

Mayor
Richard Beneville
Manager
Tom Moran
Clerk
Bryant Hammond



Nome City Council
Stan Andersen
Jerald Brown
Doug Johnson
Mark Johnson
Adam Martinson
Lew Tobin

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**NOME COMMON COUNCIL
WORK SESSION & REGULAR MEETING AGENDA
MONDAY, OCTOBER 8, 2018 @ 6:00/7:00 PM
COUNCIL CHAMBERS IN CITY HALL**

WORK SESSION, 6:00

Discussion on Formulating the Duties and Parameters of the Ad Hoc Public Safety Committee

REGULAR MEETING, 7:00

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IX. NEW BUSINESS

- A. O-18-10-02 An Ordinance Amending Chapter 3.05 to Mandate ID to Purchase Alcohol,
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XII. COUNCILMEN'S COMMENTS

XIII. MAYOR'S COMMENTS AND REPORT

XIV. ADJOURNMENT

**MINUTES
NOME CITY COUNCIL
REGULAR MEETING
October 8, 2018**

The regular meeting of the Nome City Council was called to order at 7:01 PM by Acting Mayor Jerald Brown in Council Chambers of City Hall, located at 102 Division Street.

OATH OF OFFICE

Councilmembers Reader and Topkok were sworn into office.

ROLL CALL

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

Members Absent: Doug Johnson

Also Present: Richard Beneville, Mayor (tardy; telephonically); John Handeland, Acting City Manager; Bryant Hammond, City Clerk; Ken Morton, Assistant Utility Manager; Julie, Liew, Finance Director

In the audience: Sandra Medearis, *Arctic News*; Emily Hofstaedter, KNOM; Jenny Mills; Jana Varrati; Rhonda Schneider; Catherine Clark; Niviaaluk Brandt; Lisa Ellanna; Charlene Saclamana; Justin Noffske; Elsie Strickland; Keith Morrison; Sarah Swartz; Nicole Frank; Hannah Newton; Hannah Schmidt; Brandy Head; Josh Head, Nome Visitor Center; Miranda Musich; Trinh Johnson; Stan Andersen; Joseph Fletcher; Ahne Schield; Bob Hafner; Cussy Kauer

APPROVAL OF AGENDA

Councilmember Brown asked if there were any changes to the agenda.

A motion was made by C. M. Johnson and seconded by C. Martinson to approve the agenda as presented.

A motion was made by C. M. Johnson and seconded by C. Martinson substitute in its entirety Resolution R-18-10-02 with R-18-10-02-S and to add Resolution R-18-10-03 re: signatory authority and interim City Manager Contract Approval under New Business and to add Executive Session on confidential personnel matters after Mayor's Comments and Report.

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**.

APPROVAL OF MINUTES

- A. September 17, 2018 City Council Special Meeting Minutes.
- B. September 24, 2018 City Council Regular Meeting Minutes.
- C. October 4, 2018 City Council Special Meeting Minutes.

A motion was made by C. Martinson and seconded by C. M. Johnson to approve the September 17, 2018, September 24, 2018 and October 4, 2018 minutes.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

COMMUNICATIONS

- A. Email of September 24, 2018 from Melissa Ford to Nome City Council re: Recommending Ordinance Requiring ID for Alcohol Sales.
- B. Press Release of September 24, 2018 re: City of Nome Planning Commission Open House.
- C. Letter of October 4, 2018 from Nome Community Center to Mayor Beneville and City Council re: Request for Additional Street Lighting.
- D. Letter of October 4, 2018 from Cussy Kauer to Mayor Beneville and Council Members re: Request to Further Explore Grave Anomalies.
- E. Flyer re: Fall You-Call, We Haul from October 8th – 12th.
- F. Flyer re: Indigenous Peoples Day Celebration at NSHC on October 8th.

- G. Draft Agenda for the Annual Alaska Municipal League Conference in Anchorage from November 12th – 16th.

