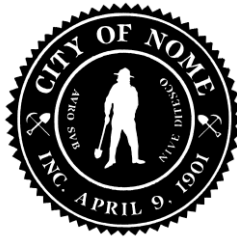


Mayor
John K. Handeland

City Clerk/Treasurer
Dan Grimmer



Nome Common Council
Kohren Green
Scot Henderson
Mark Johnson
Maggie Miller
Adam Martinson
Cameron Piscoya

**NOME COMMON COUNCIL
REGULAR MEETING AGENDA
MONDAY, NOVEMBER 25, 2024 at 5:30 PM
COUNCIL CHAMBERS IN CITY HALL**

102 Division St. ▪ P.O. Box 281 ▪ Nome, Alaska 99762 ▪ Phone (907) 443-6663 ▪ Fax (907) 443-5345

Work Session

- [A.](#) Budget Discussion Presentation by Superintendent Burgess,
PAGE 4

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- [A.](#) **October 28, 2024 Nome Common Council Meeting Minutes,**
PAGE 19

COMMUNICATIONS

- [A.](#) November 8, 2024 Memo from Marijuana Control Board re: Exterior Window Pickups,
PAGE 24
- [B.](#) November 8, 2024 Memo from Marijuana Control Board re: Edibles-Only onsite consumption,
PAGE 31
- [C.](#) Letter from Alaska Adult Education Association,
PAGE 37
- [D.](#) December 04, 2024 Christmas Extravaganza Flyer,
PAGE 40

CITIZEN'S COMMENTS

UNFINISHED BUSINESS

- [A.](#) Construction Estimate for Cover for Nome Ice Rink,
PAGE 41
- [B.](#) O-24-11-01 An Ordinance Amending Chapter 2.45.050 Relating to Per Diem SECOND
READING/PUBLIC HEARING/FINAL DISCUSSION,
PAGE 45
- [C.](#) O-24-11-02 An Ordinance Amending Nome Municipal Code Section 18.20.010 By Adding
Definition for Crew Camps; Sections 18.40.030, 18.60.030 and 18.70.020 by Adding Zoning
Designations and Safeguards for Crew Camps and Updating Section 18.110.010 to

Incorporate the New Use into the Use Matrix SECOND READING/PUBLIC HEARING/FINAL DISCUSSION,

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NEW BUSINESS

- [A.](#) O-24-12-01 An Ordinance Authorizing the Disposal of Municipal Property by Lease to KAWERAK, Inc. For Use as a Recycling Facility,

PAGE 61

- [B.](#) O-24-12-02 An Ordinance Terminating A 55 Year Lease to the Alaska Army National Guard of the Property Identified as The West 10 Acres, More or Less, Within the "Municipal Expansion Lands",

PAGE 63

- [C.](#) O-24-12-03 An Ordinance Amending Section 17.10.100 of the Nome Code of Ordinances to Eliminate the Penalty for Late Filing of a Sales Tax Return if No Sales Tax is Due,

PAGE 65

- [D.](#) R-24-11-01 A Resolution to Open an Account for the Deposit of funds Pending Transfer to The United States Army Corps of Engineers as Provided by Article IV C (1) of the Project Cooperation Agreement for the Port of Nome Modifications,

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- [E.](#) R-24-11-02 A Resolution Allocating the Use of the 2022 and 2023 Community Benefits Share Recovery Funds,

PAGE 69

- [F.](#) R-24-11-03 A Resolution Authorizing the City Manager to Execute a Contract with PND Engineers, Inc. to Modify Phase 1 Design to Reflect a Reduced Scope of the Local Service Facilities now identified as Phase 1A Within The Port of Nome Modifications Project and Arctic Port Expansion,

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- [G.](#) R-24-11-04 A Resolution for a Contract and Proposal for Bristol/PND Services for Bid Sup[port and Construction Admin for FEMA Cape Repair,

PAGE 81

- [H.](#) Sponsorship Proposal for City of Nome and Iron Dog Race 2025,

PAGE 86

- [I.](#) A Memo to the Common Council re: The Determination to Refund Penalties and Interest on Property Taxes Paid by Carol Piscoya,

PAGE 90

UTILITY MANAGER'S REPORT

CITY MANAGER'S REPORT

- [A.](#) City Manager's Report,

PAGE 94

- [B.](#) November 21, 2024 Port Projects Status Report,

PAGE 98CITIZEN'S COMMENTSCOUNCIL MEMBER'S COMMENTSMAYOR'S COMMENTS AND REPORT

- A. Reappointment of Gay Sheffield to Seat "F" of the Nome Port Commission for a 3 year term,

VERBAL

- B. Reappointment of Drew McCann to Seat "D" of the Nome Port Commission for a 1 Year Term

VERBAL

EXECUTIVE SESSION

- A. Matters for Which Discussion in Public Would Have an Adverse Impact on City Finances or Which Are Required to be Kept Confidential re: Union Negotiations
- B. Matters Which Involve Personal Reputation re: City Manager Recruitment

ADJOURNMENT

State of the Schools

Nome Public Schools

November 25, 2024

SIXTH Annual Presentation

Nome Elementary Successes

- Exited School Improvement Designation
- Increase in # of students reading on grade level
- PBIS impact – fewer disciplinary referrals
- New principal transitioning well
- All international teachers returned for Year 2 and doing well

Nome Elementary Challenges

- Struggles with enough support for SPED students
 - Paras – Wages not competitive
 - Teachers – waiting for 1 international candidate to arrive
- Need more substitutes
- Absenteeism – especially in lowest grades

Nome-Beltz Successes

- Stable administrative team
- PBIS implementation going well – reduction in referrals, OSS
- School Improvement Plan – focus on absenteeism, curriculum development, Visible Learning as new instructional model

Nome-Beltz Challenges

- Vaping is continual concern
- Not enough substitutes
- International SPED teachers late to arrive – 1 arrived 11/15, awaiting the 2nd – impact on existing staff
- Need more paraprofessionals to support SPED students
- New designation due to low outcomes for SPED students in testing, attendance

Anvil City Science Academy Successes

- Higher level of student achievement
- Significant changes in staffing but new teachers adapting well – Nome-grown teacher is a great addition to staff
- Good level of parent engagement

Anvil City Science Academy Challenges

- Principal retiring – hunt to find high quality replacement
- Meeting needs of SPED students w/limited staff - half-time teacher, half-time para
- Finding substitutes

Extensions Successes

- Highest enrollment since program began
- Lead teacher expanding services to incarcerated students

Extensions Challenges

- Providing support for SPED students enrolled
- Meeting needs of students with special circumstances
- Lead teacher is currently approximately .75 FTE while also teaching brick and mortar 0.5FTE

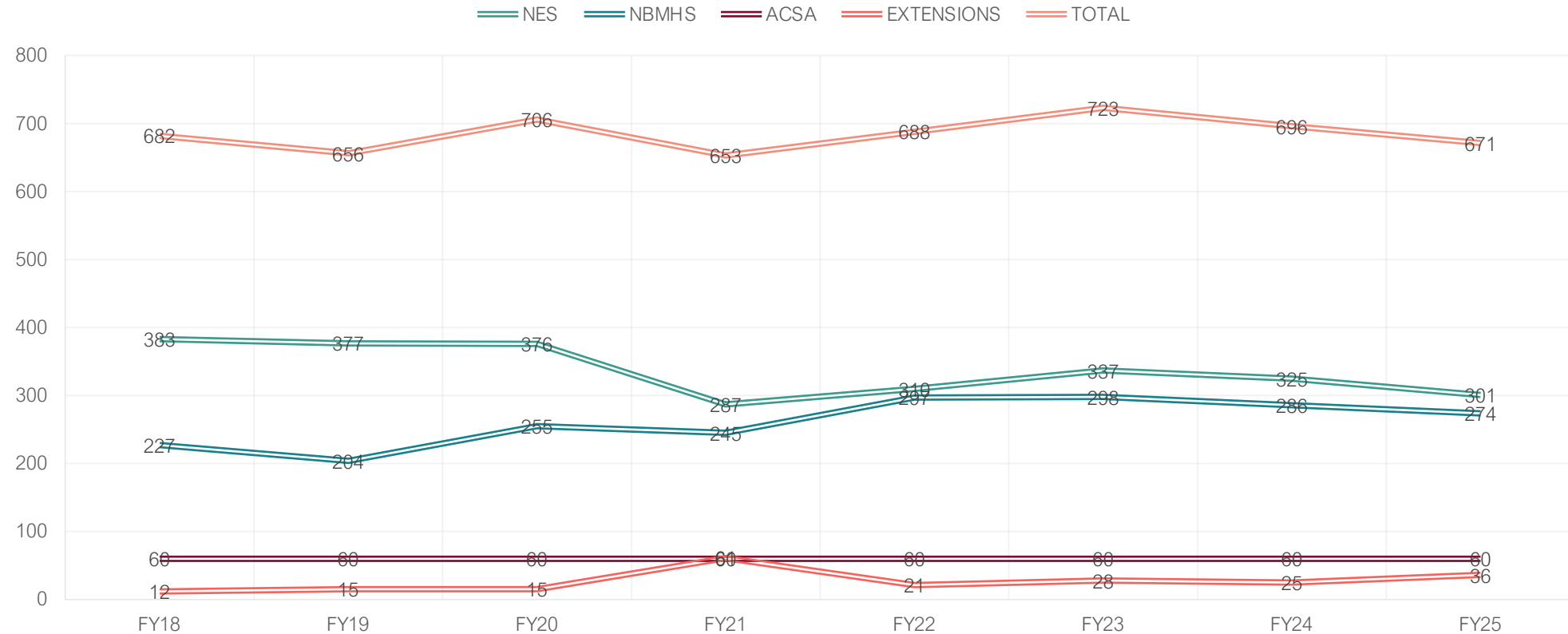
District Successes

- Continuing to make headway with facility needs
 - Additional funding for roof approved
 - HVAC system up and running
 - Working on pool MOA with City
 - Various smaller projects addressing deferred maintenance issues
- Long term leadership
 - New Assistant Superintendent working well
- Positive School Board/Superintendent relationship
- Community Support of Schools and Students

Enrollment Shifts FY18-FY25

Item A.

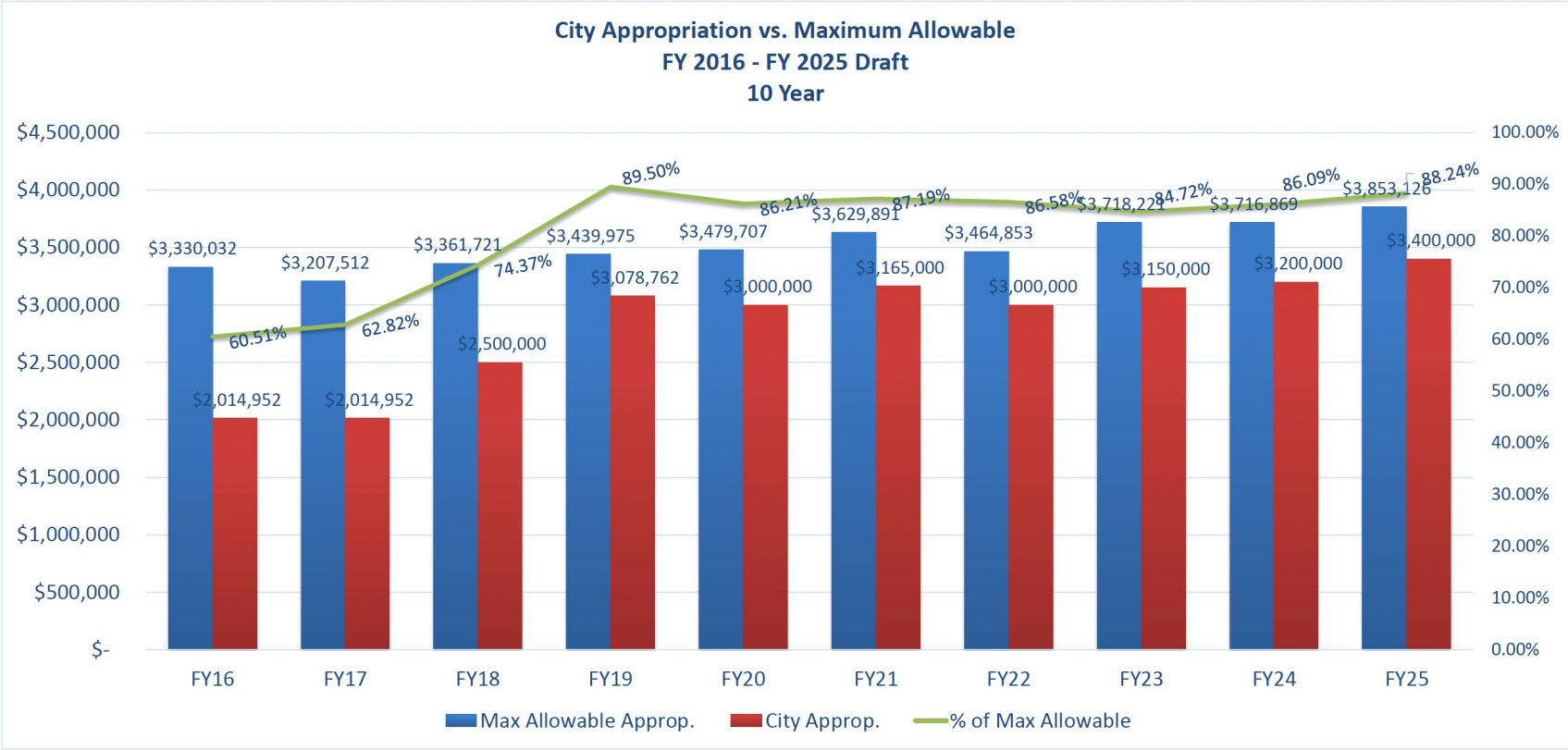
NPS ENROLLMENT BY SCHOOL FY18-FY25



District Challenges

- Declining enrollment combined with flat funding = significant funding deficit going into FY26 planning – staffing cuts looming
- Funding inadequate to meet certified association demands; need to increase wages for classified staff as well
- Staffing – negotiations challenges may lead to turnover; pool of stateside teachers dwindling leading to more international candidates with higher costs; inability to compete to attract classified staff; housing options are scarce or expensive

City of Nome Historical Contribution



Major Maintenance

- Nome-Beltz Roof RFP released to bidders
- Security Entrance Upgrades will release in next few weeks
- NES Roof will need replacing
- NES grounds need significant work – parking lot, sidewalks, student walkway, building ramps too steep
- Beltz campus – 3rd boiler needs replacing – currently being rebuilt as stopgap measure
- Aging heavy equipment and fleet vehicles

Thank you

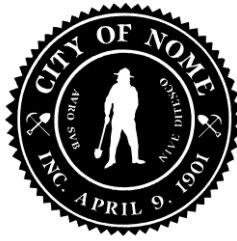
Jamie Burgess, Superintendent

Elizabeth Korenek-Johnson, Assistant
Superintendent

Genevieve Hollins – Chief Financial
Officer

Mayor
John K. Handeland

City Clerk/Treasurer
Dan Grimmer



Nome Common Council Item A.
Kohren Green
Scot Henderson
Mark Johnson
Maggie Miller
Adam Martinson
Cameron Piscoya

**NOME COMMON COUNCIL
REGULAR MEETING AGENDA
MONDAY, OCTOBER 28, 2024 at 7:00 PM
RICHARD FOSTER BUILDING**

▪ P.O. Box 281 . Nome, Alaska 99762 . Phone (907) 443-6663 . Fax (907) 443-5345

ROLL CALL AT 7:05P.M

Members Present: C. Johnson, C. Martinson, C. Piscoya, C. Henderson, C. Miller, C. Green;

Also Present: John K. Handeland, Mayor; Dan Grimmer, City Clerk; Brooks Chandler, Interim City Manager;

In the Audience: Diana Haecker, Miranda Musich, Anna Lionas, Brad Soske (Zoom), Cynthia Gray, Cole Cushman, Thomas Simonsson, Steve Lopez, Sarah Nguyen, Luz Valdez, Lourdes Baca, Teriscovlaya Smith, Tate Coler, Miranda Musich, Sophia Pantelis Girl Scout Troop 354, Joy Baker, Chip Leeper, Joe Burnham, Dani Smithhisler

APPROVAL OF AGENDA

There was a request for an amendment to the agenda by Mayor Handeland. There was a handout for an additional oath of office for the student representative. New business F was removed as it had been resolved.

