

MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEETING
Conference Room, City Hall
632 West 6th Avenue

Minutes for Special Meeting of October 14, 2003

1. CALL TO ORDER

The special meeting was convened at 12:35 p.m. by Assembly Chair Dick Traini in the First Floor Conference Room, 632 West 6th Avenue, Anchorage, Alaska.

2. ROLL CALL A Quorum was achieved by Assemblymembers present:

Present: Dan Sullivan, Melinda Taylor, Fay Von Gemmingen, Doug Van Etten, Dick Traini,
Janice Shamberg, Dick Tremaine and Brian Whittle.

Absent: Anna Fairclough, Dan Kendall and Allan Tesche.

3. PLEDGE OF ALLEGIANCE The Pledge of Allegiance was led by Mr. Sullivan.

4. RESOLUTIONS FOR INTRODUCTION

A. Resolution No. AR 2003-303, a revision to the 2003 General Government Operating Budget appropriating \$125,000 from the Building Safety Fund (181) Balance for **emergency demolition services**, Development Services Department. P.H. 10-21-03.

1. Assembly Memorandum No. AM 798-2003.

Chair Traini opened discussion with an explanation of the building in question, formerly the Alaska Trapline and Escort Service, located at 702 W. 27th Avenue in Anchorage, Alaska. This building was scheduled for municipal demolition in 2004. A fire, which erupted on the night of Saturday, October 4th, caused substantial damage to the property. Chair Traini read the Charter which defined an emergency as follows: "an emergency means an unforeseen occurrence or condition which results or will result in insufficiency of services or facilities or has been determined to be a major concern for public health, safety or welfare."

Chair Traini asked Mr. Mike Abbott, Mr. Denis LeBlanc, Mr. Ron Thompson and Mr. Fred Boness for their definitions and professional opinions of the burned building. Chair Traini asked if this burned building met their definition of an emergency. He asked if this burned building was a hazard to the public, specifically if a person entered the premises, could the building fall down and kill them. Mr. Boness responded that this building does meet his definition of emergency and it is a hazard to the public.

Chair Traini reread the Resolution No. AR 2003-303, with the revisions for action. Chair Traini called for a motion to change this agenda item from a Resolution for Introduction to a Resolution for Action item.

4.a RESOLUTION FOR ACTION

A. Resolution No. AR 2003-303, a revision to the 2003 General Government Operating Budget appropriating \$125,000 from the Building Safety Fund (181) Balance for **emergency demolition services**, Development Services Department. P.H. 10-21-03.

1. Assembly Memorandum No. AM 798-2003.

Section 1. The sum of One Hundred Twenty-Five Thousand Dollars (\$125,000) is hereby appropriated from the Building Safety (181) Fund Balance for emergency demolition services.

Section 2. This resolution shall take effect immediately upon passage and approval by the Anchorage Municipal Assembly.

Assemblymembers Tesche and Taylor.

Mr. Sullivan moved, to approve Resolution No. AR 2003-303.
Mr. Tremaine seconded,

Though all Assemblymembers were not present, Chair Traini explained that a quorum and a defined emergency would qualify the actions of the Assembly to be a legal meeting. The Assemblymembers who were absent from the meeting must sign a waiver declaration, or required notice, and this must be presented to the Assembly either before or after the scheduled meeting. Chair Traini explained their waiver must be attached to the Assembly action.

Mr. Tremaine described this emergency circumstance as most unusual and most appropriate for government action. He stated that the procedure of the motion, including the introduction, action, description of emergency and all related procedures be documented for legal qualification.

Mr. Boness said that the Code and Charter provisions provide for introduction and adoption of emergency ordinances at the same meeting. Ms. Shamberg stated that the Municipality should have a recovery mechanism in place. Mr. Abbott commented that it was the Administration's intent to place a lien on the property for the amount of expended moneys to demolish the property to protect the public from personal injury, before, during and after the demolition is complete. In response to Mr. Tremaine's question of billing the costs, Mr. Abbott responded that the Administration will explore foreclosure options to see if they are available.

Mr. Tremaine asked for a history of the actions that have been taken on this issue to date. Mr. Boness said there is generally a required Public Hearing on amounts of funding over \$100,000. This issue has been considered an emergency provision under the Charter, which allows emergency provisions to be introduced and adopted at the same meeting. Mr. Tremaine explained it is the peoples' concern to take this building down if the private owner did not act. Mr. Thompson responded that two years ago they had a fire and at that time the AFD declared it a nuisance, a danger and a hazard. The owners were notified and did not respond. The Municipality followed legal protocol and issued a final warning letter, saying if the owner wouldn't take care of the problem associated with this building, the Municipality would take over responsibility. For the past two years the building has remained on the Municipal list for demolition, due to its history and warnings issued. On October 4, 2003, another fire broke out in this same building. The AFD chose to fight the fire defensively due to the uncertainty of the stability and extent of damage of the second story floor. Subsequently the building roof collapsed and much of the second story. The building was in imminent danger of total collapse. While the building had been secured with a perimeter fence, with a 24-hour guard to keep the public out, the fence could be easily compromised and allow access to a dangerous property. The AFD estimated the expenses of having a two-person, 24-hour guard on the premises at \$1200/day. Code Abatement had been tried unsuccessfully for the past two weeks to find the true owner of the property. The ownership is convoluted, with corporate ties through different properties and different owners. The title is difficult to decipher. It is the intention of the Municipality that the owners of this property be responsible for the costs of demolition of the remaining structure and for the costs of barricading and guarding to protect the public.

