

**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  
REGULAR MEETING AGENDA  
MONDAY, OCTOBER 9, 2017 @ 7:00 PM  
COUNCIL CHAMBERS IN CITY HALL**

- I. ADMINISTRATION OF OATHS OF OFFICE
  - A. Council Seat "A" – Adam Martinson,  
**PAGE 1**
  - B. Council Seat "B" – Doug Johnson,  
**PAGE 3**
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
  - A. September 25, 2017 City Council Regular Meeting Minutes,  
**PAGE 5**
  - B. October 5, 2017 City Council Special Meeting Minutes,  
**PAGE 13**
- V. COMMUNICATIONS
  - A. Letter of September 18, 2017 from Quintillion to City of Nome re: Thanks for Hospitality,  
**PAGE 15**
  - B. Letter of September 25, 2017 from Nome Kennel Club to City Council re: Thanks for Support,  
**PAGE 17**
  - C. Memorandum of October 2, 2017 from Finance Director to City Manager re: Financial Updates and FY17 Audit,  
**PAGE 19**
  - D. Flyer re: Fall Cleanup from October 9 – October 13,  
**PAGE 29**
  - E. Public Notice re: "Town Hall Meeting" with DOC, AMCC, and Geo Group at Old St. Joe's on October 11,  
**PAGE 31**
- VI. CITIZENS' COMMENTS

VII. UNFINISHED BUSINESS

- A. O-17-08-02 An Ordinance Amending Title 18 (Zoning) of the Nome Code of Ordinances to Change Certain Land Uses on the Nome Zoning Map,  
**Second Reading/Public Hearing/Final Passage,**  
**PAGE 33**
- B. O-17-09-02 An Ordinance Amending Title 5 (Buildings & Construction) and Title 18 (Zoning) of the Nome Code of Ordinances to Update the Definition of a Junk Motor Vehicle,  
**Second Reading/Public Hearing/Final Passage,**  
**PAGE 59**
- C. O-17-09-03 An Ordinance Amending Title 18 (Zoning) and Title 1 (General Provisions) of the Nome Code of Ordinances to Prohibit the Storage of Junk Motor Vehicles in All Zoning Districts Except for the Industrial Zoning District, and Setting Fines for Violation Thereof,  
**Second Reading/Public Hearing/Final Passage,**  
**PAGE 61**

VIII. NEW BUSINESS

- A. R-17-10-02 A Resolution Authorizing the City of Nome to Apply for and Participate in the USDOT TIGER Discretionary Grant Program for the Funding of the Snake River Moorage and Vessel Haulout Facility Project,  
**PAGE 65**

IX. UTILITY MANAGER'S REPORT

- A. Activity Report: September 26 – October 6,  
**VERBAL**

X. CITY MANAGER'S REPORT

- A. Activity Report: September 26 – October 6,  
**PAGE 71**

XI. CITIZENS' COMMENTSXII. COUNCILMEN'S COMMENTSXIII. MAYOR'S COMMENTS AND REPORTXIV. ADJOURNMENT

**MINUTES  
NOME CITY COUNCIL  
REGULAR MEETING  
October 9, 2017**

The regular meeting of the Nome City Council was called to order at 7:03 PM by Acting Mayor Stan Andersen in Council Chambers of City Hall, located at 102 Division Street.

**OATH OF OFFICE**

Councilmen Doug Johnson and Adam Martinson were sworn into office.

**ROLL CALL**

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

Members Absent: Mayor Richard Beneville (excused)

Also Present: Tom Moran, City Manager; John Handeland, Utility Manager; Joy Baker, Port Director; Julie Liew, Finance Director

In the audience: Sandra Medearis, *Arctic News*; Davis Hovey, KNOM; Judy Martinson; Douglas Martinson; Sara Lizak; Ken Hughes; Robin Johnson

**APPROVAL OF AGENDA**

Acting Mayor Andersen 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. September 25, 2017 City Council Regular Meeting Minutes.

