

THE CITY AND BOROUGH OF JUNEAU, ALASKA

November 20, 2006

MEETING NO. 2006-27: The Regular meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7 p.m. by Mayor Bruce Botelho.

I. FLAG SALUTE was led by Mayor Bruce Botelho.

II. ROLL CALL

Assembly Present: Jonathan Anderson, Jeff Bush, Sara Chambers, Bob Doll, Johan Dybdahl, Merrill Sanford, David Stone, Randy Wanamaker, Bruce Botelho.

Assembly Absent: None.

Staff Present: Rod Swope, City Manger; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Dale Pernula, Community Development Director; Eric Mohrmann, Fire Chief; Roger Healy, Engineering Director; John Stone, Port Director; Craig Duncan, Finance Director; Heather Marlow, Land & Resources Manager; Joe Buck, Public Works Director; Mike Scott, Streets Superintendent.

III. SPECIAL ORDER OF BUSINESS

A. Employee Recognition

Rod Swope thanked Laurie Sica, Municipal Clerk, and the Clerk's office for work on the elections and the Alaska Municipal League Conference. Ms. Sica said her other half was Deputy Clerk Beth McEwen, that they worked as a team. She also thanked Nikki Corraza, who was new to the office, for her efforts on these projects.

I. APPROVAL OF MINUTES

A. October 30, 2006 – Regular Meeting 2006-26

Hearing no objections, the minutes were adopted as presented.

II. MANAGER'S REQUEST FOR AGENDA CHANGES

Rod Swope requested that the Assembly substitute Resolution 2379- Version B, in the red folder, for the one on the agenda. Version B corrected the original resolution and had minor changes in wording for consistency.

Hearing no objections, Resolution 2379(b) was substitute for Resolution 2379 on the consent agenda.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None.

IV. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction – None.

B. Assembly Requests for Consent Agenda Changes – None.

B. Assembly Action

MOTION, by Wanamaker, to adopt the Consent Agenda as presented, including substitute Resolution 2379(b). Hearing no objections, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2006-11(S)

An Ordinance Appropriating To The Manager The Sum Of \$75,000 As Funding For The Jensen-Olson Arboretum Capital Improvement Project, Funding Provided By The Jensen-Olson Arboretum Endowment Fund.

Administrative Report: Attached. The manager recommended Ordinance 2006-11(S) be introduced and set for public hearing at the next regular Assembly meeting.

b. Ordinance 2006-11(T)

An Ordinance Appropriating To The Manager The Sum Of \$500,000 As Additional Funding To Complete The Part 121 Ramp Reconstruction Capital Improvement Project, Funding Provided By Passenger Facility Charges.

Administrative Report: Attached. The manager recommended Ordinance 2006-11(T) be introduced and set for public hearing at the next regular Assembly meeting.

2. Resolutions

a. Resolution 2378

A Resolution Authorizing the Manager to Accept the Donation of Lot 4, Strawberry Acres, Into the CBJ Parks System, Amalga Meadows Natural Area Park.

Administrative Report: Attached. The manager recommended adoption of Resolution 2378.

b. Resolution 2379(b)

A Resolution Reestablishing the Assembly Rules of Procedure, and Repealing Resolution No. 2335.

Administrative Report: Attached. The manager recommended adoption of Resolution 2379(b).

c. Resolution 2380

A Resolution De-appropriating Certain Passenger Facility Charge Funded Capital Improvement Projects.

Administrative Report: Attached. The manager recommended adoption of Resolution 2380.

d. Resolution 2381

A Resolution Authorizing The Manager To Apply For A Community Development Block Grant From The Alaska Department Of Commerce, Community And Economic

Development, In Cooperation With Southeast Alaska Independent Living, To Be Used For The Development of an Aging And Disability Resource Center.

Administrative Report: Attached. The manager recommended adoption of Resolution 2381.

e. Resolution 2382

A Resolution Adopting An Alternative Allocation Method For The Fiscal Year 2007 Shared Fisheries Business Tax Program.

Administrative Report: Attached. The manager recommended adoption of Resolution 2382.

f. Resolution 2383

A Resolution Amending The Personnel Rules Relating To Meal Allowances.

Administrative Report: Attached. The manager recommended adoption of Resolution 2383.

V. PUBLIC HEARING

A. Ordinance 2006-34

An Ordinance Amending The Official Zoning Map To Change The Zoning Of ATS 1644, And State Of Alaska Tidelands Conveyance ADL 107425, From D-3 (T) D-5 To Waterfront Commercial, And A Fraction Of ATS 1526 From D-3 (T) D-5 To Waterfront Commercial.

Administrative Report: Attached. The manager recommended Ordinance 2006-34 be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Dybdahl, to adopt Ordinance 2006-34, and he asked for unanimous consent. Hearing no objection, Ordinance 2006-34 was adopted.

B. Ordinance 2006-35

An Ordinance Repealing The Sunset Clause On The Property Tax Exemption For Businesses Engaged In Manufacturing.

Administrative Report: Attached. The manager recommended Ordinance 2006-35 be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Stone, to adopt Ordinance 2006-35, and he asked for unanimous consent.

Mr. Wanamaker said he could not support removing the sunset clause, and said it was important to review exemption periodically.

Roll call:

Aye: Anderson, Bush, Chambers, Doll, Dybdahl, Sanford, Stone, Botelho

Nay: Wanamaker

Motion passed 8 aye, 1 nay.

C. Ordinance 2006-36

An Ordinance Amending The Motor Vehicle Registration Tax Rate.

Administrative Report: Attached. The manager recommended Ordinance 2006-36 be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Bush, to adopt Ordinance 2006-36.

Mr. Bush asked how the \$22 per year figure was determined and if it was sufficient for the program's needs.

