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**Minutes of the Public Hearing
Denali Borough Assembly
Tri-Valley Community Center
August 16, 2006**

CALL TO ORDER Acting Presiding Officer TERESA HALL called the public hearing to order at 6:46 PM.

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

1.) **ORDINANCE 05-21, VERSION F:** an ordinance of the Denali Borough establishing gas exploration and development regulations.

Charlie Loeb supports the revisions made at the Anderson meeting reflecting a reasonable compromise and encouraged action on this ordinance.

Grady Wilson, Healy, spoke in favor of this version of the ordinance because it comes closer to anything before it to addressing the issues and supports adoption.

Eric Oberg, Healy, agreed with the previous speakers on this ordinance.

2.) **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.

There were no public comments.

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

There were no public comments.

4.) **ORDINANCE 06-14, VERSION D,** an ordinance replacing DB Code 3.15 dealing with zoning options.

There were no public comments.

**Minutes of the Regular Meeting
Denali Borough Assembly
Tri-Valley Community Center
August 16, 2006**

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6 **CALL TO ORDER** Acting Presiding Officer TERESA HALL called the regular meeting to
7 order at 6:54 PM.
8
9 **ROLL CALL** Assembly members present were: Sid Michaels, David Evans, Armeda
10 Bulard, Teresa Hall, Baxter Mercer, and Bob Shelton. Absent were:
11 Paul Schenk, Eileen Holmes and Gerald Pollock. Mayor Talerico was
12 also in attendance.
13
14 MICHAELS MOVED to excuse SCHENK, POLLOCK, and HOLMES,
15 SHELTON seconded, The VOTE was unanimous.
16
17 **PUBLIC**
18 **COMMENTS** There was a question on voting by proxy. The assembly answered that
19 it was not possible to vote by proxy within the Denali Borough
20 government.
21
22 **AGENDA** MICHAELS MOVED to approve, BULARD seconded. The
23 agenda was amended to add Ordinance 06-07 to other business # 2
24 and to delete under communications Gary Olson. The VOTE to approve
25 as amended was unanimous.
26
27 **MINUTES** 1.) Assembly Meeting: Public Hearing and Regular Meeting held on
28 July 12, 2006.
29
30 MICHAELS MOVED to approve the July 12, 2006 minutes and
31 MERCER seconded. The VOTE to approve the minutes was
32 unanimous.
33
34 **FINANCIAL**
35 **REPORT** 1.) Financial report for June 2006.
36
37 MICHAELS MOVED to receive the June 2006 financial report,
38 MERCER seconded. The VOTE to receive the financial report was
39 unanimous.
40 **MAYOR'S**
41 **REPORT** Mayor Talerico gave a report of his activities for the month.
42
43 **SCHOOL**
44 **DISTRICT** The School District Superintendent was not in attendance.
45

1 PLANNING There was not an update from the Planning Commission.
2 COMMISSION
3
4 ASSEMBLY EVANS thanked Representative Guttenberg for coming.
5 COMMENTS
6 MICHAELS thanked Mayor Talerico for speaking about the Rex
7 Bridge railroad issue in his Mayor's report.
8
9 COMMUNICATION Mr. Gary Olson was unable to attend and will reschedule.
10 AND Representative David Guttenberg introduced his staff member
11 APPEARANCES Ron Clark.
12
13 BREAK Acting Presiding Officer HALL called for a Break at 7:20 PM
14 RECONVENE The meeting reconvened at 7:34 PM.
15
16 ORDINANCES 1.) **NEXT ORDINANCE 06-20** An ordinance authorizing
17 investment into the Alaska Municipal League Investment Pool
18 (AMLIP).
19
20 Mayor Talerico stated that this ordinance can be reformatted to the
21 Denali Borough ordinance format. MICHAELS asked that some
22 research be done on this to possibly put into the borough code.
23 MICHAELS MOVED to introduce, MERCER seconded. The roll call
24 VOTE was unanimous. This will be Ordinance 06-20, version A.
25
26 MICHAELS MOVED to postpone to the next meeting and MERCER
27 seconded. The VOTE was unanimous.
28
29 2.) An ordinance amending the DB Code amending Chapter
30 3.15.020 pertaining to the annual financial statement and annual
31 audit.
32
33 MICHAELS MOVED to introduce and MERCER seconded. The roll
34 call VOTE was unanimous. This will be Ordinance 06-21, version A.
35
36 MICHAELS MOVED to postpone to the next meeting and MERCER
37 seconded. The VOTE was unanimous.
38
39 3.) An ordinance amending DB Code by amending Chapter
40 5.30.010 pertaining to planning functions.
41
42 MICHAELS MOVED to introduce and BULARD seconded. The roll
43 call VOTE was unanimous. This will be Ordinance 06-22, version A.
44

