

City of Valdez

*212 Chenega Ave.
Valdez, AK 99686*



Meeting Minutes – DRAFT

Tuesday, March 5, 2024

7:00 PM

Regular Meeting

Council Chambers

City Council

REGULAR AGENDA - 7:00 PM**I. CALL TO ORDER**

Mayor Schiedt called the regular meeting of March 5, 2024 to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE**III. ROLL CALL**

Present: 6 - Mayor Sharon Scheidt
Mayor Pro Tem Alan Sorum
Council Member Todd Wegner
Council Member Jimmy Devens
Council Member Olivia Foster
Council Member Austin Love

Excused: 1 - Council Member Dennis Fleming

Also Present: City Manager John Douglas
Assistant City Manager Nathan Duval
Assistant City Manager Bart Hinkle
Deputy City Clerk Elise Sorum-Birk
Customer Service Representative Katie Carr

IV. APPROVAL OF MINUTES**1. Approval of City Council Minutes - February 20, 2024**

Council Member Love requested details be added related to Council consensus for the new projects process and the request made for a redistricting lesson learned memo from the city attorney.

The minutes were approved by consent with additions incorporated.

V. PUBLIC APPEARANCES**1. Public Appearance: Valdez Adventure Alliance**

Robin Capers, Secretary and Events Chair for VAA, shared details about the upcoming Fat Bike Bash.

2. Public Appearance: East Peak

Nate Smith and Zrinko Amerl with East Peak Resort gave a detailed presentation on their vision for a year-round resort development in Valdez and requested that the city consider a future partnership with the resort. They also invited city officials to meet with them and Eaglecrest Ski Area management to discuss the process of purchasing a gondola during the upcoming Juneau legislative fly-in.

VI. PUBLIC BUSINESS FROM THE FLOOR

Prior to opening Public Business from the Floor, Mayor Scheidt administered an oath of office to incoming law enforcement officers Benjamin VandenBerg and Andrew Reynolds.

Mathew Brunton, resident and business owner, provided comments in opposition to the proposed East Peak Resort development and highlighted the prevalence of existing backcountry recreation in the area.

VII. CONSENT AGENDA

1. Approval of Senior Citizen Hardship Property Tax Exemption for Barbara Ezell

MOTION: Love moved, seconded by Foster, to approve the consent agenda.

VOTE ON MOTION:

Yays: 6 - Scheidt, Sorum, Wegner, Devens, Foster and Love

Absent: 1 - Fleming

MOTION CARRIED.

VIII. NEW BUSINESS

1. Approval of Contract with Sturgeon Electric Company, Inc. for Providence Valdez Medical Center Level 1 EPS Generator Replacement in the amount of \$1,267,915.00

MOTION: Sorum moved, seconded by Love, to approve the Contract with Sturgeon Electric Company, Inc. in the amount of \$1,267,915.

Capital Facilities Director Nathan Duval gave an overview of the need for a new hospital generator and lead time required.

VOTE ON MOTION:

Yays: 6 - Scheidt, Sorum, Wegner, Devens, Foster and Love

Absent: 1 - Fleming

MOTION CARRIED.

2. Discussion Item: Letter to State of Alaska Officials Regarding Thompson Pass Closures and Winter Maintenance Issues

City Manager Douglas and Assistant City Manager Hinkle highlighted concerns about the increased frequency of Thompson Pass winter closures and solicited input from the Council on details and concerns to include in a letter to the state Department of Transportation and Public Facilities.

IX. ORDINANCES**1. #24-02 - Amending Chapter 10.12 of the Valdez City Code Titled Parking. Second Reading. Adoption.**

Mayor Scheidt shared that city administration had flagged a drafting error that would impact the intended effect of the ordinance and entertained a motion to amend Ordinance 24-02.

MOTION TO AMEND: Sorum moved, seconded by Foster, to amend subsection 10.12.040 (D) on page 3 to read "if the vehicle is cited the penalty for violation of 10.20.050 is \$50 and the penalty for violation of 10.20.030 is \$200.

