

City of Valdez

212 Chenega Ave.
Valdez, AK 99686



Meeting Minutes - Final

Tuesday, August 25, 2020

6:00 PM

Special Meeting

Council Chambers

City Council

SPECIAL MEETING AGENDA - 6:00 PM

I. CALL TO ORDER

Mayor O'Neil called the meeting to order at 6:02 p.m. in Valdez City Council Chambers.

II. ROLL CALL

Present: 7 - Mayor Jeremy O'Neil
Council Member Ron Ruff (*telephonically*)
Council Member Susan Love
Council Member Sharon Scheidt
Council Member Jimmy Devens
Council Member Dennis Fleming (*telephonically*)
Council Member Alan Sorum (*telephonically*)

Also Present: 4 - City Manager Mark Detter
City Clerk Sheri Pierce
Records Manager Shelley McMillen
City Attorney Jake Staser (*telephonically*)

III. NEW BUSINESS

1. Approval of Amendment #11 to Exceptional Use Agreement for Use of Civic Center by Alyeska Pipeline Service Company for Emergency Response or Simulation Drills

MOTION: Council Member Scheidt moved, seconded by Council Member Love, to approve a five year renewal of an exceptional use agreement with Alyeska Pipeline Service Company for use of the Valdez Civic Center for emergency response or simulation drills.

Council Member Fleming recused himself from discussion and vote on this item as he is employed by Alyeska Pipeline Service Company.

VOTE ON THE MOTION:

Yays: 6 - Mayor O'Neil, Council Member Ruff, Council Member Love, Council Member Scheidt, Council Member Devens and Council Member Sorum

Abstained: 1 - Council Member Fleming

MOTION CARRIED.

2. Approval of First Amendment to Settlement Agreement Regarding the Assessment of the Trans-Alaska Pipeline System (TAPS)

MOTION: Council Member Scheidt moved, seconded by Council Member Devens, to approve first amendment to settlement agreement regarding assessment of TAPS.

Council Member Fleming recused himself from discussion and vote on this item

as he is employed by Alyeska Pipeline Service Company.

Council Member Scheidt expressed her appreciation for all those who worked on this agreement. Mayor O'Neil thanked the other municipalities, legal teams, and TAPS owners involved in the process leading up to this point. Council Member Love stated she appreciated the stable financial position the city would be in following this agreement.

VOTE ON THE MOTION:

Yays: 6 - Mayor O'Neil, Council Member Ruff, Council Member Love, Council Member Scheidt, Council Member Devens and Council Member Sorum

Abstained: 1 - Council Member Fleming

MOTION CARRIED.

IV. RESOLUTIONS

1. #20-47 - Opposing Issuance of Permit by Department of Natural Resources for Helicopter Operation Project LAS 33373

MAIN MOTION: Council Member Sorum moved, seconded by Council Member Love to approve Resolution # 20-47.

MOTION TO POSTPONE: Council Member Devens moved, seconded by Council Member Sorum, to postpone Resolution #20-47 to the next regular Council meeting of September 1, 2020.

Mr. Detter gave a summarized background on the resolution and explained the reasons behind the rushed timeframe. The permit process for this type of application was unique. The applicant previously approached the city for an explanation of the municipal conditional use permitting process for a hostel or lodge on their property. Additionally, the tract of land which was proposed for use for the helicopter operation is on state property within an unclassified area under city zoning code. Therefore, the helicopter portion of the project must go through the permitting process at the state level instead of the city level.

Mr. Detter explained the Alaska Department of Natural Resources (DNR) provided his office notice of the state level permit application the previous week. The residents of the neighborhood concurrently approached city staff and Council with strong objections to the proposed use of the land.

Council Member Sorum stated the Council needed to act within the DNR timeframe given. Mr. Detter added staff would prefer to look at the development project holistically, to include both the lodge and the helicopter operation. However, the focus must be on the state portion of the process based upon the short DNR permit timeline.

Ms. Candice Snow, representative from DNR, provided a synopsis of the DNR process for this style of permit application. She explained the public notice process is 14 days in length but could be extended at the request of the city to the state adjudicator. Ms. Snow explained she attempted to send out public

notices to all adjacent land owners in both subdivisions. Additionally, her office posted notices at the post office, on the DNR website, and to the Valdez city manager. There is a concurrent agency notification process for this type of permit for state and federal agencies. Ms. Snow stated she is open to including additional parties within their standard notification process.

Mayor O'Neil explained the reason for scheduling the Council special meeting was to decide if action needed to be taken prior to the public comment deadline the following day. He invited the permit applicant, Mr. Joseph Wolf, dba Alaska Backcountry Guides, LLC, to provide comment.