Mr. Swope said this figure was exactly what was needed. 22,300 vehicles were currently registered per year. At the current fee of \$11 per vehicle per year, less the state administration fee of 8%, the total collected to pay for the program was \$225,700. The program costs are \$252,000, which exceed the amount of revenue, and is based on 700 vehicles being disposed of at the cost of \$360 per vehicle. By doubling the MVRT, the city would collect \$451,000. The new program is based on 1000 vehicles to be disposed of at a cost of \$425 per vehicle (the current cost), for a total of \$425,000, which will be below collected revenues. This program was for cars that were brought in voluntarily. In addition, JPD would also bring in some junked/abandoned vehicles. Initially the program was to cover those costs, however, the junked/abandoned vehicles would be disposed of at a cost to the general operating fees.

Hearing no objection, Ordinance 2006-36 was adopted.

D. Ordinance 2006-11(N)

An Ordinance Appropriating To The Manager The Sum Of \$39,200 As Funding For The Implementation Of The Juneau Coastal Management Plan, Funding Provided By The Alaska Department Of Commerce, Community And Economic Development.

Administrative Report: Attached. The manager recommended Ordinance 2006-11(N) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Doll, to adopt Ordinance 2006-11(N), and he asked for unanimous consent. Hearing no objection, Ordinance 2006-11(N) was adopted.

E. Ordinance 2006-11(O)

An Ordinance Appropriating To The Manager The Sum Of \$545,000 In Title III Of The National Forest Timber Receipts, Secure Rural Schools And Community Self-Determination Act Of 2000, Public Law 106-393 (Title III), Held As Restricted General Fund Fund Balance.

Administrative Report: Attached. The manager recommended Ordinance 2006-11(O) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Anderson, to adopt Ordinance 2006-11(O).

Mr. Anderson asked about the agreement in existence with the U.S. Forest Service (USFS), if this required CBJ to respond to fires outside of normal roaded areas, and if there was sufficient staffing.

Fire Chief Mohrmann said there was an Memorandum of Understanding (MOU) with the USFS regarding mutual cooperation in extinguishing wildland fires. CBJ was obligated to respond and extinguish wildland fires within the CBJ fire service district. CBJ was also obligated with existing manpower and equipment available to assist the USFS beyond the fire service area within the roaded system. The department would not be going very far from the normal roaded system, it was mainly a rapid response action to wildland fires. Our fiscal obligations are fairly minimal. The USFS after two hours of combating fires within the fire service district will compensate the city for apparatus costs and personnel costs, as well as material costs. If CBJ responds outside of the fire service area, CBJ is compensated immediately. This grant allows us to purchase wildland fire fighting equipment, including protective gear and wildland fire fighting tools, a skid unit for pick up trucks so they can reach more outlying areas and rescue equipment.

Mr. Anderson asked if this grant obligated CBJ to do more than it was currently doing. Chief Mohrmann said no.

Mr. Bush asked about the \$160,000 for the forest interpretation program, if there were discussions with the school district, and would the district have any access to those funds if they were involved. The middle schools have done these programs in the past. Mr. Swope said yes, this program would involve the schools and money would be available to them.

Hearing no objection, Ordinance 2006-11(O) was adopted.

F. Ordinance 2006-11(P)

An Ordinance Appropriating To The Manager The Sum Of \$800,000 As Funding For The Construction Of The Douglas Harbor Breakwater, Funding Provided By The Alaska Department Of Transportation And Public Facilities.

Administrative Report: Attached. The manager recommended Ordinance 2006-11(P) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Dybdahl, to adopt Ordinance 2006-11(P), and he asked for unanimous consent. Hearing no objection, Ordinance 2006-11(P) was adopted.

G. Ordinance 2006-11(Q)

An Ordinance Appropriating To The Manager The Sum Of \$37,400 As Partial Funding For The Acquisition Of In-Car Video Equipment, Funding Provided By The State Of Alaska Department Of Transportation And Public Facilities, Alaska Highway Safety Office.

Administrative Report: Attached. The manager recommended Ordinance 2006-11(Q) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Anderson, to adopt Ordinance 2006-11(Q), and he asked for unanimous consent. Hearing no objection, Ordinance 2006-11(Q) was adopted.

H. Ordinance 2006-11(R)

An Ordinance Appropriating To The Manager The Sum Of \$700,000 To Fund The Transfer Of The Title Of The Scottish Rite Temple To The State Of Alaska, Funding Provided By Sales Tax Budget Reserve Fund.

Administrative Report: Attached. The manager recommended Ordinance 2006-11(R) be adopted.

Public Comment: None.

Heidi Adams, 4502 Wood Duck Ave., Juneau, Alaska, said she was employed by CBJ in CDD, but was only representing her family in protesting the sale of the Scottish Rite Temple. She distributed an e-mail she had sent to the Assembly. She asked for continued support for community programs in Juneau. This ordinance would have a negative impact on the community. She supported healthy activities for children, and was a parent of a daughter in Rainbow Girls, an activity which was housed in this building. She could not think of another place for that activity and for the Juneau Dance Unlimited program. She was awestruck by the architecture of the building. Selling this building sent the message that children's needs did not matter, and government needs took priority.

Sandra DeLong, 3515 Tongass Blvd., asked the assembly to reject this ordinance. From an arts and historic standpoint, this building was of significant importance to the community. It would be sad to lose another historic building. Juneau Dance Unlimited rented space, practiced and performed in the building, and this type of facility was not readily available in the community. This affected all who paid sales and property tax. She was concerned about the use of sales tax revenue to pay for this property, as there had been concern expressed earlier in the year about the need to remove the senior citizen sales tax exemption, and there were also delinquent taxes due to the city that should be collected. She asked how the purchase of this building and sale to the state for \$1 could be responsible in light of increasing property taxes. This sale would remove a building from the tax roll. This seemed contrary to the capitol move issue. She asked the Assembly to maintain this building in its current state.

Dixie Hood, 9350 View Drive, objected to the ordinance. She said that giving away another historic property to the state in an effort to halt the move of the capitol away from Juneau was unrealistic. Discontinuing uses in this community building and providing it as scattered office space for the legislature undermined the character of downtown. The expense of \$700,000 was unreasonable considering the competing needs of the city budget. She thought that Juneau was being a sucker to hand it to the state on a platter. The fear tactics that went on regarding the capital move were basically blackmail. Capitol School went, and the promised use of the gym did not pay off at all, and the promises about letting the lease go about Juneau Dance Unlimited was the same – we want a viable downtown and this is the wrong kind of community development. When a new state capitol was proposed and the vision excited us, there was concern about cost, but we wanted to develop this and get behind it. Proposing more and more scattered pieces of the capitol did not do the community justice.

