings for the City of Fairbanks. He spoke to the many activities, events and meetings that he and others in his office have been involved in since the last Regular City Council Meeting. He shared that there is a tentative future plan to build an overpass at three-mile Richardson Highway to improve driver safety at the railroad crossing. **Mayor Eberhart** stated that he attended a Celebration of Life for a man who was recently found deceased in a park earlier in the month. He explained that police are investigating the cause of death of the 39-year-old man.

## **UNFINISHED BUSINESS**

- a) Ordinance No. 5958 – An Ordinance Amending the 2014 Operating and Capital Budgets for the Sixth Time. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

**Mr. Anderson**, seconded by **Mr. Hilling**, moved to ADOPT Ordinance No. 5958.

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

**Mr. Matherly** stated that because there has not been a recent Finance Committee meeting and because there are two new Council Members to be sworn into office later in the meeting, he would like to postpone the budget ordinance to a later date.

**Mr. Matherly**, seconded by **Mr. Hilling**, moved to POSTPONE Ordinance No. 5958 until the Regular City Council Meeting of November 3, 2014.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO POSTPONE ORDINANCE NO. 5958 AS FOLLOWS:

YEAS: Hilling, Walley, Matherly, Gatewood  
NAYS: Anderson  
ABSENT: Staley  
**Mayor Eberhart** declared the MOTION CARRIED.

## **2014 MUNICIPAL ELECTION**

- a) Certification of the 2014 Municipal Election Results

**Mr. Matherly**, seconded by **Mr. Walley**, moved to CERTIFY the 2014 Municipal Election Results.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO CERTIFY THE 2014 MUNICIPAL ELECTION RESULTS AS FOLLOWS:

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

- b) Council Members' Comments

**Mr. Matherly** thanked Mr. Anderson for his tenacity and consistency as a Council Member. He commented on Mr. Hilling's long-winded discussions and stated that he enjoyed getting to know Mr. Hilling and listening to his comments. He stated that Mr. Hilling is a smart and committed

man who has always been respectful of his peers. He expressed hope that the outgoing Council Members would stay involved in City matters.

**Mr. Gatewood** echoed the sentiments of others in regard to Mr. Hilling and Mr. Anderson. He stated that he has known Mr. Anderson for a number of years and commended him for coming out of retirement to serve on the City Council. He spoke to Mr. Anderson's steadfastness and to his involvement throughout the Fairbanks community. **Mr. Gatewood** stated that he will miss Mr. Hilling and his discussions that nearly always held a historical point and offered a different perspective. He thanked both departing members for their service.

**Mr. Walley** expressed appreciation to Mr. Anderson for viewpoints and commitment to the Council. He stated that it has been an honor to serve with Mr. Hilling for two years on the City Council and commented that he will remember Mr. Hilling for sharing his knowledge. He thanked the families of the departing Council Members for their commitment to share Mr. Hilling and Mr. Anderson with the City. **Mr. Walley** acknowledged Mr. Hilling's strong belief against accepting federal grant dollars. He thanked both Mr. Hilling and Mr. Anderson for their service.

**Mr. Hilling** commented that he believes his fellow Council Members are principled and hard-working individuals. He stated that Mr. Anderson is a wonderful desk mate and has been an enjoyable person to get to know. He commented that Mr. Gatewood is a very wise man. **Mr. Hilling** stated that although Mr. Walley was new to the Council two years ago, he feels that he is a very dedicated man. He commented that Ms. Staley is a great public servant who is very involved in the community. **Mr. Hilling** also expressed appreciation for Mr. Matherly's dedication as a public servant. He commended Mayor Eberhart for being so involved in innovative processes and for opening his mind to new ideas. He thanked City Clerk Hovenden for her work in supporting the Council and expressed gratitude to City Attorney Ewers for being there to help him when needed. **Mr. Hilling** stated that public servants are supposed to vote their conscience and not necessarily according to what their constituents want.

**Mr. Anderson** stated that he is humbled by the kind words of everyone. He thanked Mayor Eberhart for giving him the opportunity to serve on the Council for the past year and stated that he will miss the things happening with the Diversity Council and the new Chief of Police. He wished everyone well and congratulated Mr. Pruhs and Mr. Cleworth for their victory in the election. **Mr. Anderson** commented that it was good to get reacquainted with City staff members who have been around since he served on the Council many years ago. He expressed his belief that the City has extraordinary staff who strives to keep the City in a good financial state. He specifically thanked City Clerk Hovenden for her dedication and commitment to the City and commented on the camaraderie he feels with fellow Council Members.

**Mayor Eberhart** called for a five minute transition recess.

c) Oaths of Office

City Clerk Hovenden read the signed Certification for the 2014 Municipal Election into the record as follows:

That **Jerry Cleworth**, having received the majority number of votes cast for COUNCIL SEAT E, for a three-year term ending October 2017, is hereby declared elected as a Member of the Fairbanks City Council.

That **David Pruhs**, having received the majority number of votes cast for COUNCIL SEAT F, for a three-year term ending October 2017, is hereby declared elected as a Member of the Fairbanks City Council.

City Clerk Hovenden swore in newly-elected Council Members Jerry Cleworth and David Pruhs. New Council Members assumed their respective Seats, E and F.

### **NEW BUSINESS**

- a) Ordinance No. 5959 – An Ordinance Amending Fairbanks General Code Section 14-176 Regarding Possession of Alcoholic Beverages. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA

### **DISCUSSION ITEMS**

#### Committee Reports

FMATS Policy Committee – **Mr. Walley** stated that the Policy Committee approved a project list which identifies short-range projects from 2015 – 2020, mid-range projects from 2021 – 2030, and long-range projects from 2031 – 2040. He stated that the Committee also reviewed the Metropolitan Transportation Plan Needs Assessment, which is an overview of future needs through year 2040 for the FMATS area. He stated that needs include everything from lighting to pedestrian walkways to bicycle paths that may need to be addressed in the future. **Mr. Walley** stated that the Committee approved the 2015 Policy Committee meeting dates.

### **COMMUNICATIONS TO COUNCIL**

- a) Board of Plumber Examiners Meeting Minutes of July 1, 2014

ACCEPTED on the CONSENT AGENDA

- b) Clay Street Cemetery Commission Meeting Minutes of September 3, 2014

ACCEPTED on the CONSENT AGENDA

- c) Chena Riverfront Commission Meeting Minutes of September 10, 2104

ACCEPTED on the CONSENT AGENDA

## COUNCIL MEMBERS' COMMENTS

**Mr. Gatewood** commented that the high school football season has ended. He congratulated the Eielson Ravens for winning the small schools championship and the North Pole Patriots for taking second place in the medium schools championship. He stated that the Lathrop Malemutes lost in the semi-finals. **Mr. Gatewood** commended coaches, student athletes, parents and those in the community who support youth football.

**Mr. Walley** welcomed Mr. Cleworth and Mr. Pruhs. He stated that he has known both gentlemen for a while and stated that it is good to have them both on the Council.

**Mr. Matherly** gave Mr. Cleworth and Mr. Pruhs a warm welcome. He stated that Mr. Cleworth is very knowledgeable and approachable and commented that he has known Mr. Pruhs for many years. He stated that it is an honor to serve on the Council.

**Mr. Cleworth** commented that it is a joy to be back on the City Council. He spoke to Mr. Gatewood's longevity as a Council Member. He stated that he is back in the first seat he ever held on the Council back in 1987. **Mr. Cleworth** stated that he has known Chris Anderson and his family for many years and that he was a great singer in high school. He stated that he has enjoyed working with Lloyd Hilling who is a wealth of knowledge in the field of economics and a true libertarian. **Mr. Cleworth** welcomed Mr. Pruhs to the City Council and commended him for his work on the Borough Planning Commission. He expressed appreciation to City staff for their service. **Mr. Cleworth** shared that the Borough will soon be introducing an ordinance to change the way they collect property taxes. He stated that his understanding is that property owners run the risk of losing their homeowner exemption if they are delinquent in paying their taxes. He stated that the change would ensure that tax payments go directly to the principal rather than to penalties and interest. **Mr. Cleworth** stated that the change may help those who are going through a hard time to not lose their home. He indicated that the sponsors of the Borough ordinance, Lance Roberts and Kathryn Dodge, would like to see a letter of support from the City of Fairbanks. **Mr. Cleworth** shared that Mable Hopson recently passed away and spoke to her contributions to and leadership in the Fairbanks community.

**Mr. Pruhs** stated that it is a great honor to join the Fairbanks City Council. He stated that he is a true Fairbanksan and that he believes it is his duty to help the City in any way he can. He stated that he looks forward to working with everyone.

**Mr. Matherly**, seconded by **Mr. Walley**, moved to go into Executive Session for the purpose of discussing Labor Contract Negotiations for the International Brotherhood of Electrical Workers (IBEW), AFL-CIO and the Fairbanks Firefighters Union (FFU).

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

**Mayor Eberhart** called for a brief recess.

## EXECUTIVE SESSION

- a) Labor Contract Negotiations – IBEW, AFL-CIO and FFU



The City Council met in Executive Session to discuss IBEW, AFL-CIO and FFU Labor Contract Negotiations. An update was provided to the Council on the FFU Contract. The City Council gave direction to the negotiating team on the AFL-CIO and IBEW Contracts and no action was taken.

**ADJOURNMENT**

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

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

**Mayor Eberhart** declared the Meeting adjourned at 10:25 P.M.

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JOHN EBERHART, MAYOR

ATTEST:

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JANEY HOVENDEN, MMC, CITY CLERK

Transcribed by: DS

# MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, MMC, City Clerk

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Date: December 18, 2014  
To: Mayor John Eberhart  
City Council Members  
From: Janey Hovenden, MMC, City Clerk  
Re: Denial of Application for New City of Fairbanks Chauffeur  
License – Michael J Mackey

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Attached is a copy of **Mr. Mackey's** application for a new City of Fairbanks Chauffeur License. The City Clerk has denied this request for license pursuant to FGC Section 86-77(6)(b) (attached). Please refer to page two of his application for licensure where he did not responded affirmatively to "Any crime which includes as an element of the offense, the use or threat of force upon a person". Please also see the report generated by criminalbackgroundrecords.com which the City Clerk uses to conduct background checks, which indicates that on November 07, 2011, Mr. Mackey was convicted of Assault in the 4th Degree – Class A Misdemeanor.

Mr. Mackey was informed of the option to appeal the decision of the City Clerk to the City Council, and requested to be placed on this agenda for your consideration.

If you have any questions, please call me at 459-6774

Attachments: Chauffeur Application Packet  
FGC Section 86-77(6)(b)

*Visit us on the Web at [www.fairbanksalaska.us](http://www.fairbanksalaska.us)*



# City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715  
Fax (907)459-6710

## REQUEST FOR APPEAL FORM

DATE: 12/08/2014

TO: Janey Hovenden, City Clerk

FROM: Michael Mackey  
(Please Print)

RE: Request for Appeal Hearing (Chauffeur's License)


Please consider this document a request for an APPEAL HEARING before the Fairbanks City Council in regards to the denial of my Chauffeur's License Application. I understand that the City Council will not consider an appeal if the reason for the denial is a conviction for a sexual offense, for a felony drug offense, for driving while intoxicated, for refusal within the time indicated in Sec. 86-77, or if the applicant has more than one conviction for offenses listed in Sec. 86-77(6)(a)-(g) within the time indicated.

I can be present at the City Council Meeting scheduled for:

Monday, January 5, 2015 at 7:00 P.M.

(Meetings are held in the Council Chambers located at 800 Cushman Street, 2<sup>nd</sup> Floor)

By signing below, I understand that the information and supporting documentation contained in my Chauffeur's License Application will be copied and provided to the Fairbanks City Council. I understand that there will be a public hearing, on the above date, at which time the Council will discuss my appeal. I understand that the public hearing may be reproduced electronically, digitally, and/or transmitted over the air waves. I understand that I have no right to expect privacy of the records or information contained in my application, or of any discussions that may occur during the public hearing.

  
\_\_\_\_\_  
Acknowledgement by Applicant

Official Use Only: Clerk's Initials: TC

Date Received: 12/08/14

**Sec. 86-77. Application for chauffeur's license.**

- (a) All applications for issuance or renewal of a chauffeur's license shall be made upon forms provided for this purpose by the city clerk, and the applications shall be submitted to the city clerk for review. The requirements to be fulfilled prior to issuance of a chauffeur's license shall be as follows:
- (1) The applicant must be 21 years of age or older and furnish proof if requested.
  - (2) The applicant must be able to read, write and speak the English language.
  - (3) The applicant must be in possession of a current Alaska State Driver's License.
  - (4) The applicant must not have had a conviction within 24 months of:
    - a. A moving traffic violation which results in suspension or revocation of the applicant's driver's license pursuant to AS 28.15.221 through 28.15.261;
    - b. Reckless or negligent driving;
    - c. Driving while license is limited, suspended or revoked;
  - (5) The applicant must not have had his driver's license suspended or revoked within two years prior to the application date.
  - (6) Except as otherwise provided in this subsection, the applicant must not have had a felony conviction within eight years or a misdemeanor conviction within four years of:
    - a. Prostitution or promotion of prostitution;
    - b. Any offense under AS Title 11, Chapter 71 Controlled Substances.
    - c. Any felony or misdemeanor which includes as an element the use or threat of force upon a person;**
    - d. Burglary, felony larceny, fraud or embezzlement;
    - e. Any sexual offense;
    - f. Any homicide or assault involving operation of a motor vehicle;
    - g. Two separate felony convictions of any type;
    - h. Operation or driving a vehicle while intoxicated within five years or within eight years for a felony conviction;
    - i. Refusal to submit to a chemical test as defined in AS 28.35.032 within five years or within eight years for a felony conviction.
  - (7) The applicant must not be addicted to the use of intoxicants or narcotics.
  - (8) The applicant must be of good moral character and repute.
  - (9) The applicant must not be a sex offender or kidnapper subject to the registration requirements of AS Title 12, Chapter 63.
- (b) The city clerk's office shall procure an online criminal history report for each applicant, the cost of which will be included in the chauffeur license application fee in the city schedule of fees and charges for services.

