

**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, NOVEMBER 27, 2017 @ 5:30/7:00 PM  
COUNCIL CHAMBERS IN CITY HALL**

**WORK SESSION, 5:30 PM:**

5:30 – Update on FY18 City of Nome Budget Status at First Quarter's End,  
**PAGE 1**

6:00 – Discussion on Updating the Nome Code of Ordinances to Allow Sex Offenders Actively Receiving Treatment to be Housed at the Seaside Center,  
**PAGE 21**

**REGULAR MEETING, 7:00 PM:**

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. October 30, 2017 City Council Rescheduled Regular Meeting Minutes,  
**PAGE 45**

IV. COMMUNICATIONS

- A. Letter of October 30, 2017 from Manager Moran to Nome Eskimo Community re: Low Income Housing Project in Nome,  
**PAGE 53**
- B. Letter of November 8, 2017 from NSEDC to Mayor Beneville re: Community Holiday Dinner,  
**PAGE 55**
- C. Letter of November 9, 2017 from Kawerak, Inc. to City of Nome re: Request for Donations,  
**PAGE 57**
- D. Letter of November 16, 2017 from Clerk Hammond to Nome Eskimo Community re: Harpoon Apartments Zoning,  
**PAGE 59**
- E. Letter of November 21, 2017 from Charles J. Reader to City of Nome re: Polaris Abatement,  
**PAGE 61**
- F. Invitation of November 22, 2017 from AMCC to City of Nome re: Holiday Dinner,  
**PAGE 63**

- G. Flyer from AKDOT&PF re: Seppala Drive Upgrades and Port Road Reconstruction Open House on December 15,  
**PAGE 67**

V. CITIZENS' COMMENTS

VI. PLANNING AND ZONING

- A. October 10, 2017 Planning Commission Rescheduled Regular Meeting Minutes,  
**PAGE 69**

VII. NEW BUSINESS

- A. O-17-11-01 An Ordinance Amending Chapter 3.30 (Correctional Facilities) of the Nome Code of Ordinances,  
**FIRST READING/DISCUSSION,**  
**PAGE 75**
- B. O-17-11-02 An Ordinance Amending Chapter 12.10 (Port Commission) of the Nome Code of Ordinances,  
**FIRST READING/DISCUSSION,**  
**PAGE 77**
- C. R-17-11-01 A Resolution Honoring Thomas "Tom" Sparks for His Nearly Twenty Years of Public Service and Commitment to the City of Nome,  
**PAGE 81**
- D. R-17-11-02 A Resolution Approving a Labor Agreement Between the City of Nome and the City of Nome Employees' Association (CNEA) Through December 31, 2020,  
**PAGE 83**
- E. R-17-11-03 A Resolution Approving a Memorandum of Agreement Between the State of Alaska Department of Transportation and Public Facilities (AKDOT&PF) and the City of Nome for Winter Road Maintenance,  
**PAGE 129**
- F. R-17-11-04 A Resolution Approving the Nome Port and Harbor Capital Improvements Plan (CIP) as Phase 2 of the 2017 Nome Port and Harbor Development Analysis by Cordova Consulting,  
**PAGE 133**

VIII. UTILITY MANAGER'S REPORT

- A. Activity Report: October 31 – November 22,  
**VERBAL**

IX. CITY MANAGER'S REPORT

- A. Activity Report: October 31 – November 22,  
**PAGE 155**
- B. Port/Harbor Projects Update: November 2017,  
**PAGE 179**

X. CITIZENS' COMMENTS

XI. COUNCILMEN'S COMMENTS

XII. MAYOR'S COMMENTS AND REPORT

- A. Activity Report: October 31 – November 22,  
**VERBAL**

- B. Planning Commission Seat "E" (Pederson) Appointment,  
**PAGE 183**
- C. Port Commission Seat "B" (Lean) Appointment,  
**PAGE 185**
- D. Port Commission Seat "C" (West) Appointment,  
**PAGE 187**

XIII. ADJOURNMENT

**MINUTES  
NOME CITY COUNCIL  
REGULAR MEETING  
November 27, 2017**

The regular meeting of the Nome City Council was called to order at 7:03 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: Tom Moran, City Manager; Bryant Hammond, City Clerk; John Handeland, Utility Manager; Ken Morton, Assistant Utility Manager; Joy Baker, Port Director (telephonically); Cheryl Thompson, Executive Assistance; Dawn Ubelaker, Animal Control Officer; Julie Liew, Finance Director; Dana Handeland, Payroll Technician; John Papasodora, Police Chief

In the audience: Sandra Medearis, *Arctic News*; Davis Hovey, KNOM; Derek McLarty; Bob Weston; Melissa Ford; Shane and Dani Smithhisler; Adam Rutherford; Sandy Martinson; Cheri McConnell; Charlie Lean; Barbara Cromwell; Kathy Hall; Bob Hafner; Trey Watson

**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. M. Johnson 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. October 30, 2017 City Council Rescheduled Regular Meeting Minutes.

