

City of Valdez

212 Chenega Ave.
Valdez, AK 99686



DRAFT - Meeting Minutes

10/7/2025

7:00 p.m.

**Regular Meeting
Council Chambers**

City Council

REGULAR AGENDA - 7:00 PM

I. CALL TO ORDER

Mayor Fleming called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Present: 6 - Mayor Dennis Fleming
Council Member Jimmy Devens
Council Member Olivia Foster
Council Member Joseph Lally
Council Member Joy Witte
Council Member Lester Greene

Excused: 1 - Council Member Austin Love

Also Present: - City Clerk Sheri Pierce
City Manager Nathan Duval
Deputy City Clerk Elise Sorum-Birk
City Attorney Jake Staser

IV. APPROVAL OF MINUTES

- 1. 25-0436 Approval of Minutes for Regular Council Meeting of August 5, 2025**
- 2. 25-0443 Approval of Minutes for Regular Council Meeting of August 19, 2025**
- 3. 25-0437 Approval of Minutes for Regular Council Meeting of September 16, 2025**

Minutes were approved by consent. Deputy City Clerk Sorum-Birk thanked Clerk's Department staff for assisting with typing minutes.

V. PUBLIC APPEARANCES

- 1. Public Appearance: Mat Brunton, Chugach Mountain Institute**

Mat Brunton presented on budgetary and transparency considerations for Community Service Organizations and expressed concerns with the current process and oversight.

VI. PUBLIC BUSINESS FROM THE FLOOR

Joe Prax provided his opinion on the relationship between local government and the oil industry.

VII. CONSENT AGENDA

1. **Proclamation: Recognizing Premier Alaska for their 30 years of Serving Valdez**
2. **Proclamation: Domestic Violence Awareness Month**
3. **Proclamation: Fire Prevention Week**
4. **Approval To Go Into Executive Session Re: 1) Discussion of Implications for City Revenues and Litigation Strategy Regarding Trans Alaska Pipeline System Ad Valorem Tax Issues; 2) Discussion of Ongoing Escaped Property Legal Issues; 3) Discussion of Local Regulation and Assessment of Oil Spill Prevention and Response Property; 4) Discussion of Litigation Related to Ables Employment Matters**
5. **Approval of Renewal of Retail Marijuana Store License; Coastal Cannabis Company**

MOTION: Council Member Devens moved, seconded by Council Member Lally, to approve all items on the consent agenda.

VOTE ON MOTION

Yays: 6 – Fleming, Devens, Foster, Lally, Witte and Greene

Excused: 1 - Love

MOTION CARRIED.

Rowena Palomar of Advocates for Victims of Violence spoke on the importance of advocacy services and invited the community to celebrate the Women of Distinction event.

VIII. NEW BUSINESS

1. **Appointments to Parks and Recreation Commission - Applicants: Jessica Tran, Benjamin Rush, Jillian Reiss and Sarah Jorgenson-Owen**

MOTION: Council Member Lally moved, seconded by Council Member Witte, to appoint three applicants: Jessica Tran to serve a 2-year term; Jillian Reiss and Sarah Jorgenson-Owen to each serve a 3-year term.

VOTE ON MOTION

Yays: 6 – Fleming, Devens, Foster, Lally, Witte, and Greene

Excused: 1 - Love

MOTION CARRIED

2. Approval of Permanent Fund Investment with TA Realty Core Property Fund in the amount of \$5 Million

MOTION: Council Member Lally moved, seconded by Council Member Witte, to approve Permanent Fund Investment with TA Realty Core Property Fund in the amount of \$5 Million.

Finance Director Nelson highlighted the selection process of TA realty and process for approval of new investments in the permanent fund.

VOTE ON MOTION

Yays: 6 – Fleming, Devens, Foster, Lally, Witte, and Greene

Excused: 1 - Love

MOTION CARRIED

3. Approval of Change Order with Orion Construction, Inc. for Valdez City Schools District Offices Tenant Improvements in the amount of \$138,884.51

MOTION: Council Member Witte moved, seconded by Council Member Lally, to approve the change order with Orion Construction, Inc. for Valdez City Schools district offices tenant improvements in the amount of \$138,884.51.