(Code 1960, § 8 201(c)(1)–(6); Ord. No. 5484, § 1, 5-11-2002; Ord. No. 5562, § 1, 3-13-2004; Ord. No. 5853, § 1, 3-13-2011; Ord. No. 5875, § 1, 2-27-2012)



# CITY OF FAIRBANKS

RECEIVED

DEC 08 2014

CITY OF FAIRBANKS

## CHAUFFEUR LICENSE APPLICATION

Office of the City Clerk, 800 Cushman Street  
Fairbanks, AK 99701, (907) 459-6702

TYPE OF LICENSE: NEW  RENEWAL  FEES DUE/COLLECTED: \_\_\_\_\_

Name: <u>Michael John Mackey</u>	Other Name(s) Used: <u>n/a</u>	Year of Name Change: <u>n/a</u>
Physical Address: [REDACTED]	Home Phone: [REDACTED]	
City, State, Zip: [REDACTED]	Work/Cell Phone: _____	
Mailing Address: <u>Same</u>	AK Driver's License No: [REDACTED]	
City, State, Zip: _____	E-mail: [REDACTED]	
Date of Birth: [REDACTED]	SSN: [REDACTED]	Phone: [REDACTED]

### Application Requirements

**\$75.00 Non-Refundable Application Fee for New Applications and Renewals**  
**\$100.00 Biennial License Fee for New Applications and Renewals**  
**Complete Application, including Authorization to Obtain Criminal History Record**  
**Copy of Current State of Alaska Driver's License**

### Length of Residency

Length of Alaska Residency in Consecutive Years 4.5 Length of FNSB Residency in Consecutive Years 1 mo

### Previous Address(es)

Previous City and State of residence, other than Fairbanks, for the past 8 years:

[REDACTED]	From: [REDACTED]	To: [REDACTED]
[REDACTED]	From: [REDACTED]	To: [REDACTED]
[REDACTED]	From: [REDACTED]	To: [REDACTED]

### Employment

Cab Company Applying for or Employed By: Aurora

Address: \_\_\_\_\_

Date Employment Began or Will Begin: Immediately Phone: \_\_\_\_\_

Previous Chauffeur License Held (City & State): n/a

**Record of Conviction(s)**

**PLEASE ANSWER YES OR NO TO THE FOLLOWING QUESTIONS:**

**YES or NO**

Within the past **24 months**, have you had a conviction for any of the following:

- A moving violation which resulted in the suspension or revocation of your driver's license pursuant to AS 28.15.221 - AS 28.15.261?
- Reckless or negligent driving?
- Driving while license is limited, suspended, or revoked?

no  
no  
no

Within the past **5 years** (or within the past 8 years if a felony conviction) have you received a conviction for either of the following:

- Operating or driving a vehicle while intoxicated?
- Refusing to submit to a chemical test as defined in AS 28.35.032?

no  
no

Within the past **8 years** have you had a felony or within **4 years** a misdemeanor conviction for any of the following:

- Prostitution or promotion of prostitution?
- Any offense under AS Title 11, Chapter 71, Controlled Substances?
- Any crime which includes as an element of the offense, the use or threat of force upon a person?
- Burglary, felony larceny (felony theft), fraud, or embezzlement?
- Any sexual offense?
- Any homicide or assault involving operation of a motor vehicle?
- Two separate felony convictions of any type?

no  
no  
no  
no  
no  
no  
no  
no

Are you subject to the registration requirements of AS 12.63 (sex offender or kidnapper)?

no

An Answer of YES to any of the above questions regarding your criminal history and/or driving record is grounds for denial of a Chauffeur License. Please explain on a separate sheet of paper any convictions that meet the look-back criteria as noted above, including charges, places, dates, and sentences imposed. An Applicant may have the right to appeal a denial by the City Clerk after submission of a completed application and payment of the application fee. An Appeal Form can be obtained at the City Clerk's Office. See FGC Section 86-95 to determine if you are eligible for an appeal.

**Citizenship Status**

Are you a natural born or fully naturalized citizen of the United States? yes

If not, where did you obtain a permit or visa? n/a

Date of entry into the United States: \_\_\_\_\_ Alien Registration No. \_\_\_\_\_

The Fairbanks General Code is attached to this application for your convenience; it is provided as a courtesy, but is the responsibility of the Applicant to understand the requirements and to be compliant. The Applicant, through signing of the above Oath, acknowledges having read the Code and certifies that he/she understands it. If the Applicant has any questions regarding those responsibilities, the questions should be asked prior to issuance of a license.

**Please make all necessary copies for your records before submission of your application to the Clerk's Office.** There will be a per page charge for any copying requested in accordance with FGC Sec. 2-775. Thank you in advance for your cooperation.

The City Clerk's Office may require 24 hours to process applications and does not accept licensing applications after 4:00 PM. Hours of operation are Monday through Friday, 8:00 AM to 5:00 PM. The City of Fairbanks observes national and state holidays.

**Applicant's Statement for Chauffeur License and  
Authorization Statement for Criminal History Record Check**

I, Mike Mackey, being first duly sworn, depose and state that I am the individual making application for license and that the answers to the foregoing questions and other statements contained herein are true and complete to the best of my knowledge and belief. I understand that any materially false statement on this application may be subject to revocation or denial of a license.

I certify that I am at least 21 years of age or older, that I can read, write, and speak the English language, that I am not addicted to the use of intoxicants or narcotics, that I am of good moral character and repute, that I have been a resident within the Fairbanks area for a minimum of 30 days immediately prior to this application, that I am not subject to the registration requirements of AS 12.63 (sex offender or kidnapper), that I have read and understand Fairbanks General Code Sections 86-76 thru 86-96, and that I understand the requirements for licensure.

Further, I hereby authorize the City of Fairbanks to obtain information pertaining to any charges and/or convictions I may have had for violation of municipal, county, state or federal laws. This information will include, but not be limited to, allegations regarding, and convictions for, crimes committed upon minors. I understand that this information will be gathered from any law enforcement agency of this state or any state or federal government, or from third-party providers of information originally obtained from law enforcement or court records.

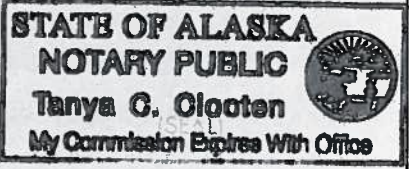
As an applicant for a chauffeur license, I hereby attest to the truthfulness of the representations I have made. Except as I have disclosed, I have not been found guilty of, or entered a plea of nolo contendere or guilty to any offense.

I understand that I must be truthful and, if any statement I have made is found to be false, I will be denied the license for which I am making application.

Signature of Applicant [Signature] Date 12/8/14

Sworn to before me this 8<sup>th</sup> day of December, 2014

Notary Public for the State of Alaska  
My Commission Expires: with office



Administrative Use Only	
Approved By:	Date:
Denied By: <u>Tanya Clouten</u>	Date: <u>12/8/14</u>
Reason for Denial: <u>assault 4th degree 11/2011</u>	

For additional information and/or forms, please visit the City of Fairbanks web site at:  
[www.fairbanks.ak.us](http://www.fairbanks.ak.us)

# Criminal Charge History

**WARNING:** This criminal history may not be complete due to limited information. These records are from State of Alaska courts only and include computerized records since 1992 only. Computerized case information prior to implementation of CourtView is very limited. Contact the trial court for detailed information about a case or for records prior to 1992.

This report does not list jail time imposed as a result of a petition to revoke probation.

**NOTE:** Criminal cases removed from the public index pursuant to Administrative Rule 40(a) do not display on this report.

**Search Criteria:**

Last Name: **MACKEY**  
 First Name: **MICHAEL**  
 DOB: [REDACTED]

Print Date 12/17/2014

Case Number	Offense Date	Defendant	DLN#	Modifier	DV
File Date		Action Code	APSIN#		
Charge	Dispo Date	Disposition			
<b>3PA-13-00409CR</b>			DLN: [REDACTED] AK		
02/18/2013		Mackey, Michael John	APSIN: [REDACTED]		
CHRG 1	02/17/2013	AS11.41.230(a)(1): Assault In The 4th Degree - Recklessly Injure			Yes
		No Disposition			
CHRG 2	02/17/2013	AS11.41.230(a)(1): Assault In The 4th Degree - Recklessly Injure			
		No Disposition			
<b>3PA-11-02308CR</b>			DLN: [REDACTED] AK		
09/07/2011		Mackey, Michael J	APSIN: [REDACTED]		
CHRG 1	09/06/2011	AS11.41.230(a)(1): Assault In The 4th Degree - Recklessly Injure			No
Disposition:	11/07/2011	Guilty Conviction After Guilty Plea			
		Jail Days: 180      Suspended: 120			
CHRG 2	09/06/2011	AS11.46.484(a)(1): Crim Mischief 4-Prop Dam \$50-\$499			No
Disposition:	11/07/2011	Dismissed by Prosecution (CrR43(a))			
CHRG 3	09/06/2011	AS11.56.745: Interfere w/ Report of DV Crime			
Disposition:	11/07/2011	Dismissed by Prosecution (CrR43(a))			
<b>3PA-10-03223CR</b>			DLN: [REDACTED] WA		
11/29/2010		Mackey, Michael J	APSIN: [REDACTED]		
CHRG 1	11/23/2010	AS28.15.291(a)(1): Drive w/ License Canc/Susp/Revoked/Lim			No
Disposition:	12/21/2010	Dismissed by Prosecution (CrR43(a))			
<b>4FA-06-02540CR</b>			DLN: [REDACTED] AK		
07/10/2006		Mackey, Michael J	APSIN: [REDACTED]		
CHRG 1	07/10/2006	AS11.41.230(a)(3): Assault 4-Cause Fear Of Injury			Yes
Disposition:	09/25/2006	Guilty Conviction After No Contest Plea			
		Jail Days: 360      Suspended: 270			
<b>4FA-05-04626CR</b>			DLN: [REDACTED] AK		
12/28/2005		Mackey, Michael J	APSIN: [REDACTED]		
CHRG 1	12/27/2005	AS11.41.230(a)(1): Assault In The 4th Degree - Recklessly Injure			Yes
Disposition:	01/10/2006	Guilty Conviction After No Contest Plea			
		Jail Days: 280      Suspended: 180			
CHRG 2	12/27/2005	AS11.46.484(a)(1): Crim Mischief 4-Prop Dam \$50-\$499			No
Disposition:	01/10/2006	Guilty Conviction After No Contest Plea			
		Jail Days: 90      Suspended: 80			
CHRG 3	01/10/2006	PTRP - Petition to Revoke Probation			No
Disposition:	09/25/2006	PTRP: Dismissed or Declined by Prosecutor			
CHRG 4	05/18/2007	PTRP - Petition to Revoke Probation			No
Disposition:	03/19/2010	PTRP: Dismissed or Declined by Prosecutor			



## Criminal Charge History

Case Number	Offense Date	Defendant	DLN#	Modifier	DV
File Date		Action Code	AP SIN#		
Charge	Dispo Date	Disposition			
4FA-05-04626CR		Mackey, Michael J	DLN: [REDACTED] AK		
12/28/2005			AP SIN:		
<i>Continued</i>					
4FA-99-01576CR		Mackey, Michael	DLN: [REDACTED] AK		
06/06/1999			AP SIN:		
CHRG 1	06/05/1999	AS11.41.230(A)(1): ASSAULT-4TH DEGREE			No
Disposition:	09/17/1999	No Contest Plea Prior to Conversion			
		Jail Days: 180	Suspended: 140		
4FA-98-03170CR		Mackey, Michael J	DLN: [REDACTED] WA		
10/06/1998			AP SIN:		
CHRG 1	07/28/1998	AS11.41.230(A)(1): ASSAULT-4TH DEGREE			No
Disposition:	01/20/1999	No Contest Plea Prior to Conversion			
		Jail Days: 90	Suspended: 60		
4FA-97-03678CR		Mackey, Michael J	DLN: [REDACTED] AK		
11/26/1997			AP SIN:		
CHRG 1	11/14/1997	AS11.41.230(A)(3): ASSAULT-4TH DEGREE			No
Disposition:	01/30/1998	No Contest Plea Prior to Conversion			
		Jail Days: 30	Suspended: 29		
CHRG 2	11/14/1997	AS11.41.230(A)(3): ASSAULT-4TH DEGREE			No
Disposition:	01/30/1998	Dismissed Prior to Conversion			

End of Report

# MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, MMC, City Clerk

---

Date: December 18, 2014  
To: Mayor John Eberhart  
City Council Members  
From: Janey Hovenden, MMC, City Clerk  
Re: Denial of Application for New City of Fairbanks Chauffeur  
License – Jesse R Gabayan

---

Attached is a copy of **Mr. Gabayan's** application for a new City of Fairbanks Chauffeur License. The City Clerk has denied this request for license pursuant to FGC Section 86-77(6)(b) (attached). Please refer to page two of his application for licensure where he did not responded affirmatively to "Burglary, felony larceny (felony theft), fraud, or embezzlement". Please also see the report generated by criminalbackgroundrecords.com which the City Clerk uses to conduct background checks, which indicates that on June 22, 2009 Mr. Gabayan was convicted of Theft 2 – Class C Felony.

Mr. Gabayan was informed of the option to appeal the decision of the City Clerk to the City Council, and requested to be placed on this agenda for your consideration.

If you have any questions, please call me at 459-6774.

Attachments: Chauffeur Application Packet  
FGC Section 86-77(6)(b)



# City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715

Fax (907)459-6710

## REQUEST FOR APPEAL FORM

RECEIVED  
DEC 15 2014  
CITY OF FAIRBANKS

DATE: DECEMBER 15, 2014

TO: Janey Hovenden, City Clerk

FROM: Jesse Loibayan  
(Please Print)

RE: Request for Appeal Hearing (Chauffeur's License)

Please consider this document a request for an APPEAL HEARING before the Fairbanks City Council in regards to the denial of my Chauffeur's License Application. I understand that the City Council will not consider an appeal if the reason for the denial is a conviction for a sexual offense, for a felony drug offense, for driving while intoxicated, for refusal within the time indicated in Sec. 86-77, or if the applicant has more than one conviction for offenses listed in Sec. 86-77(6)(a)-(g) within the time indicated.

I can be present at the City Council Meeting scheduled for:

Monday, JANUARY 5, 2015 at 7:00 P.M.

(Meetings are held in the Council Chambers located at 800 Cushman Street, 2<sup>nd</sup> Floor)

By signing below, I understand that the information and supporting documentation contained in my Chauffeur's License Application will be copied and provided to the Fairbanks City Council. I understand that there will be a public hearing, on the above date, at which time the Council will discuss my appeal. I understand that the public hearing may be reproduced electronically, digitally, and/or transmitted over the air waves. I understand that I have no right to expect privacy of the records or information contained in my application, or of any discussions that may occur during the public hearing.