A motion was made by C. Tobin and seconded by C. Brown to approve the September 25, 2017 minutes.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

B. October 5, 2017 City Council Special Meeting Minutes.

A motion was made by C. M. Johnson and seconded by C. Tobin to approve the October 5, 2017 minutes.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

**COMMUNICATIONS**

- A. Letter of September 18, 2017 from Quintillion to City of Nome re: Thanks for Hospitality.
  - Councilman Tobin asked when the network would be lit up.
  - Manager Moran relayed that Quintillion expected by the end of the year.
- B. Letter of September 25, 2017 from Nome Kennel Club to City Council re: Thanks for Support.
- C. Memorandum of October 2, 2017 from Finance Director to City Manager re: Financial Updates and FY17 Audit.
  - Councilman Andersen requested a budget work session for the new members of the Council.
- D. Flyer re: Fall Cleanup from October 9 – October 13.
  - Councilman Andersen asked about the turnout for the seawall cleaning.
  - Manager Moran explained zero participants showed.
- E. Public Notice re: “Town Hall Meeting” with DOC, AMCC, and Geo Group at Old St. Joe’s on October 11.
  - Councilman M. Johnson asked if the meeting would be advertised in the newspaper.
  - Manager Moran explained the deadline passed while waiting for a response from the Department of Corrections.
  - The Council directed staff to advertise the meeting as widely as possible.

**CITIZENS’ COMMENTS**

- 1) Ken Hughes welcomed the new Councilmembers to municipal government. He introduced himself as the Planning Commission Chair and made himself available for questions.
  - Councilman Tobin asked about the recent objections to the proposed zoning changes.
  - Mr. Hughes stated the objection letters were not all accurate, blaming the confusion on the low level of participation throughout the process. He stated that as a whole, he would stand behind the work product of the Commission.
  - Councilman Andersen stated the Zoning Code was a living document and could be updated as needed in the future. He noted the Council had removed the Fort Davis Roadhouse from the proposed changes and asked Mr. Hughes opinion on removing the block in which Mr. Stang’s lot was located.

- Mr. Hughes contended Mr. Stang's letter was in error, that in fact the lot in question was being changed from residential to general. He went on to explain the prohibition on spot zoning and agreed with Councilman Andersen that the Zoning Code was a living document.
- 2) Judy Martinson spoke on the zoning issue, stating that businesses were learning to work within the parameters. She explained her understanding that zoning kept likeminded land uses in proximity with each other. She explained that Nome currently needed businesses and that it is important to support business growth if we want Nome to thrive. She explained her struggle over the past year, which may have been ameliorated by the proposed zoning changes. Ms. Martinson commended the Planning Commission on the work they put into the ordinances on the agenda and asked the Council to consider them thoughtfully. Ms. Martinson asked as to the progress on the issues regarding dogs on sailboats.
- Manager Moran stated the issue could be addressed through policy change rather than ordinance change and was currently being addressed.
  - Ms. Martinson stressed the importance of the City having the vaccination records on hand to prevent unneeded trips to Anchorage for rabies shots.
  - Councilman Andersen stated it would be set in writing so as to make the policy clear.
- 3) Sara Lizak of the Planning Commission and PAWS discussed the musk ox issue, stating four dogs were killed during the prior week and that PAWS would be writing a letter to the Board of Game. She noted that 30 dogs had been injured over the previous six years and that residents were concerned. She suggested giving the Nome Police more authority to handle the situation within City limits. Ms. Lizak welcomed Councilmen D. Johnson and Martinson and gave a brief history on the junk vehicle discussion through the Nome Comprehensive Plan.

### **UNFINISHED BUSINESS**

- A. 0-17-08-02 An Ordinance Amending Title 18 (Zoning) of the Nome Code of Ordinances to Change Certain Land Uses on the Nome Zoning Map, **Second Reading/Public Hearing/Final Passage.**

For the purpose of holding a public hearing, the Council recessed at 7:25 PM.

#### **Discussion:**

- Councilman Tobin clarified the 1<sup>st</sup> Avenue change from Residential to General Use.
- Manager Moran explained the process by which the blocks were selected.
- Councilman Brown verified that property owners had received proper notice.
- Councilman Andersen requested better maps for future zoning consideration.
- Councilman Johnson asked the consequences on changing residential to general use.
- Mr. Hughes explained that the Councilman would have to read the Matrix of Permitted Uses for the exact details.
- Ms. Lizak explained the zoning change allowed a greater range of use.
- Manager Moran gave specific examples of land uses that were allowed and not allowed in Residential and General Use.
- Councilman Brown asked if the changes to Blocks 89, 90, 123, and 124 were to accommodate one lot.
- Manager Moran gave an explanation of current uses which were conditional uses and those that were not allowed, but grandfathered.

