

**Minutes of the Regular Meeting  
Denali Borough Assembly  
Cantwell School  
June 14, 2006**

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CALL TO ORDER Presiding Officer Gerald Pollock called the regular meeting to order at 7:24PM.

ROLL CALL Assembly members present were: Gerald Pollock, Bob Shelton, David Evans, Sid Michaels, Teresa Hall, and Armeda Bulard. Absent were: Eileen Holmes, Paul Schenk, and Baxter Mercer. Mayor Talerico was also in attendance.

HALL MOVED to excuse MERCER, HOLMES, and SCHENK, MICHAELS seconded. The VOTE was unanimous.

PUBLIC COMMENTS Sue Deyoe, Denali Citizens Council (DCC) presented an historical account of the DCC which was started in 1964 at the Drashner house located near the gravel pit in Cantwell.

Mike Robins, legal council for AHTNA, Inc, explained that the state is developing gravel pits before public hearings are held. He gave a short history on the state gravel pits and AHTNA, Inc.

Eric Oberg, Panguingue Creek resident, explained that the state is beholden to local zoning ordinances.

Alita Blanchard, Cantwell resident, spoke in favor of Mayor Talerico's draft letter to the State of Alaska, Department of Transportation (DOT) concerning the Cantwell gravel material sites.

Brenda Rebne, AHTNA, Incorporated, spoke against the state of Alaska, DOT and the way the state runs the gravel pits.

Jim Wright, Cantwell resident, spoke about AHTNA granted lands and material sites.

AGENDA MICHAELS MOVED to approve, EVANS seconded. Mayor Talerico requested discussion regarding the gravel pit as item F4. The VOTE was unanimous.

MINUTES 1.) Assembly Meeting: Public Hearing and Regular Meeting held on May 10, 2006.

1 MICHAELS MOVED to approve the May 10, 2006 minutes and  
2 BULARD seconded. The VOTE to approve the minutes was  
3 unanimous.  
4

5 FINANCIAL 1.) Financial report for April 2006.  
6 REPORT

7 HALL MOVED to receive the April 2006 financial report, MICHAELS  
8 seconded. The VOTE to receive the financial report was unanimous.  
9

10 MAYOR'S Mayor Talerico gave a brief report of his activities.  
11 REPORT

12

13 SCHOOL The School District Superintendent was not in attendance.  
14 DISTRICT

15

16 PLANNING MICHAELS gave a brief report on the Planning Commission activities.  
17 COMMISSION There was also a written report distributed.  
18

19 AD HOC SEAT MICHAELS MOVED to approve the Planning Commission  
20 APPOINTMENT recommendation to appoint Rick Weibel to the Ad Hoc committee.  
21 SHELTON seconded. The VOTE was unanimous.  
22

23 ASSEMBLY HALL thanked Mr. Weibel for his service.  
24 COMMENTS

25 EVANS commented on the zoning ordinance and the fact that there  
26 isn't going to be that much change. He appreciates the work that  
27 Mayor Talerico and Land Tech Scott Allen has put into the zoning  
28 ordinance.  
29

30 MICHAELS spoke on the planning that the Mayor and the Borough  
31 has been involved in with the possibility of setting up shelters in the  
32 Healy area for possible fire victims near Anderson. He appreciates  
33 all of the hard work and can't thank them enough.  
34

35 BULARD supported the Mayor's letter to DOT concerning the  
36 Cantwell gravel pit operation.  
37

38 BREAK The presiding officer called a meeting break at 7:48 PM.  
39 The meeting reconvened at 8:04 PM.  
40

41 ORDINANCES 1.) An ordinance amending the DB Code 4.10, titled Management  
42 of Borough Real Property.  
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44 MICHAELS MOVED to introduce and HALL seconded. Discussion  
45 followed.

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The roll call VOTE was unanimous. This will be ordinance 06-18, Version A.

2.) An ordinance appropriating \$50,771 from the Major School Maintenance Reserve Fund in accordance with DB Code 3.20.060.

This ordinance fails due to lack of introduction.

3.) An ordinance amending DB Code 2.05.050 titled Compensation of Assembly Members.