Motion to approved agenda was made by C. Henderson and seconded by C. Martinson.

At the roll call:

Aye: C. Johnson, C. Martinson, C. Henderson, C. Piscoya, C. Green, C. Miller

Nay:

The motion **CARRIED**.

OATH OF OFFICE

A. Oath of Office for Councilmember Green,

B. Oath of Office for Student Representative Lopez,

The Oaths of Office were taken care of by Mayor Handeland prior to the approval of the agenda.

APPROVAL OF MINUTES

A. 24-09-23 Nome Common Council Meeting Minutes,

A motion to approve the meeting minutes made by C. Johnson and seconded by C. Piscoya.

At the roll call:

Aye: C. Johnson, C. Martinson, C. Henderson, C. Piscoya, C. Green, C. Miller

Nay:

The motion **CARRIED**.

B. 24-10-03 Nome Common Council Special Meeting Minutes,

A Motion to Approve the Meeting Minutes was made by C.Johnson and seconded by C.Piscoya.

At the roll call:

Aye: C. Johnson, C. Martinson, C. Henderson, C.Piscoya, C.Green, C.Miller

Nay:

The motion **CARRIED**.

COMMUNICATIONS

- A. September 23, 2024 Letter to Brooks Chandler, Interim City Manager re: NSHC Interest in Purchasing Lots Adjacent to NSHC Property:
NSHC is requesting parcel property with a suggested price.
- B. September 25, 2024 Memos from the Alcoholic Beverage Control Board re: Regulation Changes:
The Alcoholic Beverage Control Board turned in a letter which includes the Regulation Changes.
- C. October 7, 2024 Letter from Nome Community Center:
Upgrade the fire alarm system at the senior center. Discuss more of shared funds allocations under New business G. Margaret Thomas and Kimberly Bishop are here on zoom to answer any questions you might have. The community center paid for their upgrade even though it wasn't in the lease requirements.
- D. October 14, 2024 AMCO Renewal Notice for JPS Enterprises DBA Golden China,
Golden China submitted their renewal notice. There is no changes to the ownership oir anything else associated with it.
- E. November 12, 2024 Port Of Nome Public Open House Flyer:
Introduction and plan update, scheduled 7-8:30PM meeting at Old Saint Joseph's Church.
- F. A Letter from Mayor John Handeland re: The Arctic Deep Draft Port at Nome Project,
A statement of a delay but not cancellation of The Arctic Deep Draft Port first phase.

CITIZEN'S COMMENTS

Girl Scout Troop 354: Request for a roof over the Ice Hockey Rink.

UNFINISHED BUSINESS

- A. O-24-10-01 An Ordinance Amending Chapter 17.10.010 Sales Tax, SECOND READING/PUBLIC HEARING/FINAL PASSAGE,
A Motion to Approve Ordinance O-24-10-01 was made by C.Henderson and seconded by C.Johnson.

At the roll call:

Aye: C. Johnson, C. Martinson, C. Henderson, C.Piscoya, C.Green, C.Miller

Nay:

The motion **CARRIED**.

NEW BUSINESS

- A. O-24-11-01 An Ordinance Amending Chapter 2.45.050 Relating to Per Diem, FIRST READING/DISCUSSION

A Motion to Approve O-24-11-01 was made by C.Henderson and Seconded by C.Piscoya.

At the roll call:

Aye: C.Johnson, C.Martinson, C.Miller, C.Green, C.Henderson, C.Piscoya

Nay:

The Motion **Carried**.

- B. O-24-11-02 An Ordinance Amending Nome Municipal Code Section 18.20.010 By Adding Definition for Crew Camps; Sections 18.40.030, 18.60.030, and 18.70.020 by Adding Zoning Designations and Safeguards for Crew Camps and Updating Section 18.110.010 to Incorporate the New Use into the Use Matrix FIRST READING/DISCUSSION

A motion to Approve O-24-11-02 for SECOND READING/PUBLIC HEARING/FINAL PASSAGE was made by C.Martinson and seconded by C.Miller.

At the roll call:

Aye: C. Johnson, C. Martinson, C. Henderson, C.Piscoya, C.Green, C.Miller

Nay:

The motion **CARRIED**.

- C. R-24-10-02 A Resolution Designating Daniel Grimmer as Acting City Manager in the Absence of an Interim or Appointed City Manager for October 28, 2024 through December 31, 2024,

A motion to Approve R-24-10-02 was made by C. Henderson and seconded by C. Martinson

At the roll call:

Aye: C. Johnson, C. Martinson, C. Henderson, C.Piscoya, C.Green, C.Miller

Nay:

The motion **CARRIED**.

- D. R-24-10-03 A Resolution Approving the City of Nome's FY25 Schedule of Rental and Use; Fees and Fines,

A motion to Adoption of R-24-10-03 was made by

At the roll call:

Aye: C. Johnson, C. Martinson, C. Henderson, C.Piscoya, C.Green, C.Miller

Nay:

The motion **CARRIED**.

- E. R-24-10-04 A Resolution to Name the Parties Qualified to Sign Depository Pledge Agreements, Orders for Payment, Warrants, and/or Checks Against The City of Nome Accounts,

A motion to Approve R-24-10-04 was made by C. Henderson and seconded by C.Martinson

At the roll call:

Aye: C. Johnson, C. Martinson, C. Henderson, C.Piscoya, C.Green, C.Miller

Nay:

The motion **CARRIED**.

~~F. R-24-10-05 A Resolution Authorizing the City Attorney to Bring Suit to Remedy the Failure of Kanosak LLC and Joe Burnham to Obtain Required City of Nome Permits,~~

G. Memo Re: Community Benefits Share Funds Allocations

Interim City Manager Brooks, there is \$250,000 donated by NSEDC and these were done in two separate years, 2022 and 2023. XYZ center needs new commercial ovens and school district has a need for a new stage. Rec Center is in dire need of changing the locker room floor which is outdated.

H. Memo to Council re: NSHC Offer to Purchase Land Owned by The City of Nome,

Asking for 10 acre land on Greg Kruschek Avenue. Get some clarity on wetland deal and there may be some other area in the community that isn't right next to the road. Brooks to get more information on the wetland issue and have the NSHC give a timeline.

UTILITY MANAGER'S REPORT

Got a couple calls during the storm. Some things were monitored off facebook.

CITY MANAGER'S REPORT

- A. October 24, 2024 City Manager's Report, first parting session with the renegotiating team on Wednesday. The project on the city hall is almost complete, expecting to move back by Thanksgiving.

CITIZEN'S COMMENTS

A comment was made by Joe Bernham saying he recently became aware to vote to sue him for a permit violations. I got a called this morning about the permit and this time frame here is very odd. DOT contacted him about carrying overload; the DOT seen the property and apologized because there was no overloading on the property.

COUNCIL MEMBER'S COMMENTS

- C.Henderson- Good to see new faces on the council. He mentions to City Manager Brooks that he is very appreciative of the department reports.
- C.Martinson- no comment
- C.Miller- no comment
- C.Johnson- Fee increases for the port. City Manager Brooks mentions TARF is really what sets the fees. Welcome back Scott and good to have Steve on the council.
- C.Piscoya- congratulations to Council member Henderson on reelection and welcome to Council member Green.
- C.Green- Thank you to the council; feels nice and welcome here.
- SR. Lopez- no comment

MAYOR'S COMMENTS AND REPORT

Welcome back to Scot Henderson and welcome to C.Green. Core of Engineers meeting, as read in the statement Joy will be back down there in the following day or two. Project to be back on the street in January.

EXECUTIVE SESSION at 9:07PM

A motion to go into an executive session was made by C. Miller and Seconded by C. Henderson.

At the roll call:

Aye: C.Johnson, C.Martinson, C.Miller, C.Henderson, C.Piscoya, C.Green

Nay:

The Motion **CARRIED**

Council went into recess for executive session at 9:07PM.

A. Union Negotiations

B. Evaluation of Responses to RFP for an Executive Search Firm,

Council came out of Executive Session at 10:11PM.

ADJOURNMENT AT 10:12PM

A motion to adjourn was made by C.Martinson and Seconded by C.Henderson.

At the roll call:

Aye: C.Johnson, C.Martinson, C.Miller, C.Henderson, C.Piscoya, C.Green

Nay:

The Motion **CARRIED**

APPROVED and SIGNED THIS 25th DAY OF NOVEMBER, 2024

JOHN K. HANDELAND
MAYOR

DAN GRIMMER
CITY CLERK

Nancy Dahlstrom
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Sara Chambers, Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: November 8, 2024

RE: Filed Permanent Regulations: Marijuana Control Board
Marijuana Control Board regulations re: Exterior window pickups (3 AAC 306.380(g))

Attorney General File:	2024200077
Regulation Filed:	11/8/2024
Effective Date:	12/8/2024
Print:	252, January 2025

cc with enclosures: Beth Parsons, Department of Law
Judy Herndon, LexisNexis
Jane P. Sawyer, Regulations Specialist
Kristina Serezhenkov, Regulations Specialist

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
Fax: 907.465.2520



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

November 8, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: 3 AAC 306.380(g): Marijuana Control Board - Exterior window pickups
Our file: 2024200077

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Marijuana Control Board against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Marijuana Control Board after the close of the public comment period.

The regulations amend 3 AAC 306 to update requirements relating to the location, access, and conduct of transactions at a walk-up or drive-through exterior window area for a retail marijuana store.

Both the May 29, 2024 public notice and October 2, 2024 order certifying the changes to the regulations state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

The Honorable Nancy Dahlstrom
File No. 2024200077

November 8, 2024
Page 2 of 2

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: Rebecca C. Polizzotto
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

Digitally signed by
Rebecca C. Polizzotto
Date: 2024.11.08
09:56:17 -09'00'

RCP/BWS

CC w/enclosure: Kristina Serezhenkov, Regulations Specialist 2
Department of Commerce, Community and Economic Development

Kevin Higgins, Assistant Attorney General
Department of Law

Brad Sharp, Assistant Attorney General
Department of Law

APPENDIX J: Certification Order

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE MARIJUANA CONTROL BOARD


The attached two pages of regulations, dealing with location of exterior window pick-ups, is certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its September 12, 2024, meeting, under the authority of AS 17.38.121 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Marijuana Control Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 10/2/2024




Lizzie Kubitz, Acting Director

FILING CERTIFICATION

April Simpson for

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

November 8, 2024 at 11:01 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


for Lieutenant Governor *Nancy Dahlstrom*

Effective: December 8, 2024.

Register: 252, January 2025.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Register 252, January 2025

COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 306.380(g) is amended to read:

(g) A walk-up or drive-through exterior window area

(1) must be located

(A) so that [AS TO MINIMIZE] compromises to security are minimized;

(B) so that for each [. FOR EVERY] transfer of marijuana or

marijuana product through the [A] walk-up or drive-through exterior window, the

licensed retail marijuana store's video surveillance records [MUST ENABLE THE

RECORDING OF]

(i) the licensee's [LICENSEE] or [THE] employee of the

licensee's verification of [VERIFYING] the consumer's photographic

identification; and

(ii) the complete [COMPLETION OF THE] transaction; and [.]

(C) within the licensed premises of the retail marijuana store;

(2) may not be

(A) in a building separate from the licensed premises of the retail

marijuana store;

(B) in a movable structure, including a trailer or separate drive-

through structure; or

(C) accessible only through a licensed premises of a different license

type or the overlapping premises with another license type.

Register 252, January 2025

COMMERCE, COMMUNITY, AND EC. DEV.

(Eff. 8/13/2023, Register 247; am 12 / 8 / 2024, Register 252)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

Nancy Dahlstrom
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Sara Chambers, Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: November 8, 2024

RE: Filed Permanent Regulations: Marijuana Control Board

Marijuana Control Board regulations re: Edibles-only onsite consumption (3 AAC 306.370(e)(1))

Attorney General File:	2024200288
Regulation Filed:	11/8/2024
Effective Date:	12/8/2024
Print:	252, January 2025

cc with enclosures: Beth Parsons, Department of Law
Judy Herndon, LexisNexis
Jane P. Sawyer, Regulations Specialist
Kristina Serezhenkov, Regulations Specialist



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
Fax: 907.465.2520

November 7, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: 3 AAC 306.370(e)(1): MCB - Edibles-only onsite consumption
Our file: 2024200288

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Marijuana Control Board against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Marijuana Control Board after the close of the public comment period.

The regulations concern onsite consumption areas of licensed retail marijuana stores. The regulations modify existing requirements for onsite consumption areas limited to edible marijuana products by removing the requirement that such areas be isolated and physically separated from other areas of the retail store.

