

Minutes of the Public Hearing
Denali Borough Assembly
Cantwell School
November 10, 2010

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7 CALL TO ORDER: The public hearing was called to order by Deputy Presiding Officer Robert MUELLER at
8 6:00 PM.
9

10 ROLL CALL: Assembly members present: John WINKLMANN, Armeda BULARD, Vickie LAUSEN, Robert
11 KOHLSDORF, Robert MUELLER, Eileen HOLMES, Cyrus COOPER. Absent: Clay WALKER, Teresa
12 Chepoda USIBELLI.
13

14 ORDINANCE 10-09, Version A: An ordinance amending the Denali Borough Code of Ordinances, Chapter
15 3.45, titled Business Licenses.
16

17 There were no public comments.
18

19 ORDINANCE 10-11, Version A: An ordinance amending Title 9 of the Denali Borough Code of Ordinances,
20 by adding Chapter 9.30 titled Wild Land Resources and creating Denali Borough Form X.

21 There were no public comments.

22 ORDINANCE 10-12, Version A: An ordinance amending the Denali Borough Code, Chapter 3.20 by adding
23 3.20.055 titled Grant Procedure.

24 Marge Nord, Cantwell Fire Department, expressed the opinion that Ordinance 10-12 does not address the
25 concerns of the Borough, and urged the Assembly to consider amending the ordinance to address their
26 concerns. Ms. Nord expressed concern for future grant funding if this ordinance is passed as currently written.

27 ORDINANCE 10-13, Version A: An ordinance repealing Chapter 3.45 of the Denali Borough Code of
28 Ordinances titles Business Licenses.

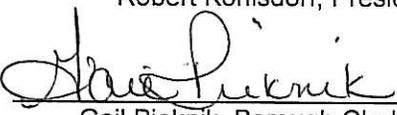
29 There were no public comments.

30 ORDINANCE 10-14, Version A: An ordinance amending the Denali Borough Code of Ordinances, Chapter
31 6.15.070 titled Tipping Fees adding charge accounts.

32 There were no public comments.
33

34 ADJOURNMENT: The public hearing was adjourned at 6:04 PM.
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38 APPROVED: 
39 Robert Kohlsdorf, Presiding Officer

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42 ATTEST:  Date Approved: DECEMBER 08, 2010
43 Gail Pieknik, Borough Clerk

Minutes of the Regular Meeting
Denali Borough Assembly
Cantwell School
November 10, 2010

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8 CALL TO ORDER: Deputy Presiding Officer Robert MUELLER called the regular meeting to order
9 at 6:05 PM. Robert Mueller led all present in the Pledge of Allegiance.

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11 OATH OF OFFICE FOR NEW MEMBERS – Gail Pieknik, Borough Clerk, administered the Oath of
12 Office to newly elected Assembly members John Winklmann, David Evans, and Terry Asbury.

13
14 Eileen HOLMES MOVED to request Robert Kohlsdorf act as pro tem Presiding Officer pending
15 election of officers. John WINKLMANN seconded. The VOTE by show of hands was unanimous.

16
17 ROLL CALL:

18 Assembly members present: Armeda BULARD, John WINKLMANN, Vickie LAUSEN, Robert
19 KOHLSDORF, Eileen HOLMES, Cyrus COOPER, Dave EVANS and Terry ASBURY. Absent: Clay
20 WALKER.

21
22 SELECTION OF PRESIDING OFFICER

23 John WINKLMANN MOVED to nominate Cyrus Cooper for Presiding Officer. Vickie LAUSEN
24 seconded. David EVANS MOVED to nominate Robert Kohlsdorf for Presiding Officer. Eileen
25 HOLMES seconded. Cyrus COOPER MOVED to nominate Armeda Bulard for Presiding Officer.
26 Robert KOHLSDORF seconded. Armeda BULARD MOVED to close nominations. Cyrus COOPER
27 seconded. The VOTE by secret ballot was as follows: three votes for Robert Kohlsdorf, three votes
28 for Cyrus Cooper, one vote for Armeda Bulard, one vote for Clay Walker. A second VOTE by secret
29 ballot was as follows: four votes for Cyrus Cooper, four votes for Robert Kohlsdorf. It was agreed
30 that a coin toss would decide the winner. Robert Kohlsdorf won the toss of the coin.

