Minutes of the Public Hearing
Denali Borough Assembly
Tri-Valley Community Center
September 12, 2012

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

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

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

There was no public comment.

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

There was no public comment.

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

APPROVED: _____
Robert Kohlsdorf, Presiding Officer

ATTEST: _____ Date Approved: OCTOBER 10, 2012
Gail Pieknik, Borough Clerk

Minutes of the Regular Meeting
Denali Borough Assembly
Tri-Valley Community Center
September 12, 2012

CALL TO ORDER: Presiding Officer Robert KOHLSDORF called the regular meeting to order at 6:01 PM. Mayor David Talerico led those present in the Pledge of Allegiance.

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

PUBLIC COMMENTS
Jared Zimmerman, Panguingue Creek Subdivision resident and Denali Citizens Council (DCC) Board member, commented that a judge had recently affirmed the Alaska Department of Natural Resources (DNR) final finding for a gas exploration license that was appealed by DCC. Mr. Zimmerman stated that DCC will examine alternatives for legal action, and that the judge had emphasized the importance of mitigation efforts. A DCC intern will be working on a citizen's guide to gas permitting.

Leroy Lausen, Healy resident, commented that employees of the Borough must realize that they are representing the Borough when working with the public, and that he has felt employees to be abusive.

AGENDA
John WINKLMANN MOVED to approve the agenda as submitted. Rusty LASELL seconded. The VOTE by show of hands was unanimous.

MINUTES
August 08, 2012 Assembly Public Hearing-
John WINKLMANN MOVED to approve the August 08, 2012 public hearing minutes as submitted. Rusty LASELL seconded. The VOTE by show of hands was unanimous.

August 08, 2012 Assembly Regular Meeting-
John WINKLMANN MOVED to approve the August 08, 2012 regular meeting minutes as submitted. Rusty LASELL seconded. The VOTE by show of hands was unanimous.

REPORTS
July 2012 Financial Report
Rusty LASELL MOVED to receive the July 2012 financial report. David EVANS seconded. The VOTE by show of hands was unanimous.

MAYOR'S REPORT
Mayor David Talerico introduced Marsha Lambert, Borough Land Planner, to those present. The Alaska Railroad (ARRC) is planning whistle stop training in Healy October 4-6, with a community event planned for the afternoon of October 6. The Local Emergency Planning Committee (LEPC)

will be meeting next week to discuss their part in this event. There will be a joint work session with the Denali Borough School Board on September 27 to discuss capital projects. CNR Pipe hauled away 167 vehicles collected during the Derelict Vehicle program and other scrap metal, totaling 216 tons. GVEA is willing to continue the program, but vandalism issues need to be resolved before proceeding.

Assembly Chair Robert Kohlsdorf and Mayor Talerico visited the site of the Eva Creek Wind Project. The project is on schedule, on budget, and nearly complete. Katherine Martin, Ahtna Corporation's Vice President of Land Resources, met with the Mayor this week regarding annexing Ahtna properties from the Matanuska Susitna Borough to the Denali Borough. Ms. Martin is willing to attend the October Assembly meeting, if asked, to provide information on this topic. The annual Alaska Municipal League conference will be held November 14 – 17, 2012. Assembly members wanting to attend must let the office know by September 30. The Alaska Department of Transportation (DOT) has started working on culverts for the passing lane project, next year passing lanes will be added from milepost 239 to 262, and north of milepost 262 the following year. DOT currently has an office on Fisher Fuel's property.

SCHOOL REPORT

Denali Borough School District (DBSD) Superintendent Dr. Jim Elliott reported that the School District has received the full amount required by the State of Alaska for the Borough's mandatory contribution to DBSD, and the full amount budgeted for the Borough's FY2013 additional allowable contribution. However, the total amount of funding received is $86,060 less than the total amount budgeted for school funding for FY2013. Dr. Elliott asked the Assembly to consider funding DBSD to the full additional allowable contribution, a total contribution of $2,090,503. It was noted that this is not an immediate need.

