

Minutes of the Public Hearing
Denali Borough Assembly
Anderson School
August 08, 2012

1
2
3
4
5
6
7 CALL TO ORDER: The public hearing was called to order by Presiding Officer Robert Kohlsdorf at
8 6:08 PM.
9

10 ROLL CALL: Assembly members present: John WINKLMANN, Gordon CARLSON, Robert
11 KOHLSDORF, Terry ASBURY, Rusty LASELL, David EVANS, Paddy TATUM, and Clay WALKER.
12 Absent: Cyrus COOPER.
13

14 ORDINANCE 12-06, Version A: An ordinance amending Denali Borough Code, Chapter 2.05.050
15 titled Compensation of assembly members.
16

17 There was no public comment.
18

19 ORDINANCE 12-10, Version B: An ordinance amending the Denali Borough Code of Ordinances,
20 Chapter 3.20.050 titled Permanent Investment Fund.
21

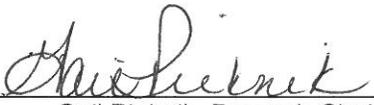
22 There was no public comment.
23

24 ORDINANCE 12-11, Version B: An ordinance amending the Denali Borough Code of Ordinances,
25 Chapter 6.05 titled Municipal Property, Inventory and Files.
26

27 There was no public comment.
28

29 ADJOURNMENT: The public hearing was adjourned at 6:09 PM.
30

31
32
33 APPROVED: 
34 Robert Kohlsdorf, Presiding Officer
35

36
37
38 ATTEST:  Date Approved: SEPTEMBER 12, 2012
39 Gail Pieknik, Borough Clerk

**Minutes of the Regular Meeting
Denali Borough Assembly
Anderson School
August 08, 2012**

1
2
3
4
5
6
7 CALL TO ORDER: Presiding Officer Robert KOHLSDORF called the regular meeting to order at
8 6:10 PM. Mayor David Talerico led those present in the Pledge of Allegiance.
9

10 ROLL CALL:

11 Assembly members present: John WINKLMANN, Robert KOHLSDORF, Gordon CARLSON, Terry
12 ASBURY, Rusty LASELL, David EVANS, Paddy TATUM and Clay WALKER. Absent: Cyrus
13 COOPER.
14

15 David EVANS MOVED to excuse Cyrus Cooper. Clay WALKER second. The VOTE by show of
16 hands was unanimous.
17

18 PUBLIC COMMENTS

19 There was no public comment.
20

21 AGENDA

22 Clay WALKER MOVED to approve the agenda as submitted. David EVANS seconded. The VOTE
23 by show of hands was unanimous.
24

25 MINUTES

26 July 11, 2012 Assembly Public Hearing-

27 Rusty LASELL MOVED to approve the July 11, 2012 public hearing minutes as submitted. John
28 WINKLMANN seconded. The VOTE by show of hands was unanimous.
29

30 July 11, 2012 Assembly Regular Meeting-

31 Clay WALKER MOVED to approve the July 11, 2012 regular meeting minutes as submitted. Rusty
32 LASELL seconded. The VOTE by show of hands was unanimous.
33

34 REPORTS

35 June 2012 Financial Report

36 Clay WALKER MOVED to receive the June 2012 financial report. David EVANS seconded. The
37 VOTE by show of hands was unanimous.
38

39 MAYOR'S REPORT

40 Mayor David Talerico reported that a total of 110 vehicles were collected and placed near the
41 Golden Valley Power Plant and 67 were collected at the Denali Borough Landfill so far during the
42 Derelict Vehicle Program. C&R Pipe should be here within the next two weeks to collect the
43 vehicles and 750-760 tons of scrap metal that was collected. GVEA has given the Borough
44 permission to keep the collection going. This subject will be on the next Assembly meeting agenda.
45

46 The Denali Borough School Board has requested a joint work session to discuss Capital
47 Improvement Projects.

1 The mayor provided a handout on state of Alaska, Department of Natural Resources, Yukon Tanana
2 Area Plan (YTAP). There was a meeting in Healy on the August 6, 2012 to discuss the new YTAP.
3 There is a website for easy access which has information and maps and an easy link for public
4 comment. The comment period ends August 31 at midnight. This is the time to comment on the
5 Stampede State Recreation Area and regional airport for the Healy area. The YTAP is a tool for
6 future development. Mayor Talerico encouraged everybody to go to the DNR website and make a
7 comment. If you comment on the draft, you have standing to comment on the final version. The
8 mayor will make a simple comment on behalf of Denali Borough to allow for comment on the final.

9
10 The Alaska Municipal League conference will be held in Anchorage the week of November 12th. Let
11 the borough office know soon if you want to attend because the hotel books up quickly.

