

**MINUTES  
NOME CITY COUNCIL  
REGULAR MEETING  
December 10, 2007**

The Regular Meeting of the Nome City 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: Stan Andersen, Jerald Brown, Mary David, Mary Knodel, Jon Larson, Randy Pomeranz

Members Absent:

Also Present: City Clerk, Sandy Babcock; Deputy City Clerk, Camille Ten Eyck; Chief of Police, Paul Burke; Museum Director, Laura Samuelson

In the audience: Paul Korchin, KNOM; Diana Handeland, GCI; Leonard Sarja, Nicolai Ivanoff, Sandra Medearis, Ron Huffman, Karen O'Neill, Betsy Brennan, Joleen Oleson, Barbara Oleson, Lance Johnson, Amy Lujan, Cussy Kauer, Malinda Besett, Kari Lyon

**INVOCATION**

The invocation was given by Paul Korchin.

**APPROVAL OF MINUTES**

- A. November 12, 2007 Regular Meeting Minutes
- B. November 26, 2007 Regular Meeting Minutes
- C. December 03, 2007 Special Meeting Minutes

A motion was made by C. Knodel and seconded by C. Pomeranz to approve the minutes as presented.

At the roll call:

Ayes: Brown, David, Knodel, Larson, Pomeranz, Andersen  
(Nov.12 & 26)

Nays:

Abstain: Andersen (Dec. 3)

The motion CARRIED.

**COMMUNICATIONS**

Mayor Michels reported the various communications are available in their Council packets or in the Clerks office and also on the City of Nome website.

C. Andersen stated that with regards to the Alaska Gold Company letter, who would be in charge in the event of an oil spill. Mayor Michels stated they would need to find out.

Mayor Michels made a presentation to Museum Director Laura Samuelson regarding a donation by Jane Nelson MacKinnon to the City of Nome. Mayor Michels read a card Ms. MacKinnon sent which thanked Nome for a terrific Pioneer Convention and she also hoped that the two old books she sent would be useful for the library or museum. She stated they are a little history of a wonderful town to grow up in. Mayor Michels stated one book was titled, "Goldsmith of Nome" by Sam C. Dunham dated

1902. Ms. Samuelson stated he wrote a lot of poems that are in the old Nome Nugget Newspapers. The other book is "The Nome and the Seward Peninsula" by Harrison. This book is signed by the author in 1906. Mr. Harrison was a reporter for the Nome Nugget at this time and the book is a history of Nome and even talks about the great flood that occurred in this area in 1851 and there are biographies of Nomeites in the back. Ms. MacKinnon came to Nome in 1934 and graduated from Nome Beltz High School in 1942. The wonderful books will be at the museum for public review.

### **CITIZENS REQUESTS AND GRIEVANCES**

Betsy Brennan stated she is a member of the School Board and she was here to address the Council. She stated that last December the school board developed new district goals and #3 states; "The Board will continue to cultivate a quality working relationship with the Nome Common Council", and it was her turn to attend the Council meeting. She thanked the Council for providing the funding for Nome Public Schools that was requested in the past couple years and they look forward to a good working relationship in the future.

### **PLANNING AND ZONING**

### **SPECIAL ORDERS**

### **UNFINISHED BUSINESS**

- A. O-07-11-02 An Ordinance Authorizing the Disposal of the "Reindeer Plant", and Adjacent Property to Norton Sound Economic Development Corporation ("NSEDC") via Lease with Option to Purchase

~ Second Reading, Public Hearing and Final Passage

Hearing no objection Mayor Michels asked the Clerk for the second reading of O-07-11-02.

For the purpose of holding a public hearing the Council recessed at 8:06 P.M. Hearing no public comment the Council reconvened at 8:06P.M.

A motion was made by C. Knodel and seconded by C. Pomeranz to approve O-07-11-02.

At the roll call:

Ayes: David, Knodel, Larson, Pomeranz, Andersen, Brown

Nays:

The motion CARRIED.

- B. O-07-11-03 An Ordinance Amending Title 10 by Adoption of a New Chapter 10.50 Titled, Smoking Pollution Control, to Regulate Smoking in Eating Establishments, Public Buildings and Taxis.

~ Second Reading, Public Hearing and Final Passage

Hearing no objection Mayor Michels asked the Clerk for the second reading of O-07-11-03.

For the purpose of holding a public hearing the Council recessed at 8:07 P.M.

Discussion

## Discussion

**Barbara Oleson** stated she wanted to go on record that she is a non-smoker but she did not think it was right for the Council to make the choice whether or not there is smoking or non-smoking in a public place. I think that right should go to the citizens of Nome. C. Larson asked how she would have the citizens of Nome express their preference. She answered it could be a petition and put to the ballot.

