

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes – March 23, 2020

MEETING NO. 2020-11: The Special Meeting of the City and Borough of Juneau Assembly held in the Assembly Chambers of the Municipal Building, was called to order at 5:00 p.m. by Mayor Beth Weldon.

I. ROLL CALL

Assemblymembers Present: Mayor Beth Weldon, Maria Gladziszewski, Loren Jones, Rob Edwardson, Wade Bryson, Carole Triem, Michelle Hale (telephonic), Alicia Hughes-Skandijs, and Greg Smith

Assembly Absent: None.

Staff Present: City Manager Rorie Watt, City Attorney Robert Palmer, Deputy City Manager Mila Cosgrove, Municipal Clerk Beth McEwen, Emergency Programs Manager Tom Mattice, Library Director Robert Barr, MIS Director Matt Scranton, Deputy Municipal Clerk Diane Cathcart, COVID-19 Communications staff Felicity Toney, Systems Operations Manager James Zuelow.

II. APPROVAL OF AGENDA There being no objection and no changes, the agenda was approved as presented.

III. SPECIAL ORDER OF BUSINESS – Public Participation on Agenda and Non-Agenda Items

Mayor Weldon instructed speakers on the phone and in the room that they would be limited to 1 minute per person and may address any agenda or non-agenda item during this time.

Ms. Gladziszewski called for point of order to ask about the Governor's briefing and Mayor Weldon confirmed the intent to break at 6:00 for the Governor's Briefing.

Telephonic participants

Will Kronick, Downtown resident, spoke in support of special order to hunker down. He expressed concern regarding the extensive list of exceptions and associated potential exposure, stated the essential civil right is to health and well-being and expressed thanks to all the Assembly for their work.

Erin Walker Tolles, Valley resident, Executive Director of Catholic Community Services (CCS) and United Way of Southeast Board Member, thanked the Assembly for their difficult work, concurred with statements made by Mr. Kronick. She encouraged quarantine for travelers

arriving in Juneau, complemented the work of the EOC, and encouraged the Assembly to address loss of funding for non-profit organizations providing services to the community.

Amanda (Mandy) Cole, Executive Director of AWARE, spoke to the “Hunker Down” effects on people experiencing homelessness or living in congregate shelters, the inequity that people with homes are able to isolate and protect themselves and the community, and encouraged education and quick action on the part of the Assembly in addressing the needs of the unsheltered in our community.

Dr. Mignon Benjamin, Director of Medical Services at Bartlett Regional Hospital (BRH), expressed concern regarding the ability to respond if COVID activity in Juneau spikes as it has in other locations. Medivac to Seattle is closed. Anchorage is currently available. The medical staff supports distancing for all, sheltering in place, closing all non-essential businesses based on health needs, not financial needs of community. BRH is not currently prepared, due to isolation and previous lack of need, to meet the requirements of more than one hospitalized COVID patient. Of particular concern is the lack of ventilators and the potential lack of personnel.

John Calnes thanked the assembly for their hard work and taking action, and encouraged broad communication in responding to the needs of our community.

Gwen Place requested real estate and property managers be included in the exempted list.

Mitch Nottingham, North Douglas resident, requested immediate action and complete isolation, based on his recent experience in Seattle.

Dr. Timothy (Tim) Quigley Peterson, Medical Director for Capital City Fire and Rescue (CCFR), said he was testifying as an individual and not on behalf of CCFR. He spoke specifically to Airport Screening where he recently met two planes of passengers arriving from worldwide locations experience active cases of COVID-19 and expressed great concern about the potential of spread of the disease into the community from travelers. Dr. Peterson requested stopping all non-essential travel.

Assemblymembers asked Dr. Peterson some clarifying questions. Responding in his professional capacity, he provided additional information on CCFR Cares (formerly Rainforest Recovery) which can now provide community Para medicine or care in place, based on specific evaluative criteria. He said they are only transporting to hospital as required. Community wide sheltering in place would allow time to acquire PPE and establish protocols to keep responders safe. Gowns are the current greatest need, a prototype is being created from TYVEK and community assistance in production will be welcome. Ms. Cosgrove reminded people to use the www.juneau.org COVID-19 link to volunteer.

Casey Joseph Yakovich thanked the community, first responders, and medical personnel. He acknowledged the risk that his employees are taking by keeping his business open.

Evanne Roberts expressed her concern that kids are not distancing from one another, and encouraged parents to monitor them, and the assembly to communicate this to parents.

