MINUTES
BUILDING BOARD OF APPEALS
REGULAR MEETING
SEPTEMBER 23, 2016
9:00 AM

Kyle Denham, Chairman, called the September 23rd Building Board of Appeals meeting to order with the following Board members present: Kyle Denham, Mark Eastman, Crystal Harrington, Rylee Hartwell, David Pommert, and Ervin Wilson. Board member Don Landrith was absent. City officials present: Jeff Oliver, Building Inspector: Jordan Paul, Assistant City Attorney; and Susan Champlin, Notary Public. Bryan Wicklund, Chief Building Official, arrived at 9:25 a.m.

Mr. Denham	Do we have a motion to excuse Mr. Landrith?
Mr. Wilson	**Mr. Chairman, I make a motion that we excuse Mr. Landrith from this meeting.**
Mr. Eastman	**Second.**
Mr. Denham	**All those in favor? (Mr. Denham, Mr. Eastman, Mrs. Harrington, Mr. Hartwell, Mr. Pommert, and Mr. Wilson voted "aye") Motion carries, 6-0.** If you'd come to the podium and give us your name and address and tell us a little bit about the project or what's going on.
ITEM 2684	**506 E. 33RD ST.** **OWNER: Danny Lowe** **ADDRESS: 4405 W 28TH St. Joplin MO. 64804** **Item previously ordered demolished on May 27, 2016. A stay of demolition was granted on July 22, 2016. Continued from August 26, 2016.**
Danny Lowe	Sure. I'm Danny Lowe. This is regarding 2684 on the front page—506 East 33rd Street. All of the exterior has now been complete—windows, vinyl siding, fascia, soffits all done. I believe the Building Department has a photograph.
Mr. Denham	We've got it right here.
Mr. Lowe	So we also had a bunch of top soil brought in. The rear yard has all been landscaped. I'm trying to make it just as good as we can make it. So hopefully that will satisfy the Board, and we can remove this item from your agenda. In the next four to six weeks, we will be completely finished.
Mr. Oliver	I'm good with that.

Mr. Denham	We appreciate your effort. Do we have a motion to release from the agenda?
Mrs. Harrington	**Mr. Chairman, I make a motion that Item Number 2684, at 506 East 33rd Street, be released from our agenda.**
Mr. Eastman	**Second.**
Mr. Denham	**I have a motion by Mrs. Harrington and a second by Mr. Eastman that Item 2684, 506 East 33rd Street, be released from our agenda. All those in favor of the release, say "aye". (Mr. Denham, Mr. Eastman, Mrs. Harrington, Mr. Hartwell, Mr. Pommert, and Mr. Wilson voted "aye") Those opposed? (None) Motion carries, 6-0.** Thank you very much for your effort.
Mr. Lowe	Thank you. I appreciate it.
Mr. Denham	Are you here to talk about a specific building?
Lady in Audience	(Speaking away from microphone)
Mr. Denham	Would you like to come up and tell us—I know that you're neighbors. It's not your building, but you can tell us about it.
Lady in Audience	(Speaking away from microphone—walking up to the podium)
ITEM 2779	**2514 N. KINGSDALE** **OWNER: Abruzzo Builders Inc.** **ADDRESS: 1403 E. 4TH St. Pittsburg KS. 66762** **"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the August 26, 2016 meeting for a "Demolition Hearing" and Progress Report (SECOND TIME BEFORE THE BOARD)**
Mr. Denham	Could you give us your name and address?
Jewell Bettasso	Oh, I'm sorry. Jewell Bettasso, 2721 South Winfield.
Ms. Champlin	I'm sorry, what was the name?
Ms. Bettasso	Bettasso—"B" as in boy—ETTASSO.
Ms. Champlin	And the first name?
Ms. Bettasso	Jewell.
Ms. Champlin	Okay.

Ms. Bettasso — I live across the street from that property on the Winfield side, and it has been sitting there open for 15 months with very little activity. We've had vandalism in the neighborhood. It's not locked down. I'm worried that when the winter gets here, we are going to have vandals inside the house, or some of the items that have been stolen in the neighborhood. From my pictures, I can't see a lot has happened in the last 26 days since your last meeting. And of those 26 days, he worked three days. We have added Ty-Vek, 11 windows, and the City mowed it—and that's all the activity that has happened over there. It was my understanding from the neighbors that came to the last meeting he was supposed to have it locked down like—you know, garage doors, locked doors and everything, and siding no—and there's been nothing. The dumpster is still on the street. Stuff is overflowing. When the wind blows, it blows out in the street. And that's all the effort I've seen over there. And so I'm worried that another 15 months is going to go by, and it's going to still be that eyesore across the street.

Mr. Denham — You may have already said this, but has it been mowed? I know that was one of the issues.

Ms. Bettasso — The City mowed it on the first of September, and he had part of it mowed on the nineteenth (19th) by—it wasn't a City person. He came in there with some kind of a piece of equipment and picked up a couple of piles of garbage and threw it in the dumpster, and then they were able to get through it with a mower versus a weedeater.

Mrs. Harrington — That's the one that Bryan told him he should get it mowed that day if he could, because the City would be out there.

Mr. Denham — Yeah, and get the dumpster out of the road—

Mrs. Harrington — Get the dumpster out.

Mr. Denham — As soon as possible. Last month was our first time this was on this—that property was on this agenda.

Ms. Bettasso — We'll, I've called—his name is Bryan. I don't know who he is, but I've called him multiple times with just this act—nothing is going on over there, and the weeds will get up five and six feet tall. And it's running down the neighborhood. The girl that's not here now—she had just had a reappraisal, and she told me that they told her that her appraisal was $20,000 less because of the comparables in the neighborhood that were run down like that.

Mr. Denham — Do you have any news on it? Have you talked to the contractor yet?

Mr. Oliver — I have not. The windows and the house wrap have been the only thing that's been done since it was posted and brought to you guys, so she's

right--there's not a lot of progress. I believe that Mr. Abruzzo asked Bryan for an extension, to be honest with you, I'm not sure if he gave it to him yet based on what you guys wanted to do.

Mr. Denham — So his permit has expired?

Mr. Oliver — I believe so.

Ms. Bettasso — I think he roofed it without a permit. The last time I called Bryan, it wasn't roofed. And then a few days later, they showed up and roofed it on a weekend. And I'm not sure exactly when that was. It was before your last meeting.

Mr. Denham — Well, two of our options—I guess we have three options. We can continue this, we can order the building demolished, or we can order it repaired. If we order it repaired, the City actually takes bids to go in and finish, and it will just be the outside—finish the outside so it looks like it's complete. And then that is charged back to the property owner. In the meantime, they can do the work themselves if they can get it done before the City. So those are some of the options we have. I know it's been a concern to the neighbors for quite a while, but it's only been on our agenda—this is the second time.

Ms. Bettasso — Right.

Mr. Denham — So that's part of the issue. When a contractor gets a building permit, it's good for six months, and there's really not a criteria that says they have to meet certain milestones within that six months, and so there is—unfortunately some contractors use that as a tactic to stall. He told us at our last meeting that it had been basically on the back burner—it hadn't been his top priority.

Ms. Bettasso — Clearly not. He hasn't been there for the last 10 days.

Mr. Denham — It sounds like it's still not his top priority from our last meeting.

Ms. Bettasso — And I'm not sure—when I talked to Bryan, I'm not sure when the last inspection was. The one I knew about was last July. I'm not even sure that that—the way he's building that. And I'm not a builder, but I bet it doesn't pass a lot of stuff. Then it will have to be gone back in there and worked on. It's just the weirdest constructed house on the inside. He's a builder from up north, and he just did some weird stuff over there. I know if anybody asks us, as neighbors, if we would buy it, the answer would be no because it's been open since last July with the weather and everything.

Mr. Denham — Okay.

