JOPLIN | BUILDING BOARD OF APPEALS

Building Board of Appeals

Meeting Minutes

August 25, 2023

Call to Order

Mr. Denham called to order the regular meeting of the Building Board of Appeals on August 25, 2023.

Roll Call

Mr. Denham conducted a roll call. The following persons were present: Kyle Denham, Garret Wagner, Lance Windsor, Steve Brown, Assistant City Attorney Jordan Paul, City Building Official Jeff Oliver, Bryan Wicklund and Administrative Assistant Vicky Copeland. The following persons were absent: Christopher Tucker, Gary Duncan and Michael Wicklund.

Motion to Excuse

Mr. Windsor made a motion to excuse Mr. Christopher Tucker, Mr. Gary Duncan and Mr. Michael Wicklund from the August 25, 2023, Building Board of Appeals Meeting. Mr. Wagner seconded the motion. (4 Aye, 0 Nay, 3 Absent) Motion carried.

Approval of Minutes

Mr. Windsor made a motion to approve the Building Board of Appeals minutes from July 28, 2023, and Mr. Brown seconded the motion. (4 Aye, 0 Nay, 3 Absent) Motion carried.

Continued Items

Item 2985, 130 S. Moffet Ave.

Alan Grace appeared for the owner of the property at the meeting. He stated the clearing out of the property should be completed by the weekend so he could get in to begin the work. She had complied a list of sub-contractors. The sub-contractors she worked with were also on her commercial job. Mr. Oliver stated he spoke with Ms. Stephens earlier on the phone. He asked if she was planning on having her permit in place by the next meeting. Mr. Grace stated that was their goal. Mr. Oliver stated obviously it was up to the Board and this property had been on the agenda for quite some time so it would be good to get the permit in place and start seeing some progress. Ms. Stevens stated she had her trades in place and then she would be pulling the permit. She said she would have the permit in two weeks. Mr. Denham stated this was the 14th time this property was on the agenda and that represented a year and two months and he thought they were ready to have a dangerous building hearing. He said they wanted to see some action and he doesn't know that much has happened since the last month. Mr. Denham stated the next meeting was September 22nd and they wanted to see a permit and something going on. Ms. Stevens said, understood. She stated she did not purchase this home until November, and she was not made aware of it by her realtor that this was on a demolition hearing until people came to her house and made her aware. She stated she understood their time frame and what they were saying. She said she would have the permit and they would see significant improvement one room at a time. She stated she promised the Board at the last hearing that she would be here. She promised Jeff Oliver communication and she called him yesterday. She stated she does what she said she would do. She would have this significantly moving forward. It had been challenging losing that much material so she hoped they would understand. She was doing everything possible. Mr. Oliver stated her contact with her sub-contractors have they given her any kind of timeline. Ms. Stephens stated she was three months ahead of schedule on her job site. If she could maintain her schedule they would see if they could fit her in. Mr. Denham asked if there were any other questions or comments. **Mr. Windsor made a motion to continue Item 2985, 130 S. Moffet Ave. to the September 22, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Wagner. (4 Aye, 0 Nay, 3 Absent) Motion carried.**

Item 2986, 302 S. Connor Ave.

Item 2987, 306 ½ S. Connor Ave.

Levi Babb, Blue Shutter Investments, owner of the properties was not present. Mr. Oliver asked the Board to continue until next month's meeting. He stated the owner had made some progress on those structures. Mr. Denham said the windows had been put in and the owner had torn out the north wall on the building in the alley. **Mr. Wagner made a motion to continue Item 2986, 302 S. Connor Ave. and Item 2987, 306 ½ S. Connor Ave. to the September 22, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Windsor. (4 Aye, 0 Nay, 3 Absent) Motion carried.**

Item 2990, 801, 803, 805 W. 1st St.

Four Winds Restoration, owner of the property was not present. Mr. Oliver stated they had been making progress. Mr. Oliver asked for the Board to continue based on steady progress being made by owners. **Mr. Windsor made a motion to continue Item 2990, 801, 803, 805 W. 1st St. to the October 27, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Wagner. (4 Aye, 0 Nay, 3 Absent) Motion carried.**

Item 3002, 301 S. Winfield Ave.

Ipolito Lopez, 301 S. Winfield Ave., Joplin, Mo. appeared on behalf of the property. Ms. Barbie Richardson, City of Joplin, acted in a giving capacity as interpreter for Mr. Lopez. Mr. Lopez stated the roof and deck had been completed this week. He stated he completed the roof and the windows. He said he would be ready for a foundation inspection. Mr. Denham asked what the plans for the backside of the structure were. Would it be a porch or another room. Mr. Denham asked if it would be an enclosed room or just a porch. Mr. Lopez stated the porch would be in front and the back would be a room. **Mr. Windsor made a motion to continue Item 3002, 301 S. Winfield Ave. to the September 22, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Wagner. (4 Aye, 0 Nay, 3 Absent) Motion carried.**

Item 3010, 1116 S. Jackson Ave.

Patrick Stone, owner of the property was not present. Mr. Oliver asked the Board to continue this item. The owner had failed several framing inspections, but he was diligent and trying to work through it. **Mr. Windsor made a motion to continue**

Item 3010, 1116 S. Jackson Ave. to the September 22, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Wagner. (4 Aye, 0 Nay, 3 Absent) Motion carried.

Item 3011, 911 W. B St.

Phillip Bentz, Neosho, Missouri represented the property. Mr. Bentz stated the roof was completed this last month and the inside was 95% gutted. He said they would be fixing the sub floor issues this week. Once that was complete, they would have a framing inspection. Mr. Oliver stated he did not believe they would have to replace all the soffits, just open a place to see how it was fastened. Mr. Denham asked for a rough idea for completion. Mr. Bentz stated depending on the subs. He estimated in the next 10-12 weeks depending on the subs. Mr. Oliver stated Mr. Bentz has had the permit for months and he was just now engaging with sub-contractors for quotes. Mr. Bentz said they had to wait for the property to be gutted. Mr. Denham stated they would like to see this property off the agenda. **Mr. Wagner made a motion to continue Item 3011, 911 W. B St. to the September 22, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Windsor. (4 Aye, 0 Nay, 3 Absent) Motion carried.**

Item 3015, 117 S. Byers Ave.
Item 3016, 121 S. Byers Ave.

Dustin Mellies, 1027 S. Main, Suite 330, Joplin, Missouri represented the property. Mr. Mellies stated progress had been minimal the past couple of months, but they were moving forward. He said they had failed multiple framing inspections. Conversations with Tim last week indicated they were very close to passing that framing inspection. He stated they have all the joist work done they need to replace, all the rim joists. They have anchored down the whole building because it did not have any even the old stuff. He said he did not know how the building sat where it sat. There was nothing anchoring it to the foundation. Mr. Denham asked if the structure was built on site or moved to the site. Mr. Mellies stated he still did not know the answer to that. He said they have raised some footings and put some push piers in and replaced lots of joists. He said the guys who are installing some of the windows they need to reframe windows in one building, and they are scheduled to begin working on Monday. Mr. Mellies stated he was optimistic that they can call Tim out after and pass the framing inspection and get this place sided and windowed. The architect had sent everything off to the engineers so he was hopeful they would have a full-blown set of drawings soon. He stated he had an updated schedule he could present to the Board. The past three

months show blank, but they were hoping for an end of the year finish, but it was looking like more of a February 2024 completion date. He presented an updated schedule to the Board. Mr. Denham asked how long he thought it would take the engineers to finish up their portion. Mr. Mellies stated he did not have an answer. He tried to get that answer before the meeting, but the engineer had not gotten back with him yet but hopefully soon. Mr. Mellies stated they had a preliminary version. Mr. Denham asked if the building remained secured. Mr. Mellies stated yes. Mr. Windsor complimented Mr. Mellies on the work completed, the work schedule provided and their continued efforts. **Mr. Windsor made a motion to continue Item 3015, 117 S. Byers Ave. and Item 3016, 121 S. Byers Ave. to the September 22, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Brown. (4 Aye, 0 Nay, 3 Absent) Motion carried.**

Item 3026, 2611 S. Pearl Ave.
Item 3027, 2617 S. Pearl Ave.
Item 3028, 2621 S. Pearl Ave.