HALL MOVED to introduce and MICHAELS seconded. The roll call VOTE was unanimous. This will be Ordinance 06-19, Version A.

HALL MOVED to postpone until the next meeting, MICHAELS seconded. The VOTE was 5-1 with EVANS opposed.

4.) Ordinance 05-20, Version B: an ordinance amending the Denali Borough Code of Ordinances establishing an area wide conditional use permit for coal bed methane exploration and development.

MICHAELS MOVED to postpone until the next meeting, SHELTON seconded. The VOTE was 4-2 with EVANS and POLLOCK opposed.

5.) Ordinance 05-21, Version C: an ordinance of the Denali Borough establishing coal bed methane exploration and development regulations.

MICHAELS MOVED to amend by substitution proposed amendment B. HALL seconded.

MICHAELS suggested some clarification on number A 2 and to discuss some type of variance at the next meeting. Mayor Talerico will work on it with state of Alaska, Department of Gas.

SHELTON would like to see some type of public hearing process set up if there is a variance.

The VOTE was unanimous to amend by substitution.

MICHAELS MOVED to postpone until the next meeting, BULARD seconded. The VOTE was unanimous.

1 HALL MOVED to direct this ordinance along with the concerns of  
2 the assembly about variances and set backs to Division of Oil and  
3 Gas. MICHAELS seconded. The VOTE was unanimous.  
4

5 6.) Ordinance 06-07, Version C, an ordinance adding DBC 3.45  
6 establishing a 2% general sales and service tax within the Denali  
7 Borough.  
8

9 MICHAELS MOVED to amend by substitution Version C to version  
10 D. EVANS seconded. The VOTE was unanimous.  
11

12 HALL MOVED to postpone until the next meeting, MICHAELS  
13 seconded. The VOTE was unanimous.  
14

15 7.) Ordinance 06-09, Version A: An ordinance amending the Denali  
16 Borough Code, Chapter 3.25.020, to increase the amount of  
17 Overnight Accommodation Tax.  
18

19 MICHAELS MOVED to postpone until the next meeting and HALL  
20 seconded. The VOTE was unanimous.  
21

22 8.) Ordinance 06-10, Version B: An ordinance requiring fiscal notes.  
23

24 Discussion followed. EVANS MOVED to adopt. SHELTON  
25 seconded. The roll call VOTE was 3-3 with HALL, MICHAELS, and  
26 BULARD opposed. Motion fails.  
27

28 9.) Ordinance 06-13, Version A, an ordinance amending DB Code  
29 2.15.303 titled Regular Assembly Meetings.  
30

31 MICHAELS MOVED to postpone until the next meeting and EVANS  
32 seconded. The VOTE was unanimous.  
33

34 10.) Ordinance 06-14, Version A, an ordinance replacing DB Code  
35 9.15 dealing with zoning.  
36

37 HALL MOVED to amend by substitution Version A to version B.  
38 MICHAELS seconded. The VOTE was unanimous.  
39

40 HALL MOVED to change the definition kennel on page 17 to delete  
41 the word grooming. BULARD seconded. The VOTE was 5-1 with  
42 SHELTON opposed.  
43

44 HALL MOVED to add to 9.15.080 first sentence "The assembly shall  
45 hold at least one public hearing on local option zoning

1 recommendations.” MICHAELS seconded. The VOTE was  
2 unanimous.

3  
4 MICHAELS MOVED to postpone until the next meeting, BULARD  
5 seconded. The VOTE was unanimous.

6  
7 RESOLUTIONS 1.) A resolution in regards to vehicular and pedestrian safety within  
8 the Denali Borough.

9  
10 MICHAELS MOVED to remove the words “although” and “only” from  
11 the 7<sup>th</sup> WHEREAS, HALL seconded. The VOTE was unanimous.

12  
13 SHELTON MOVED to amend to add item 4 requesting a pedestrian  
14 bridge. EVANS seconded. The VOTE was unanimous.

15  
16 EVANS MOVED add the word install to items 2-4 and add 5 develop  
17 Triple Lakes trailhead parking. HALL seconded. The VOTE was  
18 unanimous.

