

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 10, 2018 @ 7:00 PM
COUNCIL CHAMBERS IN CITY HALL**

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- C. O-18-09-07 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 Avenue and to Limit the Container Size of Liquor Products to One Liter or Greater,

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XIII. MAYOR'S COMMENTS AND REPORT

- A. Activity Report: August 28 – September 7,
VERBAL

XIV. ADJOURNMENT

**MINUTES
NOME CITY COUNCIL
REGULAR MEETING
September 10, 2018**

The regular meeting of the Nome City Council was called to order at 7:00 PM by Acting Mayor Stan Andersen 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; Lew Tobin

Members Absent:

Also Present: Tom Moran, City Manager; Bryant Hammond, City Clerk; John Handeland, Utility Manager; Ken Morton, Assistant Utility Manager; Joy Baker, Port Director

In the audience: Sandra Medearis, *Arctic News*; Emily Hofstaedter, KNOM; Jenny Mills; Andrew Lee; Nicole Frank; Emily Stotts; Jimmie Rogers; Lisa Ellanna; Megan Mackiernan; Angie Gorn; Trinh Johnson

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. Martinson to approve the agenda as presented.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

APPROVAL OF MINUTES

A. August 27, 2018 City Council Regular Meeting Minutes.

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

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

COMMUNICATIONS

- A. Letter of August 22, 2018 from U.S. Census Bureau to Mayor Beneville re: Complete Count Committees.
 - Councilman Tobin suggested the formation of a committee.
 - Councilman Andersen requested that he be involved.
- B. Letter of August 28, 2018 from Kenneth Michaud to Mayor Beneville re: Request for Letter to his Recovering Father.
 - Manager Moran explained that Mayor Beneville had already begun responding to Mr. Michaud's request.
- C. Letter of September 6, 2018 from Tina Yi to City Council re: Delinquent Taxes.

A motion was made by C. Brown and seconded by C. D. Johnson to waive penalty and interest on Ms. Yi's three properties due to the unique circumstances of the Polaris fire.

At the roll call:

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

Nay: Martinson; Andersen

Abstain:

The motion **CARRIED**.

- D. Flyer re: Museums Alaska Conference in Nome Starting September 12, 2018.
- E. Flyer re: The Gathering in Nome September 13 & 14, 2018.
 - Councilman Brown noted and clarified the different conferences going on in town.
- F. Flyer re: EMT-1 Class Open to the Public Starting September 14, 2018.
- G. Flyer re: \$20,000 Reward for Information Leading to the Closure of the Joseph Balderas Missing Person Case.

CITIZENS' COMMENTS

- 1) Emily Stotts of Paws distributed a letter and explained an incident between PAWS and the City of Nome ACO.
- 2) Jenny Mills thanked Councilman Brown for noting The Gathering. She described the origins and gave an overview of the two-day conference.
 - Councilman Tobin asked if the intended audience was those in the LGBTQ community or service providers that didn't know about the LGBTQ community.
 - Ms. Mills explained it was both and went over the agenda.

- 3) Lisa Ellanna read her email to Manager Moran and Clerk Hammond in which she enumerated several criticisms of the Nome Police Department's (NPD) Operations Procedure Manual (OPM). She explained that while some sections were redacted, chapter titles remained and that the OPM was lacking key provisions related to sexual assault investigations and training.
- Councilman Andersen questioned why the manual was redacted at all, noting that it was introduced publically.
 - Manager Moran explained that certain law enforcement policies were clandestine by nature to avoid circumvention of the law.
 - Councilman Tobin asked how old the manual was.
 - Councilman Andersen explained Chief Papasodora created the manual by his second or third year of employment with the City.
- 4) Nicole Frank expressed concern that comments she overheard at the end of the work session on August 27th were not included in the minutes. She criticized the accuracy and specificity of the minutes from the August 27th regular meeting. Ms. Frank criticized the contact information for outside agencies regarding allegations of misconduct by NPD, also adding that it was not distributed until the day after it was promised. She ended by contending that there was a lack of transparency in the process.
- Councilman Tobin noted that meetings are recorded and asked if they were kept.
 - Manager Moran explained recordings were kept for a certain amount of time, though per the adopted retention schedule, meeting materials could be destroyed after the adoption of written minutes by the Council.
 - Councilman Andersen disagreed with Manager Moran on the retention period.
 - Ms. Frank asked how she could get a copy of the recording.
 - Manager Moran suggested she do so by a public records request.
 - Councilman Mark Johnson asked what standard practice was.
 - Manager Moran explained that the City had several years of recordings and didn't delete them routinely per the retention schedule.
 - Councilman Andersen explained that, in the past, Councilmen would ask that something be reflected in the minutes; otherwise, the clerk could be very brief in recapitulating the conversation.
- 5) Trinh Johnson discussed an incident cited in the previous meeting in which an NPD officer was alleged to have had inappropriate contact with a 12-year-old girl who was babysitting for him. Ms. Johnson contended that incident did not stop four months ago and that the mother did not know her daughter routinely rode in the officer's vehicle. She handed the clerk a copy of the complaint, noting an ongoing investigation. Ms. Johnson contended that the City Manager had explained that the incident was being investigated, when in fact it wasn't.
- Councilman Andersen thanked Ms. Johnson for doing her own due diligence in the matter.
 - Manager Moran stated that the incident Ms. Johnson was referring to was not the same incident that was discussed at the previous meeting and that outside agencies were investigating NPD.
- 6) Angie Gorn shared a quarterly update of NSHC operations and activity. She announced an open house on September 17th and discussed a shift from hiring general practice doctors to specialists. She finished by giving an update on capital projects around the region, including a day shelter in Nome.

