

**Minutes of the Regular Meeting
Denali Borough Assembly
Anderson School
November 16, 2005**

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6 CALL TO ORDER Presiding Officer Gerald Pollock called the regular meeting to order at
7 7:10PM.
8
9 ROLL CALL Assembly members present were: Gerald Pollock, Bob Shelton, David
10 Evans, Sid Michaels, Teresa Hall, Baxter Mercer, and Paul Schenk.
11 Absent were: Cythia Trytko and Jim Caswell. Present also were Mayor
12 Talerico and newly elected Assembly member Armeda Bulard.
13
14 EVANS MOVED to excuse TRYTKO and CASWELL. MICHAELS
15 seconded. The VOTE was unanimous.
16
17 OATH OF OFFICE Mayor Talerico administered the oath of office to the newly elected
18 Assembly Members.
19
20 SELECTION OF PRESIDING OFFICER MICHAELS nominated HALL, EVANS seconded. MERCER nominated
21 POLLOCK, SHELTON seconded.
22
23 A secret ballot VOTE was 4-4. Another secret ballot was conducted.
24 The VOTE was POLLOCK 5, HALL 3. POLLOCK is Presiding Officer.
25
26 SELECTION OF DEPUTY PRESIDING OFFICER MICHAELS nominated HALL, SHELTON seconded. POLLOCK
27 nominated SHELTON, MERCER seconded.
28
29 A secret ballot VOTE was HALL 6, SHELTON 2. HALL is the Deputy
30 Presiding Officer.
31
32 PUBLIC COMMENTS David Braun, Panguingue Creek resident, spoke regarding the pending
33 lawsuits against the Denali Borough.
34
35 AGENDA The Chair entertained a motion to approve the agenda, HALL so
36 MOVED and SCHENK seconded. The VOTE was unanimous.
37
38 MINUTES 1.) Assembly Meeting: Public Hearing and Regular Meeting held on
39 October 12, 2005.
40
41 The Chair entertained a MOTION to adopt the October 12, 2005
42 minutes. MICHAELS so MOVED and HALL seconded. The VOTE was
43 unanimous.
44
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1 FINANCIAL 1.) Financial report for September 2005.
2 REPORT
3 The Chair entertained a motion to receive the September 2005
4 Financial Report. HALL so MOVED and MERCER seconded. The
5 VOTE was unanimous.
6
7 MAYOR'S Mayor Talerico gave a brief report of his activities.
8 REPORT
9 Mayor Talerico informed the Assembly that the Planning Commission is
10 requesting a joint work session.
11
12 Mayor Talerico thanked Borough Clerk, Gail Pieknik and Administrative
13 Clerk, Amanda Nyberg for their hard work on the Borough Elections.
14
15 Mayor Talerico spoke regarding the Tri-Valley Volunteer Fire
16 Department Board of Directors and the alleged violations with their
17 elections.
18
19 SCHOOL The School District Superintendent gave a written report.
20 DISTRICT
21
22 PLANNING The Planning Commission gave a written report.
23 COMMISSION
24
25 PERSONNEL Mayor Talerico recommended Teresa Hall for Committee Seat D. The
26 COMMITTEE Chair entertained a motion to approve. MICHAELS so MOVED and
27 BULARD seconded. The VOTE was unanimous.
28
29 FINANCE No seat nominations.
30 COMMITTEE
31
32 ETHICS MICHAELS MOVED to nominate MERCER as the primary Assembly
33 COMMISSION Member on the Ethics Commission, HALL seconded. The VOTE was
34 unanimous.
35
36 POLLOCK nominated BULARD as the Alternate Assembly Member on
37 the Ethics Commission, MERCER seconded. The VOTE was
38 unanimous.
39
40 ASSEMBLY HALL introduced "Flat Stanley". She spoke about the Annual
41 COMMENTS Alaska Municipal League Conference. The Conference was held
42 the week of November 7, 2005 in Anchorage. She is the
43 representative on the AML Board of Directors for the Interior.
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EVANS discussed CASWELL’S last request as an Assembly Member. He would like to request that the Mayor contact BLM about lands along the highway system. EVANS MOVED to follow up with CASWELL’S request. Mayor Talerico informed the Assembly that the BLM has already conveyed the lands along the highways to AHTNA, therefore there is no reason to pursue this issue. EVANS expressed his appreciation towards the Mayor. EVANS withdrew his MOTION.