1 MICHAELS MOVED to postpone to the next meeting. BULARD
2 seconded. The VOTE was unanimous.

3
4 4.) An ordinance amending DB Code Chapter 5.05 dealing with the
5 Denali Borough School District and the assumption of Denali
6 Borough Education Powers.

7
8 MICHAELS MOVED to introduce and MERCER seconded. The roll
9 call VOTE was unanimous. This will be Ordinance 06-23, version A.

10
11 MICHAELS MOVED to postpone to the next meeting. EVANS
12 seconded. The VOTE was unanimous.

13
14 5.) An ordinance amending DB Code by amending Chapter
15 2.10.110 pertaining to the LEPC All-Hazards Plan.

16
17 MICHAELS MOVED to introduce. BULARD seconded. The roll call
18 VOTE was unanimous. This will be Ordinance 06-24, version A.

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

22
23 6.) **ORDINANCE 05-21, VERSION F:** an ordinance of the Denali
24 Borough establishing coal bed methane exploration and
25 development regulations.

26
27 MICHAELS MOVED to amend by deleting "Coal Bed Methane" and
28 adding "Gas Exploration and Development" in two places in section
29 C. MERCER seconded. The VOTE was unanimous.

30
31 MICHAELS MOVED to postpone to the next meeting. MERCER
32 seconded The VOTE was unanimous.

33
34 7.) **ORDINANCE 05-20, VERSION B:** an ordinance amending the
35 Denali Borough Code of Ordinances establishing an area wide
36 conditional use permit for coal bed methane exploration and
37 development.

38
39 MICHAELS MOVED to postpone to the next meeting. MERCER
40 seconded. The VOTE was 5-1 with EVANS opposed.

41
42 8.) **ORDINANCE 06-13, VERSION A:** and ordinance amending DB
43 Code 2.15.303 titled Regular Assembly Meetings.

44

1 MICHAELS MOVED to postpone to the next meeting. BULARD
2 seconded. The VOTE was unanimous.

3
4 MERCER stated that if SCHENK is not in attendance at the next
5 meeting this ordinance should be postponed indefinitely.

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

9
10 MICHAELS MOVED to amend page 9, section G, by changing the
11 word director to commission to read "planning commission.
12 MERCER seconded. The VOTE was unanimous.

13
14 MICHAELS MOVED to amend page 11, section J, from "Planning
15 Director to planning commission." BULARD seconded. The VOTE
16 was unanimous.

17
18 MICHAELS MOVED to amend section 9.15.410, Definitions to add
19 the following:

20
21 *Lot* means a piece of land having specific boundaries.
22 *Parcel* means a plot of land, usually a division of a larger area.
23 *Subdivision* is an area of real estate composed of subdivision lots.

24
25 MERCER seconded. The VOTE was unanimous.

26
27 MICHAELS suggested researching items on page 3 for discussion
28 at next meeting.

29
30 MICHAELS MOVED to postpone to the next meeting. MERCER
31 seconded. The VOTE was unanimous

32
33 10.) **ORDINANCE 06-18, VERSION A:** an ordinance amending the
34 DB Code 4.10, titled Management of Borough Real Property.

35
36 MERCER discussed the term of the lease on page 3, section F was
37 too long and should be more in line with railroad and other leases.
38 MERCER also discussed page 5, section B and felt the time was not
39 reasonable.

