

Mayor
Richard Beneville

Manager
Tom Moran

Clerk
Bryant Hammond



Nome City Council
Stan Andersen
Jerald Brown
Louie Green
Mark Johnson
Tom Sparks
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, AUGUST 28, 2017 @ 5:30/7:00 PM
COUNCIL CHAMBERS IN CITY HALL**

WORK SESSION, 5:30 PM:

Discussion with BHS (Behavioral Health Services), NEST (Nome Emergency Shelter Team), and CAST (Community Alcohol Safety Team) on Various Issues Relating to the Recent Uptick in Public Inebriation and Homelessness

REGULAR MEETING, 7:00 PM:

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- A. August 14, 2017 City Council Regular Meeting Minutes,
PAGE 1

IV. COMMUNICATIONS

- A. Letter of August 7, 2017 from AK Department of Environmental Conservation to Manager Moran re: Beam Road Landfill Inspection,
PAGE 9
- B. Letter of August 14, 2017 from Mary's Igloo Traditional Council to City of Nome re: Donations,
PAGE 11
- C. ADN Article of August 16, 2017 entitled *Going Home: Even Sex Offenders Should Get a Chance to Rejoin Society*,
PAGE 13
- D. KTOO Article of August 16, 2017 entitled *Why Amazon Collects Local Sales Taxes in Other States – But not Alaska*,
PAGE 17
- E. Memo of August 23, 2017 from Clerk Hammond to Nome Common Council re: Late Filers,
PAGE 21
- F. Letter of August 24, 2017 from NEST to City Council re: Need for Additional Shelter Space,
PAGE 23

V. CITIZENS' COMMENTSVI. 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 District,
Second Reading/Public Hearing/Final Passage,
PAGE 25

VII. NEW BUSINESS

- A. R-17-08-02 A Resolution Approving an Employment Agreement between the City of Nome and Thomas Moran for the Position of City Manager,
PAGE 27
- B. R-17-08-03 A Resolution Approving an Employment Agreement Between the City of Nome and Bryant Hammond for Provision of City Clerk Services,
PAGE 33
- C. R-17-08-04 A Resolution Appointing Bryant Hammond, as City Clerk, to Serve as City Treasurer,
PAGE 39
- D. R-17-08-05 A Resolution Appointing Election Judges and Clerks for the 2017 Municipal Election and Setting Their Compensation,
PAGE 43
- E. R-17-08-06 A Resolution Approving & Accepting a Loan from the Alaska Dept. of Environmental Conservation Alaska Drinking Water Fund to Provide Loan Financing for Improvements to Community Water Infrastructure,
PAGE 45
- F. R-17-08-07 A Resolution Approving & Accepting a Loan from the Alaska Dept. of Environmental Conservation Clean Water Fund to Provide Loan Financing for Improvements to Community Sewer Infrastructure,
PAGE 53

VIII. UTILITY MANAGER'S REPORT

- A. Activity Report: August 14 – August 25,
PAGE 61

IX. CITY MANAGER'S REPORT

- A. Activity Report: August 14 – August 25,
PAGE 73
- B. June 15, 2017 Port Commission Regular Meeting Minutes,
PAGE 109

X. CITIZENS' COMMENTSXI. COUNCILMEN'S COMMENTSXII. MAYOR'S COMMENTS AND REPORT

- A. Activity Report: August 14 – August 25,
VERBAL

XIII. ADJOURNMENT

**MINUTES
NOME CITY COUNCIL
REGULAR MEETING
August 28, 2017**

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

ROLL CALL

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

Members Absent:

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

In the audience: Sandra Medearis, *Arctic News*; Karen Trop, KNOM, Sara Lizak

APPROVAL OF AGENDA

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

A motion was made by C. Sparks and seconded by C. Tobin to approve the agenda as presented.

At the roll call:

Aye: Brown; Green; Johnson; Sparks; Tobin; Andersen

Nay:

Abstain:

The motion **CARRIED**.

APPROVAL OF MINUTES

A. August 14, 2017 City Council Regular Meeting Minutes.

A motion was made by C. Sparks and seconded by C. Tobin to approve the August 14, 2017 minutes.

At the roll call:

Aye: Green; Johnson; Sparks; Tobin; Andersen; Brown

Nay:

Abstain:

The motion **CARRIED**.

