

Mayor
Richard Beneville
Manager
Tom Moran
Clerk
Bryant Hammond



Nome City Council
Stan Andersen
Jerald Brown
Matt Culley
Louie Green, Sr.
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, SEPTEMBER 12, 2016 @ 7:00 PM
COUNCIL CHAMBERS IN CITY HALL**

- I. ROLL CALL
- II. APPROVAL OF AGENDA
- III. APPROVAL OF MINUTES
 - A. August 22, 2016 City Council Regular Meeting Minutes,
PAGE 1
 - B. September 6, 2016 City Council Special Meeting Minutes,
PAGE 7
- IV. COMMUNICATIONS
 - A. Letter August 16, 2016 from Nome Community Center to City Council re: Change Request for 2016 NSEDC Community Benefit Share Funds,
PAGE 9
 - B. Email of August 23, 2016 from AMLJIA to Manager Moran re: Appointment to AMLJIA Board of Trustees,
PAGE 11
 - C. Notice from AML to City of Nome re: Newly Elected Officials Training, November 14, 2016,
PAGE 13
 - D. Notice From City of Nome re: Fall Clean Up Week October 10 – 15, 2016,
PAGE 15
- V. CITIZENS' COMMENTS
- VI. PLANNING AND ZONING
 - A. August 2, 2016 Planning Commission Regular Meeting Minutes,
PAGE 17
- VII. UNFINISHED BUSINESS
 - A. O-16-09-01 An Ordinance Amending Section 2.45.010 of the Nome Code of Ordinances to Establish a Policy on Paying Elected or Appointed Officials While They are Employed by the City of Nome,
SECOND READING/PUBLIC HEARING/FINAL PASSAGE,
PAGE 23

VIII. NEW BUSINESS

- A. **Public Hearing:** Consideration of a Request from Norton Sound G-O Development to Rezone Portions of Blocks 109, 110, 125, 126, and 127 from General Use to Commercial Use, and a Portion of Block 111 from General Use to Residential Use,
PAGE 25
- B. O-16-09-02 An Ordinance Amending Section 3.05 of the Nome Code of Ordinances to Prohibit the Sale of Liquor Products in Containers Smaller than 750 ML at All Locations South of 3rd Ave,
FIRST READING,
PAGE 35
- C. R-16-09-02 A Resolution Appointing Election Judges and Clerks for the 2016 Municipal Election and Setting Their Compensation,
PAGE 37
- D. R-16-09-03 A Resolution Authorizing the City of Nome, Alaska to Issue General Obligation Refunding Bonds in the Principal Amount of Not to Exceed \$800,000 to Refund Certain Outstanding General Obligation Refunding Bonds of the City, Fixing Certain Details of Such Bonds and Authorizing Their Sale,
PAGE 39

IX. CITY ATTORNEY'S REPORT

- A. Memorandum of August 19, 2016 re: Nuisance Abatement Ordinance,
PAGE 49

X. UTILITY MANAGER'S REPORT

- A. Activity Report: August 23 – September 9, 2016,
VERBAL

XI. CITY MANAGER'S REPORT

- A. Activity Report: August 23 – September 9, 2016,
PAGE 55

XII. CITIZENS' COMMENTS**XIII. COUNCILMEN'S COMMENTS****XIV. MAYOR'S COMMENTS AND REPORT**

- A. Activity Report: August 23 – September 9, 2016,
VERBAL
- B. Appointment of Museum/Library Commission Seat "H,"
PAGE 83

XV. EXECUTIVE SESSION

- A. Annual Performance Review of City Manager,
VERBAL

XVI. ADJOURNMENT

**MINUTES
NOME CITY COUNCIL
REGULAR MEETING
September 12, 2016**

The regular meeting of the Nome City Council was called to order at 7:00 PM by Mayor Beneville in Council Chambers of City Hall, located at 102 Division Street.

ROLL CALL

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

Members Absent:

Also Present: Richard Beneville, Mayor; Tom Moran, City Manager; Bryant Hammond City Clerk; Julie Liew, Finance Director; John Handeland, NJUS Manager; Joy Baker, Port Director; Amy Chan, Museum Director

In the audience: Davis Hovey, KNOM; Sandra Medearis, Arctic News; James Fejes; Robert Hafner; Charlie Lean; Emory C. Wheeler; David Csiki

APPROVAL OF AGENDA

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

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

Discussion:

- Councilman Andersen suggested the Council change its custom on not discussing an ordinance at first reading.
- Councilman Sparks stated he would be in favor; the lack of discussion at first reading leads to inefficiency.
- Councilman Brown noted the benefit of first reading as getting the ordinance out to the public; he also noted that it would be good to be allowed discussion at both readings.
- Manager Moran suggested this discussion be held in Councilman's Comments.