A motion was made by C. Tobin and seconded by C. M. Johnson to approve the October 30, 2017 minutes.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED.**

**COMMUNICATIONS**

- A. Letter of October 30, 2017 from Manager Moran to Nome Eskimo Community re: Low Income Housing Project in Nome.
- B. Letter of November 8, 2017 from NSEDC to Mayor Beneville re: Community Holiday Dinner.
  - Councilman Andersen asked if Nome Community Center would hold the event.
  - Mayor Beneville confirmed that they did and relayed that the event went well.
- C. Letter of November 9, 2017 from Kawerak, Inc. to City of Nome re: Request for Donations.
  - Councilman Tobin asked if the City of Nome could solicit Kawerak merchandise to use as door prizes at the City's holiday function.
- D. Letter of November 16, 2017 from Clerk Hammond to Nome Eskimo Community re: Harpoon Apartments Zoning.
- E. Letter of November 21, 2017 from Charles J. Reader to City of Nome re: Polaris Abatement.
  - Mayor Beneville asked Manager Moran to explain.
  - Manager Moran summarized the situation, explaining that the insurance company needed a timeline to understand the gravity of the situation, so he gave examples of past abatements. He noted that he never intended for the City to push to complete the work itself; however, Manager Moran explained the danger posed by the structure in its current form and the City's position that the structure needed to come down sooner rather than later. He also noted that the reason the City acquired an excavator in FY13 was specifically so that it had the ability to pursue abatements itself if necessary.
  - Councilman M. Johnson asked if the insurance company would put it out to bid.
  - Manager Moran explained it would probably look more like a RFQ (request for quotes).
  - Councilman Andersen stated the City had no business tearing down structures and insisted on hiring a contractor to perform the work through a bid process. He continued to request the City's excavator not be used.
  - Manager Moran reiterated his point that the process needed to be expedited due to the condition of the property. The owner would be in Anchorage for the winter and was not actively seeking demolition.
  - Councilman M. Johnson stated the insurance company should not be calling the shots and suggested just getting the job done.
  - Councilman Tobin suggested the City issue a RFQ as a means of estimating costs.
  - Manager Moran explained that Q-Trucking, in the past, had stalled on abatement jobs, forcing the City's hand.
  - Councilman Brown applauded Manager Moran's proactive attitude, though he also asked why the City was speaking with the insurance company to begin with. He stated that government should not compete with private business and noted Q-Trucking's adept handling of the tearing down of the King Island Apartments in 2015 as demonstrated ability to perform the job.
  - Councilman M. Johnson asked that it be made clear that the City did not want to perform the work and such should be within the realm of the Manager's authority.
  - Manager Moran clarified the timeline for the Council and volunteered to send a follow up letter.

- F. Invitation of November 22, 2017 from AMCC to City of Nome re: Holiday Dinner.
- Councilman Andersen asked if the invitation was addressed to the public or the Council.
  - Superintendent Martinson answered that it was only for the Council and asked that those attending RSVP with the provided card.
- G. Flyer from AKDOT&PF re: Seppala Drive Upgrades and Port Road Reconstruction Open House.

