

Minutes of the Public Hearing
Denali Borough Assembly
Tri-Valley Community Center
January 11, 2012

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8 CALL TO ORDER: The public hearing was called to order by Presiding Officer Robert Kohlsdorf at 6:02 PM.

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10 ROLL CALL: Assembly members present: Clay WALKER, Rusty LASELL, John WINKLMANN, David
11 EVANS, Gordon CARLSON, Robert KOHLSDORF, Cyrus COOPER and Paddy TATUM. Absent:
12 Terry ASBURY.

13
14 ORDINANCE 11-23: An ordinance amending the Denali Borough Code of Ordinances, Chapter 8
15 titled Elections.

16
17 There were no comments.

18
19 ORDINANCE 11-24: An ordinance amending Denali Borough Code of Ordinances, Chapter 6.15
20 adding Section 6.15.071 titled Biohazard Materials, Containers and Regulated Waste.

21
22 Leroy Lausen, Lausen's Dependable Disposal, spoke against penalties contained in Ordinance 11-
23 24, suggesting that they are unnecessary. Mr. Lausen provided Assembly members with a list of
24 infractions of unacceptable waste that he created using information from the Landfill Unacceptable
25 Waste Log, and stated that landfill employees are already working and there is not excessive cost to
26 the Borough. To save money, the Borough could stop allowing employees to use the landfill shop
27 as a personal shop and family laundromat.

28
29 ORDINANCE 11-25: An ordinance approving amendments to the Denali Borough Comprehensive
30 Plan.

31
32 There were no comments.

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34 ADJOURNMENT: The public hearing was adjourned at 6:11 PM.

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39 APPROVED: 
40 Robert Kohlsdorf, Presiding Officer

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44 ATTEST:  Date Approved: FEBRUARY 15, 2012
45 Gail Pieknik, Borough Clerk

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**Minutes of the Regular Meeting
Denali Borough Assembly
Tri-Valley Community Center
January 11, 2012**

CALL TO ORDER: Presiding Officer Robert KOHLSDORF called the regular meeting to order at 6:11 PM. Mayor David Talerico led those present in the Pledge of Allegiance.

ROLL CALL:

Assembly members present: Clay WALKER, David EVANS, Rusty LASELL, John WINKLMANN, Robert KOHLSDORF, Paddy TATUM, Cyrus COOPER and Gordon CARLSON. Absent: Terry ASBURY.

David EVANS MOVED to excuse Terry Asbury. John WINKLMANN seconded. Cyrus COOPER MOVED to amend the motion to excuse Mr. Asbury through February 2012. Clay WALKER seconded. The VOTE by show of hands on the amendment was unanimous. The VOTE by show of hands on the main motion to excuse was unanimous.

PUBLIC COMMENTS

Jared Zimmerman, Panguingue Creek Homeowners Association Board member, thanked the Assembly for passing Resolution 11-27 at the December meeting, and offered support in contacting legislators regarding upgrading rural roads into state subdivisions. Mr. Zimmerman also expressed his personal support for Resolution 12-02 and 12-04.

AGENDA

Cyrus COOPER MOVED to approve the agenda as submitted. John WINKLMANN seconded. The VOTE by show of hands motion to approve the agenda was unanimous.

MINUTES

December 14, 2011 Assembly Public Hearing-

Clay WALKER MOVED to approve Draft B of the December 14, 2011 public hearing minutes as submitted. Rusty LASELL seconded. The VOTE by show of hands was unanimous.

December 14, 2011 Assembly Regular Meeting-

John WINKLMANN MOVED to approve the December 14, 2011 regular meeting minutes as submitted. Cyrus COOPER seconded. The VOTE by show of hands was unanimous.

REPORTS

November 2011 Financial Report

Clay WALKER MOVED to receive the November 2011 financial report. Rusty LASELL seconded. The VOTE by show of hands was unanimous.

