

**Minutes of the Public Hearing  
Denali Borough Assembly  
McKinley Village Community Center  
January 9, 2008**

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

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

PUBLIC COMMENTS

1.) **ORDINANCE 07-23, Version A:** An ordinance amending the Denali Borough Code of Ordinances, Chapter 3.05 titled Budget Generally.

David Braun, Healy, spoke against this ordinance and encouraged the assembly to postpone indefinitely.

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

David Braun, Healy, encouraged the assembly to postpone until there is clarification on how this issue can be fixed.

3.) **ORDINANCE 07-25, Version A:** An ordinance amending the Denali Borough Code of Ordinances, Title 5, Chapter 5.20 titled Boards of Review and Adjustments.

There were no comments.

4.) **ORDINANCE 07-22, VERSION B:** an ordinance authorizing the sale of certain parcels of Denali Borough Municipal Land (MLE).

Steve Jones, Denali, encouraged the assembly to substitute the borough attorney's draft with the assembly draft B.. He also encouraged the assembly to move quickly on this. He suggested looking into being able to resell a lot at the same sale if a bidder did not come through.

David Braun, Healy, sees this ordinance as spot zoning since the rest of the lots are zoned unrestricted. He suggested postponing this ordinance indefinitely.

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ADJOURNMENT BULARD declared the public hearing adjourned at 7:00 PM

APPROVED:   
Armeda Bullard, Presiding Officer

ATTEST:   
Gail Pieknik, Borough Clerk

Date Approved: FEBRUARY 13, 2008

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**Minutes of the Regular Meeting  
Denali Borough Assembly  
McKinley Village Community Center  
January 9, 2008**

CALL TO ORDER Presiding Officer Armeda Bulard called the regular meeting to order at 7:00 PM.

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

EVANS MOVED to excuse HOLMES. KOHLSDORF seconded. The VOTE was unanimous.

PUBLIC COMMENTS Leroy Lausen, Healy, asked that the minutes be changed to reflect what he said at the last meeting. This will be covered under the minutes section.

Gordon Carlson, Cantwell, would like the landfill committee evaluate the landfill operations and where people will go with things that are not accepted at the landfill. He also stated that Cantwell is not for zoning.

Charlie Loeb spoke to the borough's methane gas ordinance. The assembly did a lot of research on the ordinance. There are concerns on the impact this will have on people in the borough.

Ron Dane, McKinley Village, asked Mr. Loeb where he lives and who he represents.

Mr. Loeb stated that he represents himself and is a member of the Denali Citizens Council and owns land out at Stampede Road but does not reside here.

Ron Dane continued speaking about the dangerous intersection on the Park's Highway at McKinley Village.

Nan Eaglesen, Denali, spoke to the dangerous pedestrian intersection at McKinley Village. She also spoke in favor of extending the Stampede Recreation to include Eight Mile Lake.

David Braun, Healy, is concerned about Coal Bed Methane gas exploration and encouraged the assembly to leave the ordinance on the

1' books. He also encouraged the assembly to start working on land use  
2 regulations.  
3  
4 AGENDA EVANS MOVED to approve the agenda. WINKLMANN seconded.  
5 The VOTE to approve the agenda was unanimous.  
6  
7 MINUTES 1.) December 12, 2007 assembly regular meeting.  
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9 MERCER MOVED to approve and HOCKIN seconded.  
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11 BULARD stated that the minutes should be amended to reflect that it  
12 was Gordon Carlson not Vernon. WALKER stated that the APOC form  
13 is invasive not evasive under Hall's statement. BULARD stated that the  
14 pumper truck is sitting not "siting."  
15  
16 Mr. Lausen stated that he would like to see a correction reflecting that  
17 he said that the borough spent the money wrongly and it  
18 should come out of the budget instead of the people paying for it. He  
19 also asked Mr. Allen who needed a permit and Mr. Allen said that  
20 everybody would need a permit. The permit cost is \$100.00.  
21  
22 WINKLMANN MOVED to approve as amended and MERCER  
23 seconded. The VOTE was unanimous.  
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25 REPORTS 1.) November 2007 Financial Reports.  
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27 WALKER MOVED to receive the financial reports and  
28 MERCER seconded. The VOTE was unanimous.  
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30 2.) Mayor's Report  
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32 Mayor Talerico gave a report of his activities.  
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34 • The matching grant committee will need an alternate member.  
35 • Continuing to work with DOT and requesting lowering the speed  
36 limit on the Park's Highway and McKinley Village intersection.  
37 • The Anderson pumper truck may cost upwards of \$27,000 for  
38 the parts and including labor could cost \$40,000. This is more  
39 than the truck is worth.  
40 • There was no news on the DNR land that was purchased by the  
41 McNeils and Talerico's that happened to be on borough MLE  
42 lands.  
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- A new employee was hired at the landfill so that the landfill could be open six days per week.
- The landfill is in a crisis as far as how much tonnage we are taking. The design was for 7,120 ton per year. If we go above that, the landfill will have to be closed until the next year per DEC regulations.