Marie Darlin, 415 Willoughby, opposed the use of sales tax funds to purchase and give the building to the state. She preferred city owned it and rented it to state. It should be valued as an historic building. Preservation of the interior should be provided. If torn down for a parking garage, that would be unforgivable. Juneau did not need a town of parking lots and garages. She suggested that the city give the state the playground next to Capital School, property already owned by the city, to provide more space for the legislature, and to let the legislature build the type of building it wanted.

Chip Wagoner, 242 7th St., Juneau, associate broker for Coldwell Banker Realty, which was handling this transaction, said he was available to answer questions. The Scottish Rite Temple board had voted unanimously to proceed with this sale, with minor modifications of the contract agreement. The Temple's association would give final approval at the state level. This sale was an attempt to provide good service to the legislature and the location was ideal for the use.

Mr. Doll asked if this deal did not go through, how would the clients proceed. Mr. Wagoner said he could not answer that. They had looked at various options. Mr. Doll asked if the clients were capable to maintain ownership and pay taxes, etc. Mr. Wagoner said he had not seen their total income, only the taxes and the value of the building, so he could not say.

Ms. Chambers asked if there were any other private commercial uses interested in the building. Mr. Wagoner said it had not been put on the Multiple Listing Service as the owners were interested in providing it to the community for the highest and best use. Two private entities did look at the building, but decided not to proceed. This was during a time of ongoing negotiations with the city.

Mr. Chambers asked about the agreement, and understood the legislature could not tear down the building to build a parking lot. Mr. Hartle said the agreement says to "occupy" the building, and the wording could be made clearer.

Mr. Bush asked what the organizations using space the space currently would do following the sale. Mr. Wagoner said there were 5 renters. Two are physically renting a single room, and their lease had expired. A third small room was leased. Juneau Dance Unlimited leased space, and a cellular phone company had equipment on the 6th floor, which provided cell phone service for the capitol building.

Mr. Bush asked what would happen with Juneau Dance Unlimited. Mr. Wagoner said he did not have that information. The lease ended Jan 31, 2007.

Mr. Bush asked about the shared closing costs. Mr. Wagoner said there were two things under the agreement that were not closing costs, one was the owner's title policy which the city had agreed to pay for and the other was the real estate commission, which the Juneau Scottish Rite Temple Association had agreed to pay for. The remaining closing costs, given there was no financing involved, were very little. They were the escrow fee, which was about \$800 and the recording fee of the statutory warranty deed which was about \$27. So the total closing costs would be under \$900.

Mr. Bush asked what the cost of the title policy would be. Mr. Wagoner said approximately \$2300, which the city had agreed to pay as well.

Mr. Stone asked what sparked this. Presumably the Scottish Rite Temple (SRT) wanted to sell, then thought this was a good fit for the city to purchase and give it to the legislature. Mr. Wagoner said yes.

Jenna Fontanella, 726 Basin Road, spoke against the city selling this building to the state. Having the SRT be available for the community was valuable. The capital was vital to Juneau and Juneau was lucky to have it here, however, the city gave a lot away to the legislature. She said there was a similar structure in Portland, Oregon, and Juneau Dance Unlimited could expand its uses to make this a more vibrant location for this activity. For the state to get this building for \$1 is amazing and this doesn't happen often in the community. She asked if this sale would keep our community members involved and staying here. This was expensive for the community, and people were feeling pushed aside for tourism and other activities.

Assembly Action:

MOTION, by Doll, to adopt Ordinance 2006-11(R).

Mr. Doll said that most comments from residents are valid, however, it was a rare occurrence to have a building across the street from the capitol become available, and a legislative body willing to renovate it. The action would blunt the arguments of the difficulty of operating in Juneau. This was not a situation that comes along very often, and if there were a similar opportunity on every corner of the capitol, the city should try to seize if for such use. The Assembly had spent many dollars on the Alaska Committee's efforts to keep the capitol in Juneau and here was an opportunity to spend a smaller amount and have a big impact, and hoped the entire community would support this effort.

Mr. Bush said he was supportive from the beginning with reservations. He wanted to know that some alternative arrangement would be made for the arts community activities, and he wanted to know that the city was paying fair market value for the building. The amount the seller was getting was \$25,000 more than fair market value. Although the Alaska Committee was offering to pay the \$25,000, that group was funded by the CBJ, and he anticipated a reduction in their budget in the upcoming year of this amount. The most significant question was the impact to the arts community. Mr. Swope said that he met with the Juneau Arts and Humanities Council, which was interested in moving out of its current location, and had approached the city to lease the National Guard armory. This was not currently owned by the city, but the Assembly had expressed interest in acquiring it, and in the interim, the city could lease the facility until ownership, for use as an expanded convention center or a performing arts center. JAHC thought it could pay for the maintenance and operation of the facility. The armory needed work, and to use / occupy, there needed to be some improvements, so we needed to figure those costs and amortize them over five years and include them in the operating costs. JAHC felt comfortable that they could get the community support to use the building and do the scheduling. Mr. Swope said he thought the costs would be minimal, but found out a few days ago that a pipe burst and put a lot of water into the building, which caused significant damage.

Mr. Bush said he was concerned about the timing of the JDU lease ending in January. The armory would not be available for several months. Mr. Swope said that was correct, it would be at least 2 – 3 months, due to the work that needed to be done on the building. JDU would be out of a location for 2-3 months at a minimum.

Mr. Bush asked if there was discussion to allow JDU to continue to use the SRT for several months. Mr. Swope read from the agreement that their lease would expire upon the sale. It would

be up to the legislature to make those use decisions. Legislative Affairs would probably want to get into the building and prepare the space for use fairly quickly.

Ms. Marlow said liability issues would need to be addressed if a tenant was in the building and renovations were taking place.

