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**Minutes of the Public Hearing  
Denali Borough Assembly  
McKinley Village Community Center  
May 14, 2008**

CALL TO ORDER The public Hearing was called to order at 6:45 PM.

ROLL CALL Assembly members present: Clay Walker, Baxter Mercer, Armeda Bulard, David Evans, John Winklmann, Eileen Holmes and Teresa Chepoda Usibelli and Josh Hockin. Mayor Talerico was also in attendance.

PUBLIC COMMENTS 1.) **ORDINANCE 08-07, Version B:** an ordinance amending the Denali Borough Code, Chapter 9.25 titled, Gas Exploration and Development Regulations.

Susan Braun, Panguingue Creek Subdivision, spoke against the ordinance. She would like the Denali Borough Code left the way it is for gas exploration and development. She feels that if the state wants the Code changed, then have the state come after the borough and then borough can act on it.

Jim Caswell, Cantwell, is in favor of Coal Bed Methane if it is done in a environmentally safe way. He encouraged the assembly to think about the jobs that it would create locally.

Andrea Blakesley, Denali, spoke to how the borough receives revenues. The borough makes 84 percent of its revenues from tourism tax and only 2.7 percent from severance tax. She asked the assembly to consider the effects of what an industrial landscape versus a residential landscape will do to everyone that lives here or visits here. If Ordinance 08-07 passes, it would withdraw all of the protection of the borough against gas development. She also encouraged the assembly to pass Resolution 08-11. She requested that any assembly member who has a financial interest in this subject to abstain from voting on this issue.

Chuck Tomkiewicz, Panguingue Creek Homeowners Association, mentioned that there were a lot of comments on this subject during the 2005 assembly meetings. He requested that the assembly follow the

1 will of the people and leave the Borough Code as it is. He also  
2 supports Resolution 08-11.

3  
4 Larissa Yocum, Denali, supports Ordinance 05-24 and Resolution 08-  
5 11 and asked the assembly to support it.

6  
7 Jere Zimmerman, Panguingue Creek, spoke against this ordinance and  
8 supports keeping the Borough Code the way it is.

9  
10 Charlie Loeb, non-resident, the Denali Borough has all sorts of  
11 resources. We need reasonable separation for all resources within the  
12 borough. Even though the borough did not comment during the state  
13 comment period, there are many locals that did and the state will have  
14 to take these letters into consideration for the best interest findings. He  
15 feels that Resolution 08-11 is very important.

16  
17 David Braun, Panguingue Creek, spoke against this ordinance and  
18 supports leaving the original ordinance alone. He feels that the state  
19 should go through the motions to come after the borough to see if they  
20 are just bullying us.

21  
22 2.) **ORDINANCE 08-13, Version A:** an ordinance amending the  
23 Denali Borough budget for fiscal year 2008.

24  
25 Steve Jones, Denali, encouraged the assembly to leave enough  
26 revenue in the budget for a borough base map.

27  
28 3.) **ORDINANCE 08-14, Version A:** an ordinance for the establishment  
29 and the adoption of the Denali Borough budget for fiscal year 2009.

30  
31 There were no comments.

32  
33 4.) **ORDINANCE 08-15, Version A:** an ordinance establishing the  
34 Denali Borough Improvement Program for fiscal year 2009 through  
35 fiscal year 2014.

36  
37 There were no comments.

38  
39 5.) **ORDINANCE 08-05, Version A:** An ordinance setting the Denali  
40 Borough Solid Waste Tipping Fees.

41  
42 There were no comments.

