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, AUGUST 27, 2018 @ 6:00/7:00 PM COUNCIL CHAMBERS IN CITY HALL

WORK SESSION, 6:00:

Discussion on Various Ways to Combat Public Inebriation, **PAGE 1**

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- D. Flyer re: EMT-1 Class Open to the Public Starting September 14, 2018, **PAGE 29**
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- B. R-18-08-01 A Resolution Amending the Existing Employment Agreement Between the City of Nome and Bryant Hammond for the Position of City Clerk,

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- C. R-18-08-02 A Resolution Approving an Employment Agreement Between the City of Nome and Robert Estes for the Position of Chief of Police,
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H. R-18-08-07 A Resolution Approving & Accepting a Loan from the Alaska Dept. of Environmental Conservation Alaska Clean Water Fund to Provide Loan Financing for Improvements to Community Water Infrastructure to Allow Refinancing of Prior Loans Made by USDA,

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I. R-18-08-08 A Resolution Supporting the City of Nome's Application for Funding from NSEDC for the Repair of the Inner Harbor Concrete Launch Ramp,

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X. <u>CITY MANAGER'S REPORT</u>

A. Activity Report: August 14 - August 24,

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XI. <u>CITIZENS' COMMENTS</u>

XII. COUNCILMEN'S COMMENTS

XIII. MAYOR'S COMMENTS AND REPORT

A. Activity Report: August 14 – August 24, **VERBAL**

XIV. EXECUTIVE SESSION

A. Discussion of Confidential Personnel Matters, **VERBAL**

XV. <u>ADJOURNMENT</u>

MINUTES NOME CITY COUNCIL REGULAR MEETING August 27, 2018

The regular meeting of the Nome City Council was called to order at 7:01 PM by Mayor Richard 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

Members Absent: Lew Tobin

Also Present: Richard Beneville, Mayor; Tom Moran, City Manager; Bryant

Hammond, City Clerk; John Handeland, Utility Manager

In the audience: Sandra Medearis, Arctic News; Emily Hofstaedter, KNOM; David Csiki;

Lisa Ellanna; Niviaaluk Brandt; Randy Harper; Paul Kosto, Chamber of Commerce; Derek McLarty; Jenny Mills; Traci McGarry; Elsie Strickland; Justin Noffsker; Nicole Frank; Rolland Trowbridge; Katy Priester;

Veronica Alviso; Darlene Trigg

APPROVAL OF AGENDA

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

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

At the roll call:

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

Andersen;

Nay: Abstain:

The motion **CARRIED**.

APPROVAL OF MINUTES

A. August 13, 2018 City Council Regular Meeting Minutes.

A motion was made by C. Brown and seconded by C. Martinson to approve the August 13, 2018 minutes.

At the roll call:

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

Brown

Nay:

Abstain:

The motion **CARRIED**.

COMMUNICATIONS

- A. Letter of August 22, 2018 from Deputy Consul General Kwon to Mayor Beneville re: Reassignment.
- B. Flyer re: "Breaking the Cycle" and Community Conversation with DOC on August 28th.
- C. Flyer re: "Community in Unity" Discussion on Incarceration and Release at AMCC on August 29th.
- D. Flyer re: EMT-1 Class Open to the Public Starting September 14, 2018.
- E. Flyer re: \$20,000 Reward for Information Leading to the Closure of the Joseph Balderas Missing Person Case.

CITIZENS' COMMENTS

- 1) Scott Spencer, the Chief Project Advisor, and George Koumal, Founder of the Intercontinental Railway Project spoke on the benefits of a railway linking North America and Asia through a tunnel underneath the Bering Strait. They requested a letter of support from the City of Nome.
- 2) Justin Noffsker expressed concerns over underage individuals going on ride-alongs with Nome Police Department (NPD) officers, citing the potential to witness crime, be subpoenaed as a witness, and the risk incurred in general by riding in an on-duty police vehicle. He requested that any officers under current investigation for violation of ride along policies be placed immediately on administrative leave as continued active employment represented a risk to NPD and the City.
- 3) Nicole Frank read a prepared statement questioning decisions made by Nome Police Officers, the Chief of Police, and the City of Nome. She alleged NPD has lost trust in the community through its hiring decisions.
 - Councilman Brown requested a copy of her statement.
- 4) Trinh Johnson stated that no victims advocate was contacted at the outset of investigation in a particular assault case, when one should have been as a matter of policy.
- 5) Lisa Ellanna thanked Councilman Brown for attend the August 18th Town Hall meeting and read her notes from the afternoon's discussion. She alleged the Community Service Officers were not doing a thorough job when responding to alleged sexual assault and rape calls. Ms. Ellanna reiterated her request for the NPD Operations and Procedure Manual and for more community participation in the selection of the next police chief. She explained her feelings were hurt when only one Councilman showed up to the Town Hall meeting when a significant number of community members took the time to show up. She requested continued meaningful engagement.