The August 7, 2024 public notice and the October 2, 2024 certification of adoption both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

The Honorable Nancy Dahlstrom
File No. 2024200288

November 7, 2024
Page 2 of 2

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: Rebecca C. Polizzotto

Digitally signed by
Rebecca C. Polizzotto
Date: 2024.11.07
15:09:33 -09'00'

Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP/PWP

CC w/enclosure: Kristina Serezhenkov, Regulations Specialist
Department of Commerce, Community and Economic Development

Parker W. Patterson, Assistant Attorney General
Department of Law

Kevin Higgins, Assistant Attorney General
Department of Law

APPENDIX J: Certification Order

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE MARIJUANA CONTROL BOARD

The attached one page of regulations, dealing with edibles only for onsite consumption, is certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its September 12, 2024, meeting, under the authority of AS 17.38.121 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Marijuana Control Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 10/2/2024



Lizzie Kubitz, Acting Director

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

November 8, 2024 at 10:30 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


for Lieutenant Governor Nancy Dahlstrom

Effective: December 8, 2024.

Register: 252, January 2025.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Register 252, January 2025

COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 306.370(e)(1) is amended to read:

(e) A marijuana consumption area must have the following characteristics:

(1) if consumption would be permitted by any method under 3 AAC

306.370(a)(2), the marijuana consumption area must

(A) be isolated from the other areas of the retail marijuana store; [,

MUST]

(B) be separated by walls and a secure door; [,] and [MUST]

(C) have access only from the retail marijuana store;

(Eff. 4/11/2019, Register 230; am 8/7/2021, Register 239; am 12 / 8 / 2024, Register

252.)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.900
	AS 17.38.070	AS 17.38.190	AS 18.35.301
	AS 17.38.121	AS 17.38.200	



ALASKA ADULT EDUCATION ASSOCIATION

1345 Rudakof Cir, STE 104, Anchorage, AK 99508
alaskaadulted@gmail.com

RECEIVED

OCT 10 2024

CITY OF NOME
CLERKS DEPARTMENT

Dear City of Nome,

The Alaska Adult Education Association (AAEA) was founded in 1977. AAEA supports Adult Education programs by providing training opportunities to teachers, advocating for the field to secure additional support and resources for Adult Education, and recognizing outstanding educators, learners, and volunteers in the field.

The National Association of State Directors of Adult Education recently reported 33,484 adult learners in Alaska without a High School Credential and 21,836 individuals who do not speak English well. Alaska grants are insufficiently funded to support the needs of our State adequately. Alaska hosts 13 regional adult education programs, an Integrated English Literacy and Civics Education (IELCE) Program, and adult education programs in every state correctional facility. Adult Education programs help people with barriers to education overcome those barriers in their quest to find meaningful, sustaining employment.

The AAEA is planning its Annual Professional Development Conference for February 26-28, 2025. The conference will provide updates on Alaska's adult education policies, professional development opportunities, best practices, and motivational speakers, and showcase vendors with the latest innovations in adult education. Our conference relies on the support of donors, volunteers, and supportive community organizations like yours.

At the conference and on our website, we will feature a Wall of Support to recognize our supporters. We would love to recognize your organization as a supporter of adult education in Alaska. If your organization supports AAEA's mission, please consider making a financial contribution. We have attached a W-9 for your convenience.

Supporter Levels:

\$5000 Legendary \$1000 Diamond \$750 Platinum \$500 Gold \$400 Silver \$350 Bronze
\$300 Rusty Red \$250 Orchid \$200 Emerald \$100 Salmon \$50 Blueberry

Please make checks payable to:

Alaska Adult Education Association

c/o Amy Facklam, Treasurer

1345 Rudakof Circle #104

Anchorage, Alaska 99508

Thank you for your support!

Pamela A. Cushman
Pamela A. Cushman

Secretary

*If you would like to
donate items to the
AAEA Silent Auction
Please let me know!
pcushman@kawerak.org*

**Request for Taxpayer
Identification Number and Certification**

Go to www.irs.gov/FormW9 for instructions and the latest information.

Give form to
requester. Do not
send to the IRS.

Item C.

Before you begin. For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

Print or type. See Specific Instructions on page 3.	1 Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.) Alaska Adult Education	
	2 Business name/disregarded entity name, if different from above.	
	3a Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor <input checked="" type="checkbox"/> C corporation <input type="checkbox"/> S corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership) Note: Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions)	
	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) 1 Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any) (Applies to accounts maintained outside the United States.)	
	3b If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions <input type="checkbox"/>	
	5 Address (number, street, and apt. or suite no.). See instructions. 1345 Rudakof Circle Suite 104	Requester's name and address (optional)
	6 City, state, and ZIP code Anchorage, AK 99508	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. See also *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number								
			-				-	
or								
Employer identification number								
8	8	-	0	6	7	8	8	1 3

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person 	Date 7/1/2024
------------------	------------------------------	-------------------------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

What's New

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they



Department of the Treasury
Internal Revenue Service
Tax Exempt and Government Entities
 P.O. Box 2508
 Cincinnati, OH 45201

ALASKA ADULT EDUCATION
 C/O ALASKA ADULT EDUCATION ASSOCIATION
 1345 RUDAKOF CIR STE 104
 ANCHORAGE, AK 99508

Date:
 03/16/2022
Employer ID number:
 88-0678813
Person to contact:
 Name: Customer Service
 ID number: 31954
 Telephone: 877-829-5500
Accounting period ending:
 December 31
Public charity status:
 509(a)(2)
Form 990 / 990-EZ / 990-N required:
 Yes
Effective date of exemption:
 February 14, 2022
Contribution deductibility:
 Yes
Addendum applies:
 No
DLN:
 26053447003832

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,

Stephen A. Martin

Stephen A. Martin
 Director, Exempt Organizations
 Rulings and Agreements

Letter 947 (Rev. 2-2020)
 Catalog Number 35152P

CITY OF NOME

presents

2024

CHRISTMAS EXTRAVAGANZA

ENJOY LIVE CHRISTMAS MUSIC BY
NOME ARTISTS AND A SPECIAL
VISIT BY SANTA CLAUS

04

DECEMBER

AT 5:30 PM

OLD SAINT JOE'S ON ANVIL CITY SQUARE

FOR DETAILS CALL
THE CITY OF NOME AT
907.443.6600

DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST
GENERAL REQUIREMENTS				
Mobilization/Demob	1	LS	\$200,000.00	\$ 200,000
Survey and Staking	1.34	AC	\$8,500.00	\$ 11,390
SWPPP/ESCP	1	LS	\$5,200.00	\$ 5,200
SITE WORK				
Clearing and Grubbing	1,010	CY	\$14.00	\$ 14,140
Structural Fill	4,425	CY	\$36.50	\$ 161,513
Site Grading and Drainage	42,500	SF	\$0.20	\$ 8,500
ROOF/CANOPY				
Building Package	1	LS	\$662,283.00	\$ 662,283
Building Erection	1	LS	\$475,000.00	\$ 475,000
Pile Foundation	38	EA	\$15,000.00	\$ 570,000
Chain-Link w/ Snow Screen	1	LS	\$150,000.00	\$ 150,000
Electrical/Lighting	1	LS	\$75,000.00	\$ 75,000
Overhead Door	1	EA	\$10,000.00	\$ 10,000
ICE RINK MATERIALS				
Dasher Boards	1	LS	\$50,000.00	\$ 50,000
End Goal Fencing (6-foot)	200	LF	\$42.00	\$ 8,400
Helical Piles w/ Extensions	70	EA	\$1,250.00	\$ 87,500
Asphalt Surface (Rink Only)	17,000	SF	\$9.00	\$ 153,000
SUBTOTAL COST				\$ 2,641,926
10% COST CONTINGENCY				\$ 264,193
TOTAL ESTIMATE				\$ 2,906,118

SOURCE/NOTES

Estimate based on Prior projects in region

Nome 18-Plex

Nome 18-Plex

Nome 18-Plex

Nome 18-Plex

Nome 18-Plex

Arctic Fox; FOB Nome

Kenite Construction

Nome 18-Plex

Mt.McKinley; Includes installation

SRG ProWall

2016 Price from QAP

DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST
GENERAL REQUIREMENTS				
Mobilization/Demob	1	LS	\$200,000.00	\$ 200,000
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SWPPP/ESCP	1	LS	\$5,200.00	\$ 5,200
SITE WORK				
Clearing and Grubbing	-	CY	\$14.00	\$ -
Structural Fill	-	CY	\$36.50	\$ -
Site Grading and Drainage	42,500	SF	\$0.20	\$ 8,500
ROOF/CANOPY				
Building Package	1	LS	\$662,283.00	\$ 662,283
Building Erection	1	LS	\$475,000.00	\$ 475,000
Pile Foundation	38	EA	\$15,000.00	\$ 570,000
Chain-Link w/ Snow Screen	1	LS	\$150,000.00	\$ 150,000
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Dasher Boards	1	LS	\$50,000.00	\$ 50,000
End Goal Fencing (6-foot)	200	LF	\$42.00	\$ 8,400
Helical Piles w/ Extensions	70	EA	\$1,250.00	\$ 87,500
Asphalt Surface (Rink Only)	17,000	SF	\$9.00	\$ 153,000
SUBTOTAL COST				\$ 2,466,273
10% COST CONTINGENCY				\$ 246,627
TOTAL ESTIMATE				\$ 2,712,900

SOURCE/NOTES

Estimate based on Prior projects in region

Nome 18-Plex

Nome 18-Plex

Nome 18-Plex

Nome 18-Plex

Nome 18-Plex

Arctic Fox; FOB Nome

Kenite Construction

Nome 18-Plex

Mt.McKinley; Includes installation

SRG ProWall

2016 Price from QAP

1st Reading: 10/28/20242nd Reading: _____

Action Taken:

Yes _____

No _____

Abstain _____

CITY OF NOME
ORDINANCE NO. O-24-11-01

AN ORDINANCE AMENDING CHAPTER 2.45.050 RELATING TO PER DIEM

WHEREAS, The City of Nome has not updated the Per Diem policy since 1998, and;

WHEREAS, The City of Nome wishes to update the Per Diem policy to align with current procedures and travel guidelines;

THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOME:

Section 1. Classification. This is a Code ordinance.

Section 2. Amendment of Section 2.45.050. Section 02.45.050 of the Code of Ordinances of Nome, Alaska is hereby amended to read as follows [deletions are ~~overstruck~~ and new language is underlined]:

NCO 2.45.050 Per Diem

Council Members, the city manager, department heads, members of boards and commissions and other employees on travel status shall receive a per diem ~~allowance of \$140 per day of \$75 per day to cover meal expenses and incidentals. Hotel fees will be paid directly through the City Finance Department.~~ Individuals incurring higher expenses may be reimbursed for reasonable documented expenses based on receipts in accordance with city travel guidelines.

Section 3. Effective Date. This ordinance is effective upon passage.

APPROVED and **SIGNED** the 25th day of November, 2024

JOHN K. HANDELAND
Mayor

ATTEST:

DAN GRIMMER
City Clerk



MEMORANDUM

DATE: November 18, 2024

TO: City Council

FROM: Brooks Chandler, Interim City Manager

SUBJECT: Ordinance No. 24-11-01- Per Diem

At the October meeting Council asked for information on the federal per diem rate. It is \$68 per day for meals and incidentals in Alaska. The State of Alaska per diem rate for meals and incidentals is \$60. Backup is in the packet.

Administration recommends adoption of the ordinance as currently worded. If Council wanted to tie the City to the federal or state per diem rate a motion to amend would read either:

“Move to amend by deleting the phrase “of \$75 per day” and inserting the phrase “at the Federal per diem rate set by the Department of Defense”.

Or

“Move to amend by deleting the phrase “of \$75 per day” and inserting the phrase “at the rate allowed State of Alaska employees for Short-Term travel” depending on whether Council wanted to use State or Federal rates.

Federal Per Diem Rates for Alaska

[not set by GSA but by DOD]

Per-diems for other cities in Alaska:

If you are traveling to a city in Alaska that does not have a specific per diem rate the standard per-diem rates of **\$110.00 per night** for lodging and **\$68.00 per day** for meals and incidentals apply.

Source: [FY 2025 Alaska Federal Per Diem Rates](#)

State of Alaska Per Diem Rates

MEALS & INCIDENTAL EXPENSES (M&IE) PRORATION

TABLE A. AAM RATES - Rates Effective 10/01/2024

	AK Short-Term	AK Long-Term	Outside Alaska Short-Term (CONUS)					Outside Alaska Long-Term (CONUS)				
Total Daily Amount	\$ 60	\$ 33	\$ 92	\$ 86	\$ 80	\$ 74	\$ 68	\$ 51	\$ 48	\$ 44	\$ 41	\$ 38
Pro-Rated Amount (75%)	\$ 45	\$ 24.75	\$ 69.00	\$ 64.50	\$ 60.00	\$ 55.50	\$ 51.00	\$ 38.25	\$ 36.00	\$ 33.00	\$ 30.75	\$ 28.50

TABLE B. MEAL PERIODS AND PRORATED M&IE AMOUNTS
Rates effective 10/01/2024

	Meal Period %	AK Short-Term	AK Long-Term	Outside Alaska Short-Term (CONUS)					Outside Alaska Long-Term (CONUS)				
Midnight-10:00 AM	Breakfast (25%)	\$ 12	\$ 7	\$ 23	\$ 21	\$ 20	\$ 18	\$ 17	\$ 13	\$ 12	\$ 11	\$ 10	\$ 9
10:00 AM-3:00 PM	Lunch (28%)	16	9	26	24	22	21	19	14	13	12	11	11
3:00 PM-Midnight	Dinner (41%)	32	17	38	36	33	30	27	21	20	18	17	15
	Incidentals	included above	included above	5	5	5	5	5	3	3	3	3	3
Total Daily Amount		\$ 60	\$ 33	\$ 92	\$ 86	\$ 80	\$ 74	\$ 68	\$ 51	\$ 48	\$ 44	\$ 41	\$ 38

TABLE C. AAM RATES – Rates Effective through 09/30/2024

	AK Short-Term	AK Long-Term	Outside Alaska Short-Term (CONUS)					Outside Alaska Long-Term (CONUS)				
Total Daily Amount	\$ 60	\$ 33	\$ 79	\$ 74	\$ 69	\$ 64	\$ 59	\$ 44	\$ 41	\$ 38	\$ 36	\$ 32
Pro-Rated Amount (75%)	\$ 45	\$ 24.75	\$ 59.25	\$ 55.50	\$ 51.75	\$ 48.00	\$ 44.25	\$ 33.00	\$ 30.75	\$ 28.50	\$ 27.00	\$ 24.00

