JOPLIN | BUILDING BOARD OF APPEALS

Building Board of Appeals

Meeting Minutes

October 27, 2023

Call to Order

Mr. Denham called to order the regular meeting of the Building Board of Appeals on October 27, 2023.

Roll Call

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

Approval of Minutes

Mr. Windsor made a motion to approve the Building Board of Appeals minutes from September 22, 2023, and Mr. Michael Wicklund seconded the motion. (7 Aye, 0 Nay) Motion carried.

Mr. Gary Duncan left the meeting at 10:43 a.m. for a prior engagement.

Continued Items

Item 2985, 130 S. Moffet Ave.

Wendy Stevens, owner of the property was not present. Mr. Oliver stated he has had no contact with the owner. Mr. Michael Wicklund stated the property would be listed for sale with a significant price reduction. The carriage house was secured. The property

would be posted on Monday, October 30th. There had been nothing done to the interior of the main residence. **Mr. Michael Wicklund made a motion to continue Item 2985, 130 S. Moffet Ave. to the December 8, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Tucker. (7 Aye, 0 Nay) Motion carried.**

Item 2986, 302 S. Connor Ave.

Item 2987, 306 ½ S. Connor Ave.

Levi Babb, Blue Shutter Investments, owner of the properties was present. He stated the foundation and north wall had been completed on 306 ½ S. Connor Ave. There were issues with the permit on 302 S. Connor Ave. They need a meeting with the fire marshal. The issues stemmed from problems with the project manager. Mr. Tucker asked if the property would still be sprinkled. Mr. Babb stated yes, and he provided a letter to the Board. Mr. Denham asked if they had been able to secure the property. Mr. Babb stated yes. **Mr. Tucker made a motion to continue Item 2986, 302 S. Connor Ave. and Item 2987, 306 ½ S. Connor Ave. to the December 8, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Windsor. (7 Aye, 0 Nay) Motion carried.**

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

Shaun Grindle, 312 N. Connor Ave, Joplin, Missouri owner of the properties was present. He stated that it had been four months since he had attended the last meeting. The roof was completed and the stone on the east side was completed. They had constructed a gate around the property. The demolition was mostly completed, and they were waiting on bids. Phase I was completed. They had a bridge loan and that was all used on Phase I. They presently need bids and funding. Mr. Denham stated the outside looked great and the Board appreciated the fence. **Mr. Duncan made a motion to continue Item 2990, 801, 803 & 805 W. 1st St. to the January 26, 2024, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Tucker. (7 Aye, 0 Nay) Motion carried.**

Item 3002, 301 S. Winfield Ave.

Anabell Lopez, 301 S. Connor Ave., Joplin, Missouri owner of the property was present. Ms. Lopez asked about what was needed for footing and she had questions about the soil. Mr. Bryan Wicklund stated the ground must be solid and if not, they need to dig deeper. The rebar needs to be suspended off the ground minimum 30 inches down

from the top of the grass. Mr. Bryan Wicklund advised Ms. Lopez to call for an inspection. **Mr. Michael Wicklund made a motion to continue Item 3002, 301 S. Winfield Ave. to the December 8, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Duncan. (7 Aye, 0 Nay) Motion carried.**

Item 3010, 1116 S. Jackson Ave.

Patrick Stone, owner of the property was present. Mr. Stone stated thieves stole the air conditioning unit. He stated Mr. Bell, City Inspector had given approval for final rough-in. The property needed drywall and security cameras. All floors were finished. The work was in progress. They were six months into the project. They were trying to abide by the stringent inspection guidelines. He stated unlike the previous person who spoke he did actually own the property. His timeline was four months. He had invested $40,000.00 into the property. The plumbing and electrical had been approved. Mr. Oliver said the exterior was not complete. Mr. Stone stated the back was not completed. The footing needed done. Mr. Oliver said progress must be made for it to be released from the Board's Agenda. Mr. Stone asked questions about the security of the property and the nine people he had witnessed on bicycles. Mr. Paul referred the owner to the Joplin Police Department to inquire about a trespass affidavit. He stated a trespass affidavit was relatively effective. Mr. Windsor suggested a field camera. Mr. Tucker suggested finding a trustworthy neighbor. **Mr. Michael Wicklund made a motion to continue Item 3010, 1116 S. Jackson Ave. to the December 8, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Brown. (7 Aye, 0 Nay) Motion carried.**

Item 3011, 911 W. B St.