1 PLANNING COMMISSION

2 Denali Borough Planning Commission Mayor's seat appointments –
3 Seat D: Mark Menke
4 Dave EVANS MOVED to confirm the Mayor's appointment to the Planning Commission.
5 John WINKLMANN seconded. The VOTE by show of hands was unanimous.
6

7 MAYOR'S REPORT

8 Mayor Dave Talerico reported that the Alaska Municipal League legislative fly-in is February
9 7-9, 2012 in Juneau with Robert Kohlsdorf, David Evans and Mayor Talerico attending.
10 Mayor Talerico suggested the Assembly consider changing the date of the February 8
11 regular meeting, and that a work session be scheduled to discuss investment of Borough
12 funds. Mayor Talerico reported that he will contact the Department of Environmental
13 Conservation to request a hearing on proposed herbicide application by the Alaska Railroad
14 be held in Anderson, and that Morgan Stanley, a firm holding a portion of the Denali
15 Borough Permanent Investment Fund, is closing its Fairbanks office. Mayor Talerico also
16 reported that five candidates were interviewed for the Emergency Services Director position,
17 and Joe Chatfield was selected to fill the position.
18

19 SCHOOL REPORT

20 Denali Borough School District (DBSD) Superintendent Joe Banghart introduced himself to
21 the Assembly. Mr. Banghart has extensive educational experience, including fourteen years
22 in Alaska.
23

24 Justin Mason, DBSD Maintenance Supervisor, reported on progress on maintenance
25 projects at schools. The Cantwell School windows have been installed, asbestos has been
26 removed from the kitchen floor, and lighting improvements are about 75% complete. The
27 Tri-Valley School lighting upgrade is complete, and should begin to show utility cost savings.
28 A cycle stop valve has been installed in the Anderson School septic tanks to prevent the
29 well running excessively, and the lighting project is about 75% complete. The Anderson
30 School has seen energy savings that are close to \$16,000 in the last two years. Work is
31 being done toward getting requests for proposals for the Tri-Valley School roof project. Mr.
32 Mason thanked the Assembly for funding maintenance projects, and noted that students at
33 all sites have commented on how improvements at the schools have improved attitudes.
34

35 ASSEMBLY COMMENTS

36 Gordon CARLSON, Robert KOHLSDORF and Paddy TATUM had no comment.
37

38 Cyrus COOPER commented positively on the forward momentum on school projects,
39 and thanked Justin Mason for his work on them.
40

41 John WINKLMANN, David EVANS, Rusty LASELL and Clay WALKER thanked all in
42 attendance for coming and welcomed Superintendent Joe Banghart.
43
44
45

1 COMMUNICATION AND APPEARANCE REQUEST

2
3 There were none.

4
5 DRAFT ORDINANCES

6 ORDINANCE 12-01: An ordinance amending the Denali Borough Code of Ordinances, Chapter
7 3.21 titled Management of Grants.
8

9 David EVANS MOVED to introduce Ordinance 12-01. Cyrus COOPER seconded. Mr.
10 Lasell commented that a fifteen month performance period was included in the grant
11 projects to address issues community groups might have with short construction seasons.
12 Points of discussion that followed include extensions granted in the past, conflict this
13 provision creates with budget procedures in Denali Borough Code, and the small nature of
14 projects funded by Denali Borough matching grants. The roll call VOTE to introduce
15 Ordinance 12-01 was 6-2 as follows; Ayes – Clay WALKER, Rusty LASELL, David EVANS,
16 John WINKLMANN, Paddy TATUM, Robert KOHLSDORF; Noes – Gordon CARLSON,
17 Cyrus COOPER. The motion passed.
18

19 Clay WALKER MOVED to postpone Ordinance 12-01 to the next meeting. John
20 WINKLMANN seconded. The VOTE by show of hands was unanimous.
21

22 Presiding Officer Robert Kohlsdorf called a meeting recess at 7:00 PM. The meeting
23 resumed at 7:20 PM.
24

25 ORDINANCE 11-23: An ordinance amending the Denali Borough Code of Ordinances,
26 Chapter 8 titled Elections.
27

28 John WINKLMANN MOVED to postpone Ordinance 11-23 to the next meeting. Gordon
29 CARLSON seconded. The VOTE by show of hands was unanimous.
30

31 ORDINANCE 11-24: An ordinance amending Denali Borough Code of Ordinances, Chapter
32 6.15 adding Section 6.15.071 titled Biohazard Materials, Containers and Regulated Waste.
33