Jeremy Brown, 502 S. Pearl, attorney for Mr. Papen spoke on behalf of the properties. He thanked the Board for taking up the request to reconsider the demolition order. Mr. Brown wanted to apologize for not being at the last meeting. He stated he believed he and his client had been noticed but he stated the notices he received did not indicate you would actually set this back in motion for a demo hearing. He said he saw them as progress reports. He stated he understood the July 28th hearing to be a simple progress report and there was also miscommunication between him and his client. He wanted to apologize for the delay. As for the delay in progress and where they are out today, he needed to tell the Board a few things that happened. He stated in December 2022 he appeared, they talked, and the Board extended the building permit. Mr. Brown's understanding was Mr. Papen did placard the permit or submit the plans on July 26th just a couple of days before the hearing. The City rejected those plans because of an alley issue that needed repaved and some storm water issues that needed to appear on the plans. Those were new issues. He stated he believed prior plans that had been approved or permits approved those had not come up. He said so if the Board would be willing to take off the demolition order and reconsider that we would intend to engage Anderson Engineering to get those plans updated and get back with the City. In talking with Mr. Bryan Wicklund once those two things are done the permit should be able to be issued. So, that has been the delay. Getting everything done to get the permits issued. Another issue that had come up just this week while he was speaking with Mr. Bryan Wicklund was they did not have any of the lead testing that was required. They have since tracked that down and provided Mr. Bryan Wicklund that information. That was all good. Mr. Brown stated he wished he was here today because he could confirm

once they get the two issues raised in the July 26th letter addressed it was his understanding the permits could be issued. Again, all these issues are things that came up after the December 28th issue. He stated he knew there were probably delays on their part as well. Beyond that he was not sure when he thought the application was due by March 1st and he was guessing that did not happen. He said background with his set of things Guarantee Bank is involved in this as well as well as his client's lender. They are patiently waiting as they had instituted foreclosure proceedings. They were waiting to get this done. They do not want foreclosure and he doesn't think the City would want that either. Mr. Papen's lender is on board. He stated he had seen a letter that financing was approved. He said he thought they would be able to continue the process. They just need to get this permit done so they can get out there and get started. Mr. Brown stated as you are aware if you do not reconsider his only choice was to file a Petition for Judiciary Review. He said that would not speed up the process whatsoever it would just continue things in that realm. Everything would be stayed here. We would still not have a building to approve, and we don't have a building demolished. He requested a continuance and asked for the property to go back to progress reports. He would assure that one of them would be there at the meetings in the future with an update. Even if they were still waiting on the engineer or the architect. Mr. Brown stated Mr. Papan was present if they need a more detailed report of permit issuance on as to his timeline. Mr. Brown stated he thought he could speak about that. He said they were waiting on the building permit to be issued. As soon as they are given the go-ahead Mr. Papan would hire Anderson Engineering and get that part accomplished. Mr. Denham stated that at the July meeting neighbors showed up and they voiced frustration over the situation and spoke to the Board quite a bit explaining the difficulties this site had imposed on this neighborhood. He stated that was one of the reasons why he and some of the other Board members pursued the demolition of the one structure. The structure had been left out in exposed weather for how many months, well over a year. He stated he knew there had been some decay on that sheathing. It was not meant to set out in the elements for that length of time. It was designed to sit on there for a shorter period of time. Mr. Denham stated there were some Board members that wanted to demo the slabs as well. That was the point they were at on this project. Mr. Windsor asked if there had been a pre-development meeting with the City. Mr. Oliver stated yes there had been. He was not a part of those meetings, but he does know there had been meetings. Mr. Windsor stated he thought some of these issues they were running into now are typically brought up in those pre-development meetings. They have people who specialize in storm water issues and could address that in the pre-development meeting. Mr. Brown stated he had an email from the architect that confirmed this was the first mention of the issue. He received the July 26th letter from the City. It was from Chris Parker. An email stated the City had rejected the engineering plans and the runoff issues were items not specified the first time around long ago. This was years ago and had been in the works. It was originally

J.Pearl who got the building permit and was doing this. Mr. Denham asked if there was a pre-development with the new owner that was the question. David Papen, 318 E. Spring St., Joplin, Missouri stated yes, there was a pre-development meeting and none of these issues came up. Mr. Papen said in fact they had found many other issues that they worked through all ready with planning and changing of the plans. And there were some differences just between the time Cathy did her review and when Rick Woods did his second review. He stated there had been several things that have come up and several things they had to change that did not come up in the plan review. Simply because it was an approved plan before and now, so they didn't look at it at that depth. Mr. Denham asked aren't you changing the scope between the first time and this time. Aren't you trying to add more units. Mr. Papen stated they intend on doing that later however right now they are focused on getting these site plans done and getting these things back on track to pull a permit. So, we are looking at adding more buildings to the property and everything else. Right now, they are focused on getting these done and getting the public nuisance handled and making this happen. But yes, the new buildings will have higher density. Not these buildings we have already done, that is something later on. Mr. Denham asked so the one that is already framed is a structure. Mr. Denham asked if it had a roof or is it decking. Mr. Papen stated it was a decking. Mr. Denham stated so it has no roof covering at all and all these months it has been exposed to the elements. Mr. Papen stated no, sir it has roof covering. Mr. Denham said it does have a roof. Mr. Papen said it has ice and rain shield on the top. Mr. Denham stated that was under roof, that was not really a roof. Mr. Papen stated yes but it was protected from the weather, and it also had a zip sheathing on the outside. Mr. Denham stated he understood but even zip sheathing was not intended to be exposed for over three months. He said it had been over two years now. He stated it was the same way as ice and water shield. It was not intended to be exposed to the elements only temporary until the roof could be put on. Mr. Papen stated he agreed but he was taking it over and you see what I am saying. He said he was taking the project over from where it was and not doing anything to where it is now. They would tie back over the zip. They would put that new piece in. Mr. Papen stated he went and looked at the project inside and out and there are boards out there on the outside that are protecting the rim boards that go all around. The inner boards have no rot. The first floor has treated lumber and he does not see any rot in there on the floor like everyone was worried about. He stated he would be happy to walk anyone through the structure that wanted to go inside there but they look very good considering how long they have been sitting there. So, they will have an engineer review those as well as the City would inspect those before they cover those up. And anything that had to be changed would have to be changed. They had already acknowledged with Mr. Bryan Wicklund that they would do that. Mr. Oliver asked if they were wanting to change the footprint of the plans that have already been submitted. Mr. Papen stated absolutely not. They were not changing the footprint at all. But they were going to have to do some work on the

