

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, OCTOBER 29, 2018 @ 7:00 PM
COUNCIL CHAMBERS IN CITY HALL**

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XIV. ADJOURNMENT

**MINUTES
NOME CITY COUNCIL
REGULAR MEETING
October 29, 2018**

The rescheduled 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; Mark Johnson; Adam Martinson; Jennifer Reader; Meghan Topkok

Members Absent: Doug Johnson (excused)

Also Present: Richard Beneville, Mayor; John Handeland, Acting City Manager; Christine Piscoya, Deputy City Clerk

In the audience: Derek McLarty; Toni Barron; Lisa Ellanna; Emily Hofstaedter, KNOM; Anna Ashenfelter; Sandra Medearis, Arctic News; Nicole Frank

APPROVAL OF AGENDA

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

A motion was made by C. Brown and seconded by C. Martinson to amend the agenda to add the oath of office for Michael Heintzelman.

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**.

OATH OF OFFICE

Deputy Clerk Piscoya administered the oath of office for NPD Investigator Mike Heintzelman.

APPROVAL OF MINUTES

- A. October 4, 2018 City Council Special Meeting Minutes.
- B. October 8, 2018 City Council Regular Meeting Minutes.

A motion was made by C. M. Johnson and seconded by C. Martinson to approve the October 4, 2018 and October 8, 2018 minutes.

Discussion:

- Council member Reader noted two minor typos for administrative correction.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

COMMUNICATIONS

- A. Letter from October 2nd, 2018 from the State Assessors to the City of Nome re: 2018 full value determination.
 - Council member Brown requested Finance Director Liew compare the assessor's information with that of the City to get it on the record.
- B. Letter of October 8th, 2018 from Alcohol and Marijuana Control Office to City of Nome re: Husky Restaurant Liquor License Renewal.
- C. Letter of October 9th, 2018 from Nome Community Center to City of Nome re: Lighting improvements at 1st Avenue and West C Street.
- D. Letter of October 11th, 2018 from Alaska Department of Natural Resources to Miner re: Trespassing reminder.
- E. Letter of October 15th, 2018 from Angie Gorn to City of Nome re: recovery program in BIA building.
- F. Alaska Anthropological Association Newsletter of October 2018 re: 46th annual meeting in Nome February 27th - March 22nd, 2019.

CITIZENS' COMMENTS

- 1) Derek McLarty explained why he thinks he should be allowed to keep his seat on the Port Commission, after having been elected to the Utility Board. He was previously told he would be allowed to serve in both capacities, as there are other people serving on more than one board within the city. He explained his history and experience with the Port.
 - Council member Reader asked Derek to expand on who else is serving in 2 different capacities.

- Mr. McLarty responded that people serve from the Museum Commission to the Historic Preservation Commission to the Planning Commission; there are people that hold lots of different positions there. Charlie Lean serves on both the Port Commission and Museum Commission. Stan Anderson used to have 3-4 different seats.
- Council member Reader asked if these were all city positions.
- Derek responded the Museum Commission would have to be a City position, so yes.
- Council member Reader stated she wanted to check because she wasn't sure what positions Stan Anderson holds and knows some of them are private sector. Council member Reader then asked Mayor Beneville if his intent of releasing Derek McLarty was to also release other people serving dual roles.
- Mayor Beneville said no. The reason it came up to him was because he was on the Museum Commission and when he was elected Mayor, he had to give it up. One of the seated City Council members had to give up his seat on the Port Commission when he was elected to City Council and he used this as a precedent. He believes that the more citizens we can get involved in City government, the better.
- Council member Topkok asked why Derek was removed from the Port Commission rather than the Utility Board.
- Council member Reader explained he was elected to the Utility Board, not appointed.
- Mayor Beneville reiterated Council member Reader's explanation.
- Council member Topkok stated it is just kind of a tough spot. She asked if the city attorney was consulted about whether or not Derek McLarty could be on both.
- Mayor Beneville said no, being that as he understood it, it was his decision to be made.
- Council member Reader suggested that if this is going to be the precedent, let's make it for everybody, not just for one person.
- Mayor Beneville stated that he wasn't aware of Charlie Lean's position until tonight.
- Council member Mark Johnson asked who the other person was. Derek stated that the other person he brought up was a historical case, not a present example. Council member Mark Johnson explained that when he was elected to City Council he was called by City Management and told he would need to step down from the Port Commission. Since that time, we have passed an Ordinance saying you cannot be on City Council and on another commission.
- Mayor Beneville asked if we want to change the ordinance. Derek McLarty stated that the ordinance said nothing about serving on the Utility Board. Council member Reader clarified that Mayor Beneville was asking if we should add that to the ordinance.
- Council member Brown stated that he does not think a change to the ordinance is necessary. He doesn't see it as a problem if someone wants to serve in two different areas in the community, nor does he see a problem in the Mayor exercising his discretion to who is appointed and remaining on the various commissions.
- Mayor Beneville said that even though Council member Mark Johnson was told by the City Manager that he couldn't serve on the Commission and City Council, the Mayor understood that it was his prerogative, but his prerogative was in no way a negative comment, but that he does want to reverse it.
- Mr. McLarty asked if Mayor Beneville appoints someone to the commission, is it for bettering the commission, or for what?
- Mayor Beneville said he does it for the bettering of the community.
- Council member Mark Johnson asked if the Mayor was following the precedence because Derek was elected to the Utility Board and not the City Council. He said that if this is the precedence we want to follow, and if it is unclear, we may want to change the ordinance. It may not be fair to someone already sitting on a board to remove them, unless there is someone more apt to serve in that position.

