

**MINUTES  
NOME COMMON COUNCIL  
REGULAR MEETING  
September 25, 2006**

The Regular Meeting of the Nome Common Council was called to order at 7:30 P.M. by Mayor Denise Michels in the City Council Chambers of Nome City Hall located at 102 Division St.

**ROLL CALL**

Members Present: Jerald Brown, Mary Bourdon, Mary Knodel, John Larson, Randy Pomeranz

Members Absent: Stan Andersen

Also Present: City Manager Randy Romenesko, City Clerk Leslee Wessel, Utility Manager John Handleland, Police Chief Craig Moates

In the audience: Jesse Zink, KNOM, Jim Munter, Rita Anderson, Donald Handeland, Ted Meyer, Nome Nugget.

**INVOCATION**

**APPROVAL OF MINUTES**

A. September 11, 2006 Special Meeting

A motion was made by C. Knodel and seconded by C. Pomeranz to approve the minutes of the Regular Meeting of September 11, 2006.

At the roll call:

Ayes: Brown, Bourdon, Knodel, Larson, Pomeranz

Nays:

The motion CARRIED.

**CITIZENS REQUESTS AND GRIEVANCES**

City Manager Randy Romenesko introduced Jim Munter to the Council. He stated Mr. Munter is a certified ground water professional and a certified professional geologist with over 24 years of experience in hydrogeology in Alaska. He has done lots of ground water resources assessments in the State. He spent eight years with the state of Alaska as a ground water expert. He first met Jim when he was working for DNR and did the Moonlight Springs recharge area work back in 1992. He asked him to come take a look at Moonlight Well and some of the issues that may or may not be related with regard to certain projects that are going on.

Jim Munter stated he is pretty familiar with the hydrology and geology of the area. He has not been involved in any way, shape or form with the Rock Creek Mine project. He has come into it with a pretty clean slate. It has been a bit of a challenge to catch up with thousands of pages of material that is out there. There have been some concerns expressed—probably the major one has to do with the injection wells as part of the waste water disposal program they have. But also concerns about blasting or general chemical contamination of the ground water and the potential for it to travel to the aquifer that feeds the current well field. He will be reviewing that and give a quick snap shot review of what they have found and what other people have found about the aquifer that feeds the springs and he will talk a little about the Rock Creek project. He will try to connect the dots and see what the arguments are for whether there is a possibility of concern or not. He talked about the primary recharge area and the secondary recharge

area of Moonlight Springs. They have found there is a close connection of the springs with meteorological events. When snow melts within a matter of hours to days the temperature of the water coming out of the springs would drop and the amount of flow would go up. They found a quick response to summer rain storms. What that tells them is most of the water really is most likely coming from an area pretty close to the springs. If they look at the side of the hill they can see the marble that is exposed—it is a very ready type of material that will accept water, transmit it pretty quickly and come out at the springs. There is another important feature that is different from the aquifer and that is why is it coming out at the ground. There are a lot of springs in the world—it is a fairly common thing and usually what causes them to be there is not just an aquifer and a source of recharge, but something blocking it. In this case there are two different terrains that block the flow of subsurface water. One is the permafrost and very possibly also a fault that runs along there. They also have another fault called Anvil Creek fault. This is important obviously because it is between Rock Creek and Moonlight Springs. But it is really a fault zone. He has looked at exposures where mining activities have exposed the fault zone materials and they are really a sheared type of material. They have ground up rock which started out as being a schist so as it grinds up they get a certain amount of clay materials and silt and it turns it into a paste and then it resolidifies. It is a fairly impermeable material. They have a boundary above where water can't go in the subsurface to Anvil Creek which is where it wants to get to so that it can flow to the coast. So it is forced down towards Nome and when it gets to the other boundary, either permafrost or a fault zone that truncates the marble, there is no way to go but up and it would pop up out of the ground. So it is a natural spring that was known back in the early days of Nome. Since they did their study, the City drilled wells just uphill from the springs to get a little more secure water supply. They are 80 to 120 feet deep in that range. His view is they essentially tap the same aquifer. They are a little deeper and a little more protected, but one way to get perspective on this is if they stand at moonlight springs and look up Anvil Mountain, they have 1,000 feet of marble to look at right in front of them. So 100 feet down is not much. In fact the marble probably goes another 1,000 feet down. It is probably a pretty thick unit.