- Judy Martinson described the character of the neighborhood as already commercial, noting Wilderness Skidoo, the Rec Center, Alaska Gold, and the Sluicibox Inn.
- Doug Martinson stated it would be nice to promote development at the end of Steadman.
- Edward Stang referred to the section of the packet that proposed a block in which he owned a lot to change from General Use to Residential and asked for clarification.
- Councilman Brown asked about Mr. Stang's plans.
- Mr. Stang stated he doesn't have solid plans, but he would like to leave the option open to develop a dental office on his lot on Steadman.
- Manager Moran opined that leaving the section as General would not constitute spot zoning.
- Councilman M. Johnson suggested the Council leave the section as is.
- Councilman Martinson noted the blocks across Steadman to the east were proposed to be changed to General Use.

The Council reconvened at 7:49 PM.

A motion was made by C. Brown and seconded by C. M. Johnson to adopt O-17-08-02.

A motion was made by C. Brown and seconded by C. D. Johnson to amend O-17-08-02 by striking Block 111 and MS 2328 from the proposed zoning changes.

Discussion:

- Councilman Tobin asked for clarification on the proposed changes for MS 2328.
- Councilman Brown asked if he was a longtime owner.
- Manager Moran explained he was not a longtime owner.
- Councilman Tobin noted there was an excavator to the west of the roadhouse this past summer.

At the roll call:

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

Nay:

Abstain:

The motion to amend **CARRIED**.

Returning to the main motion:

- Councilman Tobin asked how Tom Sparks' place was missed, even though he served on the Planning Commission.
- Councilman Brown noted that both his and Mr. Sparks' properties were proposed for a change from Residential to General Use. He noted the arguments for the change to the blocks east of Steadman made sense in that the area's character leaned more towards commercial than residential.
- Councilman Andersen stated the junk from Mr. Sparks' block still needed to be removed.
- Councilman M. Johnson pointed out that Mr. Sparks' concern is over the junk.
- Manager Moran noted the section of Code that forbade junk in either zone.

At the roll call:

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

Nay:

Abstain:

The motion, as amended, **CARRIED.**

- B. O-17-09-02 An Ordinance Amending Title 5 (Buildings & Construction) and Title 18 (Zoning) of the Nome Code of Ordinances to Update the Definition of a Junk Motor Vehicle, **Second Reading/Public Hearing/Final Passage.**

For the purpose of holding a public hearing, the Council recessed at 7:58 PM.

Discussion:

- Manager Moran briefed the Council on the process of creating the ordinance to satisfy concerns brought up by the Council and the Planning Commission.
- Sara Lizak noted junk vehicle removal was the number one concern among citizens who responded to the 2013 zoning survey and the 2020 Comprehensive Plan provided for their removal.
- Ken Hughes suggested all vehicles be included, even bicycles, and that a limit be placed at five per household.
- Councilman Andersen noted the ordinance was a good start, though the efficacy of ordinances depends on enforcement.
- Mr. Hughes stated the ordinance wouldn't be enforced equally and asked if the City intended to go after all violators or the top two or three.
- Councilman Tobin asked if the City would only go after the easy targets.
- Councilman Andersen suggested starting with the worst violators.
- Ken Hughes explained he supported the current ordinance, though not the next one on the agenda.

The Council reconvened at 8:05 PM.

A motion was made by C. Brown and seconded by C. Tobin to adopt O-17-09-02.

A motion was made by C. Brown and seconded by C. Tobin to amend O-17-09-02 by inserting "passenger motor" between "a" and "vehicle" in the last clause of the Junk Motor Vehicle definition.

At the roll call:

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

Nay:

Abstain:

The motion to amend **CARRIED.**

Returning to the main motion:

- Councilman M. Johnson clarified the language of the ordinance required a vehicle to be both unregistered and uninsured to be considered a junk motor vehicle.
- Councilman Tobin stated he's received a lot of negative comments concerning the ordinance not addressing abandoned dredges and other mining equipment.

- Councilman Brown noted ordinances addressing junk and unsafe conditions could address such issues.

At the roll call:

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

Nay:

Abstain:

The motion, as amended, **CARRIED.**

- C. 0-17-09-03 An Ordinance Amending Title 18 (Zoning) and Title 1 (General Provisions) of the Nome Code of Ordinances to Prohibit the Storage of Junk Motor Vehicles in All Zoning Districts Except for the Industrial Zoning District, and Setting Fines for Violation Thereof, **Second Reading/Public Hearing/Final Passage.**

For the purpose of holding a public hearing, the Council recessed at 8:10 PM.