34 Clay WALKER MOVED to substitute Ordinance 11-24, Version B for Ordinance 11-24,
35 Version A. Rusty LASELL seconded. Mayor Talerico noted that the changes in version B
36 eliminate biohazard waste language. Points of discussion that followed include the
37 necessity of the Ordinance, how often unacceptable waste is dropped at the landfill, if
38 education could resolve the issue, if state law could address the issue, liability of the
39 Borough if unacceptable waste is on site, and cost to the Borough of dealing with
40 unacceptable waste. The VOTE by show of hands to substitute Ordinance 11-24, Version B
41 for Version A was 5-3 as follows: Ayes – Clay WALKER, Robert KOHLSDORF, Rusty
42 LASELL, Gordon CARLSON, David EVANS; Noes – John WINKLMANN, Cyrus COOPER,
43 Paddy TATUM. The motion passed.
44

1 John WINKLMANN moved to amend Ordinance 11-24, Version B by eliminating item D.
2 Clay WALKER seconded. Points of discussion that followed include the need for penalties
3 to "have teeth," documentation of violations, how violations affect efficiency at the landfill.
4 The VOTE by show of hands was 4-4 as follows: Ayes – John WINKLMANN, Paddy
5 TATUM, Clay WALKER, Cyrus COOPER; Noes – Rusty LASELL, David EVANS, Robert
6 KOHLSDORF, Gordon CARLSON. The motion failed due to lack of majority.

7
8 Cyrus COOPER MOVED to postpone Ordinance 11-24, Version B indefinitely. John
9 WINKLMANN seconded. Points of discussion that followed include fees could be
10 established by policy, the need for stiff penalties for violators, and the Borough's
11 responsibility to protect employees, haulers and the public.

12
13 Presiding Officer Robert Kohlsdorf rescinded the chair to Deputy Presiding Officer John
14 Winklmann at 8:05 PM. Presiding Officer Kohlsdorf resumed the chair at 8:07 PM.

15
16 David EVANS MOVED to postpone Ordinance 11-24, Version B to the next meeting.
17 Gordon CARLSON seconded. The VOTE by show of hands was unanimous.

18
19 ORDINANCE 11-25: An ordinance approving amendments to the Denali Borough
20 Comprehensive Plan.

21
22 John WINKLMANN MOVED to postpone Ordinance 11-25 to the next meeting. David
23 EVANS seconded. The VOTE by show of hands was unanimous.

24
25 RESOLUTIONS:

26 RESOLUTION 11-26: A resolution identifying state of Alaska budget requests for fiscal year
27 2013.

28
29 David EVANS MOVED to approve Resolution 11-26. Paddy TATUM seconded.

30
31 John WINKLMANN MOVED to substitute Resolution 11-26, Version B for Resolution 11-26,
32 Version A. Cyrus COOPER seconded. Points of discussion that followed include design for
33 the Ferry Community Fire Station, the question of public support for shooting ranges, quality
34 of water in the Cantwell community, and the need to partner with a Cantwell community
35 group if including a request for a water source. The VOTE by show of hands on the motion
36 to substitute Resolution 11-26, Version B for Resolution 11-26, Version A was 6-2 as
37 follows: Ayes – John WINKLMANN, Cyrus COOPER, Gordon CARLSON, Robert
38 KOHLSDORF, Paddy TATUM, David EVANS; Noes – Rusty LASELL, Clay WALKER. The
39 motion passed.

40
41 David EVANS MOVED to amend Resolution 11-26, Version B by adding item 7) \$600,000 –
42 Municipal Building Project. Cyrus COOPER seconded. The VOTE by show of hands on the
43 motion to amend by adding item 7 was unanimous.
44

1 John WINKLMANN MOVED to amend Resolution 11-26, Version B by removing the last
2 sentence of item 4. Cyrus COOPER seconded. Gordon CARLSON MOVED to further
3 amend Resolution 11-26, Version B by adding "Volunteer Fire Department and" to item 4.
4 Cyrus COOPER seconded. The VOTE by show of hands to add wording was unanimous.
5 The VOTE by show of hands on the motion to amend item 4 was unanimous.
6

7 Rusty LASELL MOVED to amend Resolution 11-26, Version B by removing item 2 and
8 reordering items 3, 4, 5, 6 to become 1, 2, 3, 4, respectively, item 7 becomes 5, and item 1
9 becomes 6. David EVANS seconded. Points of discussion that followed include safety
10 benefits of projects presented, the question if there is a plan for trailways, the need to house
11 the Ferry truck for fire response, the question of grass roots support for a shooting range,
12 and the need for warm shelter for landfill equipment. The VOTE by show of hands was 5-3
13 as follows: Ayes – Robert KOHLSDORF, David EVANS, Rusty LASELL, Clay WALKER,
14 Gordon CARLSON; Noes – Paddy TATUM, Cyrus COOPER, John WINKLMANN. The
15 motion passed.
16

