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**Minutes of the Regular Meeting  
Denali Borough Assembly  
Anderson School  
August 10, 2011**

CALL TO ORDER: Presiding Officer Robert KOHLSDORF called the regular meeting to order at 6:02 PM. Assembly member John Winklmann led those present in the pledge of allegiance.

ROLL CALL:

Assembly members present: John WINKLMANN, Cyrus COOPER, Robert KOHLSDORF, Terry ASBURY, Eileen HOLMES, and David EVANS. Clay WALKER arrived at 6:05. Absent: Vickie LAUSEN. Cyrus COOPER MOVED to excuse Ms. LAUSEN. John WINKLMANN seconded. The VOTE by show of hands was unanimous.

ASSEMBLY SEAT A:

Eileen HOLMES MOVED to appoint Gordon Carlson to Assembly Seat A. David EVANS seconded. The VOTE by show of hands was unanimous. Borough Clerk Gail Pieknik led Mr. Carlson in the Oath of Office.

PUBLIC COMMENTS

David Braun, Panguingue Creek resident, expressed his joy at Gordon Carlson's appointment to the Assembly, and spoke in favor of at-large districting for the Borough.

Ford Reeves, Denali Park area resident, spoke regarding a noise complaint in the Nenana Canyon. Mr. Reeves stated that he has no complaint regarding noise, nor has he ever had a complaint of noise in the area from employees or customers.

AGENDA

David EVANS MOVED to approve the agenda as submitted. Eileen HOLMES seconded. The VOTE by show of hands was unanimous.

MINUTES

July 13, 2011 Assembly Public Hearing and Regular Meeting

Clay WALKER MOVED to approve the July 13, 2011 public hearing minutes as submitted. David EVANS seconded. The VOTE by show of hands was unanimous.

David EVANS MOVED to approve the July 13, 2011 regular meeting minutes as submitted. Clay WALKER seconded. The VOTE by show of hands was unanimous.

REPORTS

JUNE 2011 FINANCIAL REPORT

Eileen HOLMES MOVED to receive the June 2011 financial report. John WINKLMANN seconded. The VOTE by show of hands was unanimous.

REDISTRICTING/APPORTIONMENT COMMITTEE REPORT

Presiding Officer Robert Kohlsdorf read the report of the Redistricting/Apportionment Committee into the record. It was noted that the report was unsigned, but also that it does accurately reflect the decisions made by the committee at their meeting on July 20, as evidenced in committee minutes

1 included in Assembly packets. Cyrus COOPER MOVED to receive the report of the  
2 Redistricting/Apportionment Committee. Eileen HOLMES seconded. The VOTE by show of hands  
3 was unanimous.  
4

#### 5 REDISTRICTING/APPORTIONMENT COMMITTEE SEAT APPOINTMENT

6 Eileen HOLMES MOVED to appoint Gordon Carlson to the Redistricting/Apportionment  
7 Committee. David EVANS seconded. The question was raised if an Assembly member was eligible  
8 to fill a seat on the committee. The VOTE by show of hands was 6-2 as follows: Ayes – Robert  
9 KOHLSDORF, Terry ASBURY, Eileen HOLMES, David EVANS, Clay WALKER, and Gordon  
10 CARLSON; Nays – John WINKLMANN and Cyrus COOPER.  
11

#### 12 MAYOR'S REPORT

13 Mayor Talerico was unable to attend the meeting. Presiding Officer Robert Kohlsdorf reported that  
14 the Mayor asked him to convey to the Assembly that the annual trip into Denali Park will take place  
15 on August 27, 2011. A proposal has not been received from the architect for the Tri-Valley School  
16 roof project, and this project will need to be put off until next year's construction season.  
17

#### 18 SCHOOL REPORT

19 There was no school report  
20

#### 21 ASSEMBLY COMMENTS

22 Gordon CARLSON had no comment.  
23

24 David EVANS commented that, as a member of the Redistricting/Apportionment Committee, he did  
25 not see a conflict for Assembly members serving on the committee, and that he found the committee  
26 to act as a "workshop" on redistricting that included gathering comment from the public regarding  
27 districting proposals.  
28

