

City of Valdez

212 Chenega Ave.
Valdez, AK 99686



Meeting Minutes - Final
Wednesday, April 8th, 2020

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. This meeting was held telephonically due to Covid 19 and Chair Gondek overviewed the protocol for conducting the phone meeting.

II. ROLL CALL

Present: 5

Commission Chair Jess Gondek
Commissioner Don Haase
Commissioner Steve Goudreau
Commissioner Rhonda Wade
Commissioner Harold Blehm

Also Present: 3

Planning Director, Kate Huber
Planning Technician, Nicole LeRoy
Administrative Assistant, Debbie Roberts
City Clerk, Sheri Pierce

Excused: 2

Commissioner Roger Kipar
Commissioner Brandon Reese

III. APPROVAL OF MINUTES**1. Planning and Zoning Commission Regular Meeting Minutes of January 22, 2020**

MOTION: Commissioner Haase moved, seconded by Commissioner Goudreau, to approve the Planning and Zoning Commission Regular Meeting Minutes of January 22, 2020. The motion carried by the following vote after the following discussion occurred.

There was no discussion on the first set of meeting minutes, no commissioners had any comments.

VOTE ON THE MOTION:

YAYS: 5 Chair Gondek, Commissioner Haase, Commissioner Goudreau,
Commissioner Wade, Commissioner Blehm

Excused: 2 Commissioner Kipar, Commissioner Reese

2. Planning and Zoning Commission Regular Meeting Minutes of February 26, 2020

MOTION: Commissioner Haase moved, seconded by Commissioner Goudreau, to approve the Planning and Zoning Commission Regular Meeting Minutes of February 26, 2020. The motion carried by the following vote after the following discussion occurred.

Commissioner Blehm had one correction on page 7. Staff agreed to make the change before publishing the minutes.

VOTE ON THE MOTION:

YAYS: 5 Chair Gondek, Commissioner Haase, Commissioner Goudreau, Commissioner Wade, Commissioner Blehm

Excused: 2 Commissioner Kipar, Commissioner Reese

IV. PUBLIC BUSINESS FROM THE FLOOR

There was no public business from the floor.

V. NEW BUSINESS

1. Approval of Amended Planning & Zoning Commission Procedures

MOTION: Commissioner Haase moved, seconded by Commissioner Goudreau to amend the Planning & Zoning Commission Procedures after discussion. The motion carried by the following vote after the following discussion occurred.

Commissioner Haase commented that he felt the changes were well written and he supported them. He noted that his initial suggestion was just to make it easier to have the public hearing and the decision at the same meeting if it could be managed, but he said he was in favor of the changed proposed to authorize the public hearing and decision at the same meeting.

Commissioner Goudreau asked if the Commission needed to hold two meetings a month, as was stated in the procedures. Ms. Sheri Pierce, City Clerk, clarified that it was required by code.

Commissioner Goudreau asked for clarification on another section of the procedures which allowed for a commission member to mark another commissioner's comments as improper. Ms. Pierce explained that the section was intended to give the body a way to shut down comments if another commissioner makes inappropriate remarks that are personal, or a commissioner is bullying another member.

Commissioner Goudreau found a typo in section three that referenced back to a section that was missing. Ms. Pierce looked for the section he was referring to, and confirmed a correction needed to be made which she would take care of. Commissioner Wade asked if the redlines in the presented document represented proposed changes. Ms. Pierce said they did.

Ms. Pierce clarified that under the previous commission procedures, a public hearing agenda item, and the decision to vote on approval of that item, could not be held at the same meeting, unless the Commission had voted to accomplish that at the previous regularly scheduled meeting. Ms. Pierce clarified that the change proposed would allow the public hearing and the decision vote to occur at the same meeting. She emphasized, however, that if the Commission needed additional information regarding questions that had come up as part of the public hearing, it was prudent that the Commissioners voted to postpone a vote on the decision item to allow staff time to complete necessary research, and come

back with more information. She said the change was not intended to circumvent due public process, and in the event that more information was needed, it was important for the Commission to postpone a decision.

Commissioner Blehm asked if work sessions were convened in the same manner as a public meeting. Ms. Pierce clarified that a work session requires that a quorum be present for the entire work session, and that Robert's Rules of Order did apply. She added that public notice on the topic of the work session was required. She said the discussion could only consist of what had been advertised publically.

Commissioner Blehm asked if quorum restrictions applied to training sessions. Ms. Pierce said trainings would not be organized formally as a work session, and would not require a quorum. Commissioner Blehm asked about public participation protocol during remote meetings. Ms. Pierce replied that State statute required reasonable public participation opportunity, and that they were encouraging the public to submit their comments via email due to Covid 19. She clarified they were in compliance with the requirements, since the meeting room was not locked, and all the agenda and audio materials were available for public access online. She said she would be meeting with other Alaskan municipal clerks later that week to discuss telephonic public participation options.