31
32 SELECTION OF DEPUTY PRESIDING OFFICER

33 Eileen HOLMES MOVED to nominate Cyrus COOPER for Deputy Presiding Officer. John
34 WINKLMANN seconded. There being no other nominations, Mr. Cooper was elected Deputy
35 Presiding Officer by acclamation.

36
37 PUBLIC COMMENTS

38 Sandra Rucker, Cantwell Community School Committee, welcomed newly elected Assembly
39 members, and thanked existing members for funding the Cantwell School and community in the
40 FY2011 budget.

41
42 Marge Nord, Cantwell Fire Department, informed the Assembly that the Fire Department explored
43 the possibility of alarm sirens at one time, and found them to be an unfeasible option. Ms. Nord
44 spoke regarding turn outs on the highway near Cantwell, and expressed the view that it would be
45 better to have something at the Parks Highway intersection, rather than at Number One bridge. Ms.
46 Nord also asked the Assembly to amend Ordinance 10-12 to address concerns, rather than allow it
47 to fail.

1 Steve Jones, McKinley Village resident, spoke against the sale of a parcel of land to Golden Valley
2 Electric Association. Mr. Jones suggested proposed passing lanes on the Parks Highway be moved
3 slightly south to avoid conflict with residential driveways.
4

5 Jerryne Cole, Parks Highway resident, spoke in favor of enhancing the safety of local traffic on the
6 Parks Highway and asked that a 55 mph zone be created between Carlo Creek and the area just
7 above McKinley Village with no passing lanes for the entire distance. Ms. Cole suggested that the
8 speed limit be reduced further near the Crabbie's Crossing bridge over the Nenana River, and that
9 pedestrian crosswalks be considered. Ms. Cole also spoke in favor of proposed turn lanes at the
10 Denali Park entrance.
11

12 Laura Cole, Parks Highway resident, spoke against proposed Department of Transportation (DOT)
13 passing lanes in the area of milepost 227 – 229.
14

15 Ann Deloria, Parks Highway resident, spoke against proposed DOT passing lanes, noted that there
16 is quite a bit of foot and bike traffic in the area, and asked for increased indication of driveways and
17 turning vehicles in the area.
18

19 Gordon Carlson, Cantwell resident, spoke in support of passing lanes, and suggested that a third
20 lane be considered going uphill for those turning across traffic. Mr. Carlson suggested that a
21 pedestrian walkway across the bridge at Crabbie's Crossing is needed, and asked that safety be
22 considered when creating projects for the betterment of future flow of traffic.
23

24 Bob Merrill, Parks Highway resident, spoke against proposed DOT passing lanes, expressing the
25 view that they are not a safe option.
26

27 Jill Boelsma, Parks Highway resident, spoke in favor one passing lane rather than four lanes, and
28 urged the consideration of safety concerns in project design.
29

30 AGENDA

31 Armeda BULARD MOVED to approve the agenda as submitted. Cyrus COOPER seconded.
32 The VOTE by show of hands was unanimous.
33

34 MINUTES

35 October 13, 2010 Assembly Public Hearing and Regular Meeting

36 Eileen HOLMES MOVED to approve the minutes as submitted. John WINKLMANN seconded. The
37 VOTE by show of hands was unanimous.
38

39 REPORTS: September 2010 Financial Report

40 John WINKLMANN MOVED to receive the financial report. Armeda BULARD seconded. The VOTE
41 by show of hands was unanimous.
42

43 MAYOR'S REPORT

44 Mayor David Talerico was unable to attend due to illness and submitted a written report informing
45 the Assembly of a meeting between USKH and Borough staff in early December. Mayor Talerico
46 suggested that the Planning Commission be invited to attend the December Assembly meeting at
47 which USKH has asked to appear to present information regarding the geo-database project. The
48 annual audit is underway, and most staff and several Assembly members and Planning

