

Mayor
Richard Beneville
Manager
Tom Moran
Clerk
Bryant Hammond



Nome City Council
Stan Andersen
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NOME COMMON COUNCIL
***RESCHEDULED* REGULAR MEETING AGENDA**
TUESDAY, MAY 29, 2018 @ 7:00 PM
COUNCIL CHAMBERS IN CITY HALL

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- A. Activity Report: May 15 – 25,
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XIV. ADJOURNMENT

**MINUTES
NOME CITY COUNCIL
RESCHEDULED REGULAR MEETING
May 29, 2018**

The rescheduled 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 (telephonically)

Members Absent: Lew Tobin (excused)

Also Present: Richard Beneville, Mayor; Tom Moran, City Manager; Bryant Hammond, City Clerk; John Handeland, Utility Manager; Ken Morton, Assistant Utility Manager; Joy Baker, Port Director; Julie Liew, Finance Director; Joe Horton, Public Works Director; Nicholas Harvey, NPD

In the audience: Sandra Medearis, *Arctic News*; Davis Hovey, KNOM; Joe Miller; Katie Smith; Steve Smith; Karen C. Ecke; Paul G. Kosto; Lisa Leeper; Kirk Reynolds; Bonnie Reynolds; Bode Leeper

APPROVAL OF AGENDA

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

A motion was made by C. Brown 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**.

ADMINISTRATION OF OATHS OF OFFICE

City Clerk Hammond administered the Oath of Office for Police Officers Leighton Cox and Elizabeth Jachim, and Community Service Officer Daniel Angusuc.

APPROVAL OF MINUTES

A. May 14, 2018 City Council Regular Meeting Minutes.

B. May 23, 2018 City Council Special Meeting Minutes.

A motion was made by C. M. Johnson and seconded by C. D. Johnson to approve the May 14, 2018 Regular Meeting and May 23, 2018 Special Meeting Minutes.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

COMMUNICATIONS

- A. Letter of May 15, 2018 from NSEDC to Mayor Beneville re: 2018 Mid-Year Community Benefit Share.
- B. Letter of May 21, 2018 from Joe Miller to City of Nome re: West Tobuk Alley ROW Vacation.
- C. Letter of May 22, 2018 from Mayor Beneville to Governor Walker re: Nome Arctic Deep Draft Port.
- D. Letter of May 22, 2018 from Larry Pederson to City of Nome re: West Tobuk Alley ROW Vacation.
- E. E-mail of May 22, 2018 from Melissa Ford to City of Nome re: West Tobuk Alley ROW Vacation.
- F. Note from Nome Winter Sports Association to City of Nome re: Thanks for Support.
- G. Flyer re: Spring Clean-Up from May 27 – June 2.
- H. Flyer re: Kawerak E-Waste Event from June 1 –2.
- I. Flyer re: Nome River Raft Race on June 24, 2018.
- J. Flyer re: Pet Sanitation Rules.

CITIZENS' COMMENTS

- 1) Lisa Leeper, Katie Smith, Bode Leeper, and Colin McFarland thanked the City Council for supporting the 8th Grade Anvil City Science Academy field trip to Washington, DC. Katie Smith read a thank you letter from Lena Baker who could not attend the meeting.
 - Mayor Beneville asked what their favorite memory was.
 - Bode Leeper described his experience in the IMAX theater.
 - Councilman Andersen asked how many students attended.
 - Lisa Leeper explained that 12 students and 11 parents attended and that the students did community service projects to “pay” back the grant dollars.
 - Councilman Andersen opined it was easier to provide funding when recipients updated the Council and thanked the City at meetings.
- 2) Paul Kosto, Executive Director of the Nome Chamber of Commerce, requested the City fully fund his request of \$214,390 for the Visitor Center contract for FY19. He cited previous

budget figures from the period when the City staffed and ran the visitor center and argued that A) the Chamber of Commerce is losing money on the contract and B) running the visitor center through the City would be more expensive. Mr. Kosto contended that now is the time to promote tourism in Nome as Americans are increasingly seeking safe yet adventurous destinations.

