

**MINUTES
NOME CITY COUNCIL
REGULAR MEETING
July 14, 2008**

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: Jerald Brown, Mary David, Mary Knodel, Jon Larson, Randy Pomeranz

Members Absent: Stan Andersen

Also Present: City Clerk, Sandy Babcock;

In the audience: Jacob Buckenmeyer, KNOM; John Handeland, Utility Manager; Susan Reinertson, Taunnie Boothby, Mark Carey, Paul Burke, Police Chief; Rick Luthi, Superintendent of Nome Public Schools; Jenny Martens, Dr. Derrick Leedy, Martina Leedy, Randy Romenesko, Laurie McNicholas,

INVOCATION

APPROVAL OF MINUTES

No Minutes were presented.

COMMUNICATIONS

Mayor Michels reported that the various communications were available in their packets, online and at the Clerks office.

C. Knodel asked if they had heard anything back from the attorney concerning trespassing on the Middle Beach. Chief Burke stated they had put together a notice to vacate the property and it was approved by the attorney. The notice has been served on all the structures and individuals. He continued that as a result all the structures have been moved and a few have moved to East beach and he has served notice there also to people that are not involved in recreational mining.

Mayor Michels asked if they can be charged with trespassing if they do not leave. Chief Burke stated there are a number of things they can do. If the ordinance passes tonight regarding sanitary and trash violations they will be able to cite them everyday for these violations. He stated they can also be charged for trespassing if they are not involved in recreational mining.

CITIZENS REQUESTS AND GRIEVANCES

A. TASER Demo

Chief Burke handed out a taser briefing paper to the Council and audience. Chief Burke set up an electrical target on the wall and fired the taser into the target for a demonstration. Some key points to the presentation were that the taser has a camera in it that will record audio and video of its use. Only Chief Burke has access to remove this recording. All use of the weapon is recorded. The taser is based on electrical impulse in the body and generally speaking it does not affect anyone else and it is very effective with gaining compliance from the subject.

C. Brown asked about the amount of volts and if every use of the weapon will get investigated. Chief Burke explained that the charge comes out at 50,000 volts but due to line loss it drops down to about 1250 volts by the time it reaches the subject. He explained that every officer is required, if he uses any sort of force, to fill out a use force report. The report is for anything beyond the normal scope of their job and these reports are reviewed by him. The tasers, if used, will require a report but he stated that since the tasers are new he will be downloading them weekly to keep track of how the item is being used. C. Brown asked what they would use now if they did not have the taser. Chief Burke stated that current weapons are the pepper spray and the collapsible baton.

B. FEMA – Nome Presentation

Susan Reinertson, FEMA Regional Administrator for Region 10, which includes Alaska, Idaho, Oregon and Washington, stated she was joined here today with Taunie Boothby, Alaska State National Fund Insurance Coordinator; Mark Carey, Region 10 Mitigation Division Director; and Robert Forgit, Region 10 Alaska Area Office Manager. Ms. Reinertson stated they were here today to announce that the United States Department of Homeland Security's Federal Emergency Management Agency is recognizing the City of Nome as a Class 8 Community under FEMA's National Flood Insurance Community rating system. Nome entered FEMA'S National Flood Insurance program on September 1st, 1983 and has since become one of just six Municipalities in Alaska who has joined that program. In 2005, Nome became a community rating system community and has continued making efforts to further enhance flood awareness and community preparation. Some of the initiatives include; mailing brochures to all properties in the community, providing the public flood information through displays at City Hall, the Library and the City's website and preserving 309 acres of open space in the City's flood plain. As a result of these efforts Nome residents will likely experience less property damage in an actual flood event and they are going to save money on their flood insurance premiums. Ms. Reinertson presented the Mayor a plaque reflecting the City of Nome's Class 8 rating.

Mayor Michels expressed appreciation and thanks to City Administrative Assistant Marguerite LaRiviere, to the Planning Commission and former City Manager Randy Romenesko for all their hard work.

