Building Board of Appeals
Meeting Minutes
October 22, 2021

Call to order

Mr. Denham called to order the regular meeting of the Building Board of Appeals at 9:01 am on October 22, 2021.

Roll call

Mr. Denham conducted a roll call. The following persons were present: Kyle Denham, Lance Windsor, Gary Wilson, Garret Wagner, Assistant City Attorney Jordan Paul, City Building Inspector Jeff Oliver and City Building Official Bryan Wicklund. Mr. Denham asked for a motion to excuse Mr. Hartwell, Mr. Urie-Ross, and Mr. Malone. Mr. Windsor made a motion to excuse the absent members. Seconded by Mr. Wagner. (4 Aye, 0 Nay)

Approval of Minutes

Mr. Denham asked for a motion to approve the minutes as presented for the September Board of Appeals meeting. Mr. Windsor made a motion to approve the September Building Board of Appeals minutes and Mr. Wagner seconded the motion. (4 Aye, 0 Nay)

Continued Items

Item 2913, 3615 S. Range Line Rd.

Aaron Gumpenberger was not present at the meeting. Patrick Wood was present at the meeting. Mr. Wood informed the Board he had a meeting with their Joint Venture Partners and Bryan Wicklund a few weeks ago; they hope to have plans ready by the next meeting. Mr. Wood stated there should be demolition crews, a permit pulled, and construction started by the end of the year. Mr. Denham asked if this will be selective demolition and Mr. Wood replied they will be demolishing areas in the kitchen and parts of the tower. Mr. Denham asked if they are keeping the building secure and Mr. Wood replied he just hired a local contractor that will go by the property once a day. Mr. Oliver advised he noticed an issue with the chain link fencing and Mr. Wood replied it should be fixed, but he is heading over there as soon as the meeting is

over. Mr. Denham asked for a motion. Mr. Windsor made a motion to continue Item 2913, 3615 S Range Line Rd to the December 10th Building Board of Appeals meeting for a progress report and demolition hearing, seconded by Mr. Wilson (4 Aye, 0 Nay)

Item 2921, 1124 Murphy Ave.

Ms. Wilson was present as the owner of the property. Contractor Freddie Rickey was present at the meeting. Mr. Rickey advised the framing was inspected yesterday, they were told they could move on to the electrical and plumbing, and the sewer line is also in. Mr. Oliver asked if the electrical and plumbing would be done by the next meeting and Mr. Rickey replied he hopes they will be completed. Mr. Rickey stated insulation and sheetrock are next on the list. Mr. Denham asked for a motion. Mr. Wagner made a motion to continue Item 2921, 1124 Murphy Ave. to the December 10th Building Board of Appeals meeting for a progress report and demolition hearing, seconded by Mr. Windsor. (4 Aye, 0 Nay)

Item 2924, 115 N. Landreth Ave.

Todd Patterson was present as the owner of the property. Mr. Patterson informed the Board that rough in is done and Inspector Todd Johnson is at the property now doing the HVAC inspection. Mr. Patterson advised sheetrock will go in this weekend, the porches will be done next weekend, the paint interior and exterior will be completed in about two weeks, the windows are all in except one that was shipped to the wrong location, and the oversize shower will be installed in ten days. Mr. Oliver asked if the project would be close to being complete by the next meeting on December 10th and Mr. Patterson replied they will be 95%, but there may be a few items to address such as fixtures, screens on the back porch, and final electrical inspection. Mr. Denham asked for a motion. Mr. Wagner made a motion to continue Item 2924, 115 N. Landreth Ave. to the December 10th Building Board of Appeals meeting for a progress report and demolition hearing, seconded by Mr. Wilson. (4 Aye, 0 Nay)

Item 2940, 217 Michigan Ave.