Michael Bucy thanked the assembly and the community for their response, and suggested suspending HIPAA privacy requirements if tracing community contacts becomes necessary.

Charles Grogan expressed his belief that everyone in Juneau knows what they need to do, is already doing it, and a “Hunker Down” mandate is stomping on citizen’s rights.

Ryan Stanley thanked the Assembly for their work and hard decisions, expressed support of travel restrictions and “Hunker Down” and acknowledged the extreme nature of this situation.

Speakers in the room *[a thorough wiping of surfaces occurred between each speaker.]*

Dr. Joy Neyhart, Juneau pediatrician, 2020 Medical Staff Chief for BRH. Dr. Neyhart stated HIPAA privacy requirements have been modified to allow for community contact tracing. Dr. Neyhart provided additional information on the status of ventilators. The medical community of Alaska, on Monday, adopted Minnesota protocol for resource allocation, stating when all ventilators are being used, and another patient requires ventilation, a decision will be made to remove a patient from ventilation, acknowledging the patient removed from a ventilator will die.

Dr. Neyhart spoke to the Hecla-Greens Creek quarantine plan. If workers arrive independently, and come from non-quarantine situations, 14 day quarantine may not be sufficient, due to any co-mingling that may occur during quarantine. Dr. Neyhart also expressed concerned for the mental health of the workers.

In response to Ms. Triem’s request for more guidance on quarantining after travel, Dr. Neyhart provided general recommendations: returning traveler should use separate bathroom, separate bedroom, maintain 6 foot distance, and wear a mask in the home for two weeks. She recommended Center for Disease Control (CDC) website for specific guidelines.

Dr. Neyhart questioned what substantiated the decision that mining qualifies as an essential service. Mr. Edwardson responded that the mine produces zinc, and other precious metals required for medical technology.

Paula Terrel stated that Jerry Harmon, of Kensington Mine, communicated a different protocol for their workers who travel from out-of-state.

The meeting took a recess to watch the Governor’s Briefing on Health Mandate 010.1: International and Interstate Travel – Order for Self-Quarantine at 6pm

The Assembly meeting resumed at 6:43p.m.

Continuation of Public Testimony with speakers in the room

Charlie Williams, Valley resident, Greater Juneau Chamber of Commerce Board President, read a letter from the Chamber addressing concern that the homeless population is not socially distancing, behavior which places a greater risk on our community and medical resources, and requested the Assembly address this situation immediately with a robust and effective plan. The Chamber also suggested that public disclosure of who has tested positive for COVID-19 would allow people to respond more quickly.

Mr. Williams responded to Mr. Bryson's request for the Chamber's response to the proposed "Hunker Down." resolution. He said that businesses are deeply concerned with economic impact and also acknowledged the civic responsibility to follow the lead of the Assembly and the hard choices required by these circumstances.

Martin Stepetin, Douglas Island resident, expressed support of Resolution 2285 (b) which would provide solid direction for the community in getting ahead of the virus, rather than reacting to an outbreak. He shared the observation that Juneauites are watching the actions of the Assembly in unprecedented numbers. Mr. Stepetin hosted a Facebook poll on this resolution with over 1,000 responding in support. Mr. Stepetin responded to Mr. Smith's inquiry that 160 people opposed the resolution.

Kyle Thomas, spoke on behalf of Acupuncturists in town, requesting inclusion in the exemption list, being health care providers in the community. Mr. Thomas expressed his concern that Bartlett Regional Hospital also provides services to the surrounding communities, adding to the potential for being overwhelmed with needs. Mr. Thomas confirmed that Acupuncturists are licensed by the state. Mr. Thomas responded affirmatively to Mr. Bryson's inquiry that he had read "Attachment A" of the Alaska Critical Workforce Infrastructure document and believed Acupuncture would fall under the category "Healthcare Operation" and had communicated this to the City Manager. Mr. Thomas responded to Mr. Smith's request for a description of how services could be provided to minimize possible transmission of the virus.

Mr. Watt responded that Governor's. Health Mandate #9 specifically prohibits acupuncturists.

Lacey Wilcox, Juneau resident, President, Alaska Marijuana Industry Association, addressed comments on Facebook during the preceding assembly meeting. She said that cannabis is a therapeutic alternative to opioids and removing that resource would send people to an unregulated market. In response to Mr. Jones comments at the same meeting, Ms. Wilcox recommended changing the wording of Resolution 2885(b) Section 5 (b) replacing "marijuana dispensaries" with "licensed marijuana retailers." Ms. Wilcox also stated her understanding that item (s) would also apply to these businesses, and asked for legal clarification. Ms. Wilcox answered Mr. Smith's question of what would need to change to address the transportation complexity of the industry and stated that product is currently limited to what can fit in one carry-on personal item.

