I. CALL TO ORDER

The regular meeting of the Valdez Planning and Zoning Commission was called to order at 7:05pm by Chair Pro Tempore Delozier.

II. ROLL CALL

Chair Pro Tempore Delozier, Commissioners Haase, Ragan, Swierk and Hogarth were present, Chairperson Malone was absent and excused; there is one vacancy.

Staff present included Lisa VonBargen, Director; Janine Vadeboncoeur, Planning Technician; Laura Robertson, GIS/Planning Technician and Wendy Farlin, Senior Office Assistant of the Community & Economic Development Department.

Gary Johnson of Peter Pan Seafoods and Shiloh Stamm and guest were present in the audience.

III. APPROVAL OF MINUTES – May 9, 2012 Regular Meeting Minutes

MOTION: Commissioner Haase moved and Commissioner Hogarth seconded approval of the May 9, 2012 regular meeting minutes.

VOTE ON THE MOTION: 5 Yeas, 1 absent and excused (Chairperson Malone) and 1 vacancy; motion carried.

- IV. PUBLIC BUSINESS FROM THE FLOOR None
- V. PUBLIC APPEARANCES None
- VI. PUBLIC HEARINGS None
- VII. UNFINISHED BUSINESS None

VIII. NEW BUSINESS

1) (EXCPT #12-02) Approval of an Exception for an Existing 1.4 Foot Encroachment of the House into the 10 Foot Eastern Side Yard Setback on Lot 5, Block 12, Mineral Creek Subdivision. Applicant: Colette LaBonte

MOTION: Commissioner Haase moved and Commissioner Ragan seconded approval of an Exception for an Existing 1.4 Foot Encroachment of the House into the 10 Foot Eastern Side Yard Setback on Lot 5, Block 12, Mineral Creek Subdivision.

Lisa Von Bargen gave the Commission a brief recap; the home was moved from Old Town and when Colette LaBonte came to the department to inquire about the possibility of raising the home for a first floor addition, it was discovered that the home actually encroached into the setback, which necessitated an exception.

There was no discussion.

VOTE ON THE MOTION: 5 Yeas, 1 absent and excused (Chairperson Malone) and 1 vacancy; motion carried.

2) Approval of Recommendation to Council to Lease 21,000 Square Feet of Tract J, Harbor Subdivision; a 4,200 Square Foot Portion of Lot 6, Block 46, Harbor Subdivision; and a Portion of South Harbor Drive ROW for a Total of 25,000 Square Feet to Peter Pan Seafoods

MOTION: Commissioner Haase moved and Commissioner Swierk seconded approval of the Recommendation to Council to Lease 21,000 Square Feet of Tract J, Harbor Subdivision; a 4,200 Square Foot Portion of Lot 6, Block 46, Harbor Subdivision; and a Portion of South Harbor Drive ROW for a Total of 25,000 Square Feet to Peter Pan Seafoods

Commissioner Swierk reported that he and Commissioner Haase met with Gary Johnson from Peter Pan Seafoods for a tour of the plant and stated that there seemed to be quite a bit of room left for tourists to walk down to the shore.

There was no other discussion.

VOTE ON THE MOTION: 5 Yeas, 1 absent and excused (Chairperson Malone) and 1 vacancy; motion carried.

3) Frisbee Golf Course at Valdez Glacier Lake – Discussion Item Only

Laura Robertson reported that this item was brought before the Planning and Zoning Commission to discuss and stated that it would also be going before the Parks and Recreation Commission because it's a request for use of City land. Laura stated that the proposed course would be considered extreme and would not necessarily be taken over by the City, but since this is the first time the subject has been brought up, staff brought it to the Commission to decide whether they want to verbally approve it and let the Parks and Recreation Commission work with Shiloh or does the Commission want to be more formal and require some type of recreational permit. Lisa Von Bargen added that previously the City has allowed a dirt bike course to be created and used informally without a permit. Commissioner Swierk added that there is also an informally maintained trail system out of the Harris blast pit back to the Glacier.

