

**MINUTES
NOME CITY COUNCIL
REGULAR MEETING
January 28, 2008**

The Regular Meeting of the Nome City Council was called to order at 7:30 P.M. by Presiding Councilman Andersen in the City Council Chambers of Nome City Hall located at 102 Division St.

ROLL CALL

Members Present: Stan Andersen, Jerald Brown, Mary Knodel, Jon Larson, Randy Pomeranz

Members Absent: Mayor Michels, Mary David

Also Present: Interim City Manager, Don Moore; City Clerk, Sandy Babcock; Police Chief, Paul Burke

In the audience: Paul Korchin, KNOM; Sandra Medearis, Josie Stiles, Charles Trainor, Nikolai Ivanoff, Dr. Phil Schobert, Mike Quinn, John Handeland, Utility Manager;

INVOCATION

The invocation was given by Paul Korchin.

APPROVAL OF MINUTES

A. January 14, 2008 Regular 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, Knodel, Larson, Pomeranz, Andersen

Nays:

Abstain:

The motion CARRIED.

COMMUNICATIONS

CITIZENS REQUESTS AND GRIEVANCES

PLANNING AND ZONING

SPECIAL ORDERS

UNFINISHED BUSINESS

- A. O-08-01-01 An Ordinance Amending Title 8 of the Nome Municipal Code of Ordinances to Enact New City Ordinances Pertaining to the Use and Operation of All Terrain Vehicles and Snowmachines within the City of Nome, and Amending Section 10.40.010 of the Nome Code of Ordinances to Avoid Duplication of Helmet Requirements.

~ Second Reading, Public Hearing and Final Passage

Hearing no objection Presiding Councilman Andersen asked the Clerk for the second reading of O-08-01-01.

For the purpose of holding a public hearing the Council recessed at 7:32 P.M.

Discussion

Charles Trainor stated he did not agree with the requirement in the ordinance that adults wear helmets. He felt that helmets were a nuisance, there is no place on the machine to store it and it is tempting for thief. He explained that he uses these vehicles as a means of transportation in the summer time and he uses them as work vehicles. He stated that these vehicles are being driven more frequently now because they don't consume the fuel that a large vehicle does. He believes it is a parents' responsibility to enforce rules such as helmet use with their children and he pointed out that children should not be allowed to ride an ATV on City streets. He noted that the impoundment fee of \$50 was absurd. Mr. Trainor argued that this issue should be by a committee to resolve.

C. Andersen stated that several amendments were coming up that addressed most of his concerns and the ordinance did not change that much from what it was. He stated that they basically wanted to give the police another tool to do the impounding and that the fines are at the discretion of the police officer.

C. Larson stated that this ordinance would remove the city sticker requirement. He informed Mr. Trainer that there was a requirement for anyone under age 18 to wear a helmet and driving an ATV required a drivers license also unless accompanied or supervised by an adult.

Mike Quinn reported that he was not in favor of the helmet part of the law either. He explained that a lot of people use a snowmachine to get out to hunt, trap or fish. He stated there are a lot of people who do not own a car and they own a 4-wheeler or snowmachine and depend on these machines for themselves or their kids to go to the store and do errands. He commented that he would like to be able to get out of town to go hunting or trapping without having to wear a helmet. He also stated he rides his 4-wheeler or snowmachine to work occasionally and doesn't speed and he would like to be able to do this without the requirement of wearing a helmet. Mr. Quinn pointed out that he would like his child, who is under age 16, to be able to accompany him hunting, fishing or trapping without having to wear a helmet or have a drivers license but he stated that he agreed that children without adult supervision should wear a helmet and have a license.

Chief of Police Paul Burke was asked to address the ordinance and he stated the following: Any ordinance that the Council comes up with, if it is enforceable, they will enforce it and try and work with the public to make it a palatable experience for them. In terms of fines, it is a set amount in the ordinance and the only decision by the officer would be if he chooses to enforce that or not, but once enforcement is made the amount of the fine is set, by ordinance. He stated that the police department has the ability to impound vehicles now as provided by Title 28, if they believe reckless or negligent operation exists.

If they look at the microcosm of operators that they cite, generally speaking, they are not citing the 45 year old operator going 20 mph without a helmet. This ordinance is going to focus on and address that small portion of the population that is going to be unlawful anyway. In terms of the helmet law, his personal opinion is that the helmet protects the operator for unforeseen circumstances; that is why they are called accidents. When you go off of a 4-wheeler and you hit anything going 20 mph whether it's a bump, rock or pole or whatever, you are ejected off the vehicle for the most part. You can land on your head very easily. The helmet protects the head from close head injury which is a devastating injury. His personal opinion is that helmet protection for a child and a rider are critical. A rider doesn't have any control of the vehicle and cannot see what is coming up like the driver can. The helmet law protects folks from accidents that are not simply from falling off of the vehicle but from being ejected from it. He is concerned about this personally and as a parent but they will enforce the law as the Council makes it.

