

**Minutes of the Regular Meeting  
Denali Borough Assembly  
Anderson School  
July 12, 2006**

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5  
6 CALL TO ORDER Presiding Officer Gerald Pollock called the regular meeting to order at  
7 7:24PM.  
8

9 ROLL CALL Assembly members present were: Gerald Pollock, Sid Michaels,  
10 Armeda Bulard, Teresa Hall, Baxter Mercer, Eileen Holmes and Bob  
11 Shelton. Absent were: Paul Schenk and David Evans. Mayor Talerico  
12 was also in attendance.  
13

14 MICHAELS MOVED to excuse SCHENK and EVANS, HALL seconded.  
15 The VOTE was unanimous.  
16

17 PUBLIC COMMENTS Richard Weibel, Healy resident, commented on coal bed methane.  
18

19  
20 AGENDA HALL MOVED to approve, MICHAELS seconded. POLLOCK asked to  
21 add Dana Krawchuk, Legislative Aide from Representative  
22 Guttenberg's office on the agenda. MICHAELS asked to add item J3.)  
23 The use of pesticides by the Alaska Railroad. The VOTE was  
24 unanimous.  
25

26 Dana Krawchuk, read a letter from Representative Guttenberg  
27 regarding the current fire season and the recent wild fire in the  
28 Nenana/Anderson area.  
29

30 MICHAELS commented on the excellence of the of the fire crews. He  
31 also suggested clearing the right-of-way along the highway for use as a  
32 fire break and a way for drivers to see moose along the highway.  
33

34 MINUTES 1.) Assembly Meeting: Public Hearing and Regular Meeting held on  
35 June 12, 2006.  
36

37 HALL MOVED to approve the June 12, 2006 minutes and BULARD  
38 seconded. POLLOCK MOVED to change line 27 and 31 of page 1 of  
39 the public hearing minutes striking the word against and inserting the  
40 works spoke regarding. The VOTE was unanimous. The VOTE to  
41 approve the minutes was unanimous.  
42  
43  
44  
45

1 FINANCIAL 1.) Financial report for May 2006.  
2 REPORT  
3 HALL MOVED to receive the May 2006 financial report, BULARD  
4 seconded.  
5  
6 Amanda Nyberg, Borough Treasurer, gave a brief report on overnight  
7 accommodations tax revenue.  
8  
9 The VOTE to receive the financial report was unanimous.  
10  
11 MAYOR'S Mayor Talerico gave a report of his activities.  
12 REPORT  
13  
14 SCHOOL The School District Superintendent was not in attendance.  
15 DISTRICT  
16  
17 PLANNING There was not an update from the Planning Commission.  
18 COMMISSION  
19  
20 AD HOC SEAT MICHAELS MOVED to approve the Planning Commission's  
21 APPOINTMENT recommendation to appoint Tammany Straughn and Charles Saylor  
22 to the Ad Hoc committee. HOLMES seconded. The VOTE was  
23 unanimous.  
24  
25 ASSEMBLY HOLMES was approached by Gary Olsen from the Alaska Moose  
26 COMMENTS Federation who asked to be included on the next meeting agenda.  
27  
28 BULARD gave an update on the Department of Transportation  
29 (DOT) project and gravel pit in Cantwell.  
30  
31 POLLOCK commented on the gravel pit in Cantwell and the  
32 presence of the state trooper watching the speed of the dump  
33 trucks.  
34  
35 COMMUNITATION Sharon Clark from Senator Seekins office spoke regarding the  
36 AND current projects in the Cantwell area. She also spoke regarding  
37 APPEARANCES pedestrian safety funds and how the borough can request projects  
38 through upcoming DOT projects.  
39  
40 BREAK The Presiding Officer called a meeting break at 7:47 PM.  
41 The meeting reconvened at 8:00 PM.  
42  
43 ORDINANCES 1.) **ORDINANCE 05-21, VERSION D:** an ordinance of the Denali  
44 Borough establishing gas exploration and development regulations.  
45