#1 and #3 slab but #2 slab was perfect. The one that the Board issued a demolition order on is perfect. There are some water line issues on #1 and #3 but #2 was absolutely perfect. Mr. Oliver asked if they had closed on the property yet and was the property in his name. Mr. Papen stated they had to get this off. The other thing they ran into was the lot lines were going underneath the buildings. So, the lot lines were part of what Anderson Engineering needed to do for us to close. They need to vacate those lot lines and make it one big lot as opposed to two separate lots. Right now, the bank will not close it because of those lot lines running through the buildings. So, the first set of plans the City never required those lot lines redone so they have built these buildings across lot lines. Mr. Denham stated that is not an issue if the owner owns the property on both sides. Mr. Papen said it is with the bank. Mr. Denham stated it was not for the City and it was done all the time. Mr. Papen stated he understood but the lender. Mr. Denham stated that was between him and the bank. Mr. Denham said we had a special meeting in December eight months ago just so this could get moving and he had not seen any progress at all. Mr. Denham stated that was the reason they ordered it demolished. Mr. Papen stated he would like to speak to that. He said there had been lots of progress in the sense that they had a lot of engineering and a lot of evaluation. They have had those slabs evaluated. They brought out several of the walls and they were actually getting going on it whenever they found out this other information. So, they have had every one of the from mechanical, electrical, and plumbing have all been to the site. They have broken it up for them to get their evaluation of the building to put these plans together. All of this stuff takes time. Most of these guys are scheduled out 4-6 weeks of lead time waiting to get into their schedules. They are super super busy. Mr. Papen stated they have actually since then the main thing they did was safe and secure the site. They have put cameras up. He can pull a camera up on the site right now on his phone. He gets notices. He knows when Bryan walks out there. Bryan would tell you that he can literally follow him. When Bryan was out there, he was watching the cameras. There is power on the site now. They have cameras on the site now. They have a secured site and he thought that was infinitely better than what they had before. Mr. Paul stated he thought what the Board was asking was when Mr. Papen would close on the property. Mr. Papen stated he would close as soon as the lot line. Mr. Paul said that was not an answer. Mr. Paul stated the Board was asking for a specific period of time. Mr. Brown stated the problem with not giving an answer was that they had to have the permit issued first and that requires today that the Board reconsidered, Anderson Engineering to redo the plans and we get the building permit. Mr. Brown said from there it was his understanding to get the two extra buildings, they were already built they were prefab buildings brought in from outside. They are built. Mr. Papen stated yes. Once they come on site that is when we close. Mr. Brown stated they could not give a date because of the building permit. From the building permit issuance. Mr. Papen stated it would take them less than 30 days to close. That was their mark. He said they must get the building permit

to do the close. Mr. Paul stated he thought that was their other question. What is going to happen between now and the closing. It sounds like that is the building permit and. Mr. Brown stated if the Board reconsidered today, he would instruct Mr. Papen to go over to Anderson Engineering today to get that contract signed and get them paid so they can get started on the engineering plans. He stated he believed when that is done it must go back to the architect for him to sign off and do a few tweaks. He is ready to go on that. So that is all that can happen behind the scenes. He stated that was one of the hang ups. He would have had a permit in July had it not been for these new issues that came up from the City. He said not to put any fault with you or on us or miscommunication. There would have been a building permit in place at the last meeting had that issue not come up two days before. He said he could not give a date, but he can structure it based on the issuance of the permit. Mr. Brown stated he thought Mr. Papen was an optimist on things and tries to give best case scenarios. Mr. Brown said 30 days would be quick to do that. Mr. Brown thought theatrically when the buildings are on sight the lender is going to want to inspect that then you have probably 30 days to close. He would expect it to be another 60 days. Building permit potentially 30-45 days to get the buildings on site and then 20-30 days to get normal title work and all that stuff updated. The title company, Great American Title, was already on board. They have title work done and all they have to do was update it. Mr. Brown stated all the pieces were in place. Just one thing after another kept coming up. Mr. Paul asked what the plan was if they were unable to close. He asked what the contingency plan was if they were unable to close for whatever reason. Mr. Brown stated he did not know if there was a contingency plan. He said he assumed at that point the bank would foreclose. They have been waiting patiently just like you have. He stated his understanding was there should not be any issues once the permit was done. The buildings are ready, and it was just a matter of getting them on site. He provided a letter from the lender that stated financing was approved and it was updated yesterday. He did not expect any problems. Mr. Brown stated he thought it would be foreclosure to be honest. Mr. Paul stated what he was really asking was Mr. Brown's client, not Mr. Papen, your client's intent if the sale doesn't go forward is not to do the work himself. Mr. Brown stated he did not believe so. The bank was not going to lend any more money to get it down. Mr. Denham stated he was a little confused if the demolition order proceeded then they were walking away from the project. Mr. Brown stated no, he was preparing a petition for Judiciary Review to appeal. He would be asking the Court to reconsider the Board's decision. Mr. Denham said assuming they don't approve or reconsider it are you walking away. Does this whole project hinge on not tearing down the one structure that was built was his question. Mr. Papen and Mr. Brown stated yes, they think it does. Mr. Brown said if it gets demolished it would be a totally different situation. Mr. Papen stated that was a significant portion of costs that would push the project into being nonviable. Mr. Denham asked if there were any other questions from the Board. Mr. Denham asked if there was anyone from the

neighborhood that wished to speak on this issue. Mr. Denham stated the Board was looking at three items and one of them had been demolished so at this point they could either put a stay on the demolition or keep the demolition in place. Also consider the other two that have concrete slabs as separate. Mr. Paul said sure, and Mr. Brown reached out to him this week and discussed this matter and Mr. Paul's thought was if they had some kind of issue with the notice that was given he thought it was probably maybe more expedient and cost effective for everybody if the Board does not want to grant a stay to still set it aside and have another demolition hearing understanding there was going to be another demolition hearing in 30 days from now and there would not be any notice issues in any record before the Court. Mr. Paul stated he did not know if he agreed there was any sort of notice issue now, but he does think that most Courts are inclined that we would not do a default hearing when the parties are not present. Mr. Paul said so even if you do not want to give them a stay, he would still consider setting it aside and setting it for a demolition hearing 30 days from now. That way he thought if there were any kind of appeal it would be much less likely to be successful if that made any sense at all. Mr. Denham stated yes it does but was the notice worded any different than all of the other notices we send out each month. Mr. Paul said no. Mr. Denham stated then they have been through Courts before. Mr. Paul stated they have. Mr. Paul said he does not know if they have ever fought about the specific language of the notices, and he was not saying they could not defend against them. Mr. Paul stated he thought they were okay, but he thought a lot of Courts would say people should have the opportunity to be at the hearings. Mr. Denham stated they had the opportunity. Mr. Paul said he knew. Mr. Papen stated he was actually not noticed. Mr. Denham said pardon me. Mr. Papen said his notice went to an address on Roosevelt. Mr. Paul stated Mr. Papen was not entitled to a notice because he was not an owner. Mr. Papen said he understood. Mr. Brown stated for clarity here was the issue about the notices. Jordan is correct. Mr. Brown said he got the exact same notice every time. He never received a notice that stated the Board would be publishing and going forward with an actual demolition. The notice read for demo and progress hearing. He believed a separate notice was sent to his client and not received was March 8 by Jeff that said hey this is up for a demolition hearing and if you are not here we were going to publish it and all that stuff. Mr. Brown stated he did not get that notice and that would be the legal issue. The attorney did not get it and got a different notice. Mr. Denham said every time we make a Motion, we clearly say it is for a progress report and demolition hearing for the next month. He stated it was pretty clear. Mr. Brown stated he respectfully disagreed. To him a progress report and a demolition hearing are two things. Mr. Denham said it was mentioned the same time in every single Motion. Mr. Windsor stated how could you not know it was for a demolition hearing when it read for a progress report and demolition hearing. Mr. Windsor said it says that. Mr. Brown stated there were requirements of notice beyond that. He was making that point. Mr. Brown said he was not suggesting what the Board sent to his