The Rock Creek geology is different. It is mainly a schist terrain and there are a number of faults in the area in addition to the major one he pointed out earlier. He has tried to figure a way to show them how he walked through his analysis rather than just give them a result. He would like everyone to understand as best as possible how he came to the opinions he came to. He started with a U.S. geological survey topographic map for the Nome area. He highlighted in red the 500 foot land surface elevation contour. The green line represents the 1,000 foot land surface contour. So this is Mount Brynteson and there are a couple of other 1,000 foot peaks including Anvil Mountain. He showed where the Snake River is and the Nome River. They have a relative isolated upland area between the two river valleys. He showed where the springs are located. He showed the approximate location of the proposed Rock Creek Mine pit. He also showed the area for the injection well field. The proposal is to have a number of dewatering wells around the pit that would pump water out of the wells before it goes into the pit and then some of that water would be used in the process and the excess water would be disposed of either through injections wells or some of the water would go into an infiltration gallery that is on glacier creek.

He has five lines of reasoning as to why he thinks there isn't much likelihood of any connection here. Most people are skeptical of one thing or another and that is healthy. He is a skeptic himself and that is the basic premise of scientific inquiry is to be skeptical of things. With the five arguments he will share—the method he is using is if they all tell you kind of the same thing then you are probably in pretty good footing to come to the conclusion they are all telling you. That is the general framework. Any one of the arguments by themselves could be a pretty good argument that a person might use to say there is not much of a connection, but if all five of them are consistent and they are all telling you the same thing, then part of what they can do is use the confidence of all five of them.

1. Geological Analysis. As he mentioned there is a major fault at Anvil Creek that is a kind of barrier type fault and they know that from observation and from the experience of working in that fault. Given the geologic terrain it is probably close to a vertical type fault. It probably goes to a great depth and it presents something of a geologic barrier from a buried conduit going through and connecting up. Some people would be happy to stop at that and say that proves they can't have a connection because of the major fault zone. It is good but perhaps not conclusive. It is a metamorphic terrain and there are a number of faults in through there. He hasn't mapped them all and doesn't know if they are all barrier type faults or conduits. The Anvil Creek one is clearly a major one.

2. If there is a potential pathway--think of a big huge buried garden hose—they have Rock Creek Mine at one end and Moonlight Springs at the other end. He thinks this is a common concern. Could there be a deep buried conduit some place that they can't know exactly where it is but it is of concern. He considered the possible avenues that this could go. If they look at the map they see pretty quickly that the Snake River Valley is off to the left and if the conduit heads over towards the Snake River Valley you're pretty quickly getting into an environment where the water levels are only about 50 feet above sea level. The mine itself is between 120 and 450 feet above seal level. Water is inherently kind of lazy. It wants to get to the ocean, to a low spot as quickly and easily as it can and that is the natural direction it is going to go. If the water goes to Snake River valley and popped up someplace it would not tend to want to come back to the springs because it is uphill and it wouldn't make any sense at all. Going back in underneath the mountain is pretty improbable because it is such a big feature. It doesn't seem to make sense to go in a circuitous way around up through over the hills and back to the springs. So what if through some quirk of geology there is a straight shot from the mine to the springs, how might they look at that. Right in between the mine and the springs is a pretty major ridge called Bonanza Hill. It is consistently over 500 feet in elevation above sea level. There is a ground water divide there. Ground water divides are similar to surface water divides. If they think of the Rocky Mountains there is the watershed to the Pacific and the watershed to the Atlantic. Ground water does the same sort of thing. Under a hill the water table will typically mimic the topography. So there will be a mound in the water table and water on one side will flow in one direction and water on the other side will flow in the other direction. In between they essentially have a ground water divide that separates the two flow systems. It is reasonable to expect there would be one underneath this hill. It is a pretty large feature. The mine being about 120 to 450 feet above seal level is at a lower elevation than the hill and even if they drilled a well there the water might be 30 to 50 feet or even a little more feet down but it is high enough that it would represent a pretty good divide that would essentially be a hydro dynamic barrier that would keep the water from flowing from this area to the springs. The interesting thing is that it is not the only divide. They also have a divide in the stream valley where they commonly have ground water flowing into a stream valley from two directions and surfacing in the stream bottoms and then the water flowing off to the ocean. In this case they would expect to see that with Glacier Creek which runs between there. They would expect to see water flowing from the Bonanza Hill side down toward the creek bottom and water flowing from Mount Brynteson toward the creek. So that area also presents a divide that separates the two flow systems. So if they start at Rock Creek they have a divide at Glacier Creek that water would have to get across, they have another divide at Bonanza Hill that water would have to get across and then they have another divide at Anvil Creek that water would have to get across. There are three divides which essentially makes a pretty good case there is no flow system. If they picture a garden hose and they picked it up in a few places, it essentially keeps the water from flowing under certain conditions.