- Councilman Andersen explained that the Council couldn't amend the budget during first reading, but that this would come up again at second reading.
- 3) Joe Horton, Director of Public Works, requested the side-dump tractor/ trailer be placed back in the Public Works budget. He contended the Council's reasoning that the City could rent the same equipment locally for cheaper didn't take into account competition with State DOT. He explained the State had a higher contracted rate and that contractors prioritize State requests for service over the City. This left the City without equipment of its own and no ability to hire equipment in times of need.
- Councilman M. Johnson asked how much the state paid.
 - Director Horton explained the State paid \$125/hour while the City paid \$105/hour. He also explained the sidedump would increase efficiencies in the summer as well. He recommended the City use some of its insurance holiday to pay for the equipment.
 - Councilman Johnson asked for specifics on the equipment replacement fund.
 - Finance Director Liew explained the current balance of the fund was \$1.2 million and that if it dipped below \$1 million, it would have to be backfilled with money from the General Fund. Currently, the budget reflects a draw of \$182,500 from the fund.
 - Manager Moran explained that the remaining funds above \$1 million could be used for the tractor / trailer.
- 4) Scot Henderson spoke in opposition to the proposed increase in the mill rate, explaining that the sales tax resulted from the expected rise in fuel costs would make up the same amount as an increase of one mill. He requested the Council not increase the mill rate and adjust the projected sales tax revenue.
- Councilman Andersen noted this should be discussed when the mill rate resolution comes up on the agenda.

UNFINISHED BUSINESS

- A. O-18-04-02 An Ordinance Authorizing the Disposal of Municipal Property by Lease to the Federal Aviation Administration (Nome Municipal Cemetery), **SECOND READING/PUBLIC HEARING/FINAL PASSAGE.**

For the purpose of holding a public hearing, the Council recessed at 7:31 PM.

Discussion:

- Manager Moran explained the background of the lease to the Council.

The Council reconvened at 7:32 PM.

A motion was made by C. Andersen and seconded by C. D. Johnson to adopt O-18-04-02.

Discussion:

- Councilman Andersen requested the Council and staff remember where the road is located in relation to the existing cemetery.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

B. O-18-04-03 An Ordinance Granting a Vacation of Right-of-Way Application in Block 96, SECOND READING/PUBLIC HEARING/FINAL PASSAGE.

For the purpose of holding a public hearing, the Council recessed at 7:33 PM.

Discussion:

- Manager Moran noted the protests provided in the packet under communications, as well as the applicants and one protestor in attendance.
- Councilman Andersen asked if Manager Moran was recommending that the ordinance be changed through his memo.
- Manager Moran explained that per Alaska Statute, the Planning Commission is the platting authority for the City of Nome and hence has authority over Right-of-Way vacations.
- Councilman Andersen suggested that staff explore changing the ordinances as he did not feel the Planning Commission should be the body responsible for vacating ROWs. He also noted the Planning Commission's desire to extend West Tobuk Alley to Steadman and asked why the City would vacate a ROW on one end of Tobuk, yet remove encroachments to create a passable ROW on the other end of Tobuk. He asked why the City wouldn't just vacate that ROW as well.
- Manager Moran noted that no application had been filed; thus the issue hadn't been raised.
- Councilman Andersen argued the example of Block 116, where the City vacated the ROWs to allow for the development of a Wellness Center wasn't an appropriate example, as NSHC owned the entire block.
- Councilman M. Johnson expressed concern with the procedure used for O-18-04-03. If the Council was to have final say, why did the ordinance have first reading at the Council, then going through a public hearing and passage at the Planning Commission before coming back to second reading at the Council.
- Manager Moran explained the gray area arising from a conflict between NCO 2.10 and AS 29.40, and how the City had procedurally handled the conflict before. If staff had presented the ordinance for first reading after the Planning Commission had acted, second reading would arise after the 30 day period in which the Council had the authority to overturn the Planning Commission's decision.
- Kirk Reynolds explained the ROW in question had been fenced in for 30 years and had previously been used as Lang's dog lot. He noted that Joe Miller was the only resident he had known to ever use the Alley in Block 96, as the ground fell away into Dry Creek immediately after the cabin. He opined development of the alley as a City street would be expensive. He noted that he purchased the adjoining lots and would be seeking a minor lot consolidation for the four lots. Mr. Reynolds explained there was access to the lots on the north side of the block via D St which turned into a large trail used frequently by snowmachines and four-wheelers. He noted that Mr. Miller's lots, numbers 10 – 12 all had access along 4th Ave, an already maintained City street. Mr. Reynolds contended that Mr. Miller had filled in lots along W E St without a fill permit from the City.