Mr. Wolf thanked Council for the opportunity to speak. He stated he wanted to ensure the community understood he was attempting to be forthcoming and transparent about his plans. He stated the city planning department confirmed for him the area behind his property was state land. He explained he always intended to make adjustments to his project based upon feedback received during the state's public comment process.

Mr. Wolf explained he observed two main sources of concern by community members which he believes he can address: the year-round nature of the helicopter landing pad which could disturb wildlife and the spill risk associated with fuel storage. He stated he never intended to land on the helicopter pad year-round, only designating it that way to avoid moving equipment on and off the land each year. He stated he is willing to cease that type of operation after May 1st to ensure local wildlife remained undisturbed during spring time. He said he will designate specific flight paths for use by his pilots to avoid neighbors and wildlife and commit to only a certain amount of landings and take-offs per day to avoid excess noise.

Mr. Wolf said he would be removing his request to store fuel on the property entirely. He explained he was confident he could run a safe operation and avoid spills. However, he stated if fuel storage was a concern of the community he was willing to make that change. He stated he did not see an issue with the helicopter pad being in place during winter months as it was already an allowable use for state land and the Richardson Highway is already a regular flight path for pipeline and surveillance work. He added another heli-ski operator lands their aircraft down the road on the opposite side of the Robe Lake subdivision during the exact same time of year for the exact same purpose. Mr. Wolf stated he believes he can operate a responsible business which will bring financial investment, tourism, and additional tax revenue for the community. He explained he hoped he would work with the community for the benefit of all.

Ms. Snow confirmed the changes offered by Mr. Wolf would be considered an amendment to his current application and not necessarily restart the application process. She stated she can work with Mr. Wolf, make adjustments to his application, and then resend out for additional public comment. Mr. Wolf stated he would be more than happy to work with Ms. Snow to address the community's concerns specifically related to fuel storage. Ms. Snow also explained the city manager has the authority to ask for an extension of the comment period. Mr. Wolf's attorney clarified the original application would not be withdrawn. It would simply be amended instead.

Council Member Devens thanked Mr. Wolf for his willingness to work with the concerns of the community and residents of the neighborhood. Mr. Wolf stated

he was committed to amending his application to take those concerns into consideration. His operational timeframe would be mid-February through May 1st. He said he was willing to explore timeframe accommodations related to the local swan's migration patterns. Several Council members expressed their appreciation for both Mr. Wolf's proposed new business development venture and community members being engaged in the public feedback process.

Council Member Scheidt asked Ms. Pierce what Council's options to move forward were at that point. Ms. Pierce stated Council had the option to postpone the motion to the next Council meeting. The item could then be postponed until the application amendment presented to DNR was sent out again for public comment. She explained Council could also choose to vote on the motion tonight. Discussion followed on whether or not to postpone voting on the motion to the next Regular Council Meeting.

Council Member Devens asked for verification if the public comment period was being extended. Ms. Snow explained the current public notice period would close on schedule. Once she had received the amendments from Mr. Wolf, she would open a second public notice period. In response to Mayor O'Neil's query, Ms. Snow verified City Council would not be prejudicing their ability to contribute to the second public comment period by postponing voting on the motion.

Valdez resident Maureen Radotich presented her concerns on the issuance of the DNR permit from her standpoint as homeowner on a property neighboring the proposed land for Mr. Wolf's business. Her concerns included zoning, the ability of the road to withstand commercial traffic, close proximity to neighboring rural residential properties, and noise disturbances from aircraft.

Valdez resident Joshua Swierk explained his helicopter business, which operated in close proximity to the location of the proposed DNR permit, was situated on land zoned commercial on Robe Lake. He stated he owned both residential commercial and waterfront commercial properties near the State of Alaska's airport on Robe Lake. Mr. Swierk stated although he has flown helicopters out of the area, it was a different location. He stated the property covered under the permit was zoned residential and he did not feel it would be an appropriate place for this business. Mr. Swierk also expressed concern about possible sluffing in the winter and the ability to meet FAA Regulations from the proposed location.

Valdez Resident Tabatha Swierk expressed her concern over the property being zoned for residential and for the road's ability to handle commercial traffic.

Mayor O'Neil reiterated Council was looking at postponing their vote on the Motion.

Council Member Fleming asked the city manager to work with Mr. Wolf to possibly resolve the situation by looking at alternative locations for Mr. Wolf's business. Mr. Detter said he would reach out to Mr. Wolf to discuss.

VOTE ON THE MOTION TO POSTPONE:

Yays: 7 - Mayor O'Neil, Council Member Ruff, Council Member Love, Council Member Scheidt, Council Member Devens, Council Member Fleming and Council Member Sorum

MOTION TO POSTPONE CARRIED.

V. ADJOURNMENT

There being no further business, Mayor O'Neil adjourned the meeting at 6:59 p.m.