Dr. Elliott presented information on a waterline replacement project at the Anderson School for which the DBSD may be requesting funding from the Borough. Bids for the project came in higher than expected. It may be possible to fund the project (estimated cost $159,300) upfront and then request an Education and Early Development reimbursement grant. This project would be in addition to the school maintenance projects being funded through $300,000 designated for specific school maintenance projects through Ordinance 11-05.

ELECTION CANVASS COMMITTEE

John WINKLMANN MOVED to appoint the Assembly to serve as the election Canvass Committee. Rusty LASELL seconded. The VOTE by show of hands was unanimous.

ASSEMBLY COMMENTS

Clay WALKER, Paddy TATUM, Terry ASBURY, David EVANS and Cyrus COOPER had no comment.

John WINKLMANN informed Assembly members that he will be resigning from the Assembly effective November 5, 2012, and provided the Assembly with a letter to that effect.

Cyrus COOPER MOVED to accept John Winklmann's resignation from the Assembly effective November 5, 2012. Paddy TATUM seconded. The VOTE by show of hands was 7-1 with Gordon CARLSON opposed, John WINKLMANN abstained. The motion passed.

Rusty LASELL encouraged local fire departments to attend the ARRC whistle stop training. Also, he stated that anyone who represents the Borough must do so professionally, no matter what happens the public must be treated with respect.

Gordon CARLSON agreed with Mr. Lasell's statement regarding respect for the public and commented that there has been a car clean-up project in Cantwell. Mr. Carlson also noted that he will be unable to attend meetings in November and December.

Robert KOHLSDORF commented that his seat on the Assembly will be taken by a resident of Panguingue Creek or Ferry in November, and encouraged those present from that area to consider running for the seat.

COMMUNICATION AND APPEARANCES

There were no scheduled communications or appearances.

PENDING ORDINANCES

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

John WINKLMANN MOVED to adopt Ordinance 12-10, Version B. Clay WALKER seconded. The roll call VOTE was unanimous.

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

Clay WALKER MOVED to postpone Ordinance 12-11, Version B to the next meeting. Cyrus COOPER seconded. The VOTE by show of hands was unanimous.

RESOLUTIONS:

RESOLUTION 12-19: A resolution to participate in the AMLJIA Loss Control Incentive Program for the Denali Borough.

Clay WALKER MOVED to approve. John WINKLMANN seconded. Mayor Talerico explained that the Loss Control Incentive Program was developed several years ago, and rewards participants with a discounted rate. Implementation of safety plans in several areas is part of the program. The roll call VOTE to approve Resolution 12-20 was unanimous.

RESOLUTION 12-20: A resolution authorizing an agreement among the Denali Borough, NACo and Careington relating to a dental discount card program for the residents of the Denali Borough.

Rusty LASELL MOVED to approve Resolution 12-20. Clay WALKER seconded. Points of discussion that followed include the moderate success of the drug discount program in which the Borough currently participates (27 users and 44 transactions in the last year). The dental program would be of no cost to the Borough. There are a number of participating dentists located in Fairbanks. The roll call VOTE to approve Resolution 12-20 was 8-1 with John WINKLMANN opposed. The motion passed.

OTHER BUSINESS

ASSEMBLY COMPENSATION BALLOT PROPOSITION LANGUAGE APPROVAL

Clay WALKER MOVED to approve ballot language regarding Assembly compensation as presented. Paddy TATUM seconded. The VOTE by show of hands was unanimous.

ASSEMBLY REGULAR MEETING DATE CHANGE FROM NOVEMBER 14 TO NOVEMBER 20
Cyrus COOPER MOVED to approve holding the November regular meeting on November 20, 2012. Rusty LASELL seconded. Points of discussion that followed include a reluctance to change regularly scheduled meetings, the AML conference occurring the week of November 14th, and the importance of training for Assembly members. It was noted that five current Assembly members expect to attend the meeting on November 20.

