Minutes of the Public Hearing
Denali Borough Assembly
Tri-Valley Community Center
May 12, 2010

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

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

ORDINANCE 10-02: An ordinance amending the Denali Borough Code of Ordinances, Chapter 3.10.090, titled Excess Liability - Lapse of Appropriations.

There were no public comments.

ORDINANCE 10-03, Version A: An ordinance amending the Denali Borough Code of Ordinances, Chapter 3.20.070 titled Capital Improvement Fund by clarifying subsections B and D.

There were no public comments.

ORDINANCE 10-06, Version A: An ordinance of the Denali Borough amending the Denali Borough budget for fiscal year 2010.

There were no public comments.

ORDINANCE 10-07, Version A: An ordinance for the establishment and adoption of the Denali Borough Budget for fiscal year 2011.

There were no public comments.

ORDINANCE 10-08, Version A: An ordinance establishing the Denali Borough Capital Improvement program for fiscal year 2011 through fiscal year 2016.

There were no public comments.

ADJOURNMENT: The public hearing was adjourned at 6:09 PM.

APPROVED: _____
Clay Walker, Presiding Officer

ATTEST: _____ Date Approved: JUNE 9, 2010
Gail Pieknik, Borough Clerk

Minutes of the Regular Meeting
Denali Borough Assembly
Tri-Valley Community Center
May 12, 2010

CALL TO ORDER: Presiding Officer Clay WALKER called the regular meeting to order at 6:10 PM. Mayor David Talerico led all present in the Pledge of Allegiance.

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

Eileen HOLMES MOVED to excuse Bob Mueller. Vickie LAUSEN seconded. The VOTE by show of hands was unanimous.

PUBLIC COMMENTS

Jared Zimmerman of Panguingue Creek Homeowners Association (PCHA) spoke regarding the classification of land within the Panguingue Creek Subdivision, and asked that the public hearing timeline be extended to allow (PCHA) the opportunity to prepare comment at their upcoming meeting. Mr. Zimmerman noted that the gravel pit is only a small portion of the area being considered for classification.

Hannah Ragland, Panguingue Creek Subdivision resident, spoke regarding the classification of land within the Panguingue Creek Subdivision. Ms. Ragland urged the Assembly to amend classification categories within Denali Borough Code to include material sites.

AGENDA

Armeda BULARD MOVED to approve the agenda. John WINKLMANN seconded. The VOTE by show of hands was unanimous.

Presiding Officer Clay WALKER appointed Teresa Chepoda USIBELLI as deputy presiding officer for the duration of the meeting. The Presiding Officer asked all to observe a moment of silence for Phil Brease.

MINUTES

April 14, 2010 Assembly Public Hearing and Regular Meeting

Eileen HOLMES MOVED to approve the minutes as submitted. Cyrus COOPER seconded. The VOTE by show of hands was unanimous.

REPORTS: March 2010 Financial Report

Vickie LAUSEN MOVED to receive the financial report. Cyrus COOPER seconded. The VOTE by show of hands was unanimous.

MAYOR'S REPORT

Mayor David Talerico reported that the Denali Borough Alaska Shield Table Top earthquake exercise held on April 24 was well attended by local emergency responders and tour companies.

David Pike led training for the Planning Commission on May 8, with all planning commissioners and three Assembly members in attendance. The Denali Borough Solid Waste employees attended Solid Waste Association of North America (SWANA) safety and recertification training May 3 – 8.

In the current draft of the state capital budget, the Denali Borough is slated to receive $68,000 for landfill equipment, $23,000 for a McKinley Fire Department truck, and $30,000 for a Tri-Valley Volunteer Fire Department well. Mayor Talerico encouraged all in attendance to contact the Governor to support budget expenditures for this safety equipment. There has been some opposition to the Point Mackenzie Rail Extension project, and Mayor Talerico encouraged those in attendance to support this important piece of infrastructure.