Ms. Bettasso — But if you continue it to the next meeting, I'll be back.

Mr. Denham — I'm disappointed he's not here, because I assumed he would be here to give us an update.

Mrs. Harrington — This is the one I gave the speech to.

Mr. Denham — Yeah. I mean, it was kind of a top priority of ours last time to try to get some action. Obviously, that doesn't—

Mrs. Harrington — And, unfortunately, what the ordinance says is as long as there's progress being made, our hands are tied. We can't do anything. So 10 days ago, he came and did something, and that means he's done something since our last meeting. Clearly, he's not done what we've asked him. And I let him know last time that, you know, the City was getting to the point where they were going to start making laws about this sort of thing, and he was going to—I told him flat out he's going to affect the whole industry. There are good builders that take a while because a house is, you know—

Ms. Bettasso — Huge, or whatever.

Mrs. Harrington — Yeah. But he's making a situation that's already tense very much worse. And I understand from your point of view—I think the whole Board always sits up and takes notice a lot more when the neighbors show up. And I think that last month when we saw the other lady from the neighborhood, it was effective with us—very effective. And Bryan—I was looking at the minutes from last month. Bryan is the chief building inspector for the City, and he gave us quite an extensive typewritten rundown on what has happened with this property.

Ms. Bettasso — Well, there just hasn't been much. I work from home, and I'm across from that property every day. And we decided all to come back to that neighborhood. We came back bigger and better. And this is an eyesore that is just running down. Nobody else wants to buy a lot over there.

Mrs. Harrington — The neighborhood is gorgeous now. I mean, it's really morphed into a much higher level of a neighborhood than it was before the—it was nice before. It's really nice now. And this gentleman owns that property across the street from it, right—the one with the circle driveway?

Ms. Bettasso — Yes, he does.

Mr. Oliver — The side one.

Mrs. Harrington — The side one.

Mr. Denham — Yeah, I think he owns the one next door.

Mrs. Harrington — Next to it.

Ms. Bettasso	Uh-huh.
Mr. Denham	Okay, I appreciate it.
Ms. Bettasso	Thank you.
Mr. Denham	Anything you would like to add? If you want to talk—
Lady in Audience	(Speaking away from microphone)
Ms. Champlin	I need to have you come up here, because I need to record the meeting.
Mrs. Harrington	It will be on record.
Mr. Denham	Just give us your name and address.
Sheri McAllister	Sheri McAllister, at 2701 South Winfield. And I look directly out onto that property. And just exactly like she said—you know, we all chose—oh, I'm sorry—this makes me upset. It really does. We chose to come back to that neighborhood after the tornado and built these houses back, and then we have this. I mean, I'm sorry—I'm very passionate about it.
Mr. Denham	We understand. We appreciate it, too.
Ms. McAllister	Thank you.
Mr. Denham	So you're not sure if the permit has been extended or not?
Mrs. Harrington	He says he extended it in June.
Mr. Denham	Who?
Mrs. Harrington	Bryan, in the minutes last month.
Mr. Denham	Oh, it does say that?
Mrs. Harrington	I'm looking.
Mr. Denham	I didn't remember that.
Mrs. Harrington	He said the first one was taken out in March of 2015. "I don't know if there was some progress. It wasn't visible, but the inspections up until August or September of 2015, it was making regular progress. And then I went ahead and extended the permit in June for another six months, expecting them to stay on the job. That just hasn't seemed to happen," he says.
Mr. Denham	Well, that's been five months.

Mrs. Harrington — Yeah. So, in a month, he's got the ability to red-tag it, but then they're in no better—

Mr. Oliver — I think—I don't know that it's ever been done. I know it hasn't been while I've been doing this, but I think you guys have the authority to revoke the permit and move forward with the demo here.

Mr. Denham — Are we prepared to actually hold a demo hearing today?

Mr. Oliver — I'd probably like to talk to Bryan, and Jordan might want a little more input on it as far as the—but, yeah, I mean, I guess in some ways you could consider it abandoned. It would be something that we maybe that we need to discuss—

Mr. Paul — Jeff, if you want—

Mr. Oliver — To actually have a hearing.

Mr. Paul — If you want to give us—we talked a couple of meetings ago—if you want to kind of indicate to us you want to have a hearing on this next time, we'll have it prepped. I mean, I've been really trying to get away from doing them on the spot and going through and getting everything labeled out. And it sounds like everybody here is ready to move on this property, so we can have it ready to go for certain the next meeting if that's kind of the indication that the Board—I see a lot of heads nodding. Is that kind of what we want to do on this one?

Mrs. Harrington — Yeah—

Mr. Denham — I do.

Mrs. Harrington — He'll come and put two windows in, and that's progress.

Mr. Denham — Well, if we revoke his permit, it's a mute point. He's actually working on it without legal authority to. I don't know—I mean, I'm disappointed he didn't show up today.

Mr. Oliver — I think, for a fact, we may have got his letters back.

Mrs. Harrington — But you don't want us to demo it—you're not—

Mr. Paul — I just haven't looked at it yet.

Mr. Denham — I'd rather let the staff have enough time to do it correctly—

Mrs. Harrington — Yes.

Mr. Denham — And not end up with a potential lawsuit.

Mr. Oliver	I still need to order the title search.
Mr. Denham	Well, it sounds like we need to continue it regardless, but I think if you guys could work towards that for the next meeting—
Mr. Paul	Okay.
Mr. Eastman	**Mr. Chairman, I make a motion that Item 2779, 2514 North Kingsdale, be continued for 30 days for a progress report and demolition hearing.**
Mr. Wilson	**Second.**
Mr. Denham	**I have a motion by Mr. Eastman and a second by Mr. Wilson that Item 2779, 2514 North Kingsdale, be continued to our October meeting for a progress report and demolition. All those in favor, say "aye". (Mr. Denham, Mr. Eastman, Mrs. Harrington, Mr. Hartwell, Mr. Pommert, and Mr. Wilson voted "aye") Those opposed? (None) Motion carries, 6-0.**
Mr. Paul	And you all are thinking an order to repair on that one, or a demo?
Mr. Denham	Demo.
Mr. Paul	Demo.
Mr. Oliver	Just so you know, I've got returned letters. It says on here, "Moved, left no address—unable to forward."
Mr. Denham	Did he not give you an address when he was here last time?
Mr. Oliver	Well, he signed in the one time—yes, he did. I've got an address over in Pittsburg.
Mr. Denham	I kind of agree with what the lady said. It's been open to the elements for way too long. It's just not good on wood framing. I mean, wood shrinks—connections fail. It's not a good situation.
Mr. Wilson	It's sounding more and more like, without being able to even forward our letters to him, and the building being open so long, that he doesn't really have any intention to continue to work on it or finish it. And he's just putting us off.
Mrs. Harrington	He stressed the point that it's a personal project, not a project of his company.
Mr. Wilson	Yeah.

Mrs. Harrington — That's why I asked him to assign a priority to it. He said it was a really high priority.

Mr. Wilson — But yet, in this last 30 days, even with a "high priority" he still hasn't done nothing with it. And I agree with what we just did—to give, you know, 30 days to research on it, and then we'll be in a position, I think, legally to not have to worry about anything coming back on it.

Mr. Paul — Yeah, especially if he's been here before. There probably won't be any issues.

Mr. Denham — Randy, did you want to come up and give us an update?

ITEM 2765 — **2008 S. SERGEANT**
OWNER: Randal Kraft
ADDRESS: P.O. Box 2667, Joplin MO. 64803
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the August 26, 2016 meeting for a "Demolition Hearing" and Progress Report (SEVENTH TIME BEFORE THE BOARD)

Randal Kraft — It's so empty here.

Mr. Denham — I know it.

Mr. Kraft — Am I the last dead beat in Joplin—come on? That's a joke—okay.

