INFORMAL AGENDA

February 6, 2012

5:15 p.m.

1. Update on demolition
2. Update on hazard mitigation requests
3. Any other business

COUNCIL AGENDA

February 6, 2012

6:00 P.M., Council Chambers

General Council Members	MAYOR	Zone Council Members
Mike Woolston	Mike Woolston	Gary Shaw
Morris Glaze		Melodee Colbert-Kean
Bill Scearce		(Mayor ProTem)
Jack Golden		Dr. Benjamin D. Rosenberg
Trisha A. Raney		Michael Seibert

1. **Call to Order**
   Invocation
   Pledge of Allegiance

2. **Roll Call**

3. **Presentations**

4. **Finalization of Consent Agenda**

5. **Reports and Communications**

6. **Citizen Requests and Petitions**

7. **Public Hearings**
   Public Hearings Procedures

   1. COUNCIL BILL NO. 2012-252 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-3 and including in District C-3 property as described below and located at 2503 and 2511 South Main Street in the City of Joplin, Jasper County, Missouri. (Requested by 32nd Street Plaza, LLC. Planning and Zoning recommended Striking from their agenda).

   2. COUNCIL BILL NO. 2012-253 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-2 and including in District C-0 property as described below and located at 2328 South Connecticut Avenue in the City of Joplin, Jasper County, Missouri. (Requested by John A. Yaple. Planning and Zoning recommended approval).

Anyone wishing to address the Council should step to the Podium and state their name and address. If the matter is not a Public Hearing, a request to speak to the Council should be prepared prior to the meeting. Speaking time will be limited to five minutes.

Sound enhancement units are available for hearing impaired customers. You will be asked to provide a form of identification as security, which will be returned when you return the unit.
If you are in need of disability related auxiliary aids or services, contact the City Clerks Office at (417) 624-0820 ext. 220. Forty-eight hours notice is requested.

3. COUNCIL BILL NO. 2012-254 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District M-1 and including in District C-3 property as described below and located at the northwest corner of Sixth Street and Grand Avenue in the City of Joplin, Jasper County, Missouri. (Requested by Watered Gardens. Planning and Zoning recommended approval).

4. COUNCIL BILL NO. 2012-255- AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located at 2612 and 2614 South Virginia Avenue in the City of Joplin, Jasper County, Missouri. (Requested by Charles Kuehn. Planning and Zoning recommended approval).

5. COUNCIL BILL NO. 2012-256 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-0 and District R-1 and including in District C-3 property as described below and located at 1602 South Range Line Road, 2918 East 16th Street, and 2920 East 16th Street in the City of Joplin, Jasper County, Missouri. (Requested by Charles Kuehn. Planning and Zoning recommended approval).

6. COUNCIL BILL NO. 2012-257 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District R-3 property as described below and located at the southeast corner of 36th Street and Indiana Avenue in the City of Joplin, Newton County, Missouri. (Requested by Charles Kuehn. Planning and Zoning recommended approval).

7. COUNCIL BILL NO. 2012-258 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District R-2 property as described below and located at 2515 and 2519 South Connor Avenue in the City of Joplin, Jasper County, Missouri. (Requested by David and Betty McCartney. Planning and Zoning recommended approval).

8. COUNCIL BILL NO. 2012-259 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located at 2019 South Highview Avenue in the City of Joplin, Jasper County, Missouri. (Requested by Norma Hammer. Planning and Zoning recommended rezoning to district C-O-PD).

9. COUNCIL BILL NO. 2012-260 -AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located at 2023 South Highview Avenue in the City of Joplin, Jasper County, Missouri. (Requested by Steven Noland. Planning and Zoning recommended rezoning to district C-O-PD).

10. COUNCIL BILL NO. 2012-261 - AN ORDINANCE amending Ordinance No. 2004- 256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located at 2121 South Highview Avenue in the City of Joplin, Jasper County, Missouri. (Requested by Brandi Rogers. Planning and Zoning recommended rezoning to District C-O-PD).

