

**Minutes of the Regular Meeting
Denali Borough Assembly
Anderson School
March 8, 2006**

1
2
3
4
5
6 CALL TO ORDER Presiding Officer Gerald Pollock called the regular meeting to order at
7 6:59PM.
8
9 ROLL CALL Assembly members present were: Gerald Pollock, Bob Shelton, David
10 Evans, Sid Michaels, Paul Schenk, Teresa Hall, Baxter Mercer, Armeda
11 Bulard, and Eileen Holmes. Mayor Talerico was also in attendance.
12
13 PUBLIC COMMENTS There were no public comments.
14
15
16 AGENDA MERCER MOVED to approve the agenda, HALL seconded.
17
18 Mayor Talerico requested that Michael Lamb be removed from the
19 agenda; approved by unanimous consent.
20
21 SCHENK MOVED to add J5 Coal Bed Methane letter; approved by
22 unanimous consent.
23
24 By unanimous consent, Tim O'Rourke was added under Seat D
25 Finance Committee seat appointment.
26
27 The VOTE to approve as amended was unanimous.
28
29 MINUTES 1.) Assembly Meeting: Public Hearing and Regular Meeting held on
30 February 8, 2006.
31
32 The Chair entertained a MOTION to adopt the February 8, 2006
33 minutes. HALL so MOVED and HOLMES seconded.
34
35 MICHAELS MOVED to remove on page 3, line 15, the incomplete
36 motion and to change Page 5, line 26, to say by unanimous consent.
37 HOLMES seconded. The VOTE was unanimous.
38
39 The VOTE to approve the minutes as amended was unanimous.
40
41 FINANCIAL 1.) January 2006.
42 REPORT
43 The chair entertained a motion to receive the January 2006 financial
44 report. BULARD so MOVED and MERCER seconded. The VOTE was
45 unanimous.

1
2 **MAYOR'S** Mayor Talerico gave a brief report of his activities for the month. The
3 **REPORT** state of Alaska, Department of Natural Resources (DNR) has requested
4 comment from the Assembly on the DOC lease at Hornet Creek. HALL
5 **MOVED** to send a letter in support of the decision of the Planning
6 Commission, MICHAELS seconded. Discussion followed. The roll call
7 **VOTE** was 5- 4 with SCHENK BULARD POLLOCK SHELTON
8 opposed. Motion passes.
9
10 The mayor continued with an overview of his activities for the month.
11
12 Mayor Talerico recommended Amanda Nyberg to fill the position of
13 Denali Borough Treasurer. MICHAELS **MOVED** to approve the
14 recommendation. HALL seconded. The roll call **VOTE** was
15 unanimous.
16
17 **SCHOOL** The School District Superintendent gave a written report.
18 **DISTRICT**
19
20 **PLANNING** MICHAELS stated that there was not a quorum for the March meeting.
21 **COMMISSION**
22
23 **SEAT** 1.) Finance Committee.
24 **APPOINTMENTS**
25 Mayor Talerico recommended Brad Fabrizio for Finance Committee
26 Seat C. MICHAELS **MOVED** to accept the recommendations.
27 BULARD seconded. The **VOTE** was unanimous.
28
29 Mayor Talerico recommended Timothy O'Rourke for Finance
30 Committee Seat D. MICHAELS **MOVED** to accept the
31 recommendation. HALL seconded. The **VOTE** was unanimous.
32
33 **ASSEMBLY** MERCER received comment from Martin Wiener who would like to
34 **COMMENTS** continue the construction of his bed and breakfast located within the
35 Village View Subdivision. EVANS **MOVED** to send a response to
36 Mr. Wiener with the guidance of the attorney. MERCER seconded.
37 The **VOTE** was unanimous.
38
39 BULARD commented on the southern district work session held last
40 Monday night in Cantwell.
41
42 EVANS commented on the local Squirts, Pee-wee's, and Mites
43 hockey teams taking first place in a tournament held in Anchorage.
44 EVANS also commented on the Wolf townships and suggested that
45 the land should be turned into a State Park.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

RECESS

The Presiding Officer called a recess at 7:48 PM. The meeting reconvened at 8:01 PM.