- Councilman Tobin thanked Ms. Gorn and asked how the City could work with NSHC on addressing patient “stranding” in Nome due to alcohol consumption. He also asked what NSHC was doing with their profits.
 - Ms. Gorn explained that staff was working to address the stranding issue. She explained that profits were used for building upkeep, deferred maintenance, and capital replacement.
 - Councilman Andersen noted that NSHC was responsible for health care and facilities in 15 villages and that upkeep was not cheap. He noted Ms. Gorn’s explanation of their day shelter plans, noting there might be a misconception. He asked what the process was for people arriving at the ER drunk in the middle of the night.
 - Ms. Gorn explained that NSHC was strengthening its ER processes and would be working with NEST. NSHC doesn’t intend for the shelter to extend into overnight hours, but recognizes that housing will be an issue somewhere down the road. She explained that there could be a short-term sleep-off space, though medical detox will have to be handled through inpatient treatment.
- 7) Keith Morrison requested updates on progress in revising the NPD OPM. He requested a civilian accountability group to oversee NPD. Mr. Morrison argued that public safety should be priority number one and called the current process gray.
- Councilman Andersen explained that Mr. Morrison would get an answer, though government moves slowly. He suggested Mr. Morrison form a committee himself.
 - Mr. Morrison stated such a committee had already formed.
 - Councilman Andersen referred him to the Mayor, as he had the power to appoint ad hoc committees. He agreed with Mr. Morrison, stating it appears that the OPM needed some work.
- 8) Scot Henderson explained the fall fuel delivery was in progress and that fuel prices would rise the following week. He explained that Bonanza Fuel had made an effort to keep prices low because fuel was involved in subsistence activities.

PLANNING & ZONING

UNFINISHED BUSINESS

NEW BUSINESS

- A. O-18-09-02¹ An Ordinance Amending NCO Chapter 15.20 to Authorize Liens Securing Utility Charges, **FIRST READING/DISCUSSION.**

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

Discussion:

- Councilman Mark Johnson asked for clarification.
- Manager Moran explained it was a means to increase collections on delinquent accounts and that the Legislature had just recently passed a bill enabling municipalities to adopt such an ordinance.

¹ New Business A was read incorrectly as O-18-09-05 during first reading. The minutes reflect the correct numeration of the ordinance.

- Councilman Andersen noted this ordinance would prevent owners from selling properties that had delinquent utility bills without having them paid off.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

- B. O-18-09-03² An Ordinance Amending NCO Chapter 17.20 to Provide a Procedure for the Distrain and Sale of Personal Property, **FIRST READING/DISCUSSION**.

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

Discussion:

- Manager Moran summarized the ordinance.
- Councilman Mark Johnson asked if this was brought forward because people were not paying their personal property taxes.
- Clerk Hammond replied affirmatively, explaining that the majority of the delinquent accounts were Port users who didn't understand the distinction between storage and taxation.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

- C. O-18-09-05³ 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 Avenue and to Limit the Container Size of Liquor Products to One Liter or Greater, **FIRST READING/DISCUSSION**.