29 Cyrus COOPER expressed the opinion that it was evident the Borough was mal-apportioned in the  
30 spring of 2011, and voiced concern that members of the general public were not on the  
31 Redistricting/Apportionment committee.  
32

33 Robert KOHLSDORF commented that he felt the Redistricting/Apportionment committee acted in an  
34 impartial manner, and that the Assembly now has the recommendations of the committee on which  
35 they may take action. Mr. Kohlsdorf noted that notices soliciting committee members were posted,  
36 with no response from the general public.  
37

38 Terry ASBURY voiced his concern that budget expenditures since the Borough's inception have  
39 increased by ninety percent, and suggested that a seven member Assembly might help cut costs.  
40 Mr. Asbury encouraged others to look into the history of the Borough and to gather information on  
41 issues that come to a vote, especially budget items.  
42

43 Clay WALKER welcomed Gordon Carlson to the Assembly.  
44

45 Eileen HOLMES thanked those present for attending the meeting, as well as expressing  
46 appreciation for those working on the Anderson sewer system.  
47

48 John WINKLMANN welcomed Gordon Carlson to the Assembly, expressed the opinion that  
49 Assembly members who serve on the Redistricting/Apportionment committee have a conflict of

1 interest, and stated that the committee was filled very quickly with Assembly and Planning  
2 Commission members once it was established by the Assembly.

3  
4 COMMUNICATION AND APPEARANCE REQUEST

5 Denali Rainbow Village in reference to a proposed noise ordinance.

6 Ed Ragan, owner of Denali Rainbow Village, directed the attention of the Assembly to a letter he  
7 sent to Mayor Talerico requesting implementation of a noise ordinance in the Nenana River Canyon.  
8 Mr. Ragan reported that he has issued refunds to numerous customers of his RV park after  
9 receiving complaints of noise from nearby businesses, that he has been bothered by excessive  
10 noise during early morning hours himself, and that negative comments about his business have  
11 been posted on tourism websites. Mr. Ragan stated he has tried to work toward a solution with the  
12 businesses in question, but has had unsatisfactory results and requested the Assembly's assistance  
13 in finding a solution.

14  
15 Jason Motyka, owner of the Denali Salmon Bake, was granted permission to respond to Mr. Ragan's  
16 request. Mr. Motyka stated that his business believes it is important to be a good neighbor, and to  
17 work to resolve issues. Before commencing business seven years ago, the Denali Salmon Bake  
18 installed two layers of sound board in its building to reduce noise. When a complaint was received,  
19 late night music was moved to a lower level to further reduce noise. Mr. Motyka expressed the view  
20 that all communication has not been exhausted regarding this issue, and voiced a willingness to  
21 work toward a resolution.

22  
23 Dave Coleman, owner of the Denali Salmon Bake and Denali Borough voter, informed Assembly  
24 members that he has been taking decibel readings of noise near his business, and that they have  
25 not exceeded common residential noise limits. Mr. Coleman noted that his business has operated  
26 for seven years with no violations.

27  
28 Pamela Ragan stated that music from area businesses have been very loud, preventing RV Park  
29 customers from sleeping.

30  
31 DRAFT ORDINANCES:

32 ORDINANCE 11-16: An ordinance amending Article II, Section 2.02 of the Denali Borough Charter  
33 titled Assembly Composition (7 at-large).

34  
35 John WINKLMANN MOVED to introduce Ordinance 11-16. Cyrus COOPER seconded. Ordinance  
36 11-16 establishes the entire population of the Denali Borough represented as a single district with  
37 seven at-large assembly seats. Points of discussion that followed include public opinion in favor of a  
38 seven seat assembly, the potential of increased cohesiveness within the Borough, and a recent  
39 recommendation for a similar composition from the Department of Commerce and Regional Affairs.

40  
41 Presiding Officer Robert Kohlsdorf relinquished the chair to Deputy Presiding Office Cyrus Cooper at  
42 7:13 pm.

43  
44 Points of further discussion include the need for districts to be within a specific variance, the  
45 potential for votes of a more populated area overshadowing the votes of smaller areas in a borough  
46 with no districts, the impact of borough-wide voting on minority populations, and the potential for  
47 increased awareness of borough-wide issues of those voting at-large. If a special election is  
48 required, it would likely occur in February or March of 2012, and the ordinance establishing the

1 election would need to exactly state the question to appear on the ballot. Department of Justice  
2 preclearance will take a minimum of 60 days prior to implementation of a plan.

