

Mayor
Richard Beneville
Interim Manager
John K. Handeland
Clerk
Bryant Hammond



Nome City Council
Jerald Brown
Doug Johnson
Mark Johnson
Adam Martinson
Jennifer Reader
Meghan Sigvanna Topkok

102 Division St. • P.O. Box 281
Nome, Alaska 99762
Phone (907) 443-6663
Fax (907) 443-5345

**NOME COMMON COUNCIL
WORK SESSION & REGULAR MEETING AGENDA
MONDAY AUGUST 26, 2019 @ 5:30 / 7:00 PM
COUNCIL CHAMBERS IN CITY HALL**

Work Session

A. Discussion of Revenue/Taxation and Exemptions for Personal Property

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III. APPROVAL OF MINUTES

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- B. Letter of August 13, 2019 from AMCO to City of Nome re: Retail Marijuana Store License Renewal,
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- C. Letter of August 14, 2019 from Rhonda Schneider to Mayor Beneville and Nome City Council re: Request to Reinstate Funding for NEST programs,
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- D. Letter of August 19, 2019 from Northern Bering Sea Regional Aquaculture Association to City of Nome re: Nomination for Board Representation,
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- E. Letter of August 19, 2019 from NSEDC to City of Nome re: Norton Sound Water and Sewer Fund,
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- F. Letter of August 23, 2019 from the Local Emergency Planning Committee to The City of Nome re: Emergency Services Radio Systems Upgrade,
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VII. UNFINISHED BUSINESS

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- B. O-19-06-09 An Ordinance Authorizing the Disposal of Municipal Property by Land Use Permit to Nome Sportman Association for Sunset Firing Range,
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- C. O-19-08-01 An Ordinance Amending Nome Code of Ordinances Chapter 17.10 to Clarify Remote Sellers' and Marketplace Facilitators' Obligation to Collect and Remit Sales Tax,
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IX. UTILITY MANAGER'S REPORT

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VERBAL

X. CITY MANAGER'S REPORT

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XI. CITIZENS' COMMENTS**XII. COUNCIL MEMBERS' COMMENTS****XIII. MAYOR'S COMMENTS AND REPORT**

- A. Activity Report: August 13 – August 23, 2019
VERBAL

XIV. EXECUTIVE SESSION

- A. Discussion of Confidential Matters Related to the City Manager Search,
VERBAL

XV. ADJOURNMENT

**MINUTES
NOME CITY COUNCIL
REGULAR MEETING
AUGUST 26, 2019**

The regular meeting of the Nome City Council was called to order at 7:00 PM by Mayor Beneville in Council Chambers of City Hall, located at 102 Division Street.

ROLL CALL

Members Present: Jerald Brown; Mark Johnson; Adam Martinson; Jennifer Reader; Meghan Topkok

Members Absent: Doug Johnson (Excused)

Also Present: John Handeland, Interim City Manager; Bryant Hammond City Clerk; Ken Morton, Assistant Utility Manager

In the audience: Emily Hofstaedter (KNOM); Sandra Medearis (Arctic News); Shane & Dani Smithhisler; Henrik Brandt; Andrew Lee; Travis Lee Wilkerson; Lisa Ellanna; Tehya Tucker; Aklaasiaq; Rhonda Schneider; Anna Aquuluk Ashenfelter; Darlene Trigg

APPROVAL OF AGENDA

Mayor Beneville asked if there were any changes to the agenda.

A motion was made by C. Reader and seconded by C. Martinson to approve the agenda.

At the roll call:

Aye: M. Johnson; Reader; Topkok; Brown

Nay:

Abstain:

The motion **CARRIED**.

APPROVAL OF MINUTES

A. August 12, 2019 City Council Regular Meeting Minutes.

B. August 20, 2019 City Council Special Meeting Minutes.

A motion was made by C. Reader and seconded by C. Martinson to approve the August 12, 2019 and August 20, 2019 Minutes.

Discussion:

- Council Member Topkok noted two minor typos to be handled administratively.

At the roll call:

Aye: M. Johnson; Martinson; Reader; Topkok; Brown

Nay:

Abstain:

The motion **CARRIED**.

