

Minutes of the Public Hearing
Denali Borough Assembly
Anderson School
January 24, 2009

CALL TO ORDER The public Hearing was called to order at 11:30 AM

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

PUBLIC COMMENTS 1.) **ORDINANCE 08-21, Version C:** An ordinance amending the Denali Borough Code of Ordinances, Chapter 3.20.045 titled Review of Public Funds.

There were no comments.

2.) **ORDINANCE 08-24, Version B:** An ordinance to create Title 1, Chapter 1.30 Titled, Financial Disclosure, and amending Chapters 2.05.070, 2.10.120, 2.45.010, 2.45.020 and 8.05.120 dealing with financial disclosure.

There were no comments.

3.) **ORDINANCE 08-25, Version A:** An ordinance amending the Denali Borough budget for fiscal year 2009.

There were no comments.

ADJOURNMENT The public hearing was adjourned at 11:34 AM

APPROVED: Armeda A. Bulard
Armeda Bulard, Presiding Officer

ATTEST: Gail Pieknik
Gail Pieknik, Borough Clerk

Date Approved: FEBRUARY 11, 2009

**Minutes of the Special Meeting
Denali Borough Assembly
Anderson School
January 24, 2009**

1
2
3
4
5
6
7 CALL TO ORDER Presiding Officer Armeda BULARD called the regular meeting to order
8 at 11:35 AM.
9
10 ROLL CALL Assembly members present: Eileen HOLMES, John WINKLMANN,
11 Armeda BULARD, Teresa Chepoda USIBELLI, Robert KOHLSDORF
12 and Vickie LAUSEN. Clay WALKER and Baxter MERCER were
13 absent. Mayor Talerico was also in attendance.
14
15 USIBELLI MOVED to excuse MERCER and WALKER. HOLMES
16 seconded. The VOTE was unanimous.
17
18 PUBLIC
19 COMMENTS There were no comments.
20
21 AGENDA HOLMES MOVED to approve. KOHLSDORF seconded.
22
23 WINKLMANN MOVED to amend by adding under J (7) "Borough
24 Lawsuit." LAUSEN seconded. The VOTE was unanimous.
25
26 The VOTE to approve the agenda as amended was unanimous.
27
28 MINUTES 1.) December 2, 2008 Assembly Special meeting.
29
30 WINKLMANN MOVED to approve. KOHLSDORF seconded.
31
32 WINKLMANN stated that on page 2, line 36, that he did not say,
33 "However he feels the way Mr. Laugman went about it was wrong." He
34 stated that he said, "I don't think that it was Laugman's intent."
35 WINKLMANN also stated that the next sentence should state, "The
36 mayor responded that we will get an interpretation of that."
37
38 The VOTE to approve the minutes as amended was unanimous.
39
40 2.) December 10, 2008 Assembly Public Hearing and Regular Meeting.
41
42 HOLMES MOVED to approve. WINKLMANN seconded. The VOTE
43 was unanimous.
44
45

1
2 REPORTS

3 1.) November 2008 Financial Reports.

4 WINKLMANN MOVED to receive the financial reports. HOLMES
5 seconded. Discussion ensued about the large deposits that were made
6 for the month.

7
8 The VOTE was unanimous.

9
10 LAUSEN MOVED to have the clerk set up budget and financial report
11 training for the assembly with the Borough auditor and a newly elected
12 officials training on Friday, February 6, 2009 at 11:00AM.

13
14 WINKLMANN seconded. The VOTE was unanimous.

15
16 2.) Mayor's Report

- 17
- 18 • The mayor's office received email's from local residents that
19 are concerned about trapping near populated areas. There
20 have been dogs that are getting caught in these traps that are
21 located near private property and subdivisions and there is
22 concern that children could be at risk. These traps were
23 found without names. The mayor would like to contact the
24 Department of Fish and Game and State Law Enforcement to
25 discuss this issue. USIBELLI MOVED to request that the
26 mayor work with Martin and Pat to create a town hall meeting
27 in relation to the trapping problem with a tentative date of
28 February 19, 2009. WINKLMANN seconded. The VOTE
29 was unanimous.
 - 30 • The mayor requested a couple of work sessions at the landfill
31 with the assembly prior to the April and August regular
32 meetings.
 - 33 • At next months meeting there will be a Proposal for Permit for
34 residents to work on a dyke for Dry Creek to control flooding.
 - 35 • The mayor received the Project nomination forms from DOT
36 and DNR.
 - 37 • We should think about asking in our legislatures to write a bill
38 to get the Tri-Valley Subdivision leased land turned over to
39 the leaseholders (the person who resides on the property or
40 owns a home on the property) in the priority list.
 - 41 • The mayor requested that the assembly appeal the decision
42 of DNR on the TBAP best interest findings. USIBELLI
43 MOVED to have the mayor submit an appeal to DNR by
44 February 9, 2009 in regards to the best interest finding on
45 TBAP using Denali Borough Assembly Resolution 08-27.
WINKLMANN seconded. The VOTE was unanimous.