- Mayor Beneville said he doesn't exercise the prerogative just to exercise the prerogative; he does it to better the community. He is not a mean Mayor and doesn't want to be known as one.
 - Council member Mark Johnson commented that he appreciate that Derek asked to be on the Port Commission because he has the working experience, and if Derek isn't on the Commission, he hopes someone else with the proper experience will be.
 - Council member Topkok stated that moving forward, she wants to make sure we don't end up in another situation like this. It is troubling to her that Derek was under the assumption he could be on both and that no one said something to the contrary. She just wants people to be aware that in the future they may be removed from commissions at the Mayor's discretion.
 - Mayor Beneville said the primary purpose is to have quality people sitting on appointed commissions and elected commissions. He doesn't want Derek to resign from the Utility Board because he was removed from the Port Commission. Stated he wants to change his mind, and request that his letter thanking Derek for his service be rescinded, and that Derek be allowed to stay on the Port Commission and the NJUS Commission.
- 2) Lisa Ellanna asked what the process is for having invites be a part of the communications included in the packet. There have been a couple of invites that not only I've sent but also the CDVSA (Council on Domestic Violence and Sexual Assault) has sent to the City. The first invite is from the CDVSA to the city, they're having their quarterly board meeting on November 1st and 2nd in Nome, Alaska at the KCC. There is also a community conversation on the 1st of November from 6-8 pm that everybody is invited to. The 2nd invite is from the advocacy group Lisa is a part of. It will be at the Kawerak Regional Conference at North West Campus, and it is a Panel workshop November 8th from 1:30-3pm. The panel will be walking the community through how a sexual assault case is processed. The 3rd invite is to attend cultural orientation every other Tuesday from 1 pm-5 pm. She would also like an update on the Public Safety Committee and whether the NPD OPM has been reviewed and by whom. She asked what training are officers attending and about the status of the requests for body cams?
- City Manager Handeland stated that body cams have been ordered.
 - Mayor Beneville stated that there are many people interested in serving on the Public Safety Committee.
 - Council member Brown said eventually, the Mayor will be appointing people to the Committee, if we form one. We need to decide several details with the Mayor, the City Council with input from the Police Chief.
 - Mayor Beneville asked if this was something we should discuss at a work session.
 - Council member Brown responded that would make sense and that the next work session would be on November 26th.
 - Council member Mark Johnson agreed on needing a work session and suggested a work session that starts more than an hour earlier than the council meeting so we have extra time.
 - Council member Topkok suggested a Sunday afternoon to have enough time for discussion.
 - Lisa Ellanna suggested addressing the matter quickly because people are counting on them.
 - Mayor Beneville asked if there were any objections to adding a specific work session for this discussion.

- Council member Reader mentioned the 4, 18th and 25th of November are available Sundays.
- A work session was scheduled for November 19th, 2018 at 6 pm to discuss the formation of the Public Safety Committee.

PLANNING & ZONING

A. September 4th, 2018 Planning Commission Regular Meeting Minutes.

UNFINISHED BUSINESS

A. O-18-10-02 An Ordinance Amending Chapter 3.05 to Mandate ID to Purchase Alcohol, **Second Reading/ Public Hearing/ Final Passage.**

For the purpose of holding a public hearing, the Council recessed at 8:05 p.m.