17 The roll call VOTE on the main motion to approve Resolution 11-26, Version B was 7-1 as
18 follows: Ayes – Rusty LASELL, Robert KOHLSDORF, Gordon CARLSON, Cyrus
19 COOPER, Clay WALKER, David EVANS, Paddy TATUM; No – John WINKLMANN. The
20 motion passed.
21

22 Presiding Officer Robert Kohlsdorf called a meeting recess at 9:09 PM. The meeting
23 reconvened at 9:18 PM.
24

25 RESOLUTION 12-01: A resolution in support of continuing traditional non-motorized
26 hunting within the Yanert Controlled Use Area in Unit 20A.
27

28 Rusty LASELL MOVED to approve Resolution 12-01. Cyrus COOPER seconded. The roll
29 call VOTE was unanimous.
30

31 RESOLUTION 12-02: A resolution requesting the Alaska Legislature review and repeal
32 intense management mandates directed at the Alaska Department of Fish and Game and
33 centered upon moose in Unit 20A.
34

35 Cyrus COOPER MOVED to approve Resolution 12-02. Rusty LASELL seconded. The roll
36 call vote was unanimous.
37

38 Presiding Officer Robert Kohlsdorf rescinded the chair to Deputy Presiding Officer John
39 Winklmann at 9:20 PM.
40

41 Robert KOHLSDORF MOVED to amend by deleting wording after "to repeal" in the first "Be
42 it further resolved" and adding "AS 16.05.255(E-G)." David EVANS seconded. The VOTE
43 by show of hands was 7-1 as follows: Ayes – Clay WALKER, Rusty LASELL, David EVANS,
44 John WINKLMANN, Robert KOHLSDORF, Gordon CARLSON, Cyrus COOPER; No –
45 Paddy TATUM. The motion passed.

1
2 Presiding Officer Kohlsdorf resumed the chair at 9:22 PM.
3

4 Rusty LASELL MOVED to amend Resolution 12-02 by striking the eighth Whereas and the
5 word "irreconcilable" in the ninth Whereas. David EVANS seconded. The vote was 6-2 as
6 follows: Ayes – Clay WALKER, Rusty LASELL, David EVANS, John WINKLMANN, Cyrus
7 COOPER, Paddy TATUM; Noes – Gordon CARLSON, Robert KOHLSDORF. The motion
8 passed.
9

10 The roll call VOTE on the main motion to approve Resolution 12-02 was unanimous.
11

12 RESOLUTION 12-03: A resolution supporting funding for the Port Mackenzie Rail Extension
13 project in the governor's proposed 2013 Capital Budget.
14

15 David EVANS MOVED to approve Resolution 12-03. Cyrus COOPER seconded. The roll
16 call VOTE was 7-1 as follows: Ayes – Rusty LASELL, John WINKLMANN, Cyrus COOPER,
17 Clay WALKER, David EVANS, Robert KOHLSDORF, Gordon CARLSON; No – Paddy
18 TATUM. The motion passed.
19

20 RESOLUTION 12-04: A resolution supporting House Bill 113 (SB60) creating the Stampede
21 State Recreation Area.
22

23 David EVANS MOVED to approve Resolution 12-04. Rusty LASELL seconded. The roll call
24 VOTE was 7-1 as follows: Ayes – Paddy TATUM, Rusty LASELL, Cyrus COOPER, Robert
25 KOHLSDORF, David EVANS, Clay WALKER, John WINKLMANN; No - Gordon CARLSON.
26 The motion passed.
27

28 RESOLUTION 12-05: A resolution in support of the state of Alaska, the Alaska Railroad,
29 Usibelli Coal Mine and Denali Borough to work expeditiously and in concert to accomplish a
30 transfer of ownership of railroad land within the Tri-Valley Subdivision and similar railroad
31 leased land within the Denali Borough.
32