Phillip Bentz, Neosho, Missouri represented the property. Mr. Bentz stated the property was ready for inspection. The plumber was scheduled for next week and he does not know about the electrician. Mr. Denham said the property looked open. Mr. Bentz stated it must be the workers. Mr. Oliver said they need to get moving because the permit will expire in January. They were closing in on one year. **Mr. Michael Wicklund made a motion to continue Item 3011, 911 W. B St. to the December 8, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Duncan. (7 Aye, 0 Nay) Motion carried.**

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

Dustin Mellies, 1027 S. Main, Suite 330, Joplin, Missouri representative of the property was not present. Mr. Oliver stated a lot of progress had been made this month. They have a consultation with an inspector today. Mr. Denham asked if they had submitted plans. Mr. Bryan Wicklund stated no. **Mr. Windsor made a motion to continue Item 3015, 117 S. Byers Ave. and Item 3016, 121 S. Byers Ave. to the December 8, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Brown. (7 Aye, 0 Nay) Motion carried.**

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

Jeremy Brown, 502 S. Pearl Ave. Joplin, Missouri, attorney, spoke on behalf of the properties. Mr. Denham asked for a progress report. Mr. Brown provided an email to the Board. They had obtained a list of sub-contractors. The plans had been changed and they will have a letter from the engineer next week. Mr. Papen had been cleaning up the site. Mr. Papen stated they had encountered a delay because of a wall in the alley way. The wall was leaning over in the alley way. Mr. Tucker asked if they had received feedback from the City and referred to South Middle School. Tyler Bellairs, City of Joplin stated that was ultimately Dakota Rusk, City of Joplin Public Works call. Mr. Tucker asked Mr. Papen if he would have the funds to complete the project. Mr. Papen stated absolutely. There was no other litigation. It had all been cleared up. The litigation had nothing to do with this project. Mr. Michael Wicklund asked what progress had been made in the past 30 days because he had seen no progress. Mr. Papen provided photographs to Mr. Michael Wicklund. Mr. Michael Wicklund stated this had been a revolving door. The property remained unsecured and there was still not a fence around the property. Mr. Papen asked if the Board would like a fence around it and a camera on site and site lighting. Mr. Papen said the permitting process had brought things to their attention. Mr. Tucker asked if Mr. Papen was doing all these things and still did not own the property. Mr. Tucker reminded Mr. Papen that a special meeting had been called last December and it was coming up on one year and the property still had not closed. Mr. Papen said the closing was scheduled for November 23rd. Mr. Brown told Mr. Papen that he needed to stay closely involved and be intent on getting the plans next week. Mr. Papen stated they were clear to close, and they were using Elevate Equities. Mr. Oliver asked Mr. Bryan Wicklund for revisions. Mr. Bryan Wicklund stated the Building Department received an email from Mr. Papen last night addressing the retaining wall problems. The only new information Mr. Bryan Wicklund could

