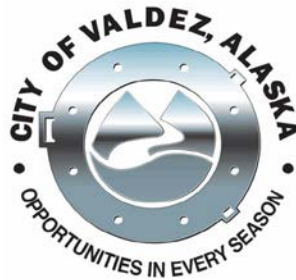


City of Valdez

212 Chenega Ave.
Valdez, AK 99686



Meeting Minutes – Final

Wednesday, October 10, 2018

7:00 PM

Regular Meeting

Council Chambers

Planning and Zoning Commission

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

Chair Gondek called the meeting to order at 7:00 p.m. in Valdez City Council Chambers.

II. ROLL CALL

Present: 7 – Chair Gondek
Commissioner Haase
Commissioner Reese
Commissioner Blehm
Commissioner Uren
Commissioner Kipar
Commissioner Wade

III. PUBLIC BUSINESS FROM THE FLOOR

Mr. Allen Minish, Valdez resident and owner of Wrangell Mountain Technical Services, said he submitted two plats to the Community Development Department on June 4, 2018, and August 15, 2018, neither of which had come before the Commission. He said the delay was due to the Department requesting information that was not required for a preliminary plat. Mr. Minish said he even requested that the Alpine Woods plat be presented to the Commission, and was refused. He said he thought the issue was that the Department was asking for things that were not based in municipal code. He said they were now requesting an asbuilt drawing as part of a replat application. He said that when the Department asked for additional information, that was reflected in increased costs to the applicant. He asked that the Planning and Zoning Commission force the Community Development Department to bring the plat applications forward for review.

Mr. Minish said the other issue he was having was regarding the septic system permitting process. He said these changes had resulted in additional costs to customers. He said the septic system permitting process should be put in code, so the Department could not change requirements.

Chair Gondek asked if anyone else from the public wanted to speak.

Mr. Robert Brown, Valdez resident and representative from Zastrow Enterprises, said he was one of the subdivision applicants Mr. Minish had referred to. He said they had applied to get a lot line reinstated. He said that due to an aerial photograph from GIS which caused staff to doubt the setbacks, they were required to submit an asbuilt to show that no structures or materials were encroaching on their lot line or overhanging on City property. He said that even though they had made it clear their project was time sensitive, due to wanting to pour a foundation for a new single-family home prior to winter, their application had been delayed. Mr. Brown said the asbuilt cost Zastrow Enterprises \$1,500.00. Mr. Brown said he was asking the Commission to have the Community Development Department bring his subdivision application forward.

Mr. Ken Deaton, Valdez resident and Project Manager for Harris Sand and Gravel, spoke and said he had been manager for the Herman Hutchins Elementary School

upgrades. He said they were given the intent to award, knowing it would go to City Council for final approval. He said they applied for all the necessary permits, but they received a phone call from Community Development saying they couldn't proceed further with permitting because Harris hadn't submitted a hard copy of the plans. He said the plans were available through the City Website, but that Harris had to provide a hard copy before the permitting could continue. He said they started their project without a building permit due to the delays. He emphasized that he thought there needed to be better communication between Capital Facilities and Community Development.

Mr. Peter Mayer, Valdez resident and recent subdivision applicant, spoke and said he was asking to have their lot subdivided. He said the Community Development Department had asked for a site sketch. He said they did not know what they were planning to put on the other lot once it was subdivided, and all they were asking for at that time was to have their lot subdivided.

Ms. Julie Lindeman, Valdez resident, spoke and said she was working with her son on permitting for his new single-family dwelling. She said she had submitted all the documents with their application. She said she used to work for Valdez Construction, which was in the business of septic system installation. She said she took the approved homeowner installers course through Alaska Department of Environmental Conservation. She said she submitted her septic plans to Community Development on August 8th. She said she called that she called to follow up numerous times to see where the review was at and on August 22, 2018 she received her septic permit without any problems, with the only delay caused by the accidental omission of documentation submitted to the contracted engineers by City employees. Ms. Lindeman said she had a few conversations, and found out some things about the permit review process at Community Development. She said the department's mission statement should be in their name, but it was not reflected in their action. She said it was difficult to obtain the required building permits. She said she had learned that the review was not in tandem, and that permit applications went consecutively to the different phases. She said the building plans she submitted were not even reviewed until the department had reviewed and issued the permit for the septic system. Ms. Lindeman said she felt this was a broken and inefficient process, in light of a short building season, an in tandem review system must be developed to ensure taxpayers were being provided with a process that supported their interests. Ms. Lindeman said she contacted Spenard Builders, and they had said Valdez was the worst community for them to work with. She said they had to jump through many hoops when constructing a packaged home. She said she had heard that three people had cancelled their packages from Spenard Builders.