COMMUNICATIONS

- A. Letter of August 7, 2017 from AK Department of Environmental Conservation to Manager Moran re: Beam Road Landfill Inspection.
 - Manager Moran thanked Public Works Staff for their hard work leading up to the nearly perfect score on the inspection.
- B. Letter of August 14, 2017 from Mary's Igloo Traditional Council to City of Nome re: Donations.
 - Councilman Brown instructed staff to send City of Nome merchandise to be used for a door prize at their annual meeting.
- C. ADN Article of August 16, 2017 entitled *Going Home: Even Sex Offenders Should Get a Chance to Rejoin Society*.
 - Manager Moran noted the desired discussion concerning Seaside Facility and asked for scheduling availability for a potential Town Hall Meeting, noting City Hall gets busy during election season.
 - Councilman Andersen requested treatment and success statistics for sex offenders. He also requested statistics on sentencing and time served from the District Attorney's Office, as well as Representative Foster be present at the meeting to share his legislative perspective. He finished by suggesting an October meeting date.
- D. KTOO Article of August 16, 2017 entitled *Why Amazon Collects Local Sales Taxes in Other States – But not Alaska*.
- E. Memo of August 23, 2017 from Clerk Hammond to Nome Common Council re: Late Filers.

A motion was made by C. Andersen and seconded by C. Sparks to authorize the City Clerk to accept King Island Native Community's application for tax exemption as if timely filed.

Discussion:

- Councilman Brown reminded the Council of the complicated instance of Norton Sound Health Corporation's 2016 request for their application to be considered as timely filed.
- Manager Moran explained how the present situation was clearer cut, as KINC had been paying sales tax on goods and services, whereas NSHC had refused to pay sales tax prior to the matter going to the Council.

At the roll call:

Aye: Johnson; Sparks; Tobin; Andersen; Brown; Green

Nay:

Abstain:

The motion **CARRIED**.

- F. Letter of August 24, 2017 from NEST to City Council re: Need for Additional Shelter Space.
 - Councilman Sparks confirmed follow up would take form as the task force discussed at the end of the work session held prior to the meeting.

CITIZENS' COMMENTS

- 1) Sara Lizak spoke in favor of the Council approving employment contracts for both the City Manager and the City Clerk, stating the two appeared to be the hardest working guys in town and expressed her appreciation for their efforts to keep public officials informed as to what is going on around town. Commissioner Lizak spoke in favor of O-17-08-01, explaining it filled the current gap of providing specific direction to residents as to where junk motor vehicles were permitted.
 - Councilman Andersen asked how the ordinance would work in terms of enforcement and where residents might put old vehicles if they still wanted parts from them.
 - Commissioner Lizak explained she was working with the City Manager to identify a space at the landfill where, upon signing a waiver, residents would be able to store junk vehicles. She noted the building inspector is currently working to remove junk vehicles from rights-of-way.
 - Councilman Andersen discussed the difficulty in designating an enforcement official.
 - Councilman Sparks discussed an issue with registration, noting a resident could register a car to alter its junk vehicle status, though a similar mechanism did not exist for snow machines, ATVs, and boats.
 - Councilman Andersen asked if anyone from the public protested the ordinance at the Planning Commission public hearings.
 - Councilman Brown recalled the discussions on "junk" from his time serving on the Planning Commission and asked about the resource development district, noting the historical use of old mining equipment for parts.
 - Commissioner Lizak noted no protests and that the industrial district was the only zone where the Planning Commission agreed junk motor vehicles should be permitted. She noted junk motor vehicles as indicative of industrial activity, and therefore appropriately permitted in the industrial zone. She explained a potential incentive program, whereby residents could enter in a lottery by reporting their vehicle for removal.
 - Councilman Johnson discussed a project in which an old Jeep sat on his property for several years before moving to an auto shop for repair, which might take several years. The intention is to fix it up to make it a useable vehicle, though the example shows the issue is more grey than black and white. He noted the small towns in Southeast Alaska look quite different than Western Alaska, but people in the west have a different mindset.
 - Councilman Andersen noted some examples were really bad and suggested the City try it if it will work in cleaning up the town.
 - Councilman Tobin asked if the City was going to go after the small people that can't defend themselves or focus on the big ones with the financial ability to push back.
 - Councilman Green agreed, arguing the issue had always been the same with the abatement process.

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 District, **Second Reading/Public Hearing/Final Passage.**

For the purpose of holding a public hearing, the Council recessed at 7:37 PM.

Discussion:

- Councilman Green expressed pessimism about the ordinance being applied evenly.
- Manager Moran concurred with Councilman Johnson that the issue is more grey than black and white, though that the City does its best in being even-handed in enforcing all ordinances.
- John Handeland noted the registration issue and suggested that insuring a vehicle be equivalent to registering it. He asked if the underlying issue was one of aesthetics and suggested covering the vehicles considered junk.

The Council reconvened at 7:41 PM.

A motion was made by C. Andersen and seconded by C. Sparks to adopt O-17-o8-01.