**Lance Johnson** from the Nome Community Center stated he recommends this ordinance be postponed because it is not a good ordinance. It does not address the best interest of public health by allowing some businesses to have enclosed areas with special ventilation systems which has been shown scientifically it does not reduce the amount of second hand smoke exposure to workers or to the public. He encourages the Council to revisit this based on Surgeon General recommendations and other scientific groups. He stated that the ordinance as it is, is unclear whether or not bars are a part of it or not. If we are going to put something before the public to vote on it should be something very clear cut, in the best interest of public health and not something that goes half way. He recommends respectively a postponement on any kind of action so it can be reviewed again through a working committee. Mr. Johnson added that a position paper was put out by the American Cancer Society and it stated that ventilation cannot eliminate the lethal disease causing health affects caused by exposure to second hand smoke.

**Jolene Oleson**, president of Arctic Native Brotherhood, stated they are a private organization in the City of Nome and you must be a member to enter their doors. The wording in this ordinance would preclude us from being able to make the choice for ourselves whether we are a smoking organization or not. Just like the restaurants in town had a choice to go smoke free I think it is up to individual businesses and organizations whether or not their places are smoke free or not.

**Karen O'Neill** handed out straws to the Council with instructions to hold their nose and breath through the straw. She stated that is what it feels like if you get emphysema or lung cancer or asthma and this is how hard a struggle it is to breathe. She stated that the Nome Nugget put an article in the paper, not about this ordinance, but about second hand smoke. She stated this is about what it does to the other people in the room that don't like to smoke. The argument is not about if you should be allowed to smoke but where you smoke. The paper points out that only smoke free environments are safe places. There are no ventilation systems that makes it safe to be in the room with a smoker. It also points out that people who work in smoky environments have an increase risk of lung cancer and all the other bad things that can happen. She noted that the Council Members were no longer breathing through the straws so they must not like it. She stated she can't go in a place and be safe but smokers can go outside and smoke and then come back in the room again. She stated that right now the ordinance ignores the bars and it doesn't treat all public places fairly. Where there is a group of people the non-smokers are being damaged by the smokers. She requested that the ordinance be made so that there is no smoking in public places to protect everyone. She added that about 60% of the people in Nome smoke and in most communities it is around 20%, so she doesn't know if a public ballot would be the best way to decide this.

**Rick Binford**, Pastor from the Seventh Day Adventist Church, stated that the Pastor's concerns are for the spiritual and eternal welfare of this community as well as the health of the community. Many of their funerals and prayer requests are tobacco related. They have been asked to pray for children that have ear and upper respiratory infections caused by second hand smoke. Tobacco related cancer is the most preventable cause of death in our society. He stated he has conducted about two smoking cessation programs a year and has held tobacco prevention programs for children. He stated the following facts: the tobacco companies make a legal product that when used as intended kills, 1200 Americans will die each day from tobacco use or 440,000 a year, 53,000 will die from second hand smoke, 70 of the 4,000 chemicals in tobacco smoke are carcinogens. He stated that 70% of smokers want to quit but can't and according to the American Heart Association, nicotine addiction is the hardest of all drugs to quit. As a Pastor he is in favor of a healthy community both spiritually and physically.

**Cussy Kauer** read a letter about life choices and mentioned the following: Where do people go 25 feet from an entrance? It would put the employees of the halfway house in front of the Breakers or Museum at 25 ft or 50 ft. What about tenant living above the only dental office building, where do they go to smoke? "No smoking within 25 ft of an airlines terminals public entrance and the designated area for smoking shall be enclosed." She wondered where the manager would put her new smoking cabin, in her driveway? She wondered whether many of the privately owned aircraft passenger freight businesses owned the land on which their building sat and whether they would be able to mark off 25 ft and be allowed to construct a smoking cabin. If you brought your vehicle to your favorite maintenance shop or wanted to shoot the bull in your favorite gun shop or wanted to discuss sewer connections with your plumber or building maintenance specialist it appears you would be sneaking around trying to place yourself 25 ft. from somewhere that is not posted property, they all may have two or more employees. Nome is not Anchorage, why are we using a model crafted such that, as I have been told, was written in a way that the Anchorage voters thought they were voting to be able to continue smoking in private property bars and not against smoking. Why has the Nome community not been invited to discuss each and every impact this ordinance poses specific to their business. How can the City Council reach into the confines of privately owned businesses dealing with the public and ban a product we are legally allowed to sell and consume. Perhaps extending a hand of courtesy instead of trying to jam something such as this down the throat of an already heavily regulated community business would have promoted a better feeling and climate in which to talk and openly discuss the ramifications of this issue. Several petitions have been started and stopped as people wonder how and struggle with why as they wish to address and fight what they feel is their right, to smoke within private property in a public business setting.