1
2 3.) School Report

3 There was not a school report presented.
4

5 4.) Planning Commission
6

7 Appoint Seats:

8 Seat G: Jim Anderson

9 Seat H: Sid Michaels
10

11 USIBELLI MOVED to approve the appointment of Jim Anderson and
12 Sid Michaels. LAUSEN seconded. The VOTE was unanimous.
13

14 5.) Assembly Advisory Committee
15

16 Seat Appointment: Brad Fabrizio
17

18 HOLMES MOVED to approve the appointment of Brad Fabrizio.
19 WINKLMANN seconded. The VOTE was unanimous.
20

21 Mr. Fabrizio gave a verbal report on the activities of the committee.
22 WINKLMANN requested a copy of the report that Mr. Fabrizio read to
23 the assembly.
24

25 There was discussion on the Advisory Committee and the Ethics
26 Commission and if the assembly is aware that if a person is appointed
27 to the Advisory Committee they are also on the Ethics Commission.
28 Discussion continued on the fact that the Ethics Commission may have
29 too much power and could place the assembly in litigation and therefore
30 the Code on the Ethics Commission should possibly be abolished.
31

32 USIBELLI MOVED to place on the next assembly regular meeting
33 agenda the Chapter of the Borough Code dealing with the Ethics
34 Commission for discussion and review. WINKLMANN's concern was
35 that the Ethics Commissioner should have to disclose on the Financial
36 Disclosure Form. WINKLMANN seconded. The biggest issue that
37 came up when the Ethics Chapter was written was the appeal process.
38 There was suggestion that the order be reversed so that the Ethics
39 Commission would be appointed and that they work as the Assembly
40 Advisory Committee. The VOTE was 5-1 with KOHLSDORF opposed.
41

42 6.) Landfill Issues and Recycling Committee
43

44 Seat Appointment: Vanessa Platter
45

1 KOHLSDORF MOVED to approve. WINKLMANN seconded. The
2 VOTE was unanimous.

3
4 Leroy Lausen read the report as written by Kevin Hamel, Chairman, of
5 the activities of the last month for the Landfill Committee.
6

7 7.) Assembly Comments
8

9 HOLMES thanked Sid Michaels, Jim Anderson, Brad Fabrizio and
10 Vanessa Platter for volunteering for their seats.
11

12 USIBELLI thanked everyone for coming tonight.
13

14 LAUSEN would like to have work sessions prior to the assembly
15 meetings again.
16

17 KOHLSDORF thanked everyone for coming to the meeting.
18

19 WINKLMANN MOVED to have work sessions at the landfill prior to the
20 April and August assembly regular meetings. KOHLSDORF seconded.
21 The VOTE was unanimous.
22

23 LAUSEN MOVED to have work sessions prior to all of the assembly
24 regular meetings starting at 6:00PM with the Public Hearing starting at
25 6:45 PM. USIBELLI seconded. The VOTE was 4 – 2 with HOLMES
26 and KOHLSDORF opposed. The motion fails.
27

28 Armeda BULARD thanked everyone who came on board and to the
29 voters who passed the financial disclosure statement so that the
30 borough could get the planning commission back.
31

32 The assembly took a meeting break at 1:10 PM. The meeting was
33 called back to order at 1:25 PM.
34

35 BULARD explained that if the assembly would like to have work
36 sessions, the clerk would need two weeks advance notice for the
37 regular meeting agenda or at a meeting set up a separate work session
38 but there would need to be 10 days advance notice for posting.
39

40 ORDINANCES
41 TO BE
42 INTRODUCED
43

41.) **ORDINANCE 09-01:** An ordinance amending the Denali Borough
Code of Ordinances, Appendix of Forms, adding Form "W", pertaining
to the Denali Borough Disclosure Ordinance.

