

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

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**NOME CITY COUNCIL
WORK SESSION & REGULAR MEETING AGENDA
MONDAY, MAY 9, 2016 @ 5:30/7:00 PM
COUNCIL CHAMBERS IN CITY HALL**

WORK SESSION, 5:30 PM:

- Discussion of Vacant Structure Ordinance
- Discussion of FY 2017 Budget for Nome Public Schools

REGULAR MEETING, 7:00 PM:

- I. ROLL CALL
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- III. APPROVAL OF MINUTES

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XIII. EXECUTIVE SESSION

- A. Update on Issues with the Richard Foster Building that May Negatively Affect
City Finances,
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XIV. ADJOURNMENT

**MINUTES
NOME CITY COUNCIL
REGULAR MEETING
May 9, 2016**

The regular meeting of the Nome City Council was called to order at 7:02 PM by Mayor Beneville in Council Chambers of City Hall, located at 102 Division Street.

ROLL CALL

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

Members Absent: N/A

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

In the audience: Emily Russell, KNOM; Lucienne Smith; Jamie Burgess; Kent Runion; Shawn Arnold; Jennifer Reader; Danielle Slingsby; Sara Lizak; Cameron Chan; Deb Trowbridge; Mitch Erickson

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. Brown to approve the agenda as presented.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

APPROVAL OF MINUTES

A. April 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; Culley; Brown; Tobin; Sparks; Andersen

Nay:

Abstain:

The motion **CARRIED**.

COMMUNICATIONS

- A. Letter of April 25, 2016 from HeadStart Parents' Committee to Nome City Council re: Certified Teacher Funding.
 - Councilman Sparks asked when the Council would take the matter up.
 - Manager Moran noted the budget work session on May 12th.
- B. Request for Public Comment of April 26, 2016 re: Water Use for Dust Suppression at Tank Farm E Cleanup.
 - Councilman Andersen inquired as to where the project was located.
 - Councilman Brown stated it was outside City Limits.
- C. Letter of April 27, 2016 from City of Nome to Alaska State Legislature re: Opposition to SB91.
 - Councilman Sparks asked for status of the bill.
 - Councilman Andersen stated that the bill passed the Senate, but had not yet been reconciled with the House.
 - Councilman Tobin asked if the signatories of the letter were the "unified leadership of Nome."
 - Manager Moran referred the Councilman to the signature "On Behalf of the Nome City Council."
- D. News Release of April 27, 2016 from Governor Walker's Office re: Lowering Flags in Honor of Judge Ben Esch.
- E. Letter of May 3, 2016 from Spruce Lynch to Manager Moran re: Complimenting Megan Hahn.
 - Councilman Tobin stated that Megan always cheerfully greets visitors to City Hall.
- F. Letter of May 4, 2016 from Hattie Keller to Manager Moran re: NVAD Appreciation Dinner Donation.
 - Manager Moran explained that Bering Straits Native Corporation, Sitnasuak, Alaska Airlines, Nome Chamber of Commerce, Kawerak, Norton Sound Health Corporation, and the VFW all contributed to the sponsorship of the Appreciation Dinner. Kawerak produced the only hard letter and it was not the intent of City Administration to single any one organization out.
 - Mayor Beneville thanked all those involved and stated it was a very nice event.
- G. Flyer re: Torch Run on May 21, 2016 Supporting Special Olympics Alaska.
- H. Newspaper Article re: "The Woman Who Lives at Sea."
- I. Thank You Note from Nome Electrobricks Team to Nome City Council.
- J. Flyer re: Spring Clean-Up in Nome from May 28 – June 5, 2016.