Owner of the property was not present at the meeting. Mr. Denham calls for a motion for a dangerous building hearing. Motion to hold a demolition hearing made by Mr. Wagner, Second by Mr. Windsor. (4 Aye, 0 Nay) Mr. Paul calls Jeff Oliver under oath and is sworn in by Rachel Freund, Notary Public. Mr. Paul questions Mr. Oliver if he has had the opportunity to inspect the property at issue and show reasonable lackness for the matter at issue? Mr. Oliver states yes, he has inspected the property and it does qualify for demolition, and that can be seen in the photographs that are being passed around. Mr. Paul asked Mr. Oliver if the photographs reflect a placard that he placed on the property and is the purpose of that placard to notify any party that might be present on the property of this proceeding and Mr. Oliver replied yes. Mr. Paul asked what Mr. Oliver did to ascertain the ownership of the property and Mr. Oliver

explains that he had a title search done using Great American Title showing Gabino Aldaco Atayde as the owner. Mr. Paul asked Mr. Oliver what if anything else did you do to notify any interested party of this action. Mr. Oliver states he sent certified letters to Gabino Aldaco Atayde and he has signed receipts for most of those letters. Mr. Paul asked Mr. Oliver if he had a signed receipt for the most recent letter dated September 30 of this year, giving notice of today's hearing and Mr. Oliver replied correct. Mr. Paul asked Mr. Oliver what if anything else did you do to notify any interested party of this action. Mr. Oliver tells the Board that the item was advertised in the Joplin Goble with the publication dates of 2/4, 2/11, 2/18, and 2/25 of this year. Mr. Paul asked if Mr. Oliver had any contact with the owner while this property was before the Board. Mr. Oliver replied that the owner did come to a meeting, prior to the permit being pulled. Mr. Paul asked Mr. Oliver if he has reason to believe that the owner is aware that this building is before this board at this time and Mr. Oliver replied correct. Mr. Oliver expresses that he has based his opinions off the Code of Ordinances with sub-section lines 12, 19 for Item 2940, 217 Michigan Ave. Mr. Oliver informed the Board that a permit was pulled in April and one inspection was done, but progress stopped. Mr. Oliver explains that in his professional opinion, he would recommend demolishing the structure. Mr. Denham asks for a motion. Motion to demolish Item 2940, 217 Michigan Ave. to include any out-buildings and revocation of the active building permit made by Mr. Wagner, Second by Mr. Windsor. (4 Aye, 0 Nay)

Item 2942, 4323 W 27th Pl.

Elena Spiridonova was present as the owner of the property. Jason Myers was present speaking on behalf of the owner. Mr. Myers informed the Board they have surveyed the property with their contractor Down South Construction, who is also present at the meeting. Mr. Myers stated the property is structurally sound and they need to get the property cleaned out so they can arrive at an estimate for rebuilding the structure. Mr. Denham advised this item has been on the Agenda ten times now, the garage door is partially open, and there is a broken window on the east side. Mr. Myers replied the back window is now secured by a board and they have new locks on the front door. Mr. Myers stated if they can't repair the garage door, they will replace it, but it currently will not open. Mr. Denham stated the Board would like to see a schedule of the work to be completed. Mr. Myers advised they have a dumpster, will pull permits today, and are going to complete this project as quickly as possible. Mr. Myers advised the property already has a new roof and siding on one side. Mr. Denham asked for a motion. Mr. Windsor made a motion to continue Item 2942, 4323 W 27th Pl. to the December 10th Building Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Wilson. (4 Aye, 0 Nay)

Item 2946, 323 N. Mineral Ave.

