

Mayor
Richard Beneville
Manager
Tom Moran
Clerk
Bryant Hammond



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

102 Division St. • P.O. Box 281
Nome, Alaska 99762
Phone (907) 443-6663
Fax (907) 443-5345

**NOME COMMON COUNCIL
WORK SESSION & REGULAR MEETING AGENDA
MONDAY, AUGUST 13, 2018 @ 6:00/7:00 PM
COUNCIL CHAMBERS IN CITY HALL**

WORK SESSION, 6:00:

Discussion on Creating New Revenue Streams via the Excise Taxation of Tobacco and Marijuana,
PAGE 1

REGULAR MEETING, 7:00:

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- A. July 23, 2018 City Council Regular Meeting Minutes,
PAGE 21

IV. COMMUNICATIONS

- A. Letter of July 20, 2018 from NSEDC to Mayor Beneville re: 2018 NSEDC Community Representative Candidacy Packets,
PAGE 31
- B. Letter of August 7, 2018 from Pastor Leon Ringering to Nome City Council re: Seventh Day Adventist Tax Issue,
PAGE 33
- C. Flyer re: Town Hall Meeting on Public Safety in Nome on August 18th,
PAGE 35
- D. Flyer re: "Breaking the Cycle" and Community Conversation with DOC on August 28th,
PAGE 37
- E. Flyer re: "Community in Unity" Discussion on Incarceration and Release at AMCC on August 29th,
PAGE 39
- F. Flyer re: \$20,000 Reward for Information Leading to the Closure of the Joseph Balderas Missing Person Case,
PAGE 41

V. CITIZENS' COMMENTS

VI. PLANNING AND ZONING

VII. UNFINISHED BUSINESS

- A. O-18-07-03 An Ordinance Amending Section 2.25.070 (School Budget Approval) of the Nome Code of Ordinances,
SECOND READING/PUBLIC HEARING/DISCUSSION,
PAGE 43

VIII. NEW BUSINESS

- A. O-18-08-01 An Ordinance Retaining Lot 49, Block 57 for a Public Purpose,
FIRST READING/DISCUSSION,
PAGE 45
- B. Rehearing on the Nuisance Abatement of 604 East Front Street,
PUBLIC HEARING,
PAGE 73

IX. UTILITY MANAGER'S REPORT

- A. Activity Report: July 24 – August 10,
VERBAL

X. CITY MANAGER'S REPORT

- A. Activity Report: July 24 – August 10,
PAGE 91

XI. CITIZENS' COMMENTSXII. COUNCILMEN'S COMMENTSXIII. MAYOR'S COMMENTS AND REPORT

- A. Activity Report: July 24 – August 10,
VERBAL
- B. Appointment of Expiring Museum/Library Commission Seat E (Lean),
PAGE 103

XIV. EXECUTIVE SESSION

- A. Discussion of Confidential Personnel Matters,
VERBAL

XV. ADJOURNMENT

**MINUTES
NOME CITY COUNCIL
REGULAR MEETING
August 13, 2018**

The 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: Stan Andersen; Jerald Brown; Doug Johnson; Mark Johnson; Adam Martinson; Lew Tobin

Members Absent:

Also Present: Richard Beneville, Mayor; Tom Moran, City Manager; Bryant Hammond, City Clerk; John Handeland, Utility Manager; Julie Liew, Finance Director

In the audience: Sandra Medearis, *Arctic News*; Emily Hofstaedter & Margaret DeMaioribus, KNOM; David Csiki; Jim West, Jr.; Eric Bailey

APPROVAL OF AGENDA

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

A motion was made by C. Tobin and seconded by C. Brown 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. July 23, 2018 City Council Regular Meeting Minutes.