3  
4 Presiding Officer Kohlsdorf resumed the chair at 7:29 PM.

5  
6 The roll call VOTE on the motion to introduce Ordinance 11-16 was 7-1 as follows: Ayes – Eileen  
7 HOLMES, Cyrus COOPER, Clay WALKER, David EVANS, John WINKLMANN, Robert  
8 KOHLSDORF, Terry ASBURY; No – Gordon CARLSON. The motion carried.

9  
10 Cyrus COOPER MOVED to postpone Ordinance 11-16 to the next meeting. David EVANS  
11 seconded. The VOTE by show of hands was unanimous.

12  
13 ORDINANCE 11-17: An ordinance amending Article II, Section 2.02 of the Denali Borough Charter  
14 titled Assembly Composition (9 at-large).

15  
16 Cyrus COOPER MOVED to introduce Ordinance 11-17. John WINKLMANN seconded. The roll call  
17 VOTE was 7-1 as follows: Ayes – Robert KOHLSDORF, David EVANS, Clay WALKER, Eileen  
18 HOLMES, Cyrus COOPER, Terry ASBURY, John WINKLMANN; No – Gordon CARLSON. The  
19 motion carried.

20  
21 Cyrus COOPER MOVED to postpone Ordinance 11-17 to the next meeting. John WINKLMANN  
22 seconded. The VOTE by show of hands was unanimous.

23  
24 ORDINANCE 11-18: An ordinance amending the Denali Borough Charter by adding appendix A  
25 and amending Article II, Section 2.02 titled Assembly Composition with 5 Assembly Districts and at-  
26 large voting. (9 at-large voting with representation by districts).

27  
28 David EVANS MOVED to introduce Ordinance 11-18. John WINKLMANN seconded. The roll call  
29 VOTE was unanimous.

30  
31 Cyrus COOPER MOVED to postpone Ordinance 11-18 to the next meeting. David EVANS  
32 seconded. The VOTE by show of hands was unanimous.

33  
34 ORDINANCE 11-19: An ordinance amending the Denali Borough Charter by adding appendix A  
35 and amending Article II, Section 2.02 titled Assembly Composition.

36  
37 Clay WALKER MOVED to introduce Ordinance 11-19. John WINKLMANN seconded.

38  
39 Clay WALKER MOVED to request clarification from legal counsel on the effect of at-large voting on  
40 federal redistricting requirements to prevent retrogression of the minority vote. John WINKLMANN  
41 seconded. Cyrus COOPER MOVED to amend that the opinion is received at least ten days prior to  
42 the September meeting. John WINKLMANN seconded. The VOTE by show of hands on the  
43 amendment was unanimous. The VOTE by show of hands on the motion to request clarification by  
44 legal counsel was unanimous.

45  
46 The roll call VOTE on the original motion to introduce Ordinance 11-19 was unanimous.

47  
48 David EVANS MOVED to postpone Ordinance 11-19 to the next meeting. Cyrus COOPER  
49 seconded. The VOTE by show of hands was unanimous.

1  
2 Presiding Officer Robert KOHLSDORF called a meeting recess at 7:44 PM. The meeting resumed  
3 at 8:02 PM.  
4

5 ORDINANCE 11-20: An ordinance amending the fiscal year 2012 budget.  
6

7 Cyrus COOPER MOVED to introduce Ordinance 11-20. John WINKLMANN seconded. The roll call  
8 VOTE was 7-1 as follows: Ayes – Eileen HOLMES, Clay WALKER, Gordon CARLSON, David  
9 EVANS, Cyrus COOPER, Robert KOHLSDORF, John WINKLMANN; No – Terry ASBURY. The  
10 motion carried.  
11

12 Eileen HOLMES MOVED to postpone Ordinance 11-20 to the next meeting. John WINKLMANN  
13 seconded. The VOTE by show of hands was 7-1 as follows: Ayes – Clay WALKER, David EVANS,  
14 Robert KOHLSDORF, John WINKLMANN, Cyrus COOPER, Gordon CARLSON, Eileen HOLMES;  
15 No – Terry ASBURY. The motion carried.  
16