CITIZENS' COMMENTS

- 1) Shawn Arnold recapped the previous Teacher Appreciation Week's events and recognized Elizabeth Korenek-Johnson as Teacher of the Year and Christina Perrigo as Support Professional of the Year. He thanked the community for their support.
- 2) Derek McLarty discussed using incentives in addition to the penalties set out in the Vacant Structures Ordinance on the evening's agenda. Mr. McLarty asked where the line between "historic" and "derelict" stood when categorizing buildings. He also asked if a property was vacant, though tax compliant and not a hazard or a nuisance, why the City would require the property owner to pay to register the property.
 - Councilman Culley agreed to potentially using incentives to accomplish the goals of O-16-04-01, though reiterated Councilman Brown's comment from the previous work session that any tax incentives will fall under a the tax chapters of the Nome Code of Ordinances.
- 3) Danielle Slingsby displayed the victory banner garnered by the Bering Sea Beaches at the recent hockey tournament in Anchorage. She thanked the Nome City Council for supporting the hockey rink which provides healthy activities for the community in the winter. She also thanked the City of Nome for placing stop signs at the corner of C St and W. 2nd Ave., creating a safer environment for the children.
- 4) Deb Trowbridge distributed a letter concerning the loss of Early Childhood Education funding and read the letter requesting the City fund the lost teacher positions aloud.
 - Councilman Tobin stated the amount was about 1 mill in property taxes and that he would consider it if the Council agreed to raise the mill rate.
- 5) Sara Lizak spoke in support of O-16-04-01, stating it addresses housing and safety issues.
 - Councilman Brown asked if the International Property Maintenance Code (IPMC) applied to occupied structures.
 - Ms. Lizak said she thought the City already adopted the code as it related to occupied structures.
 - Councilman Brown asked what the goal of the ordinance was.
 - Ms. Lizak stated the ordinance's goals were 1) safety, 2) avoiding post-bank foreclosure degradation of our housing stock, and 3) motivating action on the part of out-of-town owners letting inherited property sit unoccupied and unmaintained.
- 6) Carl Emmons spoke against O-16-04-01, stating it was a knee-jerk reaction to a local problem. He noted that high living costs provide a barrier to maintaining houses and that this type of ordinance was more suited to Southern California than Nome. Mr. Emmons stated that jobs and the high cost of energy were more important issues and the Council should direct its attention there instead.
- 7) Bob Madden spoke against O-16-04-01. He explained that he would potentially be affected by the ordinance with a shed in his backyard. He currently uses the structure for storage, though questioned if that structure would be considered vacant under the new ordinance. He asked the Council to closely examine the Codes adopted by reference into the ordinance before adopting O-16-04-01.
 - Councilman Sparks asked for clarification on Mr. Madden's structure.

- Mr. Madden noted he had a 100 year old building that was once occupied but is now being used as storage. He explained he has plans to demolish it, though has not been able to put together the funds or time to do so. He explained that people without means may inherit a structure they are not able to deal with.
 - Councilman Culley asked if the City should just leave such a structure and allow it to go derelict because the owner couldn't afford to address the structure's needs.
 - Mr. Madden stressed the need to examine the definitions and the extent of the effects the International Property Maintenance Code will have on the community.
- 8) Mitch Erickson spoke in relation to O-16-04-01, asking how a property owner, derelict in paying property tax, will have the wherewithal to file a registration form and pay the registration fee for the property. Mr. Erickson asked for more clarification on the processes outlined in the ordinance.
- 9) Mark Johnson spoke against O-16-04-01, stating that people live in Nome because of the freedom from rules telling them how to handle their property.
- 10) John Handeland thanked Councilman Andersen and Manager Moran for their efforts in making the Nome Volunteer Ambulance Department Appreciation Dinner a success.

PLANNING AND ZONING

N/A

UNFINISHED BUSINESS

- A. O-16-04-01 An Ordinance Amending Title 5, Buildings and Construction, of the Nome Code of Ordinances to Add a New Chapter 5.40 Establishing Vacant Structure Registration and Maintenance Regulations and Adopting the 2009 IBC International Property Maintenance Code, **SECOND READING / PUBLIC HEARING / FINAL PASSAGE.**

For the purpose of holding a public hearing, the Council recessed at 7:42 PM.

Discussion:

- Sara Lizak explained that O-16-04-01 came originated as a response to the 2014 Zoning Enforcement Survey. Respondents wanted vacant structures dealt with, but there was no mechanism to do so. O-16-04-01 provides such a mechanism.
- Manager Moran explained the Planning Commission worked very hard on the ordinance and that it addresses top priorities in both the survey and the Nome Comprehensive Plan and has a lot public support. He recognized the ordinance is not perfect as presented and added that it could be amended as the Council wishes.
- Councilman Andersen noted that the 102 people that responded to the survey several years ago didn't know what the consequences would be when they submitted their responses.
- City Planner Eileen Bechtol referred the Council to the snowbird and clemency clauses in the definitions section of the ordinance and stated the IPMC clause referred to "vacant structures."
- Mark Johnson noted the ordinance takes the issue out of the Council's hands and asked into whose hands the issue was put.

- Sara Lizak discussed the previous difficulties in pursuing abatement and the vague ordinances for dealing with vacant structures. She mentioned that it was important to collect contact information for vacant properties.
- Mitch Erickson stated that the owner of record should be the contact.
- Manager Moran explained that it wasn't so simple, citing deceased owners of record as just one example.

The Council reconvened at 7:50 PM.

A motion was made by C. Andersen and seconded by C. Culley to adopt O-16-04-01.