The Council reconvened at 7:49P.M.

A motion was made by C. Knodel and seconded by C. Pomeranz to approve O-08-01-01.

Discussion

C. Larson stated he had three amendments he wanted to make to the ordinance. First, he stated, there is a conflict between 8.15.020 Unlicensed operators and 8.15.030 Age--Vehicle operation. He stated that .020 requires a driver's license and .030 says you do not need one if being accompanied by an adult on a separate ATV or snowmachine. He stated this would be two amendments; 1) add, "except as provided in 8.15.030," to the end of 8.15.020(a) and 2) delete from 8.15.030 "accompanied by an adult operating a separate ATV or Snowmachine." and replace with "under the direct supervision of an adult."

A motion was made by C. Larson and seconded by C. Andersen to amend O-08-01-01 by adding "except as provided in 8.15.030," to section 8.15.020(a) and by deleting from 8.15.030 the words "accompanied by an adult operating a separate ATV or Snowmachine" and replacing with " under the direct supervision of an adult."

At the roll call on the amendment:

Ayes: Knodel, Larson, Pomeranz, Andersen, Brown

Nays:

The motion CARRIED.

Discussion

C. Larson stated he proposes to delete 8.15.060 Helmets and Eye-Protection and all of Section 5 entitled Amendment of Section 10.40.010. He stated that this would leave the current helmet ordinance intact requiring people under age 18 to wear a helmet but deleting from this ordinance any requirement that adults have to wear helmets.

C. Knodel commented it is do as I say and not as I do.

C. Larson pointed out that a lot of people like him have traditional parkas and you cannot put a hood over a helmet. Also, he stated he wears a skin cap when he goes out on a snowmachine and that won't fit under a helmet. A lot of people come in from the Villages and they don't use a helmet nor have a place to put them on the machine.

A motion was made by C. Larson and seconded by C. Brown to amend O-08-01-01 by deleting 8.15.060 and Section 5.

At the roll call on the amendment:

Ayes: Larson, Pomeranz, Andersen, Brown

Nays: Knodel

The motion CARRIED.

Discussion

C. Larson offered that his third amendment would be a technical thing to get rid of "proof of state registration" requirement under 8.15.090(d) because there is not state registration on these kinds of vehicles that he is aware of.

A motion was made by C. Larson and seconded by C. Knodel to amend O-08-01-01 by eliminating "proof of state registration" from 8.15.090(d).

At the roll call on the amendment:

Ayes: Larson, Pomeranz, Andesen, Brown, Knodel

Nays:

The motion CARRIED.

Discussion

C. Larson stated that the last thing that he raised was the reduced speed limit and if there was going to be a reduced speed limit to 20 mph then they would need to post it otherwise it wouldn't be fair to enforce it against people. He stated it may be a burden they are not willing to undertake.

C. Knodel asked if they would be removing this section or changing it to read 25 mph. There was discussion by the Councilman and it was determined that if they removed this section and did not specify a speed limit then the ATV's and snowmachines would need to abide by the posted speed limits on the roads. Chief Burke stated that yes they would have to obey the posted speed limits and state law but also he would need to take a look and see if there is a specific state requirement for the speed of those vehicles since they are off highway vehicles and they may have their own limitations.

A motion was made by C. Larson and seconded by C. Andersen to amend O-08-01-01 by deleting section 8.15.040 Speed Limitation.

At the roll call on the amendment:

Ayes: Pomeranz, Andersen, Brown, Knodel, Larson

Nays:

The motion CARRIED.

At the roll call on the main motion:

Ayes: Knodel, Larson, Pomeranz, Andersen, Brown

Nays:

The motion CARRIED.

NEW BUSINESS

- A. Facility Reservation Fee/Waiver – Mini Convention Center
~Tesoro Iron Dog, February 13, 2008

- D. Facility Reservation Fee/Waiver – Iditarod Race 2008
~Mini Convention Center, March 9 – March 22, 2008
~Recreation Center, Sunday, March 16, 2008

- E. Facility Reservation Fee/Waiver – Mini Convention Center
~Fundraiser for Vivienne Heers, January 25, 2008

A motion was made by C. Andersen and seconded by C. Knodel to approve the fee waivers for Tesoro Iron Dog, Iditarod Race 2008 and Heers Fundraiser.