40
41 MERCER MOVED to amend page 5, section B to delete two-weeks
42 notice and add 30 days notice. MICHAELS seconded. The VOTE
43 was unanimous.
44

1 SHELTON MOVED to delete "out" on page 3, section F. The last
2 sentence to read, "Leases of parcels with terms of five years or less
3 may be granted by the administrator with assembly review, if the
4 lease is consistent with the management plan for the parcel."
5 MICHAELS seconded. The VOTE was unanimous.
6

7 EVANS questioned whether the 8% lease was sufficient. Discussion
8 followed.
9

10 Mayor Talerico stated that it may be wise to set it at 7% and be
11 competitive with the Department of Natural Resources and the
12 Alaska Railroad leases.
13

14 MERCER MOVED to postpone to the next meeting, MICHAELS
15 seconded. The VOTE was unanimous.
16

17 11.) **ORDINANCE 06-19, VERSION B:** an ordinance amending DB
18 Code 2.05.050 titled Compensation of Assembly.
19

20 MERCER explained that this ordinance if approved, would double
21 the assembly compensation and the planning commission at a
22 higher cost to the borough.
23

24 MERCER MOVED to postpone to the next meeting. MICHAELS
25 seconded. The VOTE was unanimous.
26

27 RESOLUTIONS

28 1.) A resolution to amend the composition of Comprehensive Land
29 Use Plan Ad Hoc Committee.
30

31 Mayor Talerico offered a substitute "Draft B". Mayor Talerico spoke
32 to this resolution.
33

34 MICHAELS stated that the Comprehensive Plan is the responsibility
35 of the planning commission by code. The ad hoc committee was
36 formed to aid in this effort.
37

38 John Miner stated that there is a division in philosophy within the
39 planning commission and this resolution will do nothing to change
40 that, but will greatly assist the ad hoc committee with the Mayor
41 facilitating meetings.
42

43 MICHAELS asked if there was a change to item 1 on the resolution.
44 Mayor Talerico stated that the change is to have the Mayor
45 nominate the seats with assembly confirmation.

1 MERCER MOVED to adopt, EVANS seconded. The roll call VOTE
2 was 5-1 with MICHAELS opposed. This will be resolution 06-12.
3 This will be Resolution 06-13.

4
5 OTHER
6 BUSINESS

7 1.) An update on the Braun lawsuits.

8 Mayor Talerico gave a brief update.

9 2.) Ordinance 06-07

10 The assembly discussed removing the table, changing the time
11 when the tax would be due to 30 days instead of 45 days, and the
12 purpose of this ordinance under section 2.

13 Discussion followed on having the borough attorney review the
14 changes and to see if the changes were to be made, would the
15 assembly need to have another public hearing on it.

16 The acting presiding officer asked that Ordinance 06-07 be placed
17 on the next meeting agenda.

18 3.) Liquor License: None

19 4.) Public Comments.

20 Nancy Bale stated that the Alaska Railroad herbicide spray public
21 comment period has been extended to October 20, 2006. A
22 facilitator that was hired by the Denali Citizens Council (DCC) on
23 planning within the borough is interested in coming here to meet
24 with the Assembly and/or the Planning Commission and make a
25 presentation.

26 John Miner spoke to the sales tax and the gas exploration
27 ordinances. He was pleased the assembly seemed to be ready to
28 act on the gas development and exploration ordinance.

29 Charlie Boddy, Usibelli Coal Mine (UCM) spoke to the gas
30 exploration ordinance stating that the set back provision in section 1
31 needed clarification from the borough's attorney.

32 He also added that prohibited areas have been amended quite a bit
33 in the ordinance and if lands as large as a township (640 acres) are
34 locked off, it must be done by the state legislature. UCM would like
35 to work with the assembly and the mayor and bring something
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productive back to your next meeting. Boddy stated that he feels positive about the way things are going.

Rick Weibel, Healy, thanked the assembly for their fortitude in sticking it out on the Coal bed ordinance.

ASSEMBLY
COMMENTS

BULARD commented on the nearly finished railroad building in Cantwell.

MERCER stated that MICHAELS' term was up and we need to encourage him to run or find a suitable replacement.

NEXT MEETING

1.) The next regular meeting will be held at McKinley Village Community Center on September 13, 2006. The assembly work session at 6:00, public hearing at 6:45, and the regular meeting to follow.

ADJOURN

Acting Presiding Officer HALL declared the regular meeting adjourned at 8:51 PM.

ATTEST: *Christine*
Borough Clerk

APPROVED: *Gerald J. Pollock II*
Presiding Officer

Date Approved: SEPTEMBER 16, 2006