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

Discussion:

- Manager Moran summarized a 2017 letter drafted by Behavioral Health asking the City to address alcohol issues. He said that a number of organizations had attended the planning sessions, but hadn't signed the letter officially.

² New Business B was read incorrectly as O-18-09-06 during first reading. The minutes reflect the correct numeration of the ordinance.

³ New Business C was read incorrectly as O-18-09-07 during first reading. The minutes reflect the correct numeration of the ordinance.

- Councilman Andersen noted the current ordinance pertained only to package store licenses and requested the City re-examine the exemptions to the hours of alcohol sales enumerated in Nome Code of Ordinances during special events such as Iditarod.
- Manager Moran explained that package stores did not fall under the exemptions listed in ordinance.
- Councilman Mark Johnson opined that the City needed to do something though the current ordinance was not quite it. He noted that other cities had worked more proactively with business owners to develop different measures.
- Councilman Andersen agreed the present ordinance was drastic, but wondered what else the City could do.
- Councilman Tobin asked if the ordinance would prohibit most bottles sizes.
- Manager Moran noted that 750 ml was the most common size of distilled spirits, but that this ordinance only pertains to package stores south of 6th Avenue.

At the roll call:

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

Nay: M. Johnson

Abstain:

The motion **CARRIED**.

UTILITY MANAGER'S REPORT

- Assistant Utility Manager Morton noted that long time Executive Assistant Patty Andersen had retired. He summarized the current trainings and tests the Utility was participating in. He noted the line crew working on straightening poles and said that notice of the potential transfer of Airport Block 20 was due to be published in the Federal Register.
 - Manager Handeland thanked Bonanza Fuel for partnering on spill response drills and introduced Jimmy Rogers as Sitnasuak's risk and safety manager.
 - Councilman Brown asked if NJUS and Bonanza were approaching businesses concerning spill response planning.
 - Manager Handeland explained the current training was related to the Incident Command System and not community-wide planning, though NJUS did assist local businesses when able. Lastly, Manager Handeland noted, for the record, that the fluoride system is back up and running.

CITY MANAGER'S REPORT

- Manager Moran presented his written report highlighting the new NPD Chief's arrival on the evening flight and upcoming meeting with local law enforcement agencies to improve coordination and response. He noted the upcoming Coffee with the Chief on October 1st at the Mini Convention Center. He explained that there were a number of external investigations into the allegations at NPD that he wasn't able to discuss. Manager Moran noted that administration had been working on this issue since May 7th and thought the resolution passed in June showed that. He finished by noting that Paul Kudla was the August Employee-of-the-Month.
 - Councilman Tobin asked when the new Chief would start work and whether NPD was fully staffed or not.

- Manager Moran explained the Mr. Estes' contract begins on September 15th and Chief Papisodora's contract expires on September 30th. He noted that NPD could probably use two or three additional staff, explaining staffing allocation and upcoming trainings.
- Councilman Brown asked if the NPD OPM could only be reviewed on-site.
- Manager Moran explained public records request rules, offering to waive any copying fees in this instance.
- Councilman Tobin requested the OPM be placed online.
- Manager Moran noted that if it wasn't already, it would be.
- Councilman Brown requested an oversight committee for public safety with a citizen component separate from the official committee, perhaps comprised of ten people without NPD officials unless requested to attend. He noted he would stop by to hash out the details later. He requested an update on the Manager search.
- Manager Moran noted that the job had been posted at the Alaska Municipal League, the International City Manager Association, and Nome Job Services.
- Councilman Andersen asked if City staff could make a separate pile at the Monofill for Raven Recycling.
- Manager Moran explained that the Monofill was a DEC-permitted site and Raven Recycling's yard was not under the City's control. Once debris was placed at the Monofill, you couldn't just pull it out.
- Councilman Andersen requested the Belmont Point property the City took possession of be cleaned up and boarded for winter. He noted that, per the ground penetrating radar survey, the cemetery was far fuller than previously thought. He suggested the public interested in reserving plots should do so sooner rather than later.
- Councilman Mark Johnson asked if there was a plan to address the criticisms of NPD's OPM.
- Manager Moran noted the criticisms were fair points and that he was waiting for the new Chief to be brought onboard as there were more aspects than the criticisms levied publically.
- Councilman Mark Johnson asked for clarification on the contact info distributed after the last meeting and what Katie TePas had done for the City of Nome.
- Manager Moran explained the PSA, noting that the Office of Victim's Rights and the Department of Law were probably the best contacts. He explained that Katie TePas had come to Nome to offer training, but had performed a case audit at the City's request.
- Councilman Brown asked for the report.
- Manager Moran explained there wasn't an official report, as Ms. TePas was not Internal Affairs Investigator. He explained the gist of her findings, which were documented by his notes: the DA's office typically wants a GLASS warrant, but NPD had significant trouble obtaining such, which resulted in dead ends and dropped cases.
- Councilman Mark Johnson asked when the City Manager job description was last updated.
- Manager Moran noted it was updated in 2015, during the last recruitment process.
- Councilman Tobin asked about the City's tire shredder, noting that a constituent wanted to make a tire park.
- Manager Moran noted the City purchased one and had budgeted a conveyor belt for it in FY19.
- Assistant Utility Manager Morton explained that a line extension was installed for it and the transformer was expected on the barge.