1  
2 6.) **ORDINANCE 07-24, Version C:** An ordinance to amend Chapter  
3 6.15 of the Denali Borough Code of Ordinances, titled Solid Waste.  
4

5 Pat Winklmann, Landfill Issues and Recycling Committee, explained  
6 that the committee worked on this ordinance as requested by the  
7 assembly and returned it with suggestions. The suggestions are listed on  
8 version D.  
9

10 7.) **ORDINANCE 08-02, Version A:** An ordinance amending the  
11 Denali Borough Code of Ordinances Chapter 1.15.030 titled Ordinance  
12 Procedures.  
13

14 There were no comments.  
15

16 8.) **ORDINANCE 08-04, Version A:** an ordinance appropriating  
17 \$400,000 from the Permanent Investment Funds to balance out the  
18 Denali Borough Landfill Closure Fund.  
19

20 Jim Caswell, Cantwell, spoke against this ordinance. If this is passed, it  
21 would set a precedent and therefore would make it easier to tap into the  
22 permanent fund at anytime. This fund was set aside for borough  
23 emergencies. He suggested that the borough put a line item in the  
24 budget and each year place \$150,000 in the closure fund until it is fully  
25 funded.  
26

27 9.) **ORDINANCE 08-10, Version A:** an ordinance amending the  
28 Denali Borough Code, Chapter 4.05, titled Real Property Acquisition.  
29

30 There were no comments.  
31

32 10.) **ORDINANCE 08-06, Version A:** An ordinance amending the  
33 Denali Borough Code of Ordinances, Chapter 2.35 titled Travel  
34 Allowances.  
35

36 There were no comments.  
37

38 11.) **ORDINANCE 08-12, Version A:** An ordinance amending the  
39 Denali Borough Code of Ordinances to create Chapter 3.50 titled  
40 Enhanced 911 Services.  
41

42 Gordon Carlson, Cantwell, supports this ordinance going to the ballot.

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ADJOURNMENT BULARD declared the public hearing adjourned at 7:17 PM

APPROVED:   
Armeda Bulard, Presiding Officer

ATTEST:   
Gail Pieknik, Borough Clerk

Date Approved: JUNE 11, 2008

**Minutes of the Regular Meeting  
Denali Borough Assembly  
McKinley Village Community Center  
May 14, 2008**

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6  
7 CALL TO ORDER Presiding Officer Armeda Bulard called the regular meeting to order at  
8 7:18 PM.  
9

10 ROLL CALL Assembly members present: John Winklmann, Armeda Bulard, Clay  
11 Walker, Eileen Holmes, Baxter Mercer, Dave Evans and Teresa  
12 Chepoda Usibelli and Josh Hockin. Mayor Talerico was also in  
13 attendance.  
14

15 PUBLIC Todd Shorey, Healy Hockey Association, read a letter from Mark  
16 COMMENTS Menke, President of the Hockey Association. He appreciates the  
17 assembly's consideration of a request for a direct appropriation of funds  
18 to the organization.  
19

20 Steve Jones, McKinley Village, updated the assembly on the draft  
21 Comprehensive Plan. He spoke in support of the resolutions to BLM on  
22 the 17b easements. Steve requested that the assembly write a letter to  
23 Bureau of Indian Affairs to place easement access across the native  
24 allotments.  
25

26 Nan Eagleson, Mile 228, Middle Nenana Fish and Game Committee,  
27 the committee requested that the assembly write a letter to State of  
28 Alaska, Department of Natural Resources in regards to the closing of  
29 the Rex Trail to vehicles over 1500 pounds by the State of Alaska,  
30 Department of Natural Resources. She explained that the committee is  
31 opposed to this because it does not address the issue of slowing down  
32 the amount of vehicle traffic that is creating degradation of the trail.  
33

34 Ms. Eagleson continued expressing that the committee did not take a  
35 stand on Ordinance 08-07 but she personally is opposed to Ordinance  
36 08-07 because it does not leave any protection for wildlife habitat.  
37

38 Mary Pearson, Denali Borough School District member, encourages the  
39 assembly to pursue the APOC issue. The school board has discussed  
40 this issue and they are in favor of the borough opting out and creating  
41 its own financial disclosure form. The Superintendent asked to be  
42 excused from attending tonight because of prior engagements.  
43

1 Teresa Hall, Healy, Denali School Board, supports passing Ordinance  
2 08-17. It is the responsibility of the assembly to get the information out  
3 to the public so that everyone understands what the ordinance is about.  
4