A motion was made by C. Brown and seconded by C. Tobin to approve the July 23, 2018 minutes.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

COMMUNICATIONS

- A. Letter of July 20, 2018 from NSEDC to Mayor Beneville re: 2018 NSEDC Community Representative Candidacy Packets.
- Councilman Tobin asked if the Norton Sound Health Corporation declaration of candidacy was at the same time.
 - Manager Moran explained the two were not related and that NSEDC assists the City of Nome with election costs.
- B. Letter of August 7, 2018 from Pastor Leon Ringering to Nome City Council re: Seventh Day Adventist Tax Issue.
- Councilman Andersen noted the change in taxable status cited by representatives of the Nome Seventh Day Adventist Church at the July 9, 2018 Council meeting as the reason why the City of Nome doesn't grant permanent exemptions.
 - Manager Moran noted that City staff bit their tongues when accused of mishandling the church's exemption application mailings when, in fact, the City had used the same Anchorage address between 2005 and 2018. For some reason the Church stopped submitting applications in 2015, despite no change in the City's correspondence.
- C. Flyer re: Town Hall Meeting on Public Safety in Nome on August 18th.
- D. Flyer re: "Breaking the Cycle" and Community Conversation with DOC on August 28th.
- E. Flyer re: "Community in Unity" Discussion on Incarceration and Release at AMCC on August 29th.
- F. Flyer re: \$20,000 Reward for Information Leading to the Closure of the Joseph Balderas Missing Person Case.

CITIZENS' COMMENTS

PLANNING & ZONING

UNFINISHED BUSINESS

- A. O-18-07-03 An Ordinance Amending Section 2.25.070 (School Budget Approval) of the Nome Code of Ordinances, **SECOND READING/PUBLIC HEARING/DISCUSSION**.

For the purpose of holding a public hearing, the Council recessed at 7:05 PM.

The Council reconvened at 7:05 PM.

A motion was made by C. Tobin and seconded by C. Martinson to adopt O-18-07-03.

At the roll call:

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

Nay:
Abstain:

The motion **CARRIED**.

NEW BUSINESS

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

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

Discussion:

- Manager Moran explained that the property in question was the best of the properties acquired through the 2015 tax foreclosure. He briefed the Council on the property and explained the City intended to rehab it and use it for municipal employee housing.
- Councilman Tobin asked what constituted the "public good."
- Manager Moran cited examples.
- Councilman Andersen called the property a garbage dump, noting the trash strewn around it and the neighboring property. He conjectured the pilings were rusted out below grade and suspected mold issues. He asked how much the City would have to put into the old building to make habitable.
- Manager Moran explained that multiple building inspectors had stated the building was salvageable, unlike 209 Prospect next door, which had flooded in the past. He noted that the City could put \$39,999 into the property without going out to bid and suspected such an amount would suffice to make the property habitable.
- Councilman Brown clarified the City could abate 209 Prospect and incorporate it into the project. He explained that might make the idea more palatable.
- Councilman D. Johnson asked Manager Moran what the probability of success was on the AHFC Teacher, Health Professional, and Public Safety Housing Grant.
- Manager Moran estimated 50:50 with a potential cost to the City of \$200,000. He noted the intended project would be a six unit building located where the hockey rink currently stands, as it would be vacant after the move and already has sewer/water/power on the lot.
- Councilman Andersen like the idea of cleaning the lots up though suggested the City wouldn't show itself in a favorable light if it were seen developing housing at the same time it was asking to raise taxes on the ballot.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

B. Rehearing on the Nuisance Abatement of 604 East Front Street, **PUBLIC HEARING.**

For the purpose of holding a public hearing, the Council recessed at 7:18 PM

Discussion:

