



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 Malemutes 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

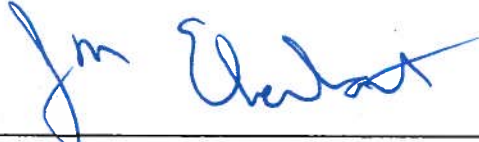
The City Council met in Executive Session to discuss Fairbanks Firefighters Union Labor Negotiations. Direction was given to staff and no action was taken.

**ADJOURNMENT**

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

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

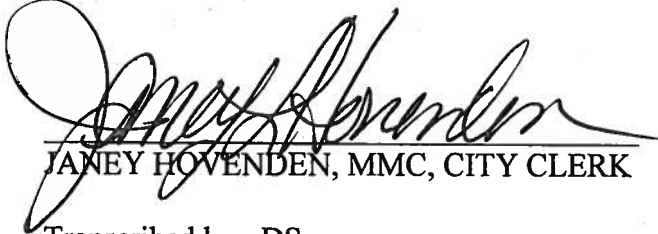
**Mayor pro tem Gatewood** declared the meeting adjourned at 8:40 P.M.



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JOHN EBERHART, MAYOR

ATTEST:



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JANEY HOVENDEN, MMC, CITY CLERK

Transcribed by: DS