Owner of the property was not present at the meeting. Mr. Denham calls for a motion for a dangerous building hearing. Motion to hold a demolition hearing made by Mr. Windsor, Second by Mr. Wilson. (4 Aye, 0 Nay) Mr. Paul calls Jeff Oliver and reminds him that he is under oath. Mr. Paul questions Mr. Oliver if he has had the opportunity to inspect the property at issue and show reasonable lackness for the matter at issue? Mr. Oliver states yes, he has inspected the property and it does qualify for demolition, and that can be seen in the photographs that are being passed around, the first set of photos (exhibit 1.1) are dated 10/7/2020 and the second set of photos (1.2) are dated 10/21/2021. Mr. Paul asked Mr. Oliver if exhibit 1.1 showed a reasonable lackness of the property when this item was originally posted and exhibit 1.2 shows the reasonable lackness of the property as it stands today, and Mr. Oliver replied correct. Mr. Paul asked Mr. Oliver if the photographs reflect a placard that he placed on the property and is the purpose of that placard to notify any party that might be present on the property of this proceeding and Mr. Oliver replied yes. Mr. Paul asked what Mr. Oliver did to ascertain the ownership of the property and Mr. Oliver explains that he had a title search done using Great American Title showing Christopher T. Hills as the owner. Mr. Paul asked Mr. Oliver what if anything else did you do to notify any interested party of this action. Mr. Oliver states that he sent certified letters to Christopher Hills and he has signed receipts for those letters. Mr. Paul asked Mr. Oliver if he had a signed receipt for the most recent letter dated September 30 of this year, giving notice of today's hearing and Mr. Oliver replied the certified card was mailed back to them without signature. Mr. Paul asked Mr. Oliver what if anything else did you do to notify any interested party of this action. Mr. Oliver tells the Board that the item was advertised in the Joplin Goble with the publication dates of 4/1, 4/8, 4/15, and 4/22 of this year. Mr. Paul asked if Mr. Oliver had any contact with the owner while this property was before the Board. Mr. Oliver did have a few conversations with him about three months ago. It sounded like he was trying to secure funds or have a partner come in, but there has been no contact in three months. Mr. Paul asked Mr. Oliver if he has reason to believe that the owner is aware that this building is before this board at this time and Mr. Oliver replied correct. Mr. Oliver expresses that he has based his opinions off the Code of Ordinances with sub-section lines 12, 19 for Item 2946, 323 N. Mineral Ave. Mr. Oliver replied a permit was purchased March 12th, 2021. Mr. Oliver explains that in his professional opinion, he would recommend demolishing the structure. Mr. Denham asks for a motion. Motion to demolish Item 2946, 323 N. Mineral Ave. to include any out-buildings and revocation of the active building permit made by Mr. Wagner, Second by Mr. Wilson. (4 Aye, 0 Nay)

Item 2947, 2408 Willard Ave.

Owner of the property was not present at the meeting. Mr. Oliver advised Ms. Gamble has made progress on the property. Mr. Denham advised Mr. Hartwell did ask her to remove the burned car from the front yard, which is now behind the house inside the fence. Mr. Denham asked for a motion. Mr. Windsor made a motion to continue Item 2947, 2408 Willard Ave. to the December 10th Building Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Wilson. (4 Aye, 0 Nay)

Item 2956, 1502 Bird Ave.

Owner of the property was not present at the meeting. Mr. Oliver informed the Board there was a fire at this property, there is a new owner, the permit is in place, and she has done a better job at securing the property. Mr. Oliver asked the Board to continue this property to the next meeting. Mr. Denham asks for a motion. Mr. Wagner made a motion to continue Item 2956, 1502 Bird Ave. to the December 10th Building Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Wilson. (4 Aye, 0 Nay)

Item 2958, 2421 S. Florida Ave.

Owner of the property was not present at the meeting. Mr. Oliver stated there was a fire at this property, there is a new owner, a permit is in place, and they have made some progress gutting out the interior of the structure. Mr. Denham asked for a motion. Mr. Wagner made a motion to continue Item 2958, 2421 S. Florida Ave. to the December 10th Building Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Wilson. (4 Aye, 0 Nay)

Item 2962, 1127 S. Sergeant Ave.