Mr. Anderson asked if Addendum A prohibited the state from tearing down the building to use the property for parking. Mr. Hartle said that the words “offices” were the items to be located in the building.

Mr. Anderson said he had never heard anything from the state legislative affairs about the building, and if a representative was available to speak to this purchase. Mr. Swope said that Pam Varni was the person to speak, however, she was not in attendance.

Mr. Anderson asked how much was in the sales tax reserve. Mr. Swope said \$4.5 million. Mr. Anderson said that was committed tentatively to the new high school – subject to a proposed bond? Mr. Swope said yes. Mr. Anderson asked what level the “rainy day fund” should stay at for good fiscal purposes. Mr. Swope said the Mayor’s Task Force, in the early 90’s, recommended the city maintain a balance of the fund at \$10 million as a goal. Mr. Anderson said the spending the funds on this building did not seem fiscally responsible and he opposed the motion.

Mr. Doll said that the possibility of the building being torn down is a major obstacle for the public and Assemblymembers. He asked if language could be inserted which would require the state to maintain the exterior of the building in approximately its current form? Mr. Hartle said this could be sought for in negotiations. The language would be possible to draft and add, he was not sure what the other parties would think.

Ms. Marlow said her conversation with legislative affairs suggested occupancy of the building, by moving legislative services, the Governor and Lt Governor into the building, and some child care and other services. The language in the addendum references the property being exclusive of the building, meaning they could remove the building, but that would be an extreme case and not in keeping with the conversation to date. To limit the use of the property’s use would be a departure and would require further negotiations.

Mr. Doll asked for an at-ease to confer with the city attorney.

Recess: 8:10 -8:15 p.m.

Mr. Doll said he withdrew his suggestion to make this a provision of further proceedings.

Mr. Anderson said he believed this was a poor use of CBJ funds and that it was naïve that any legislative vote to move the capitol would be changed based on the sale of this building.

Mr. Sanford said that the private property owner could sell their property, and it was an opportune time to evaluate if this purchase and sale would help improve the capital. Legislative affairs said they need more space, and Rep. Kerttula said this was a good idea to provide that space. Keeping the capitol in Juneau was a goal of every citizen and we all need to evaluate this very closely.

Mr. Bush concurred, and still had reservations regarding what would happen to the arts community in the interim. If the armory was available now, it would be a different question. This puts the arts community out on the street with no place to go. Whenever the city is in a position to deal in

excess of market value, he was concerned – even though it is only \$25,000. With those concerns, he could not support the ordinance.

Mayor Botelho asked Ms. Pam Varni, Executive Director of the Legislative Affairs Agency, to answer questions.

Ms. Varni said the Legislative Council, made up of 7 house and 7 senate members, had discussed the use of the building. There was no intention to tear the building down, but to use it, and add an estimated \$1.5 million in new mechanical and electrical work to upgrade the building for office space. They already had an idea of the staff that would be there. They had not pursued architectural plans yet due to negotiations. Every inch of space in the Capitol was used and this would help ease space in the Capitol. They would not move legislators, nor would they put in a walkway. The lot size was not large and was not of sufficient size for a parking garage or lot. Legislative Council has fully discussed this, Senator John Cowdery would be chair and he was fully supportive of moving ahead on this project. She has been asked to provide some kind of day care facility for legislative staff. They had acquired basement space, which was the bomb shelter, but without windows and only one exit, it was not adequate space for such a facility. They would look at putting some windows into the SRT building, keeping the same structure, and work would need to be done on the fire escape. She spoke with the tenants and noted that this would take some time to work through this sale. They will be moving quite a few legislative offices to get ready for January, and there would need to be time for plans and some asbestos removal, bid for asbestos contractor, so there could be a month to month rental with JDU as this would take some time. Renovations would go full bore during the interim, as it did take some time to line up contractors.

Mr. Bush asked if JDU could stay for 3- 6 months in the SRT. Ms. Varni said that three months was likely, however, she was not willing to say more, as it would take time to renovate – it took 18 months to renovate Capital School. She was willing to look at a month by month situation with JDU.

Roll call:

Aye: Chambers, Doll, Dybdahl, Sanford, Stone, Botelho

Nay: Anderson, Bush, Wanamaker

Motion passed, 6 aye, 3 nay.

Ordinance 2006-11(R) was adopted.

VI. UNFINISHED BUSINESS

A. Continuation of Public Comment on Fluoridation.

Mayor Botelho limited testimony to two minutes per person and asked the audience for decorum.

Mr. Doll asked what the intended outcome was. Mayor Botelho said he thought there would be a motion forthcoming after public testimony.

George Brown, 1640 2nd St., DDS, supported continued water fluoridation and said towns have used safe levels of fluoride for 50 – 60 years to prevent tooth decay. He distributed his comments to the Assembly.

Ron Hansen, 4117 Birch Lane, a civil engineer with experience in water systems, who served on the Fluoride Study Commission, supported continued water fluoridation. With fluoridation, whole

populations are provided good dental health, providing a positive cost ratio benefit. He urged the Assembly to make the decision and authorize the manager to enact the decision.

Brad Whistler, 1008 Debbie Lane, DDS, Dental Officer for the Department of Health and Social Services, supported continued water fluoridation. We have seen dramatic reduction of dental decay in this country since WWII due to water fluoridation, fluoridated toothpaste and other fluoride products. Community water fluoridation results in a 20% reduction in decay in permanent teeth and 40% reduction in decay in primary teeth. He said that water fluoridation is safe when used at the proper levels.

Mr. Anderson asked if there were communities in Alaska which did not fluoridate their water. Dr. Whistler said that a majority of communities did not fluoridate, but the larger cities did. Mr. Anderson asked what recommendations were given to communities which did not fluoridate the water. Dr. Whistler said they recommend fluoride supplements and fluoridated toothpaste in small children. Children under eight needed to be supervised in order not to swallow too much.