- 6) Scott Kent commended the people who were speaking up and putting a target on the City Council. He explained that he grew up with respect and trust for Police Officers and to defer to their judgement, but that he no longer felt that way in Nome. He noted that NPD seemed to have changed over the last few years.
- 7) Darlene Trigg thanked Jerald Brown for attending the Town Hall meeting and requested being engaged by members of the Council. She argued that this is the Council's opportunity to work with the community to create the safe place we all desire.
- 8) John Handeland thanked the Council for discussion on the rising level of inebriation, violence, and racism among people on Front Street. He explained he was normally against the curtailment of everyone's privileges to contain the few bad apples, but went on the record to support ordinances restricting bottle sizes to one liter or greater and hours to four to eight PM for sales of alcoholic beverages south of 6th Ave.

PLANNING & ZONING

A. July 10, 2018 Planning Commission Rescheduled Meeting Minutes.

UNFINISHED BUSINESS

A. O-18-08-01 An Ordinance Retaining Lot 49, Block 57 for a Public Purpose, **SECOND READING/PUBLIC HEARING/DISCUSSION.**

For the purpose of holding a public hearing, the Council recessed at 7:54 PM.

The Council reconvened at 7:54 PM.

A motion was made by C. Andersen and seconded by C. Brown to adopt O-18-08-01.

Discussion:

- Manager Moran explained the property would be used to house new City employees in the event they were not able to find housing upon relocating to Nome. It would mitigate the risk of losing new hires due to the inability to find housing.
- Councilman Andersen stated the building would be better used as a washeteria, explaining the building construction was substandard, the property was a mess, and it appeared that people were currently squatting in it.

A motion was made by C. Andersen and seconded by C. M. Johnson to amend the ordinance by deleting "will be suitable for employee housing" from the final recital.

Discussion:

- Councilman M. Johnson inquired about the cost of the remodel and whether quotes had been solicited.
- Manager Moran explained that Building Maintenance would do the majority of the labor to keep costs down.

- Councilman Andersen contended that Building Maintenance had enough on their hands and that building materials were more expensive than Manager Moran expected.
- Mayor Beneville noted that being able to offer housing would benefit the City.
- Councilman Andersen contended the City has been all talk about housing for 20 years.
- Councilman M. Johnson agreed with Mayor Beneville on the benefits of housing; however, he wanted more information with which to make the decision.
- Councilman Andersen defended his amendment explaining it leaves the door open for other possibilities.

At the roll call:

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

Nay: Abstain:

The motion to amend CARRIED.

Returning to the main motion:

At the roll call:

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

Nay: Abstain:

The motion, as amended, CARRIED.

NEW BUSINESS

A. O-18-09-04 An Ordinance Amending Section 17.10.010 of the Nome Code of Ordinances to Increase the Rate of Tax on Sales of Alcohol, Marijuana, and Tobacco from 5% to 11% (September – April) and 7% to 13% (May – August), FIRST READING/DISCUSSION.

A motion was made by C. Brown and seconded by C. Martinson to advance 0-18-09-04.

Discussion:

- Manager Moran explained the direction staff took from the previous work session. He reiterated Alaska Statute Title 4's prohibitions on singling out alcohol with respect to taxation, explaining why the increased "sin tax" bundled three products together. He finished by explaining that the Council could amend the ordinance if they so choose.
- Mayor Beneville explained that, of the marijuana users that have expressed their opinions to him, the opportunity to legally buy marijuana far outweighed the small tax applied to the product.

At the roll call:

Aye: Brown; D. Johnson; Martinson

Nay: Andersen; M. Johnson

Abstain:

The motion FAILED.

B. R-18-08-01 A Resolution Amending the Existing Employment Agreement Between the City of Nome and Bryant Hammond for the Position of City Clerk.

A motion was made by C. Andersen and seconded by C. Martinson to adopt R-18-08-01.