- Councilman Andersen asked if Mr. Reynolds knew the situation with the lots prior to purchase.
- Mr. Reynolds stated he did, but thought the encroachment would be grandfathered.
- Joe Miller explained he bought lots under the assumption that he would have two access points and that he would like it to remain that way. He hoped the Council would "do the right thing."

The Council reconvened at 7:50 PM.

A motion was made by C. Brown and seconded by C. Andersen to adopt O-18-04-03.

Discussion:

- Councilman Andersen noted the City needed to be consistent. He wasn't in favor of passing the ordinance to begin with, as he felt it would set a bad precedent.
- Councilman M. Johnson noted the Council wouldn't be making a decision based on the landowners' dispute. The decision to overturn the Planning Commission's action was based on the procedure used and what the Council felt was in the best interests for the community.
- Kirk Reynolds requested the City do something about the illegal road that Joe Miller had constructed.

At the roll call:

Aye:

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

Abstain:

The motion **FAILED**.

NEW BUSINESS

- Memorandum of May 25, 2018 from Finance Director Liew to City Council.
- O-18-06-01 An Ordinance to Establish, Approve, and Adopt the FY 2019 City of Nome General Fund Municipal Budget and Exercising the Power to Assess and Authorizing the Levy of a General Property Tax, **FIRST READING/DISCUSSION**.

A motion was made by C. Andersen and seconded by C. Brown to advance O-18-06-01.

Discussion:

- Manager Moran reviewed Director Liew's memo with the Council.
- Councilman M. Johnson asked if advancing O-18-06-01 set the mill rate.
- Manager Moran noted the mill rate resolution further down the agenda and explained how the budget ordinances needed two readings, yet the Council was required by statute to set the mill rate by a certain date. In the past, the Council had run into issues with the timeline and that setting the mill rate by resolution was the vehicle by which the issues were addressed. He noted that if the presented mill rate is changed by amending the resolution, the ordinance could be amended at second reading.
- Councilman Andersen noted the mill rate was set at 11 and the budget deficit was \$1.6 million, primarily because the City increased in school contribution by nearly \$600,000 this year. He noted trends in sales tax on fuel, explaining the City would still run a \$1.2 million deficit if FY19 with the increased mill rate and increased fuel sales tax revenue.

- Councilman M. Johnson opined that the rise in property values, the seasonal sales tax, and increased fuel prices would bring in more revenue than was projected.
- Councilman Andersen reiterated the increasing amount of school contributions would place the City's budget in a difficult position again next year. He contended it's easier to raise the mill rate slowly than precipitously. He noted that on the present course, the City would have to start cutting wages and positions to balance the budget.
- Councilman Brown contended that people have a certain amount of money they're going to spend. When costs increase in one category, spending will decrease in another category. He stated more revenue would arise from higher fuel costs, but that it wasn't realistic to rely on that increase to offset property tax revenue. The increase in spending on fuel will result in a decrease in spending elsewhere.
- Councilman Andersen requested that the tractor / trailer for Public Works be added to the budget at second reading.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

- C. O-18-06-02 An Ordinance to Establish, Approve, and Adopt the FY 2019 City of Nome School Debt Service Fund Budget, **FIRST READING/DISCUSSION**.

A motion was made by C. Andersen and seconded by C. M. Johnson to advance O-18-06-02.

Discussion:

- Manager Moran noted the transfer of \$175,000 Anvil City Science Academy bathroom renovation.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

- D. O-18-06-03 An Ordinance to Establish, Approve, and Adopt the FY 2019 City of Nome Special Revenue Fund Budget, **FIRST READING/DISCUSSION**.

A motion was made by C. Andersen and seconded by C. Brown to advance O-18-06-03.

Discussion:

- Manager Moran explained the expenditures were related to two museum conferences happening during FY19.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

- E. O-18-06-04 An Ordinance to Establish, Approve, and Adopt the FY 2019 City of Nome Capital Projects Fund Budget, **FIRST READING/DISCUSSION**.