1 Commissioners will attend the Alaska Municipal League (AML) Annual Meeting in Juneau November
2 15-17.

3
4 SCHOOL REPORT

5 There was no school report.
6

7 ASSEMBLY COMMENTS

8 Armeda BULARD thanked those in attendance for coming, and reported that she, along with
9 several other Assembly members, would be attending the AML conference in Juneau.
10

11 Cyrus COOPER thanked those in attendance for coming and expressing their concerns and
12 opinions.
13

14 John WINKLMANN thanked those in attendance for coming and encouraged all to give input on
15 issues.
16

17 John WINKLMANN MOVED to invite the Planning Commission to attend the December
18 Assembly meeting. Dave EVANS seconded. The VOTE by show of hands was unanimous.
19

20 John WINKLMANN MOVED to request administration schedule a work session prior to the
21 December meeting to review Home Security grant public records. Vickie LAUSEN seconded.
22

23 David EVANS MOVED to amend the motion to add Emergency Services Director Rusty Lasell
24 be invited to attend the Homeland Security grant work session. John WINKLMANN seconded.
25

26 John WINKLMANN MOVED to amend the motion to hold the work session prior to December 31.
27 Vickie LAUSEN seconded.
28

29 The VOTE by show of hands on the amendment to hold the work session prior to December 31
30 was unanimous. The VOTE by show of hands on the amendment to invite Emergency Services
31 Director Rusty Lasell to attend the work session was unanimous. The VOTE by show of hands
32 on the main motion to request administration schedule a work session to review Homeland
33 Security grant public records was unanimous.
34

35 David EVANS thanked those in attendance for coming and thanked all who voted in the recent
36 election. Mr. Evans reported that hockey season has begun, and that players may still sign up.
37

38 Terry ASBURY thanked those in attendance for coming and encouraged those present to bring
39 friends and neighbors to meetings.
40

41 Robert KOHLSDORF thanked those in attendance for coming.
42

43 Eileen HOLMES thanked newly elected Assembly members for stepping up to public service,
44 and thanked those in attendance for coming and providing input.
45

46 Vickie LAUSEN thanked those in attendance for coming and providing comment, welcomed
47 newly elected Assembly members, and thanked Teresa Chepoda Usibelli for her service on the
48 Assembly. Ms. Lausen noted that traffic at Crabbie's Crossing has been an issue for some
49 time.

1 Kate Kennedy, Right of Way Agent, GVEA Transmission & Distribution, to discuss purchasing
2 Denali Borough municipal land located at Tract U-2 of ASLA 84-25 which GVEA currently leases
3 from the Borough for a SCADA communication system.
4

5 Ms. Kennedy was not in attendance.
6

7 Al Beck, Department of Transportation, Project Manager for the Parks Highway MP 163-305
8 Passing Lanes
9

10 Al Beck, Project Manager for proposed passing lanes on the Parks Highway between mileposts 163
11 and 305, reported that scoping letters inviting public comment on the project have been sent out,
12 and explained the scoping comment process. Public comment specific to the project is welcome,
13 especially when alternatives are proposed to mitigate the concerns of those commenting. Proposed
14 alternatives will be forwarded to the planning section. Mr. Beck cautioned that modifications to the
15 scope of the project may cause delays in implementation. Economy of funding was taken into
16 account in planning the project, as well as the expressed needs of the community, specifically Denali
17 Borough Resolution 09-03. Mr. Beck suggested that the Assembly decide if the project is a
18 betterment or detriment to the Borough, find what is supported and opposed in the project,
19 determine preferred alternatives, and make a recommendation to DOT via resolution. The deadline
20 for comment is November 19, but later comments will be accepted. The project is designed to
21 incorporate a minimum of widening of the roadway, clearing of the right of way will be done, with
22 minimum clearing in residential areas. The project design process has been funded, the full amount
23 of the project is anticipated to be funded in 2012 with a projected completion date near September.
24