3. How deep do these flow systems go and might there be a hole that goes way down deep underneath all that stuff and then comes up. In order for that to work the originating point would have to be at a much higher elevation. Up near the 1,000 foot elevation. If they had a very high elevation they could generate enough energy to make a deep flow system function. In this case what is really interesting is that this whole area they are talking about--the pit and the injection wells are fairly low elevation. The majority of the hill is up behind the development area and so this site doesn't really have enough elevation to overcome these flow system boundaries barriers and divides. In fact he was looking up something else in a classic textbook called ground water which was written in about 1980. It is one of the most commonly used textbooks and they were talking about these flow systems and they said in areas of high relief or moderate to high relief typically all you would get is local flow systems. In other words he is not telling them something new. It is something they could find in a textbook that was written 26 -27 years ago. But he thinks it definitely applies here.

4. Water Chemistry. One of the things they looked at in their study in the late 90s was the water chemistry of different geologic environments. They found sort of a finger print in that the water that came out of the springs was classic kind of water they would expect coming out of marble. Virtually the only thing in it was calcium and bicarbonate from dissolving marble in the presence of the atmosphere. They sampled a number of other wells from areas that were underlying by schists—in fact one was up Lindbloom Creek and there was a different geochemical signature in wells that came from schist. That is

useful because when they look at the water that comes out here they can say what the flow path is and know where it comes from. The picture they have is that the water hasn't passed through a bunch of schist. It has really only come through marble. If it had come through schist it would preserve that signature as it comes through and goes through the springs. If they look at the water chemistry of what is going on in the Rock Creek area what they find is pretty characteristic of water that is in a schist terrain. It has higher dissolved solids and higher trace metals and some other things that are in there. In fact, in particular one of the wells right next to the ore body has a very high level of arsenic in it. It is over 1,000 micro grams per liter. This is very high. It is near the high end of the range of natural ground water arsenic values in the world. The drinking water standard is 10. In the quick analysis if that water was coming to down to Moonlight Springs now in the absence of anything going on they would expect to see an arsenic problem and they don't see that. So the geochemistry of the water they see is another argument that says that there hasn't been a connection in the past in the natural system and they shouldn't be looking to expect one.

5. The position of these two areas is helpful in looking at the Moonlight aquifer situation because they will be pumping water out from the pit and they will be creating what is called a cone of depression. They are going to depress the water table around the pit by dewatering wells. They will transport it a short distance and reinject it in the ground. A lot of that water is going to add to the flow path towards the Snake River valley off to the southwest. Some of it is actually going to turn around and shoot back to the pit. The current projection is at ultimate development the pit bottom will be about 10 feet below sea level. Remember he talked about ground water being lazy, it is going to say hey ye-hah 10 feet below sea level is better than going to the ocean I'm going there but its also dumb. It is not the right place to go because it will just get pumped out again and recirculated back. So that is one thing that will help Moonlight Springs. In other words if they are injecting water and increasing the pressures in the aquifer it is a limiting process because if it gets too high they will have water shooting out from the side pit and they will have flows that are too high and it is not likely to work real well. In fact, one of the permit conditions that DEC put on there, which he was pleased to see and he thinks it is helpful, is that they have to limit the pressures that they inject the water so they don't have surface water popping up all over the place in surprising places. They are going to seal the wells for the upper 150 feet so water can't come bubbling up along side the casing, but if there are fractures and faults that provide conduits up to the surface and they start having springs boiling out they have to stop doing what they are doing and do something different. And until they drill the wells and actually put this king of thing in place it is hard to predict exactly how it is going to work. But this is a self limiting mechanism on causing problems over a larger area. They are confident they are not going to have a major problem injecting those quantities of water and having it recirculate back into the pit and they may be right. If they are comfortable they are not going to cause a problem with their pit the should the City be comfortable this distance away in a different flow system with different chemistry and all these faults through here.