Ms. Lindeman said she received a phone call from Community Development saying that the house would need to be engineered and have a shear assessment. She said she found an engineer out of Fairbanks who reviewed the drawings she had submitted and said there was no reason for them to be engineered. She said the engineer she had hired even spoke with the Building Inspector who said there was no reason for them to engineer the plans, but the Department insisted. She said the engineer took the plans she submitted and stamped them. Ms. Lindeman said she felt something needed to be done to help people build in this town.

Mr. Mike Congel, Valdez resident, said he had been installing septic systems in the community for a long time. He referenced a septic system applied for by Valdez resident, Mr. Todd Wegner, and said permitting had still not been completed. He said delays were not a good thing for anyone in the community, and said he hoped the Department's issues were straightened out.

Chair Gondek asked if anyone else was interested in addressing the Commission.

Ms. Allie Ferko, Deputy City Clerk, addressed the Commission and the audience. She said she worked for the City's Clerk's office and she said their mission was to be a conduit between staff, commissions, and Council. She said she wanted to clarify what the Planning Commission had the power to enact, and what they did not. She said the first thing she had heard discussed was an ordinance change. She explained that ordinance is law, and was set by City Council. She said the Planning and Zoning Commission had the authority to recommend code changes to City Council. Ms. Ferko clarified that if the problems discussed had to do with internal policies and procedures, or staff performance, those issues were more appropriately handled through the department's chain of leadership. For example, she said, if someone had an issue with how they were treated by a staff member, and couldn't get resolution of the issue with the Department director, the next step would be to go to the City Manager. She said she was unsure if that process had happened. Mr. Minish confirmed it had. Ms. Ferko said that if that process had not helped, then the City Clerk's office was there to assist the public. Ms. Ferko explained that the Commission couldn't place human resources complaints against staff, and that those concerns would have to go through the City Manager. She said that if no resolution occurred with that action, the next step was to go to the City Manager's boss, City Council. She said she wanted to help everyone understand what they had the power to control, and how the different options work if there was an issue. Ms. Ferko added that hearsay about the Department, or specific individuals, was not appropriate at a public meeting. She said that before Ms. Rochelle Rollenhagen, Community Development Director, had her comments, she was going to get everyone's name and phone number, and provide them with a business card, so they could reach out to her to work on a solution.

Commissioner Wade added that unfortunately she had had the same experiences with the Department as the members of the public that spoke. She said she had applied for a permit for a project earlier that spring, and had not heard feedback unless she followed up. Commissioner Wade said that if they needed to schedule a meeting with City Manager to discuss this, or City Council, they should do it. She said she had thought her negative permitting experience was just with her project, but said she could see now there was an issue with the Department overall.

Ms. Ferko clarified that the Clerk's Office did not work for the City Manager, and that they worked directly for City Council. She offered her assistance to facilitate conversations from an unbiased perspective.

Commissioner Blehm said he had some comments, but he was concerned that some members of the public would leave the meeting before Commission Business from the Floor.

Ms. Ferko said it would be a more appropriate time for his comments, and added that they needed to be careful not to talk about specific people, whether it be a member of the public, or staff, and instead to focus on processes.

Ms. Rochelle Rollenhagen, Community Development Director said she appreciated everyone attending and voicing their concerns. She said that she could speak to every one of the concerns raised, but that it was public comment and it would not be the appropriate time to do so. She suggested that they bring an agenda item forward to discuss what staff was doing in the Department.

Commissioner Wade replied it could be a start. Chair Gondek agreed. Ms. Rollenhagen said she was also concerned, and a discussion item on the agenda would be a good way to start.

Ms. Ferko addressed the Chair and asked if she could make a recommendation. Chair Gondek replied she could.

Ms. Ferko recommended scheduling a new business item, on a particular area like permitting process, zoning reviews, or platting process. She said this would give staff the opportunity to explain their reasoning behind their process and describe if it was based in ordinance or policy and procedure.

Mr. Brown asked who made the decision to change policies or procedures in the department. He said spoke with the Department and they said they no longer issued foundation only permits. He said the State Fire Marshall allowed foundation only permits. He asked if this was the kind of issue you brought to the Planning and Zoning Commission.