Discussion:

- Councilman Johnson asked what the consequences would be if the ordinance were adopted and suggested any enforcement be handled delicately.
- Manager Moran noted there was no fine schedule in place, explaining City staff was taking baby steps in setting this ordinance, though one could be set. He explained the previous City Manager was opposed to opening a salvage yard; though he felt one was needed, he noted the difficulty in establishing one.
- Councilman Andersen noted there were some egregious violators that were the cause of most complaints. He ventured most residents would ask the City to haul their vehicles away; though where that wasn't the case, he asked what recourse residents might have in the event of a disagreement.
- Clerk Hammond noted an offense, as currently written in code, could be up to \$1,000 per day under NCO 18.10.110(a); though to his knowledge, City Staff had never employed such enforcement.
- Councilman Tobin asked who would be responsible for enforcement.
- Manager Moran noted NCO stated the City Manager, Building Inspector, or Chief of Police was responsible for enforcement.
- Councilman Brown reiterated his question concerning mining equipment in the resource development zone; though admitted the permission of junk motor vehicles in the resource development district could potentially allow for scrap yards in mineral surveys within town.
- Commissioner Lizak noted the ordinance targeted cars, trucks, and SUVs.
- Councilman Green suggested more time be spent on the ordinance.
- Councilman Sparks suggested the ordinance be incorporated into the bail schedule so that offenses would not default to the \$1,000 fine.

A motion was made by C. Brown and seconded by C. Andersen to amend the ordinance by setting the effective date as 30 days following the codification of fines in the bail schedule.

At the roll call:

Aye: Tobin; Andersen; Brown; Green; Johnson

Nay: Sparks

Abstain:

The motion to amend **CARRIED.**

A motion was made by C. Tobin and seconded by C. Brown to amend the ordinance by inserting “and insured” between “unregistered” and “for” in the third recital.

At the roll call:

Aye: Andersen; Brown; Green; Johnson; Tobin

Nay: Sparks

Abstain:

The motion to amend **CARRIED.**

A motion was made by C. Johnson and seconded by C. Andersen to postpone O-17-08-01 until the September 25, 2017 City Council Regular Meeting.

At the roll call:

Aye: Brown; Green; Johnson; Tobin; Andersen

Nay: Sparks

Abstain:

The motion to postpone to a definite time **CARRIED.**

NEW BUSINESS

- A. R-17-08-02 A Resolution Approving an Employment Agreement between the City of Nome and Thomas Moran for the Position of City Manager.

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

Discussion:

- Councilman Tobin asked for clarification on the signing bonus in the contract.
- Councilman Andersen stated a higher bonus was discussed, as it was cheaper than wages.

A motion was made by C. Tobin and seconded by C. Brown to amend the contract by striking section 7b.

Discussion:

- Councilman Johnson asked if a signing bonus had been given to previous City Managers.
- Councilman Andersen explained it happened often in the past and that the offered salary was cheap for similar positions within the State of Alaska.
- Councilman Johnson asked if it was prudent to give raises and bonuses during the current fiscal environment.
- Councilman Andersen asked why the Councilman didn't propose cuts during the budget work sessions, noting Councilmen should read their budgets more carefully prior to adoption.

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

The motion to amend **FAILED**.

A motion was made C. Tobin to amend the contract by striking 10b.

The motion was withdrawn by C. Tobin.

Returning to the main motion:

- Councilman Green requested an accident report from the City Manager vehicle theft the previous year.
- Councilman Brown requested a report from the State Troopers so that the matter could be put to rest.
- Councilman Andersen and Mayor Beneville both requested the matter be put to rest.

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

The motion **CARRIED**.

- B. R-17-08-03 A Resolution Approving an Employment Agreement Between the City of Nome and Bryant Hammond for Provision of City Clerk Services.

A motion was made by C. Andersen and seconded by C. Sparks to adopt R-17-08-03.

Discussion:

- Councilman Green asked what had happened with respect to his request that the title of City Treasurer go so someone other than Manager Moran.
- Manager Moran referred him to item C under New Business.
- Councilman Tobin asked why the Council wasn't given the Clerk's evaluation.
- Councilman Brown noted that other contract employees' evaluations didn't come to the Council and stated it wasn't appropriate for it to come to the Council.
- Councilman Green asked how the Clerk's overtime was compensated.
- Manager Moran noted the Clerk wasn't eligible for overtime, though the Clerk, when his schedule allowed and when approved by the City Manager, could flex his schedule to make up for days when he puts in hours in excess of his normal workday.

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

The motion **CARRIED**.

- C. R-17-08-04 A Resolution Appointing Bryant Hammond, as City Clerk, to Serve as City Treasurer.

A motion was made by C. Sparks and seconded by C. Brown to adopt R-17-08-04.

Discussion:

- Councilman Sparks stated the Clerk was historically the Treasurer as well.