client by certified mail may or may not have been acceptable. He was simply stating that what he got, he personally came here on December 28, 2022. He said no notices he ever received were specific about a specific demolition hearing. That was all he was pointing out. He did not want to argue with semantics. He said that was an issue that he did not think either of them wanted to go make new law on. They would just rather get this continued or stayed put out 30 days and hopefully come back in 30 days and have Anderson Engineering on board or maybe have the permit issued in 30 days. Mr. Denham asked if there was a 30-day window for appeals after the Board makes the motion for demolition. Mr. Paul stated yes. Mr. Denham asked if we were beyond that. Mr. Paul said he did not know if we were beyond the 30 days from the findings of fact. Mr. Brown stated it was signed on August 3, 2023. Mr. Brown said he was prepared to file today because 30 days would expire over the weekend from the 28th the day of the meeting. Mr. Papen stated he would prefer a stay and the reason he was saying that was he would have to lay out a significant amount of cash and he was putting a more significant amount of cash at risk. Based on whether or not it was going to get approved or not he would feel more comfortable laying out that cash to Anderson Engineering if he knew he had a significant window of opportunity to get this done. The Board putting it off for 30 days scares him in a sense that he had to worry about in 30 days he would have laid out those funds for nothing. Mr. Brown stated the most they could hope for in 30 days was to have a permit. They have Anderson on board, and he was not sure how long that was going to take. Mr. Brown said his hope was they had everything to Mr. Bryan Wicklund's office so they can issue a permit and they can come back and say yeah, we have our permit and then they can have a more firm timeline. He said he understood Mr. Papen's point for him to shell out additional money to Anderson Engineering to only come back in 30 days and have the Board say it is demolished. That does not really give them good faith. Mr. Brown said if it is completely redone, he assumed at the next hearing they could start the process again for a formal demolition hearing and go through publication and all the stuff that is required. He does not know the timeline. Mr. Paul stated it would be us telling you today there was going to be a demolition hearing in 30 days from now. Mr. Brown said at the next meeting you could do that as well, correct. Mr. Paul stated yes sure. Mr. Oliver asked Mr. Bryan Wicklund to fill them in as to where the permit is as far as ready to issue. He said there had been some changes to what they were wanting to do. Mr. Bryan Wicklund said it sounded like they already had. Mr. Bryan Wicklund stated they were still waiting on actual drawings. The two slabs, the floorplans and the lay out are changing some and so they are getting those drawings together. He stated he knew there were some storm water things that needed to be drawn up. They were working on those so at this point they were still waiting on more documents from them. He stated that a couple of days ago they were waiting on a lead test on the soil, and they have provided those documents. There are more documents that need to be turned in before they could do a full land review. And then depending on whether they have comments to send out

and amendments that need to be made. Just that plan review usually would take three weeks. They might be able to speed it up just a little but that is for the Fire Department, Building, Engineering, and everyone to do their reviews. He said if there are any comments that need to be made and changes then it is common to go back and forth for a little while to get those things corrected on the drawings. Mr. Bryan Wicklund stated he would agree moving as fast as possible 30 days from today the site itself probably would not look any different. He said he wished those plans had been worked out two years ago. Mr. Brown asked Mr. Bryan Wicklund that he mentioned the Fire Department had they already seen these set of plans. It was his understanding was that they had been approved and that Engineering was the only department that had issues with the plans. He said he understood they needed to go back once they have a different set of plans, but it was his understanding that all the departments had made their comments and adjusted, and this was the final issue that popped up. Mr. Bryan Wicklund stated based off the project the three projects moving forward exactly like they originally started, yes. Mr. Brown asked what the tweaks to the floor plan are. They are not changing the slab any. Mr. Bryan Wicklund stated he did not know if they were changing the slab any, but he knew he was changing the number of units. Mr. Papen said they had elected to change the number of units on the future buildings but not on these three. Just to keep the things the same moving forward. He stated he thought there were some alterations that needed to be made on slab #1 and slab #3 to accommodate the water and sewer where they come up. Mr. Papen stated that once this thing goes through to submit plans for other buildings that would be on the site as well. Actually, on a different site in there. Mr. Oliver asked Mr. Bryan Wicklund if engineering would be signing off if there was a delay on the water issues. Mr. Oliver stated the footprints or the plans that he had turned in are not changing now. Mr. Bryan Wicklund said the footprint might not be and he does not know of any concerns the building or fire department would have. He stated it was one thing if they just choose to move forward with the old set of plans then he was confident saying everything should be fine. He said he knew engineering had their storm water and that was probably the only hold up. He stated if the floor plan was changing at all, if anything was changing, he could not anticipate what issues there may be. He said he did not think there would be any, but he did not know. Mr. Denham asked Mr. Bryan Wicklund if he had the opportunity to go inside the one that was an actual structure. Mr. Bryan Wicklund stated he had never been inside. He was actually on site the day they were delivering the structure and spoke with Mr. Papen a little bit, but he did not go inside. Mr. Denham asked about the condition of the wood framing that had been exposed many many months. Mr. Bryan Wicklund stated he would be curious. He had visited the site one time probably six months ago or more. It had not rained in quite a while and there was water seeping out from inside the structure. He said he was curious as to what had gone on in there. But he knew there were some laminated beams that look like they have weathered poorly. However, after talking with Mr. Papen

those were temporary to hold everything together while they were moving the structure and not really intended to stay there permanently anyway. Mr. Bryan Wicklund stated he did not know if there were any structural issues. Again, he stated he had not been inside. He said at one time Mr. Papen stated he would have the structural engineer look at the structure that was there just to review everything. Mr. Bryan Wicklund stated he would feel better with that for sure. Mr. Denham said he believed it originally failed framing. Mr. Bryan Wicklund stated they did an inspection when it was in the factory and had some corrections that needed to be made framing wise. How the pods were going to be fastened together. Electrical wise. They have not reinspected those to see if those were addressed or not. Mr. Denham asked if there were any other questions or comments. Mr. Denham stated there would probably need to be two different motions. One for Item#3026 and #3028. He asked if there was a motion to continue those two items. **Mr. Wagner made a motion to continue Item 3026, 2611 S. Pearl Ave. and Item 3028, 2621 S. Pearl Ave. to the September 22, 2023, Board of Appeals meeting for a progress report and demolition hearing. Motion failed due to lack of Second.** Mr. Windsor stated he had one additional question. He asked Mr. Paul what he recommended. Mr. Paul stated the deal in his opinion on these administrative bodies just what you are is the Court is almost never going to reverse you for something that is a subsidiary finding so if you find a building to be dangerous and there are pictures and you say when you look at the pictures and in your opinion it is dangerous for this definition the Court's standard of review as such that it is not going to mess with that. And so those were never the things in building our records here that give me cause for concern. He stated the only thing he was usually looking for on any of these cases was to make sure the notices were good because that was the one thing that a Court would look at and say well there were some kind of procedural issue that we think that you did not have right. So, that was why when someone complained here about notice he thinks that even if the argument had merit or does not have merit if they weren't here even though they should have been here instead of sitting here and fighting about it in Court for six months about whether or not the notice was good which was what would happen it seemed to be quicker to just say fine you think there was a notice issue we will just set that aside and we will come back here in 30 days be prepared for a hearing and we would have it then and no one would complain about notices. Mr. Paul stated that order he thought because then the only basis for challenging it would be whether your substance was good. That would be much much harder for them to get around. Mr. Paul said that was his viewpoint. Mr. Windsor stated with that in mind he would second the motion. **Mr. Wagner made a motion to continue Item 3026, 2611 S. Pearl Ave. and Item 3028, 2621 S. Pearl Ave. to the September 22, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Windsor. (4 Aye, 0 Nay, 3 Absent) Motion carried.** Mr. Paul stated just so it was reflected in the minutes document the Board is directly communicating to all the parties interested here

