

Mayor
Richard Beneville
Manager
Thomas Moran
Clerk
Bryant Hammond



Nome City Council
Stan Andersen
Jerald Brown
Matt Culley
Louie Green, Sr.
Tom Sparks
Lew Tobin

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**NOME CITY COUNCIL
REGULAR MEETING AGENDA
MONDAY, AUGUST 8, 2016 @ 7:00 PM
COUNCIL CHAMBERS**

- I. ROLL CALL
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- A. Activity Report: July 26 – August 5, 2016,
VERBAL

XIV. ADJOURNMENT

**MINUTES
NOME CITY COUNCIL
REGULAR MEETING
August 8, 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

Members Absent: Jerald Brown

Also Present: Richard Beneville, Mayor; Tom Moran, City Manager; Bryant Hammond City Clerk; John Handeland, NJUS Manager; Joy Baker, Port Director; Shawn Arnold, NPS; Marguerite LaRiviere, Library Director; Amy Chan, Museum Director;

In the audience: Davis Harvey, KNOM; Sandra Medearis, Arctic News; Tom Okleasik; Thomas Vaden; Scott Kent; Nate Perkins; Ric Schmidt; Shea Vallaire; Jacob Schmidt; Emory C. Wheeler; Joe Winterbower; David Csiki

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. Green to approve the agenda as presented.

At the roll call:

Aye: Green; Andersen; Tobin; Sparks; Culley

Nay:

Abstain:

The motion **CARRIED**.

APPROVAL OF MINUTES

A. July 25, 2016 City Council Regular Meeting Minutes.

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

At the roll call:

Aye: Green; Tobin; Andersen; Sparks

Nay:

Abstain: Culley

The motion **CARRIED**.

COMMUNICATIONS

- A. Article from June Edition of Smithsonian Newsletter by Museum Director Entitled *Journey of an Arctic Collection*.
 - Mayor Beneville noted the article differentiates between walrus and elephant ivory.
- B. Letter of July 15, 2016 from USCG to Manager Moran re: Participation in Arctic Guardian.
- C. Letter of July 21, 2016 from USCG to City of Nome re: Exercise of Option to Renew Lease.
 - Councilman Tobin inquired about the back range light.
 - Port Director Baker explained that it was a different lease on a different timeline.
- D. Letter of July 25, 2016 from Nome Public Schools to Mayor Beneville and City Council re: Early Childhood Education.
- E. Letter of July 25, 2016 from Bering Sea Women's Group to Finance Director re: Thanks for Support.
- F. Letter of August 1, 2016 from Mayor Beneville to Admiral McAllister re: Appreciation of Arctic SAR Assets.
- G. Letter of August 2, 2016 from Chuck Wheeler to City Council re: Sale of Hard Alcohol in Containers Smaller than 750 Milliliters.
 - Councilman Andersen and Councilman Sparks asked staff to look into the legality of the request.

CITIZENS' COMMENTS

- 1) Marguerite LaRiviere and Rosa Schmidt shared a video highlighting library summer programming and thanked the Council for their support. They explained the library has been very popular this summer, almost too popular, as there were some complaints about the Internet speeds. Since February 27th there have been over 10,000 materials checked out.
 - Mayor Beneville explained the City was working with Quintillion to get increased bandwidth to City Departments.
- 2) Shawn Arnold thanked the City Council for supporting Pre-K education in Nome. He highlighted the need for sustainability planning for when the funding runs out in three years and invited the City of Nome and other stakeholders to begin discussions.
 - Councilman Culley asked why Kawerak received two teachers while the Preschool Association received one.
 - Mr. Arnold stated that's the way it's always been and that Kawerak's grants were tied to two teachers.
 - Councilman Andersen noted the funding was committed and asked how Mr. Arnold knows the funding will come through.
 - Councilman Sparks asked if the funds earmarked for early childhood education would be returned to the City.
- 3) Ukullaysaaq Tom Okleasik spoke in support of O-16-o8-o2 up for first reading on the agenda. He asked the Council to focus on the issue of burning trash and not get

sidetracked with fire pits and smoke houses and pass an ordinance burning trash in residential areas of Nome.