Mayor Talerico read to the Assembly from the final version of House Bill 357, and stated that requests from leaseholders or communities that include Alaska Railroad leases within their boundaries may begin action to acquire leased land. It would be appropriate to get the word out to community members and to request action from the Alaska Railroad Board.

SCHOOL REPORT

There was no school report.

ASSEMBLY ADVISORY COMMITTEE

Seat Resignation: Brad Fabrizio

Vickie LAUSEN MOVED to accept Brad Fabrizio's resignation from the Assembly Advisory Committee. Armeda BULARD seconded. Ms. Lausen expressed her thanks for Mr. Fabrizio's time serving the public on the Advisory Committee. The VOTE by show of hands was unanimous.

LANDFILL ISSUES AND RECYCLING COMMITTEE REPORT

Mathew Wells and Pat Winklmann presented the Landfill Issues and Recycling Committee report and thanked the Assembly for the opportunity to serve on the committee.

Vickie LAUSEN MOVED to accept the Landfill Issues and Recycling Committee Report. John WINKLMANN seconded. The VOTE by show of hands was unanimous.

ASSEMBLY COMMENTS

Eileen HOLMES expressed her condolences to the Brease family and thanked the Landfill Issues and Recycling Committee for their report.

Vickie LAUSEN thanked those in attendance for coming to the meeting.

Teresa Chepoda USIBELLI informed the Assembly that she would like to forward her name to volunteer for Alaska Municipal League (AML) steering committees. Ms. Usibelli asked Mayor Talerico for an update on the Healy Clean Coal Project (HCCP), who reported that the issue of financing appears to remain open due to the concurrent Eva Creek Wind Farm project.

Teresa Chepoda USIBELLI MOVED to request the Mayor contact the Department of Transportation (DOT) to discuss what road construction is planned in the Denali Borough this summer, and if multiuse trails are a part of that plan. John WINKLMANN seconded. Teresa Chepoda USIBELLI MOVED to amend the motion to include a request that the Mayor invite a representative of DOT to attend the June Assembly meeting to discuss upcoming projects. John

WINKLMANN seconded. The VOTE on the amended motion by show of hands was unanimous. The VOTE on the original motion by show of hands was unanimous.

Ms. Usibelli stressed the importance of communicating to the state of Alaska the Borough's desire for multiuse paths and trails, thanked the Landfill Issues and Recycling Committee for their work, and noted that there are open seats on the Assembly Advisory and Trails and Pathways Committees.

John WINKLMANN reported that he attended the April 24 earthquake disaster exercise, and noted that he will be bringing something to the June meeting regarding the establishment of shooting ranges in the Denali Borough as a capital project.

Clay WALKER thanked those in attendance for coming to the meeting.

Robert KOHLSDORF thanked the Landfill Issues and Recycling Committee for their report.

Armeda BULARD expressed her condolences to the Breaşe family and thanked the Landfill Issues and Recycling Committee for their report. Ms. Bulard also distributed information on the Anti-Corruption initiative to be referenced when discussing Resolution 10-13. BULARD asked fellow Assembly members to consider the hosting the 2012 Alaska Municipal League (AML) summer meeting. Ms. Bulard thanked Ms. Usibelli for volunteering for AML committees. On May 30, there will be a pig roast after the Cantwell High School graduation to honor veterans. The pig roast will take place at the Cantwell Lodge.

Cyrus COOPER thanked those in the audience for attending and showing concern for their communities, expressed his sorrow at the loss of Phil Brease, and encouraged the public to voice their opinion on the idea of local shooting ranges.

<u>Communication and Appearance Request:</u>
Cassidy Owen and Joe Mueller presentation on the trip to Juneau for the Alaska Youth for Environment and to request monetary compensation for their trip.

Tri-Valley students Cassidy Owen and Joe Mueller presented a report and slide show on their recent trip to Juneau to participate in the Alaska Youth for Environmental Action summit. They learned about Alaska's governmental process, met legislators, and now better understand the state government.