VOTE ON MOTION TO AMEND:

Yays: 6 - Scheidt, Sorum, Wegner, Devens, Foster and Love

Absent: 1 - Fleming

MOTION CARRIED.

Deputy Clerk Sorum-Birk noted that the ordinance would return to first reading at the next regular meeting.

2. #24-04 - Amending Chapter 1.08 of the Valdez Municipal Code Titled General Penalty. Second Reading. Adoption.

MOTION: Council Member Foster moved, seconded by Council Member Love, to approve Ordinance 24-04 in second reading for adoption.

Council Member Devens and Council Member Love expressed a general desire to support snow removal efforts overall but voiced concerns about the proposed \$200 fine amount. A discussion took place relating to the efficacy and impacts of fines in general.

Council Member Foster asked for confirmation that the existing fine amount have been set in the 1980s, which she received.

MOTION TO POSTPONE: Devens moved, seconded by Love, to postpone Ordinance 24-04 to the next regular meeting.

Council Member Devens noted a desire to have Ordinance 24-04 be considered on the same schedule as Ordinance 24-02. Mayor Scheidt noted that there were no procedural issues with moving forward with this ordinance independently of the parallel legislation. Council Member Sorum voiced a desire to move ahead with voting on any proposed changes.

VOTE ON MOTION TO POSTPONE

Yays: 2 - Scheidt, Devens

Nays: 4 - Sorum, Wegner, Foster, Love

Absent: 1 - Fleming

MOTION FAILED.

MOTION TO AMEND: Love moved, seconded by Devens, to reduce the fine for snow removal from \$200 to \$80.

Council Member Love noted the \$80 amount was equal to a day's pay at minimum wage and that he believed it would be an adequate deterrent. Council Member Devens expressed support for lowering the fine amount.

VOTE ON MOTION TO AMEND:

Yays: 4 - Scheidt, Devens, Foster, Love

Nays: 2 - Sorum, Wegner

Absent: 1 - Fleming

MOTION CARRIED.

Deputy Clerk Sorum-Birk noted that the ordinance would return to first reading at the next regular meeting and confirmed that the corresponding legislation, Ordinance 24-02 would also need to be amended in tandem.

3. #24-05 - Amending Chapter 3.24 of the Valdez Municipal Code Titled Public Accommodation Tax. First Reading. Public Hearing.

MOTION: Love moved, seconded by Foster, to approve Ordinance 24-05 in first reading for public hearing.

Deputy Clerk Sorum-Birk provided an overview of the code update, reminding Council that it dealt specifically with administrative provisions surrounding the collection of the public accommodation tax, specifically the requirement that hosting platforms remit taxes and the alignment of definitions with the newly adopted Title 17.

Council Member Love expressed support for the ordinance and a desire to revisit policy choices surrounding public accommodation taxes more holistically in the future.

VOTE ON MOTION

Yays: 6 - Scheidt, Sorum, Wegner, Devens, Foster and Love

Absent: 1 - Fleming

MOTION CARRIED.

4. #24-06 - Amending Title 6 of the Valdez Municipal Code by Amending Section 6.04.010 Titled Definitions and Section 6.08.020 Titled Running at Large. First Reading. Public Hearing.

MOTION: Love moved, seconded by Foster, to approve Ordinance 24-06 in first reading for public hearing.

Deputy Clerk Sorum-Birk provided an overview of the ordinance, noting that actual maps of off leash areas would be adopted by resolution of Council after enactment of the ordinance.

Council Member Devens highlighted the need for the code update, noting the benefits of

animals being able to run freely in wilderness areas, but asked about the definition of “under control” as it related to animals harassing wildlife and suggested that a penalty might be appropriate.

Council Member Sorum noted that harassing wildlife was already addressed under state law.

Chief Animal Control Officer Mike Clupper spoke on the topic noting that it hadn’t been an issue in recent years and suggested that state criminal prosecution would be a better deterrent to wildlife harassment than a small fine.

VOTE ON MOTION:

Yays: 6 - Scheidt, Sorum, Wegner, Devens, Foster and Love

Absent: 1 - Fleming

MOTION CARRIED.