At the roll call:

Ayes: Larson, Pomeranz, Andersen, Brown, Knodel

Nays:

The motion CARRIED.

B. Facility Reservation Fee/Waiver – Mini Convention Center
~All Alaska Sweepstakes, March 22 – April 2, 2008

C. Facility Reservation Fee/Waiver – Recreation Center
~All Alaska Sweepstakes, March 31 – April 2, 2008

A motion was made by C. Knodel and seconded by C. Andersen to approve the fee waivers for the All Alaska Sweepstakes.

Discussion

C. Larson questioned why the All Alaska Sweepstakes needed the recreation center for two days.

Dr. Phil Schobert, race director for the All Alaska Sweepstakes, responded that they really need it for the date of April 1st but the extra day was a back up in case of weather issues should they need to change the banquet date. He also stated they will be bringing in a lot of props because they will be trying to transform the recreation center to look like 1900's Nome. The weight room and other things would be open by that second day.

At the roll call:

Ayes: Pomeranz, Andersen, Brown, Knodel, Larson

Nays:

The motion CARRIED.

CITY ATTORNEY REPORT

UTILITY MANAGER REPORT

Utility Manager Handeland reported on the following;

- Thanked the community of Nome, Public Works, Fire Department and all of the visitors that assisted during this last storm event on January 22nd. The Utility staff did a great job and they had power outages compounded with water issues. He stated it took the entire Village to get the community back in order and they were able to restore power in less than the 2-3 days that were reported in error. He explained that it took two days to repair some of the damage that was done but the initial report on some of the damage turned out not to be as significant as had been first reported to them and no declaration of disaster was sought. It took a couple extra days to get Rock Creek back online since they are on a separate line.
- Tomorrow bills we go out for the January statement date. Several hundred people will get estimated bills. The system will look at what was used a year ago and last month and it will compute an average which they will review. They weren't able to collect all of the automated billing data this month and are still resolving this issue with the software and hardware companies. By February they will have an actual reading again so between Dec. & Feb. the sum total of the two will be correct.
- February 20th there will be DEC and EPA representatives in town to witness source testing on the new generators which is a final requirement on the air permit.

C. Knodel asked when the budget would be ready and Utility Manager Handeland responded it would be presented to the Council at their next meeting.

C. Andersen stated that Mayor Michels had mentioned that the DOT wanted to know if NJUS wanted to co-locate with them in a new proposed state building. Utility Manager Handeland responded that they have had some discussions. He stated that the State is looking to replace the State office building in its' entirety. NJUS also had some discussions about co-locating some of their outbuilding, the water & sewer shop, line shop and moving their offices into one building. He continued that the idea was when the State had been looking for some shop space too in that area it might have made sense to try and come up with a facility that would have one roof. He explained that the State will be building a new equipment fleet building this summer out by their complex and they also went into the ARFF building on the other side. He stated that it would make more sense to co-locate with City facilities at some point rather than with the State as far as offices are concerned.

CITY MANAGER REPORT

City Manager Moore included a written report in the Council packet and he highlighted the following:

- The situation of the plastic bags at the landfill has a history with the Council but it is a new one with him so he went out to the landfill and saw almost as many bags flying around as ravens. He stated that there are three litter fences out there with one still on the ground as yet to be put up. He explained that there is no cover in the winter time and the bags are torn apart by the birds and picked up by the wind and away they go. The fencing is there to catch it but the mesh fencing fills up with bags then becomes a sail and is torn apart and with the metal fencing once it fills with bags the fence becomes a wall and the wind hits it and puts a lot of pressure on it and blows the bags trailing behind the ones that got stuck right over the top of the fence and into the tundra. The fence on the ground is a backstop type fence with an overhang so as to try and catch the bags that are sent up into the air. It all points to a problem with these bags and a situation where the solution is either to keep going the way they are or find a winter time cover or, as has been discussed before, to not put the bags in the landfill.

C. Andersen clarified a few points and stated that the bags that collect in the walls are suppose to be pulled out of there on a regular basis and that Cell II would be dug as a trench and would have a cover over it. City Manager Moore explained that is why the backstop style fence isn't up yet because it should be erected as part of Cell II. C. Andersen stated that there are some other issues that have come up in other years. City Manager Moore explained that usually the DEC permit doesn't allow you to use snow as a temporary cover and he noted that it comes down to they are putting the bags in the landfill at least twice is what's happening.