At the roll call:

Aye: Green; Johnson; Sparks; Tobin;

Nay: Andersen; Brown;

Abstain:

The motion **CARRIED**.

- D. R-17-08-05 A Resolution Appointing Election Judges and Clerks for the 2017 Municipal Election and Setting Their Compensation.

A motion was made by C. Brown and seconded by C. Sparks to adopt R-17-08-05.

Discussion:

- Councilman Brown noted that the community of Nome entrusts this group with a significant responsibility and therefore should recognize them for it.

A motion was made by C. Brown to double the remuneration for Election Judges and Clerks.

The motion, for lack of a second, **FAILED**.

Returning to the main motion:

At the roll call:

Aye: Brown; Green; Johnson; Sparks; Tobin; Andersen

Nay:

Abstain:

The motion **CARRIED**.

- E. R-17-08-06 A Resolution Approving & Accepting a Loan from the Alaska Dept. of Environmental Conservation Alaska Drinking Water Fund to Provide Loan Financing for Improvements to Community Water Infrastructure.

A motion was made by C. Sparks and seconded by C. Tobin to adopt R-17-08-06.

Discussion:

- Councilman Green asked if the loan had already been approved.

- Utility Manager Handeland explained the loan had been approved and the Council had approved the project through R-14-10-04 with a different subsidy amount. The Utility had decided to wait, pending grant funding, through no grant funding has been forthcoming. He suggested approving the current terms rather than waiting while the system deteriorates further.
- Councilman Andersen stated he disliked force account projects and would not be voting for it.
- Councilman Brown noted the Council would be voting on accepting the loan, but asked if the Council would be involved in decisions concerning contracting.
- Manager Handeland stated they would be, if the resolution passed.
- Councilman Andersen requested the Utility fix as much infrastructure as possible given the available funds.

At the roll call:

Aye: Johnson; Sparks; Tobin; Brown; Green

Nay: Andersen

Abstain:

The motion **CARRIED**.

- F. R-17-08-07 A Resolution Approving & Accepting a Loan from the Alaska Dept. of Environmental Conservation Clean Water Fund to Provide Loan Financing for Improvements to Community Sewer Infrastructure.

A motion was made by C. Sparks and seconded by C. Tobin to adopt R-17-08-07.

At the roll call:

Aye: Sparks; Tobin; Brown; Green; Johnson

Nay: Andersen

Abstain:

The motion **CARRIED**.

UTILITY MANAGER'S REPORT

- Utility Manager Handeland presented his written report, adding that the power outage the other evening was the result of an operator's miscalculation.

CITY MANAGER'S REPORT

- Manager Moran presented his written report, thanking the Council for his contract extension. He explained his schedule has been filled with meeting dignitaries passing through town and that the weather has helped facilitate successful visits.
 - Councilman Andersen asked for options and costs from the School District concerning the remodel of the Anvil City Science Academy bathrooms. He asked if the City planned on doing a similar inspection of the Elementary School. He reiterated requests concerning the status of bills in the Alaska Legislature and condition reports on the City's boilers.

- Manager Moran explained he had been waiting on the City's lobbyist for detailed reports and that the boiler reports were forthcoming.

CITIZENS' COMMENTS

N/A

COUNCILMEN'S COMMENTS

- 1) Councilman Tobin noted the recent visit by several musk ox to the NJUS facility. He asked what was happening with vacant structures around town.
- 2) Councilman Andersen – No comments.
- 3) Councilman Brown expressed his desire to attend the AML Conference in November and stated he would not be able to attend the 9/11 meeting.
- 4) Councilman Green stated it was time to go home.
- 5) Councilman Johnson – No Comments.
- 6) Councilman Sparks stated he would not run for re-election in October, explaining he needed personal time.

MAYOR'S COMMENTS AND REPORT

- Mayor Beneville thanked Councilman Sparks for his lengthy service to the community of Nome including his time on the Planning Commission. He explained he had recently declared his candidacy for his second term as Mayor. Mayor Beneville noted that Nome had done a wonderful job during recent visits by cruise ships and that Crystal Cruises noted their 2016 Northwest Passage voyage was among their most profitable. He noted the company would most likely take a few years off to allow for a building of interest before making the voyage again. He noted in 2019 a Norwegian cruise line planned on visiting Nome and finished by thanking the Council, the Port and Administrative Staff for all their hard work in showcasing the City of Nome.

EXECUTIVE SESSION

N/A

ADJOURNMENT

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

Hearing no objections, the Nome Common Council adjourned at 9:06 PM.

APPROVED and **SIGNED** this 11th day of September, 2017.


RICHARD BENEVILLE
Mayor

ATTEST:


BRYANT HAMMOND
Clerk