CITIZENS' COMMENTS

- 1) Rhonda Schneider asked the City to address safety concerns over lighting on the streets around the Boys & Girls Club and the Methodist Church Thrift Store. She described incidents where staff have found people changing their clothes and taking donations out of the drop bin. Ms. Schneider also requested that routes where a number of kids walk to school be adequately lit.
- 2) Joseph Fletcher read a prepared statement about Bambi Tyree and sexual abuse.
- 3) Ahne Schield read a statement where she described an incident between her and City Manager Moran in July 2017. She alleged Manager Moran made inappropriate remarks over text message while impersonating Mitch Erickson. After bringing the matter to the Alaska State Troopers, she was told that Manager Moran did not break any laws. When informed of the incident, a council member stated "we'll ask him to tone it down. Ms. Schield expressed anger and frustration at the City's response to the incident she described and the Council's renewal of Manager Moran's contract.
- 4) Cussy Kauer read a statement relating her cancer diagnosis to recent developments at the cemetery. She requested the City allow her family to test dig at six ground penetrating radar (GPR) identified anomalies around her father's gravesite to confirm the presence or absence of unmarked burials. Ms. Kauer explained they would use their own equipment. She also requested the City change the name back to Belmont Point Cemetery, as it had been called before O-17-03-02 created NCO Title 14 Municipal Cemetery.
 - Councilmember Brown suggested the Readers be able to test dig, explaining he had faith they would do it properly. He also requested an ordinance be brought forward reverting the name back to Belmont Point Cemetery.
- 5) Stan Andersen explained he liked the idea of test digging, though suggested it be done gingerly. He noted surveyor's equipment was needed to properly map the anomalies. He suggested each council member receive a copy of the GPR report. Mr. Andersen finished by suggested that the City look to paving some roads in conjunction with upcoming DOT projects, explaining such expenditure would benefit all Nome residents.
- 6) Nicole Frank distributed a complaint letter against an NPD officer. She continued by relaying another complaint about the same NPD officer, who is reportedly under investigation. Ms. Frank asked why the City would spend tax payer dollars on a five-week training course for an officer currently under investigation. She noted dogs could be used for intimidation and asked why the City would give an officer garnering a litany of complaints a potential tool of intimidation.
- 7) Jenny Mills expressed shock at the City's decision to send an officer under investigation to a five-week out-of-state training. Stating she had heard other stories, she commended Ms. Schield's courage in speaking up.
- 8) Trinh Johnson stated that she had received a complaint about an NPD officer hitting on underage women and asking them to perform sexual acts on him. She alleged that

everybody at NPD is covering up for each other and requested the entire department be fired.

- 9) Niviaaluk Brandt requested the council form a standing committee on public safety so that people could be safe and feel safe again.
- 10) Justin Noffske asked rhetorically if the council had seen the video circulating and reiterated his suggestion that any officer under investigation be placed on admin leave as having such an officer on duty is a liability to other investigations and law enforcement in general.

PLANNING & ZONING

- A. August 7, 2018 Planning Commission Regular Meeting Minutes.

UNFINISHED BUSINESS

NEW BUSINESS

- A. O-18-10-02 An Ordinance Amending Chapter 3.05 to Mandate ID to Purchase Alcohol,
First Reading/Discussion.

A motion was made by C. M. Johnson and seconded by C. Martinson to advance O-18-10-02.

Discussion:

- Councilmember M. Johnson called the ordinance a no-brainer, expressing surprise there wasn't a similar state law on the books.
- Councilmember Brown asked if it was sufficient to deny an otherwise legal purchase.
- Acting City Manager Handeland explained he was not involved in drafting the ordinance, though noted he would follow up with the DA's office concerning the list of ineligible persons, as well as look at an additional section requiring such list be consulted.
- Councilmember M. Johnson suggested using the attorney instead of crafting the language in house.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED.**

- B. R-18-10-02-S A Resolution Appointing John K. Handeland to the Position of City Manager on an Interim Basis.

A motion was made by C. M. Johnson and seconded by C. Martinson to adopt R-18-10-02-S.

Discussion:

- Council Member Reader noted a small typo.

- Councilmember Brown requested Clerk Hammond read R-18-10-02-S in its entirety.
- Councilmember Reader asked who was making decisions currently.
- Councilmember Brown explained that Manager Handeland was acting City Manager.
- Councilmember M. Johnson noted that the City had not been following NCO 2.35.030 as the council had not been designating the acting City Manager by resolution.
- Councilmember Brown suggested the Council do so immediately after the current resolution.
- Clerk Hammond expressed concern over adding new business as the agenda had already been public noticed, amended, and adopted.

A motion was made by C. Brown and seconded by C. M. Johnson to amend R-18-10-02-S by changing the effective date to October 8, 2018.

Councilmembers Brown and M. Johnson rescinded the motion.

A motion was made by C. Reader and seconded by C. Brown to amend R-18-10-02-S by changing the effective date to October 5, 2018.

Discussion:

- Manager Handeland noted that while the code called for the Council to formally designate an acting city manager by resolution, in practice past city managers have notified the Council and they have either let it pass or objected.

At the roll call:

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

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**.

- C. R-18-10-03 A Resolution to Name the Parties Qualified to Sign Depository Pledge Agreements, Orders for Payment, Warrants, and/or Checks Against the City of Nome Accounts.

A motion was made by C. Martinson and seconded by C. M. Johnson to adopt R-18-10-03.

Discussion:

- Manager Handeland explained he asked for R-18-10-03 to be introduced today as he intended to cancel or reschedule the October 22, 2018 regular meeting due to the requirements of the auditors in Chambers that week.