COMM. AND APPEARANCES

1.) Scott Reiland, Denali Grizzly Bear Resort, to discuss Mile 231.1 Parks Highway pedestrian safety issue.

Mr. Reiland spoke to the pedestrian safety issues at Mile 231.1 Parks Highway and the Nenana River bridge. Discussion followed.

SCHENK MOVED to send a letter to DOT to address the safety issues to request amber flashing lights, reduce speed signage and to name the streets in the area and any other things that might be appropriate, and to add in the letter about all of the hotel development and increase of tourism in the area. HALL seconded. Discussion followed. The VOTE was unanimous.

ORDINANCES

1.) An ordinance amending the Denali Borough Code, Chapter 3.25.020, to increase the amount of Overnight Accommodation Tax.

MICHAELS MOVED to introduce and SCHENK seconded. MICHAELS addressed this ordinance. Discussion followed regarding diversifying the Denali Borough revenues. The roll call VOTE was 8-1 with POLLOCK opposed. This will be Ordinance 06-09.

2.) An ordinance requiring fiscal notes.

EVANS addressed this ordinance. EVANS MOVED to introduce and MICHAELS seconded. Discussion followed. The roll call VOTE was unanimous. This will be Ordinance 06-10.

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

SCHENK MOVED to amend by substitution 05-20, Version A for the proposed amendment, MICHAELS seconded. The VOTE was unanimous.

MERCER MOVED to postpone to the next meeting, MICHAELS seconded. The VOTE was 8-1 with EVANS opposed.

1 4.) Ordinance 05-21, Version A: an ordinance of the Denali
2 Borough establishing coal bed methane exploration and
3 development regulations.
4

5 HALL MOVED to delete 1500 and insert 700 in section 3B, EVANS
6 seconded. The VOTE was 8-1 with SCHENK opposed.
7

8 BULARD MOVED to delete "private property line." and insert
9 "recorded residential subdivision." In section 3B, MERCER
10 seconded. The VOTE was 8-1 with HALL opposed.
11

12 HALL MOVED to add section 3D with the following verbiage, "An
13 acknowledgement of an agreement between surface land owner
14 and operator for permission for activity." MERCER seconded.
15 Discussion followed.
16

17 MERCER MOVED to amend the amendment to add "if there is an
18 agreement items A and B do not apply. Motion dies for lack of a
19 second.
20

21 The VOTE on the main was 6-3 with SCHENK, EVANS and
22 SHELTON opposed. Motion passes.
23

24 HALL MOVED to postpone to the next meeting, SCHENK
25 seconded. The VOTE was unanimous.
26

27 5.) Ordinance 06-01, Version C, an ordinance providing for district
28 formation and land use regulations.
29

30 MICHAELS asked that at the next meeting a new ordinance be
31 written as a replacement for the proposed amendment for
32 Ordinance 06-01 replacing Denali Borough Code Chapter 9.15.
33

34 MICHAELS MOVED to postpone to the next meeting and EVANS
35 seconded. The VOTE was unanimous.
36

37 6.) Ordinance 06-02, Version B, an ordinance amending the DBC
38 3.05, titled Budget Generally.
39

40 There was debate regarding the budgetary reserve. MICHAELS
41 MOVED to delete 3.05.050, MERCER seconded. The VOTE was
42 unanimous.
43

44 MICHAELS MOVED to adopt, HALL seconded. The roll call VOTE
45 was unanimous.

1
2 The order of the following ordinances were switched:

3
4 8.) Ordinance 06-06, Version A, an ordinance adding DBC 5.50,
5 titled Matching Grant Committee.

6
7 HALL MOVED to adopt, SCHENK seconded.