TABLE D. MEAL PERIODS AND PRORATED M&IE AMOUNTS
Rates effective through 09/30/2024

	Meal Period %	AK Short-Term	AK Long-Term	Outside Alaska Short-Term (CONUS)					Outside Alaska Long-Term (CONUS)				
Midnight-10:00 AM	Breakfast (21%)	\$ 12	\$ 7	\$ 18	\$ 17	\$ 16	\$ 14	\$ 13	\$ 10	\$ 9	\$ 9	\$ 8	\$ 7
10:00 AM-3:00 PM	Lunch (26%)	16	9	20	18	17	16	15	11	10	9	9	8
3:00 PM-Midnight	Dinner (53%)	32	17	36	34	31	29	26	20	19	17	16	14
	Incidentals	included above	included above	5	5	5	5	5	3	3	3	3	3
Total Daily Amount		\$ 60	\$ 33	\$ 79	\$ 74	\$ 69	\$ 64	\$ 59	\$ 44	\$ 41	\$ 38	\$ 36	\$ 32

LTC ALASKA LODGING RATES BY REGION

See Community-Region Listing for the locations in each region

Region	Peak Season (5/16 - 9/15)		Off Season (9/16 - 5/15)	
	Short-Term = First 30 days	Long-Term = Days 31-Travel Completion	Short-Term = First 30 days	Long-Term = Days 31-Travel Completion
1 - Southeast Alaska	\$ 74.00	\$ 44.40	\$ 64.00	\$ 38.40
2 - Southcentral Alaska	\$ 79.00	\$ 47.40	\$ 59.00	\$ 35.40
3 - Interior Alaska	\$ 64.00	\$ 38.40	\$ 54.00	\$ 32.40
4 - Southwest Alaska	\$ 64.00	\$ 38.40	\$ 60.00	\$ 36.00
5 - Utqiagvik, Kotzebue	\$ 64.00	\$ 38.40	\$ 60.00	\$ 36.00

NOTES

- Actuals refers to reimbursable expenses supported by receipts.
- All M&IE payments in excess of federal M&IE rates are reported as taxable compensation. In addition, M&IE payments for trips without overnight lodging are taxable compensation.
- All lodging allowance payments (including LTC commuting allowance) in excess of submitted receipts are reported as taxable compensation.
- Boards & Commission members receive Administrative Manual rates, except for at-home meetings during which, in general, they are not allowed lodging per diem.
- LTC members assigned to work more than 50 miles from their permanent duty station are entitled to a commuting allowance if they return to their residence on their own time (e.g., weekends). The commuting allowance is 90% of lodging allowance (see chart) plus applicable M&IE.

1st Reading: 10/28/20242nd Reading: _____

Action Taken:

Yes _____

No _____

Abstain _____

**CITY OF NOME, ALASKA
ORDINANCE NO. O-24-11-02**

**AN ORDINANCE AMENDING NOME MUNICIPAL CODE SECTION 18.20.010 BY
ADDING DEFINITION FOR CREW CAMPS; SECTIONS 18.40.030, 18.60.030, AND
18.70.020 BY ADDING ZONING DESIGNATIONS AND SAFEGUARDS FOR CREW
CAMPS, AND UPDATING SECTION 18.110.010 TO INCORPORATE THE NEW USE
INTO THE USE MATRIX**

IT IS HEREBY ORDAINED by the Nome Common Council as follows:

SECTION 1. Classification. This is a code ordinance.

SECTION 2. Revision of Section 18.20.010 Definitions. Section 18.20.010 is hereby amended with the following revisions: [additions are underlined]

...“CREW CAMP” means those on-site buildings, structures, and/or trailers that are used to house and feed construction workers and/or store project construction materials and/or provide office space for contractors and sub-contractors.

SECTION 3. Amendment of Section 18.40.030 General Use District Conditional uses and structures. Section 18.40.030 is hereby amended with the following revisions: [additions are underlined]

The following uses are permitted with a conditional use permit in the general use districts:

...(h) Crew camps, provided the following safeguards are addressed, in addition to other conditions that the Planning Commission finds necessary as they relate to the specific request:

- (1) The use is tied to a specific and identified project;
- (2) The term of the permit is limited to the earlier of completion of the project or five years following the issuance of the building permit for the crew camp; and
- (3) A detailed schedule for deconstruction and removal is provided with the permit application, and updated on or before each anniversary date of the issuance of the conditional use permit.

SECTION 4. Amendment of Section 18.60.030 Commercial District Conditional uses and structures. Section 18.60.030 is hereby amended with the following revisions: [additions are underlined]

The following uses are permitted with a conditional use permit in commercial districts:

...(l) Crew camps, provided the following safeguards are addressed, in addition to other conditions that the Planning Commission finds necessary as they relate to the specific request:

- (1) The use is tied to a specific and identified project;
- (2) The term of the permit is limited to the earlier of completion of the project or five years following the issuance of the building permit for the crew camp; and
- (3) A detailed schedule for deconstruction and removal is provided with the permit application, and updated on or before each anniversary date of the issuance of the conditional use permit.

SECTION 5. Amendment of Section 18.70.020 Industrial District Permitted uses and structures. Section 18.70.020 is hereby amended with the following revisions: [additions are underlined]

The following uses and their accessory uses are permitted in industrial districts:

...(cc) Crew camps.

SECTION 6. Revision of Section 18.110.010 Matrix of permitted and conditional uses. Section 18.110.010 is hereby amended with the following revisions: [additions are underlined]

Zoning District	General Use	Residential	Commercial	Industrial	Resource Development	Open Space/Rec
Industrial Use						
<u>Crew Camp</u>	<u>Conditional Use</u>	<u>Not Permitted</u>	<u>Conditional Use</u>	<u>Permitted</u>	<u>Conditional Use</u>	<u>Not Allowed</u>

SECTION 7. Effective Date. This ordinance is effective upon passage.

APPROVED and SIGNED the 11th day of November, 2024.

JOHN K. HANDELAND
Mayor

ATTEST:

DAN GRIMMER
City Clerk

PLANNING MEMO

TO: Common Council
Brooks Chandler, Interim City Manager
FROM: Erin Reinders
RE: Crew Camps
DATE: November 25, 2024

SUMMARY

The development and use of Crew Camps in the City of Nome is, and will continue to be, of interest as a property use. However, the Zoning Ordinance does not currently address or allow this use. The ordinance before you this evening provides a definition for crew camps and identifies what zoning district it should be allowed either by right, or conditionally. This, in turn, provides for a transparent and predictable process for projects involving a Crew Camp. This memo provides additional context to this action item and responds to some of the discussion topics identified at the October Council meeting. Staff recommends approval.

PREVIOUS COUNCIL ACTION

The Planning Commission reviewed and approved a Crew Camp Ordinance at their October Meeting. The Common Council had its first reading of the ordinance at the October 28, 2024, meeting, and moved to proceed to the second reading and public hearing, to be held on November 25, 2024.

BACKGROUND

Title 18 of the Code of Ordinance of Nome outlines Zoning Districts and identifies the respective permitted and conditional land uses for each district. If a conditional use requires a Planning Commission review and consideration before a use or construction may begin in that district. If a use is permitted then a stop at the Planning Commission is not required. Section 18.30.030 addresses permitted and conditional uses. It states: *Uses designated as permitted uses are allowed in a zoning district as a matter of right. Uses classified as conditional uses are permitted upon the planning commission's approval of a conditional use permit. Unless a use is designated as a permitted use or conditional use or is classified as a legal nonconforming use, it is not permitted...* In other words, if a land use is not identified as a *permitted* or *conditional* use for a district, then it is not allowed.

As new or unlisted uses are identified, Section 18.30.040 does allow for the Planning Commission to make a determination as to whether or not that use could be reasonably interpreted to fit into a currently identified land use. It states: *Uses not otherwise identified in this title may be proposed for inclusion as a permitted use or a conditional use in any zoning district. In order to provide for such uses, the classification of any new or unlisted use shall be made by the planning commission to determine if the use can be reasonably interpreted to fit into a similar use category described in this title. Unless such determination is made, the use is not permitted.*

Oftentimes, however, there are instances where new uses are unique and should be specifically defined and associated with appropriate Zoning Districts. This offers transparency and predictability for all impacted stakeholders (ie: community members, potential applicants, staff, Planning Commission, Common Council Members), now and in the future. In the case of crew camps, the topic of this evening's action item, this is a land use that does not clearly fit into another existing land use.

One might suggest that a Crew Camp fall under the definition of a Multiple Family Dwelling. In addition to sleeping quarters, Crew Camps allow for additional temporary and ancillary uses associated with them compared to Multiple Family Dwellings, such as storage of project construction materials, office space and group feeding areas. The common structure of Crew Camps would not fit into the definition of Multiple Family Dwellings. Section 10.20.010 defines a Multiple Family Dwellings as: *a building or a portion thereof designed for occupancy by three or more families living independently in separate dwelling units, which may or may not share common entrances and/or other spaces*. The referenced dwelling unit is defined as: *any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for residential use*. This does not seem to allow for shared areas for eating, cooking, and sanitation.

DISCUSSION

There is and will continue to be an interest in Crew Camps in Nome, and this use is not currently allowed for or addressed in the Zoning Ordinance. The ordinance before you this evening provides a definition for crew camps and identifies what zoning district it should be allowed by right or conditionally. Crew camps would be allowed by right in the Industrial zoning district. They would be conditionally allowed specifically in General Use and Commercial districts. Specific conditions would be that the Crew Camp has to be: tied to a project, the conditional use permit is time constrained, and a removal schedule is provided. Crew Camps, like all other uses, would be identified as a condition use in the Resource Development zoning district.

Time Constraint for Conditional Use. Council was interested in why the 5-year time constraint for the condition use permit for a Crew Camp is included in the ordinance. That is based on the estimated time frame of a construction program, including delays. If the associated projects took longer than that timeframe they would need to request an extension to the Planning Commission with an updated schedule.

Land Use Matrix of Uses. Council also requested the current land use matrix from the Zoning Ordinance. This was emailed to Council members and is also attached to this memo. This lists all the land uses that are currently identified in the City Code; and identifies what zoning district they are allowed, not allowed, or conditionally allowed.

Permanent Housing Solutions. Contemplating temporary Crew Camps highlighted Council's interest in more permanent housing options for the community, and there was some discussion as to how these two topics related. By their very existence, the use of temporary Crew Camps enables existing permanent housing stock to be used by community members rather than by temporary construction crews.

There was also interest in what the Crew Camp could be used for after a project was completed, and if that could be renovated to serve as permanent housing for the community. This would be a change of use, and in some situations a future owner could transform a construction camp into a different use so long as it was in keeping with the associated zoning district and building codes.

Alternatively, instead of constructing a temporary Crew Camp, a company could develop Multiple Family Dwelling, perhaps in the form of studio or efficiency apartments for their workers. These could serve as lodging for construction crew in the short term, but the underlying use would be Multiple Family Dwellings. Upon completion of the construction project, these units would be added to the permanent rental housing stock of the community. Similarly, instead of constructing a temporary Crew Camp, a

company could develop a mobile home park with individual mobile homes. This would only address the housing aspect of the Crew Camp, however, and not the other uses associated with and included in the definition of Crew Camps (i.e. storage of project construction materials and office space).

In addition to the Crew Camp ordinance, Council may consider looking into the definition of a Multiple Family Dwelling and if that could be altered to clearly allow for shared space for eating and cooking. This might allow for a dormitory or bunkhouse sort of development that would allow for more affordable permanent rental housing, for work crews and community members alike.

ALTERNATIVES

Two primary alternatives exist:

- Council could approve Ordinance O-24-11-02.
- Council could disapprove Ordinance O-24-11-02 and send it back to the Planning Commission with feedback for further review and action.

RECOMMENDATION

Staff Recommend Approval of Ordinance O-24-11-02.

PROPOSED MOTION

I move to adopt Ordinance O-24-11-02.

ATTACHMENTS

- Current Matrix of Uses
- Ordinance O-24-11-02

18.110.010 Matrix of permitted and conditional uses.

Zoning District	General Use	Residential	Commercial	Industrial	Resource Development	Open Space/Rec
Residential Uses						
Single-family dwellings	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Duplex dwellings	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Multiple-family dwelling	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Mobile homes and mobile home parks	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Residential use of the upper floor above a commercial or industrial use	Permitted	Conditional Use	Conditional Use	Conditional Use	Conditional Use	Not Allowed
On-premises dwelling for owner or caretaker of commercial use	Permitted	Permitted	Permitted	Permitted	Conditional Use	Not Allowed
Civic/Institutional/Public Uses						
Parks and playgrounds	Permitted	Permitted	Permitted	Conditional Use	Conditional Use	Permitted
Churches	Permitted	Permitted	Permitted	Not Allowed	Conditional Use	Not Allowed
Public and governmental buildings and uses	Permitted	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed

Zoning District	General Use	Residential	Commercial	Industrial	Resource Development	Open Space/Rec
Fire station and emergency medical aid station	Permitted	Permitted	Permitted	Permitted	Conditional Use	Not Allowed
Schools	Permitted	Permitted	Permitted	Not Allowed	Conditional Use	Not Allowed
Museums and cultural facilities	Permitted	Conditional Use	Permitted	Not Allowed	Conditional Use	Conditional Use
Public utility facilities or structures	Conditional Use	Not Allowed	Conditional Use	Permitted	Conditional Use	Permitted
Snow dump and storage sites	Conditional Use	Conditional Use	Conditional Use	Permitted	Conditional Use	Not Allowed
Youth correction facilities	Conditional Use	Conditional Use	Conditional Use	Not Allowed	Conditional Use	Not Allowed
Halfway houses	Conditional Use	Conditional Use	Conditional Use	Not Allowed	Conditional Use	Not Allowed
Correctional facilities	Conditional Use	Not Allowed	Conditional Use	Not Allowed	Conditional Use	Not Allowed
Cemetery	Not Allowed	Not Allowed	Not Allowed	Permitted	Conditional Use	Not Allowed
Interpretative area or visitor's center	Permitted	Conditional Use	Permitted	Not Allowed	Conditional Use	Permitted
Public watershed area and related facilities	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Conditional Use	Permitted
Business/Commercial/Retail Uses						
Hospitals, medical and dental clinics	Permitted	Not Allowed	Permitted	Not Allowed	Conditional Use	Not Allowed