Jesse Loibayan

Acknowledgement by Applicant

Official Use Only: Clerk's Initials: JS

Date Received: 12/15/2014

Visit Us on the Web at [www.fairbanksalaska.us](http://www.fairbanksalaska.us)

**Sec. 86-77. Application for chauffeur's license.**

- (a) All applications for issuance or renewal of a chauffeur's license shall be made upon forms provided for this purpose by the city clerk, and the applications shall be submitted to the city clerk for review. The requirements to be fulfilled prior to issuance of a chauffeur's license shall be as follows:
- (1) The applicant must be 21 years of age or older and furnish proof if requested.
  - (2) The applicant must be able to read, write and speak the English language.
  - (3) The applicant must be in possession of a current Alaska State Driver's License.
  - (4) The applicant must not have had a conviction within 24 months of:
    - a. A moving traffic violation which results in suspension or revocation of the applicant's driver's license pursuant to AS 28.15.221 through 28.15.261;
    - b. Reckless or negligent driving;
    - c. Driving while license is limited, suspended or revoked;
  - (5) The applicant must not have had his driver's license suspended or revoked within two years prior to the application date.
  - (6) Except as otherwise provided in this subsection, the applicant must not have had a felony conviction within eight years or a misdemeanor conviction within four years of:
    - a. Prostitution or promotion of prostitution;
    - b. Any offense under AS Title 11, Chapter 71 Controlled Substances.
    - c. Any felony or misdemeanor which includes as an element the use or threat of force upon a person;
    - d. **Burglary, felony larceny, fraud or embezzlement,**
    - e. Any sexual offense;
    - f. Any homicide or assault involving operation of a motor vehicle;
    - g. Two separate felony convictions of any type;
    - h. Operation or driving a vehicle while intoxicated within five years or within eight years for a felony conviction;
    - i. Refusal to submit to a chemical test as defined in AS 28.35.032 within five years or within eight years for a felony conviction.
  - (7) The applicant must not be addicted to the use of intoxicants or narcotics.
  - (8) The applicant must be of good moral character and repute.
  - (9) The applicant must not be a sex offender or kidnapper subject to the registration requirements of AS Title 12, Chapter 63.
- (b) The city clerk's office shall procure an online criminal history report for each applicant, the cost of which will be included in the chauffeur license application fee in the city schedule of fees and charges for services.

(Code 1960, § 8.201(c)(1)—(6); Ord. No. 5484, § 1, 5-11-2002; Ord. No. 5562, § 1, 3-13-2004; Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5875, § 1, 2-27-2012)



# CITY OF FAIRBANKS

RECEIVED

DEC 15 2014

CITY OF FAIRBANKS

## CHAUFFEUR LICENSE APPLICATION

Office of the City Clerk, 800 Cushman Street  
Fairbanks, AK 99701, (907) 459-6702

TYPE OF LICENSE: NEW  RENEWAL  FEES DUE/COLLECTED: \$ 75<sup>00</sup> CASH

Name: <u>Jesse</u>	<u>WATSON</u>	Other Name(s) Used:	Year of Name Change:
Physical Address:	[REDACTED]	Home Phone:	
City, State, Zip:	[REDACTED]	Work/Cell Phone:	[REDACTED]
Mailing Address:	[REDACTED]	AK Driver's License No:	[REDACTED]
City, State, Zip:	[REDACTED]	E-mail Address:	[REDACTED]
Date of Birth: <u>12-15-14</u>	SSN: [REDACTED]	Place of Birth:	[REDACTED]

### Application Requirements

**\$75.00 Non-Refundable Application Fee for New Applications and Renewals**  
**\$100.00 Biennial License Fee for New Applications and Renewals**  
**Complete Application, including Authorization to Obtain Criminal History Record**  
**Copy of Current State of Alaska Driver's License**

### Length of Residency

Length of Alaska Residency in Consecutive Years 30x Length of FNSB Residency in Consecutive Years 30x

### Previous Address(es)

Previous City and State of residence, other than Fairbanks, for the past 8 years:

From: \_\_\_\_\_ To: \_\_\_\_\_

From: \_\_\_\_\_ To: \_\_\_\_\_

From: \_\_\_\_\_ To: \_\_\_\_\_

### Employment

Cab Company Applying for or Employed By: EAGLE/YELLOW

Address: \_\_\_\_\_

Date Employment Began or Will Begin: \_\_\_\_\_ Phone: \_\_\_\_\_

Previous Chauffeur License Held (City & State): \_\_\_\_\_

Record of Conviction(s)									
<b>PLEASE ANSWER YES OR NO TO THE FOLLOWING QUESTIONS:</b>									
<p>Within the past <b>24 months</b>, have you had a conviction for any of the following:</p> <ul style="list-style-type: none"> <li>• A moving violation which resulted in the suspension or revocation of your driver's license pursuant to AS 28.15.221 - AS 28.15.261?</li> <li>• Reckless or negligent driving?</li> <li>• Driving while license is limited, suspended, or revoked?</li> </ul>	<p><b>YES or NO</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;">no</td></tr> <tr><td style="text-align: center;">no</td></tr> <tr><td style="text-align: center;">no</td></tr> </table>	no	no	no					
no									
no									
no									
<p>Within the past <b>5 years</b> (or within the past 8 years if a felony conviction) have you received a conviction for either of the following:</p> <ul style="list-style-type: none"> <li>• Operating or driving a vehicle while intoxicated?</li> <li>• Refusing to submit to a chemical test as defined in AS 28.35.032?</li> </ul>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;">no</td></tr> <tr><td style="text-align: center;">no</td></tr> </table>	no	no						
no									
no									
<p>Within the past <b>8 years</b> have you had a felony or within <b>4 years</b> a misdemeanor conviction for any of the following:</p> <ul style="list-style-type: none"> <li>• Prostitution or promotion of prostitution?</li> <li>• Any offense under AS Title 11, Chapter 71, Controlled Substances?</li> <li>• Any crime which includes as an element of the offense, the use or threat of force upon a person?</li> <li>• Burglary, felony larceny (felony theft), fraud, or embezzlement?</li> <li>• Any sexual offense?</li> <li>• Any homicide or assault involving operation of a motor vehicle?</li> <li>• Two separate felony convictions of any type?</li> </ul>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;">no</td></tr> <tr><td style="text-align: center;">no</td></tr> <tr><td style="text-align: center;">no</td></tr> <tr><td style="text-align: center;">no</td></tr> <tr><td style="text-align: center;">no</td></tr> <tr><td style="text-align: center;">no</td></tr> <tr><td style="text-align: center;">no</td></tr> <tr><td style="text-align: center;">no</td></tr> </table>	no	no	no	no	no	no	no	no
no									
no									
no									
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no									
no									
no									
<p>Are you subject to the registration requirements of AS 12.63 (sex offender or kidnapper)?</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;">no</td></tr> <tr><td style="text-align: center;">no</td></tr> </table>	no	no						
no									
no									
<p><small>An Answer of YES to any of the above questions regarding your criminal history and/or driving record is grounds for denial of a Chauffeur License. Please explain on a separate sheet of paper any convictions that meet the look-back criteria as noted above, including charges, places, dates, and sentences imposed. An Applicant may have the right to appeal a denial by the City Clerk after submission of a completed application and payment of the application fee. An Appeal Form can be obtained at the City Clerk's Office. See FGC Section 86-95 to determine if you are eligible for an appeal.</small></p>									
Citizenship Status									
<p>Are you a natural born or fully naturalized citizen of the United States? <u>yes</u></p>									
<p>If not, where did you obtain a permit or visa? _____</p>									
<p>Date of entry into the United States: _____ Alien Registration No. <u>N/A</u></p>									

The Fairbanks General Code is attached to this application for your convenience; it is provided as a courtesy, but is the responsibility of the Applicant to understand the requirements and to be compliant. The Applicant, through signing of the above Oath, acknowledges having read the Code and certifies that he/she understands it. If the Applicant has any questions regarding those responsibilities, the questions should be asked prior to issuance of a license.

**Please make all necessary copies for your records before submission of your application to the Clerk's Office.** There will be a per page charge for any copying requested in accordance with FGC Sec. 2-775. Thank you in advance for your cooperation.

The City Clerk's Office may require 24 hours to process applications and does not accept licensing applications after 4:00 PM. Hours of operation are Monday through Friday, 8:00 AM to 5:00 PM. The City of Fairbanks observes national and state holidays.

### Applicant's Statement for Chauffeur License and Authorization Statement for Criminal History Record Check

I, Jesse GATSBY, being first duly sworn, depose and state that I am the individual making application for license and that the answers to the foregoing questions and other statements contained herein are true and complete to the best of my knowledge and belief. I understand that any materially false statement on this application may be subject to revocation or denial of a license.

I certify that I am at least 21 years of age or older, that I can read, write, and speak the English language, that I am not addicted to the use of intoxicants or narcotics, that I am of good moral character and repute, that I have been a resident within the Fairbanks area for a minimum of 30 days immediately prior to this application, that I am not subject to the registration requirements of AS 12.63 (sex offender or kidnapper), that I have read and understand Fairbanks General Code Sections 86-76 thru 86-96, and that I understand the requirements for licensure.

Further, I hereby authorize the City of Fairbanks to obtain information pertaining to any charges and/or convictions I may have had for violation of municipal, county, state or federal laws. This information will include, but not be limited to, allegations regarding, and convictions for, crimes committed upon minors. I understand that this information will be gathered from any law enforcement agency of this state or any state or federal government, or from third-party providers of information originally obtained from law enforcement or court records.

As an applicant for a chauffeur license, I hereby attest to the truthfulness of the representations I have made. Except as I have disclosed, I have not been found guilty of, or entered a plea of nolo contendere or guilty to any offense.

I understand that I must be truthful and, if any statement I have made is found to be false, I will be denied the license for which I am making application.

Jesse GATSBY  
Signature of Applicant

12-15-14  
Date

Sworn to before me this 15<sup>th</sup> day of December, 2014

D. Danyelle Snider  
Notary Public for the State of Alaska  
My Commission Expires: w/office



Administrative Use Only	
Approved By: _____	Date: _____
Denied By: <u>D. Danyelle Snider</u>	Date: <u>12/15/14</u>
Reason for Denial: <u>THEFT 2 - CLASS C FELONY CONVICTION ON 6/22/2009</u>	

For additional information and/or forms, please visit the City of Fairbanks web site at:  
[www.fairbanksalaska.us](http://www.fairbanksalaska.us)

# Criminal Charge History

WARNING: This criminal history may not be complete due to limited information. These records are from State of Alaska courts only and include computerized records since 1992 only. Computerized case information prior to implementation of CourtView is very limited. Contact the trial court for detailed information about a case or for records prior to 1992.

This report does not list jail time imposed as a result of a petition to revoke probation.

NOTE: Criminal cases removed from the public index pursuant to Administrative Rule 40(a) do not display on this report.

**Search Criteria:**

Last Name: **GABAYAN**

First Name: **JESSE**

DOB: [REDACTED]

Print Date 12/17/2014

Case Number	Offense Date	Defendant	DLN#	File Date	Action Code	APSIN#	Charge	Dispo Date	Disposition	Modifier	DV
<b>4FA-10-04345CR</b>			DLN: [REDACTED]	10/09/2010	Gabayan, Jesse Ray	APSIN: [REDACTED]6					
	<b>CHRG 1</b>			10/08/2010	<b>AS11.41.230(a)(1): Assault In The 4th Degree - Recklessly Injure</b>						<b>Yes</b>
	Disposition:			12/07/2010	Dismissed by Prosecution (CrR43(a))						
	<b>CHRG 2</b>			10/08/2010	<b>AS11.41.230(a)(1): Assault In The 4th Degree - Recklessly Injure</b>						<b>Yes</b>
	Disposition:			12/07/2010	Guilty Conviction After Guilty Plea				Jail Days: 10		
<b>4FA-09-00154CR</b>			DLN: [REDACTED]	01/22/2009	Gabayan, Jesse R	APSIN:					
	<b>CHRG 1</b>			07/07/2008	<b>AS11.46.130(a)(7): Theft 2 - Access Device</b>						<b>No</b>
	Indicted:				AS11.46.130(a)(7): Theft 2 - Access Device						
	Disposition:			06/22/2009	Guilty Conviction After Guilty Plea				Jail Days: 730      Suspended: 609		
	<b>CHRG 2</b>			07/07/2008	<b>AS11.46.285(b)(2): Fraud Use Access Device- \$50 - \$24,999</b>						<b>No</b>
	Indicted:				AS11.46.285(b)(2): Fraud Use Access Device- \$50 - \$24,999						
	Disposition:			06/22/2009	Dismissed by Prosecution (CrR43(a))						
	<b>CHRG 3</b>			07/07/2008	<b>AS11.46.285(b)(2): Fraud Use Access Device- \$50 - \$24,999</b>						<b>No</b>
	Indicted:				AS11.46.285(b)(2): Fraud Use Access Device- \$50 - \$24,999						
	Disposition:			06/22/2009	Dismissed by Prosecution (CrR43(a))						
	<b>CHRG 4</b>			07/07/2008	<b>AS11.46.285(b)(2): Fraud Use Access Device- \$50 - \$24,999</b>						<b>No</b>
	Indicted:				AS11.46.285(b)(2): Fraud Use Access Device- \$50 - \$24,999						
	Disposition:			06/22/2009	Dismissed by Prosecution (CrR43(a))						
	<b>CHRG 5</b>			07/07/2008	<b>AS11.46.505(a)(1): Forgery 2-Legal Documents</b>						<b>No</b>
	Indicted:				AS11.46.505(a)(1): Forgery 2-Legal Documents						
	Disposition:			06/22/2009	Dismissed by Prosecution (CrR43(a))						
	<b>CHRG 6</b>			07/07/2008	<b>AS11.46.505(a)(1): Forgery 2-Legal Documents</b>						<b>No</b>
	Indicted:				AS11.46.505(a)(1): Forgery 2-Legal Documents						
	Disposition:			06/22/2009	Dismissed by Prosecution (CrR43(a))						
	<b>CHRG 7</b>			10/09/2010	<b>PTRP - Petition to Revoke Probation</b>						<b>No</b>
	Disposition:			12/07/2010	PTRP: Probation Modified/Continued				Jail Days: 45		
	<b>CHRG 8</b>			12/30/2011	<b>PTRP - Petition to Revoke Probation</b>						<b>No</b>
	Disposition:			01/27/2012	PTRP: Probation Modified/Continued						
<b>4FA-02-00875CR</b>			DLN: [REDACTED]	03/21/2002	Gabayan, Jesse R	APSIN:					
	<b>CHRG 1</b>			03/19/2002	<b>FGC86-51: VEHICLE PERMIT REQ.</b>						<b>No</b>