Mr. Denham — It's a good one, too.

Mr. Kraft — Randal Kraft—Item 2765, 2008 South Sergeant.

Mr. Denham — Can you tell us a little bit about your property, and what progress you've made?

Mr. Kraft — Yeah, some of you have photos or something.

Mr. Denham — We have.

Mr. Kraft — I have gotten all of the windows—I think the original complaint issue was on the alleyway with the windows, so we've got all those completely done. I rented equipment. Our equipment does still not work. Fabick is thinking they need to replace the whole motor, but I don't know about that. I think since the motor was working before they started working on it, I think might be it. But, anyway, we've got that done. I substantially had removed the top sections of the trash chute on it. That was not part of the original issue. It's something we were doing in conjunction with that. And we've got it down to probably about 20 foot tall. And we still haven't

decided if we're going to completely take it down or use that for additional cleanup on the property.

Mr. Oliver — As you can see from the photos being passed around, all the windows that were in question are secured like he said. And he described the chute perfectly. I don't know—the picture was kind of dark, but there's a little bit of it left.

Mr. Denham — Is it enclosed, or is it open?

Mr. Oliver — It's open.

Mr. Denham — It's open. I guess you need to leave it open so you can get the debris out. How long do you think that chute would remain?

Mr. Kraft — It depends on—I mean, that project—cleaning out and doing whatever—and it's not a priority in the world there. But if we need to expand it to take the chute down—the original complaint, I think, was off of the windows and so forth. And that would just—

Mr. Denham — My concern was the vertical height of that—

Mr. Kraft — Uh-huh.

Mr. Denham — Chute. Taking it down to 20 foot, I think it's little less likely it's just going to blow over.

Mr. Kraft — Oh, yeah.

Mr. Denham — I don't know how it's constructed, but it looked a little sketchy—it's original.

Mr. Kraft — We used the panels to cover the windows, so that you'll—the red board. So it's got a couple of panels missing that doesn't make it look as attractive as it would if we had the panels on there. If we had the panels on there, it would look bare, you know, for what it is.

Mr. Denham — Is the intent that this will be a dangerous building and have a dangerous building permit, where it's boarded up and painted?

Mr. Wicklund — It wouldn't be my preference because the ordinances limits that to two years, and then it can't be extended.

Mr. Denham — So you would prefer to leave it just boarded up like it is until something else can be done with it?

Mr. Kraft — The chute is not actually part of the building. It's actually just—it has it's—it's a free-standing structure.

Mr. Denham — I remember just talking about the building itself.

Mr. Kraft — Oh, the building itself—oh, I'm sorry—I misunderstood.

Mr. Wicklund — I'm sure that everyone, including Mr. Kraft, would like to see something done with the building. I just don't know—I don't see anything happening. It has a good roof on it, right?

Mr. Kraft — I put a new roof on it after the tornado, so it's got a brand new metal roof on the top part. The newer part of the building is a concrete slab roof.

Mr. Wicklund — My hope is that we never have to be dealing with this building like we are the Howsmon's building. As long as he keeps the windows boarded up, and a good roof on it, I don't think it will get to that point. At least it will be a very long time. I really don't think that this is a good candidate for the vacant dangerous building permit.

Mr. Denham — But you're satisfied—is it ready to release, in your opinion?

Mr. Wicklund — In my opinion, yes. I mean, Code Enforcement—if the trash chute becomes dilapidated, or if the grounds aren't kept up, Code Enforcement can handle that through their stuff. The structure itself actually looks better and is more secured than it's been in probably 30 years.

Mr. Kraft — And definitely before we—

Mr. Wicklund — Yeah.

Mr. Kraft — Before we bought it. Oh, yeah, it was—there's always a perspective on where it's came from to where it's went so, I mean—before we—those windows and everything, which is what the complaint was about, was on our list. It's just we had to have Empire move lines, and right in the middle of that, the tornado happened, and that's—you know, we got the lines moved and got them covered and just—and then the tornado hit, so that's just fallen through with that. And we've had tons of other projects that have been done since the tornado.

Mr. Denham — Okay. Well, we really appreciate your effort, and hopefully you can keep up with it. And hopefully the vandals will stay out of it as well.

Mr. Kraft — Oh, no, they've—it changed locks. They get pretty brazen when they bust up the locks that you've got—the handles and so forth. We think that whenever we welded the cap—drilled the stuff there—that they may have had something in there because they were really, really working hard to get through, because it's got all metal—you know, the doors are all metal—you know, it was somebody that really, really wanted in there, to bust up the door handles to get in.

Mr. Paul — It's where they hid the gold.

Mr. Kraft — Yeah, they were probably—somebody else threatened their life if they didn't give them their drugs back or something, that they would kill them or something, so they were pretty determined to get in there. So I don't have a door handle on that one any more, so we put a deadbolt. The security clasp—the heavy-duty metal—it's probably on the 10-gauge or something like that, where you can't get in and jimmy the door—you know, they pulled it completely back—so they were there with pry-bars prying it open.

Mr. Wicklund — Did you get any phone calls as far as investment—potential people interested in—

Mr. Kraft — I've got—after the tornado I did, and that was some people from Kansas City. The requirements the City would have on it are extremely cost-prohibitive to do anything reasonable with it. Because it has a newer section, it will never fit the criteria for any of the historic things, because you've got the newer part of the building that was in the late 1960's. So combine that in there—

Mrs. Harrington — It's probably full of asbestos.

Mr. Kraft — Probably. We won't check, because we don't really want to know for sure. But, yeah, everything from that era going into that, you could have everything from floor tiles—it doesn't have ceiling tiles in it like drop-down ceilings or anything but, you know, wrap on plumbing and stuff like that is all—so it's kind of like one of those "don't disturb it."

Mr. Wicklund — One of the things that with this last code adoption last year was for the first time we actually included the existing building code—the International Existing Building Code is included in our adopted codes now, which it was designed for buildings like this. They're in existence all over the country and create the same issues that you've seen with this one. So there are options out there now that we couldn't offer as the Building Department and the requirements even as recent as two years ago. It's still going to be quite an undertaking for anybody to actually go in and utilize that entire structure, but there are options there now that weren't there before as far as fire suppression and existing, and all that stuff.

Mr. Kraft — Well, that was one of the issues—whenever we first started on it, you know, the City people told us that, "Well, you can only work on the lower three stories." I'm like, "Well, how do we get up to take care of the roof and the windows and stuff?"

Mr. Wicklund — Yeah.

Mr. Kraft	So, you know, there's got to be a healthy balance between, now we've got to close off a window that some kid just shot with a B-B gun or threw rocks through or something, and the City says we're not supposed to do anything on that floor. Well, you know, when you're having to make repairs or something, you've got to go up there. So, I don't know.
Mr. Wicklund	Well, thank you for what you have done.
Mr. Kraft	I appreciate that.
Mr. Denham	Yeah, I appreciate your effort. What's the pleasure of the Board? Are we prepared to release this?
Mrs. Harrington	**Mr. Chairman, I make a motion that Item Number 2765, at 2008 South Sergeant, be released from our agenda.**
Mr. Hartwell	**Second.**
Mr. Kraft	I don't know what I'm going to do if I don't get to come see you guys every month.
Mr. Denham	Well, you can still come.
Mr. Kraft	I was really shocked that there was nobody here.
Mr. Denham	There were a few people that got here.
Mr. Kraft	I had people in my office and couldn't get out in town. I'm like, "No, there will be 20 minutes. I'll be fine."
Mr. Denham	**I have a motion by Mrs. Harrington and a second by Mr. Hartwell that Item 2765, 2008 South Sergeant, be released from our agenda. All those in favor of the release, say "aye". (Mr. Denham, Mr. Eastman, Mrs. Harrington, Mr. Hartwell, Mr. Pommert, and Mr. Wilson voted "aye") Those opposed? (None) Motion carries, 6-0.** Thank you.
Mr. Paul	Thank you, Mr. Kraft.
Mr. Kraft	You guys have a good weekend.
Mr. Denham	You, too. Any others that we're ready to release? Or do we want to go ahead and hold some demo hearings?
ITEM 2774	**729 S. MURPHY AVE.** **OWNER: Richard & Cherldean Scott** **ADDRESS: 1632 Jefferson Ave, Madera CA.93637** **Item ordered demolished at the August 26, 2016 meeting.**

Mr. Oliver — If you'll notice, I put Item 2774, 729 South Murphy, back on the agenda. In doing the final letters and preparing all that stuff with Jordan, I actually had referenced the wrong address. Jordan is fine with everything. He can speak on that, but he just wanted to put it back on here to let you guys know that we used 727 instead of 729 in the process in ordering these four structures demolished.