Owner of the property was not present at the meeting. Mr. Oliver advised a demolition permit was pulled this week and he hopes they can release this property at the next meeting for the structure being demolished. Mr. Denham asks for a motion. Mr. Windsor made a motion to continue Item 2962, 1127 S. Sergeant Ave. to the December 10th Building Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Wilson. (4 Aye, 0 Nay)

Item 2963, 418 W. 2nd St.

Matthew Bolin was present on behalf of PX Commercial LLC the owners of the property. Mr. Bolin informed the Board the contractor has pulled a permit, the back exterior wall has been secured with sheeting, the interior framing is done, and the exterior siding should be done today as well. Mr. Bolin stated the electrician is starting work today and should be finished by 10/29, the exterior painting is starting on Monday or Tuesday, the plumber is coming on November 1st, and HVAC is coming in after that is finished. Mr. Bolin advised the expected

completion date is the end date end of January for the whole project. Mr. Oliver stated any bedroom windows that are replaced need to meet the egress codes and Mr. Bolin advised he would check with the contractor on those. Mr. Windsor advised the requirement is 3050. Mr. Denham asks for a motion. Mr. Wagner made a motion to continue Item 2963, 418 W. 2nd St. to the December 10th Building Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Windsor. (4 Aye, 0 Nay)

Item 2964, 2526 E. 12th St.

Oliver Dutton was present on behalf of Dutton Investment Group as the owner of the property. Mr. Denham stated the house was already ordered demolished; he would like to know why Mr. Dutton did not show up to any meetings. Mr. Dutton advised the Board that he did not understand it was detrimental to be present at the Board meetings. Mr. Dutton received the insurance check on the 20th and the Board ordered the structure demolished on the 24th. Mr. Denham advised he understands that Mr. Dutton was waiting on proceeds from the insurance, but there was no attempt made to secure the building. Mr. Dutton replied he understands he should have secured the property sooner, but he did not want to give the insurance company a reason to not pay out. Mr. Dutton advised the ground level entrances to the structure are all boarded up now and they have a general contractor Phil Burkhart of Burkhart Construction. Mr. Oliver advised the Board the permit application has been submitted. Mr. Wilson advised he was concerned about the security of structure; he was there yesterday, and it seemed like he could gain access. Mr. Dutton requested specific information about what the Building Board wants him to secure at the property and Mr. Wicklund explained the specific requirements. Mr. Oliver said if the board was to revoke the demolition order is there someone that could come in and do demolition right away. Mr. Dutton clarified that the front part of the garage and the roof is the only part of the garage that is damaged, he will start work on that quickly. Mr. Denham asks for a motion. Mr. Wagner made a motion to vacate the demolition order on Item 2964, 2526 E. 12th St. Seconded by Mr. Windsor. (4 Aye, 0 Nay) Russ Shuttlebauer was present at the meeting. Mr. Denham explained that the owner has a contractor, but they can't start for a couple of months due to their schedule. Mr. Shuttlebauer advised it sounded like there is progress, but if the owner boards up the house can the work just stop. Mr. Windsor clarified that the owner should be starting on some demolition in a week or two, so it should start to make the structure safer for the neighborhood. Mr. Windsor believes the feels the structure can be saved, so he would like to see it continued to the next meeting. Mr. Denham asks for a motion. Mr. Wagner made a motion to continue Item 2964, 2526 E. 12th St. to the December 10th Building Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Windsor. (4 Aye, 0 Nay) The Board expressed concern that the owner left prior to the motion.

Item 2968, 217 N. Gray Ave.