## Criminal Charge History

Case Number	Offense Date	Defendant	DLN#	Modifier	DV
File Date		Action Code	APSIN#		
Charge	Dispo Date	Disposition			
4FA-02-00875CR			DLN: [REDACTED]		
03/21/2002		Gabayan, Jesse R	APSIN:		
<i>Continued</i>					
Disposition:	03/27/2002	No Contest Plea Prior to Conversion			
<hr/>					
4FA-99-01039CR			DLN: [REDACTED]		
04/22/1999		Gabayan, Jesse R	APSIN:		
CHRG 1	03/15/1999	AS11.46.310(A): BURGLARY-2ND DEGREE			No
Disposition:	10/26/1999	No Contest Plea Prior to Conversion			
		Jail Days: 90			
<hr/>					
CHRG 2	03/15/1999	AS11.46.130(A)(1): THEFT-2ND DEGREE			No
Disposition:	10/26/1999	Dismissed Prior to Conversion			
<hr/>					
NOTE	04/04/2000	Tickler Note from Case Prior to Conversion Txt:ASSIGNMENT OF 2000 PFD FOR RESTITUTION At:4FA Adj Amt: Rcpt#: Amt Rcvd: HowPd:			
<hr/>					
NOTE	07/17/2001	Tickler Note from Case Prior to Conversion Txt:ASSIGNMENT OF 2001 PFD FOR RESTITUTION (100%) At:4FA Adj Amt: Rcpt#: Amt Rcvd:			
<hr/>					
NOTE	01/03/2003	Tickler Note from Case Prior to Conversion Txt:SIS SET ASIDE PER RDS/01-03-03 At:4FA Adj Amt: Rcpt#: Amt Rcvd: HowPd: Pit/DefLst: FN:			
<hr/>					
4FA-98-03200CR			DLN: [REDACTED]		
10/08/1998		Gabayan, Jesse R	APSIN:		
CHRG 1	10/06/1998	AS11.46.150(A): THEFT-4TH DEGREE			No
Disposition:	10/15/1998	No Contest Plea Prior to Conversion			

End of Report

**4FA-02-F437946**

Case Type: Minor Offenses (4FA)  
 Status Date: 03/19/2002  
 Case Judge: Smith, William Ronald  
 Next Event:

Case Status: Closed  
 File Date: 03/19/2002  
 DCM Track:

All Information Party Charge Ticket/Citation # Docket Financial Financial Dockets

**Party Information**

Gabyan, Jesse R - Defendant

DOB XXXXXXXXXX Alias

Attorney/Bar Code  Phone Number

City of Fairbanks - Prosecution

DOB  Alias

Attorney/Bar Code  Phone Number

**Party Charge Information**

Gabyan, Jesse R - Defendant

Charge # 1 : z13AAC02330 #3 - Violation or Infraction (Non-Criminal) 13AAC 02.330: RACING ON HWY

Original Charge z13AAC02330 #3 13AAC 02.330: RACING ON HWY (Violation or Infraction (Non-Criminal))

Indicted Charge  
 Amended Charge

DV Related?

Modifiers None  
 Stage Date 03/19/2002

Ticket # F437946  
 Tracking #  
 Date of Offense 03/19/2002

**Party Charge Disposition**  
 Disposition Date 06/01/2002  
 Disposition No Contest Plea Prior to Conversion

[Sentencing Information](#)

**Ticket/Citation #**

Citation # : F437946 - City of Fairbanks Offense Date 03/19/2002

Agency Fairbanks Police Department

**Docket Information**

Date	Docket Text	Amount
03/19/2002	All Records Prior to 10/22/04 are Converted Records, for more information please come to the Clerks Office with the case number or mail inquiries to: Fairbanks Trial Courts 101 Lacey Street Fairbanks, AK 99701. Please note that some converted data, especially dates, may be incorrect due to data entry errors prior to conversion.	
03/19/2002	Filed Date: Mar 19 2002	
03/19/2002	Text Prior to Conversion Text Prior to Conversion: SIS DENIED	

**ORDINANCE NO. 5962**

**AN ORDINANCE RATIFYING A LABOR AGREEMENT BETWEEN  
THE CITY OF FAIRBANKS AND THE AFL-CIO CRAFTS COUNCIL**

**WHEREAS**, the three-year collective bargaining agreement between the City of Fairbanks and the AFL-CIO Crafts Council, effective January 1, 2014 through December 31, 2016, includes “reopener” provisions for wages and benefits for years two and three (2015 and 2016); and

**WHEREAS**, the AFL-CIO and City Administration have reached a tentative agreement on 2015 wages and benefits, plus other administrative changes to the CBA which incorporate the labor goals of the City Council and are consistent with the terms of other recently adopted labor contracts.

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

**SECTION 1.** That the attached Letter of Agreement, detailing wage and benefit terms for 2015 and other administrative changes to the original 2014 – 2016 collective bargaining agreement between the City and the AFL-CIO Crafts Council, is hereby ratified.

**SECTION 2.** That this ordinance becomes effective upon ratification of the Letter of Agreement by the AFL-CIO Crafts Council bargaining units.

**SECTION 3.** That once ratified, the terms of the Letter of Agreement are effective starting January 1, 2015.

\_\_\_\_\_  
**John Eberhart, City Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Janey Hovenden, MMC, City Clerk

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

**CITY OF FAIRBANKS**

**FISCAL NOTE**

**I. REQUEST:**

Ordinance or Resolution No: 5962

Abbreviated Title: Ratifying 2015 AFLCIO CBA

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget?	Yes	X	No	
2) additional support or maintenance costs?	Yes		No	X
If yes, what is the estimate?				
3) additional positions beyond the current adopted budget?	Yes		No	X
If yes, how many positions?				
If yes, type of positions?				(F - Full Time, P - Part Time, T - Temporary)

**II. FINANCIAL DETAIL:**

<b>ESTIMATED EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2016</b>		<b>Total</b>
Wages & benefits 2.5% on the package	\$112,275	\$112,275		\$224,550
Change in pay scale	\$4,283	\$4,283		\$8,566
				\$0
				\$0
				\$0
				\$0
				\$0
<b>TOTAL</b>	<b>\$116,558</b>	<b>\$116,558</b>		<b>\$233,116</b>

<b>ESTIMATED FUNDING SOURCES</b>	<b>FY 2015</b>	<b>FY 2015</b>		<b>Total</b>
General Fund	\$116,558	\$116,558		\$233,116
Capital Fund				\$0
Federal Grant				\$0
State Grant				\$0
Local Contract				\$0
Cash Match				\$0
In-Kind Match				\$0
Other				\$0
<b>TOTAL</b>	<b>\$116,558</b>	<b>\$116,558</b>	<b>\$0</b>	<b>\$233,116</b>

**Ordinance No. 5962**

Reviewed by Finance Department: Page 2 Initial JNS Date 12/4/2014

**Letter of Agreement**

**City of Fairbanks (COF)**

**and**

**Fairbanks AFL-CIO Crafts Council (the Union)**

The three-year collective bargaining agreement between the City of Fairbanks and the AFL-CIO Crafts Council, effective January 1, 2014 through December 31, 2016, included “reopener” provisions for wages and benefits for years two and three (2015 and 2016).

The City Administration and AFL-CIO have reached a tentative agreement on 2015 wages and benefits, plus other administrative changes to the January 1, 2014 CBA.

**THE CITY AND AFL-CIO HEREBY AGREE AS FOLLOWS:**

**Article 23. SCHEDULE “A” WAGES**, Sections 23.1, 23.2, and 23.4 are amended as follows:

**Section 23.1** – The following language shall be added to Section 23.1:

Effective January 1, 2015, employees will receive a 2.5% increase to the 2014 package rate.

**Section 23.2** – The current provision shall be replaced with the following language:

23.2 Application of the Package Rate Concept. The parties recognize that computing a full package rate, in which actual wages, health care, and pension costs are computed on the basis of annual compensable hours, is a more accurate method of reflecting the actual cost to the City. The parties agree that future percentage increases will be applied to the package rate. Except as provided in this section or in addenda specifically addressing allocation, each Local may allocate the package rate to wages, pension, and health and welfare as it sees fit.

- (A) The Pension Protection Act of 2006 requires an annual actuarial status determination for multiemployer pension plans. An actuarial finding that a pension plan is underfunded can trigger, depending on the severity of the underfunding, the implementation of a plan to improve the funding and/or rehabilitate the plan. Because the funding improvement/rehabilitations plans mandated by the Pension Protection Act impose certain mandatory contributions to underfunded pension plans, the parties agree that the allocation discretion of Article 23.2 will need to be limited to insure compliance with the requirements of the Pension Protection Act and any improvement/rehabilitation plan.

- (B) Upon notification of a finding of underfunding, the parties agree to promptly meet and confer regarding the underfunded plan. Generally, the provisions of an improvement/rehabilitation plan must be implemented only after the CBA then in place expires. The parties may agree to implement the provisions of the improvement/rehabilitation plan earlier than required if the parties determine it would be advantageous to do so. The parties will prepare a separate addendum for each pension plan found to be underfunded. During the term of any addendum, the parties agree to meet and confer if either party believes there has been a change in circumstances that would warrant amendment of the addendum.
  
- (C) Any increase to the contribution rate for an underfunded pension plan required under an improvement/rehabilitation plan must be paid out of the package rate negotiated by the parties. The City will not be required to provide any additional funds or make any additional contributions to a pension plan above the negotiated package rate amount. No portion of the package rate may be allocated to any other purpose unless and until contributions and supplemental contributions to the underfunded pension plan have been satisfied.
  
- (D) If at any point, the underfunded pension plan emerges from its underfunded status and additional contributions under an improvement/ rehabilitation plan are no longer required, the allocation restrictions imposed by this section will be lifted.

**Section 23.4** – the current provision shall be replaced with the following language:

23.4 Office Manager and Dispatcher Rates:

The Office Manager positions, if used by the City, will be paid at a wage rate to be agreed upon by the City and Union in light of the skills and qualifications of the selected employee(s). The IUOE Dispatcher shall be paid at ninety (90%) percent of scale. The assistant dispatcher will be paid at seventy (70%) of scale.

**Article 3. EMPLOYER-UNION RELATIONS**, Sections 3.2(a) and (b) are amended and Section 3.11 is added as follows:

- 3.2 (a) The Union assumes the responsibility to supply the City with competent qualified workers with no discrimination of race, sex, sexual orientation, age, color, religion, disability, genetic information or national origin for those classifications listed in Article 23 of this Agreement. Recognizing the mutual benefits

derived from the process of democratic collective bargaining, the City will not discourage new employees from joining the Union. The City may reject any employee it finds unsatisfactory.

3.2 (b) It is hereby agreed that there shall be no discrimination by the City, or the Union, against any employee because of race, sex, sexual orientation, age, color, religion, disability, genetic information or national origin or because of membership in or lawful activity on behalf of the Union. To the extent allowed by law, the City further agrees to give priority of hire and job tenure to residents of the Fairbanks, Alaska, area when such possess the requisite skills and abilities and are available.

3.11 Work-Study Job Training Program. Recognizing the value of the High School Work Based Learning programs, the parties agree to a partnership program by which the City with local high schools for the purpose of work-study job training. Students participating in work-study opportunities, whereby they work with City employees covered by this CBA, will be exempted from membership in the Union and will not be eligible for wages and benefits provided under this CBA. Participation in this program is viewed as a learning opportunity and is not intended to displace staffing levels. If the Work-Study Memorandum of Agreement between the City of Fairbanks and the Fairbanks North Star Borough School District is terminated, this Work-Study section will also terminate. Either party may propose termination of this Work-Study section at any time. The parties agree to accept termination proposals only after the Mayor (or designee) and the Union's primary bargaining representative have attempted in good faith to remedy the grievance related to the termination proposal.

The parties agree that the intent of this program is not to displace Temporary or Regular workers from the Public Works Department. This LOA shall remain in effect unless the AFL-CIO Crafts Council gives thirty (30) days written notice of its desire to cancel the agreement. The Crafts Council agrees that it will not arbitrarily cancel the LOA. Furthermore, before the Crafts Council may send a notice of cancellation, it agrees to meet with the City and make a 'good faith' effort to resolve problem(s).

**Article 6. WORKING RULES,** a correction is made to Section 6.3(d) and Section 6.11 is amended as follows:

6.3 OVERTIME

(d) In the last sentence, December 1st shall be changed to December 31st

6.11 CALL OUT. If an employee is called by a Public Works supervisor to report to work on a scheduled day off, the employee will be paid a minimum of two (2) hours at the applicable overtime rate. All work over 2 hours will be paid in ¼ hour increments. De minimis time (such as answering a phone call) will be paid in ¼ hour increments.

**Article 7. HOLIDAYS**, Section 7.1 is amended as follows:

7.1 The following days shall be considered holidays: New Year's Day, Dr. Martin Luther King, Jr. Day (which shall be observed as a floating holiday in the same manner as a personal holiday), President's Day, Memorial Day, Fourth of July (Independence Day), Labor Day, Alaska Day (which shall be observed as a floating holiday in the same manner as a the personal holiday; not on the actual date of the State holiday) Veteran's Day, Thanksgiving Day and Christmas Day. Floating holidays must be used in the year accrued or otherwise lost without cash value, and such other days as the City Council, by resolution may fix for City employees.

By: \_\_\_\_\_  
John Eberhart  
City Mayor

By: \_\_\_\_\_  
Lake Williams, Business Manager, AFL-CIO

Date: \_\_\_\_\_

Date: \_\_\_\_\_



## Attachment 1

### Summary of Changes to Base Wage Rates based on Deletion of Packer Driver, Lead, Foreman and General Foreman 'Grandfather' Rules\*

<b>City of Fairbanks - AFL-CIO Craft Council</b>							
Classifications	Prior Package Rate	LONGEVITY	ADJUSTED PACKAGE	1.5%	2015 Base before approved CPI increase	Total benefits	Wage*
General Foreman	51.8400	-	51.8400	0.7776	52.6176	14.25	38.3576
<b>942</b>							
Foreman (Rice)	47.5049	-	47.5049	0.7126	48.2175	16.74	31.4726
Lead (Frarey)	47.5049	-	47.5049	0.7126	45.2500	16.74	28.5051
Packer Drivers (Fielder, Stowe, Roberts, Frarey)	47.5049	-	47.5049	0.7126	43.1628	16.74	26.4179
Laborer	39.4349	-	39.4349	0.5915	40.0264	16.74	23.2815
Eng. Tech	39.4249	-	39.4249	0.5914	40.0163	18.78	21.2314
Survey Party Chief	42.5149	-	42.5149	0.6377	43.1526	18.78	24.3677
<b>302</b>							
Foreman (Grant)	47.5100	-	47.5100	0.7127	48.2227	14.25	33.9727
Lead (Wheelock)	44.5800	-	44.5800	0.6687	45.2487	14.25	30.9987
Foreman							
Lead							
Operator	42.5300	-	42.5300	0.6380	43.1680	14.25	28.9180
<b>302</b>							
Foreman (Brunty)	47.5100	-	47.5100	0.7127	48.2227	14.25	33.9727
Lead (V. Scott)	44.5800	-	44.5800	0.6687	45.2487	14.25	30.9987
Foreman							
Lead							
Mechanic	42.5300	-	42.5300	0.6380	43.1680	14.25	28.9180
Dispatcher							26.0300
Assistant Dispatcher ( was: Clerk)							20.2426
<b>959</b>							
Cust. (Sargent, Nelson)	37.4100	-	37.4100	0.5612	37.9712	15.51	22.4612
Warehouse/Rec. Coord (Witt)*	45.0300	(2.7200)	42.3100	0.6347	45.6647	15.51	30.1547
Parts Person/Expeditior	42.2400	-	42.2400	0.6336	42.8736	15.51	27.3636
Inventory Spec.	39.5200	-	39.5200	0.5928	40.1128	15.51	24.6028
<b>Various</b>				ADD .50			
Trade Spec. Foreman							
Trad Spec. Lead (Hanson)*	47.9500	(2.7200)	45.7300	0.6860	49.1360	14.37	34.7660
Trade Spec. Foreman							
Trade Spec. (eg 1243)	42.3701		42.8701	0.6431	43.5132	15.55	27.9632

\*2015 2.5% cost of living increase not applied.