There has been a concern expressed that blasting up here may impact the springs. He doesn't find that credible. The nature of this aquifer is marble which is a hard brittle rock that breaks and fractures very easily and once it is broken and fractured it stays broken and fractured. It doesn't meld back together, it doesn't jam shut. With water flowing through it you actually have the potential over time to dissolve pathways chemically. He thinks there is an ample amount of pathways for water to flow and he just doesn't see how blasting can have a physical effect on the ability of this aquifer to transport water. If anything, it would probably enhance it. He doesn't see it as a big concern.

In his review of some of the papers on this there are a number of concerns related to the mine. He doesn't think he can really address all of them. He hasn't tracked all of them down and some of them are not in his areas of expertise, but he at least wanted to try to address this one on water quality. He would be happy to answer any questions they have.

C. Knodel asked if he will put this in writing. Mr. Munter stated his contract calls for a short letter report to follow up on this presentation.

The Council thanked Mr. Munter for his report.

## **COMMUNICATIONS**

Mayor Michels read the communications by title.

Discussion:

A motion was made by C. Knodel and seconded by C. Larson to approve the request of the Nome Senior Squadron Civil Air Patrol for the \$1,500 to help them to get reorganized and started up again.

At the roll call:

Ayes: Brown, Bourdon, Knodel, Larson, Pomeranz

Nays:

The motion CARRIED.

## **PLANNING AND ZONING**

### **SPECIAL ORDERS**

### **UNFINISHED BUSINESS**

- A. O-06-09-01 An Ordinance Amending Section 2.10.030 of the Nome Code of Ordinances to Allow for the Disposal of Rights of Reverter and Reversionary Interests in Residential Real Property by City Council Resolution and Without Public Bid.

~Second Reading, Public Hearing and Final Passage.

Without any objection the Mayor asked the Clerk for the second reading of O-06-09-01.

For the purpose of holding a public hearing the Council recessed at 7:59 p.m. There being no public comment the Council reconvened back into regular session at 7:59 p.m.

A motion was made by C. Pomeranz and seconded by C. Brown to approve O-06-09-01.

At the roll call:

Ayes: Knodel, Pomeranz, Brown, Bourdon

Nays:

Abstain: Larson

The motion CARRIED.

- B. O-06-09-02 An Ordinance Amending the City of Nome FY 2006 General Fund Budget.

~Second Reading, Public Hearing and Final Passage

Without any objection the Mayor asked the Clerk for the second reading of O-06-09-02.

For the purpose of holding a public hearing the Council recessed at 8:00 p.m. There being no public comment the Council reconvened back into regular session at 8:00 p.m.

A motion was made by C. Knodel and seconded by C. Pomeranz to approve O-06-09-02.

Discussion:

A motion was made by C. Knodel and seconded by C. Brown to amend this Ordinance by \$42,643.73 for a total expenditure and revenue for 2006 of \$8,056,922.62.

Discussion:

City Manager Romenesko requested a further amendment of the revenue under Ambulance fees for an increase of \$33,239.20. They just received a check today for services last fiscal year. They would like to revise the revenue to reflect that.

A motion was made by C. Pomeranz and seconded by C. Knodel to amend this Ordinance by \$33,239.20.

Discussion:

C. Knodel clarified this latest amendment reduced the fund appropriation by that same amount. City Manager Romenesko stated it will reduce the total fund appropriation \$175,316.27.

At the roll call on the second Amendment:

Ayes: Brown, Bourdon, Knodel, Larson, Pomeranz  
Nays:

The motion CARRIED.

At the roll call on the first amendment:

Ayes: Pomeranz, Brown, Bourdon, Knodel, Larson  
Nays:

The motion CARRIED.