Ms. Chambers said she heard that children at very young ages need to have higher control of fluoride intake, and asked about mixing baby formula with fluoridated water and how to regulate intake of fluoridated water, or was it even a concern. Dr. Whistler said the primary concern was with children under 6 months of age regarding mild fluorosis (mild flecking of enamel), which is why they no longer give supplements to children under 6 months. The American Dental Association (ADA) recommended that parents routinely using formula for infants should use non-fluoridated water for mixing. There is some fluoride in formula, and this could be contributing to mild fluorosis.

Karen Lawfer, 2765 John St., supported continued water fluoridation and said that dentists and Bartlett Hospital were her trusted experts who were basing their information on science. If the Assembly chose to eliminate fluoridation, it should only do so when there was a replacement fluoridation program in place that was fully funded for all members of the community.

Susan Hennon, 3005 Blueberry Hills Road, a registered dietician, supported continued water fluoridation. Her children have no cavities, but she had a mouth full of fillings due to the fact that she did not grow up with the benefit of fluoridation. She asked what the plan was for fluoridation if water fluoridation was discontinued. Fluoride was a complicated medical issue and having it in a controlled environment was a safe and prudent thing to do.

Kate Slotnick, 1570 Evergreen Ave., a public health nurse, supported continued water fluoridation and was dismayed that removal of fluoride from the water was being considered based on the concerns of a minority of residents. Fluoridation was a safe and economical way to provide dental health. If there were no fluoridation, there would be a division of dental health between the rich and poor.

Marilyn Holmes, 969 Goldbelt, supported discontinuation of water fluoridation and thought it was wrong to add anything to the water if it was not needed to keep the water safe. Chlorine treated the water, took out harmful bacteria, and was mandated by state and federal law. Adding fluoride treated the people, not the water, and no one had the right to treat her without her consent. We really don't know that this is safe. If a commission took 2.5 years to determine that we don't know if it is safe, then that was reasonable doubt.

Phil Moritz, 426 Judy Lane, DDS, supported continued water fluoridation. He read from a study and said that fluoride was effective in reducing dental decay by 20 – 40%.

Nolan Davis, 10945 Glacier Hwy., DDS, a public health dentist at SEARHC, supported continued water fluoridation. Too much fluoride could be toxic, however, drinking too much water could also be dangerous, and he explained why. Anything in excess was bad. Low levels were good. Chlorine was a toxic substance as well in excess. Fluoridation served an underserved population, and he asked everyone to remember to floss.

Christine Moleski, 1175 Mendenhall Peninsula Rd., DDS, supported continued water fluoridation. She asked the Assembly to view the studies done to see if they had been well researched. She discussed a study in Rochester, MN, regarding hip fractures linked to fluoridation and said there was actually a decrease in hip fractures after the community added fluoride to the water.

Corrine Olson, N. Douglas Hwy., a registered nurse, supported continued water fluoridation. She said she was new to Juneau and found citizens here to be very health conscious.

Dr. Lonnie Anderson, 3031 Blueberry Hills Rd., DDS, supported continued water fluoridation. He said he was asked by the dental association to testify in support of continued fluoridation. He tried to find credible sources on the internet regarding fluoridation and cancer. He said many sites were not credible, but the National Cancer Institute had investigated and found no link between fluoridated water and cancer. This study was backed up by the Center for Disease Control.

Mr. Dybdahl asked about his visits to the villages. Mr. Anderson said that in his work for SEARHC, many villages did not fluoridate. In one day, he did over 20 stainless steel crowns in one community. In Juneau he did one maybe every three or four months. By eliminating the fluoride, the city would be doing a lot of harm to children's teeth.

Mr. Wanamaker asked Mr. Anderson about the information about fluoridation for infants and pregnant women. Mr. Anderson said he did not know, but he would feel comfortable with providing fluoridated water to them.

Cheryl Jebe, 6520 N. Douglas Highway, thanked the Assembly for ensuring public input and supported discontinuation of water fluoridation. The consumers should approve the addition of chemicals. The Public Health Department provided fluoride supplements to their clients where fluoridation was not available.

David Logan, 4220 Lakeshore Drive, DDS, supported continued water fluoridation. He said he grew up in Juneau with a well that had naturally occurring fluoride. On a daily basis he saw the effect on children from out of town which had a high carries rate due to lack of fluoridation, and the opposite from those in town. Pregnant women should drink fluoridated water – their babies receive the fluoride for their developing teeth. Fluoride had a long history, there were numerous studies, and there was very little left to study. It is difficult to prove a negative.

Tom Bornstein, 1020 Otter Run, DDS, SERHC, Director of Dental Services, and had worked for the Public Health Service, supported continued water fluoridation. SEARHC ran pediatric dental programs and dental programs for the homeless, and provided dental health to native populations throughout South East Alaska, and for those constituents, water fluoridation the most cost effective dental health that could be provided.

Recess 9:09 – 9:15 p.m.

Mayor Botelho asked for a final sign up list.

Alfreda Dore, 600 St. Ann's Ave., said her main concern asked for all to clarify if the fluoride was sodium fluoride, which caused water retention or calcium fluoride, which was naturally occurring. She did not think it was fair to have to buy sodium free water.

David Ham, 10680 Mendenhall Loop Road, supported discontinuation of water fluoridation and said that said CBJ was exposing the entire population to fluoride when the goal was to provide fluoride to children. No one was prevented from taking their own supplements. It was not clear that it fluoridation was beneficial for dental health. There is some evidence that fluoride may be harmful and that was enough to limit it to those in the population that needed it, but asked that it be removed from the drinking water.

Patrick Neary, 4113 Dogwood, a naturopathic physician and retired chemical engineer, supported discontinuation of water fluoridation. There were a lot of ideas about studies and people could find studies to support their position in either direction. He said the perfect diet was human breast milk, and the body had a function which naturally reduced fluoride in breast milk. He distributed an information sheet from the ADA which recommended that non-fluoridated water be used in reconstituting infant formula.