At the roll call:

Aye: Green; Tobin; Sparks; Culley; Brown

Nay: Andersen

Abstain:

The motion **CARRIED**.

APPROVAL OF MINUTES

A. August 22, 2016 City Council Regular Meeting Minutes.

B. September 6, 2016 City Council Special Meeting Minutes.

A motion was made by C. Tobin and seconded by C. Brown to approve both sets of minutes.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

COMMUNICATIONS

- A. Letter August 16, 2016 from Nome Community Center to City Council re: Change Request for 2016 NSEDC Community Benefit Share Funds.

A motion was made by C. Tobin and seconded by C. Sparks to approve the change request.

Discussion:

- Councilman Sparks stated that he supported the request, noting that it still addresses their needs.
- Councilman Culley noted the original request addressed long term infrastructure needs, while the change requested addressed vehicle and equipment repair. While he felt the change was not as solid an investment, it still supported the Children's Home mission and had his support.

At the roll call:

Aye: Sparks; Tobin; Andersen; Brown; Culley, Green

Nay:

Abstain:

The motion **CARRIED**.

- B. Email of August 23, 2016 from AMLJIA to Manager Moran re: Appointment to AMLJIA Board of Trustees.
- Mayor Beneville congratulated Manager Moran.
 - Councilman Tobin noted serving AMLJIA was becoming a tradition for Nome City Managers.
- C. Notice from AML to City of Nome re: Newly Elected Officials Training, November 14, 2016.
- D. Notice From City of Nome re: Fall Clean Up Week October 10 – 15, 2016.

CITIZENS' COMMENTS

- 1) Dave Csiki addressed a threat by Councilman Andersen to put Mr. Csiki's property on the abatement list if he continued to show up at City Council meetings. He stated he had

come “to slam somebody’s dick in a drawer,” explaining he had retained a lawyer and was seeking injunctive relief. He asked for more professional behavior out of the City Council.

- 2) Chuck Wheeler stated that every meeting must be documented per the Sunshine Act of 1976. He reiterated a complaint he filed in 2015 about appropriations not listed in the City budget without Council Resolution. Mr. Wheeler also stated that a deep draft port in Nome was not feasible.
 - Councilman Tobin noted the minutes from previous meetings were presented in Council Packets.
 - Clerk Hammond informed him the packets were uploaded to the website on the Friday prior to the meeting and the approved minutes, resolutions, and ordinances were uploaded to the website the day after.
 - Councilman Culley referred Mr. Wheeler to the City procurement policy, which was followed in the case to which Mr. Wheeler was referring.
 - Manager Moran clarified the letter to which Mr. Wheelers was referring only referenced design of a deep draft port.
 - Mayor Beneville respectfully disagreed with Mr. Wheeler concerning the City of Nome’s plans to develop a deep draft port, stating hard work and a positive vision were needed in Nome during these times of change.
- 3) John Handeland explained that he was excited to apply for appointment to the Museum and Library Commission; however, he wished to rescind his application out of respect for the two other applicants.
- 4) James Fejes, owner of Tundra Fire, LLC, introduced himself and addressed the recent protest to his application for commercial marijuana license. He noted he recently measured the distances with City of Nome officials and had a special meeting with the Alaska Alcohol & Marijuana Control Office. His application is proceeding smoothly. He explained he established a similar business in Chitina wanted to hear the Council’s concerns.
 - Councilman Tobin asked if he could have both cultivation and retail under one roof and asked what his expected timeline was.
 - Mr. Fejes stated his business followed state regulations and expected the license to be out for review by the next Council meeting.
 - Mayor Beneville asked if Mr. Fejes intended to reside in Nome.
 - Mr. Fejes replied affirmatively.
 - Councilman Tobin asked if Mr. Fejes expected to displace any of the current tenants.
 - Mr. Fejes expected his business to occupy 3800 square feet and not displace the current tenants in the building.
 - Councilman Green asked how the distance to Checkpoint Youth Center was measured.
 - Mr. Fejes described the right angles, as-the-crow-flies, and shortest pedestrian route methods of measurement.
- 5) Charlie Lean, Nome Port Commissioner, stated he was present to discuss the evaluation of dredging the west basin of the small boat harbor. He took exception to Mr. Wheeler’s comment that the Port of Nome was not a port, stating it’s a small view of the world. He supported his comments by listing the current vessel activity and vessels sheltering from weather in the harbor.

PLANNING AND ZONING

- A. August 2, 2016 Planning Commission Regular Meeting Minutes.
- Councilman Andersen asked what consultants would be used for the Planning Commission's Historic Preservation Committee activities, stating he was informed the added activities wouldn't increase costs.
 - Manager Moran explained that current staff or volunteers would serve in the consultants' roles and there would be no net increase in costs. He stated he would keep the Council abreast of potential costs.