### 3.) School Report

Superintendent Langdon gave a report of school activities.

- Spoke to the Open Meetings Act. Apologized for what happened at the Strategic Plan Meeting and will make sure to count heads of the School Board so it doesn't happen again.
- Invited everyone to the Strategic Plan Meetings
- Combined three bus routes in Healy into two because of budget restraints. Parents are willing to help with letters to the legislature for funding for education.

### 4.) Planning Commission Seat Appointment.

Mayor Talerico appointed John Miner to the Planning Commission, Seat D. MERCER MOVED to confirm the appointment. WINKLMANN seconded. The VOTE was unanimous.

### 5.) FY 08 Audit Committee

MERCER MOVED requested the Assembly Advisory Committee to do the job of an audit committee. USIBELLI seconded. The VOTE was unanimous.

Brad Fabrizio gave an update on the Assembly Advisory Committee. MERCER MOVED to suspend the rules so that the Assembly Advisory Committee can hold their election of officers at their second meeting of the year. WALKER seconded. The VOTE was unanimous.

### 6.) Assembly Comments

EVANS reported on the local hockey teams.

WALKER thanked the Assembly Advisory Committee for their service.

1' WINKLMANN MOVED for the mayor to work on a solution to the  
2 traffic problem at the Parks Highway and McKinley Village.  
3 KOHLSDORF seconded. WALKER stated that traffic counters  
4 will help. The VOTE was unanimous.  
5

6 WINKLMANN reported that the Healy Pee Wee Hockey Team  
7 won the Christmas Tournament in Fairbanks.  
8

9 KOHLSDORF MOVED that the assembly have a joint work  
10 session on February 22 at 6:00 PM with the Fairbanks North  
11 Star Borough, the Mat-Su Borough, City of Anderson, and the  
12 city of Nenana. EVANS seconded. The VOTE was unanimous.  
13

14 Presiding Officer, BULARD, handed the gavel to Deputy  
15 Presiding Officer KOHLSDORF. BULARD spoke about the  
16 APOC form.  
17

18 The Presiding Officer called a ten minute break at 8:00PM.  
19 The meeting was called back to order at 8:10PM.  
20

21 COMMUNICATION 1.) State of Alaska, Division of Oil and Gas.

22 AND

23 APPEARANCES

Discussion ensued on the methane gas Ordinance 05-21.

24  
25 Mitch Usibelli, Usibelli Coal Mine and Usibelli Energy

- 26 • Gave and overview and the history of the ordinance
- 27 • Legal issues have been lingering since 2006
- 28 • Spoke to a letter that was written in September 2006
- 29 from Pat Galvin, state of Alaska, Division of Oil and
- 30 Gas
- 31 • Exploration License application pending
- 32 • August 2005: Best Interest Finding
- 33 • Set backs in the Best Interest Finding are from the
- 34 boundary of any parcel and includes the Nenana River
- 35 • May 2006 there was an invitation from the Assembly to
- 36 discuss Ordinance 05-21 and concerns with closures
- 37 of the subsurface with Mitch Usibelli and the Denali
- 38 Citizens Council
- 39 • Letters from Oil and Gas and Jim Gorski discussed
- 40 that any closure of the subsurface by the borough
- 41 conflicted with State Constitution because it is
- 42 considered a taking.  
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- Bruce Anders, State of Alaska, Division of Oil and Gas
- Ordinance 05-21 is highly likely unconstitutional because it is a taking of state resources
  - The Denali Borough did not submit comments during the comment period on the Best Interest Finding.
  - Encouraged the assembly to thoroughly review the best interest finding.

Jim Gorski, Borough Attorney

- Paragraphs A and C are problematic because the state preempts gas and oil exploration.

ORDINANCES      TO BE INTRODUCED:

1.) **ORDINANCE 08-01:** an ordinance exempting municipal officers and public officials of the Denali Borough from being required to file APOC forms and creating the Denali Borough financial disclosure forms.