Dave Ottoson, 212 W. 9th St., supported discontinuation of water fluoridation. Fluoride was not available in a vitamin stores, but only available by prescription as it was extremely toxic. There was a small margin of safety in the water levels. Recommendations were that maximum levels be lowered from 4 ppm to 2 ppm. CBJ was putting in 1 ppm – which was half way to the maximum level. It was not a nutrient, it was a medication. There was no control over the amount of fluoride that people were receiving, and with respect to infants, ADA issued an advisory 11 days ago that for infants taking in formula made from water, it should be made from bottled water, not fluoridated water, as optimally fluoridated water was unsafe for infants. The Fluoride Commission's report was meticulously footnoted.

Alan Munro, 120 W. 9th St., supported discontinuation of water fluoridation and asked the Assembly to first "do no harm" and to use common sense. Ceasing application was not only a responsible position, it could reduce possible CBJ liability as additional information was determined. He said cities are being dosed without consent, and in large doses fluoride was a toxin, and in small doses the effects are unknown. It was wrong to add it to our drinking water and asked individuals to treat themselves or for the city to implement a different program.

George Imbsen, 2113 2nd Street, Douglas, an engineer, supported discontinuation of water fluoridation. He said he was not an expert on fluoride and its effect on the body. His dentist supported fluoridation, and he trusted him. The medical community and engineering communities had changed their minds many times. Spoke about misdiagnosis and mistreatment he had received by the medical communities. He appreciated the position of the Fluoride Study Commission chair, and it was not the government's job to dispense anything extra in his water. He liked Alaska Brewery beer and didn't want the fluoride in his beer, either.

Deborah Erickson, 7625 N. Douglas Highway, Acting Director of State Division of Public Health, supported continued water fluoridation and stated the formal position on community water fluoridation by the department that water fluoridation was a safe and effective way to provide for dental health. She was a member of the Fluoride Study Commission and the Assembly had heard much information and opinions. The formal opinion of Public Health and CDC supported fluoridation, and the last five and the current surgeon general took positions supporting fluoridation as a preventative measure. There was a lot of information on the web that took studies and skewed them, and she asked the Assembly to use credible sources. This was a decision that benefited everyone in the community. Regarding infants and fluoridation – there was not a health

concern – it was just a mild white flecking of the teeth. Many doctors stated that the Assembly would be doing harm if fluoridation was discontinued.

Jayne Andreen, 2210 A Raven Rd., supported continued water fluoridation and read a resolution of the Alaska Public Health Association supporting community water fluoridation to improve oral health.

Mary Alice McKeown, 212 W. 9th St., supported discontinuation of water fluoridation and thanked the Fluoride Study Commission and Assembly for their work. She said that fluoride did not only accumulate in the teeth – it was reasonable to expect it to accumulate in other parts of bones. The evidence is inadequate to safely fluoridate the public water system. She said fluoride was not necessary for the safety of drinking water – it was for a health effect.

Marya Loushchuk, 305 6th St., supported discontinuation of water fluoridation and said she had great teeth. She was raised in a part of Europe where they had no fluoride in the water. They brushed twice a day, flossed, ate apples, had few sugary products and had dental work without Novocain, which encouraged people to take care of their teeth. This issue had to do with personal responsibility. Making a whole population exposed to fluoride just because not everyone brushed their teeth was not good. As a child she did receive fluoride treatments. Now fluoride comes in toothpaste. There were better methods for taking care of teeth rather than fluoridation of the water.

Jenna Fontanella, 726 Basin Road, supported discontinuation of water fluoridation and said she had become educated on fluoride issue in the last year. She respected her dentist. She quoted Fluoride Action Network. She asked how much fluoride was enough, and if it could be gotten another way in which people have given their consent.

Amy Dressel, 4409 Abby Way, pediatrician, read a letter signed by four pediatric physicians in Juneau, strongly opposed the discontinuation of fluoridation for many reasons and listed those. She was shocked at the number of children with dental decay in communities which do not fluoridate the water. She also signed a letter along with the medical staff at Bartlett Hospital supporting fluoridation.

Eric Paulson, 9000 Glacier Highway, DDS, this fluoridation was a broadly researched and studied situation and it had come up time and again as safe and effective. When we through out junk science, anecdotal stories and bias, there is sound research supporting fluoridation. He compared the number of dental operations under anesthesia between Juneau and Ketchikan. Ketchikan did not fluoridate, and had a much larger number of cases over the years of this type of surgery than Juneau, even though Juneau's population was much larger. If fluoride was removed, CBJ would have a huge liability for dental health issues.

Ms. Chambers asked him if water fluoridation was the only effective way to provide dental health for children. Dr. Paulson said yes. Many people won't get a prescription for fluoride, which is needed by children and adults, and even if it were provided to families for free it often would not be used, and might not be used properly. There were rinses, pastes and gels, and they were often not used regularly or properly.

Mayor Botelho said that it appeared that Europe was discontinuing water fluoridation at the rate that the U.S. was adding fluoride to drinking water. He said one might conclude is that what is in common was the topical application of fluoride in toothpaste.

Dr. Paulson said that the situations between Europe and the U.S. were different and difficult to compare, as due to government sponsorship of health care, there were dental screenings in school, which picks up dental problems earlier.

Myra Howe, 1839 Bartlett Ave., supported discontinuation of water fluoridation. She did not want the city to add medicine to her water. The city did not put vitamins in the water or go house to house with flu shots. She quoted a congressional committee which said that fluoridation was mass medication without parallel in history. Fluoridation was an unreasonable risk, and bordered upon criminal behavior on the part of government

Kelly Anderson, 17080 Pt. Lena Loop Rd., supported continued water fluoridation and grew up in a Washington community that fluoridated its water. She made it to the age of 23 without a cavity. The cavities she had were her responsibility. She had done fluoride research and it took a thousand gallons of optimally fluoridated water to create a toxic effect. If child swallowed an overdose of fluoride toothpaste or tablets, poison control would need to be contacted.

Marjie Wagner, 4629 Sawa Circle, supported continued water fluoridation and read a resolution of dental hygienists supporting fluoridation. Fluoride was a naturally occurring element, and its content in city water systems was the most effective way to provide dental health. There were many kids in Juneau that had perfect teeth, and she considered that a fact of fluoride in the water. .

