

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
REGULAR MEETING AGENDA
MONDAY, SEPTEMBER 24, 2018 @ 7:00 PM
COUNCIL CHAMBERS IN CITY HALL**

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**MINUTES
NOME CITY COUNCIL
REGULAR MEETING
September 24, 2018**

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: Stan Andersen; Jerald Brown; Doug Johnson; Mark Johnson; Adam Martinson (Arrived at 7:59 PM); Lew Tobin

Members Absent:

Also Present: Richard Beneville, Mayor; Tom Moran, City Manager; Bryant Hammond, City Clerk; Ken Morton, Assistant Utility Manager; Joe Horton, Public Works; Julie, Liew

In the audience: Sandra Medearis, *Arctic News*; Emily Hofstaedter, KNOM; Paul Kosto, Chamber of Commerce; Melissa Ford, Nome Sweet Homes; Emily Stotts, Chrystie Salesky, Rene Merchant, Paws of Nome; Derek McLarty; Josh Head, Visitor Center; Elsie Strickland; Justin Noffske; Sue Steinacher; Rhonda Schneider, Nome Community Center; Chuck Fagerstrom; Nicole Frank; Ken Bungay; Lisa Ellanna; Bob Scott

APPROVAL OF AGENDA

Councilman Andersen asked if there were any changes to the agenda.

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

A motion was made by C. Tobin and seconded by C. Andersen to add "City Manager Search" under New Business.

At the roll call:

Aye: D. Johnson; M. Johnson; Tobin; Andersen; Brown

Nay:

Abstain:

The motion to amend **CARRIED.**

Returning to the main motion:

At the roll call:

Aye: Brown; D. Johnson; M. Johnson; Martinson; Tobin;
Andersen;

Nay:

Abstain:

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

APPROVAL OF MINUTES

A. September 10, 2018 City Council Regular Meeting Minutes.

A motion was made by C. Tobin and seconded by C. M. Johnson to approve the minutes.

The Councilmen rescinded their motion.

A motion was made by C. Andersen and seconded by C. Tobin to approve the minutes as presented.

At the roll call:

Aye: Tobin; Andersen; Brown; D. Johnson; M. Johnson

Nay:

Abstain:

The motion **CARRIED**.

COMMUNICATIONS

A. Flyer re: Coffee with the Chief October 1st at the Mini Convention Center.

B. Flyer re: Fall You Call, We Haul from October 8th – 12th.

C. Registration Packet for the Annual Alaska Municipal League Conference in Anchorage from November 12th – 16th.

CITIZENS' COMMENTS

- 1) Melissa Ford requested a 90 day window with respect the Utility pursuing liens on unpaid balances. She conveyed her opposition O-18-09-05, suggesting there were better means of addressing overconsumption of alcohol than significantly reducing the hours of a business, such as requiring an ID for the purchase of alcohol. She handed out TAP training manuals as well as a page concerning ID requirements for the purchase of alcohol.
- 2) Sue Steinacher noted that people hanging out on Front St position themselves to get out of the wind and suggested three or four container vans and a picnic bench to the west of the Mini Convention Center as a means of drawing people away from Front St. She described a potential housing project, stating the need for all organizations to work together and suggested the City of Nome was the appropriate convener. Ms. Steinacher requested the City develop a 10-year strategy and to bring the issue to the Bering Strait Leadership Team.
- 3) Paul Kosto spoke in regards to public intoxication and harassment on Front St, calling the issue complicated and requiring a complex solution. He suggested the City not install obstacles to commerce, rather increase police patrols of the area. He noted this was not the

official position of the Chamber of Commerce as they were still formulating position statements.