### **CITIZENS' COMMENTS**

- 1) John Papasodora explained the condition of the former Polaris Hotel as a dangerous liability. He described the sharp edges throughout and the possibility that alcohol may still be in the building. Chief Papasodora noted that children and adults had already attempted breaking in to recover any remaining alcohol and he predicted that the pattern would continue as long as someone thought alcohol remained in the structure. He asked that demolition/abatement be expedited and warned that a member of the public was likely to get hurt if the structure remained. Chief Papasodora concluded by noting the passage of SB54 and opined that the bill should assist NPD and the local DA with stiffer sentencing guidelines.
  - Councilman Andersen suggested declaring the structure an emergency to expedite the process. If the insurance company and owners were not willing to pay the costs incurred, the City could put a lien on the property.
  - Councilman M. Johnson asked if the building had been released.
  - Chief Papasodora explained that the insurance company and the Fire Marshal had released it.
  - Mayor Beneville suggested putting up police tape.
  - Chief Papasodora predicted that "do not cross" tape would not be heeded.
- 2) John Handeland stated that he was concerned about debris blowing off the former Polaris Hotel, explaining debris could affect power lines. He encouraged quick resolution of the issue. Mr. Handeland finished by explaining that *The Nome Nugget* was taking orders for Christmas trees on Thursday.
- 3) Cheri McConnell introduced herself as the new Quintillion local representative and informed the Council of an open house on 12/11.
  - Councilman Tobin asked when the system would be up and running.
  - Ms. McConnell replied that the system was currently running and that it would be offered to providers on 12/1.
- 4) Charlie Lean asked that he be reappointed to the Port Commission, explaining that he enjoys the work and has been a lifelong boater.
- 5) Melissa Ford spoke in opposition to housing sex offenders at Seaside Correctional Facility. She contended a 6 month treatment program would not be effective and that Seaside already has issues. She presented a list of questions, including: how many major incidents occurred in 2016 and 2017? Does Seaside operate under a full staff? How many breaches were there in 2016 and 2017? Will the Department of Corrections be offering outpatient treatment? What safety measures are in place for female inmates and guards?
- 6) Barbara Cromwell introduced herself as a forensic nurse at NSHC who works with victims of sexual assault. She spoke in support of treatment, explaining that they're lucky if they get convictions, as the offenders usually just end up just going home and reintegrating with the community. She explained that Behavioral Health Services (BHS) was building a program

that would last 12–16 months, beginning with a full psychiatric assessment, a personally crafted treatment plan, and ongoing services.

- Councilman Andersen asked if the program would be funded by grant money and if it was voluntary.
- Ms. Cromwell stated the treatment would be free, though didn't know the funding specifics. She explained that most patients would be court-ordered.

- 7) Kathy Hall from NSHC BHS explained that she was currently working on getting certified as a preferred provider that would work on sex offender treatment. Ms. Hall stated that she understood Ms. Ford's concerns; though trying to effect change through treatment wouldn't hurt things.
- 8) Bob Hafner stated that offenders are typically victims themselves, and that hurt people hurt people.

### **PLANNING AND ZONING**

- A. October 10, 2017 Planning Commission Rescheduled Regular Meeting Minutes.

### **NEW BUSINESS**

- A. O-17-11-01 An Ordinance Amending Chapter 3.30 (Correctional Facilities) of the Nome Code of Ordinances, **FIRST READING/DISCUSSION.**

A motion was made by C. Brown and seconded by C. D. Johnson to advance O-17-11-01.

#### Discussion:

- Councilman Tobin suggested keeping the sex offenders confined at Seaside for a trial period, before allowing any work release. He asked for clarification on the Bering Sea Women's Shelter's position.
- Councilman Brown explained he sits on the BSWG Board of Directors and the letter focused on supporting treatment without taking a position on the location of such treatment.
- Councilman M. Johnson noted what seemed to be consensus surrounding treatment for sex offenders, though he asked if treatment was truly the issue. He noted the recitals in the ordinance justifying the policy shift as solving a bed problem rather than a treatment problem.
- Councilman Andersen agreed with Councilman M. Johnson, explaining he had spoken with 74 people and all but one opposed the housing of sex offenders at Seaside. He explained that the public did not trust the Department of Corrections or the management at Seaside. Councilman Andersen admitted the public had a limited understanding of treatment. He suggested that DOC and Seaside do a better job of public outreach.

At the roll call:

Aye: Tobin; Brown; D. Johnson; Beneville

Nay: M. Johnson; Martinson; Andersen

Abstain:

The motion **CARRIED.**

- B. O-17-11-02 An Ordinance Amending Chapter 12.10 (Port Commission) of the Nome Code of Ordinances, **FIRST READING/DISCUSSION.**

A motion was made by C. Tobin and seconded by C. D. Johnson to advance O-17-11-02.

Discussion:

- Manager Moran briefed the Council on the composition of the Port Commission and the shift from the City Council to a more diverse representation of qualified voters through R-89-01-05. He noted the frequent vacancies with applications for such dwindling as well as increased interest from residents of the Nome road system, though outside City limits. He noted the difference between the Planning Commission and Port Commission and explained the ordinance had been vetted by the City Attorney.
- Councilman Tobin suggested clarifying the language of NCO 12.10.040(c)(10) with regards to sitting vs. having served as a council member or mayor.
- Councilman M. Johnson surmised the point of the ordinance was that diversity was in the public serving in an advisory capacity as opposed to elected officials.
- Manager Moran stated the ordinance would make that distinction clear and allow for new voices on the Commission.
- Councilman Tobin spoke of his experience as a Councilman speaking at Commission meetings as being positive, honest, and constructive.
- Councilman M. Johnson argued that having a Councilman on a Commission would improve the flow of information between the two bodies.
- Manager Moran clarified he was not against having a Councilman on the Port Commission, though he was bound to the intent of R-89-01-05 as it selected an alternative composition to the City Council serving as such.
- Councilman Andersen argued the amount of time required to do justice to each seat simultaneously would constitute a full time job. He noted several Councilmen in the past that didn't put in the requisite time in preparing for Council meetings. Councilman Andersen stated the positions should not be filled by one person.
- Port Director Baker called the ordinance a good move for the Port because of potential for increased participation by Port users located outside Nome's city limits.
- Councilman Tobin suggested something similar for the Museum and Library Commission.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