Recess - 10 p.m. – 10:05 p.m.

MOTION, by Doll, to continue fluoridation of the city water supply at .4 to .7 ppm.

Mr. Wanamaker said there was enough information that it may not be safe for infants and pregnant women, and it was not good city policy to put them at risk until we know it is indeed safe.

Ms. Chambers said she was not a medical or dental expert, and would defer to that community for advice. She shared Mr. Wanamaker's concerns about infant use of fluoridated water. She used baby formula for her son and mixed it with fluoridated water. A discussion about the safety of this was not initiated by either herself or her doctor, and she did not know to ask, and the more she read about fluoride and this handout that the from the ADA makes her question the kind of water to use. She wonders if people with fewer resources than herself will know what is the best for their infant. Beyond the medical concerns was a philosophical concern of government providing mass medication. She trusts her dentist, but does not trust the government to medically treat or prescribe what is safe to put in the water for medical purposes.

Mr. Doll said the previous two made a good case for prenatal and infant care. He said it was amazing that the CBJ the most sophisticated city in Alaska was considering reverting its system to pre-WWII times. He thought it was a generational difference. Those who had had the benefits of fluoride minimized the benefits, and those who had not had paid dearly for the lack of fluoridation. When he considered doing no harm, he had to look at not providing a proven dental health treatment. We say we support our children –we fund to cap – we require bicycle helmets and removing fluoride from the water is contrary to this belief. Until there is a substitute to what may be a clumsy method, he urged the assembly to continue a proven therapeutic device of water fluoridation.

Mr. Anderson said that fluoride was a good thing, but had a hard time with the role of government being dictator of what they should and should not do with people's health. We could ban fried foods and save lives. We could mandate exercise and save lives. Governments' role is to educate, but allow people to make their own decisions on their personal health.

Roll call:

Aye: Bush, Doll, Dybdahl, Stone

Nay: Anderson, Chambers, Sanford, Wanamaker, Botelho

Motion failed, 4 aye, 5 nay.

MOTION, by Anderson, to direct the city manager to stop fluoridation of the water at an appropriate time.

Roll call:

Aye: Anderson, Chambers, Sanford, Stone, Wanamaker, Botelho

Nay: Bush, Doll, Dybdahl

Motion passed, 6 aye, 3 nay.

Mr. Doll gave notice that he would like to reconsider the motion, which directed the manager to discontinue fluoridation, at the next meeting.

Regarding Items B, C, and D, below, Mayor Botelho asked, and there was no objection to taking all the requests in the form of one motion.

MOTION, by Sanford, to approve all exemptions listed in items B., C., and D. below.

Mr. Bush said he was concerned. The law allows exemptions for good cause. He has trouble with good cause being that the person did not know. He asked for an interpretation from a legal perspective regarding the lack of knowledge being good cause.

Mr. Hartle said this was difficult to provide without further research and he could give a proper answer at next meeting. Just simply being unaware probably does not qualify. What factually constitutes good cause comes down to the assessor and the assessor's recommendation was before the Assembly. Each case had more facts than provided in that recommendation line in the manager's report.

Mr. Bush asked if there was a timing issue. Mr. Swope said no.

MOTION, by Bush, to postpone the motion to the next regular Assembly meeting. Hearing no objection, it was so ordered.

B. Senior Citizen/Disabled Veteran Homeowners Application for Hardship Exemption Late File
– Martin/James/Bennett

Alaska Statute 29.45.030(f) provides, "The governing body of the municipality for good cause shown may waive the claimant's failure to make timely application for exemption and authorize the assessor to accept the application as if timely filed." Applications for subject Hardship Exemption were due in the Assessor's office by April 30, 2006 in accordance with CBJ Ordinance Serial No. 2002-37.

First applicant: Ken Martin, 800 F Street, #P2, Juneau,

Second applicant: Edna James, 322 Decker Way, Juneau

Third applicant: Alice Bennett, 1736 Glacier Avenue, Juneau

C. Senior Citizen/Disabled Veteran Homeowners Application for Real Property Exemption Late File – Jensen/Phillips-2005

Alaska Statute 29.45.030(f) provides, "The governing body of the municipality for good cause shown may waive the claimant's failure to make timely application for exemption and authorize the assessor to accept the application as if timely filed." Applications for Senior Citizen Real Property Tax Exemption were due in the Assessor's Office by March 31, 2005.

First applicant: John Jensen, 2D040T060030, 1012 Second Street, Douglas, AK 99824

Second applicant: Fred Phillips; 1C020J010210; 225 Behrends Avenue, Juneau, AK 99801

D. Senior Citizen/Disabled Veteran Real Property Exemption - Late File – Brown-2006

Alaska Statute 29.45.030(f) provides, "The governing body of the municipality for good cause shown may waive the claimant's failure to make timely application for exemption and authorize the assessor to accept the application as if timely filed." Applications for Senior Citizen Real Property Tax Exemption were due in the Assessor's Office by March 31, 2006.

Applicant: Beatrice M. Brown, Switzer Village #9

E. Proposed Regulations - Commercial Passenger Vehicle Regulations – Taxicab Flag Drop and Mileage Rate Changes

MOTION, by Stone, for orders of the day.

Mr. Doll said he understood there was one company in town that was allowed to provide a reduced rate for senior citizens and disabled people, and the other two companies did not provide that. He wondered why the discrepancy. He said some of his constituents needed this service and were not always able to get it.

Shane Williams, Evergreen Taxi, said it was a subsidized fare, it was not reduced, and SAIL had received a grant - DOT had provided the funds.

There were no objection to orders of the day, and the regulations were allowed to take effect.