provide was the email. Mr. Papen provided the names of two sub-contractors. He received another email this morning, but he had not had time to read the email. Mr. Michael Wicklund referred to the September minutes and asked if the moisture test and roof test had been completed. Mr. Jeremy Brown stated he did not remember that. Mr. Windsor said there had been absolutely nothing done, and they had heard all of this before. He stated the Board needed to make a decision. Mr. Papen stated they were $10,000 down the road. All of the progress was on paper. Mr. Windsor said that all paperwork was to be done by this meeting. Mr. Papen said they have put in measures to secure the property. A lot of the engineering was done. Mr. Papen stated they had crossed mountains, and this would be the last continuance they would be requesting. Mr. Michael Wicklund asked if Mr. Papen had reached out in the past 30 days. Mr. Oliver stated no. Mr. Michael Wicklund said if you were really invested you would have made contact. Mr. Denham questioned who the engineer was and whether they were licensed in Missouri. Mr. Jeremy Brown said in the last two meetings the Board had added additional things to do. Mr. Denham stated this was due diligence, no one had to tell you to tie your shoes. Mr. Bryan Wicklund said the letter of deficiency and pre-development meeting laid out clear expectations. Mr. Jeremy Brown understood the delay and the frustration with the delays. He promised to be more involved. Mr. Michael Wicklund stated the building was not structurally sound and water was getting into the building. Mr. Denham stated that Bryan Wicklund was not able to get on the second floor. Mr. Duncan stated he could not imagine that he would want to keep putting money in project. The owner needed to take responsibility and the owner was not present. Mr. Papen said it would be insanely expensive to move the building. The lender would not fund a demolition. He stated he would contact Mr. Oliver and Mr. Bryan Wicklund next week to set up a time to allow them access to the second floor. He stated the second floor was very similar to the first floor. Ice and rain shield kept the property fairly dry, and the property had not deteriorated. Mr. Denham asked if there were OSB panels. Mr. Bryan Wicklund stated he was more than willing to meet the owner and engineer on site at any time. He would like something from the engineer on the roof. He said he had made his evaluation of the building and he was waiting on the layout of changes to the middle building. Mr. Papen said there would be no changes to the middle building. Mr. Bryan Wicklund stated the building permit would be issued within 10 days once everything was submitted. **Mr. Brown made a motion to continue Item 3026, 2611 S. Pearl Ave., Item 3027, 2617 S. Pearl Ave., Item 3028, 2621 S. Pearl Ave. to the December 8, 2023, Board of Appeals meeting for a progress report and demolition hearing with the following stipulations; 1) chain link fence around the slab, 2) provide a timeline, 3) building permit in place, 4) closing and 5) engineer to look at roof and provide a report. Seconded by Mr. Tucker. (7 Aye, 0 Nay) Motion carried.**

Item 3029, 508 N. Cox Ave.

David Latham, owner of the property was not present. Mr. Oliver stated the Board had previously ordered the property demolished. Mr. Latham had done a lot of clean up but there was no permit in place and no communication with Mr. Oliver or the Building Department. **Mr. Michael Wicklund made a motion to lift the stay on Item 3029, 508 N. Cox Ave. Seconded by Mr. Brown. (7 Aye, 0 Nay) Motion carried.**

Item 3030, 1010 E. 20th St.

Mr. John McGrew, 2300 E. 7th St. Joplin, Missouri, represented the owner of the property. Mr. Denham stated there had been no activity and no progress on the property. He said the only thing he saw different was a dumpster had been brought in. Mr. Denham asked for a schedule. Mr. McGrew stated as soon as possible. Mr. Bryan Wicklund stated they have a permit, and it was issued in July. Mr. McGrew said that everything revolves around the elevator. Mr. Michael Wicklund stated that in July or August the Board requested a fence to be constructed around the property and there was still no fence. Mr. McGrew said this was a vacant building and he does not see a problem with a vacant building as long as it was secured. Mr. Windsor stated there is no structure in place. The Board was under the impression that work was to already have begun. Mr. Duncan corrected Mr. Michael Wicklund and stated Mr. Burt did not say he would put up a fence. He said it was a good idea. **Mr. Tucker made a motion to continue Item 3030, 1010 E. 20th St. to the December 8, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Windsor. (7 Aye, 0 Nay) Motion carried.**

Item 3033, 1010 W. 3rd St.

Lance Ledford, Ledford Construction representative of the property was present. Mr. Ledford stated the delay was the funding with the bank. They had worked out the new elevation. He said they should have their permit in 1-1 ½ weeks. Mr. Denham stated it looked like the property was secure. **Mr. Duncan made a motion to continue Item 3033, 1010 W. 3rd St. to the December 8, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Wagner. (7 Aye, 0 Nay) Motion carried.**

Item 3039, 810 W. 17th St.

The owner of the property was not present. Mr. Oliver stated there was a current permit on property, progress was slow but they were working on the property. **Mr. Wagner made a motion to continue Item 3039, 810 W. 17th St. to the December 8, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Windsor. (7 Aye, 0 Nay) Motion carried.**

Item 3048, 404 S. Moffet Ave.