Ms. Kate Huber, Planning Director, thanked Ms. Pierce for her support in editing the Commission Procedures. Ms. Huber asked Ms. Pierce if the changes that had been discussed needed a formal amendment, or if they were clerical. Ms. Pierce said they were clerical changes and did not need a formal amendment.

There being no further discussion, Chair Gondek invited a vote on the motion.

VOTE ON THE MOTION:

YAYS: 5 Chair Gondek, Commissioner Haase, Commissioner Goudreau,
 Commissioner Wade, Commissioner Blehm

Excused:2 Commissioner Kipar, Commissioner Reese

2. Approval of a Recommendation to City Council to Authorize a Lease with Terminal Radio, Incorporated (KCHU) for Parcel D1, USS 439 and Parcel D2, ATS 10

MOTION: Commissioner Blehm moved, seconded by Commissioner Haase, to approve a recommendation to City Council to authorize a lease with Terminal Radio, Incorporated (KCHU) for Parcel D1, USS 439 and Parcel D2, ATS 10. The motion carried by the following vote after the following discussion occurred.

Commissioner Blehm commented in support of approval. Commissioner Haase asked if the City had looked into moving the location of the radio tower, to find out if that would be cheaper than the work that had been done on Glacier Stream to avoid erosion of the tower. Ms. Huber said she was not familiar with the specific reasons as to why the tower needed to be located there but said moving the tower was explored when the City, and that she could come back with more research if the Commission wanted it.

Commissioners Wade and Goudreau had no comments.

Ms. Sue Bergstrom, representative from KCHU, said the reason it was

impractical to move the tower was due to its height. She said there were only so many locations where it was legal to put a tower of that size. She added that KCHU was also unable to afford the cost of moving the tower.

There being no further business, Chair Gondek invited a vote on the motion.

VOTE ON THE MOTION:

YAYS: 5 Chair Gondek, Commissioner Haase, Commissioner Goudreau,
Commissioner Wade, Commissioner Blehm

Excused:2 Commissioner Kipar, Commissioner Reese

3. Approval of Temporary Land Use Permit #20-02 for Fat Mermaid Restaurant for 600 Square Feet of Public Right-of-Way Immediately Adjacent to Lot 1A, Block 39A, Harbor Subdivision

MOTION: Commissioner Wade moved, seconded by Commissioner Goudreau, to approve temporary land use permit #20-02 for Fat Mermaid Restaurant for 600 square feet of public right-of-way immediately adjacent to Lot 1A, Block 39A, Harbor Subdivision with conditions. The motion carried by the following vote after the following discussion occurred.

Commissioner Wade was in favor of approval. Commissioner Goudreau asked this was the first year Ms. Ables had applied for a permit of this type. Ms. Huber clarified this was not the first time she had applied, and said that the way the code was written, Ms. Ables would be required to reapply every year if she wanted to use the area.

Commissioner Goudreau noted that the application stated they were going to maintain 52" of unobstructed sidewalk, and ADA requirements only required 36". He said he was in support of approval.

Commissioners Haase and Blehm had nothing to add. There being no further discussion, Chair Gondek invited a vote on the motion.

VOTE ON THE MOTION:

YAYS: 5 Chair Gondek, Commissioner Haase, Commissioner Goudreau,
Commissioner Wade, Commissioner Blehm

Excused:2 Commissioner Kipar, Commissioner Reese

4. Discussion: The Future of City of Valdez Parcels in Airport Industrial Subdivision

Chair Gondek invited discussion on the item. Ms. Huber said she felt it was regrettable that the discussion had to happen during a telephonic meeting.

She said the purpose of the conversation was to get the Commissioner's comments regarding development and future plans for Airport Industrial Subdivision (AIS), in order to provide those comments to City Council when they had the same discussion with them regarding AIS development. She said the discussion was necessary because the City had received three applications for use of a city owned parcel, 596 Hobart Street. Ms. Huber noted that although a conditional use permit was recently granted, and a conditional use permit did not give preference to the parcel. Either a lease or a land sale needed to be

granted. She said two other applicants had submitted applications and that staff could not bring forward conflicting applications for the same parcel on the same agenda. Ms. Huber said she had discussed this conflict with the Clerk's office and the City Attorney who suggested a Commission and Council discussion on how they would like staff to move forward.

Ms. Huber said the AIS subdivision was zoned heavy industrial, and referenced a map in the Commissioner's packet marking the privately owned, and City owned parcels. She said rezoning and subdivision had been discussed in years past, but none of those plans had moved forward.

Ms. Huber went on to describe a timeline of the history of the area, including previous attempts to put City parcels up for sale, as well as abatement action that had been taken on private properties. In 2014, Council removed the parcels from sale, deciding that re-subdivision into smaller parcels would make them more marketable, along with the potential for sewer and water development. In 2015, Council considered approval of sewer and water extension in the area, but ultimately decided not to fund. In 2015, Community and Economic Development staff proposed a rezone and re-subdivision of the area to a new residential zoning district with an emphasis on storage of planes, boats, and RVs. It was made clear at that time, that a redevelopment was not feasible without the extension of city utilities to the area.