today or listening that at the next meeting in 30 days the Chairman just gave notice the expectation is that everyone show up with an update and if the Board is not satisfied with the progress the Board could hold a demolition hearing at that time if it doesn't feel like there has been progress that has been made. Mr. Brown stated with that they needed some clarification because like he said Mr. Papen would have to be laying out some cash in the meantime. Potentially a five-digit amount. Mr. Paul stated he did not think the Board had decided what they were going to do on the other one. The Motion only covered Item 3026 and Item 3028. Mr. Denham stated just the two slabs. Mr. Denham asked so on this one the Board could put a stay on the demolition or not have any action on the demolition or they would proceed through the Courts possibly. Mr. Paul stated sure, so the Board does not have to take any action if they don't want to. It was just here as Other Business and if you don't act on it the Order was going to stay. Like Mr. Brown said his intent at that point was to file a Petition which would stay it until it is disposed of. He stated the other option was to grant a stay. If you granted a stay a condition of that would be they sign a standard waiver that says they would not argue about the validity of the underlying demo order in the future. So, the Board could come back in 30 days and if you are not satisfied lift the stay. Mr. Paul asked the parties if they were agreeable to that prospect. Mr. Brown stated if you were asking me to waive the arguments about notice and continue for 30 days. He asked for clarification. Mr. Brown said as long as there was some understanding of what you expect in 30 days. If what you expect is to have a contract with Anderson Engineering saying they were working on it and moving forward, he did not think he had a problem with that. Past that he did not know what they controlled on the building permit process so he did not think he could waive my legal argument on the hopes that in 30 days the Board extended their graces again and decide to move it on. He would like some understanding what that was going to look like in 30 days and what was the Board's expectations. Mr. Paul said that made sense. He stated they had worked on these before. Mr. Brown had seen the waiver and he knew what it says. Mr. Paul said that would be the same waiver they would expect on this case. He stated that would be the best option here because then if the Board decided to lift it, they were not doing a demolition hearing again. There would not be an appeal. Mr. Paul asked the Board members to communicate their expectations. Make it clear for the record. Mr. Windsor said yes, but one quick question. Mr. Windsor asked Mr. Bryan Wicklund if there was a way to get someone out there to inspect the existing structure to make sure there was not a lot of wood damage and that kind of thing between now and then. Mr. Brown said to make sure the structure is viable. Mr. Bryan Wicklund stated they could certainly get someone scheduled for an inspection. He said he would feel better if there was a structural engineer report done on it and submitted along with that. He stated yes, they could do a building inspection. Mr. Windsor asked if the Board could order a structural engineer report. Mr. Paul asked if that was something the Building Department would require as part of this process. Mr. Bryan Wicklund stated so, normally how it would

work would be if the Building Department inspected the interior and there was anything that he was not comfortable with or had suspicions of then they would require it. Again, he stated he had not been in yet, but Mr. Papen had already brought up that he would probably have a structural engineer look at it. He stated he was all for that. Mr. Bryan Wicklund said they would be doing more inspections inside obviously and if one is allowed between now and the next month meeting, they would be happy to go in and do one. Mr. Paul asked if they would provide a structural engineer's report no matter what. Mr. Papen stated he was happy to provide a report and he had already expressed that. Mr. Paul asked if that was something we needed to wait on Anderson Engineering to complete or was that somebody else. Mr. Papen stated he goes through Ed Robbins and he does not know what his timeline is and he does not know what anyone's timeline to get out there is. He said he thought it would be fairly fast. He stated again, he tended to be optimistic on those things. He stated he could call and get someone hired for sure. He said he could not guarantee they could do a report that fast, but he can guarantee that he could get someone hired. Mr. Paul stated so maybe the expectation is someone from the Building Department has the opportunity to look at it and that is something the City would require. Mr. Papen said he would be happy to go out there and let them in. Mr. Windsor stated that would be very helpful if you would get a structural report between now and the next meeting. He said that would be a great thing because he was seriously concerned about how weathered that thing has been through over the past couple of years. He reiterated that he was seriously concerned about the structural integrity of the building. Mr. Papen stated absolutely. Mr. Windsor said if they could get a structural report from someone saying it was safe and ready to go that would help a lot. That would make a big difference. Mr. Papen stated what he could guarantee was that he would make himself and the buildings available to the City and let them in to see it. He could guarantee that he would have a contract for a structural engineer to review it with him before the next meeting. If not the report itself. Mr. Paul said and Jeremy you said a building permit. Mr. Brown said and a contract with Anderson or someone else to address the alley issues and the stormwater issues. Mr. Brown said to him the understanding would be the City would have inspected it, they would have a contract at the minimum with a structural engineer and they would have a contract with Anderson to address the issues the City has raised. If they can have it done great, they would make every endeavor. Hopefully at minimum they would have a letter from them. Mr. Brown said that would be his ask of the Board if they have met those three things, they would continue the hearing again in 30 days. Mr. Paul said he was not sure he followed, to get the building permit they need those things first or did not need those things first. Mr. Bryan Wicklund stated yes before a permit was issued. Mr. Brown said that was the rock and the hard spot they are between. We cannot go out there and do anything until they have the building permit. Mr. Denham stated if they put a stay, they could lift the stay at a future date and not have a new dangerous building hearing. Mr. Paul stated correct. Mr. Paul said

so what you are saying was that the expectation between now and the next meeting that those three things we just talked about are the bar. Mr. Brown stated yes. If they come into the meeting in a month and the City has inspected and they hand the Board two contracts from those people with timelines and what that is going to be. You would say okay you have another 30 days to keep moving. That way they have something to move toward. If they don't have those things, they fully expect to say the opposite. Mr. Brown said those were in their control. Mr. Paul stated sure and after that point are there any particular things you need built in or do you see it being a normal process like anyone else who comes before this Board, and you are making progress or not. Mr. Brown stated he thought that was the case. Mr. Brown said if the lender gets nervous that was one of the issues before to get the lender on board. They wanted this matter to be off the docket call. Mr. Brown stated that is what they did in December. That gave them two months to get off your roll call. He said he could see if they raised that issue again, but it should be if they are making progress and over these thresholds they should be on board at this point. If they get the building permit issued that is a huge thing. He assumed well he guessed they potentially stayed on the Board's roll even with the building permits. Mr. Paul stated yes, he did not think the attitude of the Board was going to be to release it from the agenda at this point. He thought it was unusual to do that in the first place, but they went ahead and did that, and they tried that once in December so there would not be an active demolition order on it. Certainly, if you need a letter that says it is not ordered demolished and you have made progress and it was not coming down in the next 30 days. We could facilitate that. Mr. Paul stated he did not see the Board releasing it at this point. Mr. Brown said he was not asking for that at this point. Mr. Brown stated that was another thing out of their control and being an issue. He wanted to focus on the three things that they would bring back and hopefully more, the city inspection, structural engineering contract and the Anderson Engineering contract. Mr. Denham stated he personally would not be satisfied with just a contract from a structural engineer. He wanted to see a report and if the one you are dealing with says they cannot do it for two months or whatever call around and get a different one. Mr. Denham stated that was one of the main reasons he wanted to see that building demolished. Mr. Papen said just being 100% honest he could not stand there right now that there was anybody, as he does this every day and talks to these people, everybody is extremely busy, and he could not guarantee the Board standing there and giving an honest answer that he can have a report done. Even if they could complete it and inspect it tomorrow, he could not guarantee a structural engineer could get them a report that fast. Mr. Denham stated he realized Mr. Papen could not guarantee it but that was what he wanted to see. Mr. Papen stated he would love to make that happen, but he just wanted to be 100% up front and saying he could not guarantee. Mr. Oliver asked if that was the lender they had been working with the whole time. Mr. Oliver asked if that copy was for his file. Mr. Denham asked if there were any other questions or comments. Mr. Windsor stated he was with him on that. He would like to see a