11. COUNCIL BILL NO. 2012-262- AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located at 2101 South Highview Avenue in the City of Joplin, Jasper County, Missouri. (Requested by Leon O. Noland. Planning and Zoning recommended rezoning to District C-O-PD).

12. RESOLUTION NO. 2012-007- A RESOLUTION granting a Special Use Permit (First Request) to David Dowell for the construction of a parking lot at 1901 South New Hampshire Avenue, in the City of Joplin, Jasper County, Missouri. (Requested by David Dowell. Planning and Zoning recommended approval for a permanent special use permit).

8. Consent Agenda

1. Minutes of the January 17, 2012 Council Meeting
2. Minutes of the January 19, Special Joint Meeting

9. Resolutions

10. Ordinances – Emergency

1. COUNCIL BILL NO. 2012 – 113 - AN ORDINANCE approving the contract by and between the City of Joplin and Lynn Rowe for the demolition of the structure(s) and clearing of lot area located at 1505 E. HILL in the City of Joplin, Missouri, for the amount of Two Thousand One Hundred Forty Five and 00/100 Dollars($ 2,145.00); providing how the cost thereof shall be paid; how the assessment thereof shall be made; and containing an emergency clause.

2. COUNCIL BILL NO. 2012 – 114 - AN ORDINANCE approving the contract by and between the City of Joplin and Lynn Rowe for the demolition of the structure(s) and clearing of lot area located at 1511 S. MOFFET in the City of Joplin, Missouri, for the amount of Two Thousand One Hundred and 00/100 Dollars($ 2,100.00); providing how the cost thereof shall be paid; how the assessment thereof shall be made; and containing an emergency clause.

3. COUNCIL BILL NO. 2012-115 – AN ORDINANCE approving the Purchase Order with Key Equipment & Supply of Kansas City, in the amount of Three Hundred Forty-Two Thousand Seven Hundred Thirteen and no/100 Dollars ($342,713.00), less the trade in of used equipment in the City of Joplin, Missouri; providing how the cost shall be made and levied, and containing an emergency clause.

4. COUNCIL BILL NO. 2012-603 – AN ORDINANCE amending the Classification and Pay Plan adopted by Ordinance No. 2000-192 and authorizing a new classification title for the Parks and Recreation Department and containing an emergency clause.

5. COUNCIL BILL NO. 2012-604 – AN ORDINANCE approving the Agreement by and between the City of Joplin, Missouri, a Municipal Corporation, and the Water's Edge Aquatic Design, for services related to the planning, development and construction administration for a new aquatic center at Schifferdecker Park; and authorizing the City Manager to execute the same by and on behalf of the City of Joplin; and containing an emergency clause.

11. Ordinances – First Reading

12. Ordinances – Second Reading

13. Ordinances - Third Reading

14. Unfinished Business

15. New Business

1. Case 014-12:1617 West 26th Street – A request for a Site Plan Review for the reconstruction of a medical office building – Requested by Frank Ikerd.

Notice posted at 4:30 p.m. on this the 2nd day of February, 2012. (RSMo 610.020)

INFORMAL NOTES

January 17, 2012

Presentation on pools including Professional services for new pool	Chris Cotten, Parks and Recreation Director briefed Council on the pool updates. He explained repairs at Cunningham pool are being made and new features that will attract more visitors are being installed. Ft. Scott, KS has donated a couple of large slide features one of which will be installed at Cunningham Pool the other will be at Schifferdecker. Schifferdecker will open for one final season while the city council decides where to place a third pool. Consideration will need to be made at the next meeting to go into negotiations so we can break by summer. Waters Edge from Lenexa, KS will be doing the analysis on the site, the concept planning and the logistic study and the Geo study. Some of the other studies they provide are drive by studies and cost recovery analysis. Sites to be considered for a pool are Schifferdecker, the Athletic Complex and a site yet to be considered and leave the 3rd option open and let wherever Water Edge wants to look at a site. Rosenberg made the recommendation, Raney seconded. Council consented 8-0.
Letter from former Mayor Richard Russell	A letter from former Mayor Richard Russell was in the Council's mail requesting consideration for the Sports complex administrative office building to be named after Mr. Gary Hall. Motion by Mr. Scearce, Second by Ms. Raney to refer this to the Parks and recreation Board. 8-0.
Melodee Colbert- Kean, Mayor Pro Tem – MML Conference	Melodee asked Council if anyone was interested in attending the MML Conference in February to let Barbara know. The MML Conference is 2-14-15-2012.
First Response Grant Request	Melodee Colbert-Kean asked where we were with this and the make-up of the committee and had anyone had time to look at the material given to them? Dr. Rosenberg said he