33 John WINKLMANN MOVED to approve Resolution 12-05. Cyrus COOPER seconded. It
34 was noted that a copy of the Resolution was sent as a posting to Usibelli Coal Mine. The
35 roll call VOTE on the motion to approve Resolution 12-05 was unanimous.
36

37 OTHER BUSINESS

38 Liquor License Renewals

39 Mountain View Liquor
40 License number: 170

41 Package Store
42 Healy Spur Road
43 Healy, Alaska

44
45 The Perch
46 License number: 2823

Clear Sky Lodge
License number: 242
Beverage Dispensary
Mile 280 Parks Highway
Clear, Alaska

Clear Sky Lodge
License number: 243

1 Beverage Dispensary Seasonal
2 Mile 224 Parks Highway
3 Denali, Alaska
4

Package Store
Mile 280 Parks Highway
Clear, Alaska

5 McKinley Denali Salmon Bake
6 License number 3370
7 Beverage Dispensary Tourism Seasonal
8 Mile 238.5 Parks Highway
9 Denali, Alaska

10 Cyrus COOPER MOVED to approve liquor license renewals for the above listed
11 businesses. John WINKLMANN seconded. It was noted that no comments had been
12 received regarding the businesses applying for renewal. The VOTE by show of hands was
13 unanimous.

14
15 Absence of Assembly member Terry Asbury – excused until January meeting will be back in March.
16 No action was taken.

17
18 PUBLIC COMMENTS
19 Hannah Ragland, Panguingue Creek Subdivision resident, thanked the Assembly for
20 passing Resolution 12-04, and noted that the list of legislative priorities changes
21 dramatically each year, and urged Assembly members to consider community issues and
22 review priorities from previous years when creating a new list.

23
24 ASSEMBLY COMMENTS
25 Clay WALKER commented that he was in favor of changing the February meeting date.

26
27 Rusty LASELL commented that communities should be involved in setting priorities and
28 encouraged citizen involvement. Mr. Lasell also commented that he will be out of state
29 the week of February 12.

30
31 David EVANS asked if action was needed on Alaska Encroachment Permit Application
32 information in the packet. It was for informational purposes.

33
34 John WINKLMANN commented that the trailways committee has not met, the Morgan
35 Stanley representative to the Borough has done well with the account, and private use of
36 the landfill shop is a problem. Mr. Winklmann was opposed to changing the date of the
37 February meeting.

38
39 Robert KOHLSDORF commented in favor of changing the February meeting, and
40 suggested the Assembly consider changing the meetings from the second Wednesday
41 of every month.

42
43 Cyrus COOPER commented that he believed the Assembly failed in the area of public
44 safety by not including shooting ranges in the legislative priority list.

1
2 Paddy TATUM commented in support of a shooting range.
3

4 Gordon CARLSON commented that a shooting range should be a project of committed
5 people making their own effort, not relying on government.
6

7 Mayor David TALERICO commented that a resolution will be brought to the February
8 meeting regarding the creation of a special committee to score requests for proposal and
9 make a recommendation to the Assembly for annual auditor services, and that he has
10 requested Alaska Department of Transportation (DOT) commissioners include pathways
11 on every road project within the Denali Borough. Mayor Talerico noted that AmeriCorps
12 volunteer Tyler Lauger is planning to work with DOT to clear a trail along the road to the
13 Tri-Valley School in Healy.
14

15 NEXT ASSEMBLY MEETING:

16 Clay WALKER MOVED to change the date of the next meeting to February 15, 2012.
17 Cyrus COOPER seconded. The VOTE by show of hands was 7-1 as follows: Ayes –
18 Gordon CARLSON, Clay WALKER, Paddy TATUM, John WINKLMANN, Robert
19 KOHLSDORF, David EVANS, Cyrus COOPER; No - Rusty LASELL. The motion
20 passed.
21

22 The next regular meeting of the Borough Assembly will be held at the McKinley
23 Community Center on February 15, 2012; Work Session at 5:00 PM, Public Hearing at
24 6:00 PM, and regular meeting to follow.
25

26 ADJOURN: The presiding officer adjourned the regular meeting at 10:15 pm.
27

28
29 APPROVED: 
30 Robert Kohlsdorf, Presiding Officer
31

32
33 ATTEST: 
34 Gail Pieknik, Borough Clerk
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37 Date Approved: FEBRUARY 15, 2012
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