1 MERCER MOVED to amend version D by substitution of version E,  
2 MICHAELS seconded. Discussion followed regarding the ordinance  
3 and the difference between gas exploration and coal bed methane.  
4

5 The assembly requested a map of the area be included with the  
6 ordinance at the next meeting.  
7

8 The VOTE on the amendment was unanimous.  
9

10 MICHAELS MOVED add item C as follows: Surface use agreement:  
11 1.) Each operator with coal bed methane facilities in the borough is  
12 required to enter into a written surface use agreement with all  
13 property owners where coal bed methane exploration and  
14 development is located. Property owners may not be compelled to  
15 enter such agreements. The terms of a surface use agreement may  
16 be determined by the parties as long as they are not inconsistent  
17 with restrictions otherwise placed on operators by borough code.  
18 MERCER seconded. The remaining section would be renumbered  
19 accordingly. The VOTE was unanimous.  
20

21 MERCER MOVED to postpone to the next meeting, HOLMES  
22 seconded. The VOTE was unanimous.  
23

24 2.) **ORDINANCE 05-20, VERSION B:** an ordinance amending the  
25 Denali Borough Code of Ordinances establishing an area wide  
26 conditional use permit for coal bed methane exploration and  
27 development.  
28

29 MICHAELS MOVED to postpone to the next meeting, MERCER  
30 seconded. The VOTE was 6-1 with POLLOCK opposed.  
31

32 3.) **ORDINANCE 06-07, VERSION D,** an ordinance adding DBC  
33 Chapter 3.45, establishing a 2% general sales and service tax within  
34 the Denali Borough.  
35

36 HALL MOVED to adopt and MERCER seconded. Discussion  
37 followed. The roll call VOTE was 6-1 with POLLOCK opposed.  
38

39 4.) **ORDINANCE 06-09, VERSION A,** an ordinance amending DBC  
40 3.25.020, to increase the amount of overnight accommodations tax.  
41

42 MICHAELS MOVED to adopt and MERCER seconded. The roll call  
43 VOTE was 4-3 with BULARD, HALL, and POLLOCK opposed.  
44

1 5.) **ORDINANCE 06-13, VERSION A**, and ordinance amending DB  
2 Code 2.15.303 titled Regular Assembly Meetings.

3  
4 HALL MOVED to postpone until the next meeting and MERCER  
5 seconded. The VOTE was unanimous.

6  
7 6.) **ORDINANCE 06-14, VERSION C**, an ordinance replacing DB  
8 Code 3.15 dealing with zoning options.

9  
10 MICHAELS MOVED to delete "at least three-fourths" in 9.15.050  
11 and insert "majority" MERCER seconded. Discussion followed. The  
12 VOTE was unanimous.

13  
14 HALL MOVED to postpone to the next meeting, MERCER  
15 seconded. The VOTE was unanimous.

16  
17 7.) **ORDINANCE 06-18, VERSION A**: an ordinance amending the  
18 DB Code 4.10, titled Management of Borough Real Property.

19  
20 MICHAELS commented on the schedule of lease rate multiplier.  
21 MICHAELS MOVED to postpone to the next meeting, BULARD  
22 seconded. The VOTE was unanimous.

23  
24 8.) **ORDINANCE 06-19, VERSION A**: an ordinance amending DB  
25 Code 2.05.050 titled Compensation of Assembly.

26  
27 MICHAELS MOVED to amend to add "with the presiding officer  
28 receiving an additional \$25 a month". HALL seconded. The VOTE  
29 was unanimous.

30  
31 MICHAELS noted that since the Planning Commission receives half  
32 of the assembly stipend, this will increase the amount of the  
33 Planning Commission's stipend and add PERS.

34  
35 MICHAELS requested a fiscal report at the next assembly meeting  
36 on the revenue impact of this ordinance. SHELTON and MICHAELS  
37 suggested an election information pamphlet to show the fiscal notes  
38 on this ordinance for the voters.

39  
40 HALL MOVED to postpone to the next meeting, BULARD seconded.  
41 The VOTE was unanimous.