- 4) Scott Kent expressed concern over the O-16-o8-o2 as presently worded, stating it would impact fish smoking throughout town. He explained he did not oppose the burning of trash and the fire department having the authority to stop burning they felt was dangerous. Mr. Kent explained he was circulating a petition opposing O-16-o8-o2, explaining that one complaint did not constitute an epidemic.
- 5) Chuck Wheeler cited the Freedom of Information Act, asking why there wasn't a Council packet for public review in the audience. He spoke in opposition to O-16-o8-o2, stating it was too complicated. Mr. Wheeler also stated that the abatement process was not in the best interest of the property owners. He asked the City of Nome follow the same process that Anchorage follows because Mayor Berkowitz is an attorney.
 - Mayor Beneville noted the copy of the Council packet circulating in the audience.
 - Councilman Andersen noted that by ordinance, Manager Moran was the health officer for the City.
 - Councilman Culley noted that Manager Moran was also an attorney.
- 6) Chief John Papasodora stated that an ordinance must allow or forbid burning to be enforceable. Determining whether or not burning material is noxious would require a warrant and special equipment.
 - Councilman Green asked for the City Attorney to look into the legality of the City's abatement process, the authority of the individuals involved, and potential conflicts of interest.

PLANNING AND ZONING

- A. June 14, 2016 Planning Commission Rescheduled Regular Meeting Minutes.
 - Councilman Andersen asked for more details about Commissioner Hughes' comment concerning the hockey rink in the F16 budget.
 - Manager Moran explained the tank demo was overcharged and his comment concerned trying to get the accounts to close the fiscal year.
 - Councilman Andersen asked for more detail on which public officials were in violation of the zoning code.
 - Manager Moran explained the comment referred to squatting in West Tobuk Alley.
- B. July 12, 2016 Planning Commission Rescheduled Regular Meeting Minutes.
 - Councilman Culley noted Commissioner McLarty's comments concerning companies maintaining their own dust control. He spoke recent incidents where a Stampede Ventures, Inc. made significant messes that should have necessitated fines. He asked that the City lean on companies to remain compliant and call in complaints to DEC and EPA for enforcement.

UNFINISHED BUSINESS

- A. O-16-o8-o1 An Ordinance Amending Section 2.45.010 of the Nome Code of Ordinances to Establish a Policy on Holding Elected or Appointed Office While Employed by the City of Nome, **SECOND READING/PUBLIC HEARING/FINAL PASSAGE.**

For the purpose of holding a public hearing, the Council recessed at 7:48 P.M.

The Council reconvened at 7:48 P.M.

A motion was made by C. Andersen and seconded by C. Sparks to adopt O-16-o8-01.

Discussion:

- Councilman Culley asked what would happen if several members of a Council, Board or Commission had to abstain due to a conflict of interest and the required votes could not cast.
- Councilman Andersen clarified that a City employee was not allowed to serve on City Council.
- Councilman Sparks stated the issue has not yet arisen.
- Councilman Green asked if someone could serve on both the Utility Board and the City Council.
- Councilman Andersen stated he served on both in 1988.
- Manager Moran explained the ordinance cleared up policy for existing employees serving on a board or commission while employed for a different municipal entity and stated modifications to the ordinance concerning pay and insurance coverage were forthcoming.
- Councilman Andersen stated that ultimately the public votes on that serve.

At the roll call:

Aye: Green; Sparks; Tobin; Andersen; Culley

Nay:

Abstain:

The motion **CARRIED**.

NEW BUSINESS

- A. O-16-o8-02 An Ordinance Amending Title 13 (Public Peace and Miscellaneous Offenses) of the Nome Code of Ordinances to Add a New Chapter 13.20 to Establish a Ban on Certain Types of Burning Within City Limits, **FIRST READING**.

A motion was made by C. Andersen and seconded by C. Sparks to advance O-16-o8-02.

At the roll call:

Aye: Sparks; Tobin; Andersen

Nay: Culley; Green

Abstain:

The motion **FAILED**.

- B. R-16-o8-01 A Resolution Authorizing the Reallocation of Remaining Funds from a FY13 Port and Harbor Development Grant for Use in the Development of Tract A of the Thornbush Subdivision.

A motion was made by C. Andersen and seconded by C. Sparks to adopt R-16-o8-01.

Discussion:

- Councilman Culley, noting Port Commission meeting minutes, asked why the resolution was before the Council when there were projects that seemed to be more urgent.
- Councilman Andersen noted the five to one vote to pass this resolution to the Council and asked Port Director Baker to explain further.
- Port Director Baker explained Commissioner Cox had favored projects that were categorized as maintenance by the grant administrators and therefore ineligible for available funding.
- Councilman Culley asked for a list of prioritized port development projects.
- Councilman Sparks asked what benefits the projects would provide.
- Director Baker stated the port is currently at 92 % capacity for laydown space.
- Manager Moran explained that the project was in the best interest of the port given the current fiscal situation at the State level.
- Councilman Culley asked if the funding was adequate to finish the project.
- Director Baker explained the lot would be filled from east to west so that the area filled was immediately useable.

At the roll call:

Aye: Green; Sparks; Tobin; Andersen; Culley

Nay:

Abstain:

The motion **CARRIED**.