8
9 HALL MOVED to amend 5.50.050 commencing of December in
10 each year. EVANS seconded. The VOTE was unanimous.

11
12 MICHAELS MOVED to amend 5.50.060 to say "A member so
13 appointed shall fill out the tem of that seat." MERCER seconded.
14 The VOTE was unanimous.

15
16 MICHAELS MOVED to amend 5.50.040 to change the years to
17 2005, 2006 and 2007, MERCER seconded. The VOTE was
18 unanimous.

19
20 The roll call VOTE was unanimous.

21
22 7.) Ordinance 06-05, Version A, an ordinance amending DBC
23 3.21.030, titled Borough Matching Grant Program.

24
25 HALL MOVED to adopt, EVANS seconded. The roll call VOTE was
26 unanimous.

27
28 9.) Ordinance 06-07, Version A, an ordinance adding DBC 3.45
29 establishing a 2% general sales and service tax within the Denali
30 Borough.

31
32 HALL MOVED to delete item E of 3.45.030, MERCER seconded.
33 The VOTE was 7-2 with MICHAELS and SCHENK opposed.

34
35 HALL MOVED to delete item O under 3.45.050, MERCER
36 seconded. The VOTE was 8-1 with SCHENK opposed.

37
38 HALL MOVED to add item E under 3.45.030 Sale of food.
39 MICHAELS seconded. The VOTE was unanimous.

40
41 MICHAELS MOVED to add once this ordinance is approved by the
42 voters any change to the exemptions shall be approved by the
43 voters, HALL seconded. The VOTE was unanimous.
44

1 MICHAELS MOVED to postpone, HOLMES seconded. The VOTE
2 was unanimous.

3
4 10.) Ordinance 06-08, Version A, an ordinance amending DBC
5 3.20, titled Management of Funds and amending 3.20.080, titled
6 Capital Projects Reserve Fund and providing for its funding.

7
8 HALL spoke to this ordinance. Discussion ensued.

9
10 HALL MOVED postpone until December 2006, EVANS seconded.
11 The VOTE was 8-1 with MICHAELS opposed.

12
13 RECESS The Presiding Officer called a recess at 9:50 PM. The meeting was
14 called back to order at 9:59 PM.

15
16 RESOLUTION 1.) A resolution of the Denali Borough Assembly supporting the
17 establishment of a state sponsored community dividend.

18
19 MICHAELS MOVED to adopt, HALL seconded. The roll call VOTE
20 was unanimous.

21
22 OTHER 1.) An update on the Braun lawsuits.

23 BUSINESS

24 Mayor Talerico gave a brief update.

25
26 2.) Discussion on the Middle Nenana Fish and Game Advisory
27 Committee issues.

28
29 Mayor Talerico gave an update on the last meeting of the
30 committee.

31
32 The chair entertained a motion to ask the Mayor to send a letter
33 stating that the Assembly supports one proxy per hunt. HALL so
34 MOVED and MICHAELS seconded. The VOTE was unanimous.

35
36 MICHAELS asked that this issue be removed from the Assembly
37 agenda for future meetings unless something else comes up. There
38 was no objection.

39
40 3.) AHTNA land annexation discussion.

41
42 Mayor Talerico spoke to this issue. Brenda Rebne and Ms. Martin
43 met with the Mayor earlier in the day. They had reaffirmed that
44 AHTNA was interested in waiting a little while to see what was going

1 to evolve with the coal bed methane ordinances 05-20 and 05-21.
2 There were also concerns with the zoning ordinances.
3

4 MICHAELS spoke about the confusion of the comment made by
5 Brenda Rebne, AHTNA, Inc. that she seemed concerned mostly
6 with Ordinance 05-20. MICHAELS wanted to go on record that the
7 Mat-Su Borough already has this ordinance and he did not
8 understand the logic that was being given there. The Borough
9 Assembly would be wise not to go into annexation without the total
10 and complete support and leadership of AHTNA.
11

