

VALDEZ PLANNING AND ZONING COMMISSION
REGULAR MEETING
JULY 25, 2012

I. CALL TO ORDER

The regular meeting of the Valdez Planning and Zoning Commission was called to order at 7:04pm by Chair Pro Tempore Fannin.

II. ROLL CALL

Chair Pro Tempore Fannin, Commissioners Haase, Swierk and Hogarth were present; Chairperson Malone and Commissioner Ragan were absent and excused; Commissioner Delozier arrived at 7:06pm.

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

There was no one in the audience.

III. APPROVAL OF MINUTES – July 11, 2012 Regular Meeting Minutes

MOTION: Commissioner Hogarth moved and Commissioner Swierk seconded approval of the July 11, 2012 regular meeting minutes.

VOTE ON THE MOTION: 4 Yeas, 3 absent and excused (Chairperson Malone and Commissioners Ragan and Delozier); motion carried.

Commissioner Delozier arrived at 7:06pm and took over the duties of Chair Pro Tempore from Commissioner Fannin.

IV. PUBLIC BUSINESS FROM THE FLOOR - None

V. PUBLIC APPEARANCES - None

VI. PUBLIC HEARINGS - None

VII. UNFINISHED BUSINESS - None

VIII. NEW BUSINESS

1) Approval of Recommendation to Council to Accept Donation of Nine Parcels in Valdez Industrial Park

MOTION: Commissioner Haase moved and Commissioner Fannin seconded approval of the Recommendation to Council to Accept Donation of Nine Parcels in Valdez Industrial Park.

Lisa Von Bargen corrected the agenda stating that it should be nine parcels, not seven. Lisa further explained that City Manager John Hozey received an email from the son of the owner of the nine parcels. The son's email stated that after talking with a realtor they

discovered that the properties were in a flood plain and not worth much. Therefore, he was inquiring about the possibility of donating the parcels to the City which would enable his mother to take a tax deduction. Taking them as a donation allows the City to possibly place deed restrictions on them so that no development could occur. This would potentially allow the City to score more points on the Community Rating system for flood insurance, which in turn would help lower the flood insurance premiums for other community members.

Commissioner Haase asked if a deed restriction can be reversed and Lisa responded no. Commissioner Haase was concerned that a deed restriction would prevent a future possible gas pipeline, possible gravel extraction as well as many other possible uses and Commissioner Fannin asked for clarification that a deed restriction impedes building a building but would not apply to a gas pipeline. Lisa agreed and added that as long as it doesn't impede flood waters it could be constructed. Chair Pro Tempore DeLozier asked how many of the lots in the zone are privately owned. Lisa stated all are privately owned and Commissioner Haase said he'd done some research and found that most of them are owned by the Phillip Matthews Trust. Chair Pro Tempore DeLozier asked that if any deed restrictions were to be placed on properties, would Planning and Zoning have any say. Lisa responded that deed restrictions would come before both the Planning & Zoning Commission and the City Council.

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

2) Approval of Recommendation to Council to Lease ASLS 87-18 to Copper Valley Wireless

MOTION: Commissioner Haase moved and Commissioner Fannin seconded approval of the Recommendation to Council to Lease ASLS 87-18 to Copper Valley Wireless

Lisa reported that the City was approached by Copper Valley Wireless several months ago asking to either purchase or lease ASLS 87-18. This is a half acre on the Richardson Highway, just past the Robe Lake Subdivision, where the ARCS TV tower is located. Because they wanted to purchase it, the City did an appraisal which came back valued at \$10,000. The City determined that they did not want to sell the property, but would consider a lease. Lisa reminded the Commissioners that this was originally on the agenda a few meetings prior, but after other Department Head staff brought up some concerns it was pulled. One of the major concerns was that this piece of property is one of the highest and best pieces of property on the hill and if the City gives it up for an extended lease, there would not be any access for public purpose. This access is needed for two reasons: one, continued upkeep of the ARCS TV system as long as necessary; and two, the ALMR (Alaska Land Mobile Radio System), which is the public emergency system, is looking at a repeater for that area and this might be a good location. The City had a meeting with Copper Valley Wireless and they agreed to allow public co-location of items on the tower and at such time as a new tower is erected they would build with the

capacity to handle these public uses. After that meeting the City determined that a lease would be acceptable.

Commissioner Haase asked if a competitor wanted to erect a tower adjacent to the current one would they use the same access and Lisa responded that there really is no access; that the trail is overgrown and there is only helicopter access. Lisa added that Copper Valley Wireless stated that other companies could co-locate on the tower for a fee.

Commissioner Fannin stated that even though the City is only leasing the land, if it's for 10 years it is essentially their land and no one else would have access to the land. Lisa responded that while it is true that the lease would be exclusive, for any public use requirement the City could access the property for repairs and/or upgrades on the ARCS TV or ALMR antennas, for example. In addition, another competitor could access the property to place an antenna on the tower, for a fee to Copper Valley Wireless. Commissioner Fannin asked why the City wouldn't just rent space on the tower and Lisa responded that the City determined that they did not want to become a tower operator. Commissioner Fannin asked why the proposal is for half an acre and not just the portion where the tower sits. Lisa responded that Copper Valley Wireless' intent is to eventually construct a new tower; probably sometime next year.