5 AGENDA

MERCER MOVED to approve the agenda. WINKLMANN seconded.  
6 The VOTE to approve the agenda was unanimous.  
7

8 MINUTES

1.) April 9, 2008 Public Hearing and Assembly Regular meeting.  
9

10 EVANS MOVED to approve. MERCER seconded. WALKER stated  
11 that he had found some typographical errors. On page 3, Line 4, Paul  
12 Lundgren should be Paul Haney. On page 11, Line 20, should state be  
13 6 affirmative and 1 abstain. The VOTE to approve the minutes as  
14 amended was unanimous.  
15

16 REPORTS

1.) March 2008 Financial Report.  
17

18 EVANS MOVED to receive the financial report. HOLMES seconded.  
19 The VOTE was unanimous.  
20

2.) Mayor's Report  
21

- 22
- 23 • The mayor would like to send a letter to appeal the decision of
- 24 the Commissioner of Department of Natural Resources and
- 25 request that the DNR work with the Middle Nenana Fish and
- 26 Game Committee.
- 27 • The mayor requested a change in the FY 2009 budget to add a
- 28 line item for the fire departments to receive more fuel for their
- 29 equipment. The cost of fuel has gone up 75 cents per gallon
- 30 since the requests for funding came in.
- 31 • The DNR will be in Healy on June 4<sup>th</sup> to discuss the TBAP and
- 32 the borough municipal land entitlements. This is the last step
- 33 before the borough receives the 33,000 acres that are left out of
- 34 our entitlements.
- 35 • Elwood Lynn from Denali National Park would like the borough to
- 36 set a date for the annual travel to Kantishna. In addition to the
- 37 assembly, school board and borough staff, the mayor would like
- 38 to invite the Aurora Club, Anderson City Council and the Nenana
- 39 City Council.
- 40 • The mayor supports the 17b easements and will be sending a
- 41 letter to the Bureau of Indian Affairs (BIA) on supporting access
- 42 across lands for public use.
- 43 • The mayor requested an amendment to the FY 2008 budget to
- 44 zero out the budgetary reserve.

- The mayor went to Juneau for the AML Executive Board Meeting. While in Juneau, the mayor spoke with Governor Palin's Chief of Staff about the \$450,000 appropriations for the Denali Borough Landfill. Governor Palin has not approved the budgets yet and there is no word on what will be taken out.

### 3.) School Report

Teresa Hall, Denali Borough School Board member, read a letter from Superintendent Langton.

### 4.) Landfill Issue and Recycling Report

A.) Kevin Hamel gave an update on the committee. The committee has been working on the Denali Borough Landfill Permit and Operations Plan. They also turned in suggestions to the assembly on Ordinance's 08-05 and 07-24.

B.) The resignation of Landfill Issue and Recycling Committee member.

WALKER MOVED to accept the resignation of Lilly Capell. WINKLMANN seconded. The VOTE was unanimous.

### 5.) Assembly Advisory Committee report

Julia Potter, Assembly Advisory Committee, gave an update of the activities of the committee:

- The committee is encouraging the assembly pass Ordinance 08-12 and to educate the public about this ordinance.
- The committee is in favor of the passage of Ordinances 08-13 and 08-14
- Ms. Potter spoke to the Healy Hockey Grant. The committee would like Healy Hockey to close out all grant funds prior to accepting any more funds.

### 6.) Assembly Comments

Eileen HOLMES suggested that in order to shorten the meetings, the assembly should eliminate work sessions prior to their regular meetings. EVANS and WINKLMANN supported this idea.

WINKLMANN MOVED to direct the mayor to appeal the DNR decision on the Rex Trail weight limits. HOCKIN seconded. The VOTE was unanimous.