25 Jim Gorski, Borough Attorney:
26

27 Jim Gorski, Borough Attorney spoke to the following issues:
28

- 29 • *The feasibility of instituting a tax on a pipeline that transports products through the Denali*
30 *Borough.* The one and only way to tax products transported via pipeline through the Denali
31 Borough would be to tax at the same rate of property tax within the municipality. The Denali
32 Borough has no property tax.
- 33 • *USKH Contract* – There are two issues to contend with regarding the geo-database project.
34 The number of parcels involved in the scope of the project was underestimated by half, and
35 USKH had a wholesale change of staff in the midst of the project. USKH would like to
36 perform, but would like to meet with staff to discuss the project. A possible date of
37 completion is be mid-March.
- 38 • *Ordinance 10-11: Code amendment for Wild Land Resources permitting.* The ordinance
39 violates the Alaska Constitution concept of equal protection. Within certain parameters,
40 police powers may be applied to limit activity to all, but not to specific populations.
- 41 • *Ordinance 10-13: the impact on the OA and Severance Tax collections if businesses no*
42 *longer are required to have a Borough business license.* Adoption of Ordinance 10-13 would
43 not impact the Borough's ability to tax resource severers or overnight accommodations tax
44 operators, as both are required to register to collect tax as a separate requirement of the
45 business.
46
47
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49

1 DRAFT ORDINANCES:

2
3 ORDINANCE 10-15: An ordinance authorizing the sale of a certain parcel of Denali Borough
4 municipal land to Golden Valley Electric Association (GVEA).
5

6 Armeda BULARD MOVED to introduce Ordinance 10-15. Vickie LAUSEN seconded. The roll call
7 VOTE was unanimous.
8

9 John WINKLMANN MOVED to postpone Ordinance 10-15 to the next meeting. David EVANS
10 seconded. The VOTE by show of hands was unanimous.
11

12 ORDINANCE 10-16: An ordinance appropriating funding for a one time comprehensive audit of all
13 property and services purchased with Homeland Security and other grants.

14 Cyrus COOPER MOVED to introduce Ordinance 10-16. John WINKLMANN seconded. The roll call
15 VOTE was 4-4 as follows: Ayes – Terry ASBURY, John WINKLMANN, Vickie LAUSEN, Cyrus
16 COOPER; Nays – David EVANS, Eileen HOLMES, Armeda BULARD, Robert KOHLSDORF. The
17 motion failed.

18 Presiding Officer Robert KOHLSDORF called a meeting recess at 7:45 pm. The meeting
19 reconvened at 8:05 pm.

20 PENDING ORDINANCES:

21
22 ORDINANCE 10-09, Version A: An ordinance amending the Denali Borough Code of Ordinances,
23 Chapter 3.45, titled Business Licenses.
24

25 John WINKLMANN MOVED to postpone Ordinance 10-09 to the next meeting. David EVANS
26 seconded. The VOTE by show of hands was unanimous.

27 ORDINANCE 10-11, Version A: An ordinance amending Title 9 of the Denali Borough Code of
28 Ordinances, by adding Chapter 9.30 titled Wild Land Resources and creating Denali Borough Form
29 X.
30

31 Presiding Officer Robert KOHLSDORF relinquished the chair to Deputy Presiding Officer Cyrus
32 Cooper.
33

34 Robert KOHSDORF MOVED to postpone indefinitely Ordinance 10-11, Version A. David EVANS
35 seconded. The VOTE by show of hands was unanimous.
36

37 Presiding Officer Robert KOHLSDORF resumed the chair.
38

39 ORDINANCE 10-12, Version A: An ordinance amending the Denali Borough Code, Chapter 3.20 by
40 adding 3.20.055 titled Grant Procedure.
41

42 John WINKLMANN MOVED to postpone Ordinance 10-12, Version A to the next meeting. Cyrus
43 COOPER seconded. The VOTE by show of hands was unanimous.
44

1 ORDINANCE 10-13, Version A: An ordinance repealing Chapter 3.45 of the Denali Borough Code of
2 Ordinances titled Business Licenses.