12
13 The Stampede Summit will take place at the Tri-Valley Community Center on Saturday, August 11,
14 2012.

15
16 The Alaska Department of Environmental Conservation (ADEC) inspection score at the landfill was
17 95. This is very good for a class II landfill. Shannon Beebe's design on the electric fence has kept
18 the bears at bay so far this summer. There is a bear problem in Healy this summer. The local
19 residents have received a good response from the Alaska Department of Fish and Game. The sow
20 is still out there so be careful.

21 22 SCHOOL REPORT

23 Denali Borough School District Superintendent Dr. Jim Elliott thanked the Assembly for the local
24 contribution to the school district. He introduced Tim Fraychineaud from Juneau, who is the new
25 Anderson School Principal.

26 27 ASSEMBLY COMMENTS

28 Terry ASBURY, David EVANS, Rusty LASELL, Paddy TATUM, John WINKLMANN and Robert
29 KOHLSDORF had no comment.

30
31 Gordon CARLSON commented that about half of the assembly members use personal emails,
32 and suggested the assembly consider policy for use of borough email for assembly members,
33 staff and planning commission for public records retention and personal protection.

34
35 Clay WALKER welcomed the new Anderson School Principal and thanked the community of
36 Anderson for the successful family friendly blue grass festival. He also thanked the landfill staff
37 for their hard work on keeping the bears out of the landfill.

38 39 COMMUNICATION AND APPEARANCES

40 There were no scheduled communications or appearances.

41 42 PENDING ORDINANCES

43
44 ORDINANCE 12-06, Version A: An ordinance amending Denali Borough Code, Chapter 2.05.050
45 titled Compensation of assembly members.

46
47 Rusty LASELL MOVED to adopt. David EVANS seconded.

1 John WINKLMANN moved to amend section 3 by adding after Borough Assembly “a majority vote of
2 the voters at the next general election.” Terry ASBURY seconded. Concerns brought forward were
3 that the Borough Code of Ordinances states the assembly shall vote their own raise and that the
4 Code should be changed because voting a raise for yourself is not appropriate. Other comments
5 from the assembly were that this is a sensitive issue for the assembly to decide and this has gone to
6 every community with very few comments on this issue.

7
8 John WINKLMANN MOVED to amend the amendment to delete “general election” and add “regular
9 election.” David EVANS seconded. The VOTE by show of hands was 7-1 with Rusty LASELL
10 opposed. Motion passed.

11
12 The VOTE on the motion to amend was 5-2 with Rusty LASELL and Gordon CARLSON opposed.

13
14 The VOTE on the main motion to adopt by roll call vote was 6-2. Ayes: Paddy TATUM, Clay
15 WALKER, John WINKLMANN, David EVANS, Rusty LASELL and Robert KOHLSDORF
16 Opposed: Terry ASBURY and Gordon CARLSON. The motion passed.

17
18 ORDINANCE 12-10, Version B: An ordinance amending the Denali Borough Code of Ordinances,
19 Chapter 3.20.050 titled Permanent Investment Fund.

20
21 Clay WALKER MOVED to postpone to the next meeting. David EVANS seconded. The VOTE by
22 show of hands was unanimous.

23
24 ORDINANCE 12-11, Version B: An ordinance amending the Denali Borough Code of Ordinances,
25 Chapter 6.05 titled Municipal Property, Inventory and Files.

26
27 Clay Walker MOVED to postpone to the next meeting. John WINKLMANN seconded. The VOTE by
28 show of hands was unanimous.

29
30 RESOLUTIONS:

31 RESOLUTION 12-17: A resolution pertaining to the asset allocation of the Permanent Investment
32 Fund.

33
34 John WINKLMANN MOVED to approve. David EVANS seconded. The roll call VOTE was 7-1 with
35 Terry ASBURY opposed.

36
37 RESOLUTION 12-18: A resolution approving submission and acceptance of the Alaska Division of
38 Homeland Security and Emergency Management fiscal year 2012 State Homeland Security Grant.

39
40 John WINKLMANN MOVED to approve. Rusty LASELL seconded. There was a question asked
41 about CBRNE which stands for Chemical, Biological, Radiological, Nuclear and Enhanced
42 Conventional Weapons.

43
44 A question was raised about the use of the radios. Mayor Talerico explained that Division of
45 Forestry uses different radios and these would provide better radio communications for working on
46 wildland fires with forestry.

47
48 A question was also asked about what all or part funding means. The mayor explained that it is up to
49 Homeland Security to decide if we get all or part funding for this project.

1
2 Another question asked was whether this grant would be spread throughout the borough. Mayor
3 Talerico explained that the application went out to all fire departments and Tri-Valley was the only
4 one that applied. The only other fire department that works with forestry is Anderson.

5
6 The roll call VOTE to approve Resolution 12-18 was unanimous.