- C. R-17-11-01 A Resolution Honoring Thomas "Tom" Sparks for His Nearly Twenty Years of Public Service and Commitment to the City of Nome.

A motion was made by C. Brown and seconded by C. Tobin to adopt R-17-11-01.

Discussion:

- Manager Moran expressed his gratitude for Mr. Sparks' service and wished he was able to write more beautifully to commemorate such.

At the roll call:

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



Nay:  
Abstain:

The motion **CARRIED**.

- D. R-17-11-02 A Resolution Approving a Labor Agreement Between the City of Nome and the City of Nome Employees' Association (CNEA) Through December 31, 2020.

A motion was made by C. Tobin and seconded by C. Brown to adopt R-17-11-02.

Discussion:

- Manager Moran noted several CNEA members in the audience and thanked them for their attendance. He called the agreement a good compromise between the City and CNEA and noted the changes to the pay scale schedule effective January 1, 2018.
- Councilman Tobin asked why Councilman D. Johnson wasn't listed in the agreement.
- Manager Moran clarified he was part of Administration's negotiating team.
- Councilman Andersen referred to page 109 and asked if sections 3 and 4 were one or the other.
- Manager Moran clarified the two operated independent of one another and allowed pay increases along the same lines as the update pay range schedule for the employees that have been with the City long enough to reach step G and further.
- Councilman Andersen stated that CNEA employees have historically received a 3.8% increase yearly since the 1980s that has more than kept up with inflation. In addition, full time employees receive \$500 annually on January 1<sup>st</sup>.
- Manager Moran reminded Councilman Andersen the one-time 5% increase (as opposed to three 2% increases) to the wage schedule was discussed and approved in executive session beforehand.
- Councilman Andersen stated that the health insurance benefit went up as well and noted the number of holidays given, the wage cost trends in the budget, as well as the budgetary impacts of employment benefits. He contended the City could compensate employees better without a negotiated agreement.
- Councilman Tobin asked what the City paid in training expenses each year and what funds were lost due to employee turnover.
- Manager Moran explained trained employees were good for the community though he couldn't give a breakdown due to the differences in complexity and needs from Department to Department.
- Councilman Tobin noted the frequent underspending in the personnel line.
- Manager Moran explained the difficulty in keeping the City fully staffed, especially with respect to requirement-intensive positions such as police officer.
- Councilman Johnson asked what the additional changes were.
- Manager Moran noted the table increase and the increase in the health benefit, as well as the inclusion and exclusion of certain positions from the agreement.

At the roll call:

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

Nay:  
Abstain:

The motion **CARRIED**.

- E. R-17-11-03 A Resolution Approving a Memorandum of Agreement Between the State of Alaska Department of Transportation and Public Facilities (AKDOT&PF) and the City of Nome for Winter Road Maintenance.

A motion was made by C. Tobin and seconded by C. Brown to adopt R-17-11-03.

Discussion:

- Manager Moran explained the annual resolution was the same agreement approved by the Council in 2016. He noted the current DOT&PF Superintendent's approval as well.
- Councilman Andersen requested an additional agreement be negotiated concerning the partnering of snow removal crews on heavy snow days for the increased efficiency of operations.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

- F. R-17-11-04 A Resolution Approving the Nome Port and Harbor Capital Improvements Plan (CIP) as Phase 2 of the 2017 Nome Port and Harbor Development Analysis by Cordova Consulting.

A motion was made by C. Andersen and seconded by C. Tobin to adopt R-17-11-04.

Discussion:

- Port Director Baker explained the process by which the projects were selected, prioritized, and categorized for how the Port would approach funding. She noted the table of existing assets that displayed depreciation and the replacement schedule.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

**UTILITY MANAGER'S REPORT**

- Assistant Utility Manager Morton presented his verbal report highlighting recent reimbursements from DEC and the Alaska Energy Authority, the ongoing camera installation at the Port and Moonlight Springs, the submission of a pre-application to USDA in search of future funding, the creation of a standardized form for line extensions, and a current operator/mechanic vacancy at the power house. He concluded by noting the Polaris Fire consumed 750,000 gallons of water.
  - Mayor Beneville asked how much water Nome used on an average day.
  - Asst. Manager Morton estimated the quantity at 600,000 gallons.