The owner of the property was not present. **Motion to hold a Demolition Hearing on Item 3048, 404 S. Moffet Ave. made by Mr. Duncan. Seconded by Mr. Michael Wicklund (6 Aye, 1 Nay) Mr. Tucker voted nay because he believed the property was a historic site. Motion carried.** Mr. Paul called Mr. Jeff Oliver, Building Inspector City of Joplin to testify. The oath was administered to Mr. Jeff Oliver by Ms. Vicky Copeland. Mr. Paul questioned Mr. Oliver if he had the opportunity to inspect the property at issue and show reasonable likeness for the matter at issue. Mr. Oliver stated yes, he had inspected the property and it does qualify for demolition, and that can be seen in the photographs. (Exhibit 1.1 and 1.2) Exhibit 1.1 was taken on March 15, 2023, the date the property was posted. Photograph shows placard. Exhibit 1.2 was taken on October 24, 2023. Mr. Paul stated the photographs reflect the current condition of the residence. Mr. Oliver stated he had posted the property and it is reflected in the photographs. Mr. Oliver explained that he had a title search done using Great American Title showing Rodrigo Sales & Oralia Lopez Vargas as owners of the property. (Exhibit 2) Mr. Oliver stated he sent certified letters to the owner in Seattle, Washington and he did have a signed receipt. (Exhibit 3) The name that appeared at the Assessor's office and the title work were different, but the certified letters were sent to all parties with a signed receipt. Mr. Oliver stated he had also met with the owner on site. Mr. Oliver stated this item was advertised in the Joplin Globe with the publication dates of August 31, September 7, September 14, and September 21, 2023 (Exhibit 4) Mr. Oliver expressed that he had based his opinions off the Code of Ordinances with sub-section line 4, 12, 18, and 19. Mr. Oliver stated that in his professional opinion, he would recommend demolition of the structure. **Motion Item 3048, 404 S. Moffet Ave. be declared a dangerous building in accordance with the Joplin Code of Ordinances and so ordered to be demolished including any outbuildings and any storm shelters and ordered to be vacated made by Mr. Windsor. Seconded by Mr. Brown. (5 Aye, 2 Nay) Mr. Tucker and Mr. Denham voted nay. Motion carried.**

Item 3050, 1202 S. Jackson Ave.

The owner of the property was not present. **Motion to hold a Demolition Hearing on Item 3050, 1202 S. Jackson Ave. made by Mr. Duncan. Seconded by Mr. Wagner (7 Aye, 0 Nay) Motion carried.** Mr. Paul called Mr. Jeff Oliver, Building Inspector City of Joplin to testify. Mr. Paul questioned Mr. Oliver if he had the opportunity to inspect the property at issue and show reasonable likeness for the matter at issue. Mr. Oliver stated yes, he had inspected the property and it does qualify for demolition, and that can be seen in the photographs. (Exhibit 1.1 and 1.2) Exhibit 1.1 was taken on August 1, 2023, the date the property was posted. Photograph shows placard. Exhibit 1.2 was taken on October 24, 2023. Mr. Paul stated the photographs reflect the current condition of the residence. Mr. Oliver stated he had posted the property and it is reflected in the photographs. Mr. Oliver explained that he had a title search done using Great American Title showing Nancy & Allen Vestal as owners of the property. (Exhibit 2) Mr. Oliver stated he sent certified letters to the owner at 1202 S. Jackson Ave., and he did not have a signed receipt. (Exhibit 3) Mr. Oliver stated this item was advertised in the Joplin Globe with the publication dates of October 5, October 12, October 19, and October 26, 2023 (Exhibit 4) Mr. Oliver expressed that he had based his opinions off the Code of Ordinances with sub-section line 12, 17, and 18. Mr. Oliver stated that in his professional opinion, he would recommend demolition of the structure. **Motion Item 3050, 1202 S. Jackson Ave. be declared a dangerous building in accordance with the Joplin Code of Ordinances and so ordered to be demolished including any outbuildings and any storm shelters and ordered to be vacated made by Mr. Windsor. Seconded by Mr. Brown. (7 Aye, 0 Nay) Motion carried.**

Item 3051, 2131 Nashville Ave.

The owner of the property was not present. Mr. Oliver asked for a continuance. The property was not supposed to be occupied but it was. **Mr. Tucker made a motion to continue Item 3051, 2131 Nashville Ave. to the December 8, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Wagner. (7 Aye, 0 Nay) Motion carried.**

Item 3052, 1105 S. Indiana Ave.

The owner of the property was not present. Mr. Oliver stated he had a signed consent form. **Mr. Tucker made a motion to release Item 3052, 1105 S. Indiana Ave. Seconded by Mr. Wagner. (7 Aye, 0 Nay) Motion carried.**

Item 3053, 926 S. Chestnut Ave.