7 OTHER BUSINESS

8 Alcoholic Beverage Control Board: New Restaurant Designation
9 Black Bear Coffee House
10 Mile 238.5 Parks Highway

11
12 It was noted there have been no complaints against this business. John WINKLMANN MOVED to
13 approve. David EVANS seconded. A concern was brought up about too many bars in the area.
14 This is a new restaurant designation to a restaurant that serves alcohol. There was discussion on if
15 the assembly was to deny them, and then from now on the rest would have to be denied. It is a
16 business and it is legal. Discussion continued on whether to look at what is in the area and discuss
17 the approvals instead of carte blanche approval. The clerk explained that if this is turned down there
18 must be a reason stated because the Board of Alcoholic Beverages follows state laws and they are
19 requesting local approval based on state law, local ordinances and zoning. A business that serves
20 alcohol and food will be applying for two licenses. There will be one license approval for the
21 restaurant and one for serving alcohol. There is no separate beer and wine license. The VOTE by
22 show of hands was unanimous.

23 Submission from Denali Borough Planning Commission dealing with DBC 5.20

24 The clerk explained that the planning commission had concerns regarding something they wanted
25 added to DBC 5.20. She provided the planning commission a lengthy explanation of what a board
26 of review does. The planning commission wanted to add what was already in code under planning
27 commission 5.25.170. The commission at their last meeting understood the clerk's explanation, but
28 felt that they needed to forward it to the assembly, as they had taken action to do that. The Borough
29 Assembly took no action on this issue.

30 Discussion on the November Assembly regular meeting date

31 The discussion ensued about changing the regular meeting date from November 14 to November 20
32 because of a conflict with the Alaska Municipal League Conference. Some assembly members
33 expressed concern with changing regular meeting dates. It would depend on how many assembly
34 members were planning on attending the Alaska Municipal League Conference during the week of
35 November 12. There was a suggestion that any new assembly member should attend the Newly
36 Elected Officials training provided at the conference. A concern brought forth by an assembly
37 member was that if he remembers a few years ago the regular meeting date was changed because
38 of the elections and we got in a lot of trouble. Mayor Talerico said he brought it up early so there
39 could be discussions prior to November. This was postponed to the next meeting.

40

1 School buildings capital projects status

2 Mayor Talerico explained that the handout was an update of projects approved by the assembly
3 regarding school maintenance. He reported that the lighting projects have been completed. Justin
4 Mason, Denali Borough School District Maintenance, believes the impact on the utility bill this year
5 could be a savings of \$30,000 - \$35,000 throughout the borough schools. The mayor thanked the
6 assembly for appropriating the funding for this.

7 Conflict of interest issues

8 John WINKLMANN brought the subject of conflict of interest forward to the assembly in the May
9 meeting. Since the meeting he spoke with Assembly member Rusty LASELL about this issue and it
10 was apparent that there was a disagreement on what constitutes a conflict of interest. Mr.
11 WINKLMANN feels that it is incumbent upon the person with the conflict to disclose and handed out
12 a list of areas of code that deal with conflict of interest. David EVANS alleged that money is a big
13 factor in any conflict of interest. It can be nuanced as long as you maintain integrity. Mr. LASELL
14 felt that this was about him and that he disclosed his conflict of interest as the Tri-Valley Fire
15 Department Fire Chief and summer medic. In May, he asked the assembly for a determination of
16 conflict and consensus. It was decided that he should not be involved in the line item discussion on
17 the grant but could vote on the entirety of the budget. Mr. LASELL felt that the issue seems to be
18 the timeline of disclosure and the Denali Borough Code does not say when you must disclose. John
19 WINKLMANN feels that each and every time the issue comes up you have to disclose. If there is a
20 line item in the budget that you will derive income from, you have to disclose. If a person is remiss,
21 the administration has previously taken the responsibility to inform the party of Code requirements.
22 Gordon CARLSON asked if every month during discussion on the budget, are we going to have to
23 declare a conflict of interest? Where does it stop? Presiding Officer KOHLSDORF requested the
24 assembly members look at the minutes that they were given. It shows that a conflict was declared
25 and deemed insignificant on voting on the budget in its entirety. Terry ASBURY asked that since Mr.
26 LASELL was the Tri-Valley Fire Chief, should he be declaring conflict when they vote on grants for
27 the fire department? Mr. LASELL said Homeland Security Grant applications are only for fire
28 department equipment, so there is no direct financial gain. Mayor Talerico added that a conflict is
29 compensation to the assembly member or their family. Mr. WINKLMANN wanted to make the point
30 that in the future, an assembly member should disclose if they think there could be something that
31 could cause a problem, including anything that could give the appearance or may be perceived as a
32 conflict. Gordon CARLSON feels that he doesn't need to answer to anyone on the assembly or the
33 staff because he answers only to the voters.