EVANS MOVED to introduce. HOCKIN seconded. The roll call VOTE was 7 – 1. WINKLMANN opposed.

Mayor TALERICO stated that this is going to ballot for the voters to vote on, the assembly is only voting to put it on the ballot.

WINKLMANN spoke against having a special election. WINKLMANN spoke in favor of a different APOC form. He would like to see more work put into creating the ordinance.

Mayor TALERICO cited Title II of the borough code and suggested an amendment to connect the form to Title II.

Discussion followed.

USIBELLI spoke against the special election.

EVANS supports this ordinance.

WALKER supports the effort to have our own disclosure form.

KOHLSDORF supports opting out.

USIBELLI MOVED to postpone to the next meeting and EVANS seconded. The VOTE was unanimous.

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MERCER MOVED to hold a special meeting on Ordinance 08-01 on January 20, 2008 at 7:00 PM. EVANS seconded. The VOTE was unanimous.

PENDING ORDINANCES:

1.) **ORDINANCE 07-22** An ordinance authorizing the sale of certain parcels of Denali Borough Municipal Land (MLE).

MERCER MOVED to substitute the version Mr. Gorski presented with version B. EVANS seconded. The VOTE was unanimous.

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

2.) **ORDINANCE 07-23, Version A:** An ordinance amending the Denali Borough Code of Ordinances, Chapter 3.05 titled Budget Generally.

USIBELLI MOVED to postpone to the next meeting. EVANS seconded. The VOTE was unanimous.

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

EVANS MOVED to postpone to the March meeting. MERCER seconded. The VOTE was unanimous.

4.) **ORDINANCE 07-25, Version A:** An ordinance amending the Denali Borough Code of Ordinances, Title 5, Chapter 5.20 titled Boards of Review and Adjustments.

WALKER MOVED to postpone to the next meeting. WINKLMANN seconded. The VOTE was unanimous.

RESOLUTIONS      None.

OTHER BUSINESS      1.) Public Comments.

Julia Potter, Denali Citizens Council (DCC), any comments will be forwarded to the Denali Borough on the Methane Gas exploration issue.

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Teresa Hall, Healy, spoke about the success of Neighbor to Neighbor this past holiday. She commended WINKLMANN for his research on the APOC clause Ordinance 08-01. She encouraged the assembly to get to work and bring back to the table Ordinance 05-21 dealing with methane gas.

Elwood Lynn, Assistant Superintendent, Denali National Park, spoke to the concerns of the traffic problems at the Parks Highway and McKinley Village intersection. He also thanked Alaska Railroad for pulling the railroad cars out of the Nenana River. He would also like to see the abandoned cars removed in the community. Encouraged having on the agenda for the joint work sessions the South side development and the Scenic By-way Project.

Gordon Carlson, Cantwell, spoke about the recent fire in Cantwell and thanked McKinley VFD for responding.

David Braun, Healy, spoke against changing the methane gas Ordinance 05-21.

5.) Liquor License.

Liquor License Application for transfer ownership and name change:

License #:	170
License Type:	Package Store
D.B.A.*:	Mt. View Liquor & Grocery
Licensee/Applicant:	Kevin Trudeau
Physical Location:	Healy & Coal St

EVANS MOVED to approve. WINKLMANN seconded. The VOTE was unanimous.

ASSEMBLY  
COMMENTS

HOCKIN thanked the clerk for the memorandum.

MERCER discussed Ordinance 05-21 and how the local option zoning would have backed this ordinance if it would have passed. MERCER would like to see methane gas on the next agenda.

USIBELLI would like to see the APOC situation on the February 22 joint work session agenda.

EVANS stated that the assembly has a fiduciary responsibility to this borough concerning budget issues that will be coming up. We need to make sure we don't go over our head.

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MERCER spoke to the Permanent Investment Fund that we can use to help with funding.

NEXT MEETING 1.) The next regular meeting will be held at the Cantwell School on February 13, 2008. Assembly work session 6:00PM, public hearing 6:45PM, and regular meeting to follow.

USIBELLI MOVED to adjourn and WINKLMANN seconded. The VOTE was unanimous.

ADJOURN. The presiding officer declared the regular meeting adjourned at 10:24 PM.

APPROVED:   
Armeda Bulard, Presiding Officer

ATTEST:   
Gail Pieknik, Borough Clerk

Date Approved: FEBRUARY 13, 2008