17 PENDING ORDINANCES  
18

19 ORDINANCE 11-02, Version C: An ordinance amending Denali Borough Code, Chapter 3.21 titled  
20 Borough Matching Grant Program in its entirety.  
21

22 David EVANS MOVED to postpone Ordinance 11-02 to the next meeting. Eileen HOLMES  
23 seconded. John WINKLMANN MOVED to amend by adding language under 3.21.070 to state that  
24 grant projects will not be funded retroactively, and to add performance periods for construction and  
25 non-construction projects. Clay WALKER seconded. The VOTE on the amendment was 7-1 as  
26 follows: Ayes - Cyrus COOPER, John WINKLMANN, David EVANS, Robert KOHLSDORF, Clay  
27 WALKER, Terry ASBURY, and Eileen HOLMES; No – Gordon CARLSON. The motion carried.  
28

29 The VOTE on the main motion to postpone Ordinance 11-02 by show of hands was unanimous.  
30

31 ORDINANCE 11-10, Version B: An ordinance amending Chapter 3.30.020 titled Imposition of  
32 Severance Tax.  
33

34 John WINKLMANN MOVED to postpone Ordinance 11-10, Version B to the next meeting. David  
35 EVANS seconded. The VOTE by show of hands was unanimous.  
36

37 ORDINANCE 11-12, Version A: An ordinance amending Denali Borough Code, Chapter 3.30 titled  
38 Severance Tax.  
39

40 David EVANS MOVED to amend by substitution version B for version A. Clay WALKER seconded.  
41 The VOTE by show of hands was unanimous.  
42

43 Clay WALKER MOVED to postpone Ordinance 11-12, Version B to the next meeting. John  
44 WINKLMANN seconded. The VOTE by show of hands was 5-3 as follows; Ayes - John  
45 WINKLMANN, Cyrus COOPER, Clay WALKER, Eileen HOLMES, Robert KOHLSDORF; Noes –  
46 Gordon CARLSON, David EVANS, Terry ASBURY. The motion carried.  
47

48 ORDINANCE 11-14, Version B: An ordinance amending Article II, Section 2.02 of the Denali  
49 Borough Charter titled Assembly Composition.

1  
2 John WINKLMANN MOVED to postpone Ordinance 11-14, Version B to the next meeting. Cyrus  
3 COOPER seconded. This ordinance proposes a nine seat assembly with four districts. The VOTE  
4 by show of hands on the motion to postpone Ordinance 11-14, Version B was unanimous.

5  
6 ORDINANCE 11-15, Version B: An ordinance amending Article II, Section 2.02 of the Denali  
7 Borough Charter titled Assembly Composition.

8  
9 John WINKLMANN MOVED to postpone Ordinance 11-15, Version B to the next meeting. Eileen  
10 HOLMES seconded. This ordinance proposes a nine seat assembly with five districts. The VOTE  
11 by show of hands was unanimous.

12  
13 RESOLUTIONS:

14 RESOLUTION 11-22: A resolution extending appreciation and gratitude to Armeda Bulard for the  
15 time and energy she dedicated to the Denali Borough Assembly.

16  
17 Eileen HOLMES MOVED to approve Resolution 11-22. John WINKLMANN seconded. Presiding  
18 Officer Robert KOHLSDORF read the resolution into the record. The roll call VOTE to approve was  
19 unanimous.

20  
21 OTHER BUSINESS

22 PUBLIC COMMENTS

23 Jean Murray, Anderson resident, thanked Assembly members for serving, and noted that it is  
24 sometimes hard to hear members speaking. She requested that the Assembly members project their  
25 voice when speaking. Ms. Murray spoke in support of districts for Assembly seats, and against at-  
26 large voting. She pointed out the differences in the various Borough communities as an argument  
27 for districts.

28  
29 Rachel Carlson, Cantwell resident, spoke against at-large voting, and expressed a view in favor of a  
30 seven seat Assembly, but noted that it would create a larger problem for the Borough as a whole.  
31 She spoke in opposition to a borough-wide noise ordinance. Ms. Carlson congratulated Gordon  
32 Carlson on his appointment to the Assembly.