Zoning District	General Use	Residential	Commercial	Industrial	Resource Development	Open Space/Rec
Home businesses and occupations	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Private storage, including junk, or small warehouse associated with residential use/home occupations	Not Allowed	Not Allowed	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Private storage, not including junk, or small warehouse associated with residential use/home occupations	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Retail and wholesale businesses	Permitted	Conditional Use	Permitted	Permitted	Conditional Use	Not Allowed
Offices	Permitted	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Restaurants, taverns and entertainment establishments	Permitted	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Hotels and motels	Permitted	Not Allowed	Permitted	Not Allowed	Conditional Use	Not Allowed
Funeral home	Permitted	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed

Zoning District	General Use	Residential	Commercial	Industrial	Resource Development	Open Space/Rec
Clubs or fraternal, religious or philanthropic associations and union hall	Permitted	Not Allowed	Permitted	Not Allowed	Conditional Use	Not Allowed
Personal service businesses	Permitted	Permitted	Permitted	Not Allowed	Conditional Use	Not Allowed
Recreational facilities	Permitted	Permitted	Permitted	Permitted	Conditional Use	Not Allowed
Day care houses and facilities	Permitted	Permitted	Conditional Use	Not Allowed	Conditional Use	Not Allowed
Industrial Uses						
Outdoor storage, including junk, as an accessory use to any permitted or conditional use in the district	Not Allowed	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Outdoor storage, not including junk, as an accessory use to any permitted or conditional use in the district	Permitted	Permitted	Permitted	Permitted	Conditional Use	Not Allowed

Zoning District	General Use	Residential	Commercial	Industrial	Resource Development	Open Space/Rec
Incidental, small-scale manufacturing, processing, and storage of goods for wholesale or retail sale on the premises	Permitted	Permitted	Permitted	Permitted	Conditional Use	Not Allowed
Service stations	Conditional Use	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Vehicle and equipment repair facilities	Not Allowed	Not Allowed	Conditional Use	Permitted	Conditional Use	Not Allowed
Manufacturing, processing, assembling, wholesale or storage	Not Allowed	Not Allowed	Not Allowed	Permitted	Conditional Use	Not Allowed
Boat marinas and docks	Not Allowed	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Marine transportation and port facilities	Not Allowed	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Navigation aids and facilities	Not Allowed	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Bulk petroleum storage, including aviation fuel	Not Allowed	Not Allowed	Not Allowed	Permitted	Conditional Use	Not Allowed
Junkyards, commercial and auto wrecking yards	Not Allowed	Not Allowed	Not Allowed	Permitted	Conditional Use	Not Allowed

Zoning District	General Use	Residential	Commercial	Industrial	Resource Development	Open Space/Rec
Aircraft storage, loading, parking, repair and aviation-related facilities	Not Allowed	Not Allowed	Not Allowed	Permitted	Conditional Use	Not Allowed
Warehousing and storage	Conditional Use	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Air transport terminals for passengers and freight	Not Allowed	Not Allowed	Not Allowed	Permitted	Conditional Use	Not Allowed
Transportation facilities, including bus and taxi operations	Not Allowed	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Dredging and filling	Not Allowed	Not Allowed	Not Allowed	Permitted	Conditional Use	Not Allowed
Dog kennels and lots	Not Allowed	Not Allowed	Not Allowed	Conditional Use	Conditional Use	Not Allowed
Mining of minerals, aggregate, sand, gravel or other earth products; and accessory uses and buildings	Not Allowed	Not Allowed	Not Allowed	Conditional Use	Permitted	Not Allowed
Helicopter landing pad	Permitted	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed

(Ord. O-08-09-01 § 2 (part), 2008)

Presented by:
City Manager
Action Taken:
Yes____No____
Abstain____

CITY OF NOME, ALASKA

ORDINANCE NO. 0-24-12-01

AN ORDINANCE AUTHORIZING THE DISPOSAL OF MUNICIPAL
PROPERTY BY LEASE TO KAWERAK, INC. FOR USE AS A RECYCLING
FACILITY

Section 1. **Authority.** This ordinance is adopted pursuant to authority granted by NCO 2.10.030(b).

Section 2. **Classification.** This is a non-Code ordinance.

Section 3. **Authorization of Lease to Kawerak, Inc.** The City Council hereby authorizes the disposal of a portion of its interest in City property located adjacent to Center Creek Road described as a portion of Tract A and B, Wonder Bench Subdivision Plat No. 99-02 consisting of an existing building commonly known as the Monofill Building and approximately 32,705 square feet of adjacent and surrounding real property ("the Property") to Kawerak, Inc. substantially upon the terms and conditions contained in the accompanying Lease Agreement.

Section 4. **Legal Description.** The Leased Premises are shown on the attached drawing, Exhibit A: Leased Premises and are more particularly described as follows:

That portion of Tract A and B, Wonder Bench Subdivision, according to Plat 99-02, Recorded in the Cape of Nome Recording District, Within Section 23, T.11S. R. 34W., Kateel River Meridian, and being more particularly described as follows:

Beginning at the northwest corner of Wonder Bench Subdivision (Plat 99-2), thence S23°45'00"W a distance of 1395.00 feet, the SW corner of Wonder Bench Subdivision; thence N 23°45'00"E a distance of 957.886 feet, the point of beginning; thence S54°20'44"E a distance of 235.30 feet; thence S28°22'01"W a distance of 117.32 feet; thence N 73°22'00"W a distance of 104.36 feet; thence N54°25'27"W a distance of 119.78 feet; thence N23°45'00"E a distance of 153.86 feet to the TRUE POINT OF BEGINNING.

Section 5. **Findings.** The City Council hereby finds that the lease of the Property to

Kawerak, Inc. is for the necessary public service of providing a recycling facility for public use.

Section 6. **Interest Conveyed and Identification of Disposal Instrument.** The City agrees to allow exclusive use conveyed by a written Lease Agreement in the form attached hereto for a term starting January 1, 2025 through December 31, 2044 subject to reversion to the City in the event the Leased Premises cease to be used to provide the necessary public service justifying the disposal, per NCO 2.10.30(b).

Section 7. **Value of City's Interest.** The estimated value of the City's interest according to the current property tax assessment is \$210,600 for the building and \$ 40,000 for the real property. A rule of thumb for annual rental rates is based on 10% of assessed value per year (.83% per month). Applying that rule of thumb results in an estimated fair market rental value of the Leased Premises of \$2,506 per month. Kawerak, Inc. is being charged \$1 per year rent during the entire term of the Lease.

Section 8. **Time Place and Manner in Which Disposal Shall Occur.** Disposal shall occur as soon after approval of this ordinance as practical.

Section 9. **Effective Date.** This ordinance is effective upon adoption.

APPROVED and SIGNED this ___th day of December, 2024.

JOHN K. HANDELAND, Mayor

ATTEST:

DANIEL GRIMMER, City Clerk

1st Reading November 25th, 2024
 2nd Reading _____ 2024

Presented by:
 City Manager
Action Taken:
 Yes ____ No ____
 Abstain ____

CITY OF NOME, ALASKA

ORDINANCE NO. O-24-12-02

**AN ORDINANCE AUTHORIZING TERMINATING A 55 YEAR LEASE TO THE
 ALASKA ARMY NATIONAL GUARD
 OF THE PROPERTY IDENTIFIED AS
 THE WEST 10 ACRES, MORE OR LESS, WITHIN THE
 'MUNICIPAL EXPANSION LANDS'**

NOW, THEREFORE, BE IT ORDAINED by the Common Council of Nome, Alaska as follows:

SECTION 1 Classification. This is a non-code ordinance.

SECTION 2 Authorization. This ordinance is adopted pursuant to NCO 2.10.030.

SECTION 3 Termination of Lease Agreement

- A. Ordinance 04-01-03 authorized leasing real property identified as "The West 10 acres more or less of the municipal expansion lands" ("the Property") to the Alaska Army National Guard for the purpose of constructing an armory. After adoption of this ordinance the Property was surveyed and platted. The current legal description of the Property is Lot 1, Municipal Expansion Lands Subdivision Plat No. 2004-18.
- B. Resolution 05-02-09 approved a lease agreement for the Property between the City of Nome and the State of Alaska. Paragraph 11 of the lease agreement states, "Should the Readiness Center not be substantially completed by October 1, 2012 . . . the City may terminate this lease by giving sixty (60) days notice in writing to the Tenant".
- C. The Readiness Center referenced in the lease agreement has not been substantially completed.
- D. Nome Common Council wishes to terminate the lease agreement because the conditions of the lease to construct a Readiness Center Facility, Field Maintenance Shop and Storage Warehouse was never met.

SECTION 4 Effective Date

This ordinance shall be effective sixty days from the date the City of Nome provides written notice of termination of the lease agreement to the State of Alaska/ Alaska Army National Guard.

APPROVED and **SIGNED** this _____ day of _____, 2024.

JOHN K. HANDELAND, Mayor

ATTEST:

DAN GRIMMER, City Clerk/Treasurer

1st Reading November 25th, 20242nd Reading _____ 2024

Presented by:

City Manager

Action Taken:

Yes _____

No _____

Abstain _____

CITY OF NOME, ALASKA
ORDINANCE NO. O-24-12-03

AN ORDINANCE AMENDING SECTION 17.10.100 OF THE NOME CODE OF ORDINANCES TO ELIMINATE THE PENALTY FOR LATE FILING OF A SALES TAX RETURN IF NO SALES TAX IS DUE

WHEREAS, Section 17.10.100(c) of the Nome Code of Ordinances on sales tax requires payment of a late filing penalty in the amount of twenty-five dollars per month “Regardless of whether any taxes were due”; and,

WHEREAS, the Nome Common Council finds that it is in the public interest to eliminate the monthly penalty for late filing of a sales tax return if no sales tax is due;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Nome Common Council as follows:

SECTION 1. Classification. This is a Code ordinance.

SECTION 2. Amendment of NCO 17.10.100(c). Section 17.10.100(c) of the Nome Code of Ordinances is hereby amended to read as follows [deletions are overstruck, additions are underlined]:

(c) ~~Regardless of whether~~ If any taxes were due, the penalty for late filing of the sales tax return shall be twenty-five dollars per month until a total of one hundred dollars has been reached.

SECTION 4. Effective Date. This ordinance is effective upon adoption.

APPROVED and SIGNED the __th day of _____, 2024.

 JOHN K. HANDELAND-Mayor

ATTEST:

 DAN GRIMMER- Treasurer/City Clerk



MEMORANDUM

DATE: November 18, 2024

TO: City Council

FROM: Brooks Chandler, Interim City Manager

SUBJECT: *Resolution No. 24-11-01- Open Bank Account*

As of the date of this memorandum the City is in the final steps of establishing an interest-bearing account in which to deposit a little more than \$82,000,000 in funds previously held by the ACOE as Nome's initial contribution to the costs of construction of the Port expansion project. This account will be distinct from the City's general fund. It is being established as an escrow account under the terms of an agreement provided to Nome by ACOE for this purpose. ACOE has indicated much of these funds may be held in escrow until such time as a contract is awarded. The City cannot touch the principal. Interest on the principal can only be used to cover expenses of the project.

NCO 2.05.030(a) suggests that establishing a new bank account requires Council approval. Establishing these accounts (a separate account will be used to cover what will be fairly insignificant bank fees) will obviously benefit Nome making approval of the Resolution a "no brainer". If the Resolution is adopted there will be some paperwork for the Mayor to sign preferably at the conclusion of Monday's Council meeting.

Finance Director Nickie Crowe and Project Manager Joy Baker are to be commended for their assistance in this effort. For a time it appeared Nome was likely to lose out on at least one month's interest due to internal ACOE deadlines for transferring money. But Nickie came up with a plan that allowed the City to meet the deadline. Joy diligently urged ACOE to act more swiftly than is their custom. Because of this more than \$200,000 in interest most likely will be realized before the end of the year.

CITY OF NOME, ALASKA

RESOLUTION NO. 24-11-01

**A RESOLUTION TO OPEN AN ACCOUNT FOR THE DEPOSIT OF FUNDS PENDING
TRANSFER TO THE UNITED STATES ARMY CORPS OF ENGINEERS AS PROVIDED BY
ARTICLE IV C (1) OF THE PROJECT COOPERATION AGREEMENT FOR THE PORT OF NOME
MODIFICATIONS**

WHEREAS, The City of Nome (“Nome”) and the Department of the Army (“the Government”) are parties to that certain Project Partnership Agreement (“PPA”) for Port of Nome Modifications Project (“Project”); and

WHEREAS, the PPA identifies the City of Nome as the “Non-Federal Sponsor” of the Project; and

WHEREAS, as the Non-Federal Sponsor Nome is responsible for ten percent of the cost of constructing the Project and 100% of the cost of construction of local service facilities related to the Project (“Non-Federal Cost Share”); and

WHEREAS, Nome previously deposited funds with the Government to cover a portion of Nome’s Non Federal Cost Share (“the Deposit”); and

WHEREAS, at the time Nome made the Deposit it was anticipated that a construction contract for the Project would be awarded in 2024; and

WHEREAS, on or about October 17, 2024 the Government issued a notice of cancellation of the solicitation of bids for constructing the Project; and

WHEREAS, the Government now anticipates a construction contract for the Project will not be awarded until 2025 (“the Delay”); and

WHEREAS, Article IV C(1) of the PPA states payment of the Non-Federal Cost share may be made by “verifying to the satisfaction of the Government” that Nome “had deposited such funds in an escrow or other account acceptable to the Government with interest accruing” to Nome; and

WHEREAS, due to the Delay, the Government has agreed to allow Nome to place the remaining amount of the Deposit in an interest bearing account (“the Account”) with interest

accruing to Nome; to be used for payment of future Non-Federal Cost Share contributions for the Project and

WHEREAS, the amount of money available for deposit into the Account is estimated to be in excess of \$80,000,000 and the potential interest accruing on these funds is considerable; and

WHEREAS, Nome and the State of Alaska are parties to that certain Grant Agreement dated September 13, 2022 (“Grant”) which provided partial funding for the Project; and

WHEREAS, Article 10 of Attachment C to the Grant states, “Program income earned during the award period shall be retained by the Grantee and added to the funds committed to the award and used for the purpose and under the conditions applicable to the use of award funds.” and;

WHEREAS, interest earned on the Account will be “program income” and only used for the Project; and

WHEREAS, it is in the best interest of the public that the City of Nome take advantage of the opportunity to use accrued interest on the Account to meet Nome’s obligations under the PPA and Grant;

NOW, THEREFORE, BE IT RESOLVED

1. The Interim City Manager, Project Manager and Finance Director are hereby authorized to open an Account with Northrim Bank upon such conditions as are acceptable to the Government.
2. All interest earnings on the Account must be used in payment of Nome’s Non Federal Cost Share for the Project.

