

**MINUTES  
NOME CITY COUNCIL  
REGULAR MEETING  
October 13, 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, telephonically; Randy Pomeranz

Members Absent: Neal Foster

Also Present: City Manager, Pete Hallgren; City Clerk, Sandy Babcock;

In the audience: Diana Handeland, GCI; Paul Korchin, KNOM; John Handeland, Utility Manager; Jimmy Adams, Tyler Rhodes, Nome Nugget; Josie Bahnke, Judy Martinson, Blaine Galleher, Tom Gray

**INVOCATION**

Paul Korchin gave the invocation.

City Clerk Sturgis-Babcock conducted the Oath of Office with re-elected Councilman Mary Knodel.

**APPROVAL OF MINUTES**

- A. September 22, 2008 Regular Meeting Minutes
- B. September 24, 2008 Special Meeting Minutes
- C. September 29, 2008 Special Meeting Minutes
- D. October 9, 2008 Special Meeting Minutes

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

At the roll call:

Ayes: Brown, Knodel, Larson, Pomeranz Andersen

Nays:

Abstain: Andersen – Oct. 9<sup>th</sup>

The motion CARRIED.

**COMMUNICATIONS**

Presiding Councilman Andersen stated there were several communications and asked for comments.

**CITIZENS REQUESTS AND GRIEVANCES**

**PLANNING AND ZONING**

**SPECIAL ORDERS**

## **UNFINISHED BUSINESS**

- A. O-08-09-01 An Ordinance Establishing a Zoning Code for the City of Nome  
~Second Reading, Public Hearing and Final Passage

Hearing no objection Presiding Councilman Andersen asked the Clerk for the second reading of O-08-09-01.

For the purpose of holding a public hearing the Council recessed at 7:34 P.M.

### Discussion

**Blaine Galleher** stated he was dismayed that they are adopting the zoning ordinance allowing certain things basically for residential. He stated that the ordinance states that a person can do anything on their property as long as it doesn't jeopardize public safety, health or cause a nuisance but as far as he can tell there is no definition of what any of that is. He reported that with all the strides they have taken over the last couple years to clean up the community, and they have really been commendable, it seems reckless to put this ordinance forth with "junk" allowed on people's property as long as it isn't a nuisance. What is a nuisance? He urged the Council to define "junk". He stated that he is concerned about property values as well as public health and safety.

C. Knodel asked if he was concerned about it only in the residential section or in the general use section also. He responded that primarily in the residential area for him because he has property that he is trying to sell and accumulation of junk is allowed on residential property as well as general use and it doesn't help anybody on the adjacent property values if the stuff accumulates with no real regard for removal. At some point, he stated, you have to draw the line on spare parts and storage of junk and this is his concern. C. Knodel stated that she agreed with him and she planned to amend it to remove the word junk from residential.

City Manager Hallgren stated that just for comment there is a definition of junk in the ordinance. Mr. Galleher responded that the ordinance states "as long as junk is not a nuisance" and find a definition for nuisance which should be specific in the ordinance.

**Judy Martinson** stated that on 4/15/08 the Council had a meeting with zoning which she attended and she had asked that Blocks 119 Lots 3, 4, and 5 or basically that whole area at the location for the new hospital, be changed to general use instead of residential. She wanted to know where this was because she hadn't heard back.

C. Knodel stated that she had an amendment written up for this one also.

Ms. Martinson continued that she was also hoping zoning would take care of junk issues. She reported that she had junk on her own properties and she stated she knows for a fact that the houses that they built in their subdivision were de-valued because of what they had created. The appraisers told them right out it was de-valued because of the steel and the junk they had sitting there. She feels having junk in a residential area it is a hazard and they had lots of problems with kids hurt and they carried a million dollars of liability on their property for their own safety. It's called an attractive nuisance and it is a risk in a residential area. She stated they are cleaning their areas up and it takes a lot of time and money and it is something they wish they had never done. She stated that a junkyard should maybe go over in industrial or commercial.

C. Andersen stated there are several areas, with junk being one of them that the Planning Commission left wide open and sooner or later they will have to define junk and nobody knows how to do that. Ms. Martinson stated that adjacent properties will be de-valued and it is a better plan to not get is started.

The Council reconvened at 7:45 P.M.

A motion was made by C. Pomeranz and seconded by C. Knodel to approve O-08-09-01.

#### Discussion

C. Knodel stated she had a list of amendments and she read them as stated in the following motion with the exception of "remove junk out of general use also, " which was added with approval after discussion, by C. Pomeranz.

C. Brown asked for clarification of the change in the matrix. C. Knodel stated that she would like to only strike the word junk from residential on the matrix and leave the word "permitted" in the box leaving private storage or small warehouse allowed under residential.

C. Pomeranz stated he would like to take junk out of all residential use in the ordinance and take junk out of general use also throughout the ordinance.

C. Brown stated that the Planning Commission, of which he is a member, went round and round on the term junk. They talked about the phrase "one man's junk is another man's treasure. He stated that the language in the ordinance which states that if it is a nuisance or hazard or public safety issue does allow some subjective analysis. If a neighbor feels something is a nuisance or hazard or if a city official feels it is a nuisance or hazard they can do the same thing as they have been doing with the structure abatements and come to the Council or Planning Commission and say it is a hazard. If they take out all the reference and definitions of junk it removes a tool to abate things as opposed as what it is intended to do.