The owner of the property was not present. **Motion to hold a Demolition Hearing on Item 3053, 926 S. Chestnut Ave. made by Mr. Wagner. Seconded by Mr. Michael Wicklund (7 Aye, 0 Nay) Motion carried.** Mr. Paul called Mr. Jeff Oliver, Building Inspector City of Joplin to testify. Mr. Paul questioned Mr. Oliver if he had the opportunity to inspect the property at issue and show reasonable likeness for the matter at issue. Mr. Oliver stated yes, he had inspected the property, and it does qualify for demolition, and that can be seen in the photographs. (Exhibit 1.1 and 1.2) Exhibit 1.1 was taken on August 29, 2023, the date the property was posted. Photograph shows placard. Exhibit 1.2 was taken on October 24, 2023. Mr. Paul stated the photographs reflect the current condition of the residence. Mr. Oliver stated he had posted the property, and it is reflected in the photographs. Mr. Oliver explained that he had a title search done using Great American Title showing Tim Ellis as owner of the property. (Exhibit 2) Mr. Oliver stated he sent certified letters to the owner and he did have a signed receipt. (Exhibit 3) Mr. Oliver stated this item was advertised in the Joplin Globe with the publication dates of October 5, October 12, October 19, and October 26, 2023 (Exhibit 4) Mr. Oliver expressed that he had based his opinions off the Code of Ordinances with sub-section line 4, 12, 13, and 19. Mr. Oliver stated that in his professional opinion, he would recommend demolition of the structure. **Motion Item 3053, 926 S. Chestnut Ave. be declared a dangerous building in accordance with the Joplin Code of Ordinances and so ordered to be demolished including any outbuildings and any storm shelters and ordered to be vacated made by Mr. Duncan. Seconded by Mr. Tucker. (7 Aye, 0 Nay) Motion carried.**

New Business

Item 3054, 1624 W. 4th St.

The owner of the property was not present. Mr. Oliver stated the property was the subject of a fire. The structure is occupied. The City was working to relocate residents. The utilities were off. **Mr. Michael Wicklund made a motion to continue Item 3054, 1624 W. 4th St. to the December 8, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Tucker. (6 Aye, 0 Nay, 1 Absent) Motion carried.**

Item 3055, 828 S. Murphy Ave.

The owner of the property was not present. Mr. Oliver stated the property was the subject of a fire. The owner has made no attempt to secure the property. **Mr. Wagner made a motion to continue Item 3055, 828 S. Murphy Ave. to the December 8, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Windsor. (6 Aye, 0 Nay, 1 Absent) Motion carried.**

Item 3056, 217 S. Pearl Ave.

Elizabeth Rodriguez, 13889 Orchid Dr. Neosho, Missouri appeared on behalf of the owner of the property. Mr. Denham asked for a timeline. Ms. Rodriguez stated they should have a permit by next Friday. The roof and the outside should be completed within 30-45 days. Mr. Denham asked the intentions of the property owner. Ms. Rodriguez stated a rental property. **Mr. Michael Wicklund made a motion to continue Item 3056, 217 S. Pearl Ave. to the December 8, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Wagner. (6 Aye, 0 Nay, 1 Absent) Motion carried.**

Item 3057, 1209 S. Iowa Ave.

The owner of the property was not present. Mr. Oliver stated the property was the subject of a fire. **Mr. Michael Wicklund made a motion to continue Item 3057, 1209 S. Iowa Ave. to the December 8, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Wagner. (6 Aye, 0 Nay, 1 Absent) Motion carried.**

Item 3058, 1510 S. Iowa Ave.

The owner of the property was not present. Mr. Oliver stated the property was the subject of a fire. **Mr. Michael Wicklund made a motion to continue Item 3058, 1510 S. Iowa Ave. to the December 8, 2023, Board of Appeals meeting for a progress report and demolition hearing. Seconded by Mr. Windsor. (7 Aye, 0 Nay) Motion carried.**

Mr. Windsor made a motion to adjourn the meeting. Seconded by Mr. Michael Wicklund (6 Aye, 0 Nay, 1 Absent) Motion carried.

Approved _____

Mr. Kyle Denham, Chairman

Approved _____

Vicky Lynn Copeland, Notary Public

My commission expires: May 22, 2026

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