- Councilman Andersen asked for an explanation.
- Manager Moran explained the entire abatement process regarding 604 East Front St from the Planning Commission's recommendation for abatement to the injunction issued on Friday, August 10th. He asked the Council to determine whether or not the structure was a nuisance.
- Councilman Tobin noted the building permit issued.
- Manager Moran explained the permit was approved shortly before the Court hearing while he was preparing for the injunction hearing. He explained the judge's interpretation of NCO 5.30 specified the property owner had the right to request a rehearing any time prior to the abatement of the property. As 604 East Front's abatement had not yet begun, Mr. West could request the present rehearing. He explained the work that was performed on the structure up until present and that the City Council, as the fact finders, had to determine if the work performed sufficiently removed the hazards to the public.
- Mayor Beneville asked what the City could expect from Mr. West.
- James West, Jr. explained that he was in the process of fixing the items specified in the Duszynski report. He apologized for taking his time in making the repairs, noting past abatements did not happen as quickly. He noted the structure was a solarium only intended for summer use and that he had already corrected the issues that made it a nuisance. He noted that no ambulance or fire calls were received concerning the structure and called the abatement of structures of value a bad policy for tax revenue.
- Councilman Doug Johnson asked how the City could be sure he would follow through on his promise of addressing the issues and keeping the structure secure.
- Councilman Tobin noted that he had never seen anyone using the structure and asked why Mr. West was going to such extremes to save it.
- Mr. West explained that it was an attached structure and his last tenant had caused significant damage to the property that hadn't been completely addressed yet.
- Councilman Brown noted the structure was clearly uninhabitable and an eyesore, but that solariums and decks should be held to a different standard. He suggested that the primary reasons for abatement had been addressed.
- Manager Moran noted that five of the eight noted defects in the Duszynski report had not been addressed yet.
- Councilman Martinson asked if the structure had sufficient egress.
- Mr. West noted there was egress from the habitable side of the structure. He asked for the opportunity to continue with the needed maintenance and reiterated the structure was not a fire hazard.
- Donald Johnson requested relief from abatement on two of the three structures on his property between West 2nd and West 3rd Ave.
- Mayor Beneville asked that Mr. Johnson make a formal request for his own rehearing as the subject at hand was 604 East Front St.
- David Csiki-Jones read a statement that he had prepared with Chris Williamson, who was out of town. The statement demanded the City follow its own mandate and abate the property, explaining that Mr. Csiki-Jones had owned property next door for 20 years and the condition of 604 East Front St was unlikely to change. He argued the property was in fact an attractive nuisance, that Officer Jachim had removed an adult man from the property as recently as June 27th. He stated that the screened windows were not secure, letting people and weather in, further degrading the structure. Mr. Csiki-Jones acknowledged that trash had been removed, but that allowing the property to pass would result in the property owner gaming the system.
- Mayor Beneville asked if Mr. Csiki-Jones would be satisfied with the issues being addressed by October 15th.

- Mr. Csiki-Jones stated he wasn't optimistic any repairs would be done. Further, he argued, the solarium was rotten and not amount of paint could fix that.

The Council reconvened at 8:05 PM.

A motion was made by C. Andersen and seconded by C. Tobin to extend the deadline to address the issues specified in the Duszinski report for 604 East Front St to October 15, 2018.

Discussion:

- Councilman Brown asked how the Council was supposed to evaluate the condition of a solarium.
- Manager Moran referred to details in the Duszinski report and noted that the inspector looked at it as a solarium.
- Councilman Mark Johnson wondered why the City would grant Mr. West a permit if the structure was to be abated.
- Manager Moran stated there was a breakdown in communication between departments, resulting in the issuance of the permit.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

UTILITY MANAGER'S REPORT

- Utility Manager Handeland explained that the first half of the 2018 fuel delivery had been completed over the weekend and the second half of the delivery would begin later in the evening. He noted the total cost was a little lower than expected. Manager Handeland noted that a water / sewer repair at Belmont Point had resulted in the lowest 3 AM measurement of water use in years. Trainers were in town for the certification of NJUS employees to work on the wind farm. Manager Handeland alerted the Council to resolutions required for loan applications scheduled for the August 27th agenda.
 - Councilman Brown asked if the fluoride system was operational.
 - Manager Handeland couldn't provide exact details off the top of his head.
 - Councilman Mark Johnson asked if the price of the Utility's fuel was public knowledge.
 - Manager Handeland explained it would be once the final price was known, explaining the price per gallon fluctuated over several different lift dates. He estimated the price to be around \$2.75 compared to \$2.20 the previous year. He noted that NJUS would be getting relief following the closure of a surcharge appeal to the State of Alaska. He estimated the Utility would garner around \$40,000 as a result.
 - Mayor Beneville asked about the persistent puddles at the corner of Mettler and Front St. and if a vacuum truck was needed to clear a drain.
 - Manager Handeland noted that a lot of car washing occurred at that corner and that the vacuum trucks were currently cleaning sewer mains in preparation for winter.