APPROVED and **SIGNED** this 25rd day of November, 2024.

JOHN K. HANDELAND
 Mayor

ATTEST:

DAN GRIMMER
 City Clerk/Treasurer

Presented By:
City Manager
Action Taken:
Yes____
No____
Abstain____

CITY OF NOME, ALASKA
RESOLUTION NO. R-24-11-02
A RESOLUTION ALLOCATING THE USE OF THE 2022 and 2023
COMMUNITY BENEFITS SHARE RECOVERY FUNDS

WHEREAS, Norton Sound Economic Development Corporation contributed \$100,000 to the City of Nome under NSEDC's Community Benefit Share program in 2022 ("2022 Community Benefit Share"); and

WHEREAS, Norton Sound Economic Development Corporation has committed to contribute \$150,000 to the City of Nome under NSEDC's Community Benefit Share program in 2023 ("2023 Community Benefit Share"); and

WHEREAS, Unanticipated repairs to the Nome Swimming Pool ("Pool Repairs") exceeded \$100,000; and

WHEREAS, An oven at the Nome Senior Center is no longer functioning and needs replacement ("Oven Replacement") at a cost of approximately \$14,000; and

WHEREAS, The saunas and locker rooms at the Nome Recreation Center are in need of refurbishing and renovation ("Rec Center Renovation") at an estimated cost of \$138,000; and

WHEREAS, A condition of receipt of the 2022 and 2023 Community Benefit Share is holding a public hearing on the planned uses of the 2022 and 2023 Community Benefit Share.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Nome Common Council allocates one hundred thousand dollars (\$100,000) of the 2022 Community Benefit Share to the City of Nome Parks and Recreation Department for Pool Repairs; and
2. That the Nome Common Council allocates fourteen thousand dollars (\$14,000) of the 2023 Community Benefit Share to the City of Nome Public Works Department For Replacement of an Oven at The Nome Senior Center; and
3. That the Nome Common Council allocates one hundred thirty-six thousand dollars (\$136,000) of the 2023 Community Benefit Share to the City of Nome Parks and Recreation Department for Rec Center Renovation.

APPROVED and SIGNED this ____ day of _____, 2024.

JOHN K. HANDELAND, Mayor

ATTEST:

Dan Grimmer, City Clerk

Polar Pools Invoice Narrative

The following list of invoices from Polar Pools were submitted to Nome Public Schools for payment. Nome Public Schools has recently invoiced the City of Nome via Invoice Number 25-005 for \$106,555.89. We are requesting to use 2022 NSEDC CBS Funds to cover these expenses up to \$100,000.

Date	Invoice #	Amount	Description/Background
8/14/24	1161	\$680.58	Concept Pump Discount: The original pump purchased to transport Sodium Hypochlorite from the holding tank to the main return line was undersized and not able to meet the state minimums for chlorine residuals. This required the purchase of a larger pump.
8/14/24	1160	\$996.84	TDS Meter/C12 Tester/Backwash Sight Glass: The Miox (Chlorine Generator) Machine wasn't set correctly and at the time we were not aware that the Pump mentioned above was sized properly so we had to complete several tests to troubleshoot the problem of low Chlorine residuals in our testing. Had to purchase this equipment to conduct some of the tests.
8/14/24	1159	\$4,995.47	Nome Brine Tank Sleeve Repair: Polar Pools claims that after their technicians installed the tank sleeve on the mixing tank and left something fell on it and severed it. Cole and I attempted to fix it using local parts but Polar Pools didn't approve of our fix and insisted on having it redone. Otherwise the manufacturer wouldn't sign-off and commission the unit.
8/14/24	1158	\$2,013.09	Strainer Repair: While completing some work Polar Pools noticed one of our strainers needed to be fixed. They were concerned that not addressing it could lead to a blowout of one of the faucet fittings and drain the pool.

OVER

Date	Invoice #	Amount	Description/Background
8/14/24	1157	\$6,914.51	Chemical Treatment: As part of the construction project all pumps were turned off and the adding of sanitizing chemicals led to the growth of algae and other organic matter. Prior to bringing the new system online all of this had to be removed. This involved the introduction of Enzymes and Sodium Hypochlorite by trained staff.
8/14/24	1156	\$1,417.40	DCM-512 Replacement: The power outage in August fried a number of sensors and probes within the newly installed system. The ORP and pH probes were 2 of the main ones that had to be replaced.
SUBTOTAL #1: \$17,017.89			

Date	Invoice #	Amount	Description/Background
8/18/24	1162	\$6,603	Order, Ship, and Replace 4 Pump Flex Boots: This amount was approved by Nome Public Schools via Change Order 40113/CO-2 for the Pool Mechanical & Sanitation Upgrade.
8/18/24	1163	\$82,935	Final Billing for the Pool Mechanical & Sanitation Upgrade.
SUBTOTAL #2: \$89,538			
Subtotal #1: \$17,017.89			
Subtotal #2: <u>\$89,538.00</u>			
\$106,555.89			

Presented By:
Port Director

Action Taken:
Yes____
No____
Abstain____

CITY OF NOME, ALASKA

RESOLUTION NO. R-24-11-03

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PND ENGINEERS, INC., TO MODIFY PHASE 1 DESIGN TO REFLECT A REDUCED SCOPE OF THE LOCAL SERVICE FACILITIES NOW IDENTIFIED AS PHASE 1A WITHIN THE PORT OF NOME MODIFICATIONS PROJECT AND ARCTIC PORT EXPANSION

WHEREAS, the City executed an Agreement with the U.S. Army Corps of Engineers (USACE) to cost-share at 35% on the design of the General Navigation Features (GNF) of the Port of Nome Modification (project), with the Local Service Facilities (LSF) design to be covered 100% by the non-federal sponsor and,

WHEREAS, the City solicited for qualified firms to propose on design Services for the LSF's, with PND, Inc. receiving the highest score, and therefore awarded the design contract by the Nome Common Council under R-21-06-02; and,

WHEREAS, the City executed a Project Partnering Agreement (PPA) with USACE to cost-share at 10% on construction of the project's GNF, with the LSF to be covered 100% by the non-federal sponsor, and;

WHEREAS, the Phase 1 project solicitation was released 27 Feb 2024, with bids due by 21 June 2024, which after thorough review by USACE resulted in bids exceeding statutory cost limitations and available funding, thereby prompting cancellation of the solicitation, and requiring modification of the design into Phase 1A as directed by USACE and requiring additional services by PND to adjust the LSF design for a fee of \$85,000, all of which will be funded through the FY2023 State of Alaska Direct Legislative Grants awarded to the City, and;

NOW, THEREFORE, BE IT RESOLVED, the Nome Common Council hereby authorizes the City Manager to execute a contract agreement with PND Engineers Inc. to modify Phase 1 LSF design to reflect Phase 1A as presented by the USACE Alaska District for a fee of \$85,000.

APPROVED and SIGNED this 25th day of November, 2024.

JOHN K. HANDELAND,
Mayor

ATTEST:

DAN GRIMMER,
City Clerk

CONTRACT FOR
PROFESSIONAL ENGINEERING SERVICES
PORT OF NOME
LOCAL SERVICES FACILITIES (LSF)
ARCTIC PORT EXPANSION

This Agreement is entered into this ____ day of November 2024, by and between PND Engineers, Inc., herein referred to as “Consultant” and the City of Nome (herein referred to as “City”). For good and valuable consideration, the receipt whereof is hereby acknowledged, Consultant and City agree as follows:

WHEREAS, City is in need of engineering services to modify Phase 1 LSF design to reflect Phase 1A for rebidding purposes.

WHEREAS, Consultant, through education and experience, possesses the requisite license and skills to perform such duties;

WHEREAS, City is therefore desirous of engaging the services of Consultant as an independent contractor using independent professional judgment to accomplish assigned tasks;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. Employment of Consultant

The work to be performed by Consultant pursuant to this Agreement is all tasks assigned by the City Manager or through a designee. A more specific identification of Consultant's professional services to be provided in accordance with the provisions of this Agreement are listed in PND's 14 November 2024 Proposal, attached as Appendix A, incorporated herein by reference and such other duties as requested by the City.

2. Time of Performance

Consultant shall commence performance immediately following approval of this

Agreement and complete performance in accordance with the proposed project schedule (31 Jan 2025). The time for completion may be extended by mutual written agreement of City and Consultant. Should any delays in the performance of the Work be caused solely by City, the completion date, but not the Consultant's fee, shall be extended by an amount of time equal to the length of the delay.

3. Fee

A. Lump Sum. City shall pay Consultant a lump sum of **\$85,000** for all services rendered by Consultant in performance of work authorized pursuant to this Agreement. The amounts payable to Consultant shall not exceed the sums identified in this paragraph without the prior written approval of the City. Any additional professional services other than those identified in item 1, Employment of Consultant, shall be requested in writing by City. The fee for such additional services shall be negotiated by the parties.

4. Payments

City agrees to make payments to Consultant as services are performed and costs are incurred, provided Consultant submits two copies of a proper invoice for each payment, in such form and accompanied by such evidence in support thereof as may be reasonably required by City.

Billing and expense invoices can be submitted once a month. Invoices shall be accompanied by an activity report detailing work and accomplishments.

City may, at its option, withhold ten percent from each payment pending satisfactory completion of the work by Consultant.

All invoices are otherwise due and payable within 15 days of receipt by the City.

5. Services Supplied by City

City shall provide Consultant with site access for the investigation of the project site.

6. Personnel

Consultant agrees to furnish all personnel necessary for expeditious and satisfactory performance of this Agreement, each to be competent, experienced and well qualified for the work assigned. No person objected to by the City shall be employed by Consultant for work hereunder.

7. Independent Contractor Status

In performing under this Agreement, Consultant acts as an independent contractor and shall have responsibility for and control over the details and means for performing the services required hereunder.

8. Indemnification

To the maximum extent permitted by law, Consultant shall defend, indemnify and save harmless City or any agent, employee, or other representative thereof, from and against losses, damages, liabilities, expenses, claims, and demands of whatever nature, including for death, personal injury, property damage or economic loss, to the extent arising out of any negligent act or negligent omission or willful misconduct of Consultant, its agents or employees while performing under the terms of this Agreement.

9. Assignment

Consultant shall not assign this Agreement or any of the monies due or to become due hereunder without the prior written consent of City.

10. Subcontracting

Consultant may not subcontract its performance under this Agreement without prior written consent of City. Any subcontractor must agree to be bound by the terms of this Agreement applicable to the services to be performed by the subcontractor.

11. Designation of Representatives

The parties agree, for the purposes of this Agreement, that City shall be represented by and may act only through the City Manager or such other person as they may designate.

Consultant shall be represented by and may act only through Bryan Hudson.

12. Termination

Either party may terminate this Agreement, with or without cause, after first giving thirty days written notice. Consultant shall not be entitled to any anticipated profit on services not performed. **Termination of this agreement by either party may be for any reason, or no reason.**

13. Insurance

Consultant shall, at all times, at its own expense, keep in force the following described insurance for protection against the claims of employees or other persons, insuring both the Consultant and the City against liability that may accrue against them or either of them in connection with the performance of Consultant under this Agreement:

- a) Workers Compensation as required under AS23.30 naming all employees;
- b) Vehicle liability insurance including applicable uninsured/underinsured coverage with limits of liability not less than one million (\$1,000,000) dollars per occurrence combined Single limit bodily injury and property damage, or the minimum amount required by the law whichever is greater;
- c) Umbrella policy of not less than one million (\$1,000,000) dollars per occurrence;
- d) Professional errors and omissions insurance of not less than one million (\$1,000,000) dollars per occurrence.

All insurances, workers' compensation insurance, commercial general liability insurance and motor vehicle liability insurance, as described above shall include an endorsement stating the following: sixty (60) days advance written notice of cancellation, non-renewal, reduction change, shall be sent to the City Manager, PO Box 281, Nome, AK 99762.

14. Insurance Certificate

All insurance shall be placed with an insurance carrier or carriers satisfactory to the City and shall not be subject to cancellation or any material change except after 30 days

written notice to the City and shall provide that no failure of Consultant to comply with any condition or provision of this Agreement or other conduct of Consultant or those for whose conduct it is responsible, shall void or otherwise affect the protection under the policy afforded to the City. A Certificate of Insurance reflecting full compliance with these requirements shall, at all times during the term of this Agreement, be kept on deposit at the general offices of the City. If Consultant fails to comply with these insurance requirements, the City may terminate this Agreement on 10 days written notice.

15. Claims Recovery

Claims by City resulting from Consultant's failure to comply with the terms of and specifications of this Agreement and/or default hereunder may be recovered by City by withholding the amount of such claims from compensation otherwise due Consultant for work performed or to be performed. City shall notify Consultant of any such failure, default or damage therefrom as soon as practicable after discovery of such event by written notice. Nothing provided herein shall be deemed as constituting an exclusive remedy on behalf of City, nor a waiver of any other rights hereunder at law or in equity.

16. Compliance with Applicable Laws

Consultant shall, in the performance of this Agreement, comply with all applicable federal, state and local laws, ordinances, orders, rules and regulations applicable to its performance hereunder, including, without limitation, all such legal provisions pertaining to social security, income tax withholding, medical aid, industrial insurance, worker's compensation, and other employee benefit laws. Consultant also agrees to comply with all contract provisions pertaining to grant or other funding assistance which City may choose to utilize to perform work under this Agreement. Services performed under this Agreement shall be in accordance with sound, generally accepted consulting practices and shall comply with all applicable codes and standards.

17. Records and Audit

Consultant agrees to maintain sufficient and accurate records and books of account, including detailed time records, showing all direct labor hours expended and all

reimbursable costs incurred for at least three years after receipt of final payment and closure of all pending matters related to this Agreement. Said books shall be subject to inspection and audit by City.

18. Notices

Any official notice that either party hereto desires to give the other shall be delivered through the United States mail by certified mail, return receipt requested, with postage thereon fully prepaid and addressed as follows:

To City:	To Consultant:
City Manager City of Nome P.O. Box 281 Nome, AK 99762	Bryan Hudson – Principal PND Engineers, Inc. 1506 West 36th Avenue Anchorage, Alaska 99503

19. Venue and Applicable Law

The venue of any legal action between the parties arising as a result of this Agreement shall exclusively be laid in the Second Judicial District of the Superior Court of the State of Alaska, at Nome, Alaska, and this Agreement shall be interpreted in accordance with the laws of the State of Alaska.