1  
2 Clay WALKER appreciates the level of detail in the minutes.  
3

4 WALKER MOVED to encourage the mayor to contact BIA about  
5 access across Federal Lands and the Horse Trail located near the  
6 Yanert River and to work on a resolution for the Planning Commission.  
7 WINKLMANN seconded. The VOTE was unanimous.  
8

9 Baxter MERCER spoke about Healy Hockey's request for money.  
10 MERCER is hesitant in making precedents. He spoke against the Tri-  
11 Valley Community Center and the way it has turned into offices for the  
12 borough and the bank. He feels it is not a real Community Center  
13 anymore. He commended on the McKinley Village and Cantwell  
14 Community Center's for staying with the Community Center concept.  
15

16 David EVANS spoke about Healy Hockey program and the kids.  
17

18 Josh HOCKIN and Armeda BULARD agreed with removing the work  
19 session from the regular meetings to shorten the meeting time.  
20

21 HOLMES MOVED to remove the work session from the regular meeting  
22 agenda, to have the public hearing begin at 6:00 PM with a maximum  
23 time of 45 minutes and the regular meeting to start immediately  
24 following the public hearing. WINKLMANN seconded. The roll call  
25 VOTE was 7 – 1. MERCER opposed.  
26

27 COMMUNICATIONS

28 AND

29 APPEARANCES

Leroy Lausen, Landfill Issue and Recycling Committee

30 Mr. Lausen gave an overview of creating another C&D cell next to the  
31 Borough Landfill shop. The landfill can be reconfigured through a land  
32 survey so that it would be located outside the current landfill. This  
33 would help decrease the amount of daily trash that the landfill is  
34 accepting because it would be in a separate landfill. The new pit may  
35 be exempt from the maximum tonnage that a class two landfill can take.  
36

37 BREAK

The Presiding Officer called for a break.  
38 The meeting was called back to order.  
39

40 ORDINANCES

41 TO BE

42 INTRODUCED

43 1.) **ORDINANCE 08-17:** An ordinance to opt out of the provisions of  
44 the State of Alaska, APOC Financial Disclosure and create a Denali  
45 Borough Financial Disclosure Form.

1 MERCER MOVED to introduce. HOLMES seconded.

2  
3 Teresa Hall and Mary Pearson, Denali Borough School Board  
4 members, supports this ordinance.

5  
6 The roll call VOTE was unanimous.

7  
8 PENDING  
9 ORDINANCES

10 1.) **ORDINANCE 08-07, Version B:** an ordinance amending the  
11 Denali Borough Code, Chapter 9.25 titled, Gas Exploration and  
12 Development Regulations.

13 WINKLMANN MOVED to amend by changing paragraph A: 1,500 feet  
14 to 3,000 feet and 500 feet to 1,000 feet. WALKER seconded. The  
15 VOTE was 2-6 with EVANS, USIBELLI, HOLMES, MERCER,  
16 HOCKIN and BULARD opposed. Motion fails.

17  
18 MERCER MOVED to adopt. EVANS seconded. The roll call VOTE was  
19 5-2. WINKLMANN and WALKER opposed. USIBELLI abstained from  
20 voting because of a possible conflict of interest. Motion passes.

21  
22 2.) **ORDINANCE 08-13, Version A** : An ordinance amending the  
23 Denali Borough budget for fiscal 2008.

24  
25 MERCER MOVED to bring the Assembly Budgetary Reserve to zero .  
26 HOLMES seconded. The VOTE was unanimous.

27  
28 MERCER MOVED to adopt. USIBELLI seconded. The roll call VOTE  
29 was unanimous.

30  
31 3.) **ORDINANCE 08-14, Version A** : An ordinance for the  
32 establishment and adoption of the Denali Borough Budget for fiscal  
33 year 2009.

34  
35 MERCER MOVED to postpone to the next meeting. WINKLMANN  
36 seconded. The VOTE was unanimous.

37  
38 4.) **ORDINANCE 08-15, Version A:** An ordinance establishing the  
39 Denali Borough Capital Improvement program for fiscal year 2009  
40 through fiscal year 2014.

41  
42 MERCER MOVED to adopt. EVANS seconded. The roll call VOTE  
43 was unanimous.