44 WINKLMANN MOVED to introduce. KOHLSDORF seconded. The roll
45 call VOTE was unanimous.

1
2 WINKLMANN MOVED to postpone to the next meeting. KOHLSDORF
3 seconded. The VOTE was unanimous.
4

5 2.) **ORDINANCE 09-02:** An ordinance directing the Denali Borough
6 Administration to establish a hiring freeze on municipal employees.
7

8 KOHLSDORF MOVED to introduce. WINKLMANN seconded. The roll
9 call vote was 3 – 3 with HOLMES, BULARD and KOHLSDORF
10 opposed. The motion fails.
11

12 3.) **ORDINANCE 09-03:** An ordinance allocating funding for the
13 design/development of a new landfill C&D Pit from within the current
14 footprint.
15

16 WINKLMANN MOVED to introduce. LAUSEN seconded. The roll call
17 VOTE was 5 -1 with BULARD opposed. The motion passes.
18

19 WINKLMANN MOVED to amend by deleting \$5,000 - \$30,000 and
20 adding \$10,000 - \$40,000. USIBELLI seconded. The VOTE was
21 unanimous.
22

23 PENDING
24 ORDINANCES

25 1.) **ORDINANCE 08-21, Version C:** An ordinance amending the
26 Denali Borough Code of Ordinances, Chapter 3.20.045 titled Review of
27 Public Funds.
28

29 WINKLMANN MOVED to adopt. USIBELLI seconded.
30

31 WINKLMANN MOVED to delete from Section 2 A, in the first sentence,
32 "from or." HOLMES seconded. The VOTE was unanimous.
33

34 The roll call VOTE on the main motion was unanimous.
35

36 2.) **ORDINANCE 08-24, Version B:** An ordinance to create Title 1,
37 Chapter 1.30 Titled, Financial Disclosure, and amending Chapters
38 2.05.070, 2.10.120, 2.45.010, 2.45.020 and 8.05.120 dealing with
39 financial disclosure.
40

41 WINKLMANN MOVED to adopt. LAUSEN seconded. The roll call
42 VOTE was unanimous.
43

44 3.) **ORDINANCE 08-25, Version A:** An ordinance amending the Denali
Borough budget for fiscal year 2009.

1 USIBELLI MOVED to postpone to the next meeting. KOHLSDORF
2 seconded. The VOTE was unanimous.
3

4
5 RESOLUTIONS

6 1.) **RESOLUTION 09-01:** A resolution extending appreciation and
7 gratitude to Josh Hockin for the time and energy he dedicated to the
8 Denali Borough Assembly.

9 HOLMES MOVED to approve. WINKLMANN seconded. The roll call
10 VOTE was unanimous.
11

12 The assembly took a meeting break at 3:18 PM to write Resolution 09-
13 02. The meeting reconvened at 3:35 PM.
14

15 2.) **RESOLUTION 09-02:** A resolution requesting immediate safety
16 improvements near the Rex Crossing overpass including Mile 275.5 –
17 277 of the Parks Highway.
18

19 WINKLMANN MOVED to direct the mayor to deliver Resolution 09-02
20 to the legislature. KOHLSDORF seconded.
21

22 LAUSEN read the resolution into the record.
23

24 There was discussion to attach the letter to DOT to this resolution and
25 to explain in the letter that this is the main artery and that the whole
26 highway is a hazard especially with school bus stops. The assembly
27 would like the DOT highway count placed in the letter.
28

29 The VOTE on the main motion was unanimous.
30

31 KOHLSDORF MOVED to approve. WINKLMANN seconded. The roll
32 call VOTE was unanimous.
33

34 3.) **RESOLUTION 09-03:** A resolution supporting projects for the
35 Statewide Transportation Improvement Program (STIP).
36

37 WINKLMANN read the resolution into the record.
38

39 HOLMES MOVED to change the following:
40

41 Add under 2 d, Cantwell Mile 210 "turn lane" and "pedestrian
42 thoroughfare."
43

44 Add under 2 c., McKinley Village, "turn lane and seasonal speed limit"
45

1 Under sentence number 2. add after left and right hand turn lanes
2 "seasonal reduced speed limit, signage and school bus stop signs."
3

4 On the fourth Whereas add, "2009 and 2010."
5

6 Delete the first milepost under 2. d.
7

8 WINKLMANN seconded. The resolution was approved as amended by
9 roll call VOTE.
10

11 OTHER
12 BUSINESS

13 1.) Liquor License Renewal

14 Application Type: NEW _____ X TRANSFER
15 X Ownership
16
17

18 Governing Body: Denali Borough
19 Community Councils: None
20 License #: 1850
21 License Type: Package Store Seasonal (4/1-9/30)
22 D.B.A.*: Lynx Creek Liquor
23 Licensee/Applicant: ARAMARK Sports and Entertainment Services, LLC
24 Physical Location: Mile 238.6 Parks Hwy
25
26
27