Discussion:

- Councilman Culley stated the proposed ordinance will not make housing more affordable in Nome. However, it will fix blight issues the City is experiencing. He stated that he didn't expect the City of Nome to become the Gestapo, but that something needs to happen due to the number of shacks around town. This is the City Council's responsibility.
- Councilman Tobin asked how this ordinance might have been applied to Tulan's building, which stood vacant for years before finally being sold to Seaside.
- Councilman Brown stated O-16-04-01 wouldn't address that.
- Councilman Tobin asked how this might affect the Sluicebox, which was recently vacant due to permitting questions.
- Councilman Andersen stated as more questions concerning IMPC arise, the more nervous he was about passing the ordinance.
- Manager Moran referred to the language in 5.40.130, stating it could be amended to clearly restrict the IPMC to NCO 5.40.
- Councilman Sparks stated that he likes the ordinance more now that he understands the fine and fee schedule. However, he suggested striking the section incorporating the IPMC by reference, stating he was not comfortable with it. He agreed that incentives would be a good addition to the punitive measures suggested.
- Councilman Andersen asked why the City should give incentives to property owners who are not maintaining their properties.
- Councilman Green stated the ordinance was not complete as presented and recommended voting it down.
- Councilman Brown asked if the title could be changed.
- Manager Moran said as long as it doesn't substantially alter the nature of the ordinance, it could be done.

A motion to amend was made by C. Brown and seconded by C. Andersen to strike the words "and adopting the 2009 IBC International Property Maintenance Code" from the title and remove all references to the 2009 IBC International Property Maintenance Code throughout the ordinance.

Discussion:

- Councilman Andersen asked if 5.40.130 would be removed in its entirety.
- Manager Moran stated it would, along with two other references within the ordinance.

At the roll call:

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

Nay:

Abstain:

The motion to amend **CARRIED.**

Returning to the main motion:

- Councilman Tobin asked, if a person was out of town or planned to be out of town, when they were supposed to register their structure.
- Planner Bechtol read from the definitions section.
- Councilman Tobin stated that as long as the property owner stated they were on vacation they would not have to register the structure.
- Planner Bechtol stated that presumably property owners on such extended vacation would be keeping up their property.
- Councilman Green asked who decides whether a building is dilapidated.
- Planner Bechtol read 5.40.040 Evidence of Vacant Structures and listed several City Officials that could start the process.
- Councilman Green asked about a building that had been foreclosed upon by AHFC and later condemned.
- Planner Bechtol stated the ordinance presented doesn't have provisions to tear anyone's property down.
- Councilman Andersen stated Nome would have another summer with no abatement.
- Manager Moran stated the ordinance eliminates 5.30 – Abatement.
- Planner Bechtol stated the elimination of the abatement section came recommended by the City Attorney, as it would conflict with the vacant structures ordinance.
- Councilman Andersen disagreed.

A motion to amend was made by C. Andersen and seconded by C. Brown to strike “deleting Chapter 5.30 and” from Section 3 of O-16-04-01.

Discussion:

- Councilman Sparks asked to which conflict was the City Attorney referring.
- Planner Bechtol stated she would need to look it up, but noted that with abatement still on the books, the issue would still come before the Council.
- Councilman Andersen stated that he didn't think that was a problem.

At the roll call:

Aye: Brown; Culley; Tobin; Andersen

Nay: Sparks; Green

Abstain:

The motion to amend **CARRIED.**

Returning to the main motion as amended:

At the roll call:

Aye: Brown; Culley; Sparks; Andersen

Nay: Green; Tobin

Abstain:

The motion **CARRIED**.

NEW BUSINESS

- A. R-16-05-01 A Resolution Requesting FY2017 Payment in Lieu of Taxes from the Department of Commerce, Community, and Economic Development.

A motion was made by C. Sparks and seconded by C. Brown to adopt R-16-05-01.

Discussion:

- Manager Moran explained a similar resolution is needed each year to receive PILOT funds.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

- B. R-16-05-02 A Resolution Proclaiming June 11, 2016 as Lemonade Day Nome.

A motion was made by C. Sparks and seconded by C. Tobin to advance O-16-05-02.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

CITY ATTORNEY'S REPORT

N/A

UTILITY MANAGER'S REPORT

- Utility Manager Handeland stated that their audit fieldwork concluded the previous week and they expect the report in about 45 days.
- NJU continues to work with EWT to address issues stemming from a broken blade at the wind farm.
- NJU and City representatives met with Quintillion / New Horizons Telecom to discuss ongoing work laying fiber optic cable.
- The PCE bill passed, allowing the funding stream to continue.
- With respect to the Bering Street scoping, the utilities buried there are 30 years old and NJU is preparing a response.

