

Minutes of the Public Hearing  
Denali Borough Assembly  
Cantwell School  
February 13, 2008

CALL TO ORDER The public Hearing was called to order at 6:45 PM.

ROLL CALL Assembly members present: Teresa Chepoda Usibelli, Clay Walker, Baxter Mercer, Armeda Bulard, Robert Kohlsdorf, David Evans, John Winklmann and Eileen Holmes Absent: Josh Hockin. Mayor Talerico was also in attendance.

PUBLIC COMMENTS 1.) **ORDINANCE 07-22, VERSION C:** an ordinance authorizing the sale of certain parcels of Denali Borough Municipal Land (MLE).

There were no comments.

2.) **ORDINANCE 07-23, Version A:** An ordinance amending the Denali Borough Code of Ordinances, Chapter 3.05 titled Budget Generally.

Gordon Carlson, Cantwell, feels that a bond issue should go to the vote of the people.

3.) **ORDINANCE 07-25, Version B:** An ordinance amending the Denali Borough Code of Ordinances, Title 5, Chapter 5.20 titled Boards of Review and Adjustments.

There were no comments.

4.) **ORDINANCE 08-01, Version B:** an ordinance exempting municipal officers and public officials of the Denali Borough from being required to file APOC forms and creating the Denali Borough financial disclosure forms.

There were no comments.

ADJOURNMENT BULARD declared the public hearing adjourned at 6:50 PM

APPROVED: Armeda A. Bulard  
Armeda Bulard, Presiding Officer

ATTEST: Gail Pieknik  
Gail Pieknik, Borough Clerk

Date Approved: MARCH 12, 2008

Minutes of the Regular Meeting  
Denali Borough Assembly  
Cantwell School  
February 13, 2008

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7 CALL TO ORDER Presiding Officer Armeda Bulard called the regular meeting to order at  
8 6:50 PM.  
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10 ROLL CALL Assembly members present: Armeda Bulard, Baxter Mercer, Teresa  
11 Chepoda Usibelli, Robert Kohlsdorf, John Winklmann, Dave Evans,  
12 Clay Walker and Eileen Holmes. Josh Hockin was absent. Mayor  
13 Talerico was also in attendance.  
14  
15 HOLMES MOVED to excuse HOCKIN. Kohlsdorf seconded. The  
16 VOTE was 6-2 with MERCER and WINKLMANN opposed.  
17  
18 PUBLIC Julia Potter, Denali Citizens Council (DCC), spoke to Ordinance 08-07.  
19 COMMENTS The DCC supports that this ordinance should go to all communities for  
20 comment from the public. DCC feels that a resolution should go with  
21 the ordinance stating that the Denali Borough is against gas  
22 development west of the Parks Highway.  
23  
24 Ms. Potter also spoke to Ordinance 08-04. The ordinance should go to  
25 the accountant before introduction to make sure that it is legal and that  
26 to ask if the money would be taken from interest or principal.  
27  
28 Rebecca Skrivanek, Healy, spoke about Kid Stop that is located in  
29 Healy. She requested that the borough assembly have the attorney  
30 look into the sale of the building because it belonged to the community.  
31 The original grant to build the building was given to the local fire  
32 department and then given to the board of Kid Stop.  
33  
34 Mitch Usibelli, Usibelli Energy and Usibelli Coal Mine, is available and  
35 willing to address any concerns or issues on Ordinance 08-07.  
36  
37 AGENDA MERCER MOVED to approve the agenda. WINKLMANN seconded.  
38 The VOTE to approve the agenda was unanimous.  
39  
40 MINUTES 1.) January 09, 2008 Public Hearing and Assembly Regular meeting.  
41  
42 MERCER MOVED to approve and KOHLSDORF seconded.  
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44 Julia Potter made suggestions to amend the minutes on page 5. Mr.  
45 Anders stated that, "Ordinance 05-21 is *highly likely* unconstitutional.