**ORDINANCE NO. 5962, AS AMENDED**

**AN ORDINANCE RATIFYING A LABOR AGREEMENT BETWEEN  
THE CITY OF FAIRBANKS AND THE AFL-CIO CRAFTS COUNCIL  
AND AMENDING THE 2015 GENERAL FUND OPERATING BUDGET**

**WHEREAS**, the three-year collective bargaining agreement between the City of Fairbanks and the AFL-CIO Crafts Council, effective January 1, 2014 through December 31, 2016, includes “reopener” provisions for wages and benefits for years two and three (2015 and 2016); and

**WHEREAS**, the AFL-CIO and City Administration have reached a tentative agreement on 2015 wages and benefits, plus other administrative changes to the CBA which incorporate the labor goals of the City Council and are consistent with the terms of other recently adopted labor contracts.

**WHEREAS, the City 2015 operating budget will be amended to include the increased expenditures as reflected in the attached fiscal note.**

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

**SECTION 1.** That the attached Letter of Agreement, detailing wage and benefit terms for 2015 and other administrative changes to the original 2014 – 2016 collective bargaining agreement between the City and the AFL-CIO Crafts Council, is hereby ratified.

**SECTION 2.** That this ordinance becomes effective upon ratification of the Letter of Agreement by the AFL-CIO Crafts Council bargaining units.

**SECTION 3.** That once ratified, the terms of the Letter of Agreement are effective starting January 1, 2015.

\_\_\_\_\_  
**John Eberhart, City Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:  
\_\_\_\_\_

\_\_\_\_\_  
Janey Hovenden, MMC, City Clerk

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

**CITY OF FAIRBANKS**

**FISCAL NOTE**

**I. REQUEST:**

Ordinance or Resolution No:	5962				
Abbreviated Title:	Ratifying 2015 AFLCIO CBA				
Does the adoption of this ordinance or resolution authorize:					
1) additional costs beyond the current adopted budget?	Yes	X	No		
2) additional support or maintenance costs?	Yes		No	X	
If yes, what is the estimate?					
3) additional positions beyond the current adopted budget?	Yes		No	X	
If yes, how many positions?					
If yes, type of positions?		(F - Full Time, P - Part Time, T - Temporary)			

**II. FINANCIAL DETAIL:**

<b>ESTIMATED EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2016</b>			<b>Total</b>
Wages & benefits 2.5% on the package	\$112,275	\$112,275			\$224,550
Change in pay scale	\$4,283	\$4,283			\$8,566
					\$0
					\$0
					\$0
					\$0
					\$0
<b>TOTAL</b>	<b>\$116,558</b>	<b>\$116,558</b>			<b>\$233,116</b>

<b>ESTIMATED FUNDING SOURCES</b>	<b>FY 2015</b>	<b>FY 2015</b>			<b>Total</b>
General Fund	\$116,558	\$116,558			\$233,116
Capital Fund					\$0
Federal Grant					\$0
State Grant					\$0
Local Contract					\$0
Cash Match					\$0
In-Kind Match					\$0
Other					\$0
<b>TOTAL</b>	<b>\$116,558</b>	<b>\$116,558</b>	<b>\$0</b>		<b>\$233,116</b>

<b>Ordinance No. 5962, as Amended</b>					
Reviewed by Finance Department:	Page 2	Initial	JNS	Date	12/4/2014

**Letter of Agreement**

**City of Fairbanks (COF)**

**and**

**Fairbanks AFL-CIO Crafts Council (the Union)**

(Updated 12/31/2014)

The three-year collective bargaining agreement between the City of Fairbanks and the AFL-CIO Crafts Council, effective January 1, 2014 through December 31, 2016, included “reopener” provisions for wages and benefits for years two and three (2015 and 2016).

The City Administration and AFL-CIO have reached a tentative agreement on 2015 wages and benefits, plus other administrative changes to the January 1, 2014 CBA.

**THE CITY AND AFL-CIO HEREBY AGREE AS FOLLOWS:**

**Article 23. SCHEDULE “A” WAGES**, Sections 23.1, 23.2, and 23.4 are amended as follows:

**Section 23.1** – The following language shall be added to Section 23.1:

Effective January 1, 2015, employees will receive a 2.5% increase to the 2014 package rate.

**Section 23.2** – The current provision shall be replaced with the following language:

23.2 Application of the Package Rate Concept. The parties recognize that computing a full package rate, in which actual wages, health care, and pension costs are computed on the basis of annual compensable hours, is a more accurate method of reflecting the actual cost to the City. The parties agree that future percentage increases will be applied to the package rate. Except as provided in this section or in addenda specifically addressing allocation, each Local may allocate the package rate to wages, pension, and health and welfare as it sees fit.

- (A) The Pension Protection Act of 2006 requires an annual actuarial status determination for multiemployer pension plans. An actuarial finding that a pension plan is underfunded can trigger, depending on the severity of the underfunding, the implementation of a plan to improve the funding and/or rehabilitate the plan. Because the funding improvement/rehabilitations plans mandated by the Pension Protection Act impose certain mandatory contributions to underfunded pension plans, the parties agree that the allocation discretion of Article 23.2 will need to be limited to

insure compliance with the requirements of the Pension Protection Act and any improvement/rehabilitation plan.

- (B) Upon notification of a finding of underfunding, the parties agree to promptly meet and confer regarding the underfunded plan. Generally, the provisions of an improvement/rehabilitation plan must be implemented only after the CBA then in place expires. The parties may agree to implement the provisions of the improvement/rehabilitation plan earlier than required if the parties determine it would be advantageous to do so. The parties will prepare a separate addendum for each pension plan found to be underfunded. During the term of any addendum, the parties agree to meet and confer if either party believes there has been a change in circumstances that would warrant amendment of the addendum.
- (C) Any increase to the contribution rate for an underfunded pension plan required under an improvement/rehabilitation plan must be paid out of the package rate negotiated by the parties. The City will not be required to provide any additional funds or make any additional contributions to a pension plan above the negotiated package rate amount. No portion of the package rate may be allocated to any other purpose unless and until contributions and supplemental contributions to the underfunded pension plan have been satisfied.
- (D) If at any point, the underfunded pension plan emerges from its underfunded status and additional contributions under an improvement/ rehabilitation plan are no longer required, the allocation restrictions imposed by this section will be lifted.

**Section 23.4** – the current provision shall be replaced with the following language:

23.4 Office Manager and Dispatcher Rates:

The Office Manager positions, if used by the City, will be paid at a wage rate to be agreed upon by the City and Union in light of the skills and qualifications of the selected employee(s). The IUOE Dispatcher shall be paid at ninety (90%) percent of scale. The assistant dispatcher will be paid at seventy (70%) of scale.

**Article 3. EMPLOYER-UNION RELATIONS**, Sections 3.2(a) and (b) are amended and Section 3.11 is added as follows:

- 3.2 (a) The Union assumes the responsibility to supply the City with competent qualified workers with no discrimination of race, sex, sexual orientation, age, color, religion, disability, genetic

information or national origin for those classifications listed in Article 23 of this Agreement. Recognizing the mutual benefits derived from the process of democratic collective bargaining, the City will not discourage new employees from joining the Union. The City may reject any employee it finds unsatisfactory.

3.2 (b) It is hereby agreed that there shall be no discrimination by the City, or the Union, against any employee because of race, sex, sexual orientation, age, color, religion, disability, genetic information or national origin or because of membership in or lawful activity on behalf of the Union. To the extent allowed by law, the City further agrees to give priority of hire and job tenure to residents of the Fairbanks, Alaska, area when such possess the requisite skills and abilities and are available.

3.11 Work-Study Job Training Program. Recognizing the value of the High School Work Based Learning programs, the parties agree to a partnership program by which the City with local high schools for the purpose of work-study job training. Students participating in work-study opportunities, whereby they work with City employees covered by this CBA, will be exempted from membership in the Union and will not be eligible for wages and benefits provided under this CBA. Participation in this program is viewed as a learning opportunity and is not intended to displace staffing levels. If the Work-Study Memorandum of Agreement between the City of Fairbanks and the Fairbanks North Star Borough School District is terminated, this Work-Study section will also terminate. Either party may propose termination of this Work-Study section at any time. The parties agree to accept termination proposals only after the Mayor (or designee) and the Union's primary bargaining representative have attempted in good faith to remedy the grievance related to the termination proposal.

The parties agree that the intent of this program is not to displace Temporary or Regular workers from the Public Works Department. The Work-Study Job Training Program~~This LOA~~ shall remain in effect unless the AFL-CIO Crafts Council gives thirty (30) days written notice of its desire to cancel the agreement. The Crafts Council agrees that it will not arbitrarily cancel the LOA. Furthermore, before the Crafts Council may send a notice of cancellation, it agrees to meet with the City and make a 'good faith' effort to resolve problem(s).

**Article 6. WORKING RULES**, a correction is made to Section 6.3(d) and Section 6.11 is amended as follows:

6.3 OVERTIME

(d) In the last sentence, December 1st shall be changed to December 31st

6.11 CALL OUT. If an employee is called by a Public Works supervisor to report to work on a scheduled day off, the employee will be paid a minimum of two (2) hours at the applicable overtime rate. All work over 2 hours will be paid in ¼ hour increments. De minimis time (such as answering a phone call) will be paid in ¼ hour increments.

**Article 7. HOLIDAYS**, Section 7.1 is amended as follows:

7.1 The following days shall be considered holidays: New Year's Day, Dr. Martin Luther King, Jr. Day (which shall be observed as a floating holiday in the same manner as a personal holiday), President's Day, Memorial Day, Fourth of July (Independence Day), Labor Day, Alaska Day (which shall be observed as a floating holiday in the same manner as a the personal holiday; not on the actual date of the State holiday) Veteran's Day, Thanksgiving Day and Christmas Day. Floating holidays must be used in the year accrued or otherwise lost without cash value, and such other days as the City Council, by resolution may fix for City employees.

By: \_\_\_\_\_  
John Eberhart  
City Mayor

By: \_\_\_\_\_  
Lake Williams, Business Manager, AFL-CIO

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attachment 1  
(Updated 12/31/2014)

Summary of Changes to Base Wage Rates based on Deletion of Packer Driver, Lead, Foreman  
and General Foreman 'Grandfather' Rules\*

<b>City of Fairbanks - AFL-CIO Craft Council</b>							
<b>2015 Wage Schedule</b>							
<b>Classifications</b>	<b>2014 Package Rate</b>	<b>2.5%</b>	<b>2015 PACKAGE Rate</b>	<b>Health</b>	<b>Pension</b>	<b>CAF/ Legal</b>	<b>Wage</b>
General Foreman	52.6176	1.3154	53.9330				
Office Manager							
<b>942</b>							
<i>Foreman</i>	48.2175	1.2054	49.4229				
<i>Lead</i>	45.2500	1.1313	46.3813				
<i>Packer Drivers</i>	43.1628	1.0791	44.2419				
Laborer	40.0264	1.0007	41.0271				
Eng. Tech	40.0163	1.0004	41.0167				
Survey Party Chief	43.1526	1.0788	44.2314				
<b>302</b>							
<i>Foreman</i>	48.2227	1.2056	49.4283				
<i>Lead</i>	45.2487	1.1312	46.3799				
Operator	43.1680	1.0792	44.2472				
Mechanic	43.1680	1.0792	44.2472				
Dispatcher							
Asst. Dispatcher							
<b>959</b>							
<i>Custodian</i>	37.9712	0.9493	38.9205				
<i>Warehouse/Rec. Coor'd</i>	42.9447	1.0736	44.0183				
Parts Person/ Expeditor	42.8736	1.0718	43.9454				
Inventory Spec.	40.1128	1.0028	41.1156				
<b>Various</b>							
Trade Spec. Foreman							
<i>Trade Spec. Lead</i>	46.4200	1.1605	47.5805				
Trade Spec. (eg 1243, 375, 15)	43.5132	1.0878	44.6010				
* GF'd employees receiving \$2.72/hour longevity pay will continue to receive that amount without application of CPI to that number(Witt, Hanson).							



**RESOLUTION NO. 4653**

**A RESOLUTION ALLOCATING DISCRETIONARY FUNDS FROM  
HOTEL/MOTEL TAX IN THE AMOUNT OF TWO HUNDRED  
SEVENTY THOUSAND DOLLARS (\$270,000.00).**

**WHEREAS**, the total amount of discretionary funds from hotel/motel tax for the FY2015 budget is TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$270,000.00); and

**WHEREAS**, the Mayor appointed a committee to review grant applications from organizations to determine how and to whom these funds should be distributed; and

**WHEREAS**, although each proposal was laudable and had merit there was only a limited amount of funds available; and

**WHEREAS**, after due deliberation the committee is bringing forth the following recommendation for City Council consideration.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fairbanks, that:

Section 1. The following named recipients are hereby allocated the total sum of TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$270,000.00), as follows:

<b>Name of Organization</b>	<b>Award</b>
Clay Street Cemetery Commission	\$ 7,583.00
Friends of Creamer's Field	\$ 5,500.00
Tanana - Yukon Historical Society	\$ 5,283.00
Fairbanks Youth Litter Patrol, Inc	\$ 9,500.00
Tanana Valley State Fair Association	\$ 1,750.00
Alaska International Senior Games, Inc	\$ 5,083.00
Alaska Dog Mushers Association	\$ 23,042.00
Iron Dog, Inc	\$ 11,333.00
World Eskimo-Indian Olympics	\$ 11,833.00
Ice Alaska	\$ 24,417.00

Friends of the Tanana Valley Railroad, Inc	\$ 5,917.00
Fairbanks Community Band	\$ 4,725.00
Pioneer Memorial Park, Inc	\$ 10,083.00
Pioneer Air Museum/Interior & Arctic AK Aero Fndn	\$ 3,667.00
Greater Fairbanks Chamber of Commerce	\$ 9,333.00
Fairbanks Curling Club	\$ 5,700.00
Fairbanks Arts Association	\$ 46,168.00
Fairbanks Community Museum	\$ 8,167.00
Fairbanks Tired Iron	\$ 7,833.00
Fairbanks Downtown Association	\$ 3,083.00
Yukon Quest	\$ 29,167.00
Alaska Mining Hall of Fame Foundation	\$ 4,500.00
Festival Fairbanks, Inc	\$ 22,500.00
Denakkanaaga	\$ 3,833.00
<b>TOTAL</b>	<b>\$ 270,000.00</b>

Section 2. PASSED and APPROVED this 5th day of January 2015.