- Councilman Andersen asked for background on the situation in terms of what is feasible and where the funding might come from.
- Manager Handeland stated the complete project would cost between \$7 and \$8 million, which is not feasible at present, but that he would have some information for the Council.
- Councilman Andersen asked about the Moonlight Springs replacement project.
- Manager Handeland stated he had not had a chance to address the subject, given other more immediate tasks.
- Councilman Brown asked whose insurance was handling the turbine blade repairs and if any loss of production was covered.
- Manager Handeland stated NJU's insurance was covering it and that production loss was not covered.
- Councilman Brown asked if NJU was going to ask DOT not to perform repairs on Bering.
- No, but the project is still a few years off and the funds are likely to be slim.

CITY MANAGER'S REPORT

- Manager Moran explained the pool has been out of service recently due to chloramine building at the surface of the pool. A chemical technician from Wasilla will be addressing the chemical balance and the City Engineer is examining the air handler to determine if it's sufficient for the space it is in.
- Manager Moran thanked all those that came to the NVAD Appreciation Dinner and all the sponsors, stating it was a beautiful night.
- Manager Moran reminded the Council he would be out of town on personal leave the following week and recommended that Parks and Recreation Director Chip Leeper serve as acting City Manager in his absence.
- Manager Moran asked the Council if they would reschedule the May 12th work session to noon so that the Port Director might attend. The Port Commission has a work session that evening and would be unable to attend without the reschedule.
 - Councilman Green asked if Manager Moran had an assistant City Manager.
 - Manager Moran replied in the negative, stating the City didn't have the money.
 - Councilman Andersen clarified the upcoming work session and regular meeting schedule. He requested the water truck water every day during long dry stretches over summer.
 - Councilman Andersen requested that Preschool and HeadStart staff should be at the table during an upcoming work session, considering they are asking the City to fund three certified teacher positions.
 - Councilman Tobin asked when the racquetball court was going to be fixed.
 - Manager Moran explained the contractor identified to perform the work had compliance issues that were being worked through.

CITIZENS' COMMENTS

N/A

COUNCILMEN'S COMMENTS

- 1) Councilman Andersen complimented the packet cover the City Clerk made and suggested he include new vacant property pictures all summer long, perhaps using a better camera and printer.
- 2) Councilman Brown – no comment.
- 3) Councilman Culley stated that he considered Jana Varati is good friend and that Ben Esch's passing was a big loss for the City of Nome – aside from his long record as presiding judge; he was a genuinely good person and a good member of the community.
 - Councilmen Tobin and Brown asked that something formal be put together to honor the late Judge.
 - Manager Moran stated City staff would gather information to draft a resolution.
- 4) Councilman Green agreed that formal recognition should be given.
- 5) Councilman Sparks stated he hopes the abatement issue moves forward in a constructive manner.
- 6) Councilman Tobin complimented the Roads Crew for their work all over town, except the two holes in front of City Hall. He stated he was pleased with the White Alice Celebration picnic on May 27th. Councilman Tobin noted that Bering Straits and Sitnasuak were selling off some of the apartment buildings. He asked how one goes about getting a stop sign installed. Councilman Tobin stated he would be out of town from May 10 – 30.
 - Manager Moran explained that the Planning Commission hears and evaluates requests pertaining to stop signs. Those at the corner of C and W 2nd were placed by City Staff and are temporary, pending Planning Commission action.

MAYOR'S REPORT

- Mayor Beneville discussed the ad hoc cemetery committee and noted that he had been host to an Italian group recently.
- Mayor Beneville wanted to know who else the Preschool and Kawerak had approached for funding.
- Mayor Beneville requested increased NPD attention to Swanberg Dredge, as he saw kids playing on it recently. He was concerned both for the kids safety as well as potential damage to the dredge.
- Mayor Beneville reappointed Dan Ward to the Museum and Library Commission.

A motion was made by C. Andersen and seconded by C. Culley to confirm the Mayor's appointment.

At the roll call:

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

Nay:

Abstain:

The motion **CARRIED**.

EXECUTIVE SESSION

A motion was made by C. Andersen and seconded by C. Brown to enter into executive session for an update on issues with the Richard Foster Building that may negatively affect City finances.

The Council entered into executive session at 8:48 PM

The Council reconvened at 9:07 PM.

ADJOURNMENT

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

Hearing no objections, the Nome Common Council adjourned at 9:07 PM.

APPROVED and SIGNED this 23th day of May, 2016.


RICHARD BENEVILLE
Mayor

ATTEST:


BRYANT HAMMOND
City Clerk