I. CALL TO ORDER

The regular meeting of the Valdez Planning and Zoning Commission was called to order at 7:02pm by Chair Pro Tempore Delozier.

II. ROLL CALL

Chair Pro Tempore Delozier, Commissioners Haase, Swierk, Hogarth and newly appointed Fannin were present; Chairperson Malone and Commissioner Ragan were absent and excused.

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.

James (Mike) Williams, Leigh Coates, and Doug Fulton of Vertical Solutions were present in the audience.

III. APPROVAL OF MINUTES – May 23, 2012 Regular Meeting Minutes

MOTION: Commissioner Haase moved and Commissioner Swierk seconded approval of the May 23, 2012 regular meeting minutes.

VOTE ON THE MOTION: 5 Yeas, 2 absent and excused (Chairperson Malone and Commissioner Ragan); motion carried.

IV. PUBLIC BUSINESS FROM THE FLOOR - None

V. PUBLIC APPEARANCES - None

VI. PUBLIC HEARINGS

1) CUP (#12-01) Rotor Wing Landing Field on a Portion of Tract G, Harbor Subdivision. Applicant: James Williams/Vertical Solutions

Lisa Von Bargen gave the Commission a brief recap of the conditional use permit. Vertical Solutions is interested in operating heli tours out of a portion of the former Sea Otter RV Park. They want to conduct a nominal amount of flights and are primarily located at the airport but would like the ability to offer flights within town. Because the location is in the light industrial zoning district it requires a conditional use permit for a rotor wing landing area. In addition, because it is City land the applicant is required to obtain a temporary land use permit. The temporary land use permit request is on the agenda as well and has been approved by both the Parks & Recreation and Ports & Harbor Commissions.

There was no discussion.

VII. UNFINISHED BUSINESS - None

VIII. NEW BUSINESS

1) (CUP #12-01) Approval of Rotor Wing Landing Field on a Portion of Tract G, Harbor Subdivision. Applicant: James Williams/Vertical Solutions

MOTION: Commissioner Haase moved and Commissioner Hogarth seconded approval of the Rotor Wing Landing Field on a Portion of Tract G, Harbor Subdivision.

Chair Pro Tempore Delozier asked staff for a brief summary and Lisa Von Bargen responded that it is the same as the previous summary unless there are any questions.

Chair Pro Tempore stated that his understanding is CUP's go before the Planning and Zoning Commission and TLUP's go before both the Planning and Zoning Commission and the City Council and asked if that was correct. Lisa Von Bargen responded that the TLUP is an informational item for the City Council; it does not need to have their approval.

All of the Commissioners spoke in favor of the CUP and that the location was ideal as they would be taking off over the water and would not be impacting any residential areas. Lisa Von Bargen added that Gary Johnson of Peter Pan Seafoods was asked if there would be any adverse impacts and he stated that there shouldn't be any impact to their crew since they do not work 24 hours. In addition, Lisa stated that Vertical Solutions offered helicopter tours off of the City dock during the Military Appreciation festivities and she was amazed at how quiet the helicopter was taking off and coming back.

Chair Pro Tempore Delozier stated that the SERVS helipad was near there; however they rarely use it and it shouldn't be an issue.

Commissioner Haase stated that condition #1 states a term of 3 months and asked the applicant if they were interested in extending their use until the middle of September and Mike Williams of Vertical Solutions declined.

VOTE ON THE MOTION: 5 Yeas, 2 absent and excused (Chairperson Malone and Commissioner Ragan); motion carried.

2) (TLUP #12-01) Approval of Rotor Wing Landing Field on a Portion of Tract G, Harbor Subdivision. Applicant: James Williams/Vertical Solutions

MOTION: Commissioner Haase moved and Commissioner Swierk seconded approval of the Rotor Wing Landing Field on a Portion of Tract G, Harbor Subdivision.

Lisa Von Bargen stated that there was nothing to add other than it would be going to City Council as an informational item only.