Continuation of Telephonic participants

Victoria Scharen, Valley resident, commented on the continuing gatherings of large groups of children of all ages, and encouraged creating some enforcement method to hold parents responsible.

Vikki Jo Kennedy, commented on the limited notice of this meeting and thanked the assembly for establishing a means of telephonic participation, as previously requested.

Lillian Woodbury, Valley resident, thanked the assembly for their work, encouraged Assembly to take “Hunker Down” action tonight.

Public Testimony closed at 7:06p.m.

IV. AGENDA TOPICS

Resolution 2885(b) A Resolution Mandating People in the City and Borough of Juneau Hunker Down Related to COVID-19.

As the COVID-19 pandemic spreads into Alaska, Assemblymembers raised concerns that the City & Borough of Juneau should impose additional social distancing measures. This resolution would do three things (1) order people to stay home as much as possible, (2) order non-critical businesses to close to the public, and (3) order critical businesses that stay open to comply with social distancing guidelines as much as possible. This resolution would expire in two weeks. Version (b) of this resolution reflects a revision by the makers to change the effective date.

This resolution was presented at yesterday's Special Assembly meeting and continued to today.
Assembly Action

MOTION by Ms. Gladziszewski to adopt Resolution 2885 (b) as proposed.

Mr. Palmer informed the Assembly that Governor’s updated attachment A to Health Mandate 10.1, which applies to state travel quarantine, contains similar wording to this resolution, but may contain some critical differences, potentially creating public confusion in the implementation of both.

Mr. Edwardson received confirmation from Mr. Palmer that Governor’s Health Mandate 09: Personal Care Services and Gatherings did not supersede any action on the part of the Assembly in this resolution.

Ms. Hughes-Skandijs confirmed with Mr. Palmer that Governor’s Health Mandate 09, limiting group gatherings of no more than 10 people, meant no amendment would be necessary to cover that issue in Resolution 2885 (b).

Mr. Jones questioned if there exists a state list of essential services. Mr. Palmer was unaware of any state or federal list that would limit a local body in creating their own list appropriate to their needs.

Conversation ensued regarding the differences of businesses listed between Health Mandate 010 Attachment A and Section 5 of Resolution 2885 (b).

Break from 7:19 – 7:33 p.m.

AMENDMENT #1 from Ms. Hale to Section 6 – to change the effective date striking out words “10:00 p.m. the date of the first COVID-19 case to be confirmed in the City and Borough of Juneau.” and replace it with “5:00 p.m. on March 24, 2020.”

AMENDMENT #1 passed by unanimous consent.

AMENDMENT #2 by Carole Triem to make the following changes to Section 5:

(b) add “and maintenance” between the words “construction” and “of housing,” to read “construction and maintenance of housing”

(f) change “marijuana dispensaries” to “licensed marijuana retailers”, and add “liquor stores” at end of paragraph

(g) add the word “manufacturing” to read, “Food manufacturing and cultivation...”

AMENDMENT #2 passed by unanimous consent.

AMENDMENT #3 by Mr. Edwardson to add the words “bicycle repair” to Section 5 (j) following “auto-repair.”

AMENDMENT #3 passed by unanimous consent.

AMENDMENT #4 by Mr. Smith to add “retail estate services” to Section 5(k)

Ms. Gladziszewski objected on the principle of limiting business operations to those necessary for public health, and not diluting the effectiveness of the closures. Ms. Hale and Ms. Hughes-Skandijs concurred. Ms. Triem stated work can continue from remote work locations.

Ms. Hale noted there is a numbering error in Resolution. Section 6 will be Procedural Due Process. Section 7 will be Effective Date and Duration. In response to the Clerk’s inquiry if this can be corrected automatically, Ms. Weldon replied if not, the Deputy Mayor will make such a motion.

ROLL CALL VOTE ON AMENDMENT #4.