has mentioned the CM should serve on the committee as an EX-Officio. The fund was created to be called a First Responder. It was mentioned to maybe have former Mayors included. As written the bylaws read 2 members have expertise in financial management, 2 members at-large and shall be residents of the city with preference given to persons who were directly impacted by the storm and one member shall be the City Manager or his designee. Dr. Rosenberg said we should elect our own to serve on committees its good business practices. Jack golden suggested scheduling this for the next meeting due to time.

Resolution 2012-005

Councilman Golden had visited with the City Attorney and asked that Resolution No. 2012-005 that was sent to all the Council to review for the meeting Thursday evening include an additional statement. Motion by Golden, Second by Scearce to add the following sentence at the end of Section one. Council consented 8-0. The following sentence was added: Any project or expenditures of funds related to the plan shall be subject to all normal budget and Council approval processes.

CITY OF JOPLIN

CITY COUNCIL MEETING

MINUTES

January 17, 2012

CALL TO ORDER
The regular meeting for the Joplin City Council was called to order at 6:00 p.m. by Mayor Pro Tem Melodee Colbert-Kean.

ROLL CALL
Motion by Mr. Glaze, Second by Mr. Golden, to excuse Mayor Woolston. Voting in favor were Council members: Colbert-Kean, Golden, Glaze, Seibert, Scearce, Shaw, Raney, Rosenberg, 8. Nays: 0.

INVOCATION - read by City Attorney, Brian Head

FLAG SALUTE – led by Mr. Glaze

PRESENTATIONS
Finance Director, Leslie Jones, briefed the council on costs associated with the May 22, 2011 tornado related issues and conditions relative to the city's overall condition after the storm.

FINALIZATION OF CONSENT AGENDA
There being no further business to come before the Council, the Consent Agenda was finalized.

REPORTS AND COMMUNICATIONS

CITIZEN REQUESTS AND PETITIONS
Request from Shaun Steele, 230 N. Sergeant, to address Council regarding permission to develop a Sister City Program with Pamplona, Spain. Shaun Steele, 230 N. Sergeant requested permission to develop a Sister City Program with Pamplona, Spain. They feature a running of the bulls every year and he would like to have one here in Joplin and invited the Council to join with a delegation to travel to Spain for the event.

PUBLIC HEARINGS
Public Hearing Procedures read by City Clerk Barbara Hogelin

The City Council of the City of Joplin through this introduction, accepts into evidence the 2003 Comprehensive Plan, the Zoning Code of the City of Joplin, the Subdivision Regulations of the City of Joplin, the Telecommunications Ordinance, and the Stormwater Management

Regulations of the City of Joplin being Appendices 29-A, 29-B, 29-D, 29-E and 29-F of the Joplin Municipal Code. Report of the Planning and Zoning Commission, recommendations of

the City's staff, and other written documentation presented as that information applies to each public hearing.

ACTION

Public Hearing for Special Use Permit located north of 26th Street and south of Mount Calvary Cemetery between Pearl Avenue and Moffet Avenue, in the City of Joplin, Jasper County, Missouri.

Mayor Woolston opened the Public Hearing

Mr. Jeff Brown, 602 Joplin, appeared in favor of this request.

No one appeared in opposition to this request.