VOTE ON THE MOTION: 5 Yeas, 2 absent and excused (Chairperson Malone and Commissioner Ragan); motion carried.

Lisa Von Bargen addressed Vertical Solutions and stated that the code regarding temporary land use permits was changed last year; however, the fees were forgotten and staff didn't realize they hadn't been set up until Vertical Solutions submitted their application. The Council will be approving the resolution on June 18, 2012, setting the fees to a flat rate of \$250 a month, with \$9 a day proration.

3) (SUBD #12-04) Approval of Preliminary Plat for Lot 4A, Block 35, Mineral Creek Subdivision, South Portion. Applicant: Erik Haltness

MOTION: Commissioner Haase moved and Commissioner Fannin seconded approval of the Preliminary Plat for Lot 4A, Block 35, Mineral Creek Subdivision, South Portion.

Laura Robertson gave the Commission a brief summary of the agenda statement. Erik Haltness is working on the design for a new building next to Haltness Equipment; however one lot isn't big enough to meet building codes, so he's asking for the lot line to be removed. In addition, there was a mistake in the agenda statement. A portion of the previous lot line removal request was inadvertently left in and there is no need for a signature block on this request.

There was no discussion.

VOTE ON THE MOTION: 5 Yeas, 2 absent and excused (Chairperson Malone and Commissioner Ragan); motion carried.

IX. REPORTS

1) E-Notes

Lisa Von Bargen stated that the Military Appreciation was great and that all but two of the charter boats that took servicemen fishing reached their limit. Lisa further thanked Crowley Petroleum for the fuel donation and also thanked the boat captains for taking the servicemen out fishing.

2) Staff Report – Verbal at Meeting

Lisa VonBargen reported that every five years the City has an Insurance Services Organization (ISO) audit conducted of the building department. Currently, the Fire Department is having their audit done and the building department audit was completed last summer. The ISO rates the various departments which helps determine home owner and fire insurance rates for both commercial and residential structures. Lisa stated that the City building department did not fare very well for a variety of reasons, primarily because the building department and building inspector are way overtaxed. The fact that one person is required to be an expert in all codes, required to do all building plan

reviews and conduct all inspections is way beyond what one person should be expected to complete, based on the ISO opinion. Consequently, the City suffered severely for that reason. There were a number of other areas that the City lost a small amount of points and one of those is that the City does not have an appeals process for someone who doesn't agree with the building official's decision. Currently, if they don't like the decision, they can appeal to Lisa as the Building Official. If they don't like that decision, they can appeal to the City Council. ISO has determined that since the City Council is a political body which is elected officials, it wouldn't be appropriate. The City is considering making the Planning and Zoning Commission the next step of the appeals process to replace the City Council.

Chair Pro Tempore Delozier stated that he was in favor of the Planning and Zoning Commission being a part of the appeals process but feels that part of the process should be an expert who reviews and weighs in on the appeal. Lisa responded that nothing would go before the Commission without the appropriate technical information. Commissioner Fannin stated that Valdez isn't large enough to have the appropriate staffing needed in the building department and Lisa Von Bargen agreed, adding that in a perfect world there would be specific inspectors for each discipline but that isn't feasible in Valdez. However, it's unrealistic to expect one person to have a handle on all areas. Commissioner Hogarth stated that with the deep pockets Valdez has it should be financially feasible to enforce the codes; especially if the political body decided they wanted to do it. Commissioner Hogarth further stated that a big part of the problem is there is no will to enforce the codes, including all the way up the chain of command.

3) Abatement Report – Verbal at Meeting

Lisa Von Bargen stated that the tide seems to be changing regarding code enforcement. Following the last meeting, Lisa spoke with the City Manager about hiring a temporary person to handle a couple of specific abatement cases and follow them through from start to finish. The City Manager agreed but asked that the City Council make a final determination on it. In addition, Lisa asked if there could be someone specific within the attorney's office that could work entirely on the abatement issues and Mr. Walker responded that would be possible.