\_\_\_\_\_  
**John Eberhart, City Mayor**

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Janey Hovenden, MMC, City Clerk

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

**RESOLUTION NO. 4654**

**A RESOLUTION AWARDING A CONTRACT TO KINNEY ENGINEERING, LLC  
FOR DESIGN WORK FOR THE CUSHMAN COMPLETE STREET PROJECT  
IN THE AMOUNT OF \$269,572.00**

**WHEREAS**, in accordance with FGC Section 54-207 (Architectural, Engineering, and Land Surveying Contracts) Kinney Engineering, LLC, was selected by the City Engineer as the most qualified and suitable firm of demonstrated competence to perform design work for the Cushman Complete Street Project; and

**WHEREAS**, Kinney Engineering, LLC, was previously awarded a competitive contract with the City of Fairbanks as the responsive firm with the highest qualifications to prepare the traffic studies and conceptual design for the Cushman & Barnette Complete Streets Projects (FB-11-22); and

**WHEREAS**, Kinney Engineering, LLC was awarded a competitive contract with the Alaska Department of Transportation & Public Facilities as a sub-consultant to prepare the same scope of design work for the Noble Street Upgrade Project and can complete the Cushman Complete Street design work with considerable cost savings; and

**WHEREAS**, funding for this project is provided to the City of Fairbanks through the Alaska Department of Transportation & Public Facilities (Project No. 77194), and no match is required; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fairbanks,

SECTION 1. That the quote by Kinney Engineering, LLC in the amount of two hundred sixty-nine thousand, five hundred seventy-two dollars and zero cents (\$269,572.00) is hereby approved for award.

SECTION 2. That the Mayor is hereby authorized to execute a contract and such other documents in a form approved by the City Attorney as may be necessary to effect award of the contract.

**PASSED, APPROVED and EFFECTIVE this 5th day of January 2015.**

\_\_\_\_\_  
John Eberhart, City Mayor

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Janey Hovenden, MMC, City Clerk

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

**CITY OF FAIRBANKS**  
**FISCAL NOTE**

**I. REQUEST:**

Ordinance or Resolution No: 4654

Abbreviated Title: AWARD CONTRACT KINNEY ENGINEERING, LLC

Department(s): ENGINEERING

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget?      Yes \_\_\_\_\_      No   x  

2) additional support or maintenance costs?      Yes \_\_\_\_\_      No   x  

If yes, what is the estimate?   see below  

3) additional positions beyond the current adopted budget?      Yes \_\_\_\_\_      No   x  

If yes, how many positions? \_\_\_\_\_

If yes, type of positions? \_\_\_\_\_ (F - Full Time, P - Part Time, T - Temporary)

**II. FINANCIAL DETAIL:**

PROJECTS:	Equipment	Contracts	Personnel	Total
Engineering Design Work		\$269,572		\$269,572
				\$0
				\$0
				\$0
				\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$269,572</b>	<b>\$0</b>	<b>\$269,572</b>

FUNDING SOURCE:	Equipment	Contracts	Personnel	Total
Alaska Department of Transportation & Public Facilities		\$269,572		\$269,572
				\$0
				\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$269,572</b>	<b>\$0</b>	<b>\$269,572</b>

This contract does not require annual licensing or maintenance fees; therefore, the City does not anticipate any additional costs associated with this purchase.

Reviewed by Finance Department:

Initial   mb  

Date   12/19/2014

**RESOLUTION NO. 4655**

**A RESOLUTION AWARDING A CONTRACT TO DOWL, LLC FOR DESIGN  
WORK FOR THE GATEWAY SUBDIVISION IMPROVEMENTS PROJECT IN  
THE AMOUNT OF \$250,020.00**

**WHEREAS**, in accordance with FGC Section 54-207 (Architectural, Engineering, and Land Surveying Contracts) DOWL, LLC, was selected by the City Engineer as the most qualified and suitable firm of demonstrated competence to perform design work for the Gateway Subdivision Improvements Project; and

**WHEREAS**, DOWL, LLC, was previously awarded a competitive contract with the City of Fairbanks in the amount of \$113,100 as the responsive firm with the highest qualifications to perform the preliminary design work (FB-14-24); and

**WHEREAS**, the City Engineer would like to amend the contract with DOWL, LLC in the amount of \$136,920 to prepare the design plans, specifications, and construction cost estimate; and

**WHEREAS**, the total contract amount will now exceed \$250,000 and City Council approval is required; and

**WHEREAS**, funding for this project is provided to the City of Fairbanks through the Alaska Department of Commerce, Community, and Economic Development Designated Legislative Grant Program and no match is required;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fairbanks,

SECTION 1. That the quote by DOWL, LLC in the amount of two hundred fifty thousand, twenty dollars and zero cents (\$250,020.00) is hereby approved for award.

SECTION 2. That the Mayor is hereby authorized to execute a contract and such other documents in a form approved by the City Attorney as may be necessary to effect award of the contract.

**PASSED, APPROVED and EFFECTIVE this 5th day of January 2015.**

\_\_\_\_\_  
John Eberhart, City Mayor

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Janey Hovenden, MMC, City Clerk

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

**CITY OF FAIRBANKS**  
**FISCAL NOTE**

**I. REQUEST:**

Ordinance or Resolution No: 4655

Abbreviated Title: AWARD CONTRACT DOWL, LLC

Department(s): ENGINEERING

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes \_\_\_\_\_ No x

2) additional support or maintenance costs? Yes \_\_\_\_\_ No x

If yes, what is the estimate? see below

3) additional positions beyond the current adopted budget? Yes \_\_\_\_\_ No x

If yes, how many positions? \_\_\_\_\_

If yes, type of positions? \_\_\_\_\_ (F - Full Time, P - Part Time, T - Temporary)

**II. FINANCIAL DETAIL:**

PROJECTS:	Equipment	Contracts	Personnel	Total
Engineering Design Work		\$250,020		\$250,020
				\$0
				\$0
				\$0
				\$0
				\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$250,020</b>	<b>\$0</b>	<b>\$250,020</b>

FUNDING SOURCE:	Equipment	Contracts	Personnel	Total
Alaska Designated Legislative Grant Program		\$250,020		\$250,020
				\$0
				\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$250,020</b>	<b>\$0</b>	<b>\$250,020</b>

This contract does not require annual licensing or maintenance fees; therefore, the City does not anticipate any additional costs associated with this purchase.

Reviewed by Finance Department:

Initial mb

Date 12/22/2014

**ORDINANCE NO. 5963**

**AN ORDINANCE AMENDING FGC SECTION 2-396  
REGARDING THE FACT FINDING COMMISSION**

**WHEREAS**, on February 24, 1992, the Fairbanks City Council established a Fact Finding Commission by adopting Ordinance No. 5038; and

**WHEREAS**, the purpose of the Commission is to assist the City Council in the investigation, collection, assessment and analysis of any issue referred to the Commission where facts are in dispute or are unknown; and

**WHEREAS**, the Fact Finding Commission has not been called upon to assist the City Council in many years, and FGC Section 2-396 has not been amended since it was adopted in 1992; and

**WHEREAS**, the Commission is still considered active, so members and terms must be tracked and maintained on a regular basis; and

**WHEREAS**, it would be beneficial to lengthen members' terms from two years to five years and eliminate the two alternate positions so that appointments will be needed less frequently and the City will save money on advertising; and

**WHEREAS**, it appears that the Commission may be better served by a cross-section of members from both inside and outside the city limits, and it has proven difficult to fill vacancies when all positions are limited to City residents.

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

**SECTION 1.** Fairbanks General Code Section 2-396 is hereby amended as follows [new text in **underlined bold** font; deleted text in ~~strikethrough~~ font]:

**Sec. 2-396. – ~~Created~~Composition.**

- (a) ~~There is created a fact finding commission~~ **shall** ~~consisting~~ of five members, serving without compensation, ~~to be appointed by the mayor~~ **and** subject to confirmation by the city council. **At least three** ~~The members of the commission shall be residents of the city. The membership of the commission shall consist of two members who are recognized~~ **experienced** in the fields of law or judicial enforcement and three members from the public at large. ~~The initial chairman and vice-chairman shall be appointed~~ **electd** by **and from the fact finding commission members**, ~~the mayor subject to confirmation by the city council. Of the five members appointed, one shall be appointed to a term expiring December 31, 1992; two shall be appointed to a term expiring December 31, 1993; and two shall be appointed to a term expiring December 31, 1994; thereafter,~~

Appointments shall be for ~~two~~**five** years, except when an interim appointment is necessary to complete the term of a member who resigns, dies or is otherwise removed while in office.

~~(b) The mayor shall also appoint, subject to city council confirmation, two alternates who at the election of the chairman shall sit in the place of any absent regular or otherwise assist the commission as directed by the chairman. One alternate shall be a member who is recognized in the field of law or judicial enforcement, and one alternate shall be a member of the public at large. Of the two alternates, one shall be appointed to a term expiring December 31, 1993, and one shall be appointed to a term expiring December 31, 1994; thereafter, appointments shall be for three years.~~

**SECTION 2.** That the effective date of this Ordinance shall be the \_\_\_ day of January 2015.

\_\_\_\_\_  
**John Eberhart, City Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Janey Hovenden, MMC, City Clerk


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



*City of Fairbanks*



**MEMORANDUM**

To: City Council Members  
From: John Eberhart, City Mayor   
Subject: Request for Concurrence – FNSB Planning Commission  
Date: December 11, 2014

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One of the three City-recommended seats on the FNSB Planning Commission will expire on December 31, 2014 and another City-represented position has been recently vacated by newly-elected City Council Member David Pruhs.

FNSB Code of Ordinances Section 2.40.011(A) states:

*Members (of the Planning Commission) shall be appointed by the borough mayor, subject to confirmation by the assembly. The appointments of members from the cities shall be selected from a list of recommendations submitted to the borough mayor by the city councils.*

The following individuals have applied to serve on the Planning Commission and I hereby request your concurrence to submitting this list of recommendations for appointment to the FNSB Planning Commission:

- 1) Mr. Sean Reilly
- 2) Mr. Mark Billingsley
- 3) Mr. David Brandt
- 4) Mr. Tim Sovde

The applicants' applications are attached.

Thank you.

DDS/



# FNSB - PLANNING COMMISSION

## BOARD DETAILS

**OVERVIEW**

- SIZE** 3 Seats
- TERM LENGTH** 3 Years
- TERM LIMIT** N/A

The powers and duties of the Fairbanks North Star Borough (FNSB) Planning Commission are as outlined in FNSBC Chapter 2.40.

**CONTACT**

- FNSB Community Planning Dept.
- (907) 459-1260
- [planning@co.fairbanks.ak.us](mailto:planning@co.fairbanks.ak.us)



**ENACTING LEGISLATION** FNSBC 2.40.044 - 2.40.061

**ENACTING LEGISLATION WEBSITE** <http://bit.ly/1fLFto9>

**EMAIL THE COMMISSION MEMBERS** N/A

### BOARD/COMMISSION CHARACTERISTICS

The FNSB Planning Commission shall consist of 11 members. Commission membership shall be apportioned so that the number of members from the cities of Fairbanks and North Pole reflects the proportion of the Borough population residing within those cities as determined by the Borough Assembly from time to time. Members shall be appointed by the Borough Mayor, subject to confirmation by the Assembly. The appointments of members from the cities shall be selected from a list of recommendations submitted to the Borough Mayor by the City Councils. Members appointed from outside the cities shall be as representative of the various geographic areas of the Borough as practical. The Borough Mayor, Planning Director and Engineer shall be ex officio members of the Commission with privilege of the floor but shall have no vote on any matter.

### MEETINGS

The Commission shall annually elect from its membership a chairman and vice chairman and shall adopt rules for the conduct of its meetings. Robert's Rules of Order (newly revised) shall apply unless different rules are adopted by the Commission and approved by the Assembly. Meetings of the Commission are public in accordance with AS 44.62 and minutes shall be kept. Minutes of the Commission shall be filed with the Borough Clerk. Records of the Commission shall be retained as public records within the Planning Department. In addition to the eligibility and qualifications requirements in FNSBC 2.21.040, the Assembly shall not confirm the appointment or selection of a local elected official serving on the Assembly or City Council, including a Mayor. Any sitting planning commissioner who is elected or appointed as an Assemblymember, Councilmember or Mayor shall resign as a planning commissioner on or prior to being sworn in to the new position. Six members of the Commission shall constitute a quorum. All Commission actions shall

be by vote of a majority of the Commission's membership who are present and voting.

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**JOINT COMMISSION DETAILS**

The Planning Commission is a FNSB Commission with appointments from multiple jurisdictions. Only City-recommended seats are listed on the City's membership roster. If there is a vacancy for one of the two City-recommended seats, you may apply through this website. For a complete member listing, visit the Fairbanks North Star Borough website at <http://bit.ly/1my3Wlt>.

---

# Application Form

Status: appointed

## Profile

*Please note that profile information may be available to the public.*

Sean  
First Name

Reilly  
Last Name

[REDACTED]  
Email Address

[REDACTED]  
Street Address

[REDACTED]  
Suite or Apt

Fairbanks  
City

AK  
State

99701  
Postal Code

### Mailing Address

## City Resident

Choose your residency status.

[REDACTED]  
Primary Phone

[REDACTED]  
Alternate Phone

Department of the Treasury -  
Internal Revenue Service  
Employer

ITAS  
Job Title

Which Boards would you like to apply for?  
Fairbanks Diversity Council, FNSB - Planning Commission, Public Safety Commission


## Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission? What life experience can you contribute to the benefit of the board or commission?

I would like to become a board/commission member so that I may use my education and skills to help continue growing the Fairbanks community.