The Council reconvened at 8:05 p.m.

A motion was made by C. Brown and seconded by C. Martinson to adopt O-18-10-02.

A motion was made by C. Brown and seconded by C. Topkok to amend O-18-10-02 definitions by adding "or tribal entity" between "state agency" and "authorized."

Discussion:

- Council member Reader asked if Tribal ID cards can be used to purchase alcohol in the bar.
- Council member Topkok stated that she had the same question when she read it. She looked up the State statute and it includes a Tribal Card, as long as it is federally issued. She was wondering if we could ask the city attorney to look into the State statute for clarification about Tribal Cards that aren't issued federally.
- City Manager Handeland read "the Identification Card must be made of or encased in plastic and contain a photograph of the licensee or card holder and a statement of age or date of birth and it is up to the licensee at the store to determine whether they accept any other form of identification, but they can choose to accept only a driver's license or a state ID card" from Alaska Statutes 04.21.050(b).
- Council member Brown asked that if it works to get on an airplane, why shouldn't it work to buy a bottle. He doesn't want to deny a segment of our population just because they don't drive or don't have a state ID.
- Council member Topkok stated that a CDIB (Certificate of Degree of Indian Blood) card shows a certain blood quantum and that is sometimes the only federally issued ID someone might have, or even state issued ID. She agreed that it should be put in there.
- Council member Mark Johnson asked if we postpone this to next meeting.
- Council member Reader stated she wasn't trying to belittle anything but you can use a Costco ID to get on an airplane too, so are we going to start taking Costco cards as ID? They have a picture and your name.
- Council member Brown there are a lot of people in this region who don't drive, the majority probably have State ID cards, but I think a tribally issued ID card should be accepted just like from any other government.

- Council member Reader noted that the question on a piece of paper was phrased "Are Tribal ID's a valid form of Identification for purchasing alcohol in Alaska" and the answer is yes, IF it is issued by a state or federal agency. So it needs to meet that requirement.

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. O-18-11-01 An Ordinance Amending Chapter 14 of the Nome Code of Ordinances to rename the Nome Municipal Cemetery, **SECOND READING/PUBLIC HEARING/DISCUSSION**.

A motion was made by C. M. Johnson and seconded by C. Martinson to advance O-18-11-01.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

- B. O-18-11-02 An Ordinance Amending NCO 2.15.020 To Clarify Council Member Residency Requirements, **SECOND READING/PUBLIC HEARING/DISCUSSION**.

A motion was made by C. Reader and seconded by C. Brown to advance O-18-11-02.

Discussion:

- Council member Brown stated that before the next meeting, he wants people to think about two things: Why do we need a residency requirement at all? Why do they have to be a voter? If someone has lived in Nome for 20 years and they've let their registration lapse or they've never felt the need to vote do we exclude them from serving on the council? The makeup of the council has changed considerably since putting in the delinquent in payment of clause; do we still need to have that in there? Or do we just change it so that anyone meeting the requirements to vote may run for council? Those

requirements being: that they've been a resident for at least 30 days and residing inside city limits.

- Council member Mark Johnson stated he is glad to have a discussion at the first reading because by the time you get to the second reading, it's too far along to have a discussion anyway. It's good to have a discussion so we can work on it.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

C. R-18-10-04 A Resolution Proclaiming November 1st, 2018 as "Extra Mile Day."

A motion was made by C. Reader and seconded by C. M. Johnson to approve R-18-10-04.

Discussion:

- Manager Handeland explained the Clerk presented the resolution and if we read the first whereas "The City of Nome acknowledges that a special vibrancy exists when its citizen's collectively 'go the extra mile' in personal effort, volunteerism and service the city encourages such to occur". This is a great thing to recognize the citizens in our community who do go that extra mile and have a special day on November 1.
- Council member Reader asked if we were going to do anything besides have a resolution.
- Mayor Beneville asked who keeps track of it.
- Handeland said if you see anyone going the extra mile around town, thank them.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

D. R-18-10-05 A Resolution Declaring the Intent of the Nome Common Council to Increase Expenditures of NPD Staff, **FIRST READING/DISCUSSION**.

A motion was made by C. Reader and seconded by C. Topkok to approve R-18-10-05.