Discussion:

 Manager Moran reminded the Council that Clerk Hammond had recently achieved his certified municipal clerk designation and that the salary was in line with other clerks after three years. He noted Clerk Hammond was an asset to the City of Nome.

At the roll call:

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

Abstain:

The motion CARRIED.

C. R-18-08-02 A Resolution Approving an Employment Agreement Between the City of Nome and Robert Estes for the Position of Chief of Police.

A motion was made by C. Andersen and seconded by C. Martinson to adopt R-18-08-02.

Discussion:

- Manager Moran explained the current situation with the Nome Police Department and noted that Mr. Estes represented an about-face in terms of a community policing model. He noted the complexity of the situation had prevented him from forming the committee that was requested in Citizens' Comments and explained that through the vetting process Mr. Estes emerged as the top candidate. Manager Moran noted the termination clause allowing the City to let Mr. Estes go for a severance of three months' pay if he was not able to change the direction of the department.
- Councilman M. Johnson asked if the personal leave accrual was standard. He expressed concern over the personal use of City vehicles outside city limits.
- Manager Moran explained the leave accrual was negotiated and partly explained by position rank. He explained that the City owned some land outside of city limits and NPD occasionally responds to assist requests from the State Troopers. He explained that he understood the concerns expressed by Councilman M. Johnson but couldn't point to a happy medium.

A motion was made by C. M. Johnson and seconded by C. Martinson to amend the contract by deleting "and personal use" from section 13.

Discussion:

- Councilman Brown noted the City expects the Chief to be able to respond to a situation where he is needed at any time or anywhere. He asked how the Chief could fulfill this responsibility without a dedicated vehicle.
- Councilman Martinson asked if the Chief's vehicle could receive communications from Cottonwood.
- Manager Moran explained NPD's radios used many of the local channels.

- Mayor Beneville noted that out-of-town use of the vehicle extends the visibility and presence of NPD.

At the roll call:

Aye: M. Johnson; Martinson

Nay: D. Johnson; Andersen; Brown

Abstain:

The motion to amend **FAILED**.

Returning to the main motion:

• Councilman D. Johnson explained he spent a good amount of time speaking with Mr. Estes and opined that Mr. Estes was a good fit for the community and the responsible choice under the present conditions.

At the roll call:

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

Nay: Abstain:

The motion CARRIED.

D. R-18-08-03 A Resolution Amending the Existing Employment Agreement Between the City of Nome and Thomas Moran for the Position of City Manager.

A motion was made by C. D. Johnson and seconded by C Andersen to adopt R-18-08-03.

Discussion:

- Manager Moran explained his position on the contract extension, noting the 30-day termination clause gives the Council and the manager the opportunity to transition to the next administration earlier if appropriate.
- Councilman Andersen asked if the plan was to begin advertising on September 15th, noting the process will take a long time.
- Councilman M. Johnson suggested starting immediately and appointing someone other than Manager Moran to take point on collecting applications.
- Manager Moran noted the Clerk had done so in the past.
- Councilman Andersen noted the files of past City Manager hires as an example and suggested two Council members begin discussing with the Clerk.
- Manager Moran noted an existing policy on the hiring process.
- Councilman M. Johnson stated the current state of affairs was embarrassing, given the development and tourism goals of the City, and stated the need for a change in policy and leadership.
- Councilman Andersen reiterated his suggestion of beginning the process with two council members and the clerk.

At the roll call:

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

Nay: Abstain:

The motion CARRIED.

E. R-18-08-04 A Resolution Approving & Accepting a Loan from the Alaska Dept. of Environmental Conservation Alaska Drinking Water Fund to Provide Loan Financing for Improvements to Community Water Infrastructure.

A motion was made by C. Andersen and seconded by C. Brown to adopt R-18-08-04.

Discussion:

- Utility Manager Handeland explained the resolutions under E and F of New Business supported applications for loan funding to finance the Bering Street rehabilitation project. He noted the amounts that would be available for repayment assistance for each, the continued evaluation of the present systems, and how the project would be coordinated with AK DOT & PF's rehabilitation of the street's surfacing. He noted that failure to accept the loans by September 14th wouldn't cancel the loan but the Utility would not be eligible for the subsidies.

At the roll call:

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

Nay: Abstain:

The motion CARRIED.

F. R-18-08-05 A Resolution Approving & Accepting a Loan from the Alaska Dept. of Environmental Conservation Alaska Clean Water Fund to Provide Loan Financing for Improvements to Community Sewer Infrastructure.