Brief Personal Biography (or attach resume):  
Resume attached.

 \_\_\_\_\_  
Upload a Resume

Professional Licenses/Training:  
MS - Human Resource Training and Development Certificate of Completion - HR Management

**Sean P. Reilly**



**Position Sought:** City of Fairbanks Boards and Commissions

**Highlights of Qualifications:**

- Familiar with human resources policies and procedures
- Understand sensitive and diverse cultures and lifestyles
- Skill in establishing and maintaining cooperative working relationships with other employees
- Ability to work independently as well as with teams
- Excellent knowledge of community resources
- Able to think creatively to give the greatest benefit to the consumer
- Strong communication skills to include public speaking and community interaction

**Summary of Qualifications:**

- Analyzed training needs to develop new training programs or modify and improve existing programs.
- Implemented organizational training manuals, multimedia visual aids, and educational materials.
- Ability to maintain confidentiality of all records information.
- Prepared affidavits or other documents, such as legal correspondence, and organize and maintain documents in paper or electronic filing system.
- Investigated facts and law of cases and search pertinent sources, such as public records, to determine causes of action and to prepare cases.
- Gathered and analyzed data, such as statutes, decisions, and legal articles, and codes.
- Skilled in operating personal computer utilizing a variety of computer software.
- Skilled in managing multiple priorities and tasks concurrently and meet deadlines.
- Knowledge of customer service concepts and practices.

**Education:**

Amberton University	Garland, Texas	MS Human Resource Training and Development
Rhode Island College	Providence, Rhode Island	BA Psychology
Horry G'town Tech. College	Conway, South Carolina	APS - Paralegal Studies

**Employment:**

Independent HR Consultant,	Myrtle Beach South, Carolina	1/2011 – 3/2012
Paralegal Intern,	Family Court of Horry County	3/2009 – 9/2009
BCBS of SC, Surfside, SC	Customer Service Representative	7/2006 – 1/2007
Metglas, Conway, SC	Quality Assurance Technician	1/2006 – 7/2006
UMS, Wilmington, NC	Warehouse Manager	7/2005 – 1/2006
Lowes, Wilmington, NC	Customer Service Representative	11/2004 – 7/2005

# Application Form

Status: submitted

## Profile

*Please note that profile information may be available to the public.*

Mark  
First Name

Billingsley  
Last Name

[REDACTED]  
Email Address

[REDACTED]  
Street Address

\_\_\_\_\_  
Suite or Apt

Fairbanks  
City

[REDACTED]  
State

[REDACTED]  
Postal Code

Mailing Address

## City Resident

Choose your residency status.

[REDACTED]  
Primary Phone

\_\_\_\_\_  
Alternate Phone

State of Alaska Public Defender Agency  
Employer

Public Defender  
Job Title

Which Boards would you like to apply for?  
FNSB - Planning Commission

## Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission? What life experience can you contribute to the benefit of the board or commission?

See attached

Brief Personal Biography (or attach resume):  
See attached



Upload a Resume

Professional Licenses/Training:  
College degree in engineering; graduate degree in law



### **STATEMENT OF INTEREST**

I'm interested in contributing to my community by serving as a planning commissioner. I'm building a life defined by public service: working first as an engineer in the construction of university research facilities, and now as an attorney representing poor people accused of crimes. Serving as a planning commissioner is a good fit for my skills and interests and will allow me to continue to give back to my community.

I'd like to get involved in local government and take advantage of the opportunity to devote my skills and time. My experience building a house in Fairbanks and then working on large construction projects—combined with my legal education and experience as an attorney—give me an ideal background for serving as a planning commissioner. I would have a unique perspective and valuable insight into matters commonly brought before the committee.

For these reasons, I request the honor of contributing to my community by serving as a planning commissioner.

### **BRIEF PERSONAL BIOGRAPHY**

I attended college at the University of Florida, where I earned a degree in engineering. Upon graduation in 2004, I moved to Fairbanks to help my sister and brother-in-law build their house on Parks Ridge Road. As we were finishing the house, I took a job as an engineer for Kiewit Construction Company. I started as a field engineer and progressed to the position of project engineer. I worked on the construction of large science research facilities for the University of Alaska. Next I went back to school to earn my juris doctorate from Lewis and Clark Law School in Portland, Oregon. After law school, I moved back to Fairbanks, passed the Alaska bar exam, and clerked for Fairbanks Superior Court Judge Blankenship. About six months later, I accepted a job working for the State of Alaska Public Defender Agency, which remains my employer today.

I am thirty-two years old and married to Annmarie Billingsley. We have a young daughter and own a house in downtown Fairbanks.

# Application Form

Status: appointed

## Profile

*Please note that profile information may be available to the public.*

David

First Name

Brandt

Last Name

[Redacted]

Email Address

[Redacted]

Street Address

Suite or Apt

Fairbanks

City

AK

State

99701

Postal Code

Mailing Address

## City Resident

Choose your residency status.

[Redacted]

Primary Phone

[Redacted]

Alternate Phone

[Redacted]

Employer

Journeyman Carpenter

Job Title

Which Boards would you like to apply for?

Landscape Review & Appeals Commission, FNSB - Planning Commission

## Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission? What life experience can you contribute to the benefit of the board or commission?

Interested in serving local community without running for elected office.

Brief Personal Biography (or attach resume):  
43-year Borough resident; 22-year Fairbanks property owner

---

Upload a Resume

Professional Licenses/Training:  
Journeyman Carpenter

# Application Form

Status: submitted

## Profile

*Please note that profile information may be available to the public.*

Tim Sovde  
First Name Last Name

[REDACTED]  
Email Address

[REDACTED]  
Street Address

\_\_\_\_\_  
Suite or Apt

Fairbanks  
City

AK  
State

99701  
Postal Code

Mailing Address

## City Resident

Choose your residency status.

[REDACTED] \_\_\_\_\_  
Primary Phone Alternate Phone

The Woodshed Editor  
Employer Job Title

Which Boards would you like to apply for?  
FNSB - Planning Commission

## Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission? What life experience can you contribute to the benefit of the board or commission?

I believe I have served the public well the last three years as a member of the FNSB Planning Commission. I have shown a willingness to look at all sides of the issues before the body.

Brief Personal Biography (or attach resume):

I developed a fairly extensive knowledge of the local topography from almost a decade of being employed by a local construction company which worked mainly residential projects.

---

Upload a Resume

Professional Licenses/Training:

I am a graduate of UAF with a degree in chemistry.

**Fairbanks North Star Borough / City of Fairbanks  
CHENA RIVERFRONT COMMISSION  
MINUTES  
November 12, 2014**

The Fairbanks North Star Borough/City of Fairbanks Chena Riverfront Commission (CRFC) met on Wednesday, November 12, 2014 with Commissioner Wright presiding. The following Commission members were in attendance: Julie Jones, Sue Rainey, Lee Wood, Carrie McEnteer and Bob Henszey.

Also present were: Christine Nelson, FNSB Community Planning; Lissa Hughes, TVWA; Carl Heim, DOT; Nancy Durham, FNSB Community Planning; Donna Gardino, FMATS; Ian Olson, interested resident and Laura McLean, FNSB Recording Clerk.

**1. CALL TO ORDER**

**Wright** called the meeting to order at 12:05 p.m.

**2. APPROVAL OF AGENDA**

*A motion was made by Rainey, seconded by Henszey to approve the Agenda for November 12, 2014. There were no objections.*

**3. APPROVAL OF MINUTES OF October 8, 2014**

*A motion was made by Henszey, seconded by Wood to approve the minutes for October 8, 2014. There were no objections.*

**4. COMMUNICATIONS TO THE COMMISSION**

**5. PUBLIC COMMENTS**

None

**6. NEW BUSINESS**

None

**7. UNFINISHED BUSINESS**

A. Fort Wainwright presentation, McEnteer

Commissioner McEnteer gave an informative presentation on how Ft. Wainwright considers the Chena River when conducting business on Post.

B. Airport Way West Project Update, Committee report

**Wright** addressed the Commission. He stated that the last meeting that the subcommittee had was at DOT with the Acting Northern Regional Manager Rob Campbell and Mayor Hopkins. DOT is still saying that they can transfer ownership of land under certain circumstances and therefore he does not see why this land could not be transferred to the Borough. Mayor Hopkins is still interested in that as well. There is a concern about long term maintenance on the "park" part of this plan. The Borough is reluctant to take on something that they do not have the funding to pay for.

**Wright** commented that he still needs to contact Alaska Airlines, Sadlers and Riverboat Discovery and to Jay Ramras again to see if any of them have an interest in participating in funding for the

maintenance. **Wright** further commented that they have talked about including in the design a "Welcome" sign and a "Thank You for Visiting." This concept has been added to the drawing that Schlosser drew. The funding for this is, he believes, outside of the responsibility of DOT but would have to be coordinated with them as part of their overall project. The question of whether or not something would be placed in the roundabouts was brought up. **Wright** responded that they, DOT, does not want to place anything in the roundabouts which will hinder a drivers' sight. They also do not want to put things such as seasonal flowers etc. in this area as this would require maintenance folks to have to cross the active roadways in order to get to them for maintenance. **Gardino** added that another thing is clearly separating out the park part, which is the river part, from the part between the curb. She added that DOT is not opposed to some sort of capital investment in what goes in the center area.

**Carl Heim**, DOT Engineer, concurred with Wright and Gardino.

**Wright** continued that one of the other things that came up was who could act as a coordinating entity so that all these different things happen in a coordinated fashion. He stated that Plager went to the last Chamber of Commerce Transportation Committee meeting and this roundabout was on their agenda. He questions if since they have an interest in this, could they take this project as main coordinator. He commented that he has twice tried to get with Lisa Herbert the Executive Director but has not been able to do so to date.

**Jones** asked if Wright was talking about the construction phase of this project or for long term. **Wright** replied "both." In the construction phase we would hope it would be done in a way that everything is compatible and then once it is done we would hope that there is some sort of a plan so that it is well cared for. **Jones** continued that one of the things that Schlosser mentioned when he put some of the photos together was that some of the photos that he included were of improvements that were so natural that he felt that there would not be a maintenance issue. She further commented that having that maintenance agreement may be a back-up plan should something go awry. **Gardino** added that if the property is turned over to the Borough, ultimately the Borough will have to do the maintenance. It is her thought that the Borough doesn't want to take the property until they have assurance that they have entities that can assist in the maintenance.

**Wright** continued that there was one other meeting that the subcommittee had since the last CRFC meeting and that it included the Mayor, a representative from Fish and Game and Fish and Wildlife and the purpose of that meeting was to talk about the riverbank.

**Heim** asked for clarification that the Borough Mayor is open to the idea but does not want to sign a maintenance agreement therefore, if the property is given to the Borough, the Borough will have to find someone to maintain it. Is this correct? **Wright** clarified that the Borough does not want to take on something that they can't afford to fund the upkeep on. That is what they are trying to figure out before they take it on. **Gardino** added that if the Borough were to accept the property, the maintenance would fall to Parks and Recreation as this would be a Borough park. **Heim** concluded that all of the outside maintenance issues need to be taken care of before the Borough would take the property. **Wright** and **Gardino** concurred.

**Wright** asked Heim if there was any update on the timing of DOT for this particular project. **Heim** stated that he plan to be able to have plans in hand by early spring. He further commented that he would like to see the project built by the summer of 2016. **Gardino** asked Heim if he has been directed at all to work with a landscape architect and develop the greenspace. **Heim** replied that they have talked about it a little bit. **Wright** added that it would be nice if they could include a landscape architect at some point in the process. **Gardino** suggested that the Commission could write a letter to DOT outlining the results of the discussions that have been. That way it is written what each party has understood do date regarding the responsibilities of this project.

**Nelson** suggested that she and Durham meet with the Mayor and find out where he is on this and then they can report back at the next meeting. At that point the Commission might or might not proceed with the letter. It would also clarify what role the Borough plans to play in this project. She further commented that she is not sure how things have been done in the past. **Gardino** answered that for every project that the DOT constructs, if the Borough is going to participate in the maintenance, it is all defined in the project agreement. It would be a separate memorandum of a maintenance agreement. **Heim** commented that they would like to have that all spelled out in an agreement before they go spending taxpayer dollars for a landscape architect.

**Wright** suggested that the subcommittee (Schlosser, Henszey and Wright), DOT, Gardino and Parks and Rec all meet and get a lot of things understood so that everyone is on the same page. Heim commented that this project is about 30-40% designed. A lot of times these things get worked out as the project moves along. **Wright** added that the Commission has concerns about when do we offer our thoughts. If we do it now, we might be in the way but if we wait until another time DOT may say it is too late. **Heim** responded that earlier is definitely better.

#### C. Chena Riverfront Plan Update

**Durham** addressed the Commission and stated that the Draft Chena Riverfront Plan Update was sent to the Legal department. They made several small changes to the document. Therefore, it missed the deadline to go before the Assembly at their next meeting. It is being resent to Legal for their review. Durham stated that she will let the Commission know as soon as it is scheduled to go before the Assembly.

#### D. Election of Officers (Chair, Vice-chair)

**Jones** asked if there was a limit to the number of term that a Commissioner can serve in a particular position. The answer was not known but McLean and Durham will find out.

*A motion was made by **Rainey**, seconded by **Jones**, to re-elect Plager as Chair. There were no objections.*

*Jones nominated Wright as Vice-Chair. Wright declined.*

*Jones commented that she would like to take on the task however she is unable to do so at this time.*

*Hegarty-Lammers had previously declined to serve as Vice Chair in the future for personal reasons.*

It was decided, unanimously, that the position of Vice Chair will be addressed at the December meeting.

### 8. STAFF AND LIASION COMMENTS

**Nelson** commented that she enjoyed meeting everyone on the Commission.

**Gardino** passed out postcards for several Open Houses to be held next week about the FMATS Long Range Transportation Plan.

### 9. COMMISSIONERS COMMENTS

**Jones** commented that the greenspace got the Polaris sculpture up. Festival Fairbanks is holding a photo competition. If anyone is interested in voting for a submission, they can go to fairbanksalaska.com and place their vote. Voting closes on the 15<sup>th</sup> of November.

**Jones** also stated that Festival Fairbanks did get approved for funding from the U.S. Fish and Wildlife for the new Golden Heart Plaza dock next summer. They will have to obtain matching funds. They are in need of approximately \$20,000 so if anyone has any ideas, let her know. Also, the winter lighting program along the river is being expanded this year.

**Jones** commented that the wetlands work along the Chena Riverwalk was done this fall so if anyone has ideas where funding might be obtained for this project, please let her know.