At the roll call on the Motion:

Ayes: Larson, Pomeranz, Brown, Bourdon, Knodel  
Nays:

The motion CARRIED.

C. O-06-09-03 An Ordinance Amending the City of Nome FY 2006 Capital Projects Fund Budget.  
~Second Reading, Public Hearing and Final Passage

Without any objection the Mayor asked the Clerk for the second reading of O-06-09-03.

For the purpose of holding a public hearing the Council recessed at 8:04 p.m. There being no public comment the Council reconvened back into regular session at 8:04 p.m.

A motion was made by C. Knodel and seconded by C. Pomeranz to approve O-06-09-03.

At the roll call:

Ayes: Brown, Bourdon, Knodel, Larson, Pomeranz

Nays:

The motion CARRIED.

D. O-06-09-04 An Ordinance Amending the City of Nome FY 2006 Special Revenue Fund Budget.  
~Second Reading, Public Hearing and Final Passage

Without any objection the Mayor asked the Clerk for the second reading of O-06-09-04.

For the purpose of holding a public hearing the Council recessed at 8:04 p.m. There being no public comment the Council reconvened back into regular session at 8:05 p.m.

A motion was made by C. Pomeranz and seconded by C. Knodel to approve O-06-09-04.

Discussion:

A motion was made by C. Knodel and seconded by C. Pomeranz that the Ordinance be amended by \$52,149.85 for a total of \$633,125.33 in revenue and expenses.

Discussion:

C. Larson asked what this is for. C. Brown stated it is in the further amended 2006 budget column. C. Larson asked if there was an additional amendment. C. Knodel stated just this one. City Manager Romenesko stated they needed to move some money around—actually they received funds from the Division of Homeland Security – FEMA folks for some work they did.

At the roll call on the amendment:

Ayes: Knodel, Larson, Pomeranz, Brown, Bourdon

Nays:

The motion CARRIED.

At the roll call on the motion:

Ayes: Bourdon, Knodel, Larson, Pomeranz, Brown

Nays:

The motion CARRIED.

E. O-06-09-05 An Ordinance Amending the City of Nome FY 2006 Port of Nome Fund Budget.  
~Second Reading, Public Hearing and Final Passage

Without any objection the Mayor asked the Clerk for the second reading of O-06-09-05.

For the purpose of holding a public hearing the Council recessed at 8:06 p.m. There being no public comment the Council reconvened back into regular session at 8:06 p.m.

A motion was made by C. Pomeranz and seconded by C. Brown to approve O-06-09-05.

At the roll call:

Ayes: Larson, Pomeranz, Brown, Bourdon, Knodel  
Nays:

The motion CARRIED.

F. O-06-09-06 An Ordinance Amending the City of Nome FY 2006 Construction Capital Projects Fund Budget.

~Second Reading, Public Hearing and Final Passage

Without any objection the Mayor asked the Clerk for the second reading of O-06-09-06.

For the purpose of holding a public hearing the Council recessed at 8:07 p.m. There being no public comment the Council reconvened back into regular session at 8:07 p.m.

A motion was made by C. Brown and seconded by C. Pomeranz to approve O-06-09-06.

Discussion:

A motion was made by C. Knodel and seconded by C. Bourdon to amend the Ordinance by \$118,180.88 in revenues and expenditures for a total of \$3,985,712.44.

At the roll call on the amendment:

Ayes: Brown, Bourdon, Knodel, Larson, Pomeranz  
Nays:

The motion CARRIED.

At the roll call on the motion:

Ayes: Pomeranz, Brown, Bourdon, Knodel, Larson  
Nays:

The motion CARRIED.

**NEW BUSINESS**

A. O-06-09-07 An Ordinance Amending Section 17.10.040 of the Nome Code of Ordinances to Delete the Sales Tax Schedule and Reference thereto.

~First Reading

B. O-06-09-08 An Ordinance Amending the Nome Code of Ordinances, Chapter 17.20, Property Tax, to Change the Penalty Rate to a Set Rate at Eight Percent (8%) for all Delinquencies and to Further Clarify the Process for Accrual of Penalty and Interest.  
~First Reading

C. O-06-09-09 An Ordinance Amending Chapter 3.10 of the Nome Code of Ordinances Pertaining to the Issuance of Chauffeur's Licenses.  
~First Reading

A motion was made by C. Knodel and seconded by C. Pomeranz to place O-06-09-07, O-06-09-08, O-06-09-09 into first reading.

