

**MINUTES
NOME CITY COUNCIL
REGULAR MEETING
September 25, 2017**

The regular meeting of the Nome City Council was called to order at 7:01 PM by Mayor Beneville in Council Chambers of City Hall, located at 102 Division Street.

ROLL CALL

Members Present: Louie Green; Tom Sparks; Stan Andersen; Lew Tobin; Jerald Brown

Members Absent: Mark Johnson (excused)

Also Present: Richard Beneville, Mayor; Bryant Hammond, City Clerk; John Handeland, Utility Manager; Ken Morton, Assistant Utility Manager; Joy Baker, Port Director (telephonically); John Papasodora, Police Chief

In the audience: Sandra Medearis, *Arctic News*; Davis Hovey, KNOM; Judy Martinson; Sara Lizak; Margaret DeMaioribus

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. Sparks to approve the agenda as presented.

At the roll call:

Aye: Brown; Green; Sparks; Tobin; Andersen

Nay:

Abstain:

The motion **CARRIED**.

APPROVAL OF MINUTES

A. September 11, 2017 City Council Regular Meeting Minutes.

A motion was made by C. Tobin and seconded by C. Sparks to approve the September 11, 2017 minutes.

At the roll call:

Aye: Green; Sparks; Tobin; Andersen; Brown

Nay:

Abstain:

The motion **CARRIED**.

COMMUNICATIONS

- A. Letter of September 18, 2017 from Manager Moran to DOT&PF Commissioner Luiken re: Reduce Speed Limit on Greg Kruschek Ave.
 - Councilman Andersen commended the letter, though stated the letter neglected to discuss lighting and road maintenance. He continued to say that at some point in the recent past there were formal discussions on the State handing ownership over to the City.
 - Mayor Beneville explained his primary concern was over the pedestrian routes along the road.
- B. Letter of September 22, 2017 from Bering Sea Women's Group to City of Nome re: Thank You for Financial Support.
- C. Flyer re: Fall Cleanup from October 9 – October 13.
- D. Public Notice re: "Town Hall Meeting" with DOC, AMCC, and Geo Group at Old St. Joe's on October 11.
 - Mayor Beneville asked members of the public to attend the meeting, though noted he would not be able to attend.
 - Councilman Andersen requested more information on SB 54.
 - Chief gave a brief explanation of the sentencing discretion the bill would give prosecutors and judges. He noted the lack of resources to bring cases to trial due to budget cuts would likely continue.

CITIZENS' COMMENTS

- 1) Judy Martinson thanked the Council for their public service and explained she was present to request a change to an ordinance. Using pictures, she gave a recount of the September 13th events concerning a large white dog that bit two children while tied up at the playground in Anvil City Square, one of whom was her grandson. She explained the emergency room visit and a three-day search for the dog, hoping to avoid the series of rabies shots doctors had proposed. Ms. Martinson noted that she was able to verify the animal had been vaccinated against rabies, though she also noted that the dog was not licensed in the City of Nome, was not vaccinated against parvovirus, and that the City and U.S. Customs were not able to produce the vaccination records. She asked that the City amend its Code of Ordinances so that such an incident does not happen again.
 - Councilman Andersen suggested that City or Port staff meet boats with animals prior to letting them onto shore.
 - Chief Papasodora suggested a partnership with U.S. Customs.
 - Mayor Beneville praised the work of the Animal Control Officer and suggested an informational sheet on City of Nome animal requirements be prepared for Customs to present to Port entrants.
 - Port Director Baker explained she had spoken with Customs and that animals are cleared just as passengers are, though records are not kept, just as passport copies are not kept. She mentioned the Port Tariff prohibited unattended animals.
 - Ms. Martinson was concerned the City of Nome had no legal grounds for impounding a biting animal.
- 2) Sara Lizak expressed sorrow at the incident and reminded everyone of the organization PAWS that assists with animal related issues in Nome. She suggested the City look into

issuing temporary licenses for transient guests. Ms. Lizak noted the junk motor vehicle ordinance on the agenda furthered goals in the 2020 Comprehensive Plan and that she was available for any questions the Council might have concerning the ordinance.