Donna Bray was present as the owner of the property. Ms. Bray provided the Board with documents detailing the work that has been done. Mr. Oliver informed the Board that Ms. Bray did have a permit in place for a front porch that was torn off several months ago, but progress stopped so the property was brought before the Board. Mr. Oliver advised he has met with Ms. Bray at the site, there has been quite a bit of cleanup, there is a small room at the back of the house that collapsed that she would like to rebuild on the footings and foundation, and she does have the permit for this. Mr. Oliver stated Ms. Bray has been in talks with Economic Security to come in and help with the work on the roof. Ms. Bray advised she is speaking with Economic Security, but she needs liability insurance before Economic Security can do the work. Ms. Bray advised local insurance agencies won't give her insurance unless someone is living at the property and the house has power. Mr. Denham asked if she can't secure insurance and Economic Security can't help with the work, is there a second option and Ms. Bray replied they will get another dumpster and tear the roof off and the work themselves. Mr. Windsor asked if the house is secured at this point and Ms. Bray replied yes. Mr. Denham asks for a motion. Mr. Wagner made a motion to continue Item 2968, 217 N. Gray Ave. to the December 10th Building Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Windsor. (4 Aye, 0 Nay)

Item 2969, 3024 E. 9th St.

Brian Pink was present at the meeting. He purchased the property on October 21, 2021 and has a copy of the Warranty Deed. Mr. Pink has four people taking a bid on demolishing the structure, they are going to make a buildable lot, and then do new construction on the site. Mr. Denham asked how quickly the structure could be demolished. Mr. Pink replied he is meeting with four people today and it depends on how quick they can get permits. Mr. Oliver stated it depends on the Utility companies and how fast they can remove them. Mr. Denham asks for a motion. Mr. Windsor made a motion to continue Item 2969, 3024 E. 9th St. to the December 10th Building Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Wagner. (4 Aye, 0 Nay)

Item 2970, 2009 E. 4th St.

Owner of the property was not present at the meeting. Mr. Oliver informed the Board that the owner came in and signed a consent form. Mr. Oliver advised the Board they can continue this property to the next meeting, or they can release this item, but as far as the demolition it could still take 6 to 8 weeks to bring down the structure. Mr. Denham asked if the owner could change his mind with a signed consent form and Mr. Paul stated that he could revoke the consent for demolition. Mr. Denham asks for a motion. Mr. Wagner made a motion to continue

Item 2970, 2009 E. 4th St. to the December 10th Building Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Windsor. (4 Aye, 0 Nay)

New Business

Item 2971, 2101 E. 35th St.

Owner was not present at the meeting. Mr. Oliver advised this property was the subject of a fire, however they did get a permit and this building has now been demolished. Mr. Oliver asks the Board to release this item. Mr. Denham asks for a motion. Mr. Wagner made a motion to release Item 2971, 2101 E. 35th St. from the Agenda. Seconded by Mr. Windsor. (4 Aye, 0 Nay)

Item 2972, 213 E. 14th St.

Thomas and Myla Yeager were present as the owners of the property. Ms. Yeager informed the Board the renters that were living in the property moved out in July or August and they took bids for demolition of the structure. Ms. Yeager stated there is a pending sale contract to Troy Tolivar, the closing is due November 1st, they surveyed the property with him, and he intends to spend $20,000 to $25,000 to renovate the property. Ms. Yeager advised Mr. Tolivar saw the posted placard on the property. Mr. Oliver asked if Ms. Yeager invited Mr. Toliver to the meeting and Ms. Yeager replied she did not think to do that. Mr. Denham asks for a motion. Mr. Windsor made a motion to continue Item 2972, 213 E. 14th St. to the December 10th Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Wagner. (4 Aye, 0 Nay)

Item 2973, 709 W B St.

Keith Enderle was present as the owner of the property. Mr. Enderle informed the Board that he purchased these two properties at a tax sale and then owner financed them to a woman that lives in Neosho and he is in the process of repossessing both houses through his attorney. Mr. Enderle intends to get both houses up to city code and sell them. Mr. Denham asked if both properties were currently vacant, and Mr. Enderle replied yes. Mr. Enderle asked for copies of anything he could take to his Attorney and Mr. Oliver replied that he could take the letter he was sent asking him to appear at the Board meeting. Mr. Enderle advised he did let the woman know that she needed to attend the meeting and he received no response. Mr. Denham asked if the Attorney had given him an idea of how long the repossession process would take and Mr. Enderle replied between 30 and 45 days. Mr. Denham asks for a motion. Mr. Wagner made a motion to continue Item 2973, 709 W B St. to the December 10th Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Windsor. (4 Aye, 0 Nay)

Item 2974, 302 N Sergeant Ave.