COMMUNICATIONS

- A. Letter of July 18, 2019 from Greg Smith to Mayor Beneville re: Hours of Sale and Lack of Advisory Board Inclusion for MJ Industry.
- Council Member Brown requested a work session be scheduled over winter to discuss the advisory board, its makeup and hours.
 - Council Member Mark Johnson disagreed with Mr. Smith's argument, expressing concern over robberies being committed to get money to buy marijuana on the black market.
- B. Letter of August 13, 2019 from AMCO to City of Nome re: Retail Marijuana Store License Renewal.
- C. Letter of August 14, 2019 from Rhonda Schneider to Mayor Beneville and Nome City Council re: Request to Reinstate Funding for NEST programs.

A motion was made by C. Reader and seconded by C. Topkok to provide \$30,000 in funding to the Nome Community Center for the NEST Program.

Discussion:

- Council Member Reader thanked Ms. Schneider for providing the statistics, explaining the stats demonstrated NEST is helping families and connecting people to services rather than bringing in outsiders and exacerbating inebriation issues on Front St.

At the roll call:

Aye: Martinson; Reader; Topkok; Brown; M. Johnson

Nay:

Abstain:

The motion **CARRIED**.

- D. Letter of August 19, 2019 from Northern Bering Sea Regional Aquaculture Association to City of Nome re: Nomination for Board Representation.
- Council Member Brown requested the City solicit letters of interest for the seat.
- E. Letter of August 19, 2019 from NSEDC to City of Nome re: Norton Sound Water and Sewer Fund.
- Council Member Reader asked if this was a new program and if the City was applying to it.
 - Manager Handeland explained the Assistant Utility Manager Morton would apply.

- F. Letter of August 23, 2019 from the Local Emergency Planning Committee to The City of Nome re: Emergency Services Radio Systems Upgrade.
- Manager Handeland explained he would speak to Mr. Vaden to better understand the request.

CITIZENS' COMMENTS

- 1) Darlene Trigg contended that the background check process for the Public Safety Advisory Commission was overly taxing and highlighted what individuals signed away through the waiver forms. She argued that the Commission could be seated and working were it not for the onerous background check process, which appeared to be a form of stalling. She requested the City reconsider the current process.
- 2) Lisa Ellanna spoke in opposition to the current background check process, saying that nobody knew the process would be so invasive. She read an email she had previously sent to the manager, clerk and City Council and asked for clarification on terms in the background check waiver form. She contended the City was going above and beyond the process used for the State Legislative Ethics Committee and requested the City reconsider the current process.
- 3) Adelaine Ahmasuk shared some research she did concerning NPD's Operating Procedures Manual and the Victim's Bill of Rights in the State Constitution. She contended that NPD was not following their own procedures manual and not meeting constitutional requirements with respect to a case involving her friend.

PLANNING & ZONING

- A. June 4, 2019 Nome Planning Commission Regular Meeting Minutes.
- B. July 9, 2019 Nome Planning Commission Regular Meeting Minutes.

UNFINISHED BUSINESS

- A. 0-19-03-01 An Ordinance Amending Section 17.20.020 Exemptions, **SECOND READING/PUBLIC HEARING/FINAL PASSAGE.**

For the purpose of holding a public hearing, the Council recessed at 7:46 PM.

The Council reconvened at 7:46 PM.

A motion was made by C. Brown and seconded by C. Martinson to adopt 0-19-03-01.

A motion was made by C. Brown and seconded by C. Martinson to amend 0-19-03-01 by deleting the two occurrences of "and" between "snow machines" and "ATVs" and adding "boats/motors and associated trailers" between "ATVs" and "making" and "ATVs" and "owned" in the second recital; deleting the fourth and fifth recitals in their entirety; and adding "boats/motors and associated

trailers” between “ATVs” and “held” to 17.20.030(a)(10), deleting the first occurrence of “and” and adding “primarily” between “held” and “for” in 17.20.030(a)(10).

Discussion:

- Council Member Brown explained why subsistence should be formally recognized.
- Council Member Topkok discussed subsistence, its definition, legal and colloquial use, and issues.