Mr. Denham — This is the one that was all four on one the same property?

Mr. Paul — Yes. And to be clear, I believe we did the correct item number. We did the correct address. It was just—in looking through the minutes, in some of his testimony, he misspoke on the address, but you guys were looking at the right pictures, the right title work, and the right letters. And as far as, you know, your introductory, "We're having a hearing on such and such," and then your order, "We order such and such demolished," I believe you all used the correct words. We just wanted to make a record in these minutes that if someone were to look back at the previous minutes, you all kind of acknowledged that, and we kind of cleaned it up in today's record. So I don't know that the Board needs to do anything formal. We just didn't want anybody to look at this later and say, "Well, what's going on here? They said this address here and that address here," so now hopefully if they look at these minutes, they'll see it was basically a spoken and scribner's error, so to speak.

Mr. Denham — So I think everybody on the Board agrees that was the property that we ordered demolished?

Mrs. Harrington — Yes.

Mr. Denham — So we can blame it on Jeff, basically?

Mr. Paul — Sure. We've got two properties here for possible demolition today. I don't know if Jeff wants to talk about either one.

Mr. Oliver — I don't have any others to release.

Mr. Denham — Okay.

Mr. Paul — One of them is this 1402 South Joplin property.

Mr. Oliver — Do you guys want to discuss that a little bit?

ITEM 2699 — **1402 S. JOPLIN**
OWNER: Heartland Floral & Gifts Inc.
ADDRESS: 2515 W. 30TH ST. Joplin MO. 64804
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the August 26, 2016 meeting for a

Mr. Denham — That's the one Mr. Hess owns.

Mr. Oliver — That's correct.

Mr. Denham — And I believe we had asked him on multiple occasions to get with Bryan and Jeff so they could have the opportunity to go inside and just see—before he roofs it, just see how bad, or what the condition of the structure is. Do we know yet if he has roofed it?

Mr. Oliver — There was no permit purchased.

Mr. Denham — That's a good indication. It's been on our agenda now—

Mr. Paul — Eighteen (18) times.

Mr. Denham — Eighteen (18) times, which probably means more than 18 months.

Mr. Paul — It's a thick file.

Mr. Denham — And, you know, just driving by, he has done a lot of work, but it's still not there. I just don't know how much longer we can let it go. I'm kind of surprised we haven't had neighbors, I guess because it's more in a commercial area.

Mrs. Harrington — Yeah.

Mr. Oliver — We did receive some complaints just this last week from neighboring businesses. Some homeless folks have found their way around it. The structure is still secured, but there's evidence of suitcases. There's dumping now going on in the alley. The weeds are getting overgrown.

Mrs. Harrington — He had it looking pretty good about a year ago.

Mr. Denham — He just didn't quite take it over the hump.

Mrs. Harrington — And then once he got that done--when his son came out and helped him with it, he got some real movement. And he keeps claiming that the inside is cleaned out, which was one of the main issues, as I recall, that the fire marshal is the one that started it over the contents being so flammable. I think he would like to be able to do something with this, but I'm not sure that—we've offered him the expertise of our professional staff to help him decide what is the best move forward, and he's agreed to take that three times now that I can think of. And three times he's failed to follow through with it.

Mr. Paul — I feel like anything—of course, there's nothing preventing him from getting a copy of this order and deciding to go lickety-split to get it fixed up himself.

Mr. Denham — And that would be great.

Mrs. Harrington — Which would be—

Mr. Denham — Yeah. That would be a success in my opinion.

Mrs. Harrington — Exactly.

Mr. Denham — I think we've been pretty patient. I think it's time to hold a demo hearing myself.

Mrs. Harrington — I think it's—my opinion is that it's ready for demolition. It will certainly make a positive impact on that neighborhood if it is demolished.

Mr. Wilson — **Mr. Chairman, I'd like to make a motion that Item 2699, 1402 South Joplin, be the subject of a demolition hearing.**

Mr. Pommert — **Second.**

Mr. Wicklund — I want to add real quick, just for the record, any of the work that he has done up to this point—even if the building gets demolished, it's not like it was a wasted effort. All he did was sort through stuff and take multiple dumpster loads out.

Mr. Denham — It all needed to be done anyway.

Mr. Wicklund — A demolition contractor would have charged him by the dumpster load anyway.

Mr. Denham — Yeah.

Mr. Wicklund — And he saved himself some money.

Mr. Denham — Maybe he was able to salvage some of his belongings—I don't know.

Mrs. Harrington — Did we get a response from him this month that he received his letter?

Mr. Paul — We may not have, but I don't—after they have appeared in front of the Board especially, I think they've got ongoing notice, especially because once they have come, we tell them you need to be back here in 30 days, and that's—

Mrs. Harrington — I just was curious if he knew coming here would be a repeat of the last two months, and so he decided to not accept the letter.

Mr. Paul — But it looks like we've got—we do have a certified letter for this month—September 12th, and it was signed on—well, maybe that's—the letter is dated the 12th, but it says it was delivered on the 25th of August. Is that right, Jeff? Well, and again, since he was here last time, I'm not too concerned about it.

Mrs. Harrington — Right.

Mr. Paul — So we're ready to proceed, if you are.

Mr. Denham — We need to vote. **There is a motion by Mr. Wilson and a second by Mr. Pommert that Item 2699, 1402 South Joplin, be the subject of a dangerous building hearing. All those in favor, say "aye". (Mr. Denham, Mr. Eastman, Mrs. Harrington, Mr. Hartwell, Mr. Pommert, and Mr. Wilson voted "aye") Those opposed? (None) Motion carries, 6-0.** The Board turns it over to the City.

Mr. Paul — Thank you. This is the Joplin Building Board of Appeals meeting in the Joplin Municipal Building on this 23rd day of September, 2016, for the purpose of conducting a demolition hearing. The City will present its evidence first, after which the public has a right to cross-examine witnesses and be heard, as well as present witnesses or exhibits. The case for today is Item Number 2699 on the agenda, also known as 1402 South Joplin. The City calls Jeff Oliver.

Ms. Champlin — Jeff, you do solemnly affirm, under the penalty of perjury, that the testimony you shall give in the matter at issue shall be the truth, the whole truth, and nothing but the truth.

Mr. Oliver — Yes.

Mr. Paul — Would you please state your name and occupation?

Mr. Oliver — Jeff Oliver, Building Inspector for the City of Joplin.

Mr. Paul — And how long have you been employed in your current position with the City of Joplin?

Mr. Oliver — Going on eight years.

Mr. Paul — Have you, in the official performance of your duties, had the opportunity to inspect the property known as 1402 South Joplin?

Mr. Oliver — Yes, I have.

Mr. Paul — I'm going to show you what have been marked as Exhibits 1.1 and 1.2. Can you identify these for me, please?