VII. STAFF REPORTS

A. Mike Scott, Public Works Street Superintendent, reported on the clearing of snow and said that too much of a good thing might not be good. 50 inches of snow had fallen in the last week and a half. He thanked his staff for keeping up with this. The snow emergency declaration was to provide some parking restrictions downtown to ultimately prevent road closures downtown. Crews had been working 24 hours a day. Currently crews were clearing snow off Glacier Ave. and Willoughby Ave. The goal was to get most of the core of the central area clear. They realized the public market and holiday shopping were happening this weekend. DOT had done a good job but they lacked resources, including a snow blower and trucks. CBJ made an arrangement with DOT so that Egan Drive from Centennial Hall to Thane would be cleared. It cost the city \$2500 an hour to haul snow. The city would ticket and tow vehicles in violation of posted parking. The crews were at a point where one car could cause significant delays in clearing the streets.

Mr. Swope said that the biggest concern was the inability to get snow out of the area and we need to maintain roads open for public safety vehicles to access the streets.

Mike Scott said they worked with the fire department to determine an order of streets to be cleared.

Mayor Botelho said the Assembly was grateful for the work of the PW Department and asked Mr. Scott to pass on thanks to the crew. Mr. Sanford thanked Mr. Scott, and said he supports funds being spent to maintain clear streets. If extra help was needed, there were plenty of construction folks that could help.

Mr. Scott said training was an issue and the wrong person on the wrong equipment could be problematic.

Mr. Doll asked if there was equipment to deal with the creation of berms. Mr. Scott said berms will always be present – there were so many driveways that were so close – it was too difficult to turn the blade. A blower cost \$200,000, and trucks cost \$200,000 each, so it would be expensive and take longer to get the work done if the blades were not used.

Mr. Dybdahl said that the waterfront plan needed to consider snow storage and dumping.

Mr. Anderson thanked Mr. Swope for the early hours he had spent making decisions on management.

B. Alaska Municipal Management Association Meeting Update – Mr. Swope said that the AMMA had good meetings in Juneau, and the main topics were PERS/TRS , access to communities and waste management.. It was humbling to hear the problems from other communities and what they are dealing with compared to our community – Juneau is very fortunate.

C. Alaska Municipal Attorneys Association Meeting Update – Mr. Hartle attended the AMAA meetings with over 40 municipal attorneys from around the state and they had good, productive meetings.

VIII. ASSEMBLY REPORTS

A. Committee Reports

Finance Committee: Chair Stone said the committee would meet Wednesday, December 13, at 5 pm to review the McDowell tourism survey and 911 surcharge for cell phones.

Lands and Resources Committee: Chair Bush said the committee would meet Monday, November 27, at 5pm.

Human Resources Committee:

MOTION, by Wanamaker, to adopt the following recommendations of the Human Resources Committee for appointments to the following boards:

Juneau Economic Development Council

Mr. Rich Poor, Ms. Teresa Germain, Mr. Mike Mickelson to three-year terms ending October 2009.

Ms. Nicole Grewe to the unexpired seat for a term ending October 2008.

Juneau Energy Advisory Committee

Mr. Phil Gutleben to the unexpired seat for a term ending January 2008.

Juneau Human Rights Commission

Mr. Steve Wolf to the unexpired seat for a term ending May 2008.

Passenger Fee Proceeds Committee

Ms. Robin Paul & Ms. Sandy Warner public seats expiring October 2007.

Mr. Greg Fisk & Mr. Don Etheridge to the Harbor Board seats expiring October 2007 and Mr. Andrew Green to the Marine Passenger Industry Seat also expiring October 2007.

Social Services Advisory Board

Ms. Linda Stevenson-Millard to the unexpired seat for a term ending September 2009.

Hearing no objections, the appointments were approved.

B. Liaison Reports

Mr. Sanford thanked the snow removal crew at the airport – no flights were lost due to snow removal issues.

IX. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Sanford said he would like the Public Works Committee to review the use of the Marine Park area for use as a downtown parking lot and have that issue reviewed and resolved.

Mr. Stone said the swearing-in ceremony for the governor would be held in Fairbanks and Dennis Egan had been requested to be a part of the ceremony in honor of his father who was part of the constitutional convention – in honor of the 50 year ceremony.

MOTION, to support the travel costs of former mayor Dennis Egan to travel to Fairbanks to participate in the swearing-in ceremony. Hearing no objection, it was so ordered.

Mr. Dybdahl said he heard a rumor that it was cheaper to leave a car parked on the street and have it impounded than to leave it at long term parking at airport.

Mr. Anderson said he was distressed to hear of the extension of pioneer road by the State before permitting was completed, but was not sure what to do about it. Mr. Doll concurred.

Mr. Wanamaker said it behooved the Assembly to send a delegation on behalf of the community to the inauguration ceremony. We can participate in this event as citizens of the state. He would be interested in going and encouraged others to go as well.

MOTION, by Wanamaker, to send a delegation of the Assembly to the inauguration ceremony.

Ms. Chambers appreciated Mr. Wanamaker's sentiment, and thought the Assembly should think of creative ways to welcome the new leadership. She supported volunteer efforts, but was not sure that this was a wise spending opportunity for us at this point.

Mr. Sanford said the Assembly could look at the budget allocated for Assembly travel and make adjustments. He agreed that it was important for the Assembly to attend.

Mayor Botelho noted general assent to using existing Assembly travel money for the three senior Assembly members to attend, stating that any number beyond that would raise open meetings issues. Hearing no objection, it was so ordered.

Mr. Sanford said he appreciated the governor's actions to push that road through. It will keep our kids and grandkids here in the community and promote economic development.

Mr. Anderson said he was not speaking of the road, but of moving forward on a construction project without proper permitting.

X. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Marilyn Holmes, 969 Goldbelt, asked for clarification of the vote on fluoride and if the vote meant the fluoride would come out of the water. Mayor Botelho said that the motion to remove fluoride from the water had been given notice of reconsideration, and this meant that at the next meeting, if five members of the Assembly voted to reconsider the issue, the motion would be back before the body as if the vote had not taken place. If the vote to reconsider passed, another vote could be taken after further discussion of the matter. The next meeting of the Assembly was December 11, 2006 at 7 p.m. in the Assembly Chambers.

XI. EXECUTIVE SESSION – None.

XII. ADJOURNMENT - 10:53 p.m.

Signed: _____

Laurie J. Sica, Municipal Clerk

Signed: _____

Bruce Botelho, Mayor