At the roll call:

Aye: Topkok; Brown; M. Johnson; Martinson; Reader

Nay:

Abstain:

The motion to amend **CARRIED.**

Returning to the main motion:

At the roll call:

Aye: Reader; Topkok; Brown; M. Johnson; Martinson

Nay:

Abstain:

The motion, as amended, **CARRIED.**

- B. O-19-06-09 An Ordinance Authorizing the Disposal of Municipal Property by Land Use Permit to Nome Sportman Association for Sunset Firing Range, **SECOND READING/PUBLIC HEARING/FINAL PASSAGE.**

For the purpose of holding public hearing, the Council recessed at 7:55 PM.

The Council reconvened at 7:55 PM.

A motion was made C. Reader and seconded by C. Martinson to adopt O-19-06-09.

Discussion:

- Manager Handeland explained the current permit terms and the reasoning behind them.
- Council Member Martinson asked why the City was getting involved in the administration of the range.
- Manager Handeland explained that using the SNAP program as a metric for scholarships was a simple way of satisfying to concern that families might not be able to afford a membership to the range.
- Council Member Reader noted that the City didn't have any such program for City facilities.

A motion was made by C. Reader and seconded by C. Martinson to amend the land use permit by removing paragraph 3(f).

Discussion:

- Council Member Mark Johnson explained the annual membership was only \$50 for an entire family.
- Council Member Brown noted that increase access was good for public safety but that the NSA was an organization providing a service they could charge for.
- Council Member Reader noted the training offerings the NSA provided for the community and that such activities need an income stream to be sustainable.

At the roll call:

Aye: M. Johnson; Martinson; Reader; Brown

Nay: Topkok

Abstain:

The motion to amend **CARRIED.**

Returning to the main motion:

A motion was made by C. Reader and seconded by C. Martinson to amend O-19-06-09 by replacing "June 30, 2119" with "June 30, 2049" in Section 6.

At the roll call:

Aye: M. Johnson; Martinson; Reader; Topkok; Brown

Nay:

Abstain:

The motion to amend **CARRIED.**

Returning to the main motion:

At the roll call:

Aye: Brown; M. Johnson; Martinson; Reader; Topkok

Nay:

Abstain:

The motion, as amended, **CARRIED.**

- C. O-19-08-01 An Ordinance Amending Nome Code of Ordinances Chapter 17.10 to Clarify Remote Sellers' and Marketplace Facilitators' Obligation to Collect and Remit Sales Tax, **SECOND READING/PUBLIC HEARING/FINAL PASSAGE.**

For the purpose of holding a public hearing, the Council recessed at 8:14 PM.

The Council reconvened at 8:14 PM.

A motion was made by C. Reader and seconded by C. Martinson to adopt O-19-08-01.

A motion was made by C. Brown and seconded by C. Reader to amend O-19-08-01 by substituting the language in 17.10.170(e) with "(e) A sale is construed as not

occurring in the city when the seller has not had any physical presence within the city during the current or previous calendar year, and:

(1) the seller's gross revenue from sale(s) of property, digital product, or services delivered into the state is less than \$100,000 in the current and previous calendar year; and

(2) in the current and previous calendar year, the seller sold property, digital products, or services delivered into the state in fewer than 100 separate transactions."

At the roll call:

Aye: Reader; Topkok; Brown; M. Johnson; Martinson

Nay:

Abstain:

The motion to amend **CARRIED**.

Returning to the main motion:

At the roll call:

Aye: Martinson; Reader; Topkok; Brown; M. Johnson

Nay:

Abstain:

The motion, as amended, **CARRIED**.

NEW BUSINESS

- A. 0-19-08-02 An Ordinance Authorizing the Acquisition of Property from the State of Alaska Described as "Block 20 of the Nome Airport," **FIRST READING/DISCUSSION**.

A motion was made by C. Reader and seconded by C. Martinson to advance 0-19-08-02.

Discussion:

- Council Member Reader asked how the Utility would pay for it, noting she hadn't yet seen a budget for 2019.
- Assistant Manager Morton explained that money would be saved by getting out of the lease and that the rest of the needed funds would be identified at a later time.

At the roll call:

Aye: Topkok; Brown; M. Johnson; Martinson; Reader

Nay:

Abstain:

The motion **CARRIED**.

UTILITY MANAGER'S REPORT

A. Activity Report: August 13 – August 23, 2019.

- Assistant Manager Morton presented his verbal report, highlighting the reduction in PCE for July's utility bills would likely be refunded in September; the leak at Bering and Seppala had been fixed; applications for an apprentice lineman were being accepted through the IBEW; and that the tank leveling project had been completed and he expected fuel delivery on September 5th.