A motion was made by C. M. Johnson and seconded by C. Martinson to remove Thomas C. Moran, City Manager (expires 10/18/18) from R-18-10-03.

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

Nay:

Abstain:

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

D. Interim City Manager Contract Approval.

A motion was made by C. Reader and seconded by C. Martinson to approve the Interim City Manager Employment Agreement.

Discussion:

- Councilmember Brown referred the Council to the contract.
- Councilmember M. Johnson explained that he and Councilmember Martinson had a chance to review the contract with the city attorney.

A motion was made by C. Reader and seconded by C. M. Johnson to amend the contract by changing the effective date to October 5, 2018.

Discussion:

- Manager Handeland explained his contract requirements and how the salary burden would be shared between the City and the Utility.

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**.

UTILITY MANAGER'S REPORT

- Assistant Utility Manager Morton presented his written report, highlighting a battery vendor's recent analysis, in which under slightly changed assumptions, the amount of recovered diesel is in the range of 70,000 gallons. With a decreased payback term, the Utility will continue to look at the project. He noted windmill technicians were in town and introduced new staff at the Utility.
 - Councilmember Mark Johnson asked how wind turbines were currently on the hill.
 - Assistant Manager Morton noted 15 Entegities and two EWT 900s.
- City Manager Search – Manager Handeland noted the written brief on page 71 and highlighted the changes made by the search committee.

CITY MANAGER'S REPORT

- Interim City Manager Handeland referred the Council to Manager Moran's exit letter in the packet. He noted the audit occurring the week of 10/22/18 and the canceling/rescheduling of the meeting. He responded to the recent video that went viral and noted that it was being investigated. He noted the redacted version of the NPD Operations Procedures Manual was posted to the website. Manager Handeland explained the OPM was received from the State Troopers, and in return, follows the State's redactions. He noted a revision would be forthcoming. He explained that the City was looking at proceeding with body cam purchases for NPD.
 - Councilmember Brown expressed concern over tampering, suggesting a means of transmitting data while in the field.
 - Manager Handeland expressed doubts as to logistics of such data transmission.
 - Councilmember Brown requested a proposal and cost estimate for the next meeting.
- Manager Handeland explained he was working on a better concern form for NPD, one that puts more of the burden on staff. He apologized to Jennifer Ford for the mistake of wrongfully printing her name in the Nome Nugget Seawall.
 - Councilmember Brown requested statistics as to the number of items NPD forwards to prosecutors and the disposition of the case. Councilmember Brown also requested that the Coffee with the Chief events be continued moving forward.

CITIZENS' COMMENTS

- 1) Joseph Fletcher relayed a story about landing in Nome after the 1974 storm where pilots traded alcohol for ivory and surreptitiously dropped depth charges in the Bering Sea.
- 2) Nicole Frank suggested the City begin with GoPros as inexpensive dashcams for DUI stops.

- 3) Miranda Musich introduced herself, explaining she threw her name in for consideration for the public safety committee. She explained her background in criminal justice and suggested the committee shouldn't solely concern itself with NPD, as public safety is a broader issue.
- 4) Jenny Mills thanked the Council for showing kindness to Cussy Kauer.

COUNCIL MEMBER COMMENTS

- 1) Council Member Topkok wished everyone a happy Indigenous Peoples' Day.
- 2) Council Member Brown – none.
- 3) Council Member Mark Johnson read a speech welcoming Council Members Reader and Topkok and thanking outgoing council members Lew Tobin and Stan Andersen for their service on the Council. He noted that it was the start of a new Council and that the Council should and must do better. He requested that the City Manager search be as transparent as possible.
- 4) Council Member Martinson welcomed Council Members Reader and Topkok and thanked Lew Tobin and Stan Andersen.
- 5) Council Member Reader thanked the community of Nome for their support.

MAYOR'S COMMENTS AND REPORT

- Mayor Beneville apologized for not being physically present at the meeting. He thanked the outgoing council members for their service, explained he was fascinated by the body cam discussion. Mayor Beneville finished by thanking John Handeland for being there for Nome, the citizens of Nome for their patience during this sticky time and the current Council for their efforts on behalf of Nome.

EXECUTIVE SESSION

A motion was made by C. M. Johnson and seconded by C. Martinson to enter into executive session to discuss confidential personnel matters.

The Council recessed at 9:22 PM.

The Council reconvened at 10:46 PM.

A motion was made by C. Brown and seconded by C. M. Johnson to place City Manager Moran on administrative leave, effective immediately.

At the roll call:

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

Nay:

Abstain:


The motion **CARRIED**.

ADJOURNMENT

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

Hearing no objections, the Nome Common Council adjourned at 10:47 PM.

APPROVED and **SIGNED** this 29th day of October 2018.



RICHARD BENEVILLE
Mayor

ATTEST:



CHRISTINE PISCOYA
Deputy City Clerk