1 5.) **ORDINANCE 08-05, Version A:** An ordinance setting the Denali  
2 Borough Solid Waste Tipping Fees.  
3

4 WALKER MOVED to substitute version B for version A. EVANS  
5 seconded. The VOTE was unanimous.  
6

7 EVANS MOVED to postpone to the next meeting. HOLMES seconded.  
8 The VOTE was unanimous.  
9

10 6.) **ORDINANCE 07-24, Version C:** An ordinance to amend Chapter  
11 6.15 of the Denali Borough Code of Ordinances, titled Solid Waste.  
12

13 USIBELLI MOVED to substitute version D for version C. WALKER  
14 seconded. The VOTE was unanimous.  
15

16 USIBELLI MOVED to postpone to the next meeting. HOCKIN  
17 seconded. The VOTE was unanimous.  
18

19 7.) **ORDINANCE 08-02, Version A:** An ordinance amending the  
20 Denali Borough Code of Ordinances Chapter 1.15.030 titled Ordinance  
21 Procedures.  
22

23 WINKLMANN MOVED to postpone indefinitely. USIBELLI seconded.  
24 The roll call VOTE was unanimous.  
25

26 8.) **ORDINANCE 08-04, Version A:** an ordinance appropriating  
27 \$400,000 from the Permanent Investment Funds to balance out the  
28 Denali Borough Landfill Closure Fund.  
29

30 MERCER MOVED to postpone to the next meeting. USIBELLI  
31 seconded. The VOTE was 5-3 with BULARD, EVANS and HOCKIN  
32 opposed.  
33

34 USIBELLI MOVED to send this ordinance to the Solid Waste  
35 Committee for review to be returned back to the assembly at the next  
36 regular meeting in June. WINKLMANN seconded. The VOTE was 6 –  
37 2 with BULARD and HOCKIN opposed.  
38

39 9.) **ORDINANCE 08-10, Version A:** an ordinance amending the  
40 Denali Borough Code, Chapter 4.05, titled Real Property Acquisition.  
41

42 MERCER MOVED to adopt. EVANS seconded. The roll call VOTE  
43 was unanimous.  
44

1 10.) **ORDINANCE 08-06, Version A:** An ordinance amending the  
2 Denali Borough Code of Ordinances, Chapter 2.35 titled Travel  
3 Allowances.  
4

5 MERCER MOVED to postpone to the next meeting. EVANS  
6 seconded. The VOTE was unanimous.  
7

8 11.) **ORDINANCE 08-12, Version A:** An ordinance amending the  
9 Denali Borough Code of Ordinances to create Chapter 3.50 titled  
10 Enhanced 911 Services.  
11

12 EVANS MOVED to amend by substitution version B for version A.  
13 WINKLMANN seconded. The VOTE was unanimous.  
14

15 EVANS MOVED to postpone to the next meeting. HOLMES seconded.  
16 The VOTE was unanimous.  
17

18 RESOLUTIONS

19 1.) **RESOLUTION 08-08:** a resolution in appreciation to Denali  
20 Borough Assembly member Robert Kohlsdorf.  
21

22 HOLMES MOVED to approve. EVANS seconded. The roll call VOTE  
23 was unanimous.  
24

25 2.) **RESOLUTION 08-09:** a resolution in support of collaborating with  
26 BLM on local land management issues.  
27

28 MERCER MOVED to approve. EVANS seconded. The roll call VOTE  
29 was unanimous.  
30

31 3.) **RESOLUTION 08-10:** a resolution supporting the BLM  
32 preservation of 17b easements within the Denali Borough.  
33

34 EVANS MOVED to approve. HOLMES seconded. The roll call VOTE  
35 was unanimous.  
36

37 4.) **RESOLUTION 08-11:** a resolution in support of the State of  
38 Alaska to withdraw certain townships within the Denali Borough from  
39 Gas Exploration and Development.  
40

41 MERCER MOVED to approve. WALKER seconded. The roll call  
42 VOTE was 3 – 4. BULARD, HOCKIN, HOLMES and EVANS opposed.  
43 USIBELLI abstained. Motion fails.