Cyrus COOPER MOVED to provide each student with $400.00 (total expense $800.00) from the Assembly Contingency Fund to cover out of pocket expenses for their trip. Robert KOHLSDORF seconded. The roll call VOTE was unanimous.

Communication from Jim Gorski, Borough Attorney, as requested by the Denali Borough Assembly in regard to the DNR Commissioner's Decision on Appeals of the July 17, 2007 decision concerning agricultural land sales ADL 410032 and ADL 410034.

Vickie LAUSEN MOVED to receive a communication from Jim Gorski, Borough Attorney, dated April 23, 2010. Cyrus COOPER seconded. Discussion followed on what action, if any, the Assembly should take on the denied appeal. Mayor Talerico explained his interpretation that the Borough has done all it could on this issue. One hundred twenty five acres of land involved in the appeal has

been released back to the Borough. The individuals affected have the option to pursue further action on their own behalf. The VOTE to receive the communication by show of hands was unanimous.

Jonne Slemons: Petroleum Land Manager, Alaska Department of Natural Resources.

Jonne Slemons and Bruce Busby of the Alaska Department of Natural Resources (DNR) presented an update on the history and current status of the Usibelli Coal Mine application for a natural gas exploration license. The license application was received seven years ago, has gone through the public hearing process, and is now being forwarded to the DNR Commissioner for approval. Mr. Busby identified changes between the preliminary and the final Best Interest Findings.

Those who commented during the public hearing process and provided an address will receive a final copy of the document, which is expected to be approved next month. The final Finding will have a twenty day appeal period.

Presiding Officer Clay WALKER called a meeting recess at 7:38 pm.

The meeting reconvened at 7:57 pm.

PENDING ORDINANCES:

ORDINANCE 10-02, Version A: An ordinance amending the Denali Borough Code of Ordinances, Chapter 3.10.090, titled Excess Liability - Lapse of Appropriations.

John WINKLMANN MOVED to adopt Ordinance 10-02. Cyrus COOPER seconded. Mr. Winklmann explained this amendment is a housekeeping measure to clarify what happens at the end of the fiscal year to appropriated funds. Discussion followed regarding language of the ordinance.

Armeda BULARD MOVED to postpone action until the next meeting. Cyrus COOPER seconded. The VOTE by show of hands was unanimous.

ORDINANCE 10-03, Version A: An ordinance amending the Denali Borough Code of Ordinances, Chapter 3.20.070 titled Capital Improvement Fund by clarifying subsections B and D.

Armeda BULARD MOVED to adopt. John WINKLMANN seconded. The roll call VOTE was unanimous.

ORDINANCE 10-06, Version A: An ordinance of the Denali Borough amending the Denali Borough budget for fiscal year 2010.

Kohlsdorf MOVED to adopt Ordinance 10-06. Armeda BULARD seconded. The roll call vote was 5 - 3, as follows: Ayes - Eileen HOLMES, Teresa Chepoda USIBELLI, Clay WALKER, Robert KOHLSDORF, Armeda BULARD; Nays – John WINKLMANN, Vickie LAUSEN, Cyrus COOPER

ORDINANCE 10-07, Version A: An ordinance for the establishment and adoption of the Denali Borough Budget for fiscal year 2011.

Teresa Chepoda USIBELLI MOVED to postpone to the next meeting. John WINKLMANN seconded. Mayor Talerico provided the Assembly with a list of changes to the budget as discussed at the April 26 work session.

Presiding Officer Clay WALKER noted that if the Assembly does not pass a budget by June 30, 2010, the budget for fiscal year 2011 will be that lined out in Ordinance 10-07, Version A.

John WINKLMANN MOVED to amend by adding a budget line item allocating $5,000.00 as operational funding for the Denali Borough Trail ways Committee. Teresa Chepoda USIBELLI seconded. The VOTE on the amendment by show of hands was five in favor, three opposed as follows: Ayes – John WINKLMANN, Teresa Chepoda USIBELLI, Clay WALKER, Vickie LAUSEN and Cyrus COOPER. Nays- Robert KOHLSDORF, Armeda BULARD and Eileen HOLMES.