20. Attorney's Fees

In the event either party institutes any suit or action to enforce its rights hereunder, the prevailing party shall be entitled to recover from the other party its reasonable attorney's fees and costs in such suit or action and on any appeal therefrom.

21. Waiver

No failure on the part of either City or Consultant to enforce any covenant or provision herein contained, nor any waiver of any right hereunder unless in writing and signed by the parties sought to be bound, shall discharge or invalidate such covenants or provisions or affect the right of the City or Consultant to enforce the same or any other provision in

the event of any subsequent breach or default.

22. Binding Effect

The terms, conditions and covenants contained in this Agreement shall apply to, inure to the benefit of, and bind the parties and their respective successors.

23. Entire Agreement

This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof, and all prior negotiations and understandings are superseded and replaced by this Agreement and shall be of no further force and effect. No modification of this Agreement shall be of any force or effect unless reduced to writing, signed by both parties and expressly made a part of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement on the respective date indicated below.

CITY

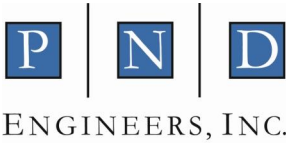
Dated: _____ By: _____

City Manager
City of Nome

CONSULTANT

Dated: _____ By: _____

Authorized Signer of Consultant



Ms. Joy Baker
Port Director
City of Nome
P.O. Box 281
Nome, AK 99762

November 21, 2024
211102

Subject: Port of Nome Modification – Phase 1 – USACE Rebid – Phase 1a (Rev 01)

Dear Ms. Baker:

PND Engineers, Inc. (PND) has been requested by the City and Port of Nome (City) to provide design and drawing updates for Port of Nome Modifications – Phase 1. The modifications are intended to provide bid ready documents, to construct Phase 1a of the project.

Project Scope and Schedule

PND received notice that USACE will be pursuing modifications of the existing Phase 1 Plans, Specifications and Estimates (PS&E) to reflect the Phase 1a concept layout. We anticipate no changes to project design criteria, redesign of the sheet pile and that no additional technical review or submission of calculations package will be required as the technical aspects of this design have been already been approved and evaluated. PND will work closely with USACE and the City, via weekly meetings at minimum, to modify current design PS&E with final delivery by 31 Jan 2025.

PND proposes to provide this scope of services for a Fixed Fee of \$85,000.

We look forward to working with you on modifying Phase 1 into Phase 1a. Should you have any questions or wish to discuss our scope or fee further, please feel free to contact us.

Sincerely,

PND Engineers, Inc. | Anchorage Office

A handwritten signature in blue ink that reads 'Bryan Hudson'.

Bryan Hudson, P.E., S.E.
Principal

Attachments:

Presented By:
Port Director

Action Taken:
Yes _____
No _____
Abstain _____

CITY OF NOME, ALASKA

RESOLUTION NO. R-24-11-04

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE MOD #003 OF BRISTOL ENGINEERS' TASK ORDER 54 TO ENGAGE SUBCONTRACTOR SERVICES TO PROVIDE BID SUPPORT AND CONSTRUCTION ADMINISTRATION TO THE CAPE NOME JETTY DAMAGED BY TYPHOON MERBOK – DISASTER DR4672AK

WHEREAS, the Cape Nome Jetty (Jetty) is part of the Port of Nome Facilities, owned by the City of Nome (City) and serves as an important alternate facility for the movement of cargo and equipment, as well as the exporting of gravel, armor stone, and other aggregate products; and,

WHEREAS, the Jetty was significantly damaged in the September 2022 storm known as Typhoon Merbok, leaving the facility in such poor condition that it is unable to be operated at even a partial, much less full capacity for which it was designed; and,

WHEREAS, the City of Nome has engaged with the Alaska Department of Home Security Division of Emergency Management (ADHSEM) and the Federal Emergency Management Agency (FEMA) and received approval of the full repair design and cost estimate provided to FEMA which has informed the disaster relief funding agreement required to repair the Jetty; and,

WHEREAS, the City has an executed Task Order 54 with Bristol Engineering Services (Bristol) to facilitate and coordinate repair design services with subcontractor PND Engineers, Inc., by which, through Mod #002, has design completion and released the project to bidders, and now requires Mod #003 to secure bid support and construction admin services at a fee of \$227,325 to return the Jetty structure to pre-storm condition; and,

NOW, THEREFORE, BE IT RESOLVED, the Nome Common Council hereby authorizes the City Manager to execute Mod #003 of Bristol's Task Order 54 in the amount of \$227,325 to allow for the necessary bid support and construction oversight to complete repair of the Cape Nome Jetty.

APPROVED and **SIGNED** this 25th day of November 2024.

JOHN K. HANDELAND, Mayor

ATTEST:

DAN GRIMMER, City Clerk

TASK ORDER AMENDMENT

This Task Order pertains to an Agreement by and between the City of Nome, (“OWNER”), and Bristol Engineering Services Company, LLC, (“ENGINEER”), dated January 11, 2011 as amended February 8, 2024, (“the AGREEMENT”). Engineer shall perform services on the project described below as provided herein and in the Agreement. This Task Order shall not be binding until it has been properly signed by both parties. Upon execution, this Task Order shall supplement the Agreement as it pertains to the project described below.

TASK ORDER NUMBER: **54**

AMENDMENT NO: **03**

PROJECT NAME: **Cape Nome FEMA Repair – 2022 Merbok Storm**

PART 1.0 PROJECT DESCRIPTION: City engineer contract management for engineering services to design a repair of damage resulting from the 2022 Merbok Storm at Cape Nome.

PART 2.0 SCOPE OF SERVICES TO BE PERFORMED BY ENGINEER:

The ENGINEER will:

- Review pre- and post-storm survey data.
- Compile existing facility documents.
- City Engineering contract management and coordination with the Port Director and design engineer who will prepare an initial rough order of magnitude (ROM) construction cost estimate to repair the jetty back to its as-built state prior to Typhoon Merbok. This ROM estimate will include construction cost, costs to provide design, engineer’s estimate, permits, and construction administration services. Additional scope items include conducting a damage assessment and development of plans, specifications, and estimates of the necessary repairs to return the facility to pre-storm conditions as required for FEMA reimbursement.
- Permit applications and agency coordination.
- Development of a bid package for construction services.

The scope of this modification includes:

1. Owner’s representation, contractor selection, and coordination (meetings, etc.).
2. Bid phase services to include responses to bidder’s inquiries, meetings, and contract addenda.
3. Construction Administration to include coordination with Contractor and designer of record (DOR) for review of submittals, RFIs, DCVRs, Pay applications, etc.

4. On-site construction inspection services for the duration of the project.
5. Review of Contractor's record drawings
6. Provide final close out documents, after completion of construction project.
7. The project does not include driven sheet pile for the repair, and as a result the permitting effort for this work will be deducted in this task order.

PART 3.0 OWNER'S RESPONSIBILITIES: OWNER will provide access to facilities, lodging and provide a loaner vehicle for any site visit activities by the City Engineer. PND's attached proposal includes airfare, car rental, and per diem for the on-site inspector.

PART 4.0 DELIVERABLES

Deliverables for this project include a compiled record of project files, digital register of submittals, RFIs, DCVRs, Inspector's daily reports, pay applications, etc.

PART 5.0 PAYMENTS TO ENGINEER (Estimate of not-to-exceed costs):
Bristol's effort will be invoiced monthly on a percent complete basis.

Task Order 054 original Contract and Amend 01 & 02: \$423,150.

Contract reduction for driven sheet pile installation permitting: **<\$150,000>**
(Please see item 7. Above)

Task Order 054, Amendment No.3
Estimate of not-to-exceed costs: **\$377,325 – This Amendment**

Total Task Order 054 Contract Amount: \$650,475

PART 6.0 OTHER:
Not Used

This Task Order is executed this _____ day of November, 2024.


City of Nome
"OWNER"

Bristol Engineering
Services Company, LLC
"ENGINEER"

By: Brooks Chandler

By: John Blees, P.E.

Signature: _____
Title: City Manager

Signature:  _____
Title: Project Manager

Digitally signed by John
Blees
Date: 2024.11.21
14:28:52 -09'00'

Attachments: PND Cape Nome Jetty – Merbok Bid Support and CA Proposal, Nov. 14,2024



ENGINEERS, INC.

Item G.

Mr. John Blees
Bristol Engineering Services Company, LLC
111 W. 16th Ave.
Anchorage, AK 99501

November 14, 2024
PND 23A-027

Subject: Cape Nome Jetty – Merbok Bid Support and Construction Administration Proposal
(Fixed Fee)

Dear Mr. Blees:

PND Engineers, Inc. (PND) is pleased to provide this proposal to provide Bid Support and Construction Administration for repair of the Cape Nome Jetty which suffered damage during Typhoon Merbok in September, 2022. A detailed scope of work is outlined below.

Task A – Bid Support – Fixed Fee \$15,000

PND will provide support during the bidding process to include attending a pre-bid meeting, answering bid questions, preparing minor modifications to drawings and/or specifications in support of addenda.

Task B – Construction Administration– Fixed Fee \$300,000

PND will provide an on-site representative for the duration of the construction project, to act as a representative for the City as well as the Engineer of Record (EOR). The on-site representative will provide daily reports covering construction activities, equipment usage, construction milestones and outstanding project issues. Meeting minutes will be provided that track progress and identify outstanding issues. The representative will also assist in providing information to the City and/or EOR that is required to address contractor requests for information (RFI's), change orders or pay requests. At the end of the project, final survey data will be collected and conformed as-built drawings will be produced for submission to the City and FEMA

Deliverables:

- Daily reports for the duration of construction.
- Final as-built drawings following construction completion.

Assumptions:

- Fixed Fee includes up to twelve (12) weeks of CA and office support for one on-site representative.

Fee Summary

Task	Fee	Fee Structure
A	\$15,000	Fixed Fee
B	\$300,000	Fixed Fee

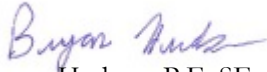
Total Task A and B = \$315,000

Cape Nome Jetty – Merbok Repair Proposal

We look forward to working with you on this project. Should you have any questions, or wish to discuss our proposal further, please feel free to contact us.

Sincerely,

PND Engineers, Inc. | Anchorage Office



Bryan Hudson, P.E., SE.
Principal



Doug Kenley, P.E.
Vice President

Attachments:



Sponsorship Proposal for City of Nome and Iron Dog Race 2025

The following Proposal is for City of Nome (Sponsor) and Iron Dog Race Inc. all details are held in confidentiality between both parties:

2024 Iron Dog Race Metrics and Media Coverage;

- Iron Dog Race website continued solid growth in 2024;
Website visits - +34.5% (277,905) Website Visitors - +12% (111,400)
- Facebook reach in 2024 was basically flat to 2023
- Website Sessions time spent per visit increased by +20.8% in 2024 over 2023
- Total TV impressions commercials (Raffle, Expo, etc.) reduced by 1.8%. Driven by commercials approx. running 30 days late in 2024 vs. 2023.
- **Overall combine reach and impressions in 2024 – 5.7million**
- Live attendance at events showed a slight increase in venue participation of 3-4% mainly attributed to nicer weather for start and finish.
- **Over the last 5 yrs Iron Dog Race has provided 2300 recreational helmets to youth/students across Alaska, inclusive of one of our Safety Programs**

City of Nome Provides:

- Sponsorship contribution of \$25,000 total value
- Providing the use of the City maintenance shop to accommodate the Iron Dog Race “wrench day” and thaw out of the Pro Class Race teams 2/18, 19, 20th departure.
- Proposed snow on front street for Iron Dog Classes (Expedition & Pro) to arrive on 2/18 & 19, welcoming them to town via front street, including use of City of Nome sound system.
- Co-ordinate Expedition & Pro Class racers arrival/departure using the inflatable arch potentially up & down front street to and from the City Garage - \$4500 value
- Halfway Banquet facility support of the Mini Convention Center 2/19 6:30 or 7pm - \$500 value
- **Funding Support of \$15,000 for support as follows;**
- \$10,000 sponsorship prize money for the fastest course time Pro Class team to Nome
- \$2500 sponsorship support for the Expedition Class Gold Pan Awards, including City of

Iron Dog, Inc. 7100 Old Seward Highway, Suite C, Anchorage, AK 99518
Phone 907.563.4414 Fax 907.563.4080 www.irondog.org



- Nome seal for plaques
- \$2500 in support for Helmet Safety Program in Nome for youth supporting Iron Dog Race
- Provide full page ad shared with Bering Sea Lions for the official race program and online race guide, MUST BE COMPLETED ON OR BEFORE 12/1 of each contracted year.
- Official Program Ad & Logo forwarded onto our Social Media Infinite Marketing. Please send all files to; jenniferdaux@gmail.com

Iron Dog Race experience the 41st running to the race, growth and awareness are priority while the race resides in the wonderful town of Nome!! The Halfway Banquet Reception, is a huge addition to festivities while the race recognizes Expedition & Pro Class riders for their achievements earned up to the Nome checkpoint.

Iron Dog Race Inc. provides:

- Full page ad shared with the Bering Sea Lions in Race Guide (provided by sponsor) 3500 copies
- Seats for 2 @ Iron Dog Race Sponsor Luncheon Banquet in March, 2025 TBD and finalized.
- 12 mth. Iron Dog Race Landing page sponsor logo link in prominent placement.
- 12 mth. Placement in all Social Media Inclusions, logo listing in the electronic on-line Official Race Guide
- 12 mth. Placement of sponsor logo on recognition print page (Official Race Guide). Approx. 3500 copies
- Social Media tagging with Iron Dog Race post to FB and website completed by Iron Dog Race – approx. 200 annually
- Commercial 15 or 30 sec. spot to be utilized by SAHS Media Team during live stream of start and finish via YouTube platform
- Opportunity to participate in the Iron Dog Race restart on February 20, 2024 and wave the green flag for any of the Pro Class Teams leaving Nome.
- Recognized as a top level sponsor at the Nome Halfway Banquet on 2/19/2025

Agreement Term Date:

- Agreement date begins 7/1/2024 ending 6/30/2026...2 year agreement
- Iron Dog Race Inc. is a 501C3 non-profit organization; 85-2907407

Iron Dog, Inc. 7100 Old Seward Highway, Suite C, Anchorage, AK 99518
Phone 907.563.4414 Fax 907.563.4080 www.irondog.org



THIS AGREEMENT IS BINDING UPON THE PARTIES HERETO, AND THEIR RESPECTIVE HEIRS, LEGAL REPRESENTATIVES, SUCCESSORS OR ASSIGNEES. ACCOUNT MAY NOT ASSIGN THIS AGREEMENT WITHOUT PRIOR WRITTEN CONSENT from IRON DOG RACE INC.