Commissioner Hogarth asked why the park strip wasn't being considered. Shiloh Stamm, hopeful creator of the course, stated that there is currently a Frisbee golf course on the park strip, but it's pretty basic as far as terrain goes. The proposed course at the Glacier area would be pretty challenging with obstacles, which Frisbee golf enthusiasts are looking for. Shiloh further stated that, in scouting out areas, there are several that would work but the Glacier area seemed to be the easiest place to go in by himself and set up, without outside funds or help. Shiloh went on to say that as a start, he would install removable posts that would hold larger posts for the tones, which are the "targets" for the

Frisbees, and would be removable for winter and also allow the course to be changed periodically. Shiloh added that the existing area has some great spots for fairways that are ready to use. Commissioner Hogarth asked about baskets versus tones and Shiloh responded that the current course on the park strip uses baskets and that the proposed course would start out with tones to see how much use it gets without much upfront cost. Shiloh stated that if there seems to be a demand, then larger baskets could be created and welded by Shiloh and be interchangeable with the tones.

Chair Pro Tempore Delozier asked about the current picnic area and whether or not it was created by Shiloh. Laura Robertson responded that it was an existing picnic area maintained by Parks and Recreation; that Parks and Recreation brings in a picnic table and fire ring each spring and that the historical informational signs have been there for several years.

Chair Pre Tempore Delozier asked Shiloh if he was familiar with where they play paint ball in that area and whether or not it would interfere. Shiloh responded that the paint ballers could also use the Frisbee golf course as there would be more room and challenges for them as well. Shiloh further stated that the reason he's asking for this area is because he'd like to clear out more of the alders on the side opposite the Glacier Lake area, which would allow targets to be put on the high parts of the hill for more challenging course terrain and could provide places for the paint ballers to hide.

Chair Pro Tempore Delozier asked if the proposed fairways are in flood areas and Shiloh responded that in the early spring they are accessible but that later on they can flood which would be another reason to have the tones on removable stakes so that they could be moved to different locations to avoid the flooded areas. Shiloh further stated that there is so much area that it would be very easy to change the course which would keep the enthusiasts interested and not bored.

Commissioner Hogarth stated he thought it was a great idea as long as the stakes were removable and not a hazard in the winter, as there is a lot of snow machine riding in the winter. Lisa Von Bargen asked if there was a need for some sort of sign notifying people that Frisbee golf is in progress. Shiloh responded that there could be as a safety caution for walkers and hikers in the area.

Chair Pre Tempore Delozier thanked Shiloh for the effort and stated that it was great to see members of the community working to better areas in town.

It was the consensus of the Commission to approve the informal land use and move it to the Parks and Recreation Commission to work out the details.

Commissioner Hogarth stated that he would like it noted somewhere so that tourists could use the course. Shiloh responded that there are actually very active professional Frisbee Golf Circuits in Canada, the United States and Europe that are paid to participate in tournaments and love to travel to challenging courses; there are even people in Alaska that will travel if the course is interesting and Shiloh would love to have them consider Valdez.

IX. REPORTS

1) E-Notes

Lisa Von Bargen asked the Commission if they would like to send flowers to Chairperson Malone and the Commission agreed.

2) Staff Report – Verbal at Meeting

Lisa VonBargen informed the Commission that the next Planning Core for Strategic Planning meeting will be on May 30th and 31st to finish assigning the milestones to the remaining two goals and objectives.

3) Abatement Report – Verbal at Meeting

Lisa Von Bargen stated that there has been a small glitch in the Estes property progression because Joe Levesque, the attorney who has been assisting with the abatements, has left the firm so Bill Walker has stepped back in to help facilitate. Because the property is under foreclosure right now with the City, Bill Walker feels that it might be quicker to let the foreclosure process happen. Chair Pro Tempore Delozier asked who owned the property. Lisa Von Bargen responded that there are 2 lots; Lot 5 was in Robert Estes and his partner Yutiwong Thawai's names, which Yutiwong has successfully changed into her name and Lot 4 was in Robert Estes' name only. He died without a will so even though the children have both signed a quit claim deed, the City would have to go through the courts to determine ownership.

Commissioner Hogarth expressed extreme frustration, saying that there has been basically zero movement in the last 6 years when having Bill Walker facilitate. Commissioner Hogarth further stated he would like the City to hire an attorney who solely works on abatement issues. Lisa Von Bargen responded that she would check with the City Manager about the possibility of using the department's temporary hire funds to hire someone whose sole job is to handle abatement and compliance issues. Lisa further stated that the department is so stretched that abatement issues tend to fall off the priority list and what is really needed is someone who can be in constant contact with the attorney to help move the abatement issues along.

