

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

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**NOME COMMON COUNCIL
REGULAR MEETING AGENDA
MONDAY, FEBRUARY 25, 2019 @ 7:00 PM
COUNCIL CHAMBERS IN CITY HALL**

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**MINUTES
NOME CITY COUNCIL
REGULAR MEETING
FEBRUARY 25, 2019**

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

ROLL CALL

Members Present: Jerald Brown; Doug Johnson; Mark Johnson; Adam Martinson; Jennifer Reader (telephonically); Meghan Topkok (late; telephonically)

Members Absent:

Also Present: John Handeland, Acting City Manager; Bryant Hammond, City Clerk

In the audience: Austin Ahmasuk; Mackenzie Oles; Emily Hofstaedter (KNOM); Sandra Medearis (Arctic News); Charlene Saclamana; Lisa Ellanna; Paul G. Kosto; Keith Morrison; Nicole Frank; Trinh Johnson

APPROVAL OF AGENDA

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

A motion was made by C. M. Johnson and seconded by C. Brown to approve the agenda.

A motion was made by C. M. Johnson and seconded by C. D. Johnson to add C: Settlement of a Claim under New Business.

At the roll call:

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

Nay:

Abstain:

The motion to amend **CARRIED.**

Returning to the main motion:

At the roll call:

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

Nay:

Abstain:

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

APPROVAL OF MINUTES

A. January 28, 2019 City Council Regular Meeting Minutes.

A motion was made by C. Brown and seconded by C. Martinson to approve the January 28, 2019 minutes.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

COMMUNICATIONS

- A. Letter of January 14, 2019 from DCCED to Manager Handeland re: Population Determination for FY2020 Financial Assistance Programs.
 - Council Member Reader asked if the determination occurred annually and what impact it had on the City of Nome.
 - Manager Handeland explained fluctuations in the population number could impact Community Revenue Sharing, if the program is continued.
- B. Letter of February 11, 2019 from AMCO to City of Nome re: Polaris Liquor Store License Renewal.
- C. Letter of February 11, 2019 from AMCO to City of Nome re: Polaris Bar License Renewal.
 - Council Member Reader asked how the Polaris could renew with no building.
 - Manager Handeland explained the waiver rules and that getting a waiver while rebuilding wasn't unusual.
- D. Letter of February 14, 2019 from AMCO to City of Nome re: Breakers Bar License Renewal.
- E. Alaska Anthropological Association Conference Agenda February 27 – March 2, 2019.
 - Manager Handeland noted a full agenda was available from Cheryl and thanked Director Chan for her work in putting the conference together.

CITIZENS' COMMENTS

- 1) Lisa Ellanna asked questions about O-19-02-02 and suggested changes in wording.
- 2) Austin Ahmasuk spoke in favor of O-19-02-02, saying it was the first time in 100 years the City of Nome was doing a good thing for the native community. He discussed past efforts at addressing alcohol issues in Nome, read historical accounts of Alaska Natives being mistreated, and noted the Port expansion project destroyed an archeological site in 2006.
- 3) Nicole Frank expressed concern that O-19-02-02 still didn't address confidential complaints and executive sessions effectively as the ordinance was currently written.

- 4) Emily Hofstaedter noted that the ACLU was available to comment on the ordinance if asked.
- 5) Keith Morrison stated that he was please the public safety commission was moving forward, but felt the meeting was “stacked” and that the ordinance was written behind closed doors. He claimed the process was heavy handed and not transparent.

PLANNING & ZONING

- A. January 8, 2019 Nome Planning Commission Rescheduled Regular Meeting Minutes.

UNFINISHED BUSINESS

- A. O-19-01-06 An Ordinance Amending NCO Chapter 3.10 to Authorize the Use of a State of Alaska Commercial Driver’s License to Establish an Applicant for a City of Nome Chauffeur’s License Meets the Minimum Health Standards, **SECOND READING/PUBLIC HEARING/FINAL PASSAGE.**

For the purpose of holding a public hearing, the Council recessed at 7:41 PM.

The Council reconvened at 7:41 PM.