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Later in the meeting, Mr. Anders stated that Ordinance 05-21 is fairly clearly unconstitutional.

Also that, "Mr. Anders suggested that the assembly thoroughly review the best interest finding."

On page 6, under Denali Citizens Council, the DCC would send comments to the Denali Borough not that the DCC was going to make comments.

MERCER MOVED to approve the minutes as corrected. WINKLMANN seconded. The VOTE was unanimous.

2.) January 20, 2008 Public Hearing and Special Meeting.

MERCER MOVED to approve and WINKLMANN seconded. The VOTE was unanimous.

## REPORTS

1.) December 2007 Financial Reports.

KOHLSDORF MOVED to receive the financial reports and HOLMES seconded. The VOTE was unanimous.

2.) Mayor's Report

Mayor Talerico gave a report of his activities.

- Purchased a D-8 Dozer for the landfill
- Researching a purchase of a waste oil heater to heat the landfill shop and a small vehicle and vacuum to help pick up plastic bags.
- The MAST program is going to be shut down and this will be a problem for the people in the rural areas
- Trip to Juneau included visiting the LIO office. The borough will become an LIO office. The borough also is requesting a legislative appropriation for the borough landfill.
- The landfill tonnage has increased significantly.

3.) School Report

Superintendent Langdon gave a written report of school activities.

4.) Planning Director/Solid Waste Manager

1 The Planning Director gave a written report.  
2

3 5.) Landfill Operations and Recycling Committee seat  
4 appointments.  
5

6 Gordon Carlson, Cantwell, feels that there is a conflict of interest  
7 with anyone that is in litigation with the borough.  
8

9 Mitch Usibelli, UCM, suggested seeking legal advice prior to placing  
10 someone on the committee that may have a conflict.  
11

12 Mayor Talerico nominated David Braun, Kay Durham, Leroy  
13 Lausen, Pat Winklmann and Vicky Lausen. The mayor quoted the  
14 borough code on conflicts of interest and feels that there may be  
15 conflicts with someone who is in litigation with the borough.  
16

17 The Presiding Officer reiterated that the Resolution 07-37 states that  
18 the committee will be working on landfill issues and recycling, not  
19 landfill operations.  
20

21 WINKLMANN MOVED to approve David Braun. MERCER  
22 seconded. The roll call VOTE was 6-2. KOHLSDORF and  
23 BULARD opposed.  
24

25 USIBELLI MOVED to approve Kay Durham. KOHLSDORF  
26 seconded. The roll call VOTE was unanimous.  
27

28 USIBELLI MOVED to approve Leroy Lausen. WINKLMANN  
29 seconded. The roll call VOTE was unanimous.  
30

31 Vicky Lausen withdrew her application.  
32

33 USIBELLI MOVED to approve Patricia Winklmann. WALKER  
34 seconded. The VOTE was unanimous.  
35

36 USIBELLI MOVED to post the vacant seat for 10 days and EVANS  
37 seconded. The VOTE was unanimous.  
38

39 6.) Assembly Advisory Committee Report  
40

41 Julia Potter gave an update.  
42

43 7.) Assembly Advisory Committee Seat Appointment.  
44

45 Mayor Talerico appointed Teresa Hall.

1  
with ordinances. She asked about Kid Stop.

The mayor spoke to this. The board signed off the sale of Kid Stop and sold per their paperwork of dissolution.

EVANS gave his condolences to MERCER and his family.

HOLMES thanked everyone.

WINKLMANN welcomed everyone.

COMMUNICATION 1.) None

The Presiding Officer called a ten minute break.

ORDINANCES TO BE INTRODUCED:

1.) **ORDINANCE 08-02, Version A:** an ordinance amending the Denali Borough Code of Ordinances, Chapter 1.15.030 titled Ordinance Procedures.

MERCER MOVED to introduce. KOHLSDORF seconded. The roll call VOTE was 7-1. KOHLSDORF opposed.