report done. He said typically it was highly unlikely that it would be more than 30 days for a structural report. It was usually fairly quick. Mr. Windsor said it takes very little time for someone to go out there and look over the property and tell them that especially with a property that size. Mr. Paul stated he would add that it sounded like what they were building in there was in 30 days the expectation may be that the bar to not proceed with a demolition order is just you to produce the contract but if there was still no report in 60 days the Board would be free to demolish the property at that point whether you have that or not. Mr. Papen stated he understood. Mr. Paul stated it would be your responsibility to make sure who you hire stayed on top of it. Mr. Papen stated he understood. Mr. Denham asked if we had a Motion on Item 3027. **Mr. Wagner made a motion to stay the demolition order on Item 3027, 2617 S. Pearl Ave. subject to the provision of a signed waiver. Seconded by Mr. Windsor. (4 Aye, 0 Nay, 3 Absent) Motion carried.**

Item 3033, 1010 W. 3rd St.

Lance Ledford, Ledford Construction representative of the property was not present. Mr. Oliver stated he knew the owners wanted to save this property and they have been in discussions with the City. Mr. Oliver asked the Board to continue this item with the hope that a permit would be in place soon. **Mr. Wagner made a motion to continue Item 3033, 1010 W. 3rd St. to the September 22, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Windsor. (4 Aye, 0 Nay, 3 Absent) Motion carried.**

Item 3034, 302 S. Gray Ave.

The owner of the property was not present. **Motion to hold a Demolition Hearing on Item 3034, 302 S. Gray Ave. made by Mr. Windsor. Seconded by Mr. Wagner. (4 Aye, 0 Nay, 3 Absent) Motion carried.** Mr. Paul called Mr. Jeff Oliver, Building Inspector City of Joplin to testify. Mr. Paul questioned Mr. Oliver if he had the opportunity to inspect the property at issue and show reasonable likeness for the matter at issue. Mr. Oliver stated yes, he had inspected the property and it does qualify for demolition, and that can be seen in the photographs. (Exhibit 1.1 and 1.2) Exhibit 1.1 was taken on March 15, 2023, the date the property was posted. Photograph shows placard. Exhibit 1.2 was taken on August 23, 2023. Mr. Paul stated the photographs reflect the current condition of the residence. Mr. Oliver stated he had posted the property and it is reflected in the photographs. Mr. Oliver explained that he had a title search done using Great American Title showing Brandy Kaye Properties, LLC. as owner of the property. (Exhibit 2) Mr. Oliver stated he sent certified letters to the owner at 2806 Arizona, Suite C., Joplin, Missouri, and he had one signed receipt. (Exhibit 3.1) Mr.

Oliver stated he sent certified letter to the Peoples Bank of Seneca, lien holder of the property and does not have a signed receipt. (Exhibit 3.2) Mr. Oliver stated this item was advertised in the Joplin Globe with the publication dates of June 2, June 9, June 16, and June 23, 2023 (Exhibit 4) Mr. Oliver expressed that he had based his opinions off the Code of Ordinances with sub-section line 4, 10, 12 and 18. Mr. Oliver stated that in his professional opinion, he would recommend demolition of the structure. **Motion Item 3034, 302 S. Gray Ave. be declared a dangerous building in accordance with the Joplin Code of Ordinances and so ordered to be demolished including any outbuildings and any storm shelters and ordered to be vacated made by Mr. Windsor. Seconded by Mr. Wagner. (4 Aye, 0 Nay, 3 Absent) Motion carried.**

Item 3035, 304 S. Gray Ave.

The owner of the property was not present. **Motion to hold a Demolition Hearing on Item 3035, 304 S. Gray Ave. made by Mr. Wagner. Seconded by Mr. Windsor. (4 Aye, 0 Nay, 3 Absent) Motion carried.** Mr. Paul called Mr. Jeff Oliver, Building Inspector City of Joplin to testify. Mr. Paul questioned Mr. Oliver if he had the opportunity to inspect the property at issue and show reasonable likeness for the matter at issue. Mr. Oliver stated yes, he had inspected the property and it does qualify for demolition, and that can be seen in the photographs. (Exhibit 1.1 and 1.2) Exhibit 1.1 was taken on March 15, 2023, the date the property was posted. Photograph shows placard. Exhibit 1.2 was taken on August 23, 2023. Mr. Paul stated the photographs reflect the current condition of the residence. Mr. Oliver stated he had posted the property and it is reflected in the photographs. Mr. Oliver explained that he had a title search done using Great American Title showing Brandy Kaye Properties, LLC. as owner of the property. (Exhibit 2) Mr. Oliver stated he sent certified letters to the owner at 2806 Arizona, Suite C., Joplin, Missouri, and he had one signed receipt. (Exhibit 3.1) Mr. Oliver stated he sent certified letter to the Peoples Bank of Seneca, lien holder of the property and does not have a signed receipt. (Exhibit 3.2) Mr. Oliver stated he sent certified letter to MGL Trustee LLC, Springfield, Missouri, lien holder of the property and does not have a signed receipt. (Exhibit 3.3) Mr. Oliver stated this item was advertised in the Joplin Globe with the publication dates of June 2, June 9, June 16, and June 23, 2023 (Exhibit 4) Mr. Oliver expressed that he had based his opinions off the Code of Ordinances with sub-section line 4, 12 and 18. Mr. Oliver stated that in his professional opinion, he would recommend demolition of the structure. **Motion Item 3035, 304 S. Gray Ave. be declared a dangerous building in accordance with the Joplin Code of Ordinances and so ordered to be demolished including any outbuildings and any storm shelters and ordered to be vacated made by Mr. Windsor. Seconded by Mr. Wagner. (4 Aye, 0 Nay, 3 Absent) Motion carried.**

Item 3039, 810 W. 17th St.

The owner of the property was not present. Mr. Oliver stated he had a phone conversation with the owner, and they had pulled a permit. The owner had done some clean up due to a fire. Mr. Oliver requested a timeline. Mr. Oliver asked for this item to be continued due to the permit being in place and anticipated rehab of the property. **Mr. Windsor made a motion to continue Item 3039, 810 W. 17th St. to the September 22, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Brown. (4 Aye, 0 Nay, 3 Absent) Motion carried.**

Item 3042, 4002 S. Duquesne Rd.