Discussion:

- Council member Reader asked why we are doing this resolution.
- Council member Brown explained that there has been a fair amount of discussion about increasing the staff in the police department, the fact we haven't had investigators to look at cases, and we had an overloaded chief who was trying to do everything himself. There were things that were just not getting done. Technically, in order to fix that, we definitely need to add people and there's no money in the budget to add those people right now. I wanted to have a resolution saying it's okay to move down that road. That would at least

give management comfort that it's okay to make these changes and we can follow up with a budget amendment retroactively.

- Council member Reader said it didn't make sense to her to say we don't have money to do this but we want to say we are going to do it.
- Council member Brown stated there is no money currently designated in the budget for that, but that there will be a budget amendment that follows that fixes it. I just don't want to wait on the change in the department until we pass a budget amendment in January.
- Mayor Beneville stated there may be other ways of getting money to hire additional staffing that is not currently within the existent city budget, and there are cooperative things that could happen that might even be in discussion as we speak.
- Council member Brown stated we just swore in an investigator tonight, and that individual is not in the budget. We transferred an individual from the cemetery to be an admin assistant and that's not in the budget. I think we all recognize that we've got a problem in the police department that needs to be fixed and I'm comfortable with the recommendations that the Chief has proposed. I look at this as a message to City Manager and to Chief that those changes need to be made and even though they aren't currently in the budget, we will declare our intent to work with management on the budget. If no one else believes that's important then that's fine. I think everybody agrees that something needs to happen, or does somebody not agree that we need additional staffing?
- Council member Reader said that it doesn't have anything to do with whether we believe it or not, it's already happening. So, it's obviously a done deal, it's not something that we are changing, but the fact that we didn't monetarily provide for those changes prior to them being put in those positions is kind of surprising to me, and I don't know what a Resolution is going to do to change that. We don't do a budget revision until Jan so we are hiring people with money we haven't set aside to pay them with, and somehow it's going to work its way out of the budget and I'm not okay with that verbiage.
- Council member Brown explained what the budget amendment would look like. As the Mayor said, there's discussions going with other entities in town to share that burden, or to get rid of the CSO's and use the money in the budget for them for this.
- Mayor Beneville said this resolution kind of prepares the way to make a budget amendment in the future.
- Council member Mark Johnson stated that he supports the idea behind this resolution. What would be easier to swallow is if we would have had the numbers in front of us saying this is our current situation, this is where we are now, and this is where we need to be.
- Manager Handeland stated that he, the Finance Director and the Police Chief will be sitting down to talk about what the budget amendment will look like. There are things right now that need to be fixed, and I utilized the prerogative that I didn't have to fix some of these things with the belief that you were going to replace it.

At the roll call:

Aye: M. Johnson; Martinson; Topkok; Brown

Nay: Reader

Abstain:

The motion **CARRIED**.

UTILITY MANAGER'S REPORT

- Assistant Utility Manager Morton presented his written report, highlighting the posting two recruitments. FAA provided the nod last week that the Utility can pursue the

purchasing between the power plant and the post office annex. There is a teleconference scheduled with DOT this Wednesday to talk about the process. The Utility submitted intent to apply for a FEMA mitigation pre-disaster assistance grant. There's a span that crosses over the Swanberg Dredge pond that would be hard to restore in a meaningfully short amount of time due to the constraints that are in place there. There's funding that is available and with the city Hazard Mitigation plan in place, we are eligible. It would be a 25% matching; he was hopeful the Utility would be able to do the 25% match using materials that we have on hand already from previous projects. The Utility will be talking about that with a person from FEMA early next month. Shifting down to the water sewer side, the Utility fixed the leak on W. E Street and picked up another on Division Street that work will soon commence on.

- Mayor Beneville asked for details concerning boring under the pond and if the Utility was using the same area as the Quintillion fiber.