- Mayor Beneville asked how many junk motor vehicles there were in town.
- Ms. Lizak explained a tally had not been taken, though the Planning Commission was currently reviewing the abatement list. She stated that dilapidated vacant structures impact economic development, safety, and quality of life.
- Councilman Andersen asked if the Planning Commission was sure the houses were unoccupied, explaining homeowners kept houses looking dilapidated on the outside so that their tax assessments wouldn't go up.
- Councilman Sparks asked about the proposal to change the zoning at the north end of Steadman.
- Ms. Lizak explained that a mix of uses justified the change, though admitted that the Planning Commission only recently saw Councilman Sparks' letter opposing the zoning change.
- Councilman Sparks noted there was a hotel located there.
- Councilman Andersen asked if the change would make the current violations at the end of Steadman legal.
- Ms. Lizak argued more resources were needed to tackle such issues and requested a full time Building Inspector be hired.
- Mayor Beneville noted that a Building Inspector should be more involved in Code Enforcement.
- Councilman Tobin noted that it was difficult to keep up with maintenance in Nome and such difficulties need to be acknowledged.
- Ms. Lizak stated that everyone wants a clean, safe community in which to live, something that she felt she didn't have growing up in Nome.

UNFINISHED BUSINESS

- A. O-17-08-01 An Ordinance Amending Title 18 (Zoning) of the Nome Code of Ordinances to Prohibit the Storage of Junk Motor Vehicles in All Zoning Districts except for the Industrial Zoning District, **Second Reading/Public Hearing/Final Passage.**

For the purpose of holding a public hearing, the Council recessed at 7:57 PM.

The Council reconvened at 7:57 PM.

A motion was made by C. Brown and seconded by C. Andersen to adopt O-17-08-01.

Discussion:

- Clerk Hammond briefed the Council on the three ordinances on the agenda, highlighting the amendments made at the August 28th meeting, as well as those suggested prior to the ordinance being postponed to the September 25th meeting. He noted the process would be cleaner through the introduction of two ordinances, rather than amending the original ordinance at 2nd reading. He recommended the Council fail O-17-08-01, as O-17-09-02 and O-17-09-03 addressed both the concerns of the Planning Commission and the City Council.

At the roll call:
Aye:

Nay: Sparks; Tobin; Andersen; Brown; Green
Abstain:

The motion **FAILED**.

- B. 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**.

For the purpose of holding a public hearing, the Council recessed at 7:59 PM.

Discussion:

- Judy Martinson explained that she watched the Planning Commission work very hard on this ordinance over the previous year and that she learned a lot in the process. She noted how beneficial the proposed changes would be to the existing businesses on First Avenue. Ms. Martinson stated that zoning should change alongside with the community.

The Council reconvened at 8:01 PM.

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

Discussion:

- Councilman Sparks declared a conflict of interest as the owner of real property located at 703 Steadman Street, noting that the zoning change could positively affect his property value.
- Mayor Beneville accepted the conflict of interest declaration and reminded Councilman Sparks that he could participate in discussion but not vote.
- Councilman Sparks asked for an explanation of the maps pertaining to the Fort Davis Roadhouse.
- Clerk Hammond referred the Council to pages 32 and 35 of the packet and described the location of the Roadhouse within the parcel.
- Councilman Sparks noted that the conditional use permit process was already on the books and addressed proposed uses that did not fit into the matrix of permitted uses. He went on to say that changing the zoning map circumvents the process in which residents and neighbors can provide input on permitted land uses in their neighborhood. He gave some background as to previous concerns about mining near residential spaces when the Zoning Code was enacted.

A motion was made by C. Andersen and seconded by C. Green to amend O-17-08-02 by striking MS 2328 from the proposed changes.

Discussion:

- Councilman Andersen stated he didn't have enough information to proceed on the proposed zoning change.

At the roll call:
Aye: Tobin; Andersen; Brown; Green

Nay:
Abstain: Sparks

The motion **CARRIED**.

Returning to the main motion:

Discussion:

- Councilman Brown requested a list of the proposed changes by legal description, explaining the ordinance wouldn't specifically reference properties and thus wouldn't be valid.
- The Council agreed that such descriptions would make the issue more clear.
- Clerk Hammond recommended the matter be postponed until the requested clarity was provided.

A motion was made by C. Green and seconded by C. Tobin to postpone O-17-08-02 to the October 9, 2017 meeting.

At the roll call:
Aye: Andersen; Brown; Green; Tobin
Nay:
Abstain: Sparks

The motion **CARRIED**.

- C. O-17-09-01 An Ordinance Authorizing the Purchase of Real Property by the City of Nome from Kenai Masonic Lodge #11 F. & A.M. of Alaska for the Fixed Price of Twenty Thousand Dollars (\$20,000), **Second Reading/Public Hearing/Final Passage**.

For the purpose of holding a public hearing, the Council recessed at 8:24 PM.

The Council reconvened at 8:25 PM.

A motion was made by C. Andersen and C. Sparks to adopt O-17-09-01.