1 5.) **RESOLUTION 08-12:** a resolution in support of the  
2 recommendation put forth by the Denali Borough Assembly Advisory  
3 Committee.  
4

5 MERCER MOVED to approve. EVANS seconded. The roll call VOTE  
6 was unanimous  
7

8 OTHER  
9 BUSINESS

10 1.) Healy Hockey Grant Application

11 WINKLMANN MOVED to rescind the 2-year penalty placed on the  
12 Healy Hockey in regards to the matching grant program. WALKER  
13 seconded.  
14

15 Gordon Carlson, Cantwell, spoke against this because it shows  
16 favoritism. There are still current grants that Healy Hockey has not  
17 closed out.  
18

19 Pat Winklmann, Healy, stated that there are other grant applications  
20 that were not filled out correctly. She stated that everyone in the  
21 borough uses the hockey building.  
22

23 Mayor Talerico recited the Denali Borough Code 3.21.020. Healy  
24 Hockey requested and received an extension on a grant. This would  
25 place them under 3.21.020 because they did not fulfill the grant  
26 contract.  
27

28 Teresa USIBELLI sees it both ways. In the dead of winter, this facility is  
29 open to everyone. If Healy Hockey does not receive money, they will  
30 have to cut back on the hours of operation.  
31

32 Baxter MERCER cited the Denali Borough Code. He feels that the  
33 Code would have to be changed in order to give money to Healy  
34 Hockey. He will vote against this motion.  
35

36 WINKLMANN feels that the Healy Hockey asked for an extension if  
37 good faith and they did not know that there was a penalty.  
38

39 EVANS feels that rules are rules.  
40

41 Eileen HOLMES stated that if you don't follow the rules with the State of  
42 Alaska grants, they don't excuse you. That is how the state is  
43 successful in maintaining their grant programs.  
44

1 Armeda BULARD reviewed the work sheet on the Healy Hockey grants  
2 and feels that all of the projects should have been completed. She  
3 asked, "Why are they being allowed to sit on \$34,000 worth of grants?"  
4  
5 The VOTE was 3 – 5 with EVANS, BULARD, HOLMES, HOCKIN and  
6 MERCER opposed. Motion fails.  
7  
8 The discussion continued on the direct appropriations that Healy  
9 Hockey is asking for.  
10  
11 MERCER feels that since they have \$34,000 in outstanding grant  
12 money, they should finish what they have before applying for an  
13 additional \$18,000.  
14  
15 WINKLMANN stated that in speaking with the President of the Hockey  
16 Association, they thought that they could accumulate the money to do  
17 one big project.

18 2.) Public comments.

19 Pat Winklmann, Healy, spoke about the Healy Hockey organization and  
20 what they do for the community.

21 Teresa Hall, Denali Borough School Board, suggested that a Financial  
22 Disclosure form be created prior to the election in November. She also  
23 suggested that the information be placed on the borough web site.

24 Chuck Tomkiewicz, Panguingue Creek Subdivision, is disappointed that  
25 the borough did not comment during the timeline on the gas exploration  
26 and development public comment period. He was also sorry that the  
27 ordinances went down including Resolution 08-11.

28 ASSEMBLY Teresa USIBELLI is in favor of reducing the assembly and planning  
29 COMMENTS commission seats to 7 members since it seems that the borough  
30 cannot find enough people to serve.  
31  
32 Clay WALKER read the Mission Statement of the Denali Borough  
33 Assembly at feels disappointed at the way the gas exploration and  
34 development ordinance and resolution went tonight.  
35  
36 John WINKLMANN thanked everyone for coming.  
37

38 NEXT MEETING 1.) There will be a joint meeting held on June 5, 2008 at 6:00 PM at  
39 the Tri-Valley Community Center with the assembly and the  
40 assembly advisory committee.

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2.) The next regular meeting will be held at the Cantwell School on June 11, 2008. Assembly public hearing 6:00PM, and regular meeting to follow.

ADJOURN. The presiding officer declared the regular meeting adjourned at 11:37PM.

APPROVED:   
Armeda Bulard, Presiding Officer

ATTEST:   
Gail Pieknik, Borough Clerk

Date Approved: JUNE 11, 2008