28 Application Type: NEW _____ X TRANSFER
29 X Ownership
30 _____ Location
31 X Name Change

32 Governing Body: Denali Borough
33 Community Councils: None
34
35 License #: 4099
36 License Type: Beverage Dispensary Tourism Seasonal (4/15 -
37 9/30)
38 D.B.A.*: Grande Denali Hotel – Alpenglow Restaurant
39 Licensee/Applicant: ARAMARK Sports and Entertainment Services, LLC
40 Physical Location: Mile 238.2 Parks Hwy
41

42 Application Type: NEW _____ X TRANSFER
43 X Ownership
44 _____ Location
45 X Name Change

46 Governing Body: Denali Borough
47 Community Councils: None
48

1
2
3
4
5
6
7
8
9
10
11

License #: **4307**
 License Type: **Beverage Dispensary Tourism (4/29 – 10/29)**
 D.B.A.*: **McKinley Village Lodge – Bear's Den**
 Licensee/Applicant: **ARAMARK Corporation**
 Physical Location: **Mile 231.1+ Parks Hwy**

KOHLSDORF MOVED to approve. HOLMES seconded. The VOTE was unanimous.

Liquor License Renewals:

Lic #	Establishment Name	License Type	Service Location	Owner Name
1850	Lynx Creek Liquor	Pkg Store-Sea	Mile 238.6 Parks Hwy	Aramark Sports and Entertainment Services Inc
2694	Totem Inn	Bev Disp-Tour	Mile 248.7 Parks Hwy	Totem Enterprises Inc
4099	Alpenglow Restaurant	Bev Disp Tour-Sea	Mile 238.2 Parks Hwy	Aramark Sports and Entertainment Services Inc
4280	Denali Bluffs Hotel	Bev Disp Tour-Sea	238.4 Parks Hwy	Aramark Sports and Entertainment Services Inc
4307	McKinley Village Lodge	Bev Disp Tour-Sea	Mile 231.1 Parks Hwy	Aramark Services Inc
4308	McKinley Chalet Resort	Bev Disp Tour-Sea	Mile 238.9 Parks Hwy	Aramark Services Inc
4313	McKinley Chalet Resort - Cabin Nite Dinner Theatre	Bev Disp-Tour Dup	Mile 238.9 Parks Hwy	Aramark Services Inc

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

LAUSEN MOVED to approve. KOHLSDORF seconded. The VOTE was unanimous.

2.) Department of Natural Resources (DNR) TBAP amendment.

Mayor Talerico will submit the appeal to the DNR regarding the TBAP Best Interest Finding using Resolution 08-27 to the DNR. USIBELLI volunteered to go with the mayor to the DNR office when submitting.

3.) Denali Borough Landfill Permit and Operations Plan.

LAUSEN MOVED to forward the Operations Plan to DEC. WINKLMANN seconded.

1 KOHLSDORF MOVED to amend to add on page 7 4.2 C, "unless
2 prearranged through the Denali Borough Landfill Administrator"
3 WINKLMANN seconded. The VOTE was unanimous.
4

5 LAUSEN MOVED on page 25, under 13.2 A, to delete the sentence
6 and add "refer to the Employee Safety Manual." KOHLSDORF
7 seconded. The VOTE was unanimous.
8

9 The VOTE on the main motion was unanimous.
10

11 4.) Legislative Priority List
12

13 KOHLSDORF spoke about adding guard rails on approaches to the
14 Parks Highway near Rexanna Road and the railroad crossing at Mile
15 276.
16

17 The assembly discussed road hazards throughout the Parks Highway
18 within the Denali Borough that includes school bus stop signage,
19 reduce speed signs, turning lanes, guard rails, no passing zones,
20 acceleration lanes, grades and drainage. There was also discussion of
21 having the DOT letter zero-in on specific areas that are most important
22 such as at the Rex crossing at Mile 275 – 277 Parks Highway and
23 Rexanna Road which is state owned. KOHLSDORF suggested that the
24 governor be notified also.
25

