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**Minutes of the Public Hearing
Denali Borough Assembly
McKinley Village Community Center
September 13, 2006**

CALL TO ORDER Presiding Officer Gerald Pollock called the public hearing to order at 6:45 PM.

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

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

Charlie Loeb, Talkeetna resident, commented on the letter from the State Department of Natural Resources, Division of Oil and Gas. Loeb also commented that the assembly ordinance is a tool and responsive to numerous public hearings held by the Denali Borough.

Grady Wilson, Healy resident, also commented on the letter received from the State Department of Natural Resources, Division of Oil and Gas. Wilson read a letter from a resident of Colorado on the negative effects of gas drilling in that state.

Nan Eagleson, McKinley Village resident, commented on the disastrous effect of Coal Bed Methane drilling.

Eric Oberg, Healy resident, commented on a statement made by Pat Galvin of State of Alaska, Department of Oil and Gas.

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.

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

3
4 There were no public comments.

5
6 5.) **ORDINANCE 06-18, VERSION B**: an ordinance amending the
7 DB Code 4.10, titled Management of Borough Real Property.

8
9 There were no public comments.

10
11 6.) **ORDINANCE 06-19, VERSION B**: an ordinance amending DB
12 Code 2.05.050 titled Compensation of Assembly.

13
14 There were no public comments.

15
16 7.) **ORDINANCE 06-20, VERSION B**: an ordinance authorizing
17 investments into the Alaska Municipal League Investment Pool
18 (AMLIP)

19
20 There were no public comments.

21
22 8.) **ORDINANCE 06-21, VERSION A**: an ordinance amending the
23 Denali Borough Code Chapter 1.15.020 pertaining to the annual
24 financial statement and audit.

25
26 There were no public comments.

27
28 9.) **ORDINANCE 06-22, VERSION A**: an ordinance amending the
29 Denali Borough Code Chapter 5.30.010 pertaining to planning
30 functions.

31
32 There were no public comments.

33
34 10.) **ORDINANCE 06-23, VERSION A**: an ordinance amending
35 Denali Borough Code Chapter 5.05 dealing with the Denali Borough
36 School District and the assumption of Denali Borough education
37 powers.

38
39 There were no public comments.

40
41 11.) **ORDINANCE 06-24, VERSION A**: an ordinance amending
42 Denali Borough Code Chapter 2.10.110 pertaining to the LEPC All-
43 Hazards Plan.

**Minutes of the Regular Meeting
Denali Borough Assembly
McKinley Village Community Center
September 13, 2006**

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6 CALL TO ORDER Presiding Officer Gerald Pollock called the regular meeting to order at
7 7:00PM.
8
9 ROLL CALL Assembly members present were:, Sid Michaels, Armeda Bulard,
10 Teresa Hall, Baxter Mercer, Bob Shelton, Gerald Pollock, Eileen
11 Holmes and Paul Schenk. Absent were: David Evans. Mayor Talerico
12 was also in attendance.
13
14 The Chair entertained a motion to excuse EVANS. MICHAELS so
15 MOVED and HALL seconded. The VOTE was unanimous.
16
17 PUBLIC Sue Deyoe, Denali Citizens Council, commented on the letter from
18 COMMENTS State Department of Natural Resource, Division of Oil and Gas.
19
20 Susan Braun, Stampede Road resident, spoke in favor of passage of
21 Ordinance 05-21. She believes that it would protect her neighborhood.
22
23 Chuck Tomkiewicz, Stampede Road resident, spoke in favor of
24 passage of Ordinance 05-21.
25
26 AGENDA MERCER MOVED to approve, BULARD seconded. The VOTE was
27 unanimous.
28
29 MINUTES 1.) Assembly Meeting: Public Hearing and Regular Meeting held on
30 August 16, 2006.
31
32 HALL MOVED to approve the August 16, 2006 minutes and MERCER
33 seconded. The VOTE to approve the minutes was unanimous.
34
35 FINANCIAL 1.) Financial report for July 2006.
36 REPORT
37 HALL MOVED to receive the July 2006 financial report, HOLMES
38 seconded. The VOTE to receive the financial report was unanimous.
39
40 MAYOR'S Mayor Talerico gave a report of his activities.
41 REPORT
42 HALL MOVED to add the Denali Borough Assembly in the letter
43 supporting Healy Hockey and their pursuit of a grant from the Tony
44 Hawk Foundation. HOLMES seconded. The VOTE was unanimous.
45