Mr. Oliver	Exhibit 1.1 are photos taken of the property when it was posted back on January 9, 2015. Exhibit 1.2 are photos that I took just yesterday of the structure.
Mr. Paul	Would you mind to write the date on that real quick for the record?
Mr. Oliver	Yes.
Mr. Paul	And, Jeff, as to the photographs for 1.2, do the photographs show the premises—show a reasonable likeness of the premises in their present condition?
Mr. Oliver	Yes.
Mr. Paul	If there is no objection, I would offer Exhibits 1.1 and 1.2.
Mr. Denham	The Board accepts.
Mr. Paul	What, if anything, did you do to ascertain ownership of the property?
Mr. Oliver	I had a title search done.
Mr. Paul	I'm going to show you what's been marked as Exhibit Number 2. Can you identify that for me, please?
Mr. Oliver	This is the title search received back on February 25, 2015. It shows the owner as Heartland Floral & Gifts, Incorporated.
Mr. Paul	I'm going to show you what's been marked as Exhibit 3. Can you identify that for me, please?
Mr. Oliver	These are some papers from a search done on Missouri On-Line Business Filing. It shows Heartland Floral & Gifts, Incorporated. The registered agent is Diana M. Hess.
Mr. Paul	And does that also show that the corporation has been administratively dissolved—or voluntarily dissolved, rather?
Mr. Oliver	That's correct.
Mr. Paul	Thank you. If there is no objection, I would offer Exhibits 2 and 3.
Mr. Denham	The Board accepts.
Mr. Paul	What, if anything, did you do to notify the owners of the property of this action?
Mr. Oliver	I sent out certified letters.

Mr. Paul — I'm going to show you what's been marked as Exhibit Number 4. Can you identify those for me, please?

Mr. Oliver — Yes, there are multiple certified letters with Exhibit 4 all sent to Ms. Hess.

Mr. Paul — And do you have signed receipts for some of those letters?

Mr. Oliver — Yes, the majority of them I do have signed receipts for.

Mr. Paul — By glancing through there, what is the most recent date you have a signed receipt for?

Mr. Oliver — That would be the meeting which was held on March 25th of this year. It's signed by Diana.

Mr. Paul — Thank you. I'm going to show you what's been marked as Exhibit Number 5. Can you identify that for me, please?

Mr. Oliver — Yes, these are a stack of multiple certified letters that were sent to Mr. Roy Hess.

Mr. Paul — And Roy is the husband of Diana Hess?

Mr. Oliver — Correct.

Mr. Paul — And do you have signed receipts for those letters?

Mr. Oliver — Yes, I do.

Mr. Paul — And what's the most recent date you have a signed receipt for?

Mr. Oliver — It's attached to the September letter, but it's actually for the August meeting would be the last one.

Mr. Paul — Of 2016?

Mr. Oliver — Yes.

Mr. Paul — And is it also true that Mr. Hess has appeared personally before this Board?

Mr. Oliver — That's correct.

Mr. Paul — And was he, in fact, at our last meeting?

Mr. Oliver — That's correct.

Mr. Paul — And at that last meeting, did the Board advise him that this matter was continued for a possible demolition hearing today?

Mr. Oliver	That's correct.
Mr. Paul	Thank you. If there is no objection, I would offer Exhibits 4 and 5.
Mr. Denham	The Board accepts.
Mr. Paul	I'm going to show you what has been marked as Exhibit 6. Can you identify that for me, please?
Mr. Oliver	Yes, this is a stack of multiple certified letters sent to Heartland Floral & Gifts at the actual address of 1402 South Joplin, where the business is.
Mr. Paul	Okay, thank you. And I'm going to show you what's been marked as Exhibit Number 7. Can you identify these for me, please?
Mr. Oliver	These are a stack of multiple letters sent to a Cynthia J. Campbell. The last signed receipt for that was a meeting held back in October of 2015.
Mr. Paul	And is it true that she was given notice because she appeared as a possible interest holder on the title work that is Exhibit Number 2?
Mr. Oliver	That's correct.
Mr. Paul	And it's true that she appeared in front of the Board on October 6, 2015, and indicated, in fact, that she had no interest in the property?
Mr. Oliver	Yes.
Mr. Paul	Okay, thank you, Jeff. If there is no objection, I would offer 6 and 7.
Mr. Denham	The Board accepts.
Mr. Paul	I'm going to show you what has been marked as Exhibit Number 8. Can you identify that for me, please?
Mr. Oliver	This is a stack of multiple certified letters all addressed to a Farolyn Ludwig. The last signed letter for him was on December 11th of 2015.
Mr. Paul	And that individual was given notice as a possible lien holder per the title work that is Exhibit Number 2?
Mr. Oliver	Yes.
Mr. Paul	If there is no objection, I would offer Exhibit Number 8.
Mr. Denham	The Board accepts.

Mr. Paul — And I'll show you what's been marked as Exhibits 9, 10, and 11. Can you identify these for me, please?

Mr. Oliver — Exhibit 9 is a stack of certified letters sent to the City of Joplin Finance Department for—that would have been for like mowing bills and things. Exhibit 10 is a stack of certified letters sent to Missouri Department of Revenue. I have multiple signed receipts from them. Exhibit 11 is a stack of certified letters sent to the Department of Treasury/IRS, and I have multiple letters from them signed for.

Mr. Paul — And the purposes of Exhibits 9, 10, and 11 was to give, again, potential lien holders notice of this proceeding?

Mr. Oliver — That's correct.

Mr. Paul — If there is no objection, I would offer Exhibits 9, 10, and 11.

Mr. Denham — The Board accepts.

Mr. Paul — What, if anything else, did you do to notify the owners of the property of this action?

Mr. Oliver — It was published in the Joplin Globe.

Mr. Paul — I'll show you what's been marked as Exhibit Number 12. Can you identify that for me, please?

Mr. Oliver — Yes, this the affidavit of publication, with the publication dates of March 5th, March 12th, March 19th, and March 26th of 2015.

Mr. Paul — Thank you. If there is no objection, I would offer Exhibit 12.

Mr. Denham — The Board accepts.

Mr. Paul — Is it also true that you had the property posted?

Mr. Oliver — That's correct.

Mr. Paul — And is that reflected in Exhibit 1.1, the original photos?

Mr. Oliver — That's correct.

Mr. Paul — Thank you. What schooling and education have you had in the building industry which would qualify you as an expert in the construction of buildings?

Mr. Oliver — I have been a general contractor on several residential projects in the Joplin area over a 20-year period.

Mr. Paul — And from an inspection of the property at issue here, do you have an expert opinion as to whether or not these premises constitute a dangerous building as defined in Chapter 26, Article X, Section 26-612 of the Code of Ordinances of the City of Joplin, and if so, on which of the definitions of dangerous buildings do you base your opinion on, if any?

Mr. Oliver — Yes. Subsection line 4, "whenever the building or structure, exclusive of the foundation, shows substantial damage or deterioration of the supporting or non-supporting members, or enclosing or outside walls, or wall coverings." On the initial inspection of this property, we were called out. The structure was open at that time. And while investigating the structure, and what have you, I noticed that there was an issue with the roof. There was a hole in it, obviously deteriorating and starting to collapse. So obviously it's letting the elements in and causing further deterioration and damage. Throughout this whole process, this has never been addressed or repaired. This would also lead into line 5, "whenever the building or structure has improperly distributed loads upon the floors or roofs, or in which the floors or roofs are overloaded, or which have insufficient strength to be reasonably safe for the purpose used." Obviously, with the hole in the roof and the deterioration and the collapsing that is beginning, it's obviously not of sufficient strength, and it's going to continue to deteriorate. Line 9, "whenever the building or structure has any portion, member or appurtenance, or ornamentation on the exterior thereof which is not of sufficient strength or stability, or is not so anchored, attached or fastened in place, so as to be capable to safely resisting wind pressure or snow or other loads." Again, that ties back into the roof having the hole in it and deteriorating and collapsing.