A motion was made by C. Brown and seconded by C. Andersen to advance O-18-06-04.

Discussion:

- Manager Moran explained the "button up" expenses closing out the Richard Foster Building grant.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

- F. O-18-06-05 An Ordinance to Establish, Approve, and Adopt the FY 2019 City of Nome Construction Capital Projects Fund Budget, **FIRST READING/DISCUSSION**.

A motion was made by C. Andersen and seconded by C. Brown to advance O-18-06-05.

Discussion:

- Manager Moran noted the transfer in of \$175,000 for the Anvil City Science Academy bathroom renovation.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

- G. O-18-06-06 An Ordinance to Establish, Approve, and Adopt the FY 2019 City of Nome Port of Nome Fund Budget, **FIRST READING/DISCUSSION**.

A motion was made by C. Andersen and seconded by C. M. Johnson to advance O-18-06-06.

Discussion:

- Manager Moran noted the Port Commission adopted the budget before them at their April 19th meeting and that Port Director Baker was on the line if the Council had any questions. He noted the deficit was explained in Director Liew's memo on page 55.
- Councilman Andersen asked where the funds making up the operating deficit would come from.
- Director Liew explained that the funds would eventually come from the Port Fund balance. The Port currently owes the General Fund \$1.3 million but has savings of \$2 million. She

explained that expenses incurred by the Port are paid out by the General Fund. Over the course of the year, as the funds are available, the Port will pay back the General Fund.

- Councilman M. Johnson clarified there were fees that were not yet booked that would go to paying back the General Fund.
- Port Director Baker stated that was the case, provided revenues exceeded operational expenses.
- Councilman M. Johnson noted there were capital expenses that accounted for the deficit and that for the past five year, the Port had been running in the positive rather than negative.
- Port Director Baker stated that wasn't the case. She noted the Port ran an off and on deficit over the past several years, explaining that individual budget years may show a positive balance, though those numbers are offset by what the Port owes the General Fund. She noted that a set of numbers was needed when evaluating the fiscal health of the Port.
- Councilman M. Johnson asked if that included the purchase of Thornbush Subdivision.
- Director Baker stated it did, though in 2013 when the Port bought Thornbush, the funds came out of the Fund Balance.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

H. O-18-06-07 An Ordinance to Establish, Approve, and Adopt the FY 2019 City of Nome Port of Nome Capital Projects Fund Budget, **FIRST READING/DISCUSSION**.

A motion was made by C. Andersen and seconded by C. M. Johnson to advance O-18-06-07.

Discussion:

- Manager Moran noted that if the Governor signed the budget as it was presented to him, \$1.6 million would be added for the Deep Draft Port project.

At the roll call :

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

Nay:

Abstain:

The motion **CARRIED**.

I. R-18-05-04 A Resolution Setting the City of Nome Mill Rate for Calendar Year 2018.

A motion was made by C. Andersen and seconded by C. Brown to adopt R-18-05-04.

A motion was made by C. Brown and seconded by C. M. Johnson to amend R-18-05-04 by lowering the rate to 10 mills.

Discussion:

- Councilman Andersen opined the revenue problem will catch up with the City because raising the rate by more than a mill is unpopular and the City's savings will only last so long. The City will likely be in the same position next year.

At the roll call:

Aye: M. Johnson

Nay: Brown; D. Johnson; Martinson; Andersen

Abstain:

The motion to amend **FAILED**.

Returning to the main motion:

At the roll call:

Aye: Andersen; Brown; D. Johnson; Martinson

Nay: M. Johnson

Abstain:

The motion **CARRIED**.

- J. R-18-05-05 A Resolution Requesting FY 2019 Payment in Lieu of Taxes Funding from the Department of Commerce, Community, and Economic Development (DCCED).

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

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

UTILITY MANAGER'S REPORT

- Utility Manager Handeland presented his verbal report highlighting the Bering St project had been incorporated into the State Intended Use Plan and the project had been number two or three on the list. The Plan now goes through a 20 – 30 day public comment process. With respect to the USDA applications for the refinancing, the Utility was on the list for one but several months henceforth there would be an opportunity to apply for funding for the second project.