Chair Pro Tempore Delozier stated that it sounds like the City is saying two things; that they don't want to be an operator; they own the land, own the tower, are willing to lease the land and let the leasee charge others for use on property that is City owned, but the City wants to retain ownership. Lisa reiterated that the City does not want to incur the cost to rebuild the tower to the necessary specifications, which needs to happen to accommodate communication needs in the future. Nor does the City want to become a tower operator. In addition, the City will be able to locate needed public use antennas on the new tower at no cost to the City.

Commissioner Hogarth stated that if it means that the electrical service will be upgraded then he's for the lease because right now the cable is just laying on the ground all the way up the mountain. Chair Pro Tempore Delozier added that he would love to have cell service beyond 6 mile.

Commissioner Fannin stated that the Commission is really only looking at whether or not it is a good use of the City land, that the City retains the right to "hang" things on the tower without paying for upgrades or construction and still meet the public communication needs. It is up to the Council to determine if it is in the City's best interest monetarily. Lisa clarified that it would be the various entities' responsibility to maintain their property on the tower and added that the Commission input is greatly appreciated.

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

IX. REPORTS

1) E-Notes

There were no additions to the E-Notes.

2) Staff Report – Verbal at Meeting

Laura Robertson handed out maps showing lots owned by the Port Valdez Company that could be considered for purchase. Lisa stated that with the construction of a new middle school, the current building for the school maintenance will be removed. So the City is in a position to build a combined building for the City Parks & Rec and Building maintenance departments as well as the School maintenance department. The best place to locate this facility is in close proximity to the current City Public Works shop. In considering alternatives, City Administration is asking for the Planning and Zoning Commission's input.

Lisa stated that last year, the Council was asked to purchase the lot on 802 W Egan Dr. for a possible building for the Parks & Rec and Building maintenance departments. At that time, the cost was \$450,000 and the Council declined the purchase because there was no concrete plan in place for how the property would be used. Laura had appraisals done on the eight properties indicated on the map and 802 W Egan Dr is now valued at \$548,000. Lisa asked if the Commission felt that right across the street from the Public Works Department was best or if it should be located just down the street on the same side, with the Copper Valley Telephone Shop separating the two.

Commissioner Fannin stated he felt that 802 W Egan Dr., which is on the same side as Public Works, would be better because 700 W Egan Dr. is right across from Public Works. He indicated it would be highly unlikely the City would allow a private land owner to build a shop there because of its proximity to residential homes. Just because the City can build one because it is considered a community building doesn't seem right.

Commissioner Fannin asked if this were to be completed, would the City end up with fewer buildings in the end and Commissioner Haase asked specifically if the warehouse on Hanagita would be torn down. Lisa responded that the City wouldn't necessarily end up with fewer buildings but would end up with less of one building. The current Parks & Rec and Building Maintenance building would be "lopped" off at either end, leaving the current Valdez Museum annex portion. That portion could be remodeled to include an interpretive center as well as be in keeping with the newly remodeled Kelsey Dock and Ruth Pond areas. Lisa further stated that the City of Valdez has a grant from the State of Alaska for \$800,000 to build an interpretive center which could be used in the Museum Annex remodel. Lisa also stated that it would be the intent of the City to get rid of the warehouse on Hanagita.

Commissioners Swierk and Hogarth agreed that 802 W Egan Dr would be the most appropriate. Chair Pro Tempore Delozier stated he felt 1004 W Egan Dr might be best and leave 700 W Egan Dr for possible residential construction.

Lisa reported that the City is instituting a new records management system called SIRE. One aspect of SIRE is an electronic packet for Commissioners, which will necessitate I-Pads for each Commissioner. This should be activated sometime in September or October.

3) Abatement Report – Verbal at Meeting

Laura reported that the demolition and abatement bids were due July 16th and Roger's Snow Removal was awarded the trailer demolition. The evaluation process on the abatement bid was challenged, so the City is getting clarification from the contractors which are due July 27th; then a re-evaluation will be completed and hopefully a firm will be selected by the end of the day.

X. COMMISSION BUSINESS FROM THE FLOOR

Commissioner Fannin wanted to make the Commission aware that the Beautification Task Force is being blamed for the new color of the Museum. In addition, Commissioner Fannin wanted clarification on over the counter sales versus negotiated sale; that he was under the understanding that Council was not in favor of direct sales. Lisa agreed stating that it is both the Council's and staff's preference to have land purchased by sealed bid or outcry auction.

Lisa addressed the color of the Museum, stating that the museum had brought the color swatch to the Beautification Task Force for comments and it was approved. However, the color that was received was not the color selected. Commissioner Fannin stated that people will remember the color of the building.

Chair Pro Tempore Delozier reported that he previously expressed his concern to staff about the color of the Museum, although it is growing on him. Chair Pro Tempore Delozier further stated that he attended the Council meeting and was very disappointed in the lack of support at the Council meeting for the proposed City Plaza and wished that City residents would not be so negative toward this idea. Chair Pro Tempore Delozier felt that the City was right in moving forward and doing some kind of beautification; that this was the first step and yet the City got stomped on and he thought it was unfair.

XI. ADJOURNMENT

The meeting adjourned at 8:17 pm.