City Manager Duval clarified the specific alterations to the building's restrooms in the change order.

VOTE ON MOTION

Yays: 6 – Fleming, Devens, Foster, Lally, Witte, and Greene

Excused: 1 - Love

MOTION CARRIED

IX. ORDINANCES

1. #25-12 - Authorizing an Amendment to the Zoning Map to Effect a Change to Tract C-1, ASLS 79-116, Plat 2002-13 to Heavy Industrial. First Reading. Public Hearing.

MOTION: Council Member Lally moved, seconded by Council Member Greene, to approve Ordinance 25-12 in first reading.

VOTE ON MOTION

Yays: 6 – Fleming, Devens, Foster, Lally, Witte, and Greene

Excused: 1 - Love

MOTION CARRIED.

Council Member Foster asked for additional information on the need for the rezone.

Community Development Director Huber highlighted that the switch to heavy industrial would allow for continued use of the asphalt plant in compliance with zoning regulations.

Foster inquired about any environmental repercussions.

2. #25-13 - Amending Chapter 8.20 of the Valdez Municipal Code Titled Nuisances. First Reading. Public Hearing.

MOTION: Council Member Lally moved, seconded by Council Member Witte, to approve Ordinance 25-13 in first reading.

Devens inquired about amending the ordinance to strike the section related to service by email and expressed concerns about the effectiveness of email as a form of official notice.

Staff provided background information on the conversations that had led to the inclusion of email as an option for notice.

Legal implications of using email as a form public notice were discussed.

MOTION TO AMEND: Council Member Devens moved to strike the specified text. Motion failed due to lack of second.

Council Member Foster asked for clarification on the fines stricken. City Attorney Staser identified the distinction being created between administrative fines and minor offenses. Mayor Fleming shared a personal anecdote related to civil offenses.

Council Member Witte asked for and received clarification on the fine schedule.

VOTE ON MAIN MOTION

Yays: 5 – Fleming, Foster, Lally, Witte, and Greene

Nays: 1 - Devens

Excused: 1 - Love

MOTION CARRIED.

3. #25-14 - Amending Chapter 1.08 of the Valdez Municipal Code Titled General Penalty. First Reading. Public Hearing.

MOTION: Council member Lally moved, seconded by Council Member Witte, to approve Ordinance 25-14 in first reading.

VOTE ON THE MOTION:

Yays: 6 – Fleming, Devens, Foster, Lally, Witte, and Greene

Excused: 1 - Love

MOTION CARRIED.

X. RESOLUTIONS

1. #25-43 - Authorizing City Administration to Waive Late Fees and Penalties from Individual Federal Employees for City Services for the Duration of Any Federal Government “Shut-Down” Furlough Period in 2025

MOTION: Council Member Lally moved, seconded by Council Member Greene, to approve Resolution 25-43.

VOTE ON THE MOTION:

Yays: 6 – Fleming, Devens, Foster, Lally, Witte, and Greene

Excused: 1 - Love

MOTION CARRIED.

2. #25-44 - Authorizing a Temporary Access Agreement with East Peak Resort, LLC, Rydor Enterprises, LLC, Camicia Creek Landholdings, LLC, and Brandon Reese, for Access of Parcels A-1-A, A-1-B, Rydor Subdivision 2022, Parcel A-2, Tract A, Parcel B, Tract B, ASLS 79-116, and Parcel C, Rydor Subdivision 2019 Addition Across City of Valdez Property

MOTION: Council Member Witte moved, seconded by Council Member Lally, to approve Resolution 25-44

Community Development Director Huber spoke on the background of the resolution and history of access agreements.

Nate Smith of East Peak Resort answered questions about the history of accessing the property.