Discussion continued from the audience that junk should be defined if it stays in and there are other places to have junkyards besides residential. C. Andersen stated that the majority of the people who testified to the Planning Commission would like it to stay the same. He stated it might not be orderly but he doesn't know whether or not you call it junk and if they don't have anything to take them to court and you lose in court you just sew the whole thing up.

C. Larson stated that based on the hearings and work that the Planning Commission did on this he suggested they leave junk in.

C. Brown stated that if they outlaw junk the City might have every third or fourth lot in town that could have some enforcement action for example a 4-wheeler with the wheels off parked on the side of your house, it is junk.

Mr. Gray, from the audience, asked how zoning would affect property he recently purchased and if he would be able to put a house, warehouse and store snow machines. C. Pomeranz stated that if snow machines run and it's not a nuisance they are probably fine. He stated they just need to draw a line somewhere and keep people's values up.

C. Pomeranz moved to amend C. Knodel's amendment to have junk removed from general use also but the Council agreed to include it in the original amendment rather than have it stand alone.

A motion was made C. Knodel and seconded by C. Andersen to amend O-08-09-01 as followings: Chapter 18.10 delete the list of sections 18.10.020, .030, .070 and .090; Correct typo in Chapter 18.100.020 and change 11.50.303 to 11.50.030; Extend General Use from G to K street on the bypass road; Pg. 18, 18.50.020 strike words "including junk"; Pg. 33, 18.110 on the matrix strike "including junk" ; Pg. 41, 18.130.030 under #6 Restoration replace "original" with "pre-damaged condition"; Remove "junk" out of all Residential and General use.

At the roll call on the amendment:  
Ayes: Andersen, Knodel, Larson, Pomeranz  
Nays: Brown

The motion CARRIED.

C. Brown asked, if under the ordinance in regards to the grandfather clauses, does it apply to junk. He stated that if they are going to outlaw junk going forward they should clean up the junk that is already there. C. Brown asked if this would cause them a problem and will they have to amend the ordinance.

City Manager Hallgren stated that this was a good question because it may grandfather in old junk and might not grandfather in new junk. He stated that this was probably a question for the attorney.

C. Larson's phone was experiencing a lot of static and he was having a hard time hearing the meeting so he stated he needed to hang up and leave the meeting.

At the roll call on the main motion:  
Ayes: Knodel, Pomeranz, Andersen, Brown  
Nays:

The motion CARRIED.

The Council approves authorization for Brooks to draft an ordinance to address his suggested housekeeping issues with the Nome Code of Ordinances once Title 18 passed.

### **NEW BUSINESS**

- A. R-08-10-01 A Resolution Authorizing an Exception to Nome Code of Ordinances 3.05.040(b) for the Fifth Annual Nome North Open Dart Tournament from Friday, October 31, 2008 through Monday, November 3, 2008

A motion was made by C. Pomeranz and seconded by C. Andersen to approve R-08-10-01.

Discussion

C. Knodel asked if they play darts during the day or just during the night. C. Andersen responded that they start early in the afternoon. C. Andersen stated there wasn't a whole lot of drinking going on after they have been shooting darts for ten hours. C. Knodel stated she wasn't so worried about the people participating in the dart tournament than as she is with the general public.

At the roll call:  
Ayes: Pomeranz, Andersen  
Nays: Knodel, Brown

The motion FAILED.

- B. R-08-10-04 A Resolution Extending the Term of Agreement with Bristol Environmental & Engineering Services Corporation as Acting City Engineer

A motion was made by C. Knodel and seconded by C. Andersen to approve R-08-10-04.

At the roll call:  
Ayes: Pomeranz, Andersen, Brown, Knodel  
Nays:

The motion CARRIED

- C. R-08-10-05 A Resolution Accepting Bond Counsel Agreement with Birch, Horton, Bittner and Cherot for the Proposed Issuance of City of Nome General Obligation School Bonds

A motion was made by C. Pomeranz and seconded by C. Knodel to approve R-08-10-05.

At the roll call:

Ayes: Pomeranz, Andersen, Brown, Knodel

Nays:

The motion CARRIED

- D. R-08-10-06 A Resolution to Name the Parties Qualified to Sign Depository Pledge Agreements, Orders for Payment, Warrants or Checks Against the City of Nome Accounts

A motion was made by C. Knodel and seconded by C. Pomeranz to approve R-08-10-06.

At the roll call:

Ayes: Andersen, Brown, Knodel, Pomeranz

Nays:

The motion CARRIED

- E. R-08-10-07 A Resolution Approving a Contract for Visitor and Tourism Services Between the Chamber of Commerce and the City of Nome

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

#### Discussion

- C. Brown asked for a determination if he would be allowed to vote. Presiding Councilman Andersen stated he didn't see any financial interest and allowed his vote.