CITY MANAGER'S REPORT

- Manager Moran presented his written report highlighting Spring Cleaning is currently happening. He noted the fantastic turnout for the cemetery cleanup and Memorial Day celebration, despite the cold weather. Manager Moran noted the NSEDC mid-year distribution applications would be presented at a work session prior to the next meeting and to expect some City of Nome projects to be included, as the City was facing a deficit.
 - Mayor Beneville asked if organizations that have already received funding this year could apply again.

- Councilman Andersen requested a list of how the money has been distributed in the past and asked if all successful applicants had received the funds from January.
- Director Liew explained that 50 percent of the funds from January had been distributed and there were still a few remaining organizations submitting receipts.
- Councilman M. Johnson asked Port Director Baker to explain the “boundary line” issue with respect to the Nome dredging fleet.
- Director Baker explained that changing the location of the Boundary Line was not going to be feasible and she was working with Alaska’s congressional delegation and the Coast Guard on revisiting regulations for the near-shore dredge fleet in Nome.

CITIZENS' COMMENTS

- 1) Scot Henderson thanked the Council for their discussion on the budget ordinances but opined that using savings or increasing taxes year over year were unsustainable in a town that was facing a decline in business.
 - Councilman Andersen noted the deficit was primarily created from the substantial increase in school contributions.

COUNCILMEN'S COMMENTS

- 1) Councilman Mark Johnson requested the City address the burned out van parked at the airport, reasoning it was a bad first impression for visitors. He echoed Mr. Henderson’s sentiments concerning a flat budget with decreasing revenue, yet claimed the City creates things such as higher taxes to businesses and scare people away. Councilman M. Johnson stated one of the reasons the school has a deficit had to do with decreasing student enrollment. He suggested the City should endeavor to attract more students to buoy school funding.
 - Manager Moran stating he was working on it with the Airport Manager.
 - Councilman Andersen suggested staff just get it done.
- 2) Councilman Martinson – no comments.
- 3) Councilman Andersen complimented the City Manager and the Cemetery Manager on the cemetery clean up. He noted commercial operations using the City dump trucks to dispose of their commercial waste and requested next year’s notice state “no commercial garbage” in bigger lettering. He suggested the City hire someone to stand by the trucks to ensure disposals happen in an orderly fashion. The more time Public Works spends cleaning up around the trucks, the less time the Roads Crew spends grading roads and addressing dust issues. Councilman Andersen also lamented the lack of volunteerism in town. He expressed concern over the development of a dog park, as it would become another area of maintenance for the City. He opined more residents would volunteer their time as do the dedicated group that maintained the ice rink. Councilman Andersen suggested the cemetery addition be started from Center Creek Rd and extend south to meet the existing cemetery site rather than the other way around. Councilman Andersen stated he intended to propose an amendment removing the self-contained sink unit from the morgue. He recognized there were issues, but felt installing a 50 gallon water tank and a sink was not going to address them. Councilman Andersen ended by suggesting ways to make serving on the City Council more enticing to people, such as decreasing the amount of meetings to once per month and shifting to a two year budget to increase efficiencies.
- 4) Councilman Brown – no comments.

- 5) Councilman Doug Johnson thanked those who place garbage inside the dump trucks and those who participated in the meeting. He noted that he had some difficulty in retrieving documents from the City website earlier in the day.
- Clerk Hammond stated he would follow up with respect to the website.

MAYOR'S COMMENTS AND REPORT

- Mayor Beneville thanked NSEDC for the mid-year distribution. He stated the VFW deserves a pat on the back for their efforts on Memorial Day. He noted the Chamber of Commerce's successful membership drive. Mayor Beneville requested that the picture of the three lucky swedes in Old St. Joe's be hung back on the wall and asked why City workers were filling holes on Front St, which was a state road.
 - Public Works Director Horton explained the City's good working relationship with State DOT and noted each helps each other out when possible.

ADJOURNMENT

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

Hearing no objections, the Nome Common Council adjourned at 8:47 PM.

APPROVED and SIGNED this 11th day of June 2018.


RICHARD BENEVILLE
Mayor

ATTEST:


BRYANT HAMMOND
City Clerk