1 SCHOOL The School District Superintendent was not in attendance.
2 DISTRICT
3
4 PLANNING 1.) Planning Commission seat H appointment.
5 COMMISSION
6 Mayor Talerico recommended Charles Saylor for Planning Commission
7 seat H. HALL MOVED to accept Mayor's recommendation, MERCER
8 seconded. The VOTE was unanimous.
9
10 ASSEMBLY HALL suggested adding an alternate to serve on the matching grant
11 COMMENTS review committee. MERCER MOVED to appoint HALL as the
12 alternate HOLMES seconded. The VOTE was unanimous.
13
14 SHELTON thanked everyone for attending the meeting tonight.
15
16 BULARD commented on the new Alaska Railroad section house
17 building in Cantwell.
18
19 SCHENK thanked the assembly for being understanding of his
20 absence over the last few months.
21
22 MICHAELS commented on the recent Rexanna Road changes and
23 the number of families that are dissatisfied with the road.
24
25 COMMUNITATION 1.) Tom Brooks with Alaska Railroad (ARR) to discuss the Moody
26 AND Tunnel project and request permission to temporarily use borough
27 APPEARANCES land near the tunnel until the project is completed.
28
29 Tom Brooks gave a report on the plan to eliminate the Moody tunnel
30 and the railroad requesting a temporary easement across borough
31 municipal lands.
32
33 2.) Robert Muller, resident at Mile 276.5 Parks Highway, Clear,
34 Alaska, to discuss the Rex crossing overpass project and Rexanna
35 Road.
36
37 Mr. Muller was not able to attend.
38
39 ORDINANCES 1.) **(NEXT ORDINANCE 06-25)** An ordinance amending the Denali
40 Borough Code Chapter 3.20.040 titled investments.
41
42 HALL MOVED to introduce, BULARD seconded. The roll call VOTE
43 was unanimous. This will be Ordinance 06-25, version A.
44

1 HALL MOVED to postpone to the next meeting, MERCER
2 seconded. The VOTE was unanimous.

3
4 2.) **ORDINANCE 05-21, VERSION G:** an ordinance of the Denali
5 Borough establishing gas exploration and development regulations.

6
7 MICHAELS MOVED to adopt, MERCER seconded.

8
9 POLLOCK disclosed that there could be a conflict of interest.

10
11 MERCER MOVED to request that POLLOCK vote on this ordinance.
12 MICHAELS seconded. The VOTE was unanimous.

13
14 HALL declared a possible conflict of interest. MERCER MOVED
15 that HALL be requested to vote on this issue, MICHAELS seconded.
16 The VOTE was unanimous.

17
18 MERCER MOVED to strike residential and insert private from
19 Section B1. SCHENK seconded. The VOTE was unanimous.

20
21 Mayor Talerico expressed some concern about not doing a legal
22 analysis on this ordinance prior to adopting. Discussion followed.

23
24 The roll call VOTE was 7-1 with HALL opposed. Motion passes.

25
26 HALL MOVED to send the ordinance to the borough attorney,
27 HOLMES seconded. The VOTE was unanimous.

28
29 3.) **ORDINANCE 05-20, VERSION B:** an ordinance amending the
30 Denali Borough Code of Ordinances establishing an area wide
31 conditional use permit for coal bed methane exploration and
32 development.

33
34 MICHAELS MOVED to postpone indefinitely, MERCER seconded.
35 The VOTE was unanimous.

36
37 4.) **ORDINANCE 06-13, VERSION A:** and ordinance amending DB
38 Code 2.15.303 titled Regular Assembly Meetings.

39
40 SCHENK MOVED to adopt, HALL seconded. Discussion followed.
41 The roll call VOTE was 1-7 with MICHAELS, HALL, POLLOCK,
42 BULARD, SHELTON, MERCER, and HOLMES opposed. Motion
43 fails.
44

1 5.) **ORDINANCE 06-14, VERSION E:** an ordinance replacing DB
2 Code 3.15 dealing with zoning options.

3
4 MICHAELS MOVED to amend by deleting "2/3" and adding majority
5 in section 9.15.350 (1) MERCER seconded. The VOTE was
6 unanimous.

7
8 MERCER MOVED to add "Residential: a dwelling or area which the
9 main purpose is a residence" to the definitions, MICHAELS
10 seconded. The VOTE was unanimous.

11
12 MICHAELS MOVED to add on page 18 "Unrestricted, there is no
13 restriction on land zoned unrestricted." MERCER seconded.
14 MICHAELS withdrew his motion.

15
16 HALL MOVED to postpone to the next meeting and MICHAELS
17 seconded. The VOTE was unanimous.

18
19 6.) **ORDINANCE 06-18, VERSION B:** an ordinance amending the
20 DB Code 4.10, titled Management of Borough Real Property.

21
22 MICHAELS MOVED to postpone to the next meeting and HALL
23 seconded. The VOTE was unanimous.

24
25 7.) **ORDINANCE 06-19, VERSION B:** an ordinance amending DB
26 Code 2.05.050 titled Compensation of Assembly.

27
28 MERCER MOVED to adopt and MICHAELS seconded. The roll call
29 VOTE was unanimous.

30
31 8.) **ORDINANCE 06-20, VERSION B:** an ordinance authorizing
32 investment into the Alaska Municipal League Investment Pool
33 (AMLIP).