Ms. Ferko replied that this type of concern should be brought to the department head first, then the City Manager if there was no resolution with the director. She added that she did not know the specifics of the policy referenced, but that there may be a good reason supporting it.

Mr. Minish said the general provisions of the platting code, 16.04.070 Appeals, stated that any person may file an appeal on the decision of the director within thirty days of receipt of that decision. He said he was filing his appeal regarding both of his platting applications.

Ms. Ferko clarified that he was not following the correct process to bring an appeal forward. She said she would give Mr. Minish her business card and they could discuss the appeal process. She reiterated that the Clerk's office was available to help.

IV. NEW BUSINESS

1. Approval of Recommendation to City Council to Authorize Lease with IN Properties, LLC for a 3,720 Square Foot Portion of Lot 2, Block 2, Mineral Creek Subdivision (Barney Meyring Park Strip) Adjacent to Lot 12, Block 15, Mineral Creek Subdivision

MOTION: Commissioner Haase moved, seconded by Commissioner Kipar to approve a recommendation to City Council to authorize a lease with IN Properties, LLC for a 3,720 square foot portion of Lot 2, Block 2, Mineral Creek Subdivision (Barney Meyring Park Strip) adjacent to Lot 12, Block 15, Mineral Creek Subdivision. The motion carried by the following vote after the following discussion occurred.

Chair Gondek invited discussion on the item.

Commissioner Kipar said he thought the area had been leased for parking for years, and that it was more or less a name change because someone else purchased the associated property. Ms. Nicole LeRoy, Planning Technician, replied this was correct. She added that because the lease was outdated and had already been assigned several times, the City Attorney had recommended that

the department pursue a new lease agreement, rather than assign the lease again. She stated that the use was remaining the same, it was the leasehold interest and the term that were being renewed as a result of change of ownership over the associated Cottonwood Manor apartment complex.

Commissioner Kipar clarified that they did not have enough parking on Alatna Street where the complex was located, resulting in cars parking on the street and that this lease was a solution to that issue. Ms. LeRoy replied in the affirmative. Commissioner Blehm asked if the Cottonwood Manor remodel included paving for the parking lease. He asked if there were buried utilities under the lease. He also noted that he was missing some of the attached documents and unable to view them on his Ipad. Ms. LeRoy thanked Commissioner Blehm for bringing the missing documents to staff's attention. Ms. Rollenhagen replied they would communicate with IT about the technical issue.

Commissioner Blehm said it was important that space number 15 on the parking site plan did not encroach onto the cul-de-sac. He said he would like to see the Fire Department weigh in on issues like that and added he appreciated that Mr. Rob Comstock, Public Works Director, and Ms. Marcie Robertson, Interim Parks and Recreation Director, had commented on the application. Commissioner Blehm added he was in favor of approving the item.

Ms. LeRoy addressed Commissioner Blehm's paving question, and stated there were utilities buried under the lease area. Ms. LeRoy said paving was a condition of the prior lease because at the time the department was unaware of the utilities as they had be placed outside an easement. She said it was a good thing they never met that condition and added that after staff was made aware of the utilities, the lease was amended to require compacted gravel instead. She said staff recommended compacted gravel going forward because of the concern that loose gravel would spread to the adjacent parkstrip and negatively impact lawn services.

Commissioner Blehm asked if IN Properties, LLC would be pushing snow into the street, or if they had snow storage in conjunction with their lease area. Ms. LeRoy replied that she could not speak to the snow storage at the site. Commissioners Wade and Uren had nothing to add and there was no further public or staff comment.

VOTE ON THE MOTION:

Yays: 7 – Commissioner Gondek, Commissioner Haase, Commissioner Reese, Commissioner Blehm, Commissioner Uren, Commissioner Wade, and Commissioner Kipar

V. COMMISSION BUSINESS FROM THE FLOOR

Commissioner Haase announced he would be unavailable for the October 24, 2018 meeting.

Commissioner Reese wanted to address some of the public's concerns regarding the performance of the Community Development Department. He said the City's reputation throughout the State was at stake. He said he felt he was wasting his time attending meetings if they were not going to productively address issues and follow up on Commission goals. He said that if everyone was complaining about one department, it was the department at fault.

Commissioner Uren said he felt the Department's processes seemed a bit lengthy, and he could understand why the masses were fed up. He said the City had good people, and he agreed it was important to enforce high standards for homes and businesses. He said he did not want to see detractor from this common goal, and that there were good people on both the regulatory and development side. He said he would also not be able to attend the October 24, 2018 Planning and Zoning meeting.