3
4 Vickie LAUSEN MOVED to postpone Ordinance 10-13, Version A to the next meeting. John
5 WINKLMANN seconded. The VOTE by show of hands was unanimous.

6
7 ORDINANCE 10-14, Version A: An ordinance amending the Denali Borough Code of Ordinances,
8 Chapter 6.15.070 titled Tipping Fees adding charge accounts.

9
10 Eileen HOLMES MOVED to postpone Ordinance 10-14, Version A to the next meeting. John
11 WINKLMANN seconded. A point of discussion that followed was that there is no provision to charge
12 interest on overdue solid waste accounts in current code. The VOTE by show of hands on the
13 motion to postpone was unanimous.

14
15 RESOLUTIONS:

16
17 RESOLUTION 10-27: A resolution in support of requesting the state of Alaska, Department of
18 Transportation consider construction of safe trails around the Tri-Valley School located within the
19 Denali Borough.

20
21 Vickie LAUSEN MOVED to approve Resolution 10-27. Cyrus COOPER seconded. Points of
22 discussion that followed included the Resolution's request for state funding of trails, the need to
23 discuss the resolution in the community affected, and the amount of money appropriated to the
24 trailways committee. John Winklmann is the chair of the trailways committee. The roll call VOTE to
25 approve Resolution 10-27 was unanimous.

26
27 John WINKLMANN MOVED to send Resolution 10-27 to the trailways committee. Vickie LAUSEN
28 seconded. The VOTE by show of hands was unanimous.

29
30 RESOLUTION 10-28: A resolution in support of requesting the state of Alaska, Department of
31 Transportation consider construction of safe trails around the Cantwell School located within the
32 Denali Borough.

33
34 John WINKLMANN MOVED to approve Resolution 10-28. Vickie LAUSEN seconded.

35
36 John WINKLMANN MOVED to amend Resolution 10-28 to insert language similar to that contained
37 in the third, fourth and fifth "whereas" of Resolution 10-27. Vickie LAUSEN seconded. The VOTE
38 by show of hands was 4-4 as follows: Ayes – Cyrus COOPER, John WINKLMANN, Vickie LAUSEN,
39 Terry ASBURY; Nays – Armeda BULARD, David EVANS, Robert KOHLSDORF, Eileen HOLMES.
40 The motion failed.

41
42 Points of discussion that followed included the need to honor the requirements of a grant, the need
43 to discuss the resolution in the community affected, and the need to show good faith by funding pre-
44 planning activities.

45
46 The roll call VOTE on the main motion to approve Resolution 10-28 was 4-4 as follows: Ayes –
47 Cyrus COOPER, Terry ASBURY, Vickie LAUSEN, John WINKLMANN; Nays – David EVANS,
48 Eileen HOLMES, Armeda BULARD, Robert KOHLSDORF. The motion failed.

1 RESOLUTION 10-29: A resolution in support of requesting the state of Alaska, Department of
2 Transportation consider construction of safe trails around the Anderson School located within the
3 Denali Borough.

4
5 Eileen HOLMES MOVED to postpone Resolution 10-29 to the next meeting. John WINKLMANN
6 seconded. The VOTE by show of hands was unanimous.

7
8 David EVANS MOVED to reconsider the vote to approve Resolution 10-28 and postpone Resolution
9 10-28 to the next meeting. Eileen HOLMES seconded. The VOTE by show of hands was
10 unanimous.

11
12 OTHER BUSINESS

13 Liquor Licenses/Restaurant Designation Permits:

14 Type: Restaurant Designation
15 License: Black Diamond Resort Co.
16 Location: Otto Lake, Healy Alaska

17 Eileen HOLMES MOVED to approve Black Diamond Resort's liquor license/restaurant designation
18 permit. David EVANS seconded. The VOTE by show of hands was unanimous.