Rick Luthi, Superintendent of Nome City Schools stated he will continue to do as good of job as he can to keep them informed and in the information loop on things. He introduced Jenny Martens who is taking Amy Lujan' s place as Business Manager.

Jenny Martens stated she comes from Petersburg, living there 33 years and had worked for the school district for 11 years. She stated the people here are wonderful and she is looking forward to being here.

Mr. Luthi continued by stating it was the school boards desire to spend some time with the Council to share ideas and get some direction on how they should proceed with the roof renovation project. He stated he wanted to extend that opportunity and stated it will be important for him and Jenny to keep them in the information loop and see them on a regular basis.

Mayor Michels stated to Mr. Luthi that Councilman Knodel and Councilman Pomeranz have volunteered to be on the committee to meet with the school board. She proposed they work together to pick some meeting dates and can coordinate this through the Clerks office.

John Handeland stated he was commenting on behalf of the Bering Sea Lions Club and passing on some information from D.A.W.N. He stated that both organizations expressed their support and are willing to put some financial backing to the skate park. He mentioned that a request was made to Quality Asphalt and CHARR along with the previous mentioned organizations are standing by hoping they can get something going with an actual slab or if not through donations and a partnership with these organizations.

PLANNING AND ZONING

SPECIAL ORDERS

UNFINISHED BUSINESS

- A. O-08-07-01 An Ordinance Amending Sections 15.10.110(a) and (b) of the Nome Code of Ordinances to Impose a Civil Penalty and Fine for Violations of any Provision of Title 15.

~Second Reading, Public Hearing and Final Passage

Hearing no objection Mayor Michels asked the Clerk for the second reading of O-08-07-01.

For the purpose of holding a public hearing the Council recessed at 8:01 P.M.

Discussion

Dr. Derrick Leedy thanked the Council for pursuing this ordinance and stated that he has already seen a lot of positive changes and that Middle Beach is totally cleaned up. He stated that the City provided a dump truck this weekend and many people came out and helped and he was focusing on the tons of metal in that area. He stated that this area was going to grow into a tent city and the beaches in Nome are limited and someone walking their dog in this area would be intimidated to walk by those areas. He stated the structures are not there anymore so people can go down there with their families and have picnics and he thinks it is a good thing.

Chief Burke stated that the passage of this ordinance will provide law enforcement another tool to help cure some of the problems in this town including transient folks living on City property. He spoke in support of the ordinance and appreciates their passing it.

The Council reconvened at 8:04 P.M.

A motion was made by C. Knodel and seconded by C. Pomeranz to approve O-08-07-01.

At the roll call:

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

Nays:

The motion CARRIED.

- B. O-08-07-02 An Ordinance Enacting a New Section 15.70.030(f) Prohibiting Overnight Camping and the Erection of Temporary Residential Structures in Rectangular Area Between the Mouth of the Snake River on the West and Bering Street on the East and Between River Street on the North and the Bering Sea on the South.

~Second Reading, Public Hearing and Final Passage

Hearing no objection Mayor Michels asked the Clerk for the second reading of O-08-07-02.

For the purpose of holding a public hearing the Council recessed at 8:04 P.M. Hearing no public comment the Council reconvened at 8:04 P.M.

A motion was made by C. Pomeranz and seconded by C. Knodel to approve O-08-07-02.

Discussion

C. Knodel stated she would like to move to amend this ordinance as it was given to them in their packet by the City Manager to include prohibition of overnight storage in Section 2. 13.25.060.

A motion was made by C. Knodel and seconded by C. Pomeranz to amend O-08-07-02, **Section 2, 13.25.060 Prohibition of Overnight Habitation or Storage**. Overnight habitation in tents, vehicles, or other temporary structures and overnight storage of any personal property is prohibited in the area bounded by the mouth of the Snake River on the West, River Street on the North, Bering Street on the East, and the Bering Sea on the South. "Overnight", for the purposes of this section, is defined as any period of time between the hours of 10:00pm and 6:00am. This section does not prohibit or otherwise limit lawful use of private real property located within the boundaries set out in this section by the owner of the property. This permission shall be in the possession of the person using the private real property.