Commissioner Wade said she agreed with all the public's concerns, as well as the other commissioners. She emphasized the need for fast action and follow up on the discussion and wanted to avoid kicking the problem down the road. Ms. Ferko said they could have a work session, and invite other City departments as they were related to the process.

Commissioner Wade added that at the most recent Council meeting, there was discussion of the City charging more for certain leases that were especially lucrative lessees. Commissioner Wade said she was against taxing success. Ms. Ferko clarified that the determination of fair market value, and that the lessee is required to pay cost of appraisal for determining fair rental value discussed at the Council meeting Commissioner Wade was referencing, were both required by municipal code. She explained a change in that practice would require a code change. Commissioner Wade said it was her understanding that the practice wasn't previously enforced, but now it was being enforced. Ms. Ferko said if it was in ordinance, it was law, and that individual contract or lease language could not trump ordinance. Ms. Ferko said staff had identified an issue in that case, and that as leases came up for renewal, then the requirement to pay for appraisal would be updated. She said that if the laws did not reflect what the public and the decision makers wanted, they could be changed.

Commissioner Wade said she felt that the City should not punish, successful, responsible tenants with increased costs.

Ms. Ferko stated the City needed to treat everyone fairly and follow code. She reiterated that if the Planning Commission wanted to recommend an ordinance change, they had the authority to do so.

Commissioner Wade asked if the City had been getting any feedback from lessees. Ms. Ferko replied that the Clerk's office had not, but that didn't mean the public wasn't talking to other departments. She clarified that as a body, either two members or the Commission chair could request something to be on the agenda and it could be discussed. Commissioner Wade reiterated she felt the City shouldn't punish people for being successful. Commissioner Blehm said in defense of the Community Development department, that there had been a great deal of staff turnover over the past year. Commissioner Blehm went on to address a specific vendor that was mentioned during Public Business from the Floor. Ms. Ferko said he couldn't speak regarding a specific vendor, per Robert's Rules of Order.

Commissioner Blehm shifted discussion and said he would like to see a master calendar for Community Development that showed a timeline for projects. He added that he would also be unable to attend the October 24, 2018 Planning and Zoning meeting.

Commissioner Kipar said the Commission had had Airport Industrial Subdivision utilities development on their goals list for several years. He said he did not want to lose sight of the Commission's old priorities. He said he felt the Commission could

make a difference by demanding the sewer extension into Robe River and Corbin Creek Subdivisions as well. Commissioner Kipar said that overall, he felt the City and Community Development was suffering from a lack of business-oriented thinking.

Commissioner Uren agreed that the suggested sewer and water extensions were important so that more people did not have to apply for septic systems.

Commissioner Uren said he felt the Commission was relatively powerless.

Ms. Ferko said she respectfully disagreed with Commissioner Uren's assertion that the Commission did not have power. She said in the past, there were reports sent directly from the Planning Commission to City Council. She said they could send action items and recommendations to Council. She said this hadn't been recent practice, partly due to staff turnover. She said that if the Commission worked with the Economic Diversification Commission, especially at budget time, they could have an influence over the capital improvements list and Council priorities.

Commissioner Kipar added that he recently got an email regarding brownfield grants. He said he was interested in the city applying for some brownfield grants to clean up contaminated city property.

Ms. Rollenhagen agreed there were a lot of areas that could use clean up with brownfield grant funding. Commissioner Kipar speculated that there was lead contamination by the old skeet shoot range, and that it seemed like the right time of year to apply for grant funds. Ms. Rollenhagen replied she could look into brownfield grant applications.

Chair Gondek thanked everyone for their time and patience. He reminded everyone of the upcoming parliamentary procedures training on October 15, 2018 and recommended that the commissioners attend. He asked that the Department keep the Commission updated on the status of meeting cancellations. He said he appreciated Commissioner Wade's concerns regarding the lease discussion. He said he hoped to first get the 2018 Commission Goals and Priorities brought forward, along with a work session on process. He reiterated that it would be good to see where the Commission and Department were at. Chair Gondek asked if there was anything else from staff.

Ms. Rollenhagen gave an update on code enforcement. She said the FTE position approved by City Council would not be in the Community Development office, but rather through the Police Department and that the new hire would not be starting until December 31, 2018.

VI. ADJOURNMENT

There being no further business, Chair Gondek adjourned the meeting at 8:14 p.m.