CITIZENS' COMMENTS

- 1) Nicole Frank criticized the composition of the multi-agency meeting intended to increase coordination of law enforcement in Nome and requested that she be involved as well as other attorneys in town, as they know how investigations are supposed to work. She suggested that O-18-09-05 might run into constitutional issues. Ms. Frank criticized NPD hiring practices, including rehiring officers that failed to pass the Sitka Academy. She criticized the contact info distributed by the City, arguing that they were inappropriate and ineffective for the matter at hand.
 - Councilman Andersen asked for her suggestion.
 - Ms. Frank requested a citizen board to hear complaints.
 - Councilman Tobin asked about calling the Unalakleet Trooper Post.
 - Ms. Frank argued the Post was still under the Nome branch and suggested calling Alaska Bureau of Investigation or the Troopers in Anchorage. Otherwise there was no process and nobody to reach out to.
 - Councilman Andersen suggested she speak to a Councilman.
 - Ms. Frank opined that nobody would speak with her, as she was an attorney.
 - Councilman Andersen asked for a possible solution.
 - Trinh Johnson suggested firing the entire NPD and the City Manager, stating that the public has only been told lies concerning the investigations into NPD, as there were no investigations happening.
 - Councilman Andersen opined that he wished people would have come forward months ago about these matters.
 - Ms. Frank stated that community members don't know whom they can trust.
- 2) Jenny Mills recommended new hiring practices for NPD. She requested better pay to avoid getting bottom-of-the-barrel recruits. She described an incident in which she escorted an intoxicated woman home because she didn't trust the officer based on how he was treating her. She requested the Council make their voices heard.
 - Councilman Andersen explained that the collective bargaining agreement made her pay suggestions complicated.
 - Nicole Frank also called officer pay an issue and requested body cams for NPD, as recording helps people feel safe.
- 3) Keith Morrison suggested that the City not rush into revising the NPD OPM and placing the entire onus on the new Chief, as he might end up not being a good fit for the community. He suggested looking outside Alaska as policing in the state was not exemplary. He suggested looking to one of the 100 or so communities in the United States that have adopted citizen oversight committees.
- 4) Lisa Ellanna noted that the SAAG (Sexual Assault Advocacy Group) had requested body cams months ago. She requested that members of the community be involved in the citizen oversight group. She finished by requesting that all minutes be transcribed verbatim from May 7th onwards.

COUNCILMEN'S COMMENTS

- 1) Councilman Brown – none.
- 2) Councilman Doug Johnson - none.

- 3) Councilman Mark Johnson stated that he was sorry to hear the search for the new City Manager had only just recently started.
- 4) Councilman Martinson stated that he thought body cams for NPD seemed like a good idea and staff should look into it.
- 5) Councilman Tobin asked when the ceremony for the new viewing platform at the Eskimo Cemetery would be.
 - Manager Moran noted that it was a Sitnasuak Native Corporation event instead of a City one, but would happen on September 28th.⁴
- 6) Councilman Andersen responded to a recent ADN article by reading a letter of apology to Clarice "Bun" Hardy for the City's failure to act expeditiously.

MAYOR'S COMMENTS AND REPORT


EXECUTIVE SESSION

ADJOURNMENT

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

Hearing no objections, the Nome Common Council adjourned at 9:15 PM.

APPROVED and SIGNED this 24th day of September 2018.


RICHARD BENEVILLE
Mayor

ATTEST:


BRYANT HAMMOND
City Clerk

⁴ After the meeting, Sitnasuak Native Corporation chose to move the ceremony to October 1st.