5. #24-07 - Amending Title 6 of the Valdez Municipal Code by Amending Section 6.04.010 Titled Definitions and Creating Chapter 6.14 Titled Poultry. First Reading. Public Hearing.

MOTION: Sorum moved, seconded by Wegner, to approve Ordinance 24-07 in first reading for public hearing.

An overview of the legislation was provided by Deputy Clerk Sorum-Birk.

The following residents provided public comment in opposition to Ordinance 24-07: John Engles, Regina Blood, and Jamie Winchester. Concerns highlighted in public testimony included fencing requirements, disagreement with roosters and other fowl being disallowed, use of recycled materials in building, number of hens, possible redundancies with other Title 6 provisions and questions about the ordinance’s relation to zoning districts.

Council Members Devens and Love expressed concern about the readiness of the ordinance and scope of proposed regulations. Love asked about what zoning code allowed.

Staff provided context that the zoning code update had not addressed keeping poultry required an update to Title 6 specific to and that this ordinance was intended to allow for keeping of poultry in all residential areas, rather than only rural residential areas.

Council Member Sorum suggested that additional input was needed from members of the community who kept poultry.

MOTION TO POSTPONE: Sorum moved, seconded by Love, to postpone Ordinance 24-07 to the next regular meeting to allow additional time for public input.

Deputy Clerk Sorum-Birk noted that if Council intended on extensive amendments, it might be more effective to vote the ordinance down, rather than postponing it.

VOTE ON MOTION TO POSTPONE:

Nays: 6 - Scheidt, Sorum, Wegner, Devens, Foster and Love

Absent: 1 - Fleming

MOTION FAILED.

VOTE ON MAIN MOTION:

Nays: 6 - Scheidt, Sorum, Wegner, Devens, Foster and Love

Absent: 1 - Fleming

MOTION FAILED.

6. #24-08 - Amending Chapter 6.20 of the Valdez Municipal Code Titled Rabies. Second Reading. Adoption.

MOTION: Foster moved, seconded by Sorum, to approve Ordinance 24-08 in first reading for public hearing.

Police Chief Hinkle noted that, in the event of a bite, the revision would make quarantining of an out-of-town animal mandatory if proof of rabies vaccination could not be provided. He noted that the ordinance had been drafted in response to a recent dog bite incident.

VOTE ON MOTION:

Yays: 6 - Scheidt, Sorum, Wegner, Devens, Foster and Love

Absent: 1 - Fleming

MOTION CARRIED.

X. RESOLUTIONS

1. #24-05 - Authorizing the Submission of a 2024 Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) Application for the Emergency Services Radio Repeater Upgrades Project

MOTION: Foster moved, seconded by Devens, to approve Resolution 24-05.

Assistant City Manager Duval gave a brief overview of the full emergency radio communications project, and noted that this grant was being sought to pay the police department handheld and mobile radio portion of the project.

VOTE ON MOTION:

Yays: 6 - Scheidt, Sorum, Wegner, Devens, Foster and Love

Absent: 1 - Fleming

MOTION CARRIED.

2. #24-06 - Amending the 2024 City of Valdez Budget by Increasing Providence Valdez Medical Center Reserve Fund Revenue by \$1,275,000 and Appropriating the Same for the Hospital Generator Replacement Project

MOTION: Sorum moved, seconded by Foster, to approve Resolution 24-06.

Assistant City Manager Duval noted that this was the budget transfer to fund the previously approved purchase.

VOTE ON MOTION

Yays: 6 - Scheidt, Sorum, Wegner, Devens, Foster and Love

Absent: 1 - Fleming

MOTION CARRIED.

3. #24-07 - Establishing Rates and Fees for Animal Shelter Services Provided by the Animal Control Department and Repealing Resolution #15-59 Formerly Setting Rates and Fees

MOTION: Love moved, seconded by Foster, to approve Resolution 24-07.

Police Chief Hinkle highlighted the rising cost for animal control operations and highlighted changes to the fee schedule.