WINKLMANN MOVED to postpone to the next meeting and send to legal. USIBELLI seconded. The VOTE was 4-4. Mayor Talerico broke the tie by his vote of no. MOTION fails.

WALKER MOVED to postpone to the next meeting. MERCER seconded. The VOTE was unanimous.

2.) **ORDINANCE 08-03, Version A:** an ordinance appropriating up to \$100,000 from the Capital Projects Fund.

EVANS MOVED to introduce. MERCER seconded. The roll call VOTE was unanimous.

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COMMUN

BREAK

ORDINA

1 USIBELLI MOVED to postpone to the next meeting. KOHLSDORF  
2 seconded. The VOTE was unanimous.

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4 **3.) ORDINANCE 08-04, Version A:** an ordinance appropriating  
5 \$400,000 from the Permanent Investment Fund to balance out the  
6 Denali Borough Landfill Closure Fund.  
7

8 MERCER MOVED to introduce. WALKER seconded. The roll call  
9 VOTE was unanimous.

10  
11 MERCER MOVED to postpone to the next meeting. WINKLMANN  
12 seconded. The VOTE was unanimous.  
13

14 **4.) ORDINANCE 08-07, Version A:** an ordinance amending the Denali  
15 Borough Code, Chapter 9.25 titled, Gas Exploration and  
16 Development Regulations.  
17

18 WALKER MOVED to introduce. MERCER seconded. The roll call  
19 VOTE was unanimous.  
20

21 MERCER MOVED to postpone to the next meeting. WALKER  
22 seconded. The VOTE was unanimous.  
23

24 **5.) ORDINANCE 08-08, Version A:** an ordinance amending the Denali  
25 Borough Code, Chapter 4.15, titled Classification of Borough-owned  
26 Lands.  
27

28 MERCER MOVED to introduce. KOHLSDORF seconded. The roll call  
29 VOTE was unanimous.  
30

31 MERCER MOVED to postpone to the next meeting. KOHLSDORF  
32 seconded. The VOTE was unanimous.  
33

34 **6.) ORDINANCE 08-09, Version A:** an ordinance amending the Denali  
35 Code, Chapter 4.25, titled Disposal of Borough real property.  
36

37 EVANS MOVED to introduce. KOHLSDORF seconded. The roll call  
38 VOTE was unanimous.  
39

40 MERCER MOVED to postpone to the next meeting. WINKLMANN  
41 seconded. The VOTE was unanimous.  
42

43 **7.) ORDINANCE 08-10, Version A:** an ordinance amending the Denali  
44 Borough Code, Chapter 4.05, titled Disposal of Borough Real  
45 Property.

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MERCER MOVED to introduce. HOLMES seconded. The roll call VOTE was unanimous.

EVANS MOVED to postpone to the next meeting. KOHLSDORF seconded. The VOTE was unanimous.

8.) **ORDINANCE 08-11, Version A:** an ordinance to amend the Denali Borough Code of Ordinances, Chapter 1.15 titled, Ordinances – Resolutions – Regulations.

WINKLMANN MOVED to introduce. MERCER seconded. The roll call VOTE was 3 – 5 with HOLMES, MERCER, BULARD, KOHLSDORF and EVANS opposed. Motion fails.

PENDING ORDINANCES:

1.) **ORDINANCE 07-22, Version C:** An ordinance authorizing the sale of certain parcels of Denali Borough Municipal Land (MLE).

EVANS MOVED to substitute the version Mr. Gorski presented with version B. WINKLMANN seconded. The VOTE was unanimous.

MERCER MOVED to amend by adding to Section 3 under Disposal “The bidder must be a natural person.” WINKLMANN seconded. The VOTE was unanimous.

EVANS MOVED to postpone to the next meeting. WINKLMANN seconded. The VOTE was unanimous.