A motion was made by C. Andersen and seconded by C. Martinson to adopt R-18-08-05.

At the roll call:

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

Abstain:

The motion CARRIED.

G. R-18-08-06 A Resolution Approving & Accepting a Loan from the Alaska Dept. of Environmental Conservation Alaska Drinking Water Fund to Provide Loan Financing for Improvements to Community Water Infrastructure to Allow Refinancing of Prior Loans Made by USDA.

A motion was made by C. Andersen and seconded by C. Brown to adopt R-18-08-06.

Discussion:

Manager Handeland noted that New Business items G and H go together. He explained prior loans acquired by the Utility were being paid, though the principal was not being paid down at a satisfactory rate. The refinancing behind each of these resolutions would save the Utility about \$700,000 over the term of the loans.

At the roll call:

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

Nay: Abstain:

The motion CARRIED.

H. R-18-08-07 A Resolution Approving & Accepting a Loan from the Alaska Dept. of Environmental Conservation Alaska Clean Water Fund to Provide Loan Financing for Improvements to Community Water Infrastructure to Allow Refinancing of Prior Loans Made by USDA.

A motion was made by C. Andersen and seconded by C. D. Johnson to adopt R-18-08-07.

At the roll call:

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

Nay: Abstain:

The motion **CARRIED**.

I. R-18-08-08 A Resolution Supporting the City of Nome's Application for Funding from NSEDC for the Repair of the Inner Harbor Concrete Launch Ramp.

A motion was made by C. Andersen and seconded by C. Mark Johnson to adopt R-18-08-08.

Discussion:

- Councilman Andersen asked what the total budget was estimated at.
- Port Director Baker noted the project budget at just under \$2 million, per the engineer's estimate. The Port would submit a proposal to the Economic Development Administration later in the week, which would fund 80 percent of the project. The application to NSEDC would cover \$300,000, leaving the Port of Nome responsible for the remaining \$100,000.

At the roll call:

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

Nay: Abstain:

The motion **CARRIED**.

J. 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. Andersen and seconded by C. M. Johnson to adopt R-18-08-09.

Discussion:

- Councilman Andersen asked for an explanation.

- Manager Moran noted the proposed alternate route would save some 400 miles as opposed to the current planned route.
- Director Baker explained that the project team was looking for alternatives given the level of opposition to the project from communities in the Doyon region. She explained that no communities support the building of a public road into Western Alaska due to the potential for increased pressure on subsistence resources. She noted that an industrial access road was more palatable.
- Councilman M. Johnson asked where the route would connect to the Seward Peninsula road system.
- Director Baker explained either from the east or the north, but the route was not yet defined.

A motion was made by C. Andersen and C. D. Johnson to postpone R-18-08-09 to the September 24th Regular Meeting of the Nome City Council.

At the roll call:

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

Nay: Brown Abstain:

The motion to postpone to a definite time **CARRIED**.

UTILITY MANAGER'S REPORT

- Utility Manager Handeland noted his voluminous written report and said he was open to questions.
 - Councilman Andersen asked if there were other projects in the works aside from the Bering St Rehabilitation project.
 - Manager Handeland explained the Utility was considering loans for King Place and currently evaluating the scope of the project as the project financing lacked the grant funding of other projects.
 - Councilman Andersen asked if Sclairecore could be matched up with arctic pipe.
 - Manager Handeland answered affirmatively and explained that after a recent camera inspection of the sewer with help from the Alaska Rural Water Association, the condition of the King Pl system wasn't as bad as expected. He opined that most of the system appeared to need leveling rather than replacement. The water system however was in worse shape and showing signs of significant wear. He noted that the Utility would have to go out to bid for the projects and the costs depended on what the contractors come back with.

CITY MANAGER'S REPORT

- Manager Moran presented his written report highlighting the period for declaring candidacy was open, the recent visits by Senator Murkowski and gubernatorial candidate Mark Begich, and "Coffee with the Chief" as a means of introducing Bob Estes to the community. He thanked the Council for adopted the contract resolutions.
 - Councilman Brown asked if there had been any substantiation on allegations of NPD officers taking underage individuals on ride-alongs.
 - Manager Moran explained that four to five months ago there was a ride-along that garnered public attention. It was brought to the Police Chief's attention which resulted