CITY MANAGER'S REPORT

- City Manager Handeland presented his written report, highlighting the body cameras that have been ordered for the Nome Police Department. He also addressed a post that has been circulating on social media alleging police officers beat a local man and dropped him off outside of town, and addressed preliminary facts from the night based on police recordings, radio recordings and witness interviews. He also addressed the 126 rape kits that have accumulated over a decade, and shared his consultation with John Earthman, the District Attorney, regarding whether or not those rape kits were the crucial piece of evidence for the prosecution. Manager Handeland also spoke about an issue we currently have with the camera access and control system that have malfunctioned and we are no longer able to renew or cancel access cards and record video, so we are looking at getting that system repaired. As a separate item we would include in a budget amendment looking at adding some additional security features to the building. The ROW at King Place has been identified as an issue because there's only 20 feet of ROW but we are utilizing about 35 feet. We do have prescriptive easements to the travelled area that I've met with the city engineer and requested that he review the area with the intent to actually compensate folks for that property and formally get it on the city's inventory. He's asked the AMJIA to provide employee training sexual harassment and hostile work environments, and that will be a mandatory training for all of our employees and we are working right now the person that will provide that is a gentleman by the name of Greg Russell who is a police officer and right now is on a short term assignment as acting police chief in Whittier, and just came down from Kotzebue where he did the same thing not too long ago. The City is going to try to get that training done before the end of the year. Manager Handeland reported on the recently completed audit, explaining there were no findings. He noted the Planning Commission's updating of Nome's Comprehensive Plan. Manager Handeland thanked DA John Earthman and NEC Executive Director Tiffany Martinson for their recent partnership efforts with the City of Nome. He updated the Council on recent personnel changes around the City as well as staff leave and travel schedules.
 - Council member Mark Johnson asked about progress on the City Manager search.
 - Manager Handeland explained the City continued to receive them and the hiring committee would make them available after the period closed.
 - Council member Brown asked about victim in the incident described on page 65 of the packet and for clarification on a few of the details.
 - Manager Handeland noted that troopers did interview the victim and were attempting to contact uncooperative potential witnesses.

CITIZENS' COMMENTS

- 1) Sandra Medearis reiterated Lisa Ellanna's comments about getting serious in revising the NPD OPM and creating a citizens' committee. She expressed concern that the present Police Chief isn't yet fully aware of what he has stepped into.
- 2) Nicole Frank spoke to the alleged sexual assault described on page 65 of the packet. She criticized the lack of follow up, the lack of evidence collection, and failure to bring the victim to the hospital for evaluation by a SART nurse. She asked if an investigation into officer misconduct would continue after the officer resigned. Ms. Frank suggested the City only hire out of states that participate in the National Decertification Registry to avoid potentially problematic hires in the future.

COUNCIL MEMBER COMMENTS

- 1) Council Member Martinson – no comments.
- 2) Council Member Reader commented on O-18-09-05 from the September Council meetings and asked if the City was using the advisory board established by NCO 3.05. She was impressed by the website visit stats in the Visitors' Center report.
 - Council member Brown opined that, in practice, the Council had served as the advisory board; though couldn't recall the official act designating the Council as the advisory board.
- 3) Council Member Topkok reiterated Nicole Frank's suggestion of looking into using the National Decertification Registry as a means of vetting potential officers.
- 4) Council Member Brown noted he postponed O-18-09-05 to the late November meeting in the hopes that new council members might have a different perspective on the ordinance.
- 5) Council Member Mark Johnson welcomed Mayor Beneville back to the town and congratulate the girls' volleyball team for making it to State.

MAYOR'S COMMENTS AND REPORT

- A. Mayor Beneville presented his verbal report highlighting his recent trip to the Arctic Council meeting in Iceland. He described different presentations as well as the conspicuous segregation of "Alaska" in discussions, noting that participants seemed to think of Alaska almost in sovereign terms. He expressed optimism over Alaska's economy and reiterated that other Arctic nations are not looking to the future, as Alaska/U.S. is; rather, there are in the future. He briefed the Council on his trip to the National Association of Counties in Washington DC, highlighting a presentation by President Trump on the state of the Nation's economy. Mayor Beneville ended by expressing sadness at the passing of Francis Alvanna, opining the community lost a great role model, citizen, teacher, storyteller, and carver.
- B. Letter of October 24, 2018 from Mayor Beneville to Derek McLarty re: Thank you for your Service to the Port Commission.

- C. Letter of October 24, 2018 from Mayor Beneville to Rob Cahoon re: Thank you for your Service to the Planning Commission.
- D. Planning Commission Seat "C" Appointment.

Mayor Beneville reappointed Chris Williamson to Planning Commission Seat "D."

A motion was made by C. Reader and seconded by C. Brown to confirm the Mayor's appointment.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

Mayor Beneville appointed Sue Steinacher to Planning Commission Seat "A."

A motion was made by C. Brown and seconded by C. Reader to confirm the Mayor's appointment.

At the roll call:

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

Nay:

Abstain:


The motion **CARRIED**.

ADJOURNMENT

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

Hearing no objections, the Nome Common Council adjourned at 10:04 PM.

APPROVED and SIGNED this 26th day of November 2018.



RICHARD BENEVILLE
Mayor

ATTEST:



BRYANT HAMMOND
City Clerk