Mr. Sullivan asked for an explanation and description of the declaration of the emergency and the status of the set Public Hearing. Mr. Boness responded that the Mayor does have the authority to declare an emergency, though this was unclear if this had to be in writing. The Administration stated they would find if this authorization needed to be in writing, and who needed to sign it. Chair Traini agreed that the legalities needed to be pursued and he volunteered to be the authorized signer.

Mr. Abbott suggested an appropriation of \$95,000 to cover costs, and to seek additional funds at a later date, if needed. Mr. Thompson stated that this would go out to bid, hopefully to be awarded in 36 hours. It would not be sole sourced.

Mr. Sullivan moved, to amend AO 2003-303, changing the
Mr. Tremaine seconded, appropriation from \$125,000 to \$95,000.

Mr. Boness proposed making this an EO, or Emergency Ordinance. During a ten-minute break the Administration prepared the new resolution. Ms. Taylor left the meeting at 1:10 p.m. Chair Traini read the proposed, new EO 2003-01.

- B. Resolution No. EO 2003-01, a revision to the 2003 General Government Operating Budget appropriating \$95,000 from the Building Safety Fund (181) Balance for **emergency demolition services**, Development Services Department. P.H. 10-21-03.
1. Assembly Memorandum No. AM 798-2003.
- Section 1. Pursuant to Anchorage Municipal Charter 10.03, the Assembly makes a specific finding that an emergency exists requiring appropriation of funds for emergency demolition services.
- Section 2. Pursuant to Anchorage Municipal Charter 10.03, testimony has been taken, on the record, detailing and confirming the facts leading to an emergency ordinance, including the partial destruction, by fire, of a building located in the Municipality of Anchorage which may imminently impact the health, safety and welfare of the citizens of the Municipality.
- Section 3. The sum of Ninety-Five Thousand Dollars (\$95,000) is hereby appropriated from the Building Safety (181) Fund Balance for emergency demolition services.
- Section 4. This emergency ordinance shall take effect immediately upon passage and approval by the Anchorage Municipal Assembly.
Assemblymembers Tesche and Taylor.

Chair Traini asked for a motion to approve this substitute resolution, changing the appropriation to \$95,000 from \$125,000. Mr. Tremaine made a friendly amendment and it was seconded by Ms. Von Gemmingen, to correct the spelling of "OPERATING" in Line 1 and to change "Charger" to "Charter" in Line 11. And that motion was approved unanimously. Chair Traini called for a vote on EO 2003-01.

Mr. Tremaine moved, to approve amended EO 2003-01, to substitute
Mr. Von Gemmingen seconded, for AR 2003-303.
and this motion passed,

AYES: Whittle, Von Gemmingen, Traini, Van Etten, Shamberg, Tremaine and Sullivan.
NAYES: None.
ABSENT: Fairclough, Kendall, Tesche and Taylor.

Mr. Sullivan stated that the Agenda of the Special Meeting is now drastically changed from the original Agenda and he wanted to know the process of votes required to pass items when members are absent. The Administration responded that six votes are required to pass a vote, or three-quarters of everyone on the Assembly. The Administration responded to Mr. Tremaine's question of the building's ownership and taxes, that Land Trust Six, a corporation of Edison Commonwealth, Inc., associated with Monte Walter Milwicz, and Berkley Tilton are all listed in association of ownership, with Land Trust Six having paid the most recent property taxes.

The Administration promised to search for answers to the foreclosure and property lien options. Mr. Tremaine pointed out the reason the Administration is involved is because of the safety concerns, the expenses of guarding and the expenses of demolition.

5. ADJOURNMENT The Municipal Assembly Special Meeting adjourned at 1:30 p.m.

Mr. Sullivan moved, to adjourn this special meeting.
Mr. Tremaine seconded,
and this motion passed unanimously,

(CLERK'S REMINDER NOTE: ATTACH WAIVERS FROM ASSEMBLYMEMBERS ABSENT)

DICK TRAINI, Assembly Chair

ATTEST:

BARBARA GRUENSTEIN, Municipal Clerk

Date Minutes Approved: _____, 2003
BG:MC