Mr. Paul — Thank you, Jeff. And is this building also a fire hazard in your opinion?

Mr. Oliver — While the owner has cleaned out a lot of material, I do believe there is some material still in it. In fact, there is evidence of that in the pictures that I took yesterday. He obviously has cleared out a lot. I don't know how much. We have been unable to get back in, but yes, there is still old merchandise in this structure, even by the exits. There is a pathway, but—

Mr. Paul — And is the—I wasn't clear earlier—is the building open to unauthorized entry? You indicated that there might be some transient folks that are—

Mr. Oliver — At this time, there is not. He has secured it.

Mr. Paul — Okay. If there is no objection, I would offer Chapter 26, Articles IX and X of the Joplin Code of Ordinances into evidence before the Board, and I would request the record be held open to include a copy of the Joplin Globe on the dates of publications—

Mr. Denham — The Board accepts.

Mr. Paul — And minutes of this meeting.

Mr. Denham — The Board accepts.

Mr. Paul — Thank you, Jeff. Now would be the defendant's opportunity to cross-examine the witness. We don't see anybody here in the gallery today, and we're not aware of anybody who intended to be here. Does the Board have any questions for the witness? I don't see any. The City rests. This would now be the defendant's opportunity to testify. Again, no one is present in the gallery, and we did not have notice of anybody who intended to appear on this here today. And, therefore, the City turns it back over to the Board for a decision.

Mr. Denham — Do we have a motion?

Mr. Eastman — **Mr. Chairman, I make a motion that Item 2699, 1402 South Joplin, be considered a dangerous building and so demolished according to City Code, Chapter 26, Articles IX and X, Section 26-612, subsection lines 4, 5, and 9, and also to include any outbuildings.**

Mr. Pommert — **Second.**

Mr. Denham — **I have a motion by Mr. Eastman and a second by Mr. Pommert that Item 2699, 1402 South Joplin, be declared a dangerous building and ordered demolished in accordance to the City of Joplin Code of Ordinances under Chapter 26, Articles IX and X, Section 26-612, subsections 4, 5, and 9, and ordered demolished. All those in favor of the demolition, say "aye". (Mr. Denham, Mr. Eastman, Mrs. Harrington, Mr. Hartwell, Mr. Pommert, and Mr. Wilson voted "aye") Those opposed? (None) Motion carries, 6-0.**

Mr. Paul — The other one that's a candidate is Number 2761, 2311 West Third Street. This is also something that's been on the Board's agenda for quite a while, and he's also someone who was here last time. And it's just kind of been hanging out there, I think. Jeff probably knows more about that than I do.

ITEM 2761 — **2311 W. 3rd**
OWNER: William Clemons & Etal Birch
ADDRESS: 134108 Cherry Dr. N. Pinellas FL. 33781
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the August 26, 2016 meeting for a "Demolition Hearing" and Progress Report (SEVENTH TIME BEFORE THE BOARD)

Mr. Oliver — Yeah, I haven't spoke with the gentleman that's been coming to the meetings this month. He's come to several of the meetings and has stated that he's been trying to get full ownership of the property. I believe he

stated that he was working on getting quotes for demolition, but no demo permit has been purchased. The fire was some time back.

Mr. Denham — Yeah.

Mr. Oliver — And he started out doing a real nice job and got it cleaned up and got it secured.

Mr. Denham — The yard was one of the worst I'd ever seen. He did work hard to get it cleaned up.

Mr. Oliver — The mother, I believe, lives in the structure next to it. And the Code Enforcement officer and I—she received a call on it, and we went out, I believe on Monday or Tuesday, and visited with her.

Mr. Denham — Take them one at a time. Well, and if he decides to go ahead and demo it on his own, he still has the time to do it, even if we order it demolished.

Mr. Oliver — Yes, sir.

Mr. Denham — I think we need to go ahead and get the process started myself. It still gives him the chance to do it. Do we have a motion to have this the subject of a dangerous building hearing?

Mr. Wilson — **Mr. Chairman, I make a motion that Item 2661, 2311 West Third Street, be the subject of a dangerous building hearing.**

Mr. Denham — It's actually 2761. You said 2661. Would you amend that be 2761?

Mr. Wilson — I was looking at the wrong one.

Mr. Denham — Yeah, it's printed incorrectly on the photos.

Mr. Eastman — Item 2761.

Mr. Wilson — **Okay, I amend that to Item 2761, 2311 West Third, for the subject of a dangerous building hearing.**

Mr. Eastman — **I'll second.**

Mr. Denham — **I have a motion by Mr. Wilson and a second by Mr. Eastman that Item 2761, 2311 West Third, be the subject of a dangerous building hearing. All those in favor, say "aye". (Mr. Denham, Mr. Eastman, Mrs. Harrington, Mr. Hartwell, Mr. Pommert, and Mr. Wilson voted "aye") Those opposed? (None) Motion carries, 6-0.** The Board turns it over to the City.

Mr. Paul — Thank you. This is the Joplin Building Board of Appeals meeting in the Joplin Municipal Building on this 23rd day of September, 2016, for the purpose of conducting a demolition hearing. The City will present its evidence first, after which the public has a right to cross-examine witnesses and be heard, as well as present witnesses or exhibits. The case for today is Item Number 2761 on the agenda, also known as 2311 West Third Street. The City recalls Jeff Oliver and reminds you that you're under oath. Would you please state your name and occupation?

Mr. Oliver — Jeff Oliver, Building Inspector for the City of Joplin.

Mr. Paul — And how long have you been employed in your current position with the City of Joplin?

Mr. Oliver — Going on eight years.

Mr. Paul — And have you, in the official performance of your duties, had occasion to inspect the property known as 2311 West Third Street?

Mr. Oliver — Yes, I have.

Mr. Paul — I'm going to show you what's been marked as Exhibit Number 1. Can you identify these for me, please?

Mr. Oliver — Yes, these are photos that I took of the property when I posted it on January 29th of 2016.

Mr. Paul — And do the photographs show the premises in—a reasonable likeness of the premises in their present condition?

Mr. Oliver — As far as the structure goes, yes. There has been a lot of cleanup in and outside around the structure, but the structure itself.

Mr. Paul — So as far as the structure itself is concerned, the photographs continue to show a reasonable likeness of the premises in their present condition?

Mr. Oliver — That's correct.

Mr. Paul — Okay, thank you. If there is no objection, I would offer Exhibit 1.

Mr. Denham — The Board accepts.

Mr. Paul — What, if anything, did you do to ascertain ownership of the property?

Mr. Oliver — We had a title search done.

Mr. Paul — I'm going to show you what's been marked as Exhibit Number 2. Can you identify that for me, please?

Mr. Oliver	This is the title search received on February 8th of 2016, showing a William and Birch Clemmons as the owners.
Mr. Paul	If there is no objection, I would offer Exhibit 2.
Mr. Denham	The Board accepts.
Mr. Paul	And you might—I think it was abbreviated on the first page. You might list the whole title owners.
Mr, Oliver	William and Miriam Clemmons, Husband and Wife, and a Robert B. Birch II and Karen E. Birch, Husband and Wife.
Mr. Paul	Okay, so Mr. and Mrs. Clemmons and Mr. and Mrs. Birch?
Mr. Oliver	Yes.
Mr. Paul	Okay, thank you. I'm going to show you what's been marked as Exhibit Number 3. Can you identify these for me, please?
Mr. Oliver	This is a stack of certified letters send to William Clemmons and R. Birch II, sent to an address in Florida, and I have multiple signed receipts for these letters.
Mr. Paul	And when was the most recent signed receipt?
Mr. Oliver	The September 23rd meeting.
Mr. Paul	So that's for today's meeting?
Mr. Oliver	Yes.
Mr. Paul	And to be clear, the person—even though that's addressed to both owners, that's been signed for by which couple?
Mr. Oliver	Clemmons.
Mr. Paul	Mr. and Mrs. Clemmons?
Mr. Oliver	Yes.
Mr. Paul	Okay. If there is no objection, I would offer Exhibit Number 3.
Mr. Denham	The Board accepts.
Mr. Paul	I'm going to show you what have been marked as Exhibits 4 and 5. Can you identify these for me, please?