Ms. Huber said that as the commissioners were aware, utilities expansion had not been cited as a capital improvement priority in the last few years. Ms. Huber clarified that if the Commission and Council was interested in looking at rezoning the area, that would be most appropriate as part of the Comprehensive Plan revision. She noted that if changes to the zoning were considered, a new area for heavy industrial development would need to be identified.

Ms. Huber said the short term goal of the discussion was to identify whether or not the City wanted to lease or sell 596 Hobart Street, but also invited the Commissioners to discuss any other ideas relating to development of the subdivision.

Ms. Huber suggested that the Commission could recommend the parcel be made available for lease, either short term or long term, or they could recommend the parcel be up for bid for sale to make it available to all interested parcel. She added that a negotiated sale was also an option, but that the negotiated sale was required to be determined to be in the public's best interest. She said another possible recommendation could be to wait until the Comprehensive Plan and potentially rezone and subdivide the area.

Ms. Pierce said the City Attorney worked with Ms. Huber on the competing applications. She said it would be very difficult to do a negotiated sale with two interested parties, and explained it was their recommendation that if the parcel be sold, it be via sale by bid if there are multiple interested parties. She added that the code was silent with regard what they should do when they had competing applications.

Commissioner Haase said he was in favor of getting any City land they could available for sale. He said he felt the fairest way to accomplish that was to put it up for competitive bid.

Commissioner Goudreau agreed that competitive bid was probably the fairest course of action. He said he thought they needed to get City water and sewer

extended to the area. Commissioner Goudreau commented that the properties along Airport Road that were zoned light industrial could make good residential lots if there were city utilities available.

Commissioner Wade asked if the two additional sale applicants had put forward development plans.

Ms. Huber said yes, each application had put forward a business plan for the project.

Commissioner Wade said she was in favor of a lottery option, instead of getting into a bidding war. She said the lack of sewer and water to the area would present an additional cost to the developer. Chair Gondek asked Commissioner Wade if she was in favor of bid or sale of the lot. Commissioner Wade said she was in favor of selling it via bid or land lottery, but she did not want to see another scrap heap in the area.

Commissioner Blehm said he was an owner of property in the AIS and declared a conflict of interest. Chair Gondek asked if any Commissioners felt Commissioner Blehm had a significant financial gain by participating in the discussion. None took issue.

Commissioner Blehm said he was in favor of selling the property by bid, and that he wanted to see the City get out from under the administrative burden of leasing parcels. He said the heavy industrial zoning was not appropriate due to the lack of City utilities. He said one of his biggest concerns was that there was no fire water available for an industrial fire.

Chair Gondek said he was in favor of bid sale, and he said it was appropriate to put it out to bid. He said he thought waiting for the Comprehensive Plan would cause unnecessary delay.

Ms. Huber thanked the Commissioners for their comments and said she thought staff had the clarification they needed to bring the discussion to Council.

VI. REPORTS

1. Planning Director's Report

Ms. Huber let the Commissioner's know that City Hall was closed to non-essential staff due to Covid 19, and that Planning Department staff were working from home. She said services were not limited and that electronic building permitting program was underway. She said inspections were occurring as normal, with social distancing protocol in place.

Ms. Huber said she was excited to report that online GIS platform had been launched for Planning Department staff and would be rolled out to other City staff, and would

Ms. Huber said on the next agenda there would be two public hearings and a preliminary plat, all actions that require public comment. Ms. Huber said the department was inviting the public to participate by submitting their written comments to the department. Ms. Huber updated the Commissioners and the public on how to get in touch with the department while they worked remotely

Ms. Huber said the Comprehensive Plan revision process was underway, but

they were looking at other options as public participation that followed social distancing guidelines.

VII. COMMISSION BUSINESS FROM THE FLOOR

Commissioner Haase commented that he was pleased the telephonic meeting went smoothly, and he appreciated staff for their extra work during Covid 19.

Commissioner Goudreau agreed with Commissioner Haase. He asked Ms. Huber if he could get a copy of the historical timeline Ms. Huber had detailed on AIS. She said she would give him a copy.

Commissioner Wade asked if any of the other lots in AIS were available for sale. Ms. Huber said they had been removed from the list of city parcels, if someone was interested, they would have to submit a negotiated sale application. Commissioner Wade asked about advertising city land for negotiated sale. Ms. Huber said they did not currently have an advertising process for negotiated land sales, but that they did have a list of interested parties.

Commissioner Wade said she had heard from many members of the public that they had not been hearing back from the city regarding their applications or questions.

Ms. Murphy, Assistant City Manager, said that administration would happy to field any of the public's concerns.

Chair Gondek encouraged the public to submit written comments to staff as part of the public participation process.

VIII. ADJOURNMENT

There being no further business, Chair Gondek adjourned the meeting at 8:26 p.m.