Ms. Kauer listed many other products that are also bad for your health that are not being regulated. She reported that she took up smoking about 10 years ago and at a recent doctor visit her blood pressure was perfect in the doctor's words and he didn't believe she was a smoker. Ms. Kauer gave a detailed report of the type of ventilation system and air exchange that is at the Breakers Bar where she is employed. She believes the second hand smoke is being purged from the air with this system. Life is full of choices and is the City Council in the business of regulating health. These are private properties. She sincerely urges the Council to vote no on the passage of this ordinance as currently proposed. She thanked everyone for their time.

**Martina Leedy** stated she has been a resident of Nome since 1981 and unfortunately many of her fellow Natives have a very high incident of smoking. It is very heart breaking to watch my brother and sister as Natives smoke. The number one killer of the people in this region is cardiovascular disease. There are three facts that contribute to this disease; smoking, blood pressure control and stress. If less people were exposed to second hand smoke the rate of cardiovascular disease and lung disease would decrease significantly. A Native smokers' life if decreased by 15 years according to the Alaska Department of Health. She stated she supports the ban of smoking in all commercial businesses in Nome. Second hand smoke kills. She wants her brothers and sisters in the Native community to live and long productive life. Please support the smoking ban. I am thankful my Dad gave me a big spanking so I wouldn't do that.

The Council reconvened at 8:35 P.M.

A motion was made by C. Knodel and seconded by C. Brown to postpone O-07-11-03 to the next regular meeting Jan. 14<sup>th</sup>.

Discussion

C. Knodel stated she would like to have a work session first to go over the ordinance and refine it to make sure they have an ordinance that addresses health hazards.

At the roll call:

Ayes: Knodel, Brown, David

Nays: Larson, Pomeranz, Andersen

Mayor Michels voted affirmative, Motion CARRIED.

- C. O-07-11-04 An Ordinance Authorizing the Disposal of Municipal Property by Lease of Space at the Gold Hill Tutit Ininat Child Care Building to Kawerak, Inc. for the Head Start Program.  
~ Second Reading, Public Hearing and Final Passage

Hearing no objection Mayor Michels asked the Clerk for the second reading of O-07-11-04.

For the purpose of holding a public hearing the Council recessed at 8:38 P.M.

#### Discussion

Malinda Besett, Kawerak Head Start program director, stated she was there to answer any question and she thanked the City of Nome for their support of the Head Start program.

C. Andersen asked if they have thought about buying the building. She responded that they have thought about it but does not know where that process is though.

The Council reconvened at 8:39 P.M.

A motion was made by C. Knodel and seconded by C. Pomeranz to approve O-07-11-04.

At the roll call:

Ayes: Larson, Pomeranz, Andersen, Brown, David, Knodel

Nays:

The motion CARRIED.

- D. O-07-11-05 An Ordinance Authorizing the Disposal of Municipal Property by Lease of Space at the Gold Hill Tutit Ininat Child Care Building to Kawerak, Inc. for the Uiviilat Play and Learn Center  
~ Second Reading, Public Hearing and Final Passage

Hearing no objection Mayor Michels asked the Clerk for the second reading of O-07-11-05.

For the purpose of holding a public hearing the Council recessed at 8:39 P.M.

#### Discussion

Kari Lyon stated she is the program director for Kawerak Child Care Services and the Uiviilat Play and Learn Center and she thanked the Council for supporting the Center and for allowing the lease of the extra space. It will alleviate some storage issues and one day help with the expansion.

The Council reconvened at 8:40 P.M.

A motion was made by C. Andersen and seconded by C. Brown to approve O-07-11-05.

At the roll call:

Ayes: Pomeranz, Andersen, Brown, David, Knodel, Larson

Nays:

The motion CARRIED.

**NEW BUSINESS**

A. R-07-12-01 A Resolution Designating Charles R. "Chip" Leeper as Interim City Manager.

A motion was made by C. Andersen and seconded by C. Knodel to approve R-07-12-01.

Discussion

C. Larson stated he would like to change a line so it reads ...the City Council designates Charles R. "Chip" Leeper as **Acting** (not interim) city manager until that time when an **interim** or permanent city manager is appointed.

A motion was made by C. Larson and seconded by C. Andersen to amend R-07-12-01 and by replacing the word "interim" with "acting" city manager Chip Leeper and adding until an "interim" or permanent city manager is appointed.

At the roll call on the amendment:

Ayes: Larson, Pomeranz, Andersen, David, Brown, Knodel

Nays:

The motion CARRIED.

Discussion

C. Knodel stated there was a typo and the date for this designation should be in effect until Feb. 11, 2008 not 2007.

C. Larson suggested they delete the whole sentence so Acting City Manger, Chip Leeper is designated until an interim or permanent city manager is appointed and not through February 11, 2008 as stated in the resolution. Mayor Michels asked Mr. Leeper if there was a reason for that date and if he agreed to the change. Mr. Leeper stated it was an arbitrary date and the change was okay.