42  
43 RESOLUTION 1.) A resolution of the Denali Borough Assembly authorizing the  
44 Mayor to exchange Municipal Entitlement Land with the city of  
45 Anderson to facilitate the expansion of the Sewage Lagoon.

1  
2 MICHAELS spoke to this resolution. MICHAELS MOVED to  
3 substitute version A for version B. HALL seconded. Discussion  
4 followed. The VOTE was unanimous.

5  
6 HALL MOVED to change sewage lagoon to septage facility  
7 throughout the entire resolution, MERCER seconded. The VOTE  
8 was unanimous.

9  
10 HOLMES MOVED to adopt, MICHAELS seconded. The roll call  
11 VOTE was unanimous. This will be resolution 06-11.

12  
13 OTHER  
14 BUSINESS

15 1.) An update on the Braun lawsuits.

16 Mayor Talerico gave a brief update.

17 2.) Discussion of the Denali Borough Code legal analysis.

18  
19 MICHAELS MOVED to ask the mayor and the staff to work on  
20 individual items.

21  
22 MICHAELS MOVED to send Chapters 2.40, 5.35 and 5.45 to the  
23 Personnel Committee, MERCER seconded. The VOTE was  
24 unanimous.

25  
26 3.) Use of pesticides by the Alaska Railroad.

27  
28 HALL MOVED to request the Alaska Railroad to hold a public  
29 hearing in the city of Anderson, HOLMES seconded. The VOTE  
30 was unanimous.

31  
32 MICHAELS MOVED to add to a letter to the Alaska Railroad  
33 informing them that the assembly opposes spraying herbicides  
34 along the railroad tracks within the Denali Borough. MERCER  
35 seconded. The VOTE was unanimous.

36  
37 4.) Public Comments.

38  
39 Charlie Boddy, Usibelli Coal Mine, spoke about coal bed methane  
40 and gas development within the borough and the need for revenue  
41 diversification. Boddy suggested going out to the Powder River  
42 Basin to see first hand and talk with the local officials about gas  
43 exploration.  
44

1 Paddy Tatum, did some research and could not find anything that is  
2 positive on coal bed methane gas extraction. She encouraged the  
3 assembly to educate themselves about gas development.  
4

5 Elwood Lynn, Denali National Park. The Park put in for a 5-year  
6 need for public transportation along the Parks Highway. In the  
7 report, they identified a need for a parking area by the Triple Lakes  
8 Trailhead and a multi-use parking area. He urged the assembly to  
9 continue to pursue bike paths and in the Denali Borough  
10 Comprehensive Plan, to tie the needs of the borough together.  
11

12 Richard Weibel, Healy resident, thanked the borough for holding the  
13 meeting in the library because the acoustics is much better than the  
14 multi-purpose room.  
15

16 Sharon Clark, Senator Seekins office, spoke about how important it  
17 is for everyone to educate themselves on important issues. She also  
18 gave some insight on how to work with the legislature on bike paths  
19 for the borough, safety issues and capital projects. It helps to tell a  
20 story through video recordings showing the problems.  
21

22 ASSEMBLY  
23 COMMENTS

MERCER discussed the proposed wind farm near Ferry.

24 MICHAELS expressed his gratitude to the fire fighters and reiterated  
25 his previous comment regarding clearing the road right-of-way for a  
26 fire and moose break.  
27

28 SHELTON thanked everyone for coming to the meeting.  
29

30 NEXT MEETING

1.) The next regular meeting will be held at Tri-Valley Community  
31 Center on August 16, 2006. Work Session at 6:00, Public Hearing  
32 6:45, and Regular Meeting to follow.  
33

34 ADJOURN.

Presiding Officer Pollock declared the regular meeting adjourned at  
35 10:15 PM.  
36  
37

38  
39 ATTEST: *Gaine Pieknik*  
40 Borough Clerk

APPROVED: *Gerald F. Pollock II*  
41 Presiding Officer  
42

43 Date Approved: AUGUST 16, 2006