Discussion:

- Ken Hughes suggested there were other ways of dealing with the issue, such as a buyback program, where the City could budget \$5,000 a year for buying and removing junk vehicles. He contended the ordinance would make criminals of regular citizens. He suggested the ordinance would force residents to choose between a ticket and food. He stated he disagreed with the Planning Commission and opposed the ordinance.
- Councilman Brown noted the ordinance would not prohibit a buyback program.
- Councilman Tobin asked how much it cost to bring a car to the Monofill.
- Manager Moran explained it was currently free during "U Call, We Haul," though normally it was about \$25.
- Sara Lizak noted that Mr. Hughes voted yes on the ordinance in his capacity as Planning Commissioner. She stated it wasn't too much to ask to have a clean and safe community. Ms. Lizak suggested a clean community would attract more tourists and asked the Council to pass the ordinance.
- Councilman Andersen asked for the difference between the two ordinances.
- Manager Moran explained 0-17-09-02 concerned definitions and 0-17-09-03 concerned enforcement remedies and allowed locations for junk motor vehicles.
- Sandra Medearis asked if her yellow pickup parked on her property on E St was grandfathered, as she intended for it to become a birdhouse. It wasn't insured the year before, though it was registered.
- Councilman Brown noted that since it was registered, it didn't qualify as junk.

The Council reconvened at 8:18 PM.

A motion was made by C. Brown and seconded by C. Tobin to adopt 0-17-09-03.

Discussion:

- Councilman Brown asked if the City still intended on creating a space where junk vehicles could be stored and mined for parts.
- Manager Moran explained the status of the City's plans.
- Councilman Brown noted the different types of vehicle/parts storage and suggested designating an area where people could store vehicles and take parts off them as needed.



- Councilman Andersen asked when vehicles that haven't moved in 5 or 10 years would be considered junk, stating they should either clean up the town or decide not to.
- Councilman Brown asked about the potential for a wrecking yard, where residents could sell junk motor vehicles to the yard and purchase parts as needed.
- Councilman Tobin suggested staging the classification of junk, allowing for three junk motor vehicles initially.
- Councilman M. Johnson noted NCO 8.25.030, whereby junk vehicles may be removed if they constitute a nuisance.
- Councilman Brown stated the current ordinance had a higher burden of proof, such that the vehicle must be considered junk *and* constitute a nuisance.
- Councilman D. Johnson asked how the City might address junk motor vehicles in garages, or behind a fence.
- Councilman Brown reiterated Mr. Hughes comment that discovery and enforcement is primarily complaint driven. He asked Chief Papasodora about the burden of proof.
- Chief Papasodora explained nuisance violations were ambiguous civil violations and that there were plenty of appeal rights. He noted the Council would not be stripping away due process rights by passing the ordinance.

A motion was made by C. Brown and seconded by C. Andersen to amend the ordinance by inserting "more than two" between "of" and "junk" in the resolving clause.

#### Discussion:

- Councilman M. Johnson asked if the ordinance was merely permitting junk motor vehicles in the Industrial District rather than banning them everywhere outside the Industrial District.
- Councilman Brown explained that a land use not listed in the matrix as permitted meant the land use was not permitted.
- Councilman D. Johnson stated the amendment didn't resolve the issue of junk motor vehicles in someone's yard.
- Councilman Tobin stated the City wouldn't take a vehicle during "U Call, We Haul" unless the resident owned the vehicle.
- Manager Moran explained that the resident need not produce a title, though they would be required to sign an affidavit stating it was theirs or someone abandoned it on their property.

At the roll call:

Aye: Tobin; Andersen; Brown; D. Johnson

Nay: M. Johnson; Martinson

Abstain:

The motion to amend **CARRIED**.

A motion was made by C. Brown and seconded by C. Andersen to amend the effective date of O-17-09-03 to July 1, 2018.

At the roll call:

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

Nay:

Abstain:

The motion to amend **CARRIED**

A motion was made by C. Tobin and seconded by C. Brown to amend the ordinance by inserting "For a subsequent violation to be fined, at least thirty (30) days must have passed since the previous violation" as the last clause of 18.110.020.

At the roll call:

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

Nay:

Abstain:

The motion to amend **CARRIED**

Returning to the main motion:

- Councilman Brown explained there was a lot of ugliness in Nome for different reasons; however, multiple junk motor vehicles shouldn't be tolerated.
- Councilman M. Johnson argued the City shouldn't be enacting new ordinances when the City was having difficulty enforcing the existing ordinances.
- Councilman Andersen contended enforcement would never be perfect across the board and would depend on the person hired. He added the hiring of such a person would be difficult. He ended by stating there were some glaring places that needed to get cleaned up.