19
20 Agency Scoping request from Alaska Department of Transportation and Public Facilities in regard to
21 the Parks Highway passing lanes project located within the Denali Borough. (Mayor Talerico)

22
23 John WINKLMANN MOVED to request Borough administration create a resolution that incorporates
24 public testimony given for consideration at the December meeting regarding the DOT passing lane
25 project. Armeda BULARD seconded. Points of discussion that followed included the
26 appropriateness of the Assembly commenting in lieu of the public, the importance of a resolution
27 being specific to a project, the need to stress safety for both residents and those travelling the
28 highway as the main concern, and the need to respect DOT recommendations while at the same
29 time reflecting individual community concerns. The VOTE by show of hands was unanimous.

30
31 Grant Proceeds Form.

32
33 Four grant proceeds forms and a Denali Borough Award Document were reviewed.

34
35 Informational signs

36
37 Points of discussion included the high maintenance and technical expertise involved with an
38 electronic sign, the information disbursement potential of the Borough website and other
39 communication methods.

40
41 Western Alaska Access Planning Study (Usibelli)

42
43 Terry ASBURY MOVED to post the informational brochure regarding the Western Alaska Access
44 Planning Study at public posting sites. John WINKLMANN seconded. The VOTE by show of hands
45 was unanimous.

1 PUBLIC COMMENTS

2 Rachel Carlson, Cantwell resident, encouraged the Assembly to be clear regarding funding
3 in Resolutions 10-27, 10-28, and 10-29, and to delay approval of these resolutions until
4 community input has been gathered. Ms. Carlson also expressed her view that the
5 Borough should support those communities that have issues or concerns regarding
6 proposed passing lanes.
7

8 Gordon Carlson, Cantwell resident, spoke in support of Ordinance 10-09 regarding business
9 licenses and Ordinance 10-11 regarding wild land resources. Mr. Carlson expressed
10 support for trails near schools within the Borough, but cautioned that appropriations for such
11 a project may fall under school projects. Mr. Carlson also cautioned the Assembly against
12 aligning too strongly with concerns related to passing lanes that have not taken safety of
13 through traffic into full consideration, and urged support for more signage in pullouts
14 prohibiting overnight camping.
15

16 ASSEMBLY COMMENTS

17 Vickie LAUSEN spoke to the need for caution when moving forward on projects.
18

19 Eileen HOLMES thanked those present for attending and expressing their views on issues,
20 congratulated Robert Kohlsdorf and Cyrus Cooper on their offices, and welcomed Terry Asbury
21 and David Evans to the Assembly.
22

23 Robert KOHLSDORF commented that the intent of Ordinance 10-11 regarding wild land
24 resources was for the gathering of data through licensing. Data is necessary when attempting to
25 effect change regarding wild land resources, and data is difficult to collect.
26

27 Terry ASBURY had no comment.
28

29 David EVANS had no comment.
30

31 John WINKLMANN congratulated new officers and newly elected Assembly members, and
32 thanked those in attendance for coming to the meeting. Mr. Winklmann thanked those giving
33 public comment and Borough Attorney Jim Gorski for attending the meeting.
34

35 Cyrus COOPER thanked those in attendance for their input and noted that the School District is
36 compiling a list of capital projects to move forward.
37

38 Armeda BULARD thanked those in attendance and Jim Gorski for coming, and congratulated
39 new officers and Assembly members.
40

41 NEXT ASSEMBLY MEETING:

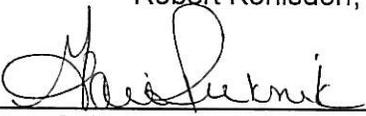
42 The next regular meeting will be held at the Anderson School on December 8, 2010; Public
43 Hearing at 6:00 PM, and regular meeting to follow.
44

45 A work session will be held at the Tri-Valley Community Center in Healy on December 15, 2010
46 at 5:00 pm to review Homeland Security grant public records.
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48 ADJOURN: The presiding officer declared the regular meeting adjourned at 9:56 pm.

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APPROVED: 
Robert Kohlsdorf, Presiding Officer

ATTEST: 
Gail Pieknik, Borough Clerk

Date Approved: DECEMBER 08, 2010