

Minutes of the Public Hearing  
Denali Borough Assembly  
Anderson School  
August 11, 2010

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CALL TO ORDER: The public hearing was called to order by presiding officer Clay WALKER at 6:05 PM

ROLL CALL: Assembly members present: Cyrus COOPER, Teresa Chepoda USIBELLI, John WINKLMANN, Robert MUELLER, Eileen HOLMES, and Armeda BULARD. Absent: Vickie LAUSEN and Robert KOHLSDORF.

ORDINANCE 10-09, Version A: An ordinance amending the Denali Borough Code of Ordinances, Chapter 3.45, titled Business Licenses.

There were no public comments.

ORDINANCE 10-10, Version A: An ordinance amending the Denali Borough Code of Ordinances, Chapter 5.05.070 titled Budget.

There were no public comments.

ADJOURNMENT: The public hearing was adjourned at 6:06 PM.

APPROVED:   
Clay Walker, Presiding Officer

ATTEST:  Date Approved: SEPTEMBER 8, 2010  
Gail Pieknik, Borough Clerk

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3 **Minutes of the Regular Meeting**  
4 **Denali Borough Assembly**  
5 **Anderson School**  
6 **August 11, 2010**  
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9 CALL TO ORDER: Presiding Officer Clay WALKER called the regular meeting to order at 6:06 PM.  
10 Mayor David Talerico led all present in the Pledge of Allegiance.  
11

12 ROLL CALL: Assembly members present: Armeda BULARD, John WINKLMANN, Robert  
13 MUELLER, Teresa Chepoda USIBELLI, Cyrus COOPER, Clay WALKER and Eileen HOLMES.  
14 Absent: Vickie LAUSEN. Robert KOHLSDORF arrived at 6:30 pm.  
15

16 Winklmann MOVED to excuse Ms. Lausen. Robert MUELLER seconded. The VOTE by show of  
17 hands was unanimous.  
18

19 PUBLIC COMMENTS

20 There were no public comments.  
21

22 AGENDA

23 Eileen HOLMES MOVED to approve the agenda as submitted. Armeda BULARD seconded. The  
24 VOTE by show of hands was unanimous.  
25

26 MINUTES

27 July 14, 2010 Assembly Public Hearing and Regular Meeting

28 Armeda BULARD MOVED to approve the minutes as submitted. Cyrus COOPER seconded. Teresa  
29 Chepoda USIBELLI moved to amend the dollar amounts on page 4, lines 19 and 22 from \$23,000 to  
30 \$23,500. Cyrus COOPER seconded. The VOTE on the amendment by show of hands was  
31 unanimous. The VOTE on the motion to approve the minutes by show of hands was unanimous.  
32

33 REPORTS: June 2010 Financial Report

34 Teresa Chepoda USIBELLI MOVED to receive the financial report. Robert MUELLER seconded.  
35 The VOTE by show of hands was unanimous.  
36

37 MAYOR'S REPORT

38 Mayor David Talerico suggested Assembly members visit mhtrustland.org, the Alaska Mental Health  
39 Land Trust website, to find information on underground coal gasification licensing, as this issue  
40 could affect the Denali Borough. Mayor Talerico has created a rough draft of an amendment to  
41 include natural and methane gases in severance tax code. He will ask Borough legal counsel to  
42 review the document before the next meeting.  
43

44 The annual trip into Denali Park is scheduled for August 28, with seventeen attendees expected.  
45

46 There continue to be bear issues at the Landfill on a regular basis. Mayor Talerico provided  
47 Assembly members with photos of the landfill at the end of a work day and again the next morning  
48 after a bear visited. The Mayor has contacted Alaska Department of Fish and Game (ADFG), who  
49 have suggested an electric fence be installed. Several other options are installing a heavier cable

1 through the top of the landfill fence, creating noise pollution to scare the bears away, and a part-time  
2 employee to chase bears away. It was noted that the landfill received a 98 percent on the most  
3 recent DEC landfill inspection, and that bears in combination with wind have been undoing the work  
4 of landfill employees.

5  
6 Mayor Talerico informed the Assembly that he shot a bear last week at the landfill after it charged  
7 him, and that it was a different bear from the one that had been in the landfill for a number of weeks.  
8 He clarified that he had visited the landfill approximately fifteen times this summer since first  
9 receiving reports that there were bear issues. Up until this point, there had been only one bear, but  
10 there were now three. After the bear was shot, 911 was called and a wildlife trooper responded. The  
11 bear was skinned out and given to ADFG. The Mayor stressed that he did not want to shoot the  
12 bear, but felt it was necessary to protect landfill employees and customers.