BULARD spoke about CASWELL’s 15 years of service on the Assembly. She also commented on all of the useful information provided at the Alaska Municipal League Conference. BULARD brought to the attention of the Assembly that Mayor Talerico is the current president of the Alaska Municipal League.

SCHENK commented on the Coal Bed Methane (CBM) issue.

SHELTON requested an update on the Stampede Road Public Hearing. Discussion followed.

MERCER reiterated Mayor Talerico comments regarding the Stampede Road Improvements Public Hearing. MERCER also spoke to the Coal Bed Methane exploration issue.

ORDINANCES

1.) An ordinance adopting the Denali Borough Code.

HALL MOVED to introduce, SCHENK seconded. The roll call VOTE was unanimous. This will be Ordinance 05-17.

2.) Ordinance 05-14, version B: an ordinance amending Title II, Chapter 9, titled Borough Clerk/Treasurer

MICHAELS MOVED to adopt, HALL seconded. The roll call VOTE was 7-1 with POLLOCK opposed.

3.) Ordinance 05-15, version A: an ordinance amending Title II, Chapter 7, Section 6, Executive Session.

MICHAELS MOVED to postpone indefinitely, HALL seconded. The roll call VOTE was unanimous.

4.) Ordinance 05-07, version C: an ordinance amending Title V, Chapter 30, of the Denali Borough Code of Ordinances concerning School Board Reapportionment.

1 MICHAELS MOVED under Section 2 of the ordinance to amend
2 Section 4 to delete "at-large" and under Section 6 delete "of the
3 Borough" and insert "by their district" HALL seconded. Discussion
4 followed.

5
6 The VOTE was 4-4 with SHELTON, POLLOCK, EVANS, and HALL
7 opposed. MICHAELS changed his affirmative VOTE to a no VOTE.
8 This changed the VOTE to 3-5 with MICHAELS, SHELTON,
9 POLLOCK, EVANS, and HALL OPPOSED. MICHAELS MOVED to
10 reconsider and enter on the minutes. SCHENK seconded.

11
12 The Chair entertained a MOTION to postpone until the next
13 meeting. MICHAELS so MOVED and SCHENK seconded. The
14 VOTE was unanimous.

15
16 RESOLUTIONS

17 1.) A resolution extending appreciation to Mr. Jim Caswell for the
18 time and energy he dedicated to the Denali Borough Assembly.

19 BULARD MOVED to adopt, HALL seconded. The roll call VOTE
20 was unanimous. This will be Resolution 05-17.

21
22 2.) A resolution extending appreciation and gratitude to Ms. Cynthia
23 Trytko for the time and energy she dedicated to the Denali Borough.

24
25 HALL MOVED to adopt, MICHAELS seconded. The roll call VOTE
26 was unanimous. This will be Resolution 05-18.

27
28 3.) A resolution to form a Special Matching Grant Procedure
29 Review Committee within the Denali Borough.

30
31 MICHAELS MOVED to postpone to the next meeting. SCHENK
32 seconded. The VOTE was unanimous.

33
34 4.) A resolution authorizing Borough investment account
35 signatories.

36
37 HALL MOVED to adopt, MICHAELS seconded. The roll call VOTE
38 was unanimous. This will be Resolution 05-19.

39
40 5.) A resolution relinquishing Borough municipal entitlement
41 selections located south of Cantwell at Summit Airport.