Finally, **Jones** announced that Festival Fairbanks is starting a new festival next summer called the Bacon Festival. It is based on the 1906 fire that devastated Fairbanks. Legend is that they threw slabs of bacon into the boilers of the pumps to bring the water pressure up to



put the fire out. The festival will be held on May 23, 2015. **Wright** added that a re-enactment could be held at the power plant!

**Wood** asked if this was something that Festival Fairbanks perhaps thought about coordinating with Ice Alaska. **Jones** reiterated that they are open to anything. This festival will be a fund raiser for the Chena Riverwalk.

#### **10. AGENDA SETTING FOR December 10, 2014 COMMISSION MEETING**

1. Airport Way West Project update
2. Chena Riverfront Plan Update
3. Election of Vice Chair
4. Presentation by Wright regarding Aurora Energy

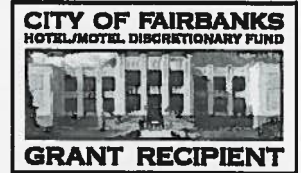
#### **11. ADJOURNMENT**

*A motion was made by Henszey, seconded by Rainey, to adjourn. There were no objections. The meeting adjourned at 1:20 p.m.*

/l



BED TAX DISCRETIONARY FUND COMMITTEE  
MEETING MINUTES, NOVEMBER 25, 2014  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA



---

The Bed Tax Discretionary Fund Committee convened at 12:00 P.M. on the above date to conduct a meeting at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Council Member Matherly presiding and with the following members in attendance:

Members Present:                      Randi Carnahan (Seat D)  
   Carter Crawford (Seat A)  
   Karen Fox (Seat B)  
   Vivian Stiver (Seat E)

Absent:                                      John Nobles (Seat C)

Also Present:                              Tanya C. Clouten, Deputy City Clerk  
   Margarita Bell, Grants Administrator

**NEW BUSINESS**

Introduction of Committee Members

**Mr. Matherly** stated that new member Mr. Nobles had to be out of town. Committee Members expressed disappointment in Mr. Nobles' absence, and that his presence at this meeting would be beneficial to him.

Late Applications

**Mr. Matherly** stated that there were no late applications filed, but that one application was brought in exactly at 5:00 P.M. He spoke to the financial statements required to be submitted to the Grants Administrator from each entity awarded Hotel/Motel Grant Funds.

**Ms. Stiver** stated that the financial statements are submitted from the previous year.

Ms. Clouten stated the full financial statement is not due until the end of the December.

**Ms. Stiver** stated the financial statements must be received before awarding future grant monies to those applicants.

Ms. Clouten confirmed Ms. Stiver's statement. Ms. Clouten stated that the applicant who filed at 5:00 P.M. did not have their packets complete, and Deputy City Clerk, Danyielle Snider, stayed until 5:30 P.M. assisting the applicant with compilation of the application packets.

**Ms. Stiver and Ms. Carnahan** agreed that applications should be completed packets upon submittal.

**Mr. Matherly** expressed gratitude for Ms. Snider's assistance to the applicant.

**Mr. Matherly** stated that most of the 27 applications received are from the same applicants who apply annually. He stated that the Committee Members know the general procedures of the Presentation Meeting and asked the Members to arrive ten to fifteen minutes prior to the start of the meeting to ensure the meeting beings on time.

**Mr. Matherly** stated that he will contact Mr. Nobles and inform him of the procedures of the meeting.

#### Committee Policy on Tardiness and Absences

**Mr. Matherly** spoke to a Motion made at the 2013 Preliminary Meeting for Mr. Matherly to introduce an Ordinance amending the Fairbanks General Code regarding Committee Members who are late or tardy to the Presentation Meeting. **Mr. Matherly** spoke to the procedure of Committee Members arriving late to the Presentation Meeting and asked for clarification from the Committee as to the scoring procedure if a Committee Member was tardy and missed the first several presentations.

The Committee discussed tardy and absence procedures for Committee Members and agreed that a Committee Member may not vote to allocate funds unless they attend all presentations.

**Ms. Stiver** suggested that a Hotel/Motel Discretionary Fund Committee Policy and Procedure booklet be assembled and adopted by the Committee. **Ms. Stiver** stated that having such a booklet would allow new Members to be treated consistently.

**Mr. Matherly** spoke to the booklet and expressed an aversion to receiving reading material. He spoke to the appointment of Mr. Nobles to the committee and pointed out that no one else applied for the vacant seat on this committee.

**Ms. Stiver** requested a copy of Mr. Nobles' committee application.

The Committee discussed Mr. Nobles' appointment and background.

**Ms. Stiver** volunteered to create a procedural outline for the Committee.

**Ms. Fox and Mr. Matherly** spoke in support of the outline.

#### Presentation Meeting

**Mr. Matherly** asked the Committee if there were any conflicts with the tentatively scheduled December 10, 2014 Presentation Meeting. No Members objected.

**Ms. Stiver** stated she wanted to confirm with Margarita Bell that the December 10 date does not interfere with the required annual report filing. Ms. Stiver requested to know how many annual reports the City was still waiting on.

Ms. Clooten stated she had checked with Ms. Bell in mid-October and that nine Annual reports had not yet been filed.

**Ms. Stiver** expressed concern awarding monies to an applicant who has not filed their annual report from the prior year. Stating if the Committee awards grant monies to an applicant that does not get their annual report filed, the grant monies that were allocated for the non-filing applicant could have been distributed to other applicants.

**Ms. Fox** requested that Ms. Clooten contact the nine entities that have not filed to make sure they get their report filed.

**Mr. Matherly** volunteered to call the nine entities to ensure they each get their annual report filed.

The Committee discussed adjusting the due date for applicants to file their annual report in future years.

**Ms. Carter** stated applicants have mentioned that they were glad to know their grant award early allowing them to apply for other grants. She proposed awarding the grant monies in November.

**Mr. Matherly** stated he prefers continuing to keep the application deadline October 31 and meeting time frame as it is and awarding grant monies in December.

**Ms. Stiver** stated she would be concerned that moving the application deadline to October 15 would result in several applicants forgetting to file their application.

**Ms. Carter** proposed having the first organizational meeting in November and awarding grant monies the first week of December.

#### Start Time, Scheduled Presentation Times

The Committee discussed presentation time frames and agreed that each presenter should receive three minutes to present and two minutes for questions and responses.

#### Committee Policy on "Zeroing out" Applicants

**Mr. Matherly** stated that at the end of the presentation meeting, if three or more Committee Members have allocated zeros to the same applicant, the applicant will not be considered for funding.

The Committee discussed whether or not education-based entities should be considered for grant funding. The Committee discussed possibly focusing more on encouraging tourism-based applications.

**Ms. Fox** stated educational programs do not promote tourism or economic development.

**Ms. Stiver** stated education-based entities can promote a tourist's experience, but have access to other avenues of funding that other grant applicants do not have access to.

Ms. Clooten stated that Ms. Bell confirmed only 2 grant recipients from 2014 have not filed their annual report.

**Ms. Carter** inquired if there was a policy that an applicant must be a non-profit agency.

**Mr. Matherly** stated he would like the opportunity to consider all timely-filed applications, as opposed to not giving someone the opportunity to apply.

**Ms. Fox** stated that the Committee must consider all timely and complete applications filed this year.

**Mr. Matherly** read Fairbanks General Code 74-117(a) out loud and stated that applicants whose primary purpose is not to promote the tourism industry or other economic development will not be considered.

The Committee discussed whether or not the Committee should consider awarding grant monies to state-and federally-funded programs.

City Clerk Janey Hovenden stated that Fairbanks General Code 74-117(b) allows for any person or organization to apply for grant monies, including non-profits.

**Mr. Matherly** thanked Ms. Hovenden for answering Ms. Crawford's question.

**Ms. Stiver and Mr. Matherly** stated that that section of the Code might need to be reevaluated.

Ms. Hovenden stated that in years past there has been discussion about being more restrictive as to which individuals and organizations could apply for grant monies, but that it was left more broad as it is currently written to promote diverse ideas and economic growth.

**Ms. Carnahan** stated that limiting the persons and organizations that can apply in the future as discussed could make it so the Committee would no longer be able to support some of the organizations the Committee currently supports annually.

The Committee discussed whether or not organizations needed to be based within city limits, and determined as long as the applicant promotes tourism or economic growth for the City, they do not need to be based within city limits.

**Ms. Fox, Ms. Stiver, and Mr. Matherly** agreed that an Ordinance should be introduced to amend Fairbanks General Code 74-117(g)(3), which would make it such that grant funds cannot support State and Federally sponsored programs.

Ms. Hovenden suggested that **Mr. Nobles** listen to the audio recording of the Preliminary Meeting.

**Ms. Fox** reminded the Committee that no applicants are permitted to hand out any paper copies the night of the Presentation Meeting.

**Mr. Matherly** stated he will make an announcement at the start of the Presentation Meeting to remind presenters not to hand out any material to the Committee Members.

**Ms. Fox** requested that **Mr. Matherly** also announce to the presenters that the applicants have requested over \$750, 000.00 and the total grant monies to award is \$270,000.00, and that no one will get near the amount they are requesting.

**Mr. Matherly** summarized the procedures of the Presentation Meeting stating Committee Members that miss any presentations will not be permitted to allocate any grant funds, that presentations will be held to three minutes with a two minute question and response period, and that no additional handouts are permitted to be distributed to the Committee by the presenters.

The Committee discussed the procedure if a presenter is unavailable when they are called to present. The Committee agreed the presenter be allowed to present in an order other than scheduled. It was further clarified that Ms. Clooten notify the applicants by mail and email the order of the presentations prior to the meeting.

The Committee agreed that applicants who do not attend the Presentation Meeting will not be considered for grant funding. The Committee again discussed the need for a Policy and Procedure booklet, and Ms. Clooten volunteered to put together the Policies and Procedures for the Committee.

### **NEXT MEETING**

**Mr. Matherly** stated the Distribution Meeting is tentatively scheduled for December 19, 2014 at 12:00 P.M., and asked Committee Members for their input.

**Ms. Fox** suggested December 12, 2014 as sufficient amount of time to allocation funds.

The Committee agreed on Monday, December 15, 2014 at 12:00 P.M. as an acceptable date and time for the Distribution Meeting.

**Mr. Matherly** reminded the Committee that at the Distribution Meeting each Committee Member will read their individual allocations into the record.

### **ADJOURNMENT**

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

**Mr. Matherly** declared the meeting adjourned at 12:47 P.M.

  
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Jim Matherly, Chair

Transcribed by: TC



HOTEL/MOTEL DISCRETIONARY FUND COMMITTEE  
MEETING MINUTES, DECEMBER 10, 2014  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA



The Bed Tax Discretionary Fund Committee convened at 5:30 P.M. on the above date to conduct a Presentation Meeting at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Council Member Matherly presiding and with the following members in attendance:

Members Present:                   Randi Carnahan (Seat D)  
  Carter Crawford (Seat A)  
  Karen Fox (Seat B)  
  Vivian Stiver (Seat E)  
  John Nobles (Seat C)

Absent:                               None

Also Present:                       Tanya C. Clooten, Deputy City Clerk  
  Margarita Bell, Grants Administrator

**Mr. Matherly** introduced himself to the applicants, thanked them for applying, and wished them a Merry Christmas. He then introduced new member John Nobles.

**Mr. Matherly** explained the presentation process and time limits, and reminded presenters and Committee Members to be respectful of everyone's time when presenting and asking questions. He stated that the Committee will hold the Distribution Meeting Monday, December 15 at 12 P.M. to announce the distribution amounts. He asked for any questions and none were asked.

**PRESENTATIONS BY APPLICANTS**

- a) Clay Street Cemetery Commission
- b) Friends of Creamer's Field
- c) Tanana –Yukon Historical Society
- d) Fairbanks Youth Litter Patrol, Inc.
- e) Tanana Valley State Fair Association
- f) Alaska International Senior Games, Inc.
- g) Alaska Dog Musers Association
- h) Iron Dog, Inc.
- i) World Eskimo-Indian Olympics
- j) World I.C.E Association dba Ice Alaska
- k) Friends of Tanana Valley Railroad, Inc.
- l) Fairbanks Community Band
- m) Pioneer Memorial Park, Inc.  
BREAK
- n) Pioneer Air Museum/Interior & Arctic Alaska Aeronautical Fndn
- o) Greater Fairbanks Chamber of Commerce

- p) Fairbanks Curling Club
- q) Fairbanks Arts Association
- r) Fairbanks Community Museum
- s) Georgeson Botanical Garden Society
- t) Fairbanks Children's Museum
- u) Fairbanks Tired Iron
- v) Downtown Association of Fairbanks
- w) Yukon Quest International, Ltd
- x) Tanana Valley Watershed Association
- y) Alaska Mining Hall of Fame Foundation
- z) Festival Fairbanks, Inc.
- aa) Denakkanaaga

**Mr. Matherly and Ms. Stiver** commended Ms. Clouten on her design of the Hotel/Motel Discretionary Fund Logo.

**Mr. Matherly** thanked all applicants that presented and stated that he would call out each applicant/organization to see if any Committee Members allocated a zero for distribution. He explained that if an applicant receives three or more zeros from the Committee Members, that the applicant will be removed from consideration.

**Mr. Matherly** called out all applicants/organizations one at a time and Georgeson Botanical Garden Society, Fairbanks Children's Museum, and Tanana Valley Watershed Association were removed from consideration.

**Mr. Matherly** reminded Members to keep their allocations rounded to the nearest \$10 and to have their allocation worksheets to Ms. Bell no later than 10 AM on Monday, December 15.

Ms. Clouten stated she would email Ms. Bell's review of the applications, as well as Ms. Bell's email and fax number to Committee Members.

**Ms. Carnahan** reminded Members to bring their individual allocations with them to the Distribution Meeting as well.

**Ms. Stiver** stated that the allocations are confidential until read into the record during the Distribution Meeting.

**Mr. Matherly** thanked everyone for attending the meeting and asked Members if they had any questions.

No Members had questions.

**NEXT MEETING**

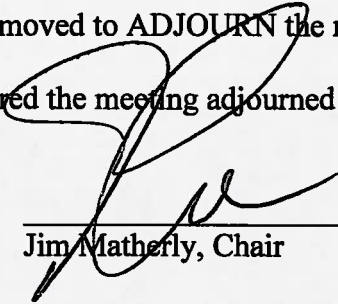
**Mr. Matherly** stated the Distribution Meeting will be held on Monday, December 15, 2014 at 12:00 P.M.



**ADJOURNMENT**

**Mr. Nobles, seconded by Ms. Carnahan, moved to ADJOURN the meeting.**

**Hearing no objection, Mr. Matherly declared the meeting adjourned at 8:04 P.M.**



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Jim Matherly, Chair

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