33  
34 ASSEMBLY COMMENTS

35 John WINKLMANN commented that it is sometimes difficult for members of the public to hear  
36 what Assembly members are saying, and spoke in support of a nine-member assembly.

37  
38 Eileen HOLMES welcomed Gordon Carlson to the assembly, thanked the public for their  
39 comments, and commended the service of Armeda Bulard as an Assembly member.

40  
41 Clay WALKER commented that good work has been done on redistricting, and the Assembly is  
42 off to a good start.

43  
44 Terry ASBURY thanked the public for their comments, and noted that there has been a problem  
45 in the Nenana Canyon area with noise for some time. Mr. Asbury suggested the Borough  
46 consider offering a mediation board as a service to the public.

47  
48 Robert KOHLSDORF thanked those present for attending the meeting, and welcomed Gordon  
49 Carlson to the Assembly.

1  
2 Cyrus COOPER welcomed Gordon Carlson to the Assembly, and reminded members that the  
3 decisions made regarding redistricting in the Borough will impact residents for the next ten years.  
4

5 David EVANS commented that a nine member Assembly provides greater assurance that a  
6 quorum will be present at meetings, and spoke in favor of at-large voting. Mr. Evans thanked  
7 Gordon Carlson for stepping up to serve on the Assembly, and commended the service of  
8 Armeda Bulard.  
9

10 Gordon CARLSON thanked those present for welcoming him to the Denali Borough Assembly.  
11

12 NEXT ASSEMBLY MEETING:

13 The next regular meeting of the Borough Assembly will be held at the Tri-Valley Community  
14 Center on September 14, 2011; Public Hearing at 6:00 PM, and regular meeting to follow.  
15

16 A work session for the purposes of the fiscal year 2011 audit pre-conference was scheduled for  
17 September 14 at 5:00 PM.  
18

19 ADJOURN: The presiding officer adjourned the regular meeting at 9:19 PM.  
20

21  
22  
23 APPROVED: \_\_\_\_\_

Robert Kohlsdorf, Presiding Officer

24  
25  
26  
27 ATTEST: \_\_\_\_\_

Gail Pieknik, Borough Clerk

28  
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30  
31 Date Approved: SEPTEMBER 14, 2011  
32

Minutes of the Public Hearing  
Denali Borough Assembly  
Anderson School  
August 10, 2011

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

9 ROLL CALL: Assembly members present: John WINKLMANN, Cyrus COOPER, Robert  
10 KOHLSDORF, Terry ASBURY and Eileen HOLMES. Absent: Vickie LAUSEN, David EVANS and  
11 Clay WALKER.  
12

13 ORDINANCE 11-02, Version C: An ordinance amending Denali Borough Code, Chapter 3.21 titled  
14 Borough Matching Grant Program in its entirety.  
15

16 There were no public comments.  
17

18 ORDINANCE 11-10, Version B: An ordinance amending Chapter 3.30.020 titled Imposition of  
19 Severance Tax.  
20

21 There were no public comments.  
22

23 ORDINANCE 11-12, Version A: An ordinance amending Denali Borough Code, Chapter 3.30 titled  
24 Severance Tax.  
25

26 There were no public comments.  
27

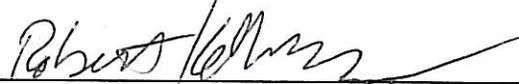
28 ORDINANCE 11-14, Version B: An ordinance amending Article II, Section 2.02 of the Denali  
29 Borough Charter titled Assembly Composition.  
30

31 There were no public comments.  
32

33 ORDINANCE 11-15, Version B: An ordinance amending Article II, Section 2.02 of the Denali  
34 Borough Charter titled Assembly Composition.  
35

36 There were no public comments.  
37

38 ADJOURNMENT: The public hearing was adjourned at 6:01 PM.  
39

40  
41  
42 APPROVED:   
43 Robert Kohlsdorf, Presiding Officer  
44

45  
46 ATTEST:  Date Approved: SEPTEMBER 14, 2011  
47 Gail Pieknik, Borough Clerk  
48