Discussion:

- Councilman Green asked if any effort had been expended to negotiate a lower price.
- Councilman Sparks explained the amount was based on the assessed value and remaining useable space.
- Councilman Andersen thought the price was cheap and explained it gave the City needed space while a funding plan could be developed to expand the Cemetery northwards.
- Councilman Andersen requested staff obtain a listing of who was already buried in the Masonic section from the Kenai Lodge, if possible, so that a commemorative plaque could be placed there.

At the roll call:
Aye: Brown; Green; Sparks; Tobin; Andersen;
Nay:
Abstain:

The motion **CARRIED**.

NEW BUSINESS

- A. 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, **First Reading/Discussion**.

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

Discussion:

- Councilman Sparks clarified that the wishes of the Council were addressed in the new pair of ordinances.

At the roll call:

Aye: Sparks; Tobin; Andersen; Brown

Nay: Green

Abstain:

The motion **CARRIED**.

- B. 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, **First Reading/Discussion**.

A motion was made by C. Andersen and seconded by C. Sparks to advance O-17-09-03.

Discussion:

- Councilman Tobin and Councilman Andersen stated their intentions to amend the ordinance by defining separate offenses as ones separated by 30 days.
- Councilman Green questioned who would ultimately enforce the ordinance.
- Mayor Beneville noted that sometimes change was painful.

At the roll call:

Aye: Sparks; Tobin; Andersen; Brown; Green

Nay:

Abstain:

The motion **CARRIED**.

- C. R-17-09-01 A Resolution Approving an Agreement with Appraisal Company of Alaska for Ad Valorem Tax Services for Tax Year 2018.

A motion was made by C. Sparks and seconded by C. Brown to adopt R-17-09-01.

At the roll call:

Aye: Tobin; Andersen; Brown; Green; Sparks
Nay:
Abstain:

The motion **CARRIED**.

UTILITY MANAGER'S REPORT

- Utility Manager Handeland presented his verbal report highlighting the new waterline to the High School had been completed and was ready for a pressure test. He noted the water/sewer work at East End was nearing completion. Manager Handeland noted that the recent spill drill had gone well and that he and the Clerk had met with AKDOT&PF to discuss speed limit inconsistencies on several state roads in town. He finished by explaining that USDA had performed a recent inspection and discussed potential funding avenues for the Bering Street project.
 - Mayor Beneville asked when the project might begin.
 - Manager Handeland predicted between 2020 and 2024.
 - Councilman Tobin thanked the Utility for hooking up the speed limit signs on Bering Street.

CITY MANAGER'S REPORT

- Mayor Beneville referred the Council to Manager Moran's written report.
 - Councilman Andersen explained that he had attended the ABC Board's local meeting and learned that of the 70 or so tourism alcohol licenses, only about half were compliant. He suggested the Council take a hard look at the licenses up for renewal this December.
 - Councilman Tobin wondered if the Building Inspector was still employed with the City of Nome.
 - Mayor Beneville explained that his hours had recently been reduced for family reasons.

CITIZENS' COMMENTS

N/A

COUNCILMEN'S COMMENTS

- 1) Councilman Tobin – No comments.
- 2) Councilman Andersen told the Council that Norton Sound Health Corporation Board meetings were scheduled for the week and would be held on the third floor of the hospital. He went to say that he would be happy to relay any questions the other Council members might have.
- 3) Councilman Brown – No comments.
- 4) Councilman Green – No comments.
- 5) Councilman Sparks noted that this would probably be his last meeting and that he was pleased several people were interested in his seat. He stated that he was proud of his time

serving on the Council and pleased at some of the work that was accomplished during his tenure. He highlighted the establishment of the fine schedule in the City's Uniform Minor Offense Table and the seasonal sales tax measure. He hoped that those around the table would look broadly at fiscal issues as those have a major impact on residents of Nome.

MAYOR'S COMMENTS AND REPORT

- Mayor Beneville expressed his appreciation for Councilman Sparks' long service to the City of Nome. He noted a successful visit from the Coast Guard as well as the recent docking by the Boreal cruise ship. He thanked Councilman Sparks again for his service and asked Councilman Andersen to chair the October 5th and October 9th meetings as he would be out of town.

EXECUTIVE SESSION

N/A

ADJOURNMENT

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

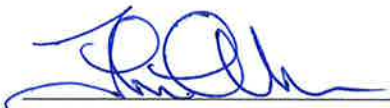
Hearing no objections, the Nome Common Council adjourned at 8:50 PM.

APPROVED and SIGNED this 9th day of October, 2017.



STAN ANDERSEN
Acting Mayor

ATTEST:



THOMAS MORAN
City Manager