PENDING ORDINANCES:

1.) **ORDINANCE 07-23, Version A:** An ordinance amending the Denali Borough Code of Ordinances, Chapter 3.05 titled Budget Generally.

MERCER moved to amend by deleting the word “bond” from 3.05.010 (A). EVANS seconded. The VOTE was 6-2 with USIBELLI and WINKLMANN opposed.

USIBELLI MOVED to postpone to the next meeting. EVANS seconded. The VOTE was unanimous.

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2.) **ORDINANCE 07-25, Version A:** An ordinance amending the Denali Borough Code of Ordinances, Title 5, Chapter 5.20 titled Boards of Review and Adjustments.

EVANS MOVED to postpone to the next meeting. KOHLSDORF seconded. The VOTE was unanimous.

3.) **ORDINANCE 08-01, Version B:** an ordinance exempting municipal officers and public officials of the Denali Borough from being required to file APOC forms and creating the Denali Borough financial disclosure forms.

MERCER MOVED to postpone indefinitely. USIBELLI seconded. The VOTE was unanimous.

RESOLUTIONS

1.) **RESOLUTION 08-01:** a resolution in support of the Alaska Legislature extending the proposed Stampede State Recreation Area Senate Bill 173, to include Eight Mile Lake and surrounding area.

WALKER MOVED to adopt. MERCER seconded. The roll call VOTE was 1-7 with KOHLSDORF, USIBELLI, WINKLMANN, EVANS, BULARD, MERCER and HOLMES opposed. Motion fails.

OTHER BUSINESS

1.) Public Comments.

Steve Jones, Denali Borough Planning Commission, explained that the planning commission is working on an RFP for a base map of the borough. The planning commission will need to get together and vote to approve the RFP prior to it being posted. There may be a problem with getting a quorum because there are only 6 commissioners left.

ASSEMBLY COMMENTS

Clay Walker spoke to the proposed state recreation area and the borough Municipal Land Entitlements that are located in the area. If the borough does not get the land as an MLE than we should do a resolution to include the state land into the state recreation program.

Baxter Mercer asked that the advisory committee speak to the accountant about taking the \$400,000 out of the accounts for the closure fund and if that money would be from the principal or interest. He also mentioned that David Evans introduced an ordinance last year that would place fiscal notes on ordinances. The ordinance however did not pass. Maybe we should bring the ordinance back for discussion and see if it would pass.

1 John Winklmann and Eileen Holmes thanked everyone.

2  
3 David Evans asked the staff to look into the reimbursement for  
4 mileage since the cost of travel has gone up so much.  
5

6 Robert Kohlsdorf thanked Steve Jones and the planning  
7 commission for their hard work. He also thanked all of the assembly  
8 for their hard work tonight.  
9

10 Teresa Usibelli recognized and welcomed to the meeting Mrs. Nord  
11 from the Cantwell Fire Department and EMS.  
12

13 Mayor Talerico recognized Mr. Steve Jones and all of his efforts on  
14 the planning commission. He also recognized and welcomed to the  
15 meeting Dale Nord, Cantwell VFD Chief.  
16

17 Presiding Officer Bulard thanked Mr. Jones for all of his hard work  
18 on the planning commission and putting together the sale of  
19 borough land ordinances. She also mentioned an appreciation  
20 potluck that was held in Cantwell honoring the firefighters and  
21 EMT's. The kid's at the school put it together. Bulard also gave  
22 special thanks to Dale and Marge Nord.  
23

24 NEXT MEETING 1.) The next regular meeting will be held at the Anderson School on  
25 March 12, 2008. Assembly work session 6:00PM, public hearing  
26 6:45PM, and regular meeting to follow.  
27

28 ADJOURN. The presiding officer declared the regular meeting adjourned at  
29 10:30PM.  
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32 APPROVED:

  
Armeda Bulard, Presiding Officer

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36 ATTEST:

  
Gail Pieknik, Borough Clerk

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40 Date Approved: MARCH 12, 2008