CITY MANAGER'S REPORT

A. Activity Report: August 13 – August 23, 2019.

- Manager Handeland presented his written report. He acknowledged a letter arriving too late for inclusion in the packet from the ACLU concerning the background check process for the Public Safety Advisory Commission. He explained the process, how the City initiated the process and the steps already taken to alleviate concerns expressed by a few citizens. Manager Handeland addressed Ms. Ahmasuk's comments on constitutional rights, pointing out the inaccuracies of the allegations leveled at NPD, noting most of her issues pertained to the other agencies after a case has left NPD's hands.
- Council Member Brown noted that he understood the requirements Ms. Ahmasuk was citing pertained to the courts, rather than NPD. He reframed her comments as justice not being served and that this was a case in which the Commission might be able to address letters or lodge formal complaints. Council Member Brown requested a work session on taxation and revenue as well as a discussion on discounted rates for the Rec Center and Firing Range.
- Council Member Reader requested Sharon Spark's Advocacy position at NPD be advertised.
- Council Member Topkok requested Manager Handeland modify the background check process for the Public Safety Advisory Commission.

B. 19-06-20 Nome Port Commission Regular Meeting Minutes.

CITIZENS' COMMENTS

- 1) Rhonda Schneider thanked the Council for reconsidering funding the NEST program. She clarified a comment concerning alcohol tax as originating from a discussion of NVAD volunteer burnout and how to address attrition among the department.
- 2) Lisa Ellanna argued that Addie Ahmasuk should be commended for speaking in front of the Council rather than corrected. She argued that justice has not been served. Regarding background checks she argued the City was going too far.
- 3) Tehya Tucker explained some of Ms. Ahmasuk's comments noting that she couldn't go into detail because of confidential information and that responsibilities can't be placed on the victim advocate.
- 4) Henrik Brandt argued that justice in Ms. Ahmasuk's friend's case should be a top priority.

COUNCIL MEMBER COMMENTS

- 1) Council Member Brown hoped the City could adjust the background check process to address the stated concerns and that the commission could look at the procedures of appointing members to the commission.
- 2) Council Member Mark Johnson stated the background check process should be remedied and expressed appreciation the personal property tax ordinance passed as it affects a lot of people. He finished by expressing his disappointment over hearing continued concerns over domestic violence issues and the lack of follow-up by NPD.
- 3) Council Member Martinson – no comments.
- 4) Council Member Reader expressed surprise that issues with NPD had not been resolved and requested the periodic reports from NPD be reinstated. She requested that quarterly financial reports be presented to the Council and that City property sales be brought up again. Council Member Reader requested the issue of discharging firearms in City Limits be revisited.
- 5) Council Member Topkok thanked Ms. Ahmasuk and Mr. Brandt, opining it's important to have youth engaged in civic activities and reiterated her request to have a youth seat on the Council in an advisory capacity. She requested the City alter its background check process and look into partnering with Nome-based tribes on tribal police officers. She finished by expressing concern over the intersection of the discharge of firearms issue with federally protected rights of Alaska Natives to hunt marine mammals.

MAYOR'S COMMENTS AND REPORT

- A. Activity Report: August 13 – August 23, 2019.
 - Mayor Beneville gave a summary of the people that have visited Nome recently and a recap of the summer AML conference in Soldotna. He expressed admiration for Tehya Tucker and Addie Ahmasuk, explaining they are the future of Nome. He stated that he was 100% behind the seating of the Public Safety Advisory Commission, but that it was a slow process. He implored the City to keep the faith as it moves forward.

EXECUTIVE SESSION

A motion was made by C. Reader and seconded by C. Martinson to enter into executive session to discuss confidential personnel matters related to the City Manager search.

The Council recessed into executive session at 9:22 PM.

The Council came out of executive session at 9:42 PM.

ADJOURNMENT

A motion was made by C. Brown and seconded by C. Martinson that the meeting be adjourned.

Hearing no objections, the Nome Common Council
adjourned at 9:42 PM

APPROVED and **SIGNED** this 9th day of September 2019.



RICHARD BENEVILLE
Mayor

ATTEST:



BRYANT HAMMOND
City Clerk