19  
20 HALL MOVED to adopt and EVANS seconded. The roll call VOTE  
21 was unanimous. This will be Resolution 06-09.

22  
23 2.) A resolution implementing the National Incident Management  
24 System (NIMS) for the Denali Borough.

25  
26 MICHAELS MOVED to adopt and BULARD seconded. The roll call  
27 VOTE was unanimous. This will be Resolution 06-10.

28  
29 OTHER 1.) An update on the Braun lawsuits.

30 BUSINESS

31 Mayor Talerico gave a brief update.

32  
33 2.) Discussion of the Denali Borough Code legal analysis.

34  
35 Borough Clerk, Gail Pieknik, explained. This item will be postponed  
36 until the next meeting by unanimous consent.

37  
38 3.) Liquor licenses:

39  
40 Application approval for Panorama Pizza Pub: Restaurant/Eating  
41 Place. Under 13 AAC 104.335(a) the Alaska ABC may issue this  
42 type of license if *“if the governing body of the  
43 municipality...approves the application.”*  
44

1 HALL MOVED to approve the liquor license for Panorama Pizza.  
2 BULARD seconded. The VOTE was unanimous.

3  
4 4.) Gravel Pit discussion.

5  
6 Discussion ensued regarding the proposed draft letter.

7  
8 BULARD MOVED to send this letter to Northern Region Director,  
9 Andrew Niemic and request a rehabilitation plan for the site.  
10 EVANS seconded.

11  
12 MICHAELS MOVED to change the sentence to read "The Denali  
13 Borough requests the following immediately", HALL seconded. The  
14 VOTE was unanimous.

15  
16 The VOTE to send the letter as amended was unanimous.

17  
18 5.) Public Comments.

19  
20 Steve Denton, Usibelli Coal Mine (UCM), addressed the public  
21 participation process that occurs when we create the plan of  
22 operation. He also addressed the fears of proximity of operations.  
23 He spoke to the comments suggesting that UCM has not been  
24 forthcoming with information and that they are hiding something.  
25 Usibelli has been sharing as much information as they know.

26  
27 Gordon Carlson, Cantwell resident, would like to see the Borough  
28 adopt a Borough wide burn ban. He also commented on the poor  
29 condition of the Cantwell Transfer Station and asked for it to be  
30 cleaned up.

31  
32 Steve Jones, Denali resident, brought up a housekeeping ordinance  
33 on the sale of borough property.

34  
35 Brenda Rebne, AHTNA, Inc, asked what the next step would be for  
36 the Local Option Zoning ordinance. POLLOCK addressed her  
37 questions.

38  
39 Rick Weibel, Healy resident, read the Assembly's mission statement  
40 and spoke about Ordinance 05-21. This is our time to protect  
41 ourselves.

42  
43 Chuck Tomkiewicz, Panguingue Creek Volunteer Fire Department,  
44 thanked the assembly for their support and funding their training.  
45 There were 16 people that attended the fire training.

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Eric Oberg, Panguingue Creek resident, commented on Ordinance 05-21.

John Terley, assistant engineer for the overpass project, explained that in light of Monday's work session in Cantwell, flags, warning signs and a speed trailer have been placed near the gravel pit.

**ASSEMBLY  
COMMENTS**

BULARD commented on the road construction and the DOT gravel pit.

EVANS also commented on the road construction.

HALL requested that the date of the August meeting be moved to the week before or after the regular assembly meeting date because it is in conflict with the AML Legislative meeting in Homer.

Mayor Talerico reported that the Department of Natural Resources will be in Healy tomorrow to look at possibly planning a new subdivision near Otto Lake.

**NEXT MEETING**

1.) The next regular meeting will be on July 12, 2006, work session will begin at the Denali Borough Landfill at 5:15 PM, continuing on to the Anderson School. The work session will reconvene at 6:00, public hearing 6:45, and regular meeting to follow.

**ADJOURN.**

Presiding Officer Pollock declared the regular meeting adjourned at 9:46 PM.

ATTEST:

*Maie Luknik*  
Borough Clerk

APPROVED:

*Gerald J. Pollock*  
Presiding Officer

Date Approved: JULY 12, 2006