- 4) Joe Horton suggested the City no longer do U Call, We Haul in October, as it diverts resources from preparation for winter. He opined that three such events over the summer was also inefficient and advised against it, citing the need to concentrate on road maintenance and dust control in the middle of the summer. He suggested residents take advantage of free dump Saturdays.
 - Councilman Andersen suggested hiring truck sitters to maintain compliance.
 - Councilman Mark Johnson thanked Mr. Horton for sharing his perspective.
- 5) Mike McNally spoke against O-18-09-05, stating that he recognized the problem and that AC was taking voluntary action to address it through closing at 8 PM at the their Front St location and instituting a policy of requiring ID for alcohol purchases. Mr. McNally noted some language in the ordinance that may have an effect the Council did not consider. He suggested looking at limiting the quantity a customer could purchase before the hours of operation, noting that as currently written, the ordinance would be detrimental to AC and provide an obstacle to the reopening of Polaris.
 - Councilman Andersen noted that people were seen stumbling around an hour after the liquor store opened and asked if a 1 PM opening would work.
 - Mr. McNally stated it would impact the Store but not as bad as currently written.
- 6) Chuck Fagerstrom agreed that O-18-09-05 was not practical and suggested the City coordinate with stores prior to implementing such an ordinance. He explained that clerks could refuse sale without explanation and that they should do so. He argued that O-18-09-05 would negatively impact responsible drinkers and encourage someone to open a store outside of town. He remembered the welcoming feel of old Front St when people would sit out on the Front St.
- 7) Nicole Frank spoke out against O-18-09-05 because it negatively impacts business and residents without transportation. She argued that homelessness was the problem rather than alcohol. She finished by speaking in opposition to R-18-08-09, arguing that there wasn't even an Environmental Impact Statement (EIS) yet, so the Council should not take an official stance.
- 8) Robert Scott spoke in opposition to O-18-09-05 reasoning that if people are willing to chip in for a bottle, they'll be willing to chip in for a taxi ride to AC outside of town. He also noted that the ordinance would prevent Polaris from reopening. He finished by explaining AC already charges twice what people pay in Anchorage. The higher prices will eventually encourage people to import their own alcohol from Anchorage.
- 9) Trinh Johnson spoke against O-18-09-05 arguing that the troublemakers can just get 86'd. She stated that the clerk's and business owners know who they are and should be able to refuse to sell. Ms. Johnson finished by suggested the City should not control business practices.
- 10) Justin Noffske noted the attractive nuisances behind the businesses on Front St and suggested the City look into incentivizing the construction of fences to keep people out. He noted the opportunity for NPD to work with the bar owners on trespassing troubling

makers, because nobody wants inebriated people hanging out in the doorways along Front St.

- 11) Nicole Frank explained the differences between bail conditions and parole/probation conditions with respect to being issued a state ID displaying the conditions. Additionally, she spoke about the list specifying who was on conditions was more complicated by the fact that "conditions" used to mean the inability to go into an establishment that served alcohol. Now it simply means the person on conditions couldn't consume alcohol.
- 12) Lisa Ellanna reminded the Council that the "inebriates" are individuals and people and that their stories are varied and complex. She argued that limiting hours and locations was a good idea, saying that Nome is soaked with alcohol. She noted most of the solutions suggested are bandaids and suggested a more holistic approach through a housing coalition as well as public safety efforts.

PLANNING & ZONING

UNFINISHED BUSINESS

- A. O-18-09-02 An Ordinance Amending NCO Chapter 15.20 to Authorize Liens Securing Utility Charges, **SECOND READING/PUBLIC HEARING/FINAL PASSAGE.**

For the purpose of holding a public hearing the Council recessed at 7:52 PM.

The Council reconvened at 7:53 PM.

A motion was made by C. Andersen and seconded by C. Tobin to adopt O-18-09-02.

Discussion:

- Councilman Brown asked for clarification on where the 90 window would go in the ordinance.
- Councilman Andersen explained it was already in the tariff, explaining that elsewhere utilities had a ten day window and NJUS had some customers that tens of thousands of dollars of delinquencies. He opined that the Utility let delinquencies go too far before taking action.
- Assistant Utility Manager Morton noted that less than 20 accounts totaled about \$175,000.
- Councilman Mark Johnson clarified that the lien would result in revenue when the property sold rather than right away.
- Councilman Andersen contended that the delinquent customers are shuffling their debts between properties, in effect obtaining a loan at a better rate than one offered by a bank.

At the roll call:

Aye: Tobin; Andersen; Brown; D. Johnson; M. Johnson

Nay:

Abstain:

The motion **CARRIED.**

- B. O-18-09-03 An Ordinance Amending NCO Chapter 17.20 to Provide a Procedure for the Distrainment and Sale of Personal Property, **SECOND READING/PUBLIC HEARING/FINAL PASSAGE.**

For the purpose of holding a public hearing the Council recessed at 7:57 PM.

Discussion:

- Mayor Beneville asked what distraint meant.
- Councilman Doug Johnson defined the term as seizure for tax purposes.