At the roll call on the amendment;

Ayes: David, Knodel, Larson, Pomeranz, Brown

Nays:

The motion CARRIED.

Discussion

C. Knodel stated that if this ordinance should pass she would like to request there be some type of toilet facilities, trash receptacles and possibly some picnic tables so people can enjoy this area.

C. Brown stated that along these same lines for enhancing the ability for families to use this area he wanted to know if there was a requirement for dog owners to clean up after their pets.

Mayor Michels stated they do have an ordinance on the books for this.

C. Brown asked if it could be posted. Mayor Michels agreed and it should be posted again at Old St. Joe's Anvil City Square park again.

C. Knodel asked what the City's ownership was for West Beach. Randy Romenesko responded that the City's ownership ends at the Sewage Lagoon and the City's property is just south of the bluff. The rest of it is private property where most folks have camps or where you see sand extraction. C. Knodel recommended they write letters to the property owners telling them they are the ones liable for the sewage or the mess that is there so they understand it is not the Cities. Mayor Michels asked the Clerk to pass this information on to the City Manager.

At the roll call on the main motion;

Ayes: David, Knodel, Larson, Pomeranz, Brown

Nays:

The motion CARRIED.

NEW BUSINESS

- A. R-08-07-01 A Resolution Authorizing the City Manager to Enter into an Agreement with Mr. Colby Carter for Professional Services to Assist with Maintenance and Operations of the City of Nome's Emergency Communications Equipment.

A motion was made by C. Pomeranz and seconded by C. Larson to approve R-08-07-01.

At the roll call:

Ayes: Knodel, Larson, Pomeranz, Brown, David

Nays:

The motion CARRIED.

- B. R-08-07-02 A Resolution of the City of Nome, Alaska Providing for the Issuance of a Utility Revenue Anticipation Note of the City in the Aggregate Principal Amount of Not to Exceed \$4,600,000 to Finance Purchases of Diesel Fuel for the Nome Joint Utility System, and Authorizing the Sale of the Note by Negotiation.

A motion was made by C. Knodel and seconded by C. Brown to approve R-08-07-02.

At the roll call:

Ayes: Larson, Pomeranz, Brown, David, Knodel

Nays:

The motion CARRIED.

- C. R-08-07-03 A Resolution Amending Resolution No. R-08-05-06 Approving & Accepting a Loan from the Alaska Dept. of Environmental Conservation Alaska Drinking Water Fund to Provide Loan Financing for Improvements to Community Water Infrastructure.
- D. R-08-07-04 A Resolution Amending Resolution No. R-08-05-07 Approving & Accepting a Loan (as Amended) from the Alaska Dept. of Environmental Conservation Alaska Clean Water Fund to Provide Loan Financing for Improvements to Community Wastewater Infrastructure.
- E. R-08-07-05 A Resolution Amending Resolution No. R-08-05-08 Approving & Accepting a Loan from the Alaska Dept. of Environmental Conservation Alaska Drinking Water Fund to Provide Loan Financing for Improvements to Community Water Infrastructure.

A motion was made by C. Pomeranz and seconded by C. Larson to approve R-08-07-03, R-08-07-04 and R-08-07-05.

At the roll call:

Ayes: Pomeranz, Brown, David, Knodel, Larson

Nays:

The motion CARRIED.

- F. R-08-07-06 A Resolution Concurring with NJUB Resolution 08-15 Approving a Memorandum of Agreement with the State of Alaska Department of Military & Veterans Affairs to Provide Funding for the Construction of a Water & Wastewater Disposal Addition to the Municipal System to Connect the Army National Guard Hangar and Other Armory Life-Safety Code Upgrades.

A motion was made by C. Knodel and seconded by C. Pomeranz to approve R-08-07-06.

At the roll call:

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

Nays:

The motion CARRIED.

- G. R-08-07-07 A Resolution Approving a Contract with Legislative Consultants in Alaska (LCIA) for State Lobbying Services for the Fiscal Year 2009.

A motion was made by C. Knodel and seconded by C. Brown to approve R-08-07-07.