Brian Trevino, owner of the property was not present. **Motion to hold a Demolition Hearing on Item 3042, 4002 S. Duquesne Rd. made by Mr. Windsor. Seconded by Mr. Wagner. (4 Aye, 0 Nay, 3 Absent) Motion carried.** Mr. Paul called Mr. Jeff Oliver, Building Inspector City of Joplin to testify. The oath was administered by Ms. Vicky Copeland. Mr. Paul questioned Mr. Oliver if he had the opportunity to inspect the property at issue and show reasonable likeness for the matter at issue. Mr. Oliver stated yes, he had inspected the property and it does qualify for demolition, and that can be seen in the photographs. Exhibit 1.1 was taken on February 7, 2023, the date the property was posted. Photograph shows placard. Mr. Paul stated the photographs reflect the current condition of the residence. Mr. Oliver stated he had posted the property and it is reflected in the photographs. Exhibit 1.2 was taken on August 24, 2023. (Exhibit 1.1 and 1.2) Mr. Oliver explained that he had a title search done using Great American Title showing Brian C. Trevino as owner of the property. (Exhibit 2) Mr. Oliver stated he sent certified letters to Brian C. Trevino at 4002 S. Duquesne Rd., and he did have signed receipts. (Exhibit 3.1) Mr. Oliver did have a note on one of those letters indicating a phone call from Mr. Trevino. Mr. Paul asked Mr. Oliver if Mr. Trevino had attended the last Building Board of Appeals meeting. Mr. Oliver stated yes. Mr. Paul stated at that meeting he would have been notified of this meeting and the necessity to provide a progress report. Mr. Oliver stated he had sent a certified letter to Community Bank and Trust. Community Bank and Trust was listed as a lien holder. He stated he did have a signed receipt. (Exhibit 3.2) Mr. Oliver stated this item was advertised in the Joplin Globe with the publication dates of August 3, August 10, August 17, and August 24, 2023. (Exhibit 4) Mr. Oliver expressed that he had based his opinions off the Code of Ordinances with sub-section line 6, line 12 and line 18. The structure was the subject of a fire. Mr. Oliver stated that in his professional

opinion, he would recommend demolition of the structure. **Motion Item 3042, 4002 S. Duquesne Rd. be declared a dangerous building in accordance with the Joplin Code of Ordinances and so ordered to be demolished including any outbuildings and any storm shelters and ordered to be vacated made by Mr. Windsor. Seconded by Mr. Brown. (4 Aye, 0 Nay, 3 Absent) Motion carried.**

Item 3043, 1202 S. Murphy Ave.

The owner of the property was not present. **Motion to hold a Demolition Hearing on Item 3043, 1202 S. Murphy Ave. made by Mr. Wagner. Seconded by Mr. Windsor. (4 Aye, 0 Nay, 3 Absent) Motion carried.** Mr. Paul called Mr. Jeff Oliver, Building Inspector City of Joplin to testify. Mr. Paul questioned Mr. Oliver if he had the opportunity to inspect the property at issue and show reasonable likeness for the matter at issue. Mr. Oliver stated yes, he had inspected the property and it does qualify for demolition, and that can be seen in the photographs. (Exhibit 1.1 and 1.2) Exhibit 1.1 was taken on March 21, 2023, the date the property was posted. Photograph shows placard. Exhibit 1.2 was taken on August 23, 2023. Mr. Paul stated the photographs reflect the current condition of the residence. Mr. Oliver stated he had posted the property and it is reflected in the photographs. Mr. Oliver explained that he had a title search done using Great American Title showing Carol Sloan & James Laure as owners of the property. (Exhibit 2) Mr. Oliver stated he sent certified letters to the owner at 1202 S. Murphy Ave., Joplin, Missouri, and he did not have a signed receipt. (Exhibit 3.1) Mr. Oliver stated he sent certified letter to the Nancy L. Good, lien holder of the property and does have a signed receipt. (Exhibit 3.2) Mr. Oliver stated this item was advertised in the Joplin Globe with the publication dates of August 3, August 10, August 17, and August 24, 2023 (Exhibit 4) Mr. Oliver expressed that he had based his opinions off the Code of Ordinances with sub-section line 4, 6, 12 and 18. Mr. Oliver stated that in his professional opinion, he would recommend demolition of the structure. **Motion Item 3043, 1202 S. Murphy Ave. be declared a dangerous building in accordance with the Joplin Code of Ordinances and so ordered to be demolished including any outbuildings and any storm shelters and ordered to be vacated made by Mr. Wagner. Seconded by Mr. Windsor. (4 Aye, 0 Nay, 3 Absent) Motion carried.**

Item 3044, 1209 S. Jackson Ave.

The owner of the property was not present. **Motion to hold a Demolition Hearing on Item 3044, 1209 S. Jackson Ave. made by Mr. Windsor. Seconded by Mr. Wagner. (4 Aye, 0 Nay, 3 Absent) Motion carried.** Mr. Paul called Mr. Jeff Oliver, Building Inspector City of Joplin to testify. Mr. Paul questioned Mr. Oliver if he had the opportunity to inspect the property at issue and show reasonable likeness for the matter at issue. Mr. Oliver stated yes, he had inspected the property and it does qualify for demolition, and that can be seen in the photographs. (Exhibit 1.1 and 1.2) Exhibit 1.1 was taken on March 21, 2023, the date the property was posted. Photograph shows placard. Exhibit 1.2 was taken on August 23, 2023. Mr. Paul stated the photographs reflect the current condition of the residence. Mr. Oliver stated he had posted the property and it is reflected in the photographs. Mr. Oliver explained that he had a title search done using Great American Title showing Coraima and Antonio Merida as owners of the property. (Exhibit 2) Mr. Oliver stated he sent certified letters to the owners, and he did not have a signed receipt. (Exhibit 3.1) However, Mr. Oliver had phone conversations with Coraima. She asked about the hearing status and admitted the property must be demolished. Mr. Oliver stated this item was advertised in the Joplin Globe with the publication dates of August 3, August 10, August 17, and August 24, 2023 (Exhibit 4) Mr. Oliver expressed that he had based his opinions off the Code of Ordinances with sub-section line 4, 6, 13, 18, and 19. Mr. Oliver stated that in his professional opinion, he would recommend demolition of the structure. **Motion Item 3044, 1209 S. Jackson Ave. be declared a dangerous building in accordance with the Joplin Code of Ordinances and so ordered to be demolished including any outbuildings and any storm shelters and ordered to be vacated made by Mr. Wagner. Seconded by Mr. Windsor. (4 Aye, 0 Nay, 3 Absent) Motion carried.**

Item 3046, 221 S. Pearl Ave.

The owner of the property was not present. The structure was the subject of a fire. Mr. Oliver has not had any contact with the owner. Mr. Oliver asked for the Board to continue this item. **Mr. Windsor made a motion to continue Item 3046, 221 S. Pearl Ave. to the September 22, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Wagner. (4 Aye, 0 Nay, 3 Absent) Motion carried.**

Item 3047, 2701 W. D St.

The owner of the property was not present. Mr. Oliver asked the Board to continue this item until next month. **Mr. Wagner made a motion to continue Item 3047, 2701 W. D St. to the September 22, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Windsor. (4 Aye, 0 Nay, 3 Absent) Motion carried.**

New Business

Item 3048, 404 S. Moffet Ave.