CITY MANAGER'S REPORT

- Manager Moran presented his written report highlighting successful inspections at the landfill and monofill, a successful summer clean up week, and the recent successful settlement of an insurance claim through AMLJIA. He noted that Clerk Hammond was likely to be named to the AMLJIA Board of Trustees to continue to represent the City of Nome after his departure. Manager Moran noted Planning Commission was beginning the next round of abatement recommendations and had its annual open house scheduled for October. He alerted the Council to the Town Hall meeting on public safety on Saturday the 18th, the beginning of the candidacy declaration period, and the reduced registration fee for locals at the Museums Alaska Conference in September. He responded to Councilman Tobin's question concerning landfill volumes and life expectancy and briefed the Council on the morning with the Secretary of the Navy and Senator Sullivan.
 - Councilman Andersen requested a list of the last set of abatements and asked that staff work to strengthen the process by listing the specific issues needing to be addressed to remediate any alleged hazards.

CITIZENS' COMMENTS

COUNCILMEN'S COMMENTS

- 1) Councilman Andersen suggested the City donate a number of plots at the Cemetery, using the legislative donation line in the budget.

A motion was made by C. Andersen and seconded by C. D. Johnson to donate five cemetery plots to Charlie Reader and two cemetery plots to Andrew Miller in recognition of their 30 years' service in digging graves for the community.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

- 2) Councilman Brown – no comments.
- 3) Councilman Doug Johnson expressed displeasure at seeing two assets of the community fighting over a building's condition. He requested staff do a better job of reconnaissance prior to beginning the abatement process, provide a specific list of items needing to be fixed or remediated, specify the date the building will be abated, and demolish the building on the date specified if the hazards were not remediated.

- 4) Councilman Mark Johnson thanked the City Manager, Parks Recreation Director, and Public Works for fixing the sauna door in the women's locker room. He noted broad agreement in wanting the town to look better and suggested a dollar property tax discount for each dollar spent on paint to encourage people to paint their buildings more often.
- 5) Councilman Martinson – no comments.
- 6) Councilman Tobin advised the Council that the Alaska Commission on Aging will also be meeting and holding listening sessions in Nome September 10 – 12. He noted an incident from earlier in the day in which tourists were trying to take a picture of the Iditarod Arch when someone drove in front of them and parked. He request staff look into painting a no parking sign there. He asked when Angie would be making another report to the Council and described abatement as being a “building execution” from the property from the property owner's perspective.
 - Manager Moran reminded Councilman Tobin that Front St was a state road.

MAYOR'S COMMENTS AND REPORT

- Mayor Beneville commended Sitnasuak for their work in building the viewing platform over the Eskimo Cemetery by the Port. He noted a recent comment on the apparent law and order in Nome as compared to Houston, AK. Mayor Beneville updated the Council on the Secretary of the Navy's visit to Nome, including a visit to the BOT, and the recent signing of the defense bill that moved towards the building of five new ice breakers. He asked if Nome was only community to get such high marks during the landfill inspections and what the status of the tents on West Beach was.
 - Manager Moran explained that Nome had some of the higher scores in Rural AK and that the City of Nome could notify the property owner at West Beach that the structures were not rated for the flood zone they occupied.
- Mayor Beneville re-appointed Charlie Lean to Seat E of the Museum and Library Commission.

A motion was made by C. Andersen and seconded by C. Tobin to confirm Mr. Lean's appointment.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

EXECUTIVE SESSION

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

The Council recessed at 8:44 PM.

The Council reconvened at 9:07 PM.

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 9:07 PM.

APPROVED and SIGNED this 27th day of August 2018.



RICHARD BENEVILLE
Mayor

ATTEST:



BRYANT HAMMOND
City Clerk