Chair Pro Tempore Delozier asked if the City had the right to go onto the property and deal with the abatement issues. Lisa Von Bargen responded that the code allows for that if there is an emergent need; but in the past, Joe Levesque has been reluctant to act unless there truly is an imminent threat to life safety. Lisa also stated that it's one thing to padlock something or put up a sign that says do not cross, but going onto property and demolishing or removing private property becomes a legal rights issue, so the attorneys are very reluctant to allow that unless the owner has been compelled to act through the court.

Commissioner Hogarth stated that even if someone was hired to help "crunch the paperwork", there is still a bottle neck at the attorneys. Lisa responded that she felt if the hired person could stay on top of contacting the attorneys regularly, things would be acted on. Commissioner Hogarth stated that unfortunately, he felt there was no political will to enforce the codes.

Commissioner Ragan asked for an update on the old Three Bears Building, as she heard it would not be demolished until November and that the owner was handling the demolition. Lisa responded that yes, Mr. Reynolds, the owner, is acting as the general contractor as he has obtained all the proper licensing and is qualified to do so, but it is not true that demolition will not happen until November. It is scheduled to begin June 15th. It was scheduled to begin sooner; however, the abatement plan still has to be submitted and staff is waiting on that. Lisa further stated that Mr. Reynolds has had a new building designed and the preliminary plans have been submitted to the office. In addition, both Lisa and Rusty Hansen, the building inspector, have talked with the building engineer, so there is movement on the project. Lisa added that the connexes are for storage of items that are being removed from the existing building. Commissioner Ragan expressed concern about those items being sold with the possibility of asbestos contamination. Lisa Von Bargen responded that the asbestos in the building is non-friable, meaning it's not airborne and did not settle on the items when the building collapsed. Commissioner Ragan asked if a timeline could be imposed on Mr. Reynolds and Lisa responded that it has not happened because Mr. Reynolds has been making legitimate progress and movement; however, if the abatement plan is not received soon, then a timeline will be implemented.

Commissioner Ragan asked if a volunteer could assist with the abatement issues and asked Lisa Von Bargen to check into whether or not that is acceptable. Commissioner Ragan further stated that she would volunteer for it if it is allowable.

Chair Pro Tempore Delozier asked if Mr. Reynolds had applied for a building permit yet and Lisa responded that he had not at that point at this time, but that he is in constant contact with the department on various items.

Lisa Von Bargen gave some background information on the water lines between the old Three Bears building and the mall next to it, known as the Valdez Center Co. Historically, these two properties have been on the same water line, which runs into the Three Bears building and then branches off diagonally to the Valdez Center Co. There has been an issue of leaking pipes at the west end of the strip mall which staff has been dealing with for several years. The owner of the Valdez Center Co., Mark Lee, has not dealt with the issue to date; however, with the collapse of the building, the water line began leaking above ground, as well as causing foundation damage. Larry Reynolds and his engineer are trying to re-use as much of the foundation as is feasible, so a meeting was held with Lisa Von Bargen; Larry Weaver, Public Works Director; Rusty Hansen, Building Inspector; Larry Reynolds, Three Bears building owner; and a maintenance representative of Mark Lee to determine a course of action since there is the possibility that the leakage could cause contamination of the ground water. In addition, Larry Reynolds would like to turn the water off, but does not want to adversely affect the

businesses in the Valdez Center Co. A course of action was decided in which two water lines would be installed; one for each property, and, if needed, the City would allow a temporary above ground fix until a permanent one could be accomplished.

On Tuesday, Keith Thomas from Keith's Plumbing and Heating, applied for two permits; one for each property. Between Keith, Larry Reynolds and Mark Lee, it was decided that a trench would be dug down the property line, and one water line would be installed on either side for each piece of property. Keith indicated that because of the Memorial Day weekend, the project would begin on Tuesday and if everything went smoothly, the hope was that the water would only be off for a couple of hours to the mall businesses.

As a last bit of information, Lisa informed the Commission that Rusty has been inspecting several new properties with abatement issues. In addition, Larry Weaver, Public Works Director, has been attempting to deal with the abatement issue at Hotai's, since Hotai is unwilling to work with anyone from Community Development.

Commissioner Hogarth added that there is a dwelling on Corbin Loop Road that has collapsed from the snowfall and Commissioner Swierk said that Bob Benda's property on the Richardson Highway has also collapsed from the winter snowfall. Lisa indicated that Rusty would be sent out for inspections.

X. COMMISSION BUSINESS FROM THE FLOOR

There was no Commission business from the floor.

XI. ADJOURNMENT

The meeting adjourned at 7:55 pm.