C. Andersen stated that at a special meeting it was passed to negotiate a contract with Shirley Gifford and was that still happening so why are they are appointing an acting city manager now.

Mayor Michels stated they would be discussing the interim city manager position in executive session tonight.

C. Knodel explained they still needed someone to do the day to day business until an interim could arrive which wouldn't be until after the first of the year.

C. Andersen recapped that they are hiring Chip and the next order of business is hiring Randy as a consultant and these two are going to do it until Shirley gets here. Mayor Michels stated that is right or until who ever gets here.

A motion was made by C. Larson and seconded by C. Knodel to further amend R-07-12-01 by deleting the entire line; "Be it Further Resolved that this designation is in effect through February 11, 2008."

At the roll call on the further amendment:

Ayes: Pomeranz, Andersen, Brown, David, Knodel, Larson

Nays:

The motion CARRIED.

At the roll call on the main motion:

Ayes: Andersen, Brown, David, Knodel, Larson, Pomeranz

Nays:

The motion CARRIED.

- B. R-07-12-02 A Resolution Approving a Contract for Professional and Consulting Services between the City of Nome, Alaska and Randolph L. "Randy" Romenesko.

A motion was made by C. Andersen and seconded by C. Knodel to approve O-07-12-02.

Discussion

- C. Andersen stated they should mention Chip is getting \$300 a week and Randy is getting \$100 and up.

At the roll call:

Ayes: Brown, David, Knodel, Larson, Pomeranz, Andersen

Nays:

The motion CARRIED.

- C. Liquor License Renewal  
~ Polar Bar & Polar Liquor Store

No Objection was heard from the Council on the transfer of the above liquor license.

### **CITY ATTORNEY REPORT**

### **UTILITY MANAGER REPORT**

No report was provided.

### **CITY MANAGER REPORT**

Included in the packet was a memorandum and draft ATV ordinance from former City Manager Romenesko and a report from the Nome Convention & Visitors Bureau dated Oct. 21, 2007.

- C. Knodel asked if a work session could be scheduled in January to go over the ATV ordinance.

### **COUNCILMEN COMMENTS**

C. Andersen had no comments.

C. Brown had no comments.

C. David had no comments.

C. Knodel thanked Utility Manager Handeland for getting the Christmas lights lit. She stated she always looks forward to that time and appreciates that.

C. Larson wondered if maybe monthly they could get something in writing from Police Chief Burke. C. Andersen asked if there was a policy about officers bringing the cars home and keep them at home before they go on shift.

Chief Burke stated there are a couple of reasons why he has them do this. He stated he was out of town last week and when he is out of town he wants at least one of his sergeants available immediately from the residence in the event something happens. Ordinarily he is available for this. He did authorize this and there will be some times when he does this but it is not standard policy.

C. Pomeranz had no comments.

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

Mayor Michels stated that she is corresponding with Admiral Brooks to discuss further expanding of maritime work in the Arctic and are looking to hold a meeting with his staff. They are looking at testing helicopter, boats and cutters through the Arctic next summer. They are considering operation bases in Nome, Barrow and Prudhoe.

She also met with Colonel Wilson of the Corps informing him of the potential activities with the Coast Guard and requested another 1,000 feet or so of seawall.

Met with Utility Manager Handeland and Councilman Brown and the Department of Energy to hear the final draft report of our Nome Energy Study. She will leave the report with the Clerks Office. Preliminary estimate identified wind as our best alternative to replace diesel which would cost about \$12 million so they were going to update the legislative priorities to look at that.

Representative Lindsey Holmes will be here on the 20<sup>th</sup> and will get a tour of Nome.

Mayor Michels asked the Council about canceling the next regular meeting which would be December 24<sup>th</sup>.

### **EXECUTIVE SESSION**

~ Personnel Matter, RE: City Manager

A motion was made by C. Andersen and seconded by C. Knodel to enter into executive session. The Council recessed from regular meeting at 8:51 P.M.

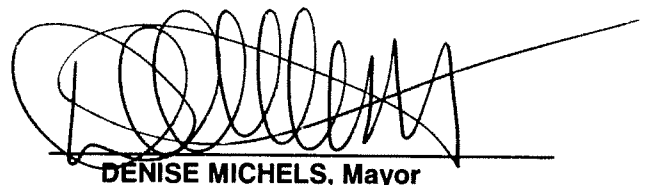
With no action taken the Council reconvened the regular meeting at 9:13 P.M.

### **ADJOURNMENT**

A motion was made by C. Andersen and seconded by C. Larson that the meeting be adjourned.

Hearing no objections the Nome City Council adjourned at 9:13 PM.

**SIGNED AND DATED** the 14<sup>th</sup> day of January 2008.



**DENISE MICHELS, Mayor**

**ATTEST:**



**SANDY STURGIS-BABCOCK, City Clerk/Treasurer**