13  
14 A large bear continues to return to the landfill every night. The fence work is going to be very  
15 expensive, and should be paid by budget line item 8625 Cover and Cell Maintenance. Electricity  
16 used by the fence would increase from approximately mid-June through mid-September. The  
17 increase would be caused by the pulse of the fence.

18  
19 The Mayor noted that there were seven bears in the landfill last summer, and that burying the fence  
20 helped to keep the number of bears in the landfill down this year. Once the fence is done,  
21 reinforcing the gates will need to be considered.

#### 22 23 SCHOOL REPORT

24 Kimberly Berge, Denali Borough School District Superintendent reported that brick and mortar  
25 enrollment is at 245, with district-wide student enrollment projected to be 529. A recent statewide  
26 public release showed that Anderson, Cantwell, and Tri-Valley Schools all met Adequate Yearly  
27 Progress (AYP). Denali Peak did not, largely due to participation in statewide testing. Bill Beaudoin  
28 and the maintenance team have brought the School District into compliance with state maintenance  
29 and facility standards. Planning for capital improvement projects (CIP) is in progress, and an initial  
30 project list has been generated. Superintendent Berge requested that the Assembly consider a joint  
31 work session with the School Board to discuss and prioritize projects.

#### 32 33 ASSEMBLY COMMENTS

34  
35 Armeda BULARD noted that she and Mayor Talerico will be attending the Alaska Municipal  
36 League summer meeting in Kodiak August 17 - 20, 2010.

37  
38 Eileen HOLMES mentioned the passing of former Senator Ted Stevens, and expressed the  
39 sentiment that all Alaskans owe him a great deal of gratitude.

40  
41 Robert KOHLSDORF apologized for being delayed in coming to the meeting.

42  
43 Clay WALKER expressed the hope that all are enjoying summer.

44  
45 Robert MUELLER had no comment.

46  
47 John WINKLMANN had no comment.

48  
49 Teresa Chepoda USIBELLI requested a list of Denali Borough Business License holders.

1 Cyrus COOPER expressed his appreciation for those in attendance, expressed his concern for  
2 the safety of citizens of the Denali Borough, and announced that he has retired from the United  
3 States Military.

4  
5 Communication and Appearance Request:  
6

7 1.) Correspondence from Jim Gorski, Borough Attorney.  
8

9 Denali Borough legal counsel Jim Gorski explained protocol for soliciting a legal opinion. When  
10 the Assembly desires an opinion on an issue, the request is made by contact with the Mayor,  
11 after which he is able to research the issue and respond in writing. Mr. Gorski reviewed several  
12 recent opinions he has provided - Homeland Security equipment practices on the part of the  
13 Borough are reasonably prudent, a letter of receipt is suggested for those receiving pass through  
14 grant equipment, reporting of grant proceeds is in line with Denali Borough Code. Borough  
15 payment to a homeowner's association for liability insurance is improper - and asked if the  
16 Assembly desired further clarification on any issue.  
17

18 Mr. Gorski noted that his initial position of how to proceed with the USKH contract issue on the  
19 agenda would be that the contract should be completed as agreed and after completion of the  
20 project, the Assembly may decide to negotiate on compensation after receiving a credible  
21 explanation for the increase.  
22

23 To clarify his opinion on payment for liability insurance, Mr. Gorski explained payment of  
24 insurance for public safety organizations that exist to provide benefit to all Borough residents is  
25 different than payment of liability insurance for a homeowner's association that exists for the  
26 benefit of only its members. Further, the Borough has no road powers, and has no liability on  
27 roads.  
28

29 Mr. Gorski stated that he would be willing to address other items as they arise on the agenda.  
30

31 PENDING ORDINANCES:  
32

33 ORDINANCE 10-09, Version A: An ordinance amending the Denali Borough Code of  
34 Ordinances, Chapter 3.45, titled Business Licenses.  
35

36 Teresa Chepoda USIBELLI MOVED to postpone Ordinance 10-09 to the next meeting. John  
37 WINKLMANN seconded. Points of discussion that followed included costs incurred in  
38 maintaining data on business licenses, if business license applications are invasive, and what  
39 the purpose of a business license data bank would be. It was noted that next month will be the  
40 fourth reading of this ordinance, and there has been very little public comment. The VOTE to  
41 postpone by show of hands was unanimous.  
42

43 ORDINANCE 10-10, Version A: An ordinance amending the Denali Borough Code of  
44 Ordinances, Chapter 5.05.070 titled Budget.  
45

46 Teresa Chepoda USIBELLI MOVED to postpone Ordinance 10-10 to the next meeting. John  
47 WINKLMANN seconded. The VOTE by show of hands was unanimous.  
48  
49

1        RESOLUTIONS:

2        RESOLUTION 10-16: A resolution supporting participation in the State of Alaska, Division of  
3        Homeland Security and Emergency Management, Federal American Reinvestment and  
4        Recovery Act, Federal Department of Environmental Conservation, and Federal Assistance to  
5        Firefighters grant programs.