34
35 MICHAELS MOVED to substitute version A with version B and
36 MERCER seconded. The VOTE was unanimous.

37
38 MICHAELS MOVED to postpone to the next meeting and HALL
39 seconded. The VOTE was unanimous.

40
41 9.) **ORDINANCE 06-21, VERSION A:** an ordinance amending the
42 DB Code amending Chapter 3.15.020 pertaining to the annual
43 financial statement and annual audit.

44

1 MICHAELS MOVED to adopt and HALL seconded. The roll call
2 VOTE was unanimous.

3
4 10.) **ORDINANCE 06-22, VERSION A:** an ordinance amending DB
5 Code by amending Chapter 5.30.010 pertaining to planning
6 functions.

7
8 MICHAELS MOVED to adopt and HALL seconded. The roll call
9 VOTE was unanimous.

10
11 11.) **ORDINANCE 06-23, VERSION A:** an ordinance amending DB
12 Code Chapter 5.05 dealing with the Denali Borough School District
13 and the assumption of Denali Borough Education Powers.

14
15 MICHAELS MOVED to adopt and MERCER seconded. The roll call
16 VOTE was unanimous.

17
18 12.) **ORDINANCE 06-24, VERSION A:** an ordinance amending DB
19 Code by amending Chapter 2.10.110 pertaining to the LEPC All-
20 Hazards Plan.

21
22 MICHAELS MOVED to adopt and HALL seconded. The VOTE was
23 unanimous.

24
25 13.) **ORDINANCE 06-07:** an ordinance returned to discuss Section
26 2 dealing with purpose and intent, Section 3.45.010 dealing with the
27 tax table, and section 3.45.050 dealing with the timeline to submit
28 the tax to the borough.

29
30 HALL MOVED to bring back to the table ordinance previously
31 passed 06-07, MERCER seconded. The VOTE was unanimous.

32
33 BREAK
34 RECONVENE

The presiding officer called a break at 8:55 PM.
The meeting was reconvened at 9:07 PM.

35
36 HALL MOVED to delete the tax table out of section 3.45.010,
37 MERCER seconded. The VOTE was unanimous.

38
39 HALL MOVED to amend 3.45.050 to read like the overnight
40 accommodations tax ordinance "due on the last day of the following
41 month unless the office is closed....", MERCER seconded. The
42 VOTE was unanimous.

43
44 MICHAELS MOVED to postpone indefinitely and MERCER
45 seconded. Discussion followed.

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The roll call VOTE was 4-4 with MERCER, HALL, POLLOCK and HOLMES opposed. It was a tie vote. Mayor Talerico broke the tie and voted no. Motion fails.

HALL MOVED to adopt and MERCER seconded. The roll call VOTE was 4-4 with SCHENK, SHELTON, POLLOCK and MICHAELS opposed. Motion fails.

RESOLUTIONS

1.) **(NEXT RESOLUTION 06-13)** A resolution expressing appreciation to the volunteers who assisted in the evacuation plan for the City of Anderson and the Parks Highway corridor during the Parks Highway Fire.

MICHAELS MOVED to adopt and BULARD seconded.

MICHAELS MOVED to amend to say in the sixth whereas "City of Anderson", HOLMES seconded. The VOTE was unanimous.

The roll call VOTE to adopt was unanimous. This will be Resolution 06-13.

OTHER BUSINESS

1.) An update on the Braun lawsuits.

Mayor Talerico gave a brief update.

2.) Liquor License: None

3.) Public Comments.

Charlie Loeb, Talkeetna resident, commented on the attendance at public meetings, which is better now than they use to be. He spoke in favor of the assembly passing the gas exploration ordinance.

Sue Deyoe, Denali Citizens Council, spoke in favor of Bureau of Land Management (BLM) coming to the area to identify all the BLM easements.

ASSEMBLY COMMENTS

MICHAELS stated that he is happy that Ordinance 05-21 passed.

SHELTON announced the annual McKinley Village Christmas Bizarre on Nov 18th Noon until 4:00 PM.

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MERCER commented on the borough funding policies and the finance committee. He also mentioned the school budget and how far they are behind.

MERCER will not be able to attend the next meeting and asked not to be excused.

HOLMES thanked everyone for attending tonight.

HALL encouraged everyone to attend the Alaska Municipal League, Newly Elected Officials training in Juneau. She also clarified that she voted against Ordinance 05-21 for legal reasons.

NEXT MEETING 1.) The next regular meeting will be held at Cantwell School on October 11, 2006. Work Session at 6:00, Public Hearing 6:45, and Regular Meeting to follow.

ADJOURN. Presiding Officer Pollock declared the regular meeting adjourned at 9:45 PM.

ATTEST: *Maie Suemik*
Borough Clerk

APPROVED: *Ronald J. Pollock II*
Presiding Officer

Date Approved: OCTOBER 11, 2006