At the roll call:

Ayes: Brown, Bourdon, Knodel, Larson, Pomeranz

Nays:

The motion CARRIED.

D. R-06-09-05 A Resolution of the City of Nome, Alaska, Disposing of its Right of Reverter and Reversionary Interest in Lot 10A, Block 74A.

Without any objection the Mayor asked the Clerk to read R-06-09-05.

A motion was made by C. Knodel and seconded by C. Pomeranz to approve R-06-09-05.

Ayes: Bourdon, Knodel, Larson, Pomeranz, Brown

Nays:

The motion CARRIED.

E. R-06-09-06 A Resolution Approving the Support Agreement for Sheet Pile Replacement with the U.S. Army Corps of Engineers.

Without any objection the Mayor asked the Clerk to read R-06-09-06.

A motion was made by C. Pomeranz and seconded by C. Knodel to approve R-06-09-06.

Ayes: Knodel, Larson, Pomeranz, Brown, Bourdon

Nays:

The motion CARRIED.

F. R-06-09-07 A Resolution Authorizing an Exception to Nome Code of Ordinances 3.05.040(b) for the Third Annual Nome North Open Dart Tournament From Friday, October 27, 2006 Through Monday, October 30, 2006.

Without any objection the Mayor asked the Clerk to read R-06-09-07.

A motion was made by C. Knodel and seconded by C. Pomeranz to approve R-06-09-07.

Discussion:

C. Knodel asked Chief Moates if there is an increase in calls to the police when they extend the hours like they are requesting. Chief Moates stated not that he is aware of.

Ayes: Brown, Bourdon, Knodel, Larson, Pomeranz  
Nays:

The motion CARRIED.

### **CITY ATTORNEY REPORT**

### **UTILITY MANAGER REPORT**

Utility Manager Handeland stated:

- This last week Chairman Berda Willson and he went to Washington D.C. They were down there shaking the RUS tree a little more on power plant funding. They also went around and visited member of the congressional delegation and John Katz, the Governor's representative there in Washington. All of them sent their regards back to the Mayor and Council.
- During this week they received their grant award from DEC for this summer's water and sewer work. So with that has been turned around and now they can pay back Wells Fargo.
- They are getting the Department of Commerce designated legislative grant finalized and for the Rural Utility Service portion of the water and sewer they expect to finalize that here very shortly. The only pending deal there is with the City Attorney reviewing documentation on the loan.
- Regarding the power outage they had scheduled for Sunday they started at 7:00 a.m. and were done by 12:30 p.m. The original plan had been to pull a breaker, pop in another one and have about 15 minute outages affecting the entire community. They started with City feeder #2 which encompasses basically from First Avenue back to Sixth. In pulling out that breaker they discovered other problems with wiring and corrosion and they had to get much further into the system than had been anticipated. He apologized to those who were cold in church and missed the pre game show on some of the ball games. They were able to get that back on about 10:15 a.m. and then proceeded with doing a breaker switch on the North feeder which is Icy View. They found that there were actually some breaker problems itself and the breaker has been shipped to Anchorage for repairs. Hopefully that will come back and they can switch it back in a fifteen minute process. He doesn't think they will plan on doing that before next summer unless there is something that happens that causes an outage. Hopefully by that time they will be operating off a new switch gear and the 25 year old+ stuff that is failing presently can be retired.

C. Brown asked if the power plant has sufficient capacity for the mine. Utility Manager Handeland stated the existing power plant does have sufficient capacity for the mine. They probably will have to look at an agreement to add yet a third generator which was planned for in the building.