Oralia Lopez Vargas, owner of the property was present. It was stated that this was the home that they just bought. They had been remodeling the home, but they presently live in Neosho. Mr. Oliver asked when they purchased the property. It was stated two years ago. Mr. Oliver said it had set there in a dilapidated condition for a couple of years now. He stated he drove by the house all the time and they have also had neighbors complain about it recently. He said he has moved forward in posting the property and bringing it to this Board. He asked if they had been cleaning up the property. They stated yes but people continue to break in. Mr. Oliver asked when they planned to pull a permit to rehab this structure. They stated that was what they were trying to do was to pull a permit to remodel the house. Mr. Oliver stated now is the time to get serious about it. He advised them that they could act as the general contractor or they could hire one however the trades such as electrical, plumbing, HVAC those all have to be licensed, bonded and insured. He told them they were not allowed to do those. Mr. Oliver stated that if they had not already, they need to start getting bids. Hopefully, they have already started getting some bids. Those would have to be listed on the permits when you complete your permit application, so you need to know who you are going to be using. They stated their father also worked as construction. Mr. Oliver asked with all this discussion when do they think they would have a permit pulled. They replied they do not know. Mr. Denham stated it was a matter of getting their sub-contractors all lined up and completing the paperwork. Mr. Denham advised parties of the next scheduled meeting and asked for a permit and a timeline by then. Mr. Denham stated the Board would love to see this house saved because it was a nice house. The property had a lot of character. He said they do not want to see it demolished but it would take some effort on their part. Mr. Denham asked if their intention was to move into the home themselves. They stated yes.
Mr. Windsor made a motion to continue Item 3048, 404 S. Moffet Ave. to the September 22, 2023, Board of Appeals meeting for a progress report and

demolition hearing. Seconded by Mr. Wagner. (4 Aye, 0 Nay, 3 Absent) Motion carried.

Item 3049, 1107 E. 34th St.

The owner of the property was not present. Mr. Oliver asked the Board to continue this item until September 22, 2023. This item was the subject of a fire. Mr. Oliver stated he has had no contact with the owner. **Mr. Windsor made a motion to continue Item 3049, 1107 E. 34th St. to the September 22, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Wagner. (4 Aye, 0 Nay, 3 Absent) Motion carried.**

Other Business

Item 3029, 508 N. Cox

David Latham, 201 S. Park, Joplin, Missouri owner of the property was present.

Mr. Windsor made a motion to bring back Item 3029, 508 N. Cox to today's hearing. Seconded by Mr. Brown. (4 Aye, 0 Nay, 3 Absent) Motion carried.

Mr. Denham asked if this property was already ordered demolished. Mr. Oliver stated it was ordered demolished at last month's meeting. Mr. Latham stated Mr. Oliver had said the City had sent certified letters to the house and he had not received those letters. So, he was just coming to speak in general with Mr. Oliver and Mr. Oliver informed him that the property had been ordered demolished. Mr. Latham stated he did not know anything about that. Mr. Oliver said what he was wanting was for the Board to put a stay on the demolition order. Mr. Oliver stated he had misspoken. The property had been ordered demolished two months ago not last month. Mr. Oliver said regarding the certified mail a letter was sent to the property on Pearl St. which was the address listed on the title search from when your grandmother deeded the property to you. That was where the letter was sent, and you saw that and there was no argument on that. Mr. Latham stated yes but he never received it. Mr. Denham stated that in their May meeting it was pretty clear that in the future meetings the Board could order it demolished. The Board told Mr. Latham they would be meeting in June on June 23rd. Neither party was sure of the owner's presence at the June meeting. Mr. Denham stated that was the process. He said every month we have a meeting except around November or December because of the holidays. Mr. Denham said they made it clear that the owner of the property was to attend the meetings every month with a progress

report. Mr. Latham stated he took full responsibility for that. Mr. Denham stated if they put a stay on the demolition what would be his plans. Mr. Latham said he had a contractor now. Mr. Latham provided progress pictures of the property. Mr. Denham asked if the Board put a stay on the demolition could Mr. Latham pull a permit by next meeting. Mr. Latham stated yes. Mr. Oliver said this property had already been bid out and awarded. The City had obviously told the contractor to put the brakes on the demolition for now. Mr. Brown asked if there was a penalty if the City backed out of the contract. Mr. Oliver stated no. Mr. Bryan Wicklund stated however the demolition contractor could withdraw his bid at any time. We could not hold him to that bid. Mr. Bryan Wicklund stated hopefully to avoid future issues he had been in the house a couple of years ago. He stated he believed his mother may have been living there at the time. He was familiar with the layout of the house. There were sections of the floor missing. We told her she needed an electrician. He stated he did not know the condition of the plumbing. In getting this permit the Board was discussing they have to know who the plumbing contractor will be and the electrician. Mr. Latham stated he would start on the floors, but Mr. Bryan Wicklund stated he would advise him to be careful starting on the floors because if a plumber needs to go in and replumb it they would not want the floors in. Mr. Bryan Wicklund advised Mr. Latham not to get ahead of the process. He stated maybe the plumbing was okay, but he knows the electric and framing was not. Mr. Latham stated that was true. Mr. Oliver asked if the plumber was a licensed, bonded, and insured plumber. Mr. Latham stated yes. He was a general contractor and stated he was licensed and bonded out of the City. Mr. Oliver asked as a framer or a plumber. Mr. Latham stated as a general contractor. Mr. Oliver stated that a general contractor may or may not have his license to do plumbing. Mr. Oliver asked if he had spoken with an electrician. Mr. Latham stated no not necessarily. He had not got to that stage yet. Mr. Oliver asked if he planned on financing this himself. Mr. Latham stated yes by himself. Mr. Oliver asked how long he thought it would take to complete the project. Mr. Latham asked to get it off the demolition list or get the house fully repaired. Mr. Oliver stated fully repaired. Mr. Oliver asked if the general contractor gave him some idea. Mr. Latham stated no they did not discuss that. Mr. Oliver stated that if the Board chose to put a stay on this there was a form the City would provide that you would need to sign stating that they would not need to go back through the demolition process. Mr. Oliver said if you put some money into this and then run out of funds and the property would sit there for 3-4 months with no progress the Board could turn around and lift the stay and still have it demolished. Mr. Oliver stated he wanted him to be aware of that. Mr. Latham stated right. Mr. Oliver said the decision was for the Board to make. Mr. Oliver stated Mr. Paul could explain the content of the form that needed to be signed. Mr. Paul said he believed Mr. Oliver summarized it. The form basically said the Board had already held a dangerous building hearing and entered a demo order. It was basically allowing him to precede with working on the building subject to coming back and checking in from time to time. And if in the future the

Board decides that enough progress had not been made instead of going through another demolition process, they would just lift the stay. Mr. Oliver would follow up with the contractor and see it they would be willing to honor the bid and move forward with the demolition. Mr. Paul stated in other words to summarize whatever money you choose to put into it would be put in at your own risk. If you run out or something happened down the road it is at your own risk. Mr. Denham asked if Mr. Latham's contractor thought the building was worth putting that kind of investment in when he walked through it. Mr. Latham stated yes, it could be done, it was a small house. Mr. Oliver stated that even though Mr. Latham had done an amazing job cleaning up the property it doesn't sound like there was a lot going into the structure. Mr. Latham asked for the Board to continue this item until September 22nd and revisit. This would give him the opportunity to access his financial situation and investment. Mr. Denham asked if they extended the time until September 22nd would that give Mr. Latham the time he needed. Mr. Latham stated yes. **Mr. Wagner made a motion to stay the demolition order on Item 3029, 508 N. Cox Ave. subject to the provision of a signed waiver. Seconded by Mr. Windsor. (4 Aye, 0 Nay, 3 Absent) Motion carried.**

Mr. Denham asked for a motion to adjourn the meeting. Motion made to adjourn the meeting by Mr. Windsor. Seconded by Mr. Wagner. (4 Aye, 0 Nay, 3 Absent) Motion carried.

Approved _____
Mr. Kyle Denham, Chairman

Approved Vicky Lynn Copeland
Vicky Lynn Copeland, Notary Public

My commission expires: May 22, 2026

VICKY LYNN COPELAND
Notary Public - Notary Seal
STATE OF MISSOURI
Newton County
Commission Expires 05/22/2026
Commission Number #09804844