- in the creation of a written policy allowing only those over the age of 18, with the exception a high school senior with a signed parent's permission slip.
- Councilman Brown asked how members of the public could provide names, dates, and other details concerning these allegations, as well as off-duty officers contacting underage women.
- Manager Moran gave an overview on the citizen complaint process. He understood that the incident Councilman Brown was referring to happened through Facebook Messenger; through contact with the parents and further investigation it was found that the officer was the girl's babysitter. Manager Moran was not aware of any further such incidents.
- Trinh Johnson asked where the forms were available.
- Manager Moran referred her to the Clerk's Office.
- Several audience members raised concerns over police retribution, trauma, victimization, accountability, and appropriate behavior of uniformed officers.
- Manager Moran explained the Department of Public Safety was looking into allegations
 of NPD procedural mistakes. He noted the City has started a pre-file with its insurer
 and had engaged a consultant for a third party review.
- Darlene Trigg asked for details of who to report to.
- Manager Moran explained he could not provide specifics at the moment but would get contact information.

CITIZENS' COMMENTS

Sandra Medearis remembered the resolution that came before the Council concerning sexual assault where the Town Hall meeting was first brought up. She remembered the seeing advertisements posted widely. Ms. Medearis noted the City Manager reminding the Council about the Town Hall meeting at the last Council meeting. She asked each Councilman, with the exception of Councilman Brown, why they were not at the meeting.

COUNCILMEN'S COMMENTS

- 1) Councilman Andersen explained that he couldn't leave the toilet that day. He opined that the preparation of the meeting could have been done better and that contact numbers should have been distributed. He reiterated his request that two Councilmen meet with the Clerk to begin the process of searching for a new manager. Councilman Andersen expressed concern over the state of the school budget and requested a third party audit to understand how the school district got so far in the red. He noted that he was not running for re-election this year and requested that KNOM and the Nome Nugget organize a debate for the candidates.
- 2) Councilman Brown commended the good discussion and steps forward; he noted that he was personally watching to ensure the City moves in the right direction. He requested a letter of support for the Intercontinental Railway Project.
- 3) Councilman Doug Johnson noted that he was working on Saturday August 18th and unable to get away for the meeting. He noted the time he spent with the incoming Chief of Police through the interview process and end by stating we should all be able to live in a community where we feel safe and comfortable.

- 4) Councilman Mark Johnson explained that it was the responsibility of elected officials to listen to and represent their constituents. He explained he had a rotating door of citizens expressing concerns after the ADN article was published. He explained that the issues currently under contention shouldn't linger; rather, the City needed to nip them in the bud and address them right away. He suggested that if the City Clerk chooses to apply for the City Manager job, he should declare the conflict and find someone else to accept applications. He noted the hollowing out of downtown into a Skid Row as a pattern that has occurred across the country. He requested the City learn from other examples of Cities rehabilitating their downtowns and apply them to Nome. Councilman M. Johnson noted that he was out of town at a wedding on Saturday the 18th.
- 5) Councilman Martinson noted his eyes were wide open now. He explained that he was out on the weekend of the 18th and apologized for not letting staff know. Councilman Martinson explained that he would now be following the issue more closely.
 - Councilman Andersen requested a public safety committee be created to monitor and address the issues.

MAYOR'S COMMENTS AND REPORT

• Mayor Beneville opined that elected officials have the community's trust and that perhaps that trust has not been honored. He stated that as a man, a citizen, and the mayor of Nome it hurts him to hear the allegations of abuse of power, that they remind him of past instances and Sonja Ivanoff. He noted that if Nome was to come of age, to build a new Port, and to grow, it needs a strong community. He noted that education, trust in law enforcement and trust in City Administration attracted people to communities. He urged citizens with concerns to find an outlet they trust to submit their complaints in writing, to act on them, noting that it is difficult to address such concerns without details in writing. If citizens were uncomfortable with going to Manager Moran, they could go to Clerk Hammond. He explained that he had contacted four people in the room to let them know that he couldn't attend the Town Hall Meeting. He ended by stating that he believes in our town, our children and the future of Nome.

EXECUTIVE SESSION

A motion was made by C. M. Johnson and seconded by C. Brown to recess into executive session to discuss personnel matters.

The Council recessed at 9:33 PM.

The Council reconvened at 10:35 PM.

<u>ADJOURNMENT</u>

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

Hearing no objections, the Nome Common Council adjourned at 10:35 PM.

APPROVED and SIGNED this 10th day of September 2018.

STAN ANDERSEN Presiding Councilman

ATTEST:

BRYANT HAMMOND

City Clerk