VOTE ON THE MOTION:

Yays: 6 – Fleming, Devens, Foster, Lally, Witte, and Greene

Excused: 1 - Love

MOTION CARRIED.

3. RES #25-45 - Accepting Public Library Assistance Grant Funds in the Amount of \$7,000 for the Valdez Consortium Library

MOTION: Council Member Devens, seconded by Council Member Lally, to approve Resolution 25-45.

VOTE ON THE MOTION:

Yays: 6 – Fleming, Devens, Foster, Lally, Witte, and Greene

Excused: 1 - Love

MOTION CARRIED.

4. RES #25-46 - Authorizing the Sale of a Surplus 2009 John Deere 3520 Tractor with Attachments

MOTION: Council Member Lally, seconded by Council Member Greene to approve Resolution 25-46.

VOTE ON THE MOTION:

Yays: 6 – Fleming, Devens, Foster, Lally, Witte, and Greene

Excused: 1 - Love

MOTION CARRIED.

5. RES #25-47 - Amending the 2025 Budget by Reallocating Previously Appropriated Funds to the Child Care Facility Design and Renovation Project

Motion Council Member Devens moved, seconded by Council Member Witte, to approve Resolution 25-47.

VOTE ON THE MOTION:

Yays: 6 – Fleming, Devens, Foster, Lally, Witte, and Greene

Excused: 1 - Love

MOTION CARRIED.

XI. REPORTS

1. Report: Issuance of Temporary Land Use Permit 25-11 to Seward Sauna, LLC for use of an Approximately 300 Square Foot Portion of ASLS 79-117 (1300 West Egan Drive) owned by the City of Valdez

2. Verbal Report: Monthly Projects Update

Acting Capital Facilities Director Scott Benda provided updates on the sewer force main project, Meals Hill grand opening, Pioneer street fixtures, civic center green

room renovation, library window replacement, senior center siding, Kelsey Dock dolphin replacement, Wellhouse 5 bid opening, scrap barge project, childcare center project, repeater project, contaminated soil removal, lift station roof replacement, animal shelter incinerator, and hospital paving.

City Manager Duval expounded on the dolphin replacement permit and tonnage hauled by the scrap barge.

Council Member Lally thanked Benda and asked about the dolphin permit and potential challenges. Duval highlighted the requirements for the infrastructure.

3. Community Development Projects Report

4. City Sponsored Events; Community Service Organization Committee Report

Council Member Devens spoke on his involvement on the committee and feedback for the program.

5. Community Service Organization Grant Program; Progress Report

Council Member Devens spoke on scheduling for the report.

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

1. City Manager Report

City Manager Duval provided updates on the Essential Air Service grant, snow lot purchase, and Pipeline Club property purchase. He asked council to send him input for future work sessions and subcommittee meetings.

2. City Clerk Report

City Clerk Pierce reminded council of the upcoming work session and city clothing order. She asked for advance notice on potential absences for upcoming budget work sessions.

3. City Attorney Report

City Attorney Staser provided updates on the Alaska Ventures LLC lawsuit and the Valdez Marine Terminal Contingency Plan. He gave an overview on increased scrutiny of the leak protection system. He also spoke on attorney fees for redistricting.

4. City Mayor Report

XIII. COUNCIL BUSINESS FROM THE FLOOR

Council Member Witte spoke praising her experience attending the city's small business conference.

Council Member Devens and Greene highlighted the upcoming community events hosted by Advocates for Victims of Violence and the Valdez Museum.

Council Member Lally congratulated Premier Alaska Tours, Advocates for Victims of Violence, and the Valdez Fire Department.

Council Member Foster reminded council about the upcoming thread Alaska summit in Anchorage.

XIV. EXECUTIVE SESSION

Council went into executive session.

XV. RETURN FROM EXECUTIVE SESSION

Council Member Devens brought the meeting back into open session and noted that the city attorney had been given direction on matters discussed.

XVI. ADJOURNMENT

Council Member Devens adjourned the meeting.