At the roll call:

Ayes: Brown, Knodel, Pomeranz, Andersen

Nays:

The motion CARRIED

- F. R-08-10-08 A Resolution Approving a Memorandum of Agreement Between the State of Alaska, Department of Transportation and Public Facilities (DOT&PF) and the City of Nome for Airport Services

The resolution was pulled from the agenda because it has not been reviewed by Chief of Police Burke or the DOT&PF due to an emergency with Chief Burke.

- G. O-08-10-01 An Ordinance of the City of Nome, Alaska Amending Ordinance No. O-85-1-1; Authorizing a Second Amendment to Tripartite Agreement Among the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, the Municipal Bond Bank and the City; and Authorizing the City to Issue its Port Revenue Refunding Bond 2008A, in the Principal Amount of Not to Exceed \$5,000,000 to Refund the City's Port Revenue Bond, 1986 Series A; Fixing Certain Details of Such Bond; and Providing for Related Matters. *(note to the Council: this may be pulled from the Agenda if the City Attorney has not heard back from NOAA before the Council meeting)*

~First Reading

The ordinance was pulled from the Agenda as suggested by the Attorney since he has not heard back from NOAA yet about any changes.

### **CITY ATTORNEY REPORT**

### **UTILITY MANAGER REPORT**

Utility Manger Handeland stated he didn't have much to report tonight but they are getting a lot of projects done before the snow flies which he hoped would be next December. He stated that he may need a special meeting before the next scheduled meeting to approve a resolution on some additional fuel financing that they are working on right now with bond council.

C. Pomeranz asked if they were able to purchase their fuel now. Utility Manager Handeland clarified that he meant as a futures or hedging and stated that they have looked at that as a fuel group in the past but the financing of it would make it so they would have to borrow money on top of the current borrowing of the fuel so it hasn't made financial sense. He stated that the price of fuel is coming down now and there has been some discussion of purchasing fuel and storing it. He reported that the fuel group will be meeting again in November to see how this last season went and to look at what the options are for the following year.

C. Andersen asked how many gallons the group purchases. Utility Manager Handeland stated it is about 15 million gallons. There's risk and insurance issues with storing large purchases. He stated that Delta Western who has provided fuel to them in the past, may have some options and they will look into that because the price is right at the moment.

### **CITY MANAGER REPORT**

City Manager Hallgren reported on the following;

- A report from Randy Romenesko is included in the packet showing where the capital projects are right now.
- Fall clean-up was successful; 19 dump truck loads and 7 cars and 2 snow machines also.
- Josie Bahnke takes over as City Manager October 15<sup>th</sup> so his last day will be Friday, October 17<sup>th</sup>. Thank you for having me here. Nome is a unique place.
- Marguerite LaRiviere, the Administrative Assistant has been moved over to Library Director today and will be taking over for Dale Brandt who is retiring November 1<sup>st</sup>, 2008. City Manager Bahnke will review the job description and they should start advertising the position on Wednesday.
- Harbor Master, Frank Tadda has resigned effective October 31, 2008. City Manager Bahnke will need to review the job description and begin hiring for a new Harbor Master.
- The Public Works Director job description has finally jelled and now awaits City Manager Bahnke's concurrence to begin advertising there. With passage of the zoning ordinance the concept is for zoning enforcement to go under building enforcement so that will become a separate area under public works. The Public Works Director would not only supervise the maintenance workers but the public works workers also.
- Councilman Knodel requested that the Council review the job description before it goes out for advertising.

### **COUNCILMEN COMMENTS**

**Councilman Brown** had no comments.

**Councilman Knodel** thanked Marguerite for all of her work on the Community Rating System. She thanked Pete Hallgren for his work while in Nome and she thanked the people of Nome for their confidence in re-electing her.

**Councilman Pomeranz** thanked Pete Hallgren for his time with them and he welcomed Josie Bahnke on board. He asked for everyone to watch for school kids darting across the street in the morning and drive with a little more caution since it's that time of year again when it's dark out and hard to see them.

**Councilman Andersen** thanked Pete Hallgren for all his help.

Councilman Andersen read an announcement that the deadline is October 31<sup>st</sup> for the NSEDC energy subsidy. Any questions get a hold of NSEDC or Nome Joint Utilities.

Presiding Councilman Andersen, at the request of Mayor Michels, stated that she would like to appoint Charlene Saclamana to the Museum and Library Commission.

A motion was made by C. Knodel and seconded by C. Andersen approve the appointment of Charlene Saclamana to the Museum and Library Commission.

At the roll call:

Ayes: Pomeranz, Andersen, Brown, Knodel

Nays:

The motion CARRIED

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

Mayor Michels was out of town.

#### **EXECUTIVE SESSION**

~Labor Contract Negotiations

A motion was made by C. Andersen and seconded by C. Knodel to enter into executive session. The Council recessed from regular meeting at 8:28 P.M.

The Council reconvened the regular meeting at 8:40 P.M.

#### **ADJOURNMENT**

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

Hearing no objections the Nome City Council adjourned at 8:40 PM.

**SIGNED AND DATED** the 10<sup>th</sup> day of November, 2008.



**STAN ANDERSEN, Presiding Councilman**

**ATTEST:**

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