UNFINISHED BUSINESS

- A. O-16-09-01 An Ordinance Amending Section 2.45.010 of the Nome Code of Ordinances to Establish a Policy on Paying Elected or Appointed Officials While They are Employed by the City of Nome, **SECOND READING/PUBLIC HEARING/FINAL PASSAGE.**

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

The Council reconvened at 7:38 PM.

A motion was made by C. Andersen and seconded by C. Brown to adopt O-16-09-01.

Discussion:

- Manager Moran explained the content of O-16-09-01 was a follow up of O-16-08-01, clarifying that employees of municipal entities serving on a board or commission were not to have benefits and fringe taken out twice.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED.**

NEW BUSINESS

- A. **Public Hearing:** Consideration of a Request from Norton Sound G-O Development to Rezone Portions of Blocks 109, 110, 125, 126, and 127 from General Use to Commercial Use, and a Portion of Block 111 from General Use to Residential Use.

For the purpose of holding a public hearing, the Council recessed at 7:46 PM.

Discussion:

- Councilman Andersen asked for better maps.
- Manager Moran explained that better maps are expensive and the costs were not justified if the Council was not going to approve the new zoning boundaries.
- Councilman Green noted that the area has historically been commercial use.

- Councilman Culley asked what the difference was between commercial and general use.
- Manager Moran explained some uses in each would require a conditional use permit, while some uses were not allowed in the general use zone.

The Council reconvened at 7:58 PM.

A motion was made by C. Andersen and seconded by C. Green to approve the request.

Discussion:

- Councilman Sparks was concerned by the way Mr. Olson was making the request, stating that if Mr. Olson had a legitimate business use in mind he should be forthcoming. A conditional use permit should suffice for most uses.
- Councilman Tobin noted this was reminiscent of the TSR issues from 2014.
- Councilman Brown clarified that only one block was part of the original request. Although the original impetus may be suspect, the entire proposal from the Planning Commission was appropriate and probably should have been zoned commercial in the first place.

At the roll call:

Aye: Green; Tobin; Andersen; Brown, Culley

Nay: Sparks

Abstain:

The motion **CARRIED**.

- B. O-16-09-02 An Ordinance Amending Section 3.05 of the Nome Code of Ordinances to Prohibit the Sale of Liquor Products in Containers Smaller than 750 ML at All Locations South of 3rd Ave, **FIRST READING**.

A motion was made by C. Tobin and seconded by C. Culley to advance O-16-09-02.

At the roll call:

Aye: Sparks; Tobin

Nay: Culley; Green; Andersen; Brown

Abstain:

The Motion **FAILED**.

- C. R-16-09-02 A Resolution Appointing Election Judges and Clerks for the 2016 Municipal Election and Setting Their Compensation.

A motion was made by C. Sparks and seconded by C. Culley to adopt R-16-09-02.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

- D. R-16-09-03 A Resolution Authorizing the City of Nome, Alaska to Issue General Obligation Refunding Bonds in the Principal Amount of Not to Exceed \$800,000 to Refund Certain Outstanding General Obligation Refunding Bonds of the City, Fixing Certain Details of Such Bonds and Authorizing Their Sale.

A motion was made by C. Andersen and seconded by C. Brown to adopt R-16-09-03.

Discussion:

- Finance Director Liew referred the Council to her agenda statement on page 48 of the packet.
- Councilman Brown clarified the bond refunding was not meant to solve any cash flow issues and that the principal repayment terms and schedule would not be altered.
- Director Liew confirmed this.

At the roll call:

Aye: Green; Sparks; Tobin; Andersen; Brown, Culley

Nay:

Abstain:

The motion **CARRIED**.

CITY ATTORNEY'S REPORT

- A. Memorandum of August 19, 2016 re: Nuisance Abatement Ordinance.
- Manager Moran gave background on the memo.
 - Councilman Tobin asked if the memo changed the abatement timeline in R-16-08-02.
 - Manager Moran confirmed that it did not.

UTILITY MANAGER'S REPORT

- Utility Manager Handeland presented his verbal report:
- The planned power outage to install a new pole went quicker than expected.
- A new spool was install at K and Greg Kruschek Ave.
- The wind turbine blade has been repaired; NJUS is now working on the insurance claim.
- Fuel surcharge went down by 3.25 percent, beginning with the August billing.
- Manager Handeland asked the community to let NJUS know of any streetlights out.
- The Nome Eskimo Community project with blinking stop light is proceeding.
- The 2015 fuel bond is paid off and 2016's first payment is complete.
- He passed out the July financial statements.

CITY MANAGER'S REPORT

- Manager Moran presented his written report and highlighted the new fire truck and museum exhibits are expected on the 10/6/16 barge. Kawerak's exhibit is expected to be complete on 10/24 and the City's complete before 10/29. He noted that both he and the Mayor would be traveling on 9/26/16 and the meeting would need an alternate chair.