6        Eileen HOLMES MOVED to approve Resolution 10-16. Robert KOHLSDORF seconded. Points  
7        of discussion that followed included the dissemination of grant information to the public and the  
8        potentially tight timelines on some federal grants.

9        John WINKLMANN MOVED to amend the Resolution by adding a sixth whereas to read,  
10        "WHEREAS each grant has different reporting and compliance requirements, all grants are  
11        presented to the assembly for acceptance or rejection and amendment of the budget ordinance."  
12        Cyrus COOPER seconded. Points of discussion that followed included the timing of assembly  
13        approval, how a forward funded budget would accommodate the proposed amendment, and if  
14        grant timelines would be missed under the proposed procedure. The VOTE on the amendment  
15        by show of hands was 4-4 as follows: Ayes – Cyrus COOPER, Teresa Chepoda USIBELLI, John  
16        WINKLMANN, Robert MUELLER; Nays - Clay WALKER, Robert KOHLSDORF, Eileen  
17        HOLMES, Armeda BULARD. The motion failed.

18        The roll call VOTE on the main motion to approve Resolution 10-16 was 2-6 as follows: Ayes –  
19        Clay WALKER, Eileen HOLMES; Nays – Robert KOHLSDORF, Teresa Chepoda USIBELLI,  
20        John WINKLMANN, Armeda BULARD, Robert MUELLER, Cyrus COOPER. The motion failed.

21        RESOLUTION 10-17: A resolution supporting projects to be added to the Statewide  
22        Transportation Improvement Program (STIP) Needs List

23        Robert KOHLSDORF MOVED to approve Resolution 10-17. Armeda BULARD seconded.  
24        Teresa Chepoda USIBELLI MOVED to amend the Resolution to add under Item 1 in the third  
25        whereas "A. Around School Road in Healy." John WINKLMANN seconded.

26        Teresa Chepoda USIBELLI moved to amend Item 1 of the amendment by removing Section A  
27        and adding wording so Item 1 in the third whereas would read "Multi-use pathways along the  
28        Parks Highway throughout the Denali Borough; in particular non-motorized trails on School Road  
29        in Healy and around all schools within the Denali Borough." John WINKLMANN seconded. The  
30        VOTE by show of hands was unanimous.

31        The VOTE to amend by show of hands was unanimous.

32        The roll call VOTE on the main motion to approve was unanimous.

33  
34        Teresa Chepoda USIBELLI requested that the approved resolution be forwarded to the trail-  
35        ways committee.

1 RESOLUTION 10-18: A resolution authorizing the Department of Fish and Game and the  
2 Department of Natural Resources to conduct the Western Tanana Flats prescribed burn plan on  
3 Denali Borough Municipal Land.

4 John WINKLMANN MOVED to approve. Cyrus COOPER seconded. Dale Haggstrom from  
5 ADFG was present, and explained to the Assembly that the proposed prescribed burn is  
6 intended to create productive moose browse in an area where, by law, moose are intensely  
7 managed for human use. Mr. Haggstrom noted that the land has not been burned for some  
8 time, that it is not currently productive moose browse, and that it threatens the Wood River. Fuel  
9 breaks have been created near Rex Trail to contain the burn, and that local fire departments  
10 would not be involved in the two-day burn, which would likely take place next summer. Wildfires  
11 along the Parks Highway typically start early in the season and burn black spruce, but the  
12 vegetation that returns is temporary and little soil is exposed to seeding.

13 Concerns expressed by the Assembly included the amount of smoke that would be generated by  
14 such a burn, the acreage already burned by wildfires, if any homes are located within the burn  
15 area, and the effects a burn would have on residents near the burn area.

16 The roll call VOTE to approve Resolution 10-18 was 4-4 as follows: Ayes – Teresa Chepoda  
17 USIBELLI, John WINKLMANN, Clay WALKER, Cyrus COOPER; Nays – Robert KOHLSDORF,  
18 Armeda BULARD, Eileen HOLMES, Robert MUELLER. The motion failed due to a tie vote.

19 Presiding Officer Clay WALKER called a meeting recess at 8:48 pm. The meeting reconvened at  
20 9:05.

21  
22 OTHER BUSINESS

23 1.) Discussion on Homeland Security Grants and the Denali Borough Budget.

24 Points of discussion included open flow of communication regarding Homeland Security grants  
25 and assets purchased with pass through grant monies, if these funds should be included as line  
26 items in the budget, the role of the State of Alaska regarding Homeland Security grants, the  
27 Assembly's role in approval of grants, and the limitations on public records for Homeland  
28 Security grants.