THE PARTIES AGREE THAT ANY CLAIMS, SUITS, DEMANDS OR OTHER LEGAL ACTIONS ARISING OUT OF, PERTAINING TO, OR RELATED TO THIS AGREEMENT MUST BE BROUGHT FORTH IN THE SUPERIOR COURT OF ALASKA.

Sponsor: City of Nome

Representative Name & Signature:

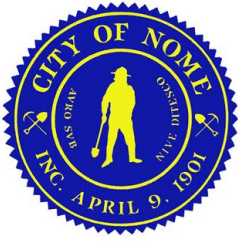
Date: _____

Iron Dog Race Executive Director

Mike Vasser Signature:

Date: 9/09/2024 _____

89



Memo

Date: November 25, 2024

From: Dan Grimmer, City Clerk

To: Nome Common Council

Subject: Determination of City Council re: Real Property Taxes, Penalties and Interest

According to Mrs. Carol Piscoya on October 16, 2024 she mailed a property tax payment in to the City Clerk's office for payment.

The City Clerks Office has record that the payment was received on November 6, 2024 (A copy of the mailed envelope is enclosed). The City Clerk's Office is under the practice of processing all received payments on a daily basis. The payment was received after the October 31st deadline and so the city accounting software automatically applied penalties and interest as designed.

Attached also is a letter from Mrs. Piscoya protesting the payment of penalties and interest. She did pay the penalties and interest to avoid further interest being accrued. The last Attachment is the carbon copy of the check she wrote for October 16, 2024.

We ask the Common Council to make a determination per Mrs. Piscoya's request to refund the penalties and interest that were paid on the payment that was received late.

Dan Grimmer
City Clerk

Box 94
Nome, AK
99762



[Handwritten signature]

City of Nome
Box ~~281~~ 281
Nome, AK 99762

RECEIVED
NOV 06 2024
CITY OF NOME
CLERKS DEPARTMENT

Charges since was
written and mailed
locally to the City
of Noris address -

Please do what you
can to assist me
with this issue -
however and enclosing
the additional charges
but I expect a response
from you and/or
the City of Noris -

Carol J. Hagan

P.S. This is going in mail
11-18-2024

11-16-2024

Item 1.

City of Noris

Brazil -

Attached is copy of
my check to City for
property taxes due

Oct 31. Check written
and mailed to City
Oct 16, 2021 with
2 wks to get to your
office -

I strongly object to
paying these additional

11191

10-16-2024

City of Monroe

Three Thousand Six Hundred Ninety Four

001.231.39
200 5.006

BAL. FOR'D	
ITEM AMOUNT	3694.00
BALANCE FOR'D	127.00
DEPOSIT	
FOR'D	

☐ TAX DEDUCTIBLE ITEM

NOT NEGOTIABLE



MEMORANDUM

DATE: November 21, 2024

TO: City Council

FROM: Brooks Chandler, Interim City Manager

SUBJECT: *Manager's Report For 11/25/2024 Council Meeting*

It has been a busy month.

Directives to Management- Administration received the following directives at the October 25 meeting. Responses are as noted.

1. Provide cost information on covering ice rink- Council member Piscoya

A rough order of magnitude of cost to do this is in the packet. There are less expensive ways to cover the rink. Even these are pricey. Chip Leeper can expand on those options at a future meeting. This topic should be considered when developing the next capital projects budget.

2. Provide information on federal per diem. – Council member Johnson

This is in the packet as part of an agenda item (\$68/day for meals and incidentals). A memo identifies possible Council actions on the per diem ordinance.

3. Examine conversion of construction camps to permanent housing- Council member Henderson

The concept of converting construction camp housing to residential housing fits within a planning concept known as “change of use”. A memo from the city planner is in the packet. Administration recommends adoption of the crew camp ordinance in its current form. If Council is interested in the conversion concept recommend the Planning Commission be tasked to develop other zoning ordinance changes that would further a policy of allowing the option of having temporary construction housing be converted to permanent residential housing.



4. Elimination of penalty for late filing of sales tax returns when no tax is owed – Council member Johnson.

Draft ordinance is on the agenda for introduction. Administration recommends a NO vote. A penalty provides an incentive for timely filing. Encouraging a habit of timely filing is beneficial for both the city and the city's sales tax collectors regardless of whether tax has been collected during the reporting period.

5. Determine if NSHC is interested in leasing rather than buying city property – Council member Henderson-

Inquiry made. The answer was no. NSHC will provide a more detailed statement on their intended uses of the property they proposed purchasing. Council direction is needed as to whether purchase agreement discussions should be initiated before receiving the additional information. In the meantime, an ordinance terminating the lease of this property with the Alaska Army National Guard (lease discovered after being mentioned at last council meeting) is before the Council for consideration. Administration recommends this ordinance be moved to second reading.

6. Examine quarterly budgeting- Council member Henderson

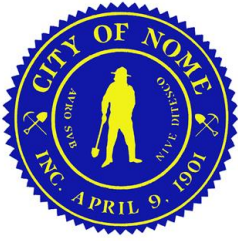
This request requires a significant amount of work including investigation and pricing of financial software changes. In addition, it fell during a period of heavy workload for the Finance Department during the annual audit. This has not been worked on beyond estimating the effort required to intelligently respond to the directive. Administration would like to know if quarterly budgeting has broader Council support before investigating the details and presenting information at a future meeting.

This last item raises a more general topic- how much council support should directives to management receive from council before considerable staff resources are spent responding? In my city attorney days my rule of thumb was to respond to any and all council inquiries unless doing so would involve a significant amount of time. If more than an hour of work was required I asked that a majority of the council authorize the work. The same budgetary considerations do not apply to staff requests but staff time is also a limited resource. Staff should be responsive to requests made at Council meetings within limits. What those limits are is something for everyone to think about.

Other developments include:

CBA- Negotiations have concluded. A tentative agreement has been reached subject to union ratification and city council approval. Cynthia Gray and I will have input for the City Council in executive session.

City Manager Search- The recruiter is in Nome for two days. I will have an update on applications already received and request input/confirmation on a salary range in executive session.



City Hall HVAC- The project has been completed and folks should be moved in by the time of the Council meeting. There may still be some items placed in temporary storage that need to be unpacked. It will be nice to return to Council chambers for council meetings. Many thanks to the Public Works crew who efficiently moved staff back to City Hall.

Kawerak Lease of Monofill Building- Ordinance for introduction is on the agenda. Recommend moving this to second reading in December. Projected utility cost information is discussed in a separate memorandum.

Hazard Mitigation Plan Update- A planning committee has been formed. The state contractor will be meeting with the planning committee perhaps before the city council meeting. Angie Guyen will be providing administrative support to the planning committee.

Emergency Operations Plan Update- A grant opportunity will be open in December. Angie Guyen will monitor this. I will assign someone to work with her on the grant application.

Police Department Shoulder Patch- In process. We have not selected a designer. A seamstress has been located. I hope to obtain a price quote for the sewing work before the end of the month.

Alaska Blanket Exercise- Myself, the museum director and several police department employees participated in this cultural awareness program on October 29. I will be recommending new Nome Police Department hires take advantage of any similar opportunities that arise in the future. I am also working with the museum director to incorporate guided tours of the museum and cultural center as part of the onboarding process for new officers.

Police Accreditation- NPD groundwork remains on track. Goal is being ready for a site visit by January 1, 2025. Public Works is waiting on a part to complete an impound yard. There are still about 50 old files that the evidence custodian is tagging for archiving. The tagging/archiving process will most likely be the final piece of the puzzle to be ready for a site visit.

Deep Draft Arctic Port- Joy Baker, Nickie Crowe and I have worked with ACOE to set up an option for the City's Local Sponsor match funds (10% of construction costs) to be released by ACOE for deposit into an interest bearing escrow account as allowed by the Project Partnership Agreement. The potential interest earnings are significant. A resolution authorizing opening the account is on the agenda.

NACTECH- An agreement to let NACTECH use an older city grader as a training unit has been completed. The grader will remain available for use by Public Works in snow or other emergencies.

Christmas Extravaganza- Cheryl Thompson and Angie Guyen have led the organization effort for Nome's annual celebration of the holiday season. The extravaganza is set for Wednesday December 4 at 5:30 pm at Old St. Joe's.



Youth Advisory Group- Marguerite La Riviere has organized a teen youth advisory group intended to promote teen use of the library. The first meeting of the group has been held with good youth participation.

MOA's My "to do" list includes formalizing some existing informal "arrangements" between the City and other community entities. The MOA's I hope to complete within the next month include:

MOA with Nome Public Schools governing responsibilities for maintenance and operation of the Nome Public Pool.

MOA with NACTECH on use of the Nome Public Pool.

MOA with the Nome Winter Sports Association for seasonal use of the ice rink and outbuildings.

MOA with Nome Animal House regarding vaccines and animal licensing.

MOA with Rural Alaska Animal Rescue regarding vaccines and animal licensing.

MOA with NVFD regarding passes for use of the Recreation Center.



Memo

To: Brooks Chandler – Interim City Manager
 From: Joy L. Baker – Project Manager/Acting Port Director *JLB*
 CC: Mayor Handeland & Common Council; Port Commission; Planning Commission
 Date: 11/21/2024
 Re: Port Admin & Projects Status Update – Nov 2024

Administration:

As Port & Harbor field activity is closed during freeze-up, it allows a more concerted focus on the myriad of issues that happen behind the scenes that are of equal importance to the success of the facility. We are presently evaluating a number of funding opportunities to support the list of development projects that are pending at any given time, and prioritizing that work through discussions with the Port Commission, City Administration and our user base.

Other elements that warrant our attention in the winter are; streamlining accounting, tightening up field data collection for billing, A/R collections, long range planning, meeting compliance requirements, budget prep, prioritizing maintenance, inventorying/replacing summer consumables, and identifying staff training for 2025. This winter, we've decided to spring clean the office before spring arrives!

At this time, we are at 50% of our projected revenue for FY2025, and only 30% of our projected expenses.

Strategic Development Plan:

PND and Corvus were in town at Old St. Joe's on 12-13 Nov 2024 for public meetings on the Port's Strategic Development Plan. The focus was to capture more input from the public, users, port commission and city/port staff on Phase B, to ensure Phase C, reflects a solid long-range plan for informing future development. Although there was not a large turn-out, the discussions were productive and wide-ranging, with the contractors gaining additional insight to fold into Phase C, a draft of which will be submitted to the Port Commission for review.

Causeway:

Arctic Deep Draft Port – Nome Modifications (Construction Bid Award):

As most know, the bid solicitation for Phase 1 of the Port of Nome Modification (PONM) Project was cancelled on 21 Oct 2024. Since that time, USACE has been working internally to determine the best path forward, and holding meetings with the City, as the non-federal sponsor (NFS). As has been conveyed to the media and public, the project itself has not been cancelled, but is rather in a bit of recalibrating, which has brought the Project Development Team (PDT) consisting of both USACE and City personnel back to the table, with designers coordinating the path forward. As this will likely result in a revised solicitation package being released in early 2025, we have no further information.

Local Service Facilities (LSF) Inspection Integration:

As stated above, the City's designers are working diligently with the USACE team, and are fully prepared to meet all schedule milestones for Phase 1A.

U.S. DOT Maritime Administration (MARAD) – Port Infrastructure Development Program (PIDP) Grant Pre-Award:

Title VI requirements are being wrapped up to comply with the remaining pre-award submittal, which will then allow the \$11.25M grant agreement to be executed. Upon signature, a project schedule will be identified to bid, award and construct the marine utilities associated with the port expansion. More to come as this moves forward...

Harbor:Inner Harbor CAP 107 Study (Deepen/Widen the Inner Basin):

The USACE has advised of a potential path forward to finish the feasibility study, with a plan recommendation that develops the west side of the Inner Harbor, more specifically expanding the turning area and approaches to the ramps, and dredging up the Snake River to accommodate the planned moorage facility. More to come on this...

Snake River Moorage Facility:

Staff continue working with the engineers on a phased approach to break the project components as follows; 1/dredging, 2/shore & uplands development, 3/purchase, ship and install floats & gangways. As this new approach comes together, draft info will be presented to the Port Commission for input. New info; the City was recently advised by USDOT RAISE grant program staff, that FY2024 applications classified as Projects of Merit that were not selected for award, have been submitted to the Secretary's desk for reconsideration, with awards announced by 13 Jan 2025. The City's application was determined a Project of Merit, and is again being considered for selection.

Port Industrial Pad:West Nome Tank Farm (WNTF) - Property Conveyance:

After multiple reviews by ADEC, state legal staff, and City attorneys, the USAF has finally provided what appears to be the what may be a final draft of the Quitclaim Deed and Environmental Covenants necessary to convey the WNTF property as passed into law in the 2014 NDAA legislation. As the last few edits come together, more info will be made available on the timing for executing these documents.

Thornbush Laydown Site Development (TBS):

In Sep 2024, the City contracted with Edge Survey to perform a topographic survey of the filled and unfilled areas at the TBS property. Bristol Engineering is reviewing the computations and drawings provided by Edge, and will be providing quantities for each layer needed to fully develop the remaining 8.5 acres of the 18-acre parcel. This additional laydown property is critically needed for staging of cargo and equipment, along with stockpiling gravel and rock, needed for the port expansion as well as routine export during seasonal port operations.

Port Rd. Improvements (ADOT Project cost-shared with City):

This state STIP project has been postponed to approximately 2030 to avoid conflicting with the heavier truck traffic during the port expansion, and to facilitate a more productive repair following the project.

FEMA DR4672 Merbok Recover Projects:Cape Nome Jetty Repair:

The most recent meeting with State/DMVA staff has indicated the Obligating Award Document (OAD) has been shared with the final approver, and should be received by the City between 22-26 Nov 2024. Bid documents for the repair work were released by the City on 7 Nov 2024, with proposals due by 3pm on 9 Jan 2025. The OAD will be executed prior to awarding any contract to perform the work during the 2025 ice-free season.

Italics reflects information with no change from last report. Additional information is available on request.