The Council reconvened at 7:58 PM.

A motion was made by C. Andersen and seconded by C. Brown to adopt O-18-09-03.

At the roll call:

Aye: Andersen; Brown; D. Johnson; M. Johnson; Tobin

Nay:

Abstain:

The motion **CARRIED.**

- C. O-18-09-05 An Ordinance Amending Section 3.05 of the Nome Code of Ordinances to Limit the Sale of Liquor Products to Between the Hours of 4 P.M. and 8 P.M. at All Locations South of 6th Ave and to Limit the Container Size of Liquor Products to One Liter and Greater, **SECOND READING/PUBLIC HEARING/FINAL PASSAGE.**

For the purposes of holding a public hearing, the Council recessed at 7:59 PM.

The Council reconvened at 8:00 PM.

A motion was made by C. Andersen and seconded by C. Tobin to adopt O-18-09-05.

A motion was made by C. Brown and seconded by C. Andersen to amend O-18-09-05 by replacing "liquor products" in the second line with "alcoholic beverages," in the fourth line of the title replacing "liquor products" with "distilled spirits," replace the words "intoxicating liquor" in Section 2 3.05.030(d) with "distilled spirits," and replace the words "liquor products" in Section 2 3.05.040(b)(1) with "alcoholic beverages."

Discussion:

- Councilman Tobin clarified that beer and wine fall under "alcoholic beverages."
- Councilman Brown, Andersen and Mark Johnson all clarified the motion was simply to change the language to coincide with Alaska Statute Title 4, thus correcting the mistakes in the ordinance at first reading.

At the roll call:

Aye: D. Johnson; M. Johnson; Martinson; Andersen; Brown
Nay: Tobin
Abstain:

The motion to amend **CARRIED.**

Returning to the main motion:

- Councilman Andersen asked if there were enough votes to pass the ordinance.
- Councilman Brown opined there might be enough after the amendments.
- Councilman Doug Johnson didn't think limiting hours would adequately address the problem and suggested a 90 day sunset clause.
- Councilman Andersen expressed his opposition to the entire ordinance.

A motion was made by C. Brown and seconded by C. Andersen to amend O-18-09-05 by striking "and to limit the container size of distilled spirits to one liter and greater" from the title, to deleting section 3.05.030(d).

At the roll call:

Aye: M. Johnson; Martinson; Andersen; Brown
Nay: Tobin; D. Johnson
Abstain:

The motion to amend **CARRIED.**

Returning to the main motion:

- Councilman Tobin stated that public testimony had changed his mind and suggested either postponing or failing the ordinance.
- Councilman Brown suggested the Council try the ordinance, as ever other time an alcohol ordinance has come before the Council it's failed or been postponed.

A motion was made by C. Brown and seconded by C. Andersen to amend O-18-09-05 by adding "Section 4: This ordinance will sunset six months following the effective date," by striking section 3.05.040(b)(1), by inserting "defined under AS 04.11.080(7)(8) and (12)" between "license" and "any" of 3.05.040(a), by changing "ten p.m." to "eight p.m." and "eleven a.m." to "four p.m." of 3.05.040(a) and striking "on Mondays through Saturdays, and between the hours of ten p.m. and one p.m on Sundays."

Discussion:

- Councilman Brown opined sufficient time was needed to see if the ordinance addressed the inebriation issue and that as currently suggested, the ordinance would go away without further action from the Council. He explained that the hours should be limited across town and the week uniformly for package stores.
- Councilman Mark Johnson stated that Councilman Brown's heart was in the right place, but limiting business hours was too aggressive, especially when businesses were willing to work with the City.

- Councilman Doug Johnson suggested limiting sales of alcoholic beverages 20 percent by volume or greater to between four p.m. and eight p.m. He admitted it was a stopgap solution but suggested there had to be a better way.
- Councilman Brown agreed, though expressed frustration at the City tail-chasing attempts to address public intoxication. He wondered how long the package stores would continue the voluntary measures. He suggested giving it a try for six months.

At the roll call:

Aye: Brown; D. Johnson

Nay: Martinson; Tobin; Andersen; M. Johnson

Abstain:

The motion to amend **FAILED**.

Returning to the main motion:

- Councilman Andersen suggested having NPD follow up on the voluntary measures to limit the sale of alcohol in the future.