Mayor Woolston closed the Public Hearing

Mr. Glaze introduced Resolution No. 2012-004. Motion by Mr. Glaze Second by Mr. Golden to Approve Resolution No. 2012-004. Voting in favor were Council members: Colbert-Kean, Golden, Glaze, Seibert, Scearce, Shaw, Raney, Rosenberg, 8. Nays: 0. Absent, 1, Woolston

The Resolution was read and Approved as being: RESOLUTION NO. 2012-004

A RESOLUTION granting a Special Use Permit (First Request) to Empire District Electric Company for the operation of an electric substation north of 26th Street and south of Mount Calvary Cemetery between Pearl Avenue and Moffet Avenue, in the City of Joplin, Jasper County, Missouri.

CONSENT AGENDA APPROVED
Motion by Mr. Scearce, Second by Mr. Shaw, to Approve the Consent Agenda. Voting in favor were Council members: Colbert-Kean, Golden, Glaze, Seibert, Scearce, Shaw, Raney, Rosenberg, 8. Nays: 0. Absent, 1, Woolston

Minutes of the January 3, 2012 Council Meeting

COUNCIL BILL NO. 2012-250 - AN ORDINANCE providing for the vacation of a portion of the alley between Indiana Avenue and Ohio Avenue beginning at the north right-of-way line of 20th Street north approximately 186 feet to the southeast corner of Lot 61 in the City of Joplin, Jasper County, Missouri. Ordinance. No. 2012-013

COUNCIL BILL NO. 2012-251- AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located at 4720 South Indiana Avenue in the City of Joplin, Newton County, Missouri. Ordinance. No. 2012-014

RESOLUTIONS

RESOLUTION NO. 2012-006

Mr. Scearce introduced Resolution No. 2012-006. Motion by Mr. Scearce, Second by Ms. Raney to Approve Resolution No. 2012-006. Voting in favor were Council members: Colbert-Kean, Golden, Scearce, Raney, Rosenberg, 5. Nays: Seibert, Glaze, Shaw, 3. Absent, 1, Woolston

The Resolution was read and Approved as being: RESOLUTION NO. 2012-006

A RESOLUTION honoring Gene Bassman and Wendell Redden by naming certain City facilities in their honor.

ORDINANCES-EMERGENCIES

COUNCIL BILL NO. 2012-108

Mr. Glaze introduced Council Bill No. 2012-108. Motion by Mr. Glaze, Second by Mr. Golden to Adopt Council Bill No. 2012-108. Voting in favor were Council members: Colbert-Kean, Golden, Glaze, Seibert, Scearce, Shaw, Raney, Rosenberg, 8. Nays: 0. Absent, 1, Woolston.

The Council Bill was declared Adopted and entitled Ordinance No. 2012-015

AN ORDINANCE authorizing the City to enter into an Agreement with AT & T Corp. for the Zora and Main Interchange Project – J7S0788 in addition to Ordinance 2011-176 passed by the Council on November 21, 2011, and containing an emergency clause.

COUNCIL BILL NO. 2012-109

Mr. Golden introduced Council Bill No. 2012-109. Motion by Mr. Golden, Second by Mr. Shaw to Adopt Council Bill No. 2012-109. Voting in favor were Council members: Colbert-Kean, Golden, Glaze, Seibert, Scearce, Shaw, Raney, Rosenberg, 8. Nays: 0. Absent, 1, Woolston.

The Council Bill was declared Adopted and entitled Ordinance No. 2012-016

AN ORDINANCE approving the City of Joplin to enter into an Agreement with B & D Yardbuilders to provide professional services for the Structural Demolition and Debris Removal by Address in the amount of Two Hundred Four Thousand Twenty Four Dollars and No/100 Dollars ($204,024.00) and authorizing the Public Works Director to execute said Agreement; and containing an emergency clause.

COUNCIL BILL NO. 2012-110

Mr. Golden introduced Council Bill No. 2012-110. Motion by Mr. Golden, Second by Ms. Raney to Adopt Council Bill No. 2012-110. Voting in favor were Council members: Colbert-

by Address in the amount of Two Hundred Four Thousand Twenty Four Dollars and No/100 Dollars ($204,024.00) and authorizing the Public Works Director to execute said Agreement; and containing an emergency clause.