At the roll call:

Ayes: Knodel, Larson, Pomeranz, Brown, David

Nays:

The motion CARRIED.

- H. R-08-07-08 A Resolution Approving the Support Agreement for Cape Nome Jetty Repairs Construction Administration Services with the U.S. Army Corps of Engineers.

A motion was made by C. Pomeranz and seconded by C. Knodel to approve R-08-07-08.

Discussion

Mayor Michels stated that C. Brown turned in a written Conflict of Interest Declaration for R-08-07-08 and R-08-07-10 stating he is a member of the management team for Cape Nome Products, which would benefit from jetty reconstruction.

At the roll call:

Ayes: Larson, Pomeranz, David, Knodel

Nays:

Abstain: Brown

The motion CARRIED.

- I. R-08-07-09 A Resolution of the Nome City Council Authorizing the Nome City Administration to Act as General Contractor for the Construction of the Nome Public Safety Building.

A motion was made by C. Knodel and seconded by C. Pomeranz to approve R-08-07-09.

At the roll call:

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

The motion CARRIED.

- J. R-08-07-10 A Resolution Approving the Agreement for Construction Repairs to the Cape Nome Jetty with Knik Construction.

A motion was made by C. Pomeranz and seconded by C. David to approve R-08-07-10.

Discussion

C. Larson asked if Randy Romenesko had a chance to discuss the time extension with the FEMA people while they were here and if they had anything to do with it. Mr. Romenesko responded he did not talk with them. Mayor Michels responded they did not have anything to do with it.

At the roll call:
Ayes: David, Knodel, Larson, Pomeranz
Nays:
Abstain: Brown

The motion CARRIED.

- K. O-08-07-03 An Ordinance Adopting Revised Subdivision Regulations for the City of Nome
~First Reading

Hearing no objection Mayor Michels asked the Clerk to read O-08-07-03.

A motion was made by C. Knodel and seconded by C. Pomeranz to pass O-08-07-03 on to second reading, public hearing and final passage.

At the roll call:
Ayes: Brown, David, Knodel, Larson, Pomeranz
Nays:

The motion CARRIED.

CITY ATTORNEY REPORT

UTILITY MANAGER REPORT

Utility Manager Handeland stated he submitted a written report and would be happy to answer any questions.

CITY MANAGER REPORT

Acting City Manager Stan Andersen sent a memorandum which Mayor Michels read to the Council. It stated that Randy Romenesko is hereby appointed to the position of Director of Ports and harbors effective immediately.

May Michels stated there is a lot going on at the Port and the new Harbor Master has a full load and needs the help and the interim City Manager Pete Hallgren is out of town until July 31st.

City Manager, Pete Hallgren's report, dated July 14, 2008 is included in their packet.

COUNCILMEN COMMENTS

Councilman Pomeranz had no comments.

Councilman Larson had no comments.

Councilman Brown had no comments.

Councilman David had no comments.

Councilman Knodel thanked Randy Romenesko and Marguerite LaRiviere for all their work with FEMA to lower the flood insurance.

MAYOR'S COMMENTS AND REPORT

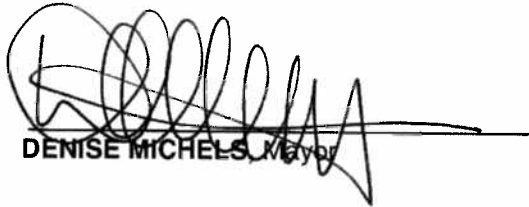
Mayor Michels provided a written report and asked if there were any questions.

ADJOURNMENT

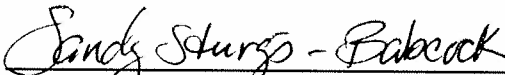
A motion was made by C. Larson and seconded by C. Pomeranz that the meeting be adjourned.

Hearing no objections the Nome City Council adjourned at 8:19 PM.

SIGNED AND DATED the 28th day of July 2008.


DENISE MICHELS, Mayor

ATTEST:


SANDY STURGIS-BABCOCK, City Clerk/Treasurer