34 The use of Denali Borough facilities

35 John WINKLMANN, who requested this item on the agenda, was not prepared to discuss this
36 subject and requested to postpone to next month. Mayor Talerico commented that this came up a
37 couple months ago, and discussed DBC 5.35.030(e) whereas nothing prohibits "inconsequential use
38 of borough time, property, equipment, or other facilities for personal purposes if the use does not
39 interfere with the performance of official duties and the cost or value related to the use in nominal."
40 John WINKLMANN said he would like to discuss it further next month.

1 John WINKLMANN MOVED to postpone to the next meeting. David EVANS seconded. The VOTE
2 was 5-3 with Robert KOHLSDORF, Rusty LASELL and Gordon CARLSON opposed. The motion
3 passes.

4 PUBLIC COMMENTS

5 Nancy Bale, Denali Citizens Council, introduced Claire Pywell, who is just getting her feet on the
6 ground studying gas permitting. In regards to the Stampede Summit, Senator Thomas and
7 Representative Guttenberg will not be able to attend, but Senator Lyman Hoffman should be
8 there. The agenda for the summit was distributed. One of the main discussions will be the
9 Stampede Recreation Area bill and what happened to it in Juneau. Mr. Charlie Loeb, Stampede
10 area land owner, will be moderator.

11
12 Principal Tim Fraychineaud thanked the assembly for welcoming him. He also gave his
13 appreciation for support of the school.

14
15 ASSEMBLY COMMENTS

16
17 Clay WALKER and Terry ASBURY had no comment.

18
19 Gordon CARLSON brought up the fact that there are assembly members using their personal
20 email for borough business. Discussion ensued about the convenience of using personal email.
21 Mr. CARLSON informed the assembly that using the borough email protects the members from
22 risking your personal email from being a public record. Gordon CARLSON MOVED that all
23 borough assembly members, staff and planning commission use borough email instead of
24 personal email. Rusty LASELL seconded. The VOTE by show of hands was 3-5 with David
25 EVANS, Rusty LASELL and Gordon CARLSON in favor. The motion failed.

26
27 Rusty LASELL was concerned over an email from another assembly member expressing an
28 opinion and then asking him not to respond. In the future, he would like emails from assembly
29 members to go through protocol. He welcomed Anderson School Principal Tim.

30
31 John WINKLMANN welcomed Principal Tim and thanked Nancy Bale for presenting information
32 on the Stampede Summit. Mr. WINKLMANN disclosed that he was the person who sent the
33 email and he realized that he made a mistake not to communicate through the borough clerk and
34 that is why he asked everyone not to answer. Mr. WINKLMANN reported that there are more
35 bears running around. There was another bear shot at the mine and bears around Dry Creek. He
36 advised everyone to be on guard. He supports the Alaska Municipal League's newly elected
37 official training. John WINKLMANN attended and felt that the training was invaluable.

38
39 Robert KOHLSDORF spoke about the private use of email accounts and referred to Alaska
40 Public Offices Commission which deals with public officer conduct. He explained that the
41 assembly can only meet in public when it has been posted in advance, and the email in question
42 violates the Open Meetings Act. Mr. KOHLSDORF met with Chris Aadneson, Alaska Railroad,
43 at the borough office. They discussed the whistle stop safety meeting that will be held on
44 October 5-6. He invited the assembly to attend. He welcomed Principal Tim and mentioned that
45 this is his last meeting in Anderson as an assembly member.

46
47 David EVANS welcomed Principal Tim. He thanked the school superintendent for his work and
48 Nancy Bale for her work on the Stampede Summit.

1
2 Paddy TATUM thanked everyone for excusing her during the June and July meeting.

3
4 Mayor Talerico welcomed Ms. Tatum back and welcomed Principal Tim to the Denali Borough.
5 He asked the assembly to please consider sending comments requesting recreation for
6 Alaskans within the Stampede Road Corridor.

7
8 NEXT ASSEMBLY MEETING:

9 The next regular meeting of the Borough Assembly will be held in Healy, Alaska at the Tri-Valley
10 Community Center on September 12, 2012; Public Hearing at 6:00 PM, and regular meeting to
11 follow.

12
13 There will be a joint work session with the Denali Borough School Board at 6:00 PM on
14 Thursday, September 27, 2012 at the Tri-Valley School to discuss capital projects on school
15 buildings.

16
17 ADJOURN: Presiding Officer Robert Kohlsdorf adjourned the regular meeting at 8:13 PM.

18
19
20
21 APPROVED: 
22 Robert Kohlsdorf, Presiding Officer

23
24
25 ATTEST: 
26 Gail Pieknik, Borough Clerk

27
28
29 Date Approved: SEPTEMBER 12, 2012