Keith Enderle was present as the owner of the property. Mr. Enderle informed the Board that he purchased these two properties at a tax sale and then owner financed them to a woman that lives in Neosho and he is in the process of repossessing both houses through his attorney. Mr. Enderle intends to get both houses up to city code and sell them. Mr. Denham asked if both properties were currently vacant, and Mr. Enderle replied yes. Mr. Enderle asked for copies of anything he could take to his Attorney and Mr. Oliver replied that he could take the letter he was sent asking him to appear at the Board meeting. Mr. Enderle advised he did let the woman know that she needed to attend the meeting and he received no response. Mr. Denham asked if the Attorney had given him an idea of how long the repossession process would take and Mr. Enderle replied between 30 and 45 days. Mr. Denham asks for a motion. Mr. Wagner made a motion to continue Item 2973, 709 W B St. to the December 10th Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Windsor. (4 Aye, 0 Nay)

Other Business

Item 2967, 722 S. Indiana Ave.

Heath Lanyon and James Still were present as the owners of the property. Mr. Oliver informed the Board this item is not on the Agenda, but the new owners requested to speak to the Board. Mr. Oliver advised the Board this property has been ordered demolished. Mr. Lanyon informed the Board they bought the property the 20th of September and were unaware of any notices or warnings, they would not have closed on the property if they knew it was before the Board. Mr. Oliver stated he posted placards on the property three times. Mr. Lanyon stated they were going to start cleanup and secure the property before they purchased the property, but there were homeless people living in the property; they worked with police and the current owner to remove them. Mr. Lanyon advised they removed five 14-yard dumpsters of debris from the garage and the house, the grass has been mowed, the windows are now secured. Mr. Lanyon advised the neighbor mentioned they thought the house was up for demolition. Mr. Lanyon stated they are ready to pull permits today, the plan is to start on electrical, plumbing, and then sheetrock, and the project should take up to three months. Mr. Oliver stated he is concerned about a permit being sold and then a month later the house is sold. Mr. Paul asked if it was their intent to sell the property before they repair it and Mr. Lanyon stated yes. Mr. Denham stated he is not interested in putting a stay on it if they are just going to sell it and not do all the work. Mr. Windsor stated they need to be the ones who complete the work before the house is sold. Mr. Lanyon stated this is their intention. Jordan explained the stay process and advised the board there doesn't have to be a new demolition hearing, they can make the document state if there is a transfer in ownership, the board can lift the stay. Mr. Paul advised there would need to be some type of meaningful progress by the next meeting on December 10th.

Mr. Oliver asks that it be documented that the owners are required to see the project through to the end and Mr. Denham stated this is a critical piece. Mr. Paul stated it would mean receiving a Certificate of Occupancy or being released by the Board. Mr. Wicklund explained once all the required inspections have passed, it is considered complete. Mr. Denham asked for a motion. Motion to stay demolition on Item 2967, 722 S. Indiana Ave. made by Mr. Windsor. Seconded by Mr. Wilson. (4 Aye, 0 Nay) Mr. Denham stated Item 2967, 722 S. Indiana Ave. will have a stay on the demolition until the December 10th meeting and part of the conditions of the stay would be the new owners must sign the document produced by the City.

Mr. Denham asked for a motion to adjourn the meeting. Motion made by Mr. Wagner, second by Mr. Windsor to adjourn the meeting at 11:07 am.

Approved _____

Kyle Denham, Chairman

Approved _____

Rachel Freund, Notary Public



My commission Expires: July 25, 2025