A motion was made by C. D. Johnson and seconded by C. Martinson to adopt O-19-01-06.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED.**

- B. O-19-01-07 An Ordinance Amending Section 17.10.180 (Definitions), **SECOND READING/PUBLIC HEARING/FINAL PASSAGE.**

For the purpose of holding a public hearing, the Council recessed at 7:42 PM.

The Council reconvened at 7:43 PM.

A motion was made by C. D. Johnson and seconded by C. Martinson to adopt O-19-01-07.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

NEW BUSINESS

- A. O-19-02-01 An Ordinance Adopting the Port of Nome Tariff No. 15 to Replace all Existing Tariffs of the Port of Nome, **FIRST READING/DISCUSSION**.

A motion was made by C. M. Johnson and seconded by C. Brown to advance O-19-02-01.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

- B. O-19-02-02 An Ordinance Amending Chapter 2.30 of the Nome Code of Ordinances to Create a Public Safety Commission, **FIRST READING/DISCUSSION**.

A motion was made by C. M. Johnson and seconded by C. Martinson to advance O-19-02-02.

Discussion:

- Manager Handeland explained that City Attorney Chandler wrote the ordinance with input from Manager Handeland and the comments from meetings over the past several months. He described the process of first and second reading of ordinances and explained he felt there was consensus to move forward and modify if needed later. Manager Handeland explained that citizens had already been calling him with suggestions.
- Council Member M. Johnson noted the 30 day between readings was an opportunity to craft amendments.
- Council Member D. Johnson noted that it's important to get this right. He expressed concern over the Council abdicating any authority and explained that he was not in favor of a Police Oversight Committee. He stated the Council, as the democratically elected body, should retain the ultimate authority and responsibility.
- Council Member M. Johnson noted the Public Safety Commission would function as the Port Commission and be advisory in nature.
- Manager Handeland reviewed the timeline of several months discussion, where the City was being criticized for moving too slowly. He opined that the City was now being criticized for moving forward.
- Mayor Beneville suggested tabling the ordinance for more discussion.
- Council Member Brown opined it should be advanced, noting maybe another meeting would be necessary prior to second reading. He suggested it would be good to get the new commissioners seated.
- Council Member M. Johnson opined that a year ago, had this commission been operational perhaps it would've addressed the issues.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED.**

C. Settlement of a Claim.

- Manager Handeland explained the City of Nome and Former Manager Moran had settled their difference of opinion in terms of severance and recommended the Council approve the severance amount of \$6,500 with a full release of any other claims.

A motion was made C. D. Johnson and seconded by C. Brown to pay Mr. Moran the settlement.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED.**

UTILITY MANAGER'S REPORT

A. Activity Report: February 12 – 24.

- Assistant Manager Morton presented his written report.
- Council Member M. Johnson about TelAlaska's potential Wifi access points.
- Assistant Manager Morton explained he had a number of questions currently posed and has yet to receive a response.
- Council Member Reader asked for an explanation of the PCE issue.
- Assistant Manager Morton explained the acronyms in the report, how PCE works and that the program benefits the community of Nome about \$650,000 each year.
- Manager Handeland explained the PCE endowment fund and that shifting PCE to the general fund would also potentially impact the City of Nome's public facilities as well.
- Council Member Reader asked for an explanation of the meter read issue.
- Assistant Manager Morton explained looking into the alleged problems and found that each second reading showed an appropriate number. He explained that January was a cold month and that his electric bill was the highest he'd seen. He explained that PCE only covers the first 500 kWh, after which the price goes up.

CITY MANAGER'S REPORT

A. Activity Report: February 12 – 24,

- Manager Handeland presented his report briefing the Council on several discussions occurring at the winter meeting of AML: online sales tax and the reconciling of 152 municipal tax codes in the state; an extended session on public safety; and the status of education funding at the state level. He discussed the status of snow removal in light of the ongoing storms. Manager Handeland explained the only bid the City received for the ACSA bathrooms project was about twice what was budgeted.
- Council Member M. Johnson requested a formal estimate for the bathrooms project and thanked the Roads Crew for all their hard work in keeping the roads open. Council Member Johnson also requested statistics on NPD's clearing open and pending cases. He finished by asking the City of Nome to consult with the Nome Winter Sports Association in the design and construction of the new hockey rink behind the Rec Center.