COUNCIL BILL NO. 2012-110

Mr. Golden introduced Council Bill No. 2012-110. Motion by Mr. Golden, Second by Ms. Raney to Adopt Council Bill No. 2012-110. Voting in favor were Council members: Colbert-

Kean, Golden, Glaze, Seibert, Scearce, Shaw, Raney, Rosenberg, 8. Nays: 0. Absent, 1, Woolston.

The Council Bill was declared Adopted and entitled Ordinance No. 2012-017

AN ORDINANCE approving a contract with Hicklin Asphalt Company in the amount of Forty Five Thousand Seven Hundred Seventy One and 87/100 Dollars ($45,771.87) for the Parking Lot & Trail Sealing 2012 project in the City of Joplin, Missouri; providing how the cost shall be made and levied, and containing an emergency clause.

COUNCIL BILL NO. 2012-111

Mr. Shaw introduced Council Bill No. 2012-111. Motion by Mr. Shaw, Second by Mr. Golden to Adopt Council Bill No. 2012-111. Voting in favor were Council members: Colbert-Kean, Golden, Glaze, Seibert, Scearce, Shaw, Raney, Rosenberg, 8. Nays: 0. Absent, 1, Woolston.

The Council Bill was declared Adopted and entitled Ordinance No. 2012-018

AN ORDINANCE approving the City of Joplin to enter into an Agreement with Engineering & Consulting Services, L.L.C. to provide engineering and consulting services and authorizing the Director of Public Works to execute said Agreement; and containing an emergency clause.

COUNCIL BILL NO. 2012-112

Mr. Golden introduced Council Bill No. 2012-112. Motion by Mr. Golden, Second by Mr. Glaze to Adopt Council Bill No. 2012-112. Voting in favor were Council members: Colbert-Kean, Golden, Glaze, Seibert, Scearce, Shaw, Raney, Rosenberg, 8. Nays: 0. Absent, 1, Woolston.

The Council Bill was declared Adopted and entitled Ordinance No. 2012-019

AN ORDINANCE approving the License Agreement by and between the City of Joplin, Missouri, a Municipal Corporation, and the Joplin Family YMCA, for the placement of temporary modular buildings at the FEMA temporary housing site at the Joplin Airpark Industrial Park for the purpose of providing human and community services to residents at the

park; and authorizing the City Manager to execute the same by and on behalf of the City of Joplin; and containing an emergency clause.

COUNCIL BILL NO. 2012-602

Mr. Golden introduced Council Bill No. 2012-602. Motion by Mr. Golden, Second by Mr. Seibert to Adopt Council Bill No. 2012-602. Voting in favor were Council members: Colbert-Kean, Golden, Glaze, Seibert, Scearce, Shaw, Raney, Rosenberg, 8. Nays: 0. Absent, 1, Woolston.

The Council Bill was declared Adopted and entitled Ordinance No. 2012-020

AN ORDINANCE approving the Memorandum of Understanding and Lease Agreement by and between the City of Joplin, Missouri, a Municipal Corporation, and the Joplin Sports Authority, for the renovation and occupancy of the real estate located at 3301 W. 1st Street; and authorizing the City Manager to execute the same by and on behalf of the City of Joplin; and containing an emergency clause.

ORDINANCES – FIRST READING

ORDINANCES – SECOND READING

ORDINANCES – THIRD READING

UNFINISHED BUSINESS

NEW BUSINESS

The Council was reminded of the joint meeting at MSSU on Thursday evening at 7:00 pm with other entities to review the projects and goals of the Citizens Advisory Recovery Team and to consider the recommendations for further action. The public is invited to attend this meeting.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:19p.m.