Council Member Love inquired about how these fees compared to other jurisdictions and confirmed that, even after increases, fees in Valdez were still comparatively low. Love asked for and received further clarification on the thought behind the addition of out-of-town surrender fees and associated cost to the city from out-of-town dogs. Police Chief Hinkle and Chief Animal Control Officer Mike Clupper provided additional details on surrender of pets and the adoption process.

Valdez residents Shana Anderson and Cindy Butherus spoke in opposition to charging a \$20 surrender fee for out-of-town animals, citing concerns about animal well-being in the broader region outside of city limits and about a fee potentially deterring drop-offs.

Mike Clupper, in his capacity as a Valdez resident, voiced his support for the new surrender fee and opposition to Valdez tax payers having to cover costs for those bringing in animals from outside the city.

Council Member Devens voiced his belief in supporting the well-being of animals whose owners, whether from Valdez or not, had to surrender them due to financial difficulty.

MOTION TO AMEND: Devens moved, seconded by Love, to amend Resolution 24-07 by removing the \$20 surrender fee for out-of-town residents

Council Member Love, Council Member Foster and Mayor Scheidt voiced support for the amendment and concern for animal well-being in the Copper Valley.

Assistant City Manager Duval encouraged the Council to look at their goal qualifier and make decisions on service levels holistically. Animal Shelter Manager Rebecca Chase provided information on trends in shelter policies across the state and noted that people often made the intentional choice to travel to Valdez to surrender pets.

VOTE ON MOTION TO AMEND:

Yays: 4 - Scheidt, Devens, Foster and Love

Nays: 2 - Sorum and Wegner

Absent: 1 - Fleming

MOTION CARRIED.

VOTE ON MAIN MOTION AS AMENDED:

Yays: 6 - Scheidt, Sorum, Wegner, Devens, Foster and Love

Absent: 1 - Fleming

MOTION CARRIED.

XI. REPORTS

- 1. Report: Willow Park Lease Barney Meyring Park Strip**
- 2. Report: Temporary Land Use Permit 24-01 for the Valdez Adventure Alliance for An Approximately 6,000 Square Foot Portion of 1500 Valdez Glacier Road, Tract A, ASLS 79-116 owned by the City of Valdez**
- 3. City of Valdez Strategic Communications Plan Report**

Communications Director Ana Stroup provided Council with highlights from the report included in the packet, giving an overview of the six plan goals and fielding questions from Council Members on future communications efforts.

- 4. Animal Control and Animal Shelter 2023 Report**

XII. CITY MANAGER / CITY CLERK / CITY ATTORNEY / MAYOR REPORTS

- 1. City Manager Report**

City Manager Douglas asked about Council's desire for a future work session on the housing incentive program and congratulated the two incoming law enforcement officers. He also reminded the public about the upcoming Coffee with the City Manager event.

- 2. City Clerk Report**

Deputy Clerk Sorum-Birk noted that tax assessments had been sent out and informed the public about the tax appeals process. She also reminded the public about the nominating petition process for the municipal election and encouraged residents to run for local office. Sorum-Birk also asked the Council about scheduling an upcoming Board of Equalization Hearing.

3. City Attorney Report

City Attorney Jake Staser noted that the Council had received a written update and draft memorandum on redistricting. Staser gave an overview of two new orders in the escaped property litigation, adding details on the next steps in the case. He provided updated on redistricting and Alderwood cases as well.

4. City Mayor Report

Mayor Scheidt noted that she did not have a report and opened Council Business from the floor.

XIII. COUNCIL BUSINESS FROM THE FLOOR

Council Member Devens spoke about upcoming state and federal lobbying efforts and expressed a desire to have an additional meeting to review priorities and strategies prior to travel.

Council Member Love expressed appreciation for the Animal Shelter and complimented them on the report included in the packet.

Council Member Wegner noted former Mayor Lynn Crystal's passing and expressed condolences for his family.

Council Member Sorum noted that he didn't remember a time when six ordinances were on an agenda and acknowledge the work of staff in getting the ordinances ready.

XIV. ADJOURNMENT

Mayor Scheidt adjourned the meeting at 10:42 p.m.

XV. APPENDIX

1. March 2024 City Council Calendar