12 MERCER agreed with MICHAELS about the annexation. MERCER
13 expressed comments that he received from constituents that the
14 people of the borough should have an opportunity to vote on
15 annexation of this land.
16

17 The Presiding Officer stated that there seems to be consensus on
18 asking the Mayor not to pursue the annexation issue at this time
19 until the borough heard from AHTNA.
20

21 4.) Liquor license renewal.
22

23 a.) Type: Beverage Dispensary; License: The Perch #2823;
24 Location: Mile 224 Parks Highway; Owner: Leslie LeQuire.
25

26 b.) Type: Beverage Dispensary Tourism Seasonal; License: Denali
27 Backcountry Lodge; Location: Mile 97 Denali Park Road; Owner:
28 Denali Backcountry Lodge; Agent: Sam Idnani.
29

30 The chair entertained a motion to take no action on both license
31 renewal requests. MICHAELS so MOVED and HALL seconded.
32 The VOTE was unanimous.
33

34 5.) Coal Bed Methane Letter.
35

36 After extensive discussion HALL MOVED to change the second
37 paragraph to read as follows: "The work session was attended by
38 representatives from DNR, Usibelli Coal Mine Inc., the University of
39 Alaska, Mental Health Trust, and members of the public. After extensive
40 discussion on the ordinance's and substantial public comment, it was
41 determined that a request to re-open the public comment period would
42 be in order. Therefore, this letter is a request to establish another
43 public comment period for the purpose to include comment from the
44 Denali Borough regarding the private property rights and long-term
45 impact to local business and economy. The Denali Borough Assembly

1 is committed to resolving this important issue and will continue working
2 diligently to come to an acceptable outcome." MICHAELS seconded.
3 The VOTE was unanimous.
4

5 6.) Public Comments.
6

7 Steve Denton, Usibelli Coal Mine (UCM), liked the idea of going
8 forward with some kind of working group with the Borough Assembly
9 and administration, Usibelli Coal Mine, and stake holders to discuss
10 the differences between coal bed methane and natural gas.
11

12 John Winklmann, sent a letter via email regarding the summer
13 emergency medical services and some issues regarding that.
14

15 Charlie Boddy, UCM, realizes the issues of coal bed methane are
16 pretty tough. He appreciates the time the borough has spent on this
17 issue.
18

19 Elwood Lynn, Denali National Park Service, stated that Charlie Loeb
20 will be at the next meeting to give an update on the transportation
21 plan near the Park.
22

23 ASSEMBLY
24 COMMENTS

25 MICHAELS reminded everyone to think about the annual Denali
26 Park trip. MICHAELS also asked about the Guardian air ambulance
27 having EMT service in the Nenana Canyon and possibly a medical
28 clinic.
29

30 John Winklmann, Healy, spoke to this issue.
31

32 HOLMES thanked everyone for coming.
33

34 SCHENK mentioned the regional basketball games going on in
35 Anderson on the weekend.
36

37 EVANS commented on the business license applications.
38

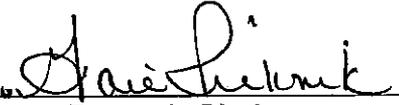
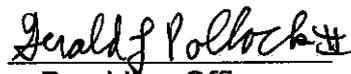
39 BULARD stated that Vernon Carlson applied to serve on the vacant
40 School Board seat.
41

42 MERCER asked if Mitch Usibelli would give his PowerPoint
43 presentation on coal bed methane.
44

45 HALL asked to be excused for the next meeting because she will be
out of state.

1 NEXT MEETING 1.) The next regular meeting will be held at Tri-Valley Community
2 Center on April 12, 2006. Work Session at 6:00, Public Hearing
3 6:45, and Regular Meeting to follow.
4

5 ADJOURN. Presiding Officer Pollock declared the regular meeting adjourned at
6 10:27 PM.
7

8
9
10 ATTEST:  APPROVED: 
11 Borough Clerk Presiding Officer
12

13
14 Date Approved: APRIL 12, 2006