Respectfully submitted,

Barbara L Hogelin

Barbara L. Hogelin, MMC/MPCC
City Clerk

CITY OF JOPLIN

CITIZEN ADVISORY RECOVER TEAM

JOINT MEETING Joplin Schools Board of Education, The Citizen Advisory Recovery Team, The Joplin Area Chamber of Commerce Board of Directors, the Duquesne City Council Board of Aldermen, and the Council of the City of Joplin

Billingsly Student Center
3950 Newman Road
JOPLIN MISSOURI
January 19, 2012
SPECIAL MEETING MINUTES

January 19, 2012

CALL TO ORDER

The Special Meeting for the Joint Meeting was called to order at 7:00 p.m. by Senator Ron Richard

OPENING REMARKS by SEN. RICHARD

Sen. Richard welcomed everyone to the meeting and he provided certainty that the legislatures are going to have to fill the bill for more funding.

ROLL CALL

Each entity called to order following their standard procedure.
The Citizen Advisory Recovery Team
The Joplin Area Chamber of Commerce Board of Directors
Duquesne City Council Board of Aldermen
Joplin Schools Board of Education
Joplin City Council

PRESENT: Melodee Colbert–Kean, Morris Glaze, Jack Golden, Trisha Raney, Benjamin Rosenberg, Scearce, Michael Seibert, Gary Shaw, and Mike Woolston.

Jane Cage made a presentation to the joint meeting asking everyone to proceed forward and please approve the plan. She called the Joplin Area Next Steps Plan a booklet that outlines projects that can be undertaken in the area of housing, schools, and public buildings, infrastructures and environment and economic development affected by the tornado. She further said the ideas listed in the plan were developed by the advisory team after a series of public sessions. And stated the plan is a skeleton that will become the framework of recovery and show that Joplin has a plan for recovery. It is the basis for a more sustainable Joplin to recover, and a signal to everyone to pick up the pace for recovery. – I'm asking you to please approve the plan.

PUBLIC HEARING

Senator Richard opened the Public Hearing

John Hale, 2420 Illinois said thank you for everything that has been done and the fine job that has been done.

Senator Richard closed the Public Hearing

Consideration of ratification resolution by each entity. Each entity will conduct a meeting governed by its normal procedures

Motion by Mr. Clifford Wert, Second by Mr. Doug Doll to consider ratification of resolution and accept the next step plan by The Citizen Advisory Recovery Team committee. Motion accepted.

Motion by Ms. Shelley Kraft, Second by Mr. Doug Doll to consider ratification of resolution and accept the next step plan for the Joplin Area Chamber of Commerce Board of Directors. Motion accepted.

Motion by Mr. Fred Frerer, Second by Mr. George Reeve, to Approve Resolution No. 12-01 and accept the next step by the Duquesne City Council Board of Aldermen. Motion accepted.

Motion by Mr. Jim Kimbrough, Second by Ms. Annie Sharp, to Approve Resolution No. 2012-001 and accept the next step plan by the Joplin Schools Board of Education. Motion accepted.

Mayor Woolston called the Special meeting to order

READING OF THE SPECIAL CALL

Notice is hereby given that the City Council of the City of Joplin, Missouri will hold a Joint Meeting along with the Joplin Schools Board of Education, the Joplin Area Chamber of Commerce Board of Directors, the Duquesne City Council Board of Aldermen and the Citizens Advisory Recovery Team beginning at 7:00 p.m. on Thursday, January 19, 2012, at the Billingsly Student Center on the Campus of Missouri Southern State University, 3950 Newman Road to review the projects and goals of the Citizens Advisory Recovery Team and to accept the recommendations for further action AND who takes on those actions.

Motion by Mr. Glaze, Second by Mr. Seibert to Approve Resolution No. 2012-005 and accept the next step plan by the Joplin City Council. Voting in favor were Council Members: Melodee Colbert–Kean, Morris Glaze, Jack Golden, Trisha Raney, Benjamin Rosenberg, Scearce, Michael Seibert, Gary Shaw, and Mike Woolston. 9. Nays: 0.

Next Steps Plan of the Citizens Advisory Recovery Team (CART) and declaring it the guiding document for future development within the area of the City impacted by the May 22, 2011 tornado.

Gil Stevens, 23 Pheasant Run, thanked Senator Richard for his work.