29  
30 Mr. Gorski noted the following observations;

31  
32 Every year the Borough produces a financial statement which is independently audited and  
33 contains information on grant monies received and expended. If the Assembly is dissatisfied  
34 with the level of detail contained therein, they may want to consider changing Denali Borough  
35 Code.

36  
37 There are a variety of exemptions from public record disclosure as defined by the Federal  
38 Information Act, State Title 40, and Denali Borough Code. If Borough administrative staff has  
39 a question regarding public disclosure, it is best to err on the side of caution. Contacting the  
40 State Deputy Director of Homeland Security for clarification, as the Mayor did when an issue  
41 arose, was the prudent thing to do. There is structure in Denali Borough Code, state law and  
42 federal law that must be followed.  
43

1 In regard to pass through grants, the Borough acts as a conduit through which public entities  
2 acquire assets. The issue is if the item was a Borough asset at any time, or if the asset was  
3 destined for a specific location. The Assembly may want to consider a document to record  
4 the designated entity's receipt of items.  
5

6 Mayor Talerico noted that grants for which the Borough applies offer full reimbursement and do  
7 not require matching funds. The Borough is required to keep a full inventory of Homeland  
8 Security equipment. No response has been received from the Office of Homeland Security  
9 regarding public disclosure issues. The Mayor will contact them again and request a response.

10 2.) An update on the derelict car removal program.

11 Mayor Talerico reported that Golden Valley Electric Association (GVEA) and Usibelli Coal Mine  
12 have agreed to work cooperatively with the Borough to remove derelict and unwanted vehicles.  
13 GVEA has approved the use of an area for vehicle collection, and UCM will help stack and  
14 prepare vehicles for collection. The Alaska Railroad and CNR Pipe are also involved in the  
15 project. The Department of Natural Resources owns gravel pits in the Denali Borough, and has  
16 contracted them out, so they are unavailable.

17 3.) USKH Contract: Change order request for an additional \$23,500.

18 The recommendation of the Planning Commission is that the Assembly delays a decision on the  
19 change order request from USKH until the work of the contract is complete.  
20

21 Teresa Chepoda USIBELLI MOVED to postpone USKH Contract to the next meeting. John  
22 WINKLMANN seconded. The VOTE by show of hands was unanimous.  
23  
24

#### 25 PUBLIC COMMENTS

26 Jim Gorski, Denali Borough legal counsel, expressed his appreciation for the opportunity to attend  
27 the meeting. He explained that his intent is to provide the best legal advice he can. Mr. Gorski  
28 noted that when the recent census data is certified, state law requires that the Assembly determine if  
29 the Borough apportionment meets the one person, one vote requirement. He encouraged the  
30 Assembly to be ready when this requirement presents itself.  
31

#### 32 ASSEMBLY COMMENTS

33  
34 Cyrus COOPER thanked Jim Gorski for coming to the meeting and encouraged all present to  
35 remain involved in local government.  
36

37 Teresa Chepoda USIBELLI MOVED to put two items on the next meeting agenda; Code of  
38 Ethics, and Acknowledgement of Receipt of Property. John WINKLMANN seconded. The  
39 VOTE by show of hands was unanimous.  
40

41 John WINKLMANN noted that the Ethics Committee also acts as the Finance Committee, which  
42 is defunct. Mr. Winklmann thanked Jim Gorski for attending the meeting.  
43

44 Robert MUELLER thanked all for a good meeting and Jim Gorski for attending and contributing.  
45

1 Clay WALKER thanked Dale Haggstrom and Jim Gorski for coming to the meeting.

2  
3 Robert KOHLSDORF thanked Jim Gorski for attending the meeting. Mr. Kohlsdorf also stated  
4 that he is finalizing the first draft of a resolution regarding hunting in the Denali Borough.  
5 Congratulations to the Denali Borough School District on achieving Adequate Yearly Progress.

6  
7 Eileen HOLMES thanked those in attendance for staying through the meeting, and thanked Jim  
8 Gorski for attending.

9  
10 Armeda BULARD thanked Jim Gorski for attending the meeting and congratulated Mr. Cooper  
11 on his retirement.

12  
13 It was noted that the September meeting agenda will include Set Time and Day for Joint  
14 Assembly/School Board work session.

15  
16 NEXT ASSEMBLY MEETING: The next regular meeting will be held in Healy at the Tri-Valley  
17 Community Center on September 8, 2010; Public Hearing at 6:00 PM, and regular meeting to  
18 follow.

19  
20 ADJOURN: The presiding officer declared the regular meeting adjourned at 10:24 pm.

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23 APPROVED: \_\_\_\_\_

24 Clay Walker, Presiding Officer

25  
26  
27 ATTEST: \_\_\_\_\_

28 Gail Pieknik, Borough Clerk

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30  
31 Date Approved: SEPTEMBER 8, 2010