- Manager Handeland noted the City was still in the early stages and that no blueprints had been drawn up yet. He finished by noting that the COPS grant was tied up in an issue over sanctuary cities and that Senator Sullivan was looking into it.
- B. Port & Harbor Report/Projects Update – February 2019.
- Port Director Baker gave an overview of the Mayor, Manager and Port Director's recent trip to DC to discuss port expansion with Alaska's congressional delegation.

CITIZENS' COMMENTS

- 1) Paul Kosto of the Chamber of Commerce commended the timing on contracting with local companies for snow removal and putting money into local business.
- 2) Nicole Frank thanked the City for a productive meeting in framing the public safety commission ordinance, noting it was the best run meeting with the Council she'd seen. She said goodbye to the Council, explaining she was moving to Fairbanks at the end of the week.
- 3) Keith Morrison implored Manager Handeland to take what the ACLU said to heart. He stated that the City, State and Nation were all watching. He opined that if public safety is as important as Council Member D. Johnson said, it should always be on the agenda.
- 4) Trinh Johnson thanked Ms. Frank for her time and efforts. She noted that after not being sure about the commission, she now supports it and asked that the Council stringently review employee contracts in the future, including running them past the City Attorney. She asked if a citizen could read employee contracts.
 - Manager Handeland noted they could, but that some employee details were confidential.

COUNCIL MEMBER COMMENTS

- 1) Council Member Martinson – no comments.
- 2) Council Member Reader requested clarification on whether or not the Council should be officially supporting a LITHC application from Nome Eskimo. She also noted the concerns over discharging a firearm in the Port of Nome and asked for clarification on how the issue is addressed in the Port Tariff.
 - Port Director Baker explained there was no language in the tariff that advanced earlier in the meeting.
 - Council Member M. Johnson explained there was an unwritten rule about subsistence hunters checking with the Chief of Police and the City Manager to get permission to go seal hunting in the harbor. He opined the issue wasn't one of subsistence, rather one of public safety, explaining that another common sense, unwritten rule was not discharging a firearm within city limits.
 - Council Member Reader expressed concern over a rule being left unwritten as well as people discharging firearms by her house. She requested the issue be brought forward to the agenda soon. She finished by asking how the City Manager search was going.
 - Manager Handeland noted the status and committed to a meeting soon.

- 3) Council Member Topkok stated the Council should proceed cautiously with respect to discharging firearms in the Port. She requested input from the Alaska Native community, as well as the City Attorney, explaining that the hunting of marine mammals was a Federal right given to Alaska Natives. With respect to the Public Safety Commission ordinance, she opined the point was not to take away authority from the Council, rather it was to solicit input and expertise and a diverse perspective to address disproportionately affected people. Council Member Topkok requested another work session prior to second reading on the 25th. She finished by noting she received a letter from Karen McLain expressing thanks to all the individuals who stood up for victims of sexual assault.
- 4) Council Member Brown – no comments.
- 5) Council Member D. Johnson – no comments.
- 6) Council Member M. Johnson requested more debate on the issue over discharging firearms in the Port of Nome. He explained the issue was not one denying a right to hunt marine mammals; rather it was a public safety issue.

MAYOR'S COMMENTS AND REPORT

A. Activity Report: February 12 – 24.

B. Planning Commission Seat "F."

A motion was made by C. Brown and seconded by C. Martinson to confirm Ms. Lizak's appointment to Seat F.

Discussion:

- Council Member Brown asked if the seat was advertised.
- Manager Handeland noted Ms. Lizak's continued interest in serving on the commission and that a formal process was not specified in code.
- Council Member Brown explained he would like to see commissions reflect community composition and requested the City cast a wider net in soliciting interest through a running solicitation of applications.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED.**

C. Port Commission Seat "D."

A motion was made C. D. Johnson and seconded by C. Martinson to confirm Mr. Henderson's appointment to Seat D.

At the roll call:

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

Nay:

Abstain:


The motion **CARRIED**.

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 10:03 PM.

APPROVED and **SIGNED** this 25th day of March 2019.



RICHARD BENEVILLE
Mayor

ATTEST:



CHRISTINE PISCOYA
Deputy City Clerk