ADJOURNMENT

The following entities each adjourned.
The Citizen Advisory Recovery Team
The Joplin Area Chamber of Commerce Board of Directors
Duquesne City Council Board of Aldermen
Joplin Schools Board of Education

Motion by Mr. Shaw, Second by Mr. Golden to Adjourn. Motion carried, 9-0.

Mayor Woolston thanked Chamber President Rob O'Brian, City Manager Mark Rohr Mayor Denny White of Duquesne, CJ Huff and Jane Cage for their work in bringing these groups together.

Senator closed the meeting with brief remarks and thanked all the entities for bringing this successful historic meeting together.

There being no further business to come before the Council, the meeting was adjourned at 7:35 p.m.

Approved,

Barbara L Hogelin

Barbara L. Hogelin, MMC/MPCC
City Clerk

MINUTES
BUILDING BOARD OF APPEALS
REGULAR MEETING
JANUARY 13, 2012
9:00 AM

Steven Reed, Chairman, called the January 13th Building Board of Appeals meeting to order with the following Board members present: Sharon Ferneau, Mike Landis, Don Landrith, Steven Reed, and Michael Wicklund. Board Members Kyle Denham and Mark Eastman were absent. City officials present: Steve Cope, Building/Neighborhood Improvement Supervisor; Jeff Oliver, Building Inspector; Leslie Jones, Director of Finance; Peter Edwards, Assistant City Attorney; and Susan Champlin, Notary Public.

Mr. Landrith — **Mr. Chairman, I make a motion that we excuse Mr. Eastman and Mr. Denham.**

Mr. Wicklund — **Seconded.**

Mr. Reed — **I have a motion and a second to excuse Mr. Eastman and Mr. Denham this morning. All in favor, signify by saying "aye". (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.** Okay, if we've got someone in the audience who would like to go first, just step forward and state your name and the item number you're here for, and we'll hear what you've got to say.

ITEM 2187 — **2030 GRAND (Tornado Group #2)**
OWNER: Justin Jaworski
ADDRESS: 60800 E 110th Rd Miami, OK 74354
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SECOND TIME BEFORE THE BOARD)

Tom Machato — I'm here for Item—what is it—2187, the address of 2030 Grand.

Mr. Reed — What's your name?

Mr. Machato — Tom Machato.

Mr. Reed — Item 2187, correct?

Mr. Machato — Yes. I'm a local contractor here, and I purchased a building permit on the property. I just haven't had time—I've been helping everybody else, and I haven't had time to do any more work on my own place, and it's been—I got a letter that it was a nuisance hearing. What do I need to do to be in compliance? Do I need to board it up? Is that the problem, and cleaning up?

Mr. Oliver	If you think it's going to be a while before you get to it—
Mr. Machato	Yes.
Mr. Oliver	It might be a good idea. The permit is in place—
Mr. Machato	Yes.
Mr. Oliver	So the ball is rolling. That's a good thing.
Mr. Machato	Yes.
Mr. Oliver	And I'm fine with carrying this until like March 23rd and bringing him back then and see where we're at.
Mr. Machato	Okay.
Mr. Oliver	Do you think you'll have some progress by then?
Mr. Machato	I will be making some progress by March, yes.
Mr. Landrith	**Mr. Chairman, I'd make a motion then to carry Item 2187, 2030 Grand, to our March 23rd meeting.**
Mr. Wicklund	**Second.**
Mr. Reed	**I have a motion by Mr. Don Landrith and a second by Mr. Wicklund to carry Item 2187, 2030 Grand, to our March 23rd meeting. All those in favor, signify by saying "aye". (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.** Alright, we'll see you on March 23rd. Next?
ITEM 2194	**2224 MURPHY (Tornado Group #2)** **OWNER: 2224 Murphy TR** **ADDRESS: 90946 Black Cat Rd Joplin, MO 64801** **"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SECOND TIME BEFORE THE BOARD)**
Brad Dunavent	We're here concerning Item 2194.
Mr. Reed	Alright, go ahead.
Mr. Dunavent	What we're trying to do is sell the house right now. It's a tornado—it had a lot of damage to it, and the insurance only covered fire instead of wind.