Mr. Oliver — Exhibit 4 is a stack of certified letters sent Robert Birch III. Again, I have multiple signed receipts for these letters. I believe he's the gentleman that's come to some of the previous meetings. I have a signed receipt for the September 23rd meeting.

Mr. Paul — So today's meeting?

Mr. Oliver — Yes.

Mr. Paul — And, in fact, he was here at the last meeting, correct?

Mr. Oliver — Yes.

Mr. Paul — And he was informed that today there was a possibility the Board would hold a demolition hearing, correct?

Mr. Oliver — Yes. The Board wanted to give him 30 more days to try and get it taken care of.

Mr. Paul — And as far as you know, he was supposed to—what was he supposed to do, or what did he represent to you he would be doing in the last 30 days that he hasn't done?

Mr. Oliver — Well, as I understand or remember that conversation was he was going to be working on getting a demolition contractor and getting a permit.

Mr. Paul — And you're not aware of any permits that have been pulled by him for this property, correct?

Mr. Oliver — There has not been a permit.

Mr. Paul — Thank you.

Mr. Oliver — Exhibit 5 is a stack of certified letters sent to a Karen Birch. I have multiple signed receipts for these letters. Again, there is one for today's meeting that's been signed for.

Mr. Paul — Thank you. And the reason that there were separate letters to Mr. and Mrs. Birch—is it your understanding they're divorced now?

Mr. Oliver — Yes.

Mr. Paul — But they're both still on the title work.

Mr. Oliver — I believe that's the case.

Mr. Paul — Thank you. If there is no objection, I would offer Exhibits 4 and 5.

Mr. Denham — The Board accepts.

Mr. Paul — What, if anything else, did you do to notify the owners of the property of this action?

Mr. Oliver — It was published in the Joplin Globe.

Mr. Paul — I'm going to show you what's been marked as Exhibit 7. Can you identify that for me, please?

Mr. Oliver — This is the affidavit of publication from the Joplin Globe with the publications dates of March 4, 10, 17, and 24 of this year, 2016.

Mr. Paul — If there is no objection, I would offer Exhibit 7.

Mr. Denham — The Board accepts.

Mr. Paul — And, Jeff, we looked back on Exhibit Number 1. Did you also post the property?

Mr. Oliver — Yes, I did.

Mr. Paul — And that's reflected in the photos?

Mr. Oliver — Yes.

Mr. Paul — What schooling and education have you had in the building industry which would qualify you as an expert in the construction of buildings?

Mr. Oliver — I have been a general contractor on several residential projects in the Joplin area over a 20-year period.

Mr. Paul — And from an inspection of the property at issue here, do you have an expert opinion as to whether or not these premises constitute a dangerous building as defined in Chapter 26, Article X, Section 26-612 of the Code of Ordinances of the City of Joplin, and if so, on which of the definitions of dangerous buildings do you base your opinion on, if any?

Mr. Oliver — Yes. Subsection line 6, "whenever any portion thereof has been damaged by fire, earthquake, tornado, wind, flood, vandals or any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such a catastrophe or damage and is less than the minimum requirements of this Code for similar new construction." As you can see by the photos that have been passed around, this property was the subject of a fire. And that fire has basically destroyed it. It would my opinion no repair. It wouldn't be economically feasible to repair it. It was destroyed by fire.

Mr. Paul — If there is no objection, I would offer Chapter 26, Articles IX and X of the Code of Ordinances of the City of Joplin into evidence before the Board. And I would request that the record be held open to include a copy of the Joplin Globe on the dates of publication.

Mr. Denham — The Board accepts.

Mr. Paul — Thank you, Jeff. Now would be the defendant's opportunity to cross-examine the witness; however, we don't see anyone in the gallery, nor are we aware of anyone who intended to be here today. Does the Board have any questions for the witness? I see no questions. The City rests. Now would be the defendant's opportunity to testify. Again, I don't see anybody in the gallery, and I'm not aware of anyone who is present or planned to be present today. And, therefore, the City turns it back over to the Board for a decision.

Mr. Denham — Do we have a motion for demolition?

Mr. Eastman — **Mr. Chairman, I make a motion that Item 2761, 2311 West Third Street, be considered a dangerous building and so demolished according to City Code, Chapter 26, Articles IX and X, Section 26-612, subsection line 6.**

Mr. Hartwell — **Second.**

Mr. Denham — **I have a motion by Mr. Eastman and a second by Mr. Hartwell that Item 2761, 2311 West Third Street, be declared a dangerous building and ordered demolished in accordance to the City of Joplin Code of Ordinances under Chapter 26, Articles IX and X, Section 26-612, subsection, and ordered demolished, including all outbuildings. All those in favor of the demolition, say "aye". (Mr. Denham, Mr. Eastman, Mrs. Harrington, Mr. Hartwell, Mr. Pommert, and Mr. Wilson voted "aye") Those opposed? (None) Motion carries, 6-0.**

Mr. Oliver — Thank you for including the outbuilding. It does have a detached garage.

Mr. Denham — And it's not in too good a shape either. Any other items for a dangerous building hearing?

Mr. Paul — I don't think so. We've got some that need to be done, but we need a little better notice first.

ITEM 2635 — **502 VIRGINIA**
OWNER: AMAS
ADDRESS: 1736 Southern Dr. Neosho MO.
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the June 24, 2016 meeting for a

Mr. Denham — And has there been any movement on the Howsmon building on Virginia? I know the county, I guess, took over ownership, but is there any news on that front?

Mr. Wicklund — We actually hired a contractor to go in and core-drill some holes in the floor to hopefully help with the water issue that the Howsmon building was causing to the apartment building connected to it. That seems to have worked. But that's the only activity up to this point.

Mr. Denham — It seemed like a window had fallen out a few months ago. Does that continue to be an issue, or is that just a one—

Mr. Wicklund — It's an issue. I mean, it would be a pretty big job to remove all of the glass from the building. And then you would need to board it up. I've had the Fire Department go out at least on two occasions with their ladder truck and remove loose glass all along Fifth Street and the alley side. Those seem to be the problem sides. I don't know of any right now that's causing an issue. But there's enough openings in that building—wind comes in in the upper floors, and pigeons, and more glass gets broken and causes issues as time goes on. Structurally, the building is getting worse with every rain event we have.

Mr. Denham — Does the county have any interest in trying to do anything with it?

Mr. Wicklund — Sure. The county wants to find somebody that's interested in taking over ownership of it. That's the extent of their interest.

Mrs. Harrington — Don't we all—

Mr. Denham — Okay.

Mr. Wilson — The way the building sits now, it's just—for me, it's just a disaster waiting to happen.

Mr. Wicklund — It is. I think the question is, what kind of timeframe until that disaster happens? In my opinion, it definitely meets the criteria of a dangerous building as it sits right now. There's really little question in that. However, I don't believe it's to the point that it's to a danger for anyone unless they're in the building or possibly in the apartment building next to it with the mold issues. However, as time goes on, it's going to become more and more of a possible danger to even people just walking around the outside. It's not there yet, but with time, it will be there—it will get there. And something needs to happen with it soon.

Mrs. Harrington — A heavy snow would be a bad deal, wouldn't it?

Mr. Wicklund — It would.

Mr. Wilson — How would the liability be on that as far as—would it fall on the City, or would it fall on the county, or how will that transpire if something really does happen?

