I. ROLL CALL

The meeting was called to order by Chair Jesse Kiehl at 6:06 p.m.

Committee members present: Chair Jesse Kiehl, Vice Chair Mike Satre, Debbie White (telephonically), Bill Peters, Maria Gladziszewski, and Dennis Watson.

Committee members absent: Mary Becker.

Staff present: Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Chief Etheridge, CCFR; Hal Hart, Community Development Director;

II. APPROVAL OF AGENDA

Mr. Peters asked to discuss the meeting time. The agenda was approved as presented.

III. APPROVAL OF MINUTES

May 21, 2015 Draft Minutes

Hearing no objection, the minutes of the May 21, 2015 meeting were approved.

June 4, 2015 Draft Minutes

Hearing no objection, the minutes of the June 4, 2015 meeting were approved.

IV. PUBLIC PARTICIPATION – None.

V. AGENDA TOPICS

A. Capital City Fire/Rescue presentation re: Marijuana Growing and Oil Extraction Processes, by Fire Marshal Dan Jager and Deputy Fire Marshal Sven Pearson

Fire Marshal Dan Jager said he and Mr. Pearson were present to discuss fire code, code related issues or potential issues with commercial grow operations and oil extraction processes. This is relatively new all over the country, and there is no specific fire code chapter dealing with this topic. The processing can impact multiple sections of the building codes, but their focus was only on the fire code. He spoke with the State Fire Marshal who did not have specific guidelines and other communities in Alaska have not addressed this topic yet, so the information has come from Colorado and Washington. Regarding permitting, multiple departments will be involved with
the start up, and for fire issues, there may need to be an annual or every two year inspection through the life of the business. The different types of processing involve Co2, fumigation, use of butane for oil extraction, different types of flammable gases, depending on how the system is set up. The concerns involve fire, asphyxiation, and for properly conducted businesses, there should not be significant problems, but “homegrown” businesses could be potential problems that may not be identified until there is an ambulance call. In the last year there had been three explosions in Alaska involving the use of butane fuel for the oil extraction process.

Deputy Fire Marshal Sven Pearson presented a power point presentation. The Fire Marshal is involved in the review of a change of occupancy of a building or of the plans for new construction for plan review, site inspection and issuance of certificate of occupancy. In addition, they continue enforcement and oversight following the issuance of a certificate of occupancy.

Fire inspection issues specific to marijuana establishments include establishment inspection for fire and life safety, the extraction process of THC from marijuana, Co2 enrichment processes that improve the growing of the product, and hazardous materials. Their concerns include heat, ventilation, electrical, fumigation, Co2 and egress for safely exiting and entering the building. Ideal growing temperatures are between 68 – 72 degrees. The high intensity discharge from lights is the concern due to potential overloaded circuits. If the project goes through plan review that can be addressed, but in non-licensed facilities, that can be a source of trouble. Exhaust fans are important to eliminate excess heat. Photosynthesis is needed for a successful grow and he spoke about Co2 enrichment. Co2 is also used for fumigation and killing pests as well. He showed several photos of unsafe growing conditions, including blocked exits in an attempt to secure the product inside, and maze like interior conditions without clear exit paths, unsafe chemical storage, and the use of visqueen to separate areas of growing can be fire hazards. He spoke about enforcement efforts in other communities, such as Butte County, CA, and Denver, CO. Denver allows a “closed loop system” for THC extraction or an alternative professionally engineered system.

Mr. Watson asked how a large operation was defined. Mr. Jager said it would be based on square footage, and the number of appliances or equipment.

Mr. Watson said that in order to be effective, trained enforcement officers are needed and that would be an additional need. Mr. Jager said he thought visiting other jurisdictions and working along side their counterparts would be most useful.

Ms. Gladziszewski asked if they have looked at codes for other locations for drafting in the CBJ code. Mr. Jager said Seattle and Denver have both drafted codes and they are studying those.

Mr. Satre said this is a potentially new industry but they are all components of existing industries. If we put together a process that encourages compliance through a predictable permitting system, most problems would be nipped in the bud. Mr. Jager said that was correct and many of the components were typical in use but being put together in new ways.

Mr. Kiehl shared Mr. Satre’s assessment and said training would be important to address early on so that when pre-application meetings happen everyone knows what to look for in advance. Mr. Kiehl asked if there was a way to address code issues regarding the Co2 enrichment systems now ahead of other fire code processes. He asked the Fire Marshal to consider that and provide an answer at a future time. Mr. Kiehl asked about fire concerns with home extraction
and if the existing fire code addressed these concerns. Mr. Jager said he did not think so because 1-2 family dwellings were under the jurisdiction of the building code or the residential code and those did not deal with the specific hazards. He thought the only way to address those concerns would be through the fire code, but their jurisdiction is not over 1-2 family dwellings now – it is only over multi-family and commercial properties. Mr. Kiehl asked if there were any concerns raised regarding using extractives to create edibles that were new or were those addressed in existing commercial kitchen operations. Mr. Jager said he thought it was generally regarded similarly to any commercial kitchen.

B. Law Department presentation re: Legal Basis for CBJ to License Marijuana, by Amy Mead, Municipal Attorney

Ms. Mead said research showed it was possible for CBJ to initiate a permit process directly related to marijuana establishments as long as it regarded time, place and manner, unless we moved into a business license with more regulations regarding the business side.

Mr. Satre said it appears the CBJ could create a license locally similar to a liquor license that allows the CBJ to take the license if the rules are not followed. Ms. Mead said some elements of the industry can have more impact on neighborhoods and the requirement of a license and the ability to pull a license is an easier way to get enforcement vs. a penalty or an injunction. Ms. Mead said there are provisions in the fire and building code that are addressing these issues now and whether there can be specific code sections drafted in one section vs. sporadically throughout the code, she would like direction.

Ms. Gladziszewski said centralizing the regulations in one section would likely be more helpful to those attempting to comply with the code.

Ms. White said she agreed with Ms. Gladziszewski about centralizing information in one section and starting this way with these establishments would be a good way to start.

Ms. Gladziszewski said it can have pointers to other code sections, not everything needs to be repeated.

VI. COMMITTEE MEMBER COMMENTS AND QUESTIONS

Mr. Kiehl would like presentations from Sales Tax/Treasury regarding an all cash business and a memo or presentation from the Building Official about building code issues beyond the fire code. The committee has not acted on a licensed place for people to consume, such as a club or other method, and he asked who the committee should hear from about that issue. He asked for public input as well as input from the committee and staff on that issue.

Mr. Satre said the mental health board had a first hearing and there was some discussion about premises legal for consumption and we should get something from the department of law on how it relates to the smoking ordinance.

Ms. Gladziszewski said she would like to learn more about this issue and Colorado also set that aside as a secondary issue. Can we thread the needle to have such clubs and not violate the "no smoking" ordinance?
Mr. Peters said he would like some feedback regarding the smoking ordinance. Could there be a premise with a confined space with ventilation, but with all of the smoking that is taking place on the street now, perhaps this conversation needs to start.

Hearing no objection, the committee agreed to move to a 2nd and 4th Thursday each month schedule.

VII. ADJOURNMENT

There being no further business to come before the committee, the meeting adjourned at 6:45 p.m.

Submitted by Laurie Sica, Municipal Clerk