A motion was made by C. Brown and seconded by C. Martinson to postpone O-18-09-05 to the November 26, 2018 Regular Meeting.

- D. R-18-08-09 A Resolution in Support of a Private Access Industrial Road from the Ambler Mining District to the Port of Nome for Exporting Mineral Resources.

A motion was made by C. Brown and seconded by C. D. Johnson to adopt R-18-08-09.

Discussion:

- Port Director Baker explained where EIS process for the road was at and agreed with Ms. Frank that the resolution seemed a little premature.
- Councilman Brown suggested the resolution would assist with the EIS and merely suggested the road to Nome as an alternate.
- Port Director Baker agreed that it wouldn't commit the City or Port to anything, rather it would just suggest an alternate.
- Councilman Mark Johnson clarified it would be private access.
- Port Director Baker explained that a public road had little support and that there were fears of a private access road gradually becoming open to the public.
- Councilman Tobin opined this might be another "Roads to Riches" and that Nome shouldn't out of its way to support something it had no control over.
- Councilman Doug Johnson suggested the resolution simply conveyed that Nome was open for business.
- Councilman Andersen and Mark Johnson expressed concern that the resolution would support a road through the region ending at Port Clarence, thus defeating the resolution's purpose.

At the roll call:

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

Nay: Andersen; Tobin

Abstain:

The motion **CARRIED.**

NEW BUSINESS

- A. R-18-09-01 A Resolution Appointing Election Judges and Clerks for the 2018 Municipal Election and Setting Their Compensation.

A motion was made by C. Brown and seconded by C. Tobin to adopt R-18-09-01.

At the roll call:

Aye: Brown; D. Johnson; M. Johnson; Martinson; Tobin;
Andersen

Nay:

Abstain:

The motion **CARRIED.**

- B. City Manager Search

- Councilman Andersen noted that Clerk Hammond would not be applying for the City Manager position and suggested he manage the search. He suggested sprucing up the job description and community profile. He suggested noting the wage at DOE.
- Councilman Mark Johnson suggested that, as John Handeland was already managing the search, he be given a City of Nome email address so as to prevent possible confusion.
- Finance Director Liew stated that there was already an email address set up a recruit@nomealaska.org.
- Councilman Tobin asked if Clerk Hammond would be applying for the position.
- Clerk Hammond clarified that he would not be among the applicants for the City Manager position.

A motion was made by C. Brown and seconded by C. D. Johnson to name John Handeland as Interim City Manager.

Discussion:

- Councilman Andersen requested that Clerk Hammond be kept apprised of all search details going through John Handeland. He noted John was a good choice and the clerk could fill in when needed.
- Councilman Brown requested Clerk Hammond work with John Handeland to improve the advertising, suggesting advertising in the Nugget, AND, Seattle Times and splitting up ads for greater effectiveness.
- Mayor Beneville asked if contractual details had been worked out.
- Councilman Brown suggested that two councilmen work with the City Attorney to hammer out the details.
- Councilman Martinson and Councilman Mark Johnson volunteered.

At the roll call:

Aye: D. Johnson; M. Johnson; Martinson; Tobin; Andersen;
Brown

Nay:

Abstain:

The motion **CARRIED.**

A motion was made by C. Brown and seconded by C. Tobin to temporarily suspend the recruitment of the Emergency Services Director.

Discussion:

- Councilman Mark Johnson expressed concern that such an important position could be hired by a manager with a short time left. He explained that some of the NVFD volunteers were concerned with the new structure. He suggested changing the job description.
- Councilman Andersen suggested Councilman Mark Johnson was only hearing one side of the story at NVFD, that there was a reason Manager Moran created the position.
- Councilman Mark Johnson suggested potentially suspending recruitment for the Deputy Police Chief.

At the roll call:

Aye: M. Johnson; Tobin

Nay: Martinson; Andersen; Brown; D. Johnson

Abstain:

The motion **FAILED**.

UTILITY MANAGER'S REPORT

- Assistant Utility Manager Morton presented his written report.
 - Councilman Andersen asked for details on the King Place project and Mr. Emmons' comment on page 48.
 - Assistant Manager Morton clarified that the Bering St project could potentially commence in 2019 making simultaneous projects a possibility. He described King Pl, especially W King as one of the worst water/sewer sections in town.
 - Councilman Andersen expressed frustration that the City was being charged a service fee for billing for garbage/landfill. He asked how much the Utility had set aside for emergencies and capital projects.
 - Assistant Manager Morton estimated \$500,000 or \$1,000,000.