- The storm and power outage from the 22nd has been discussed but he added that in the middle of the clean up the next day the gear box went out on the snow blower and they had to pick up the snow with the front end loaders. The part arrived today and the snow blower should be back on the street tomorrow.
- On the Cape Nome Jetty project there is concern because of other agencies delays and the City's schedule is having to slip for the construction but he did get word today that FEMA has approved the project for reimbursement to the City's costs. They have asked the Corps of Engineers to finish designing the jetty.
- Concerning the Nome Recreation Center lighting he has been talking with Mr. Hoener and a report was handed out to them today from Mr. Hoener. He has talked with the architect for the recreation center roof design and she should be in Nome Feb. 6th and he received another letter from Dr. Leedy. He explained that he would like to pull all these pieces together to do the best thing to improve the lighting and save the energy in the recreation center.

- Handout announcing the February 1st grand opening of the new exhibit "The Style & Ingenuity of the Bering Sea Eskimo" at the museum and the Mayor, Council and Public are invited to attend.

C. Knodel stated that with the staff changes, recruitment, the work that is being done on the job descriptions and Ordinance changes for Port/Public Works Director and Harbormaster as a single, consolidated department, as stated in the Manager's report, she questioned where buildings and roads fit and were they under Public Works. City Manager Moore stated that the buildings and roads were under Public Works.

C. Andersen stated that from reviewing his notes for the Public Safety Building the design work was to be done no later than January 18th and he was curious where this is at because his notes state there would be information necessary from this for legislation lobbying. Councilman Andersen explained that Bettisworth & Northwind were going to meet with the Council and come up with a document that could accompany the request for money for the legislature. City Manager Moore responded that this architect was coming to Nome on Feb. 5th & 6th and he would get a complete briefing on it then. C. Andersen stated that there was a timeline that tied in with lobbying efforts he thought.

C. Andersen asked who handles the grants, specifically the money with the snow dump, where they might want to take that money that is left over and do something with it. City Manager Moore stated he would be handling this one. C. Andersen reference a letter from the Department of Commerce and pointed out that they are changing the way they are operating and according to the letter they will no longer be informing grant recipients and legislative offices with notification when grants are due to lapse and he wants to make sure the City does not allow the grants to go overdue and then lose out on them.

COUNCILMEN COMMENTS

C. Brown congratulated the Public Works department for their snow removal efforts with keeping the roads clear with the immense amount of snow we got. He stated they are doing a great job.

C. Knodel hopes that they do some public education about the ATV ordinance now that it has passed. She suggested maybe get on KNOM and have the police department talk at the schools letting the kids know they are required to wear helmets and let them know what the other regulations are too.

C. Larson stated he had a question for Councilman Brown about the lighting report that was handed out and he asked if they would be getting something else. C. Brown responded that Mr. Hoener, the City Manager and Building Inspector Hahn had been talking and he wasn't sure what transpired and he referred the question to City Manager Moore. City Manager Moore explained that it is a matter of getting everything in the right sequence. An architect is suppose to come in with a report on the improvement to the roof at the recreation center and they have asked that they not put any additional weight on the existing roof until they have had a chance to complete that study. So, no lights will be hung until the study is done. Additionally, the lights that have been purchased may not be the best ones from the stand point of energy use but may be fine for increasing the light. He explained that right now they are gathering all of the information so they can get everything in the right sequence. He stated that the architect would be in Nome next Friday. C. Larson asked if they would be getting a financial analysis in terms of cost savings verses the money they have out on the lights that have already been purchased. City Manager Moore stated yes they would and Mr. Hoener's focus seems to be about energy savings and the payback time with the lights. C. Larson clarified that there would be something else other than the e-mailed report that was handed out tonight. City Manager Moore agreed that yes there would be another report and C. Brown stated that they did not pay anything for this information tonight.

C. Pomeranz had no comments.

C. Andersen had no comments.

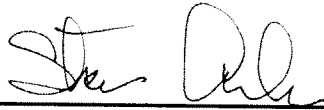
MAYOR'S COMMENTS AND REPORT

ADJOURNMENT

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

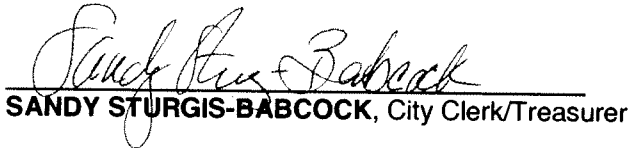
Hearing no objections the Nome City Council adjourned at 8:29 PM.

SIGNED AND DATED the 11th day of February 2008.



STAN ANDERSEN, Presiding Councilman

ATTEST:


SANDY STURGIS-BABCOCK, City Clerk/Treasurer