Teresa Chepoda USIBELLI MOVED to amend by adding a budget line item under Mayor's Expense allocating $5,000 to Denali Chamber of Commerce. John WINKLMANN seconded. Vickie LAUSEN recused herself from the vote, as she is President of the Denali Chamber of Commerce. The VOTE by show of hands was four in favor, three opposed as follows: Ayes – Teresa Chepoda USIBELLI, Clay WALKER, John WINKLMANN, Cyrus COOPER; Nays – Eileen HOLMES, Armeda BULARD, Robert KOHLSDORF, with Vickie LAUSEN recused from the vote. The motion failed due to the lack of a majority vote.

Robert KOHLSDORF MOVED to amend the motion to postpone by incorporating the Mayor's written suggested changes to the budget. Cyrus COOPER seconded.

John WINKLMANN MOVED to amend by increasing Solid Waste budget line item number 8650 Landfill Closure Expense to $120,000. Vickie LAUSEN seconded. The VOTE on the amendment to increase Landfill Closure Expense by show of hands was unanimous. The VOTE on the motion to amend by show of hands was unanimous.

Presiding Officer Clay WALKER noted that if the Assembly does not pass a budget by June 30, 2010, the budget fiscal year 2011 will be that lined out in Ordinance 10-07, Version A.

Cyrus COOPER MOVED to amend by adding a budget line item under Assembly Expenses allocating $5,000 for Student Travel. John WINKLMANN seconded. Discussion followed regarding whether this item would affect Borough funding to the School District. Mayor Talerico suggested parameters defining criteria should be incorporated into the budget narrative. USIBELLI brought up the fact that this line item will be in the budget and funded every year. Her concern was that the school has not had a strong government class for a few years. She would like to see that it is in conjunction with a school government program. HOLMES feels that the Borough has done a good job in the past with taking students to Juneau and doesn't think it has to be a budget line item. The VOTE by show of hands was two in favor, six opposed as follows: Ayes – Cyrus COOPER, John WINKLMANN; Nays - Teresa Chepoda USIBELLI, Clay WALKER, Eileen HOLMES, Armeda BULARD, Robert KOHLSDORF and Vickie LAUSEN. The motion failed.

Robert KOHLSDORF MOVED to amend by increasing budget line item 7020 Borough Matching Grants from $25,000 to $34,500 which is the sum that the Assembly awarded by resolution. Cyrus COOPER seconded. The VOTE by show of hands was unanimous.

Presiding Officer Clay WALKER called a meeting recess at 9:55 pm.

The meeting reconvened at 10:05 pm.

Presiding Officer Clay WALKER asked Assembly members to indicate if they would not be attending the June meeting. No members made indication that they will be absent.

The VOTE by show of hands on the original motion to postpone Ordinance 10-07 to the next meeting was unanimous.

Teresa Chepoda USIBELLI MOVED to request Borough administration to send a letter to the Denali Borough School District to notify them of the Borough's commitment to provide the minimum (mandatory) funding allowed to the School District. The VOTE by show of hands was unanimous.

ORDINANCE 10-08: An ordinance establishing the Denali Borough Capital Improvement program for fiscal year 2011 through fiscal year 2016.

Teresa Chepoda USIBELLI MOVED to postpone to the next meeting. Armeda BULARD seconded. Teresa Chepoda USIBELLI MOVED to amend by moving the first three years' projects back a year. John WINKLMANN seconded. The VOTE on the amendment by show of hands was unanimous. The VOTE on the original motion to postpone by show of hands was unanimous.

RESOLUTIONS:

RESOLUTION 10-13: A resolution opposing "An Initiative Creating an Alaska Anti-Corruption Act" which will be on the 2010 Alaska Primary Election ballot.

Cyrus COOPER MOVED to approve Resolution 10-13. Eileen HOLMES seconded. Armeda Bulard provided information on negative implications of the Anti-Corruption Act initiative, and noted that more information is available on the AML website.