Mr. Paul — Well, I'm just shooting from the hip here—it's not a City-owned property, so I don't see any City of Joplin liability for it. And, of course, like anybody else, the county is normally going to enjoy immunity but, you know, one of those exceptions is premises liability. And if someone gets hurt on the property, or walking by the property, I would think that especially since it's hard to argue they don't have knowledge that it's a hazard, they probably have some exposure there. And I would think that that would be some incentive to try and figure something out for it, but it's also a lot of money, and I don't know what the county's financial situation is.

Mr. Wilson — And it's pretty much as case that that's a creek without a paddle.

Mr. Paul — I guess.

Mr. Denham — There's a building over—it's 13th or 12th Street, that looks like the roof has collapsed. I don't know if you've have been by and seen it.

Mr. Wicklund — East or west?

Mr. Denham — East of Main maybe three blocks. It's not past Pennsylvania very far. There is kind of a warehouse shipping area that's had some activity in it, but it's kind of attached to that building. Maybe that building was even on our agenda a few years ago. It had a lot of docks. And there was a—like an air-conditioning business in there.

Mr. Eastman — It's 12th Street.

Mr. Wicklund — That property—yeah, that property has actually been addressed by Code Enforcement, and the owner is taking down that portion that is in the worst shape.

Mr. Denham — Okay. It looks like the roof has actually collapsed.

Mr. Wicklund — Yeah. If they haven't already got a demo permit—I've gotten a phone call from the owner and the demolition contractor, and that's going to be taken care of.

Mr. Oliver — How long do you guys want to extend the Virginia property?

Mr. Denham — It wouldn't matter, really. Yeah, maybe 60 days before winter sets in, maybe we can look at it again.

Mrs. Harrington — That's November—the day after Thanksgiving.

Mr. Denham — Well, that's the time we normally have a joint meeting for November and December.

Mrs. Harrington — November and December.

Mr. Denham — It's usually in early December.

Mr. Oliver — Susan and I kind of talked about this a week or so ago and kind of penciled in December 9th.

Mr. Denham — That works for me. I don't know if we need to have a motion but just plan on it. That's typically what this Board has done—not had a November and a December meeting, but a joint one because of the holidays. They always hit right around our scheduled meetings.

Mr. Oliver — Do we want to go to December 9th on that one?

Mr. Denham — Yeah. Is there a motion to continue that particular item?

Mrs. Harrington — **Mr. Chairman, I make a motion that Item Number 2635, at 502 Virginia, be continued until December 9th—**

Mr. Wilson — **Second.**

Mrs. Harrington — **For a demolition hearing and progress report.**

Mr. Denham — **I have a motion by Mrs. Harrington and a second by Mr. Wilson that Item 2635, 502 Virginia, be continued to our December 9th meeting for a progress report and demolition hearing. All those in favor, say "aye". (Mr. Denham, Mr. Eastman, Mrs. Harrington, Mr. Hartwell, Mr. Pommert, and Mr. Wilson voted "aye") Those opposed? (None) Motion carries, 6-0.** All others to our October 28th meeting?

Mr. Oliver — Yes.

ITEM 2689 — **1310 MISSOURI**
OWNER: Clayton Doudy
ADDRESS: 13020 Frontage Rd. Bentonville AR. 72712
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the August 26, 2016 meeting for a "Demolition Hearing" and Progress Report (SIXTEENTH TIME BEFORE THE BOARD)

Mr. Oliver — Did everybody read this e-mail? The property owner at 1310 South Missouri—apparently the gentleman who bought it from Mr. Carpenter has now turned around and says he has it sold.

Mr. Wilson — Of course, another "Round Robin".

Mr. Denham — It's that old game where they shuffle the cups and try to pick where the—

Mrs. Harrington — Right.

Mr. Wilson — The "shell" game.

Mr. Eastman — Yeah, the "shell" game.

ITEM 2776 — **1701 BIRD AVE.**
OWNER: Louise Fransham
ADDRESS: 116 W. 2ND St. Carthage MO. 64836
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the August 26, 2016 meeting for a "Demolition Hearing" and Progress Report (SECOND TIME BEFORE THE BOARD)

ITEM 2777 — **914 W. 17TH ST.**
OWNER: Louise Fransham
ADDRESS: 116 W. 2ND St. Carthage MO. 64836
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the August 26, 2016 meeting for a "Demolition Hearing" and Progress Report (SECOND TIME BEFORE THE BOARD)

ITEM 2778 — **820 S. PICHER**
OWNER: Michael & Vicki Banks
ADDRESS: 820 S. Picher Joplin MO. 64801
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the August 26, 2016 meeting for a "Demolition Hearing" and Progress Report (SECOND TIME BEFORE THE BOARD)

ITEM 2780 — **2318 W. 4TH St.**
OWNER: Cassie R. Craddick
ADDRESS: 2318 W. 4TH St. Joplin MO. 64801
"Finding of fact Hearing" scheduled for this date"

ITEM 2781 — **519 N. JACKSON AVE.**
OWNER: Laura Julien
ADDRESS: 317 E. Fountain Rd.
"Finding of fact Hearing" scheduled for this date"

ITEM 2782 **905 CENTRAL ST.**
OWNER: Adolphus Robinson
ADDRESS: 905 Central St. Joplin MO. 64801
Finding of fact Hearing" scheduled for this date"

ITEM 2783 **1921 PERKINS ST.**
OWNER: Harold & May Bullard
ADDRESS: 1720 S. Murphy Ave. Joplin MO. 64801
"Finding of fact Hearing" scheduled for this date"

ITEM 2784 **2108 W. 3RD ST.**
OWNER: 2108 W. 3 TR.
ADDRESS: P.O. Box 3133, Joplin MO. 64803
"Finding of fact Hearing" scheduled for this date"

ITEM 2785 **417 S. PARK**
OWNER: Dawn Morian
ADDRESS: 6720 Woodson, Raytown MO. 64133
"Finding of fact Hearing" scheduled for this date"

ITEM 2786 **211 S. PARK**
OWNER: Lois Shilkett
ADDRESS: 812 N. Pearl Ave. Joplin MO. 64801
"Finding of fact Hearing" scheduled for this date"

Mr. Oliver — Yeah, October 28th.

Mr. Denham — At some point, we're just going to have to demo the building at 1310 Missouri. The back of it is in really bad shape, no matter how many times they can sell it.

Mr. Oliver — I guess they're buying it for a couple of thousand dollars. I don't know that it's worth that much.

Mr. Denham — You could be making money as a title company every time they sell. Is there a motion to continue all the remaining items to October 28th?

Mr. Wilson — **Mr. Chairman, I make a motion that all remaining items on the agenda be continued to our October 28th meeting.**

Mr. Eastman — **Second.**

Mr. Denham — **I have a motion by Mr. Wilson and a second by Mr. Eastman that all remaining items be continued to October 28th for progress reports and demolition hearings. All those in favor, say "aye". (Mr. Denham, Mr. Eastman, Mrs. Harrington, Mr. Hartwell, Mr. Pommert, and Mr. Wilson voted "aye") Those opposed? (None) Motion carries, 6-0.**

Mr. Denham — Do we have a motion to adjourn?

Mr. Wilson — **So moved.**

Mr. Oliver — Thank you, everyone. I appreciate you.

Mr. Denham — **All those in favor? (Mr. Denham, Mr. Eastman, Mrs. Harrington, Mr. Hartwell, Mr. Pommert, and Mr. Wilson voted "aye") Motion carries, 6-0.**

There being no further business to come before the Building Board of Appeals, the meeting stood adjourned at 10:20 a.m.

Approved _____
Kyle Denham, Chairman

Approved _____
Susan E. Champlin, Notary Public

My Commission expires: November 18, 2016

STATE OF MISSOURI NOTARY SEAL

SUSAN E. CHAMPLIN
Notary Public
Jasper County
My Commission Expires
November 18, 2016
Commission # 12528995