### **CITY MANAGER REPORT**

City Manager Romenesko stated he provided a written report for their review and he mentioned the following:

- City Manager Romenesko stated regarding the general fund budget it is worth noting they budgeted June of 2005 about an \$8,200,000 dollar budget and they closed out the budget tonight just over \$8,000,000. He thinks the departments and the various folks involved in putting the budget together and implementing the budget did a very good job of doing that. In some regards a lot of folks came in under budget much more than anticipated because they did take a rather

significant increase in PERS in about March or April of this year and a lot of the building maintenance costs which are allocated at the start of the year in building maintenance ended up going into the departments so when they see a lot of departments coming in under budget they are actually significantly more so because of those two events. He thinks all things together they did a really good job running their budget. He thinks it is worth noting also that the general sales tax collection for the last fiscal year was at \$3,658,000. They estimate that the tax holiday the council provided to the public in the form of no sales tax had a value of approximately \$194,000 that potentially could have been captured. The budget they adopted tonight was \$175,000 in the negative and with an \$8,200,000 budget he thinks all in they had a pretty good year.

- Last week the Corps was in town. They did a final inspection and the Corps accepted that project with exception of issues at the bridge. So that project is officially complete. He provided aerial photos that Kiewit Manson provided that show the overall picture of what they just completed. The project is done, but that doesn't mean the paper work is. The Corps attorney has been informed by Counsel for the contractor that they will appeal some of the contracting officer's decisions as well as some of the REAs. That will be winding through the various appeal processes over the next period of time.
- Thanks to Manager Handeland and Chair Willson's visit to Washington D.C. last week they were able to help advance the City's cause working with Senator Murkowski's staff on the Water Resource Development Act. When they were there in January of this year, this Act had been for all intents and purposes written off as dead. It was a bill that was actually from 2004 or 2005. That bill has come back into play and they have been working with senator's staff to try to find a way to try to minimize their exposure to some of these problems that have developed over the course of this construction project. He thinks the best they are going to be able to do is limit their exposure to costs that were a result of design deficiencies. They will have to watch to see how the language goes and how that works out.
- He provided information about the PERS contribution for FY 2008. There are some very serious numbers there with potential impact to both the City and School District of shocking magnitude. But, there is also correspondence that the Governor is trying to address that.
- LEPC has been active with some drill planning. There will be a multi agency drill on Oct 24 mainly to work with NSHC and their requirements for JACHO. They will also be doing a public health section at NSHC doing a mass distribution of influenza vaccination on November 1 at the Rec Center for flu season.
- The Division of Homeland Security Emergency Management folks will be in Nome as a hub community providing some national incident management system training. That is open to the community and they will try to get as many representatives from the different agencies involved as well as try to get some of the elected officials to participate.
- The Youth Forum on the 18<sup>th</sup> was fairly well received. A lot of folks who came to the program brought a wealth of information with them. There are a couple of things the community can work on. One is trying to get a community work service person that the State would be responsible for so when people are sentenced to community work service they will actually follow through on getting it. There is also some discussion about whether or not fines for violations that city issues needs to be increased. This needs further exploration as to whether that is really an effective tool or not. The bottom line that came out of there from his perspective is the fact neighbors need to look out for neighbors and they need to be involved in their own neighborhood.
- Next Monday the Planning Commission will be meeting in work session at 6:00 p.m. to resume work on the Zoning Code Ordinance. He invited those with an interest in that to participate and work with the planning commission in the development of that code.

## **COUNCILMEN COMMENTS**

**C. Brown** had no comments.

**C. Bourdon** had no comments.

**C. Knodel** thanked Mr. Munter for coming. It is good to know their water is safe.

**C. Larson** stated he sent everyone except Stan an e-mail about the Norton Sound Economic Development Corporation Elections and the confusion that is surrounding them in terms of who is eligible to run as a candidate as Nome's representative and also who is eligible to vote in the election. The concern being on the first issue is whether candidates residing outside of Nome, but using Nome as their base are eligible and the second is are those same people that reside outside town eligible to vote. They have a number of conflicts in the notices of the election and the by-laws of NSEDC. There should be a consistent policy. He doesn't know what to do about this election that is coming up. He has had contact from some of the constituents and one wanted to throw one of the candidates off who is not a resident of Nome. The other one wanted them to postpone the entire election because there was someone who lived outside of town who would have run had he thought he was eligible to be Nome's representative. From a policy standpoint he thinks because this is such an important economic entity in their region that they should try to have the best possible person represent the area and that the wider area they draw from in terms of candidates the better candidates they are able to get because of the larger population. He thinks people outside the municipal limits should be eligible to vote, but he does not know where they draw the line in terms of how far outside the municipal areas. Those are the issues. He can't say he has any solution to offer.