Lisa reported that an amazing amount of work had been done in the last couple of weeks by both the attorney's office and the Community Development office. The quit claims deeds on the Estes property have been reviewed and were recorded and the action for quiet title has been reviewed by Lisa as well as two revisions by the attorney and will hopefully be filed in court on Thursday. In addition, Lisa has advised the attorney that the City wants to file with the court to be allowed to go onto the property and remove the structure and any other materials. The attorney responded that it should be filed in court the next week.

Lisa also reviewed an affidavit to be filed in court for injunctive relief on the Coffey property, which covers the last eight years. Lisa informed the attorneys that the City was not interested in going to court to compel the Coffey's to comply as they have had eight

years to do so; the City wants the court to grant permission for the City to go onto the property and remove any remaining structure and debris.

Lisa stated that she had sent an email to the City Manager that the department needs help in dealing with the abatement issues; that staff cannot keep up. Staff has reported that the abatement issues seem to be escalating this summer, much of which was compounded by the heavy snow fall this winter. There are many collapsed mobile homes throughout the community, a number of which are in the Alpine Woods Subdivision. Staff is receiving many phone calls reporting abatement issues, and just generating letters on the mobile homes would be a full time job. Lisa stated that if there are any hopes of moving on these issues, it needs to happen soon as the fall seems to be approaching quickly.

Commissioner Hogarth commented that he hoped the Council has the wisdom to allow the intern to be hired and stated that he thought that years ago \$15,000 had been set aside in the past to deal with abatement issues and wondered if that were true. Lisa responded that Council specifically stated it was not for staff time, it was to be used for abatement action, such as demolition and clean up and programs such as the junk car program.

Lisa reported that the City has the ability to recoup abatement costs and asked the attorney to calculate the Estes costs. It was discovered that so far, on the Estes property alone, almost \$16,000 has been spent with very little accomplished.

Commissioner Fannin asked when the temporary employee would go before the Council. Lisa responded that it was possible it would be presented the first meeting in July. Commissioner Hogarth expressed frustration that then it will be August before the person can even start. In addition, it's unfortunate that a building inspector couldn't have shut the Estes property down in the beginning instead of accruing \$16,000 in expenses. Commissioner Fannin stated that in other communities a sheriff's officer would shut it down and Commissioner Hogarth responded that the Chief of Police stated in a Planning and Zoning meeting that they did not have time to issue citations. Commissioner Fannin stated that the proper procedure would be for the building inspector to shut a place down and the police would enforce that with the backing of the Council. Lisa reported that there has absolutely been support from the Police Department in the past if Rusty needed to be accompanied onto property. However, the code does not outline the next step as being a visit or ticket from the Police. Commissioner Fannin stated that the Council needs to be educated on the process and how much it is costing the City, that they would see it's a cost benefit to nip it in the bud.

Commissioner Swierk asked if a code structure for fines is in place. Lisa responded that the fine is up to \$300 per occurrence and the nuisance code states every 10 days is an occurrence, so the fine can be levied every 10 days that it's not corrected. However, it has rarely, if ever, been applied or enforced because there hasn't been support.

Commissioner Fannin stated that enforcing the fines would give it some teeth and maybe make homeowners take notice; and that the fines should have been levied on the Estes property from the beginning. Lisa responded that under the quiet title action the legal

fees will be assessed and added to the property and if someone claims right to the property, they will have to satisfy the fees in order to receive a property title.

Commissioner Fannin asked if getting anything done this year would be possible. Lisa responded that a scope of work could be designed, some of the mobile homes could possibly be demolished and letters giving timelines could be sent so that property was cleaned by a certain date in the spring.

X. COMMISSION BUSINESS FROM THE FLOOR

Commissioner Hogarth thanked Lisa for her efforts.

Commissioner Fannin stated it was good to be back.

Chair Pro Tempore Delozier welcomed Commissioner Fannin back to the board.

XI. ADJOURNMENT

The meeting adjourned at 7:50 pm.