The VOTE by show of hands to change the November regular meeting date to November 20 was 6-3 as follows: Aye – Clay WALKER, Paddy TATUM, Robert KOHLSDORF, Rusty LASELL, David EVANS, Gordon CARLSON; No – Terry ASBURY, Cyrus COOPER, John WINKLMANN. The motion passed.

THE USE OF BOROUGH FACILITIES
Denali Borough Code (DBC) 5.35.030 Misuse of official position was discussed as it relates to an employee vehicle occupying a stall at the landfill shop. Points of discussion include the definition of inconsequential use, the liability presented by the presence of the vehicle, and the purpose of facilities at the landfill.

John WINKLMANN MOVED to request the administration have the vehicle in question removed in safe fashion as soon as possible. Terry ASUBRY seconded.

Points of discussion that followed include consistent application of policies among all employees, inconsistencies contained in DBC 5.35.030, and the extent of the specific project in question.

Presiding Officer Robert Kohlsdorf relinquished the chair to Deputy Presiding Office John Winklmann at 7:31 pm.

A point of further discussion concerned the duties of Borough administration and the question of the motion on the floor usurping the administration's power to manage the landfill.

Presiding Officer Kohlsdorf resumed the chair at 7:33 pm.

The VOTE by show of hands on the motion to request the administration have the vehicle in question removed in safe fashion as soon as possible was 5-4 as follows: Aye – Terry ASBURY, John WINKLMANN, Clay WALKER, Paddy TATUM, Cyrus COOPER; No – Robert KOHLSDORF, Rusty LASELL, David EVANS, Gordon CARLSON. The motion passed.

DENALI BOROUGH MUNICIPAL LAND ANNUAL WORK PLAN
Cyrus COOPER MOVED to approve the municipal land annual work plan. Clay WALKER seconded. The VOTE by show of hands was unanimous.

PUBLIC COMMENTS
Hannah Ragland, Panguingue Creek Subdivision resident, commented that she will miss John Winklmann's voice on the Assembly, and thanked all Assembly members for their service.

ASSEMBLY COMMENTS

Gordon CARLSON, David EVANS, Robert KOHLSDORF, Terry ASBURY, Paddy TATUM, and Clay WALKER expressed thanks to John Winklmann and Cyrus Cooper for their service as Assembly members.

Cyrus COOPER thanked those in attendance for coming to the meeting, and commented that live streaming of meetings would create a safe way for constituents to participate in meetings. Mr. Cooper noted that he will be unable to attend meetings in October and early November. He thanked fellow Assembly members and constituents for their support.

Rusty LASELL commented that there are a number of issues that have come up in the past that are the result of differing interpretations of Code, and that he would start looking at revising Code beginning with grant requirements.

John WINKLMANN commented that his resignation is because his upcoming schedule will not allow him to attend meetings. Mr. Winklmann has served for five years, and looks forward to new people on the Assembly and new ideas.

Mayor Dave TALERICO thanked John Winklmann and Cyrus Cooper for their time and service, and noted that there are eight open seats in the November election, and to date only one candidate application has been filed.

NEXT ASSEMBLY MEETING:

John WINKLMANN MOVED to schedule a work session on October 10, 2012 at 5:00 PM for the purpose of audit preconference. Gordon CARLSON seconded. The VOTE by show of hands was unanimous.

The next regular meeting of the Borough Assembly will be held in at the McKinley Community Center on October 10, 2012; Public Hearing at 6:00 PM, and regular meeting to follow.

The Canvass Committee and Denali Borough Assembly Special Meeting to certify the November 6, 2012 Election will be held at the Tri-Valley Community Center on November 8, 2012; Canvass Committee at 6:00 PM and assembly special meeting to follow.

ADJOURN: Presiding Officer Robert Kohlsdorf adjourned the regular meeting at 7:54 PM.

APPROVED: _____
Robert Kohlsdorf, Presiding Officer

ATTEST: _____
Gail Pieknik, Borough Clerk

Date Approved: OCTOBER 10, 2012