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43 HALL MOVED to adopt, MICHAELS seconded. MICHAELS
44 explained this resolution. The roll call VOTE was unanimous. This
45 will be Resolution 05-20.

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2 BREAK The Presiding Officer called a break at 8:42 PM.
3 RECONVIENED The meeting reconvened at 8:56 PM.
4
5 OTHER 1.) Denali Borough attorney Jim Gorski to address petitions filed
6 BUSINESS with the Borough Office dealing with the Village View Subarea Land
7 Use Plan, Ordinance 96-12 and Ordinance 96-04, initial zoning of
8 the Borough.
9
10 2.) An initiative petition protest under Denali Borough Code, Title
11 VII, Chapter 72, Section 6. Protest filed by Brenda Bussard,
12 Sponsor, appealing the findings of the borough clerk and borough
13 attorney dealing with the Village View Subarea Plan.
14
15 Gorski reiterated his recommendation on the above two issues.
16 There is a plat and legal description of the Village View Subdivision.
17 The petition was to annex other land and not legally enforceable.
18
19 Borough Attorney Jim Gorski spoke extensively regarding
20 Ordinance 96-04.
21
22 MERCER MOVED to uphold the Borough Clerk's decision and deny
23 the appeal, HALL seconded. The roll call VOTE was 7-1 with
24 SHELTON opposed.
25
26 3.) Discussion on the Middle Nenana Fish and Game Advisory
27 Committee issues.
28
29 SCHENK discussed the Middle Nenana Advisory Board meeting he
30 attended at Rochester's Lodge. There is a petition going around
31 against moose cow hunting in Unit 28 with 160 signatures from
32 people in the area. The Fish and Game will decide on this issue in
33 January.
34
35 MICHAELS requested this item remain on the agenda until the
36 February meeting.
37
38 4.) Public Comments.
39
40 Char Berg, Healy resident, spoke in favor of Comprehensive Land
41 Use Plan for the Denali Borough. These lands benefit us fiscally.
42 The borough should seriously look at leasing land instead of selling
43 the municipal lands.
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5.) Liquor Licenses: Name: McKinley Denali Salmon Bake #3370; Type: Beverage Dispensary – Tourism; Owner: Denali Visions 3000 Corporation; Location: Mile 238.5 Parks Hwy; Address: PO Box 1193, Girdwood, AK 99587.

HALL MOVED to take no action, BULARD seconded. The VOTE was unanimous.

6.) An update on the Braun lawsuits.

Gorski gave a brief update on the three remaining lawsuits that the borough is involved in. He requested an Executive Session following his report to talk about items that involve potential settlement of two of the three lawsuits as settlement negotiations which are generally considered confidential between parties.

7.) Executive Session to discuss strategy on the David Braun vs. Denali Borough Lawsuits number 3 (case #4FA-04-2428) and number 4 (case #4FA-04-2616)

HALL MOVED to go into Executive Session to discuss attorney client settlement negotiations for litigation on Braun lawsuits case numbers mentioned above. MERCER seconded. The roll call VOTE was unanimous.

The Chair entertained a motion to come out of Executive Session and EVANS so MOVED, MERCER seconded The VOTE was unanimous.

EVANS MOVED to ask the attorney to enter into settlement negotiations for Braun lawsuits number 3 and 4 with a limit of \$7,500.00. HALL seconded. The roll call VOTE was 5-3 with MICHAELS, SCHENK, and MERCER opposed. The MOTION passes.

ASSEMBLY COMMENTS

EVANS spoke about collection of Severance Tax.

NEXT MEETING

1.) The next regular meeting will be held in Healy on December 14, 2005. Work Session at 6:00, Public Hearing 6:45, and Regular Meeting to follow.

ADJOURN.

Presiding Officer Pollock declared the regular meeting adjourned at 10:04 PM.

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ATTEST: SIGNATURE ON FILE
Borough Clerk

APPROVED: SIGNATURE ON FILE
Presiding Officer

Date Approved: December 14, 2005