Mayor Michels asked if the Clerk could work with C. Larson, the attorney and NSEDC's attorney to figure out what they need to do here.

C. Larson stated he would be happy to do it. He thinks currently the position is that NSEDC has said that anyone considered being in the community of Nome rather than the City of Nome is eligible to be a candidate and that people in the community of Nome but not necessarily the City of Nome are eligible to vote.

City Clerk Wessel stated she visited with NSEDC's attorney and with Eugene Ascisik with NSEDC. The attorney prior to doing the ballots and Mr. Ascisik on Wednesday of last week and that is their position. They feel they represent this area. For informational purposes, for outside the boundaries of the city will use the voter registration list from the state that is known as Nome Precinct 2 so it will be still the Nome community that will be voting. It is not any further out than the Nome precincts for the outside of the boundaries and also the Nome Precinct 1 and 2 inside the boundaries. She will be happy to call the attorney and just let her know what has happened and where they are at.

C. Larson stated the problem he has postponing the election and doing it all over again is the annual report that NSEDC submitted to every box holder this last couple of weeks indicates that their organizational meetings are going to be held shortly after the elections and if they don't have a candidate there they won't have anyone that is on their executive committee.

City Clerk Wessel stated that is one of the reasons they have voted to have their election in conjunction with the municipal elections to get that person in the seat before they have their annual meeting.

C. Larson stated at a minimum he thinks the city attorney needs to take a look the notices they put out for the election and redraft them if they are going to be conducting this election for NSEDC in the future and maybe the city attorney can take a look at their by-laws and make some suggestions to NSEDC concerning bylaw revisions. It is just not fair to the members of the NSEDC community who don't know whether they can run or vote the way it is currently written.

C. Larson stated there was a meeting with the librarian consortium a week ago. They met with a consultant that is funded by the Rasmussen Foundation and she was reasonably impressed with the work

they have done to date. Currently they are looking at some kind of a site on the college campus. The campus had the idea they could move the present building and a few other buildings and then build the library addition on to their general building. They decided that plan was not very economically feasible. So site selection is an issue. But at this point in time they are looking at a building that would be on City property that is leased to the University on the university campus itself. He doesn't have a problem with that site or even if the University owns the building as long as they have some memorandum of agreement with them concerning their occupancy and use of the building in perpetuity or as long as there is a city.

C. Pomeranz had no comments.

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

Mayor Michels reported:

- Along with Chief Moates, Josie Stiles of the Visitor's Center, and Joy Baker she met the Coast Guard Cutter Acushnet. She was given a tour of the cutter and she gave the Commander and his Executive Officer a tour of Nome. Josie provided them a lot of things from the visitor's center. They provide the City of Nome with a little plaque that says thanks to Nome with their seal on it.
- She is working with AML on an energy policy. They have gathered language from various groups and they are tweaking that for potential adoption at the conference.
- Friday the Resource Development Council will be here in town and they have invited the City to attend the lunch at the Polar Cub. They would like to hear about Nome issues.
- She mentioned the Rotarian Citizen of the Year plaque. The 2006 Rotarians of the year were Jim Dory and Carol Gales for the excellent job they have done in holding their band, the Landbridge Tollbooth, together and for organizing the Nome Folk Fest for the last six year. Also for their contribution to the Nome Arts Council and performances at other numerous festivities both independently and with their band.
- The City Manager received an e-mail from Chris Rowe and she would like to announce that there is a public meeting on October 4 at Old St. Joes featuring Dave Chambers from the Center for Science and Public Participation. He has many years of experience in dealing with mining issues.

### **ADJOURNMENT**

A motion was made by C. Knodel and seconded by C. Pomeranz that the meeting be adjourned.

Hearing no objections the Nome Common Council adjourned at 8:33 p.m.

SIGNED AND DATED THE 9th day of October, 2006.

  
STAN ANDERSEN, Presiding Councilman

ATTEST:

  
Leslee M. Wessel, City Clerk/Treasurer