- Councilman Andersen asked if the Moonlight Springs project would meet its deadline.
- Asst. Manager Morton explained the project would be close, but probably not meet the deadline; however, the project would capture all available grant funding.

### **CITY MANAGER'S REPORT**

- City Manager Moran presented his written report, thanking Councilman Andersen for his efforts on updating Council Chambers. He thanked the volunteers that spent hours battling the Polaris Fire and highlighted recent City events around town. He thanked the Council for passing the Seaside ordinance to 2<sup>nd</sup> reading and noted that the City was a part of the Nome Reentry Coalition, focused on prisoner "reentry into society" issues. He concluded by noted the boiler report had been completed per Councilman Andersen's request.
  - Councilman Tobin was impressed with the boiler report.
  - Councilman Andersen requested a budget-only work session sometime in January or February that was devoid of contentious social issues where the Council could get down to brass tacks on vehicle, boiler, and other maintenance issues. He suggested getting quotes from the licensed plumbers in town for boiler replacement.

### **CITIZENS' COMMENTS**

- 1) Sandy Martinson expressed her appreciation for the Council's conversation concerning treatment for sex offenders at Seaside. She asked them to take time to really think the issue through before the December 11<sup>th</sup> second reading. She acknowledged that DOC is bound by confidentiality in a many respects, though expressed the Department's goal of greater transparency and that she would be working on outreach through social media. Ms. Martinson agreed that the new program should be implemented slowly and methodically.
- 2) Trey Watson invited the public to tour the Seaside facility. He also encouraged the public to read the proposed program's letters of support.
- 3) John Papasodora recognized Shane Smithhisler's equipment operating skills, explaining that during the Polaris Fire, Mr. Smithhisler played a crucial role in stabilizing the structure and sorting through the debris field while other responders looked for victims.

### **COUNCILMEN'S COMMENTS**

- 1) Councilman M. Johnson – no comments.
- 2) Councilman Martinson – no comments.
- 3) Councilman Tobin – expressed satisfaction with the new table layout and the Museum's grand reopening. He asked if the museum was still collecting fees. Councilman Tobin expressed his wishes that the situation with the Anvil City Science Academy could be remedied. He also suggested that Councilman Johnson and Johnson be referred to as MJ and DJ.
  - Manager Moran explained there were still fees, though only in limited circumstances.
- 4) Councilman Andersen asked if the new CSO van's seats could be placed towards the rear of the vehicle, thinking the current placement would allow for the interference of passengers with the driver. He also asked for a status update on the old van.

- Chief Papasodora noted the seats were consciously placed where they were to allow for the minimum effort in placing passengers in the vehicle on the part of the officers. He noted the old van was being started regularly.

A motion was made by C. Andersen and seconded by C. M. Johnson to declare the burned structure of the former Polaris Hotel an emergency hazard and recommend immediate abatement.

Discussion:

- Councilman Brown asked that the rules regarding such a declaration and abatement be vetted through the City Attorney before abatement is carried out.
- Councilman Andersen insisted that a contractor be hired to address the issue post haste and let Administration worry about recouping the costs later.
- Manager Moran noted that Tina Yi, the owner of the former Polaris Hotel, was in favor of the structure coming down. He concluded he would assemble the necessary parties and address the issue in a manner that wouldn't unnecessarily put the City at risk.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

5) Councilman Brown – no comments.

6) Councilman D. Johnson applauded Justin An's bravery at the Polaris Fire, demonstrated in a video of him running into the burning structure in shorts and a t-shirt to pull people out.

**MAYOR'S COMMENTS AND REPORT**

- Mayor Beneville thanked Nome Joint Utilities for hanging the Christmas lights on Front Street. He recalled the book reading by David Ramseur at the Library as a success as well as the Museum reopening. He informed the Council that he was elected to 1<sup>st</sup> Vice President of the Alaska Mayors' Association.
- Mayor Beneville reappointed Charlie Lean and Jim West, Jr. to the Port Commission and Larry Pederson to the Planning Commission.

A motion was made by C. Brown and seconded by C. Tobin to confirm the Commission reappointments.

Discussion:

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

**EXECUTIVE SESSION**

N/A

**ADJOURNMENT**

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

Hearing no objections, the Nome Common Council adjourned at 9:01 PM.

**APPROVED** and **SIGNED** this 11<sup>th</sup> day of December, 2017.



**RICHARD BENEVILLE**  
Mayor

**ATTEST:**



**BRYANT HAMMOND**  
City Clerk