CITY MANAGER'S REPORT

- A. Activity Report: September 11 - 21.
- Councilman Tobin asked for details on the Tobuk Alley Road construction.
 - Clerk Hammond stated he had a limited understanding of the topic.
 - Councilman Tobin requested information concerning the abatement of Jackie Johnson's property, explaining Mr. Johnson expressed frustration at the process to him.
 - Councilman M. Johnson expressed concern proper procedure wasn't followed.

CITIZENS' COMMENTS

- 1) Rhonda Schneider informed the Council that NEST would be opening on November 1 this year. She explained that the previous year's new policy of closing their doors at 11pm, unless a guest was transported by police, had resulted in people getting to sleep earlier and getting better rest. She surmised that the NSHC day shelter would help addressing the public inebriation issue.

- 2) Chuck Fagerstrom suggested a woman be on the Council to keep them in line. He called for the immediate release of Manager Moran from the City's employment, stating that he had lost faith in Manager Moran when he created the Emergency Services Director position. Mr. Fagerstrom took umbrage at the creation of supervisory position over the departments rather than an administrative assistant position to help the departments. He wished that Manager Moran was present because he didn't like speaking critically of him in his absence.
- 3) Emily Stotts expressed concern over the relationship between the City of Nome and PAWS, describing an incident in which the City of Nome allegedly stole a dog from PAWS.
- 4) Trinh Johnson suggested the City of Nome do more to recognize volunteers in the community. She requested the City Manager be removed from employment immediately, stating the police were still misbehaving and that she didn't see any progress on reforming NPD.
 - Councilman Brown assured her that an investigation is happening, but the investigation cannot be performed in the public view.
 - Ms. Johnson stated she trusted John Handeland and asked that he be given immediate control.
- 5) Nicole Frank suggested the City advertise for a new City Manager on lawyer and attorney web sites.
- 6) Derek McLarty spoke in favor of U Call, We Haul saying that it was a way to incentivize cleaning up town. He noted it as the least abrasive last ditch effort to do so.
- 7) Sandra Medearis opined that U Call, We Haul was under-utilized. She noted the dearth of hours of operations at the dump and suggested opening it up to the public more.

COUNCILMEN'S COMMENTS

- 1) Councilman Martinson – none.
- 2) Councilman Tobin commended AC on their proactive approach to address public intoxication. He congratulated Cussy Kauer on the award she recently received and stated that it was nice to see Airport Pizza open again.
- 3) Councilman Andersen suggested getting local businesses to loan dump trucks for U Call, We Haul to free up City resources. He agreed that the event detracts from Public Works purpose of road maintenance. Councilman Andersen requested a commendation for Amy Chan on the superlative job in coordinating the Museum's Alaska Conference. He finished by requesting the Clerk report directly to the Council rather than through the City Manager.
- 4) Councilman Brown opined that he may have jumped the gun on requesting the solicitation of letters of interest for the Ad Hoc Public Safety Committee. He requested a work session on October 8th at 6 p.m. to discuss the potential structure.
- 5) Councilman Doug Johnson suggested an ordinance requiring ID to purchase alcohol.

A motion was made by C. D. Johnson and seconded by C. Brown requesting an ordinance requiring an ID to purchase alcohol be brought forward.

At the roll call:

Aye: Martinson; Tobin; Andersen; Brown; D. Johnson; M. Johnson

Nay:

Abstain:

The motion **CARRIED**.

- 6) Councilman Mark Johnson thanked Councilman Andersen his years of service to the Community of Nome.

MAYOR'S COMMENTS AND REPORT

- Mayor Beneville thanked Councilman Andersen for his extended service to the City of Nome. He briefed the Council on recent and upcoming events. He opined the public safety work group and building a housing task force were great ideas. He noted that the community has been trying to address the alcohol problem for a long time and stated that he would like to see counseling in the streets, maybe by local churches or A.A. He noted the problem would require more than laws and explained that change was happening in the community.

EXECUTIVE SESSION

ADJOURNMENT

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

Hearing no objections, the Nome Common Council adjourned at 10:20 PM.

APPROVED and SIGNED this 8th day of October 2018.


JERALD BROWN
Acting Mayor

ATTEST:


BRYANT HAMMOND
City Clerk