Robert KOHLSDORF MOVED to amend by combining the seventh and eighth "Whereas" using the words "for example." Teresa Chepoda USIBELLI seconded. The vote on the amendment by show of hands was unanimous.

Robert KOHLSDORF MOVED to amend by adding the words "drafted and heavily" prior to the word "funded" in the thirteenth "Whereas" of the resolution. Armeda BULARD seconded. The VOTE on the amendment by show of hands was unanimous.

Robert KOHLSDORF MOVED to amend by removing the word "filed" from the fourteenth "Whereas" and adding the words "at great public expense" to the fifteenth "Whereas" of the resolution. Eileen HOLMES seconded. The VOTE on the amendment by show of hands was unanimous.

The VOTE on the original motion to approve by roll call VOTE was unanimous.

RESOLUTION 10-14: A resolution pertaining to the asset allocation of the Permanent Investment Fund.

Eileen HOLMES MOVED to approve Resolution 10-14. Vickie LAUSEN seconded. The roll call VOTE was unanimous.

RESOLUTION 10-15: A resolution for the adoption of the Denali Borough Multi-Hazard Mitigation Plan.

Robert KOHLSDORF MOVED to approve Resolution 10-15. Armeda BULARD seconded. Cyrus Cooper suggested that the Mitigation Plan include signatures of those in key positions to acknowledge tasks they have been assigned. The roll call VOTE was unanimous.

OTHER BUSINESS
LIQUOR LICENSES/RESTAURANT DESIGNATION PERMIT

Grande Denali Hotel License #4099
Transfer of Ownership and Restaurant Designation
License Type: Beverage Dispensary Tourism
Located: Mile 238.2 Parks Highway
Applicant: Nana Corporation

Denali Bluffs Hotel License #4280
Transfer Ownership and Restaurant Designation Permit
License Type: Beverage Dispensary Tourism
Located: Mile 238.4 Parks Highway
Applicant: Nana Corporation

John WINKLMANN MOVED to approve the liquor licenses and restaurant designations for the Grande Denali and Denali Bluffs Hotels. Vickie LAUSEN seconded. The VOTE by show of hands was unanimous.

DENALI BOROUGH MUNICIPAL LAND CLASSIFICATION
Mayor David Talerico gave an update on the Classification of Borough Municipal Lands located within the western half of Panguingue B Selection, ADL 415809. Both administrative and planning commission hearings have been held regarding the classification. Mayor Talerico will recommend to the Planning Commission that classification of the Panguingue Creek area under consideration be delayed until adjustments may be made to classification categories within Denali Borough Code.

PUBLIC COMMENTS
There were no public comments.

ASSEMBLY COMMENTS
Cyrus COOPER thanked all in attendance for coming to the meeting. He asked that the Mayor consider the good will of communities toward shooting ranges. Mr. Cooper thanked his fellow assembly members for serving the public.

Armeda BULARD thanked those in attendance for coming to the meeting and sticking through to the end.

Robert KOHLSDORF thanked those in attendance for coming to the meeting, with a special nod to those from the north end of the Borough.

Clay WALKER thanked his fellow assembly members for their work at the meeting, and thanked those in attendance for coming to the meeting.

John WINKLMANN thanked those in attendance for coming to the meeting.

Teresa Chepoda USIBELLI had no comment.

Vickie LAUSEN introduced Todd Williamson, manager for Denali Bluffs Hotel, and wished him well this summer.

Eileen HOLMES thanked those in attendance for coming to the meeting and sticking through to the end.

NEXT ASSEMBLY MEETING: The next regular meeting will be held at the McKinley Community Center on June 9, 2010; Public Hearing at 6:00 PM, and regular meeting to follow.

ADJOURN: The presiding officer declared the regular meeting adjourned at 10:56 pm.

APPROVED: _____
Clay Walker, Presiding Officer

ATTEST: _____
Gail Pieknik, Borough Clerk

Date Approved: JUNE 9, 2010