At the roll call:

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

Nay: M. Johnson

Abstain:

The motion, as amended, **CARRIED**

### **NEW BUSINESS**

- A. R-17-10-02 A Resolution Authorizing the City of Nome to Apply for and Participate in the USDOT TIGER Discretionary Grant Program for the Funding of the Snake River Moorage and Vessel Haulout Facility Project.

A motion was made by C. Brown and seconded by C. Tobin to adopt R-17-10-02.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED.**

### **UTILITY MANAGER'S REPORT**

- Utility Manager Handeland welcomed the new Councilmen and presented his verbal report. He stated the adopted zoning changes might change the water and sewer master plan. Manager Handeland noted the decrease of one cent in the fuel surcharge and the completed

winterization of the water line at the Port Causeway. He noted a Sunday power outage from Willow Creek Subdivision to AC and ANB from 6:30-8:30 AM and he suggested residents trickle their faucets if the weather gets cold.

- Councilman M. Johnson asked if it was time to turn on circulating pumps.
- Manager Handeland replied affirmatively.

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

- City Manager Moran presented his written report. He reminded those present of Nome's Emergency Operations Plan as storm season was getting started. He congratulated all new elected officials and thanked those departing for their service to the community.
  - Councilman Brown asked as to the status of the Anvil City Science Academy bathroom remodel.
  - Manager Moran expected a response prior to the meeting on October 23<sup>rd</sup>.
  - Councilman Andersen asked if the City received any response from the District Attorney's Office on sex offense charging and sentences.
  - Manager Moran explained he received a cryptic response, though the DA's office was invited to the Town Hall Meeting on Wednesday. He noted the Planning Commission was also invited to the meeting.
  - Councilman Andersen requested a budget review work session and asked if the seasonal sales tax raised the amount of revenue that was expected.
  - Manager Moran explained a report would be available at the requested work session.
  - Council Andersen asked Port Director Baker to repeat Garth Howlett's comments on the seawall.
  - Director Baker repeated Mr. Howlett's recommendation for more sand along the seawall because the sand absorbs more wave energy and breaks the waves offshore rather than on the armor stone.

### **COUNCILMEN'S COMMENTS**

- 1) Councilman Brown – no comments.
- 2) Councilman D. Johnson thanked the citizens for participating in the election and stated he'd like to figure out how to increase involvement. He reported that Richard Beneville received a lifetime achievement award from the Alaska Travel Industry Association.
- 3) Councilman M. Johnson welcomed the new Councilmembers.
- 4) Councilman Martinson stated he was excited to be involved.
- 5) Councilman Tobin noted that hurricanes in the U.S. are merely "storms" in Nome. He noted newspaper articles saying that citizens of Nome were not engaged and refuted their claims, explaining that he can't go to the store or Post Office without getting approached by citizens concerned about local issues. He noted people regularly watched the TV broadcasts. Councilman Tobin finished by asking staff to fact check rumors of "Arctic gangs" at AMCC and asking bus drivers not to drop students off proximate to musk oxen herds.
- 6) Councilman Andersen welcomed the new members and stated the younger generation was the future of Nome. Councilman Andersen finished by stating that he would not be seeking re-election in 2018.

### **CITIZENS' COMMENTS**

- 1) Ken Hughes explained that his daughter's dog was attacked by a musk ox, but survived due to a medevac flight from Nome. He informed the Council of the Musk Ox Cooperators' Group which advises Fish & Game. Mr. Hughes suggested moving the stop sign at Jaffet Drive to Port Road, stopping traffic coming from the annex and streamlining the route between Seppala Drive and the Port facilities. He also stated communications between the City of Nome and citizens were inadequate. He requested return receipts and certified mailings, as well as longer periods to respond. He noted citizens had stated the same concerning the zoning changes. Mr. Hughes requested ordinance changes addressing these issues.
- Councilman M. Johnson asked if it was an ordinance issue.
  - Manager Moran explained Clerk Hammond was trying to be the nice guy at City Hall, but noted that Mr. Hughes had a valid point.
  - Councilman Tobin stated that his heating and telephone bill didn't come by certified mail, but that he was still required to pay them by the deadline.

### **MAYOR'S COMMENTS AND REPORT**

- N/A

### **EXECUTIVE SESSION**

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

The Council recessed at 9:11 PM.


The Council reconvened at 9:45 PM

### **ADJOURNMENT**

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

Hearing no objections, the Nome Common Council adjourned at 9:45 PM.

**APPROVED** and **SIGNED** this 30<sup>th</sup> day of October, 2017.

  
**RICHARD BENEVILLE**  
Mayor

**ATTEST:**

  
**BRYANT HAMMOND**  
City Clerk