CITY ATTORNEY'S REPORT

N/A

UTILITY MANAGER'S REPORT

- Utility Manager Handeland reported on: the successful delivery of the year's fuel; and a successful visit by Alaska's U.S. Senators. He personally thanked Cheryl Thompson, Angela Hansen, and the Chamber of Commerce for recent beautification activities. The wind turbine blade repair was nearing completion, the power poles on the east end of town were in the process of being straightened. Manager Handeland announced an upcoming site visit by their insurance.
 - Councilman Culley asked Manager Handeland for the final cost per gallon for the delivered fuel.
 - Manager Handeland stated the delivered cost was \$2.35, give or take \$0.05.
 - Councilman Tobin asked what the total amount of fuel delivered was.
 - Manager Handeland stated 2.45 million gallons.
 - Councilman Andersen asked for minutes from the Utility Board meetings.
 - Manager Handeland stated he had delivered them, but would deliver another copy.
 - Councilman Green asked if the fuel surcharge would decrease.
 - Manager Handeland stated it would by a fraction of a cent.
 - Councilman Sparks thanked those involved in the fuel delivery for their hard work.

CITY MANAGER'S REPORT

- Manager Moran presented his written report, adding the second City-wide cleanup of the year hauled 17 truckloads of garbage to the dump.
 - Regarding the old hospital zoning issue, Councilman Culley asked if someone was living there.
 - Councilman Sparks asked for more details concerning Donny Olson's request for rezoning the old hospital.
 - Manager Moran explained the question didn't come up at the meeting and that Mr. Olson was asking the old hospital to be rezoned as commercial.
 - Councilman Andersen stated the property would be more valuable zoned as commercial.
 - Councilman Tobin asked why his variance request didn't make it into the same packet.
 - Manager Moran explained he missed the deadline.
 - Councilman Green asked why the Center Creek and Jafet were not aligned.
 - Councilman explained the project was in the STIP but no funding was ever allocated.

CITIZENS' COMMENTS

- 1) Tom Okleasik expressed disappointment O-16-o8-o2 was not advanced to second reading. He passed out information on backyard burning from the EPA and reiterated his issues concerning the ordinance restricting burning within City limits.
 - Councilman Andersen suggested he run for City Council and do further research as to what other cities do with regards to burning.
 - Councilman Green stated there wasn't enough public input to advance the ordinance.
 - Mayor Beneville noted that this was the first time he's heard of a burning issue in his 30 years' residence in Nome.
 - Mr. Okleasik asked what the procedures were to rewrite the ordinance.
 - Manager Moran explained failed ordinances couldn't just come back at a later date when not passed. The ordinance would need to be substantially different than what failed this evening. He suggested working with the City Clerk.
- 2) Chief Papasodora reiterated the need for a clear delineation between burning and no burning to be enforceable.
- 3) Chuck Wheeler asked that Council Packets be available online.
 - Manager Moran and Clerk Hammond explained the technical difficulties preventing the upload of large documents to the City website.

COUNCILMEN'S COMMENTS

- 1) Councilman Andersen suggested the Mayor take Ms. Thomson and Ms. Hansen out to lunch as thanks for their beautification work.
- 2) Councilman Green – no comments.
- 3) Councilman Sparks stated that between first reading and a final vote there is space for some massaging the ordinance and that potentially should have happened with respect to O-16-o8-o2. He noted some concerns on both sides.

- 4) Councilman Tobin asked what was happening with Nome's marijuana laws, stating he had read something in the newspaper about the Planning Commission addressing marijuana. He also asked why barges were using Port Clarence instead of Nome. Councilman Tobin suggested that the City use employees located outside of Nome to upload the Council packet.
- Manager Moran explained the City and the State had both adopted laws concerning recreational and commercial marijuana. The Planning Commission was evaluating whether or not the City zoning code needed to be updated due to the marijuana laws.
 - Port Director Baker explained that companies stage fuel deliveries out of Port Clarence due to logistical efficiencies and costs.
- 5) Councilman Culley stated that one complaint does not require a law. He stated he did not want to see laws put on the books that are difficult to enforce or would not be enforced. He didn't disagree that burning trash was gross, but noted that Mr. Okleasik wanted a ban on more than trash banning.

MAYOR'S REPORT

- Mayor Beneville requested the Council discontinue sidebar conversations as it takes away from running the meeting efficiently. He continued by highlighting the visits from Alaska's U.S. Senator. Mayor Beneville expressed his appreciation for Ms. Thompson's and Ms. Hansen's beautification efforts, as well as the work on Jaffet Dr on the Snake River.

EXECUTIVE SESSION

N/A

ADJOURNMENT

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

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

APPROVED and SIGNED this 22nd day of August, 2016.



RICHARD BENEVILLE
Mayor

ATTEST:



BRYANT HAMMOND
City Clerk