- Councilman Andersen criticized Administration and NVFD for not ensuring the new fire truck would fit the townsite fire hall before purchasing it.
- Councilman Tobin asked why the Assistant Secretary of Defense was working on “Every Kid in the Park.”
- Port Director Baker noted the program was a cabinet level presidential directive.
- Councilman Andersen asked Commissioner Lean and Director Baker to discuss the dredging plans.
- Commissioner Lean went over the engineers estimates and design, indicating it could be 80 years of minimal maintenance.
- Councilman Andersen agreed there was minimal risk in proceeding.
- Director Baker spoke to Mr. Wheeler’s earlier comments concerning the feasibility of the Port of Nome’s expansion, stating most everybody supports it.

CITIZENS’ COMMENTS

- 1) Dave Csiki thanked Chief Papasodora for NPD’s assistance with inebriates on and around his property. He noted the irony that the City of Nome owns the property where inebriates most often congregate. He briefly described his vision to redevelop his property adjacent to the Visitor’s Center.
- 2) Chuck Wheeler explained that O-16-09-02 would have helped the problem if it didn’t solve it. He disagreed with Tim Brown’s assessment of the problem. Mr. Wheeler stated that accommodating the rezoning request set a bad precedent, that refunding the bonds just prolonged the payback, and that a written agreement was need to hold 245 A, B Front St owners to a reasonable schedule.
- 3) Amy Chan explained there were two 40-foot containers on the barge and the install was expected to take three weeks. She invited the Council to stop by and view the progress.
 - Councilman Tobin asked after the Katirvik schedule.
 - Director Chan explained everybody in the new building has their nose to the grind.
- 4) Chief Papasodora gave the Council statistics from 2014, 2015, and 2016 indicating that calls were increasing. He recognized CSO Putnam for his outstanding job in working to contain issues involving inebriates.
 - Councilman Andersen asked what the City of Nome can do.
 - Chief Papasodora noted that there was little else than what the City is already doing.

COUNCILMEN’S COMMENTS

- 1) Councilman Tobin reminded the community that it was about time to turn on circulating pumps.
- 2) Councilman Andersen – no comments.
- 3) Councilman Brown – no comments.
- 4) Councilman Culley explained that he did his own research on the liquor situation. He looked in the garbage behind the Front St AC and confirmed what Tim Brown had said about bottle size. He noted that the reason Anchorage banned smaller bottles was so that public drinking would be more difficult to hide. Councilman Culley agreed with

Councilman Sparks concerning the rezoning request, though supported it because it would encourage productive growth in the area.

- 5) Councilman Green noted that his constituents confirmed inebriates were buying larger bottles as well and didn't think O-16-09-02 would have addressed the issue.
- 6) Councilman Sparks supported O-16-09-02 to open a discussion and was frustrated on the lack of discussion at first reading because flawed, but potentially beneficial ordinances didn't receive the attention they needed. He asked if there were any updates on the City Manager's vehicle theft case.
 - Manager Moran explained that some names were currently being vetted by NPD.
 - Chief Papasodora explained the investigation was ongoing.

MAYOR'S REPORT

- Mayor Beneville noted that he spoke with an investor from outside the region who commended the City of Nome on the abatement process. Mayor Beneville went on to say that Nome is in a period of change right now and he feels justified in saying that good things are coming.
- Mayor Beneville will be traveling to Washington D.C. in late September. He noted the extensive work former Mayor Michels did in advocated for Nome's interests and intends to continue it.
- He noted that Arctic Chinook went off in an orderly manner; though when the real thing happens, it probably won't be so orderly.
- He updated the Council on the Cemetery Committees work, noting that the City and NSHC worked out an agreement on a place to clean the body.
- Mayor Beneville appointed Katherine Scott to the Museum and Library Commission.

A motion was made by C. Sparks and seconded by C. Brown to accept Mayor Beneville's appointment of Katherine Scott to the Museum and Library Commission.

Discussion:

- Councilman Andersen requested that a bronze plaque be placed at the Richard Foster Building recognizing individuals who played important roles in the development of the building, including John Handeland.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

EXECUTIVE SESSION

A motion was made by C. Sparks and seconded by C. Culley to adjourn into executive session to discuss Manager Moran's Annual Performance Review.

The Council recessed at 9:16 PM.

The Council reconvened at 9:41 PM.

ADJOURNMENT

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

Hearing no objections, the Nome Common Council adjourned at 9:41 PM.

APPROVED and SIGNED this 26th day of September, 2016.



STAN ANDERSEN
Acting Mayor

ATTEST:



BRYANT HAMMOND
City Clerk