Yeas: Smith, Jones,

Nays: Hughes-Skandijs, Hale, Gladziszewski, Edwardson, Bryson, Weldon

AMENDMENT #4 failed 2:7

AMENDMENT #5 by Greg Smith to strike and replace Section 4 to read:

Section 4. Minimize Transmission Order for Critical Businesses or Entities. All critical businesses or entities that remain open must enact significant measures to minimize the transmission of the coronavirus. Critical businesses or entities unable to enact or found to have not enacted significant measures to minimize the transmission of the coronavirus shall close their premises to the public. Significant measures to minimize the transmission of the coronavirus should include, but are not limited to adoption of telecommuting or work from home procedures, stringent hygiene and disinfecting practices, maximized social distancing, minimized unprotected contact between employees and members of the public and items or surfaces that employees and members of the public come into contact, requirements that employees stay home if sick, and prohibition of premises access to persons exhibiting symptoms of COVID-19.

Ms. Triem objected, questioning whether this would be enforceable. Mr. Palmer responded that this Resolution as a whole provides strong direction, with voluntary compliance on the part of the public.

Mr. Edwardson spoke in support of the strong wording and clear guidance provided by this Amendment. Mr. Edwardson added that voluntary compliance has not yet achieved the desired result, thus requiring all of these additional actions.

Mr. Bryson spoke on the benefit of specific actions requested, but cautioned that the wording is harsh, an “unenforceable mandate.”

Ms. Hale expressed support of the specificity of the wording and inclusion of the word “must.” She also spoke to the positive roll of the Assembly in modeling strong leadership for other communities.

Mayor Weldon spoke in support of this amendment.

ROLL CALL ON AMENDMENT #5

Yeas: Smith, Hughes-Skandijs, Hale, Edwardson, Gladziszewski, Triem, Weldon

Nays: Jones, Bryson

AMENDMENT #5 passed 7:2

AMENDMENT #6 by Greg Smith to modify Section 2:

Modify the second to last sentence by adding “monitoring for symptoms, refraining from visiting residences or participating in gatherings, staying home when sick, quarantining if possibly exposed to the coronavirus, and eliminating non-essential travel and trips to public places.” following “regular hand washing.”

Ms. Gladziszewski requested modification to correct grammar. Mr. Smith concurred.

Mr. Bryson objected that details are not enforceable, and additional words may lessen the effectiveness of the statement.

Mayor Weldon objected due to redundancy.

ROLL CALL ON AMENDMENT #6

Yeas: Smith, Triem, Hughes-Skandijs, Hale, Edwardson

Nays: Jones, Bryson, Weldon

AMENDMENT #6 passed 6:3

AMENDMENT #7 by Mr. Smith to modify Section 5 (a) to include Chiropractors.

Objections were made.

AMENDMENT #7 was withdrawn.

Mr. Smith requested clarification if private construction (not housing related) was prohibited by this Resolution. Mr. Watt stated various construction projects fall under a blend of definitions. Mr. Palmer concurred this is a nuanced question, with the overall intent being to allow continuing construction of critical projects. Mr. Watt provided a sample of his methodology and sought confirmation that this matched the intent of the assembly.

Mayor Weldon called for objections to the Resolution.

Mr. Edwardson spoke to his concern regarding the effectiveness of the resolution, particularly regarding the exemption of governmental agencies who have not yet modified daily operations. This concern did not rise to the level of an objection.

Ms. Hale stated the assembly does not have the authority to require a higher level entity to implement something in their facilities, even as the behaviors endanger members of the community. This is not the vehicle to address that concern.

Ms. Hughes-Skandijs asked the body to suspend the call for a vote to allow her to address an amendment. Will of the Body was to allow suspension.

AMENDMENT #8 by Ms. Hughes-Skandijs to strike the last sentence of Section 5 (d)

Objection by Mayor Weldon because CBJ has no control over Federal, Tribal and State agencies.

AMENDMENT #8 was withdrawn.

Resolution 2885(b) was adopted as amended by Amendments #1, 2, 3, 5, and 6 by unanimous consent.

Break from 8:37 p.m. – 8:52 p.m.

Item B. Community Response to Mitigate Social and Economic Impacts of COVID-19

On March 20, 2020 a resolution focused on social and economic impacts was presented to the Anchorage Assembly.

Mr. Watt presented the Anchorage resolution in response to Assembly request.

Ms. Triem offered to take the lead on working on this issues and requested the Assembly to direct staff to develop a Juneau specific ordinance addressing these issues.

Hearing no objections, staff was so directed.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

No additional public participation was taken at this time.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 8:55 p.m.

Clerk's Note: Special Thanks to M. J. Grande from the Juneau Public Libraries for her work on preparing these minutes for approval.

Signed: _____

Elizabeth J. McEwen
Municipal Clerk

Signed: _____

Beth A. Weldon
Mayor