26 WINKLMANN MOVED to request that the mayor generate a letter to
27 DOT regarding the above issues to include McKinley Village, Healy and
28 Cantwell. It was suggested that each issue should be separated out
29 and to focus on each areas specific issues. KOHLSDORF seconded.
30 The VOTE was unanimous.
31

32 The assembly took a meeting break at 3:18 PM to write a resolution.
33 The meeting reconvened at 3:35 PM.
34

35 See Resolution 09-02 under the Resolutions category above.
36

37 The assembly continued to discuss the Legislative Priority List. The
38 assembly discussed using Denali Borough Resolution 07-30 for the
39 2009 Legislative Priority. See Resolution 09-03 under Resolutions.
40

41 The mayor asked if the assembly would like the Stampede Recreation
42 Site to be re- introduced. There was discussion from the assembly that
43 there may be revenues expected from the Borough on this issue. The
44 state would actually be the manager because it is state owned and the
45 assembly would be the advisory committee to the state.

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
44
45

KOHLSDORF spoke against donating land in the Borough for state parks because he feels that we do not need another park

Mayor Talerico explained that state recreational areas are to preserve the land as traditional use and to include the Borough as an advisory committee to State Parks and Recreation.

WINKLMANN spoke in favor of this bill and explained that it is to protect the land for local traditional use.

Mayor Talerico explained the University of Alaska attempted to take that land and sell it to the National Park Service a few years ago. We may need to look into if we need it to be state recreation area or state use area.

WINKLMANN MOVED to have the legislature re-introduce the Stampede Recreation Site. KOHLSDORF seconded. The VOTE was 4 – 2 with USIBELLI and KOHLSDORF opposed. Motion passes.

The priority list includes:

- 1.) Fixing the landfill fencing
- 2.) The mayor suggested leaving the Cantwell/borough bike paths on the list.
- 3.) Tri-Valley Subdivision
The mayor asked if the list should include the legislature to write a Bill to sell the railroad leased land to the leaseholder/homeowners of the land at fair market value at the entrance of the lease. This would be without improvements. It includes one square mile of the Tri-Valley Subdivision. The Alaska Statutes to reference are 42.40.285 and 42.40.350.
- 4.) Technical School
- 5.) \$50,000 for the Tri-Valley Fire Department well to reduce ISO rating

LAUSEN MOVED to send the priority list to the legislature. WINKLMANN seconded. The VOTE was unanimous.

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
44
45

5.) Loan of Glass Crusher from Denali National Park

WINKLMANN MOVED to postpone to the next meeting and to direct the mayor to write up a proposal on the cost to the Borough. LAUSEN seconded. The VOTE was unanimous.

6.) Denali Borough Comprehensive Plan

WINKLMANN MOVED to accept. KOHLSDORF seconded. The VOTE was unanimous.

LAUSEN MOVED to amend the date to 2009. HOLMES seconded. The VOTE was unanimous.

KOHLSDORF MOVED to adopt. WINKLMANN seconded. The roll call VOTE was unanimous.

7.) Denali Borough Lawsuit

WINKLMANN MOVED to request the attorney to be present at the next assembly regular meeting to discuss the Borough lawsuits and to place on the agenda an executive session if needed. KOHLSDORF seconded. The VOTE was unanimous.

8.) Public Comments

Pat Winklmann, Healy, requested that all railroad land leaseholders be included in the legislative bill and not just the land under the Usibelli lease.

Sid Michaels, Clear, suggested that in reference to the school bus signage on the highway that the borough ask the school board to come on board with the Borough when presenting to the legislature.

ASSEMBLY
COMMENTS

WINKLMANN suggested a written report from everyone that travels to meetings.

KOHLSDORF welcomed the new committee/commission members and the Landfill Committee for their work on the Operations Plan and the Adhoc Committee for the Comprehensive Plan.

LAUSEN would like to see some assembly work sessions. She would also like to have a work session with the Denali Borough School Board. There will be someone coming down to pick up the e-waste from the school.

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

HOLMES is going to Juneau next week to speak with legislatures and attend the Alaska Municipal League Board meetings.

NEXT MEETING 1.) The next regular meeting will be held at the McKinley Village Community Center on February 11, 2009; Public Hearing at 6:00 PM, and regular meeting to follow.

ADJOURN. The presiding officer declared the regular meeting adjourned at 5:08 PM.

APPROVED: Armeda A. Bulard
Armeda Bulard, Presiding Officer

ATTEST: Gail Pieknik
Gail Pieknik, Borough Clerk

Date Approved: February 11, 2009