	And we're working on three other houses right now, and if we don't get it sold, then we'll start working on this one, so we're just asking for time.
Mr. Reed	Is anything open on this?
Mr. Oliver	How long before you think you'll get to it?
Mr. Dunavent	It's going to take at least a month and a half to get these other three done.
Ms. Champlin	Can I have your name, please?
Mr. Dunavent	Brad Dunavent.
Ms. Champlin	Thank you.
Mr. Oliver	I was by there yesterday, and the house is wide open, with no attempt to secure it, or anything.
Mr. Dunavent	I can take care of that.
Mr. Oliver	It's been that way for a while. It's just sitting there like that, so we do need to get it secured, and if you think it's going to be several months before you get to it, then—I don't know—do you think you'll come in and get a permit in the next month?
Mr. Dunavent	I'm hoping to, yeah.
Mr. Oliver	Alright.
Mr. Wicklund	But if it doesn't sell?
Mr. Dunavent	Correct.
Mr. Oliver	Well, we can continue it for 30 days. I mean, we're not going to able to let it sit there any real length of time in this condition, so you're probably going to have to make a move one way or the other.
Mr. Dunavent	Okay.
Mr. Oliver	But we'll continue it for 30 days, and hopefully you'll have some new information for us. It will be February 10th.
Mr. Duanvent	Thank you.
Mr. Landis	**I make a motion that Item 2194, 2224 Murphy, be continued to February 10th.**

Mr. Landrith **Second.**

Mr. Reed **I have a motion by Mr. Landis and a second by Mr. Landrith to continue Item 2194, 2224 Murphy, to the February 10th meeting. All those in favor, signify by saying "aye". (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.** We'll see you in 30 days. Next?

ITEM 2213 **2403 ILLINOIS (Tornado Group #3)**
OWNER: Kenneth D. Reda
ADDRESS: P.O. Box 2883. Joplin MO. 64801
"Finding of fact Hearing" scheduled for this date

Chris Johnson This is Item 2213.

Mr. Reed And your name?

Mr. Johnson Chris Johnson. Presently there's a contract for sale that has been sent to the owner, who is in New Jersey, and it's kind of a strange situation, but hopefully we'll get that contract back within the next week or two.

Mr. Oliver Do you plan on starting on it right away?

Mr. Johnson Yes, I am, as soon as we can close on it. Hopefully it will close by the end of January. This man is in a penitentiary in New Jersey, so we'll kind of have to—you know--how he'll be able to sign it. As soon as we get it back, his fiancée seems to think we can get it back within a week or so.

Mr. Oliver Okay.

Mr. Johnson So there will be a building permit bought on it right after—like I say, if we can get it back next week, we'll have a building permit by the end of the month, and progress well on its way in February.

Mr. Oliver Okay. February 10th, guys.

Mr. Landrith I make a motion, Mr. Chairman, that Item 2213, 2403 Illinois, be continued to our February 10th meeting.

Mr. Wicklund Second.

Mr. Reed **I have motion by Mr. Landrith and a second by Mr. Wicklund that Item 2213, 2403 Illinois, be continued until—what did you say, February 10th?**

Mr. Landrith **February 10th, yes.**

Mr. Reed	**All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**
Mr. Oliver	I got your address and number, so we'll get a letter out to you also.
Mr. Johnson	Thank you.
Mr. Oliver	Thank you.
Mr. Reed	Good morning.
Lady in Audience	Good morning.
Mr. Reed	What item are you here for?
Lady in Audience	Item 2219.
ITEM 2219	**3102-3104 S. ADELE (Tornado Group #3)** **OWNER: Wilma Woodward** **ADDRESS: 3102 Adele Ct. Joplin MO. 64804** **"Finding of fact Hearing" scheduled for this date"**
Mr. Reed	And your name?
Teresa Woodward	My name is Teresa Woodward, and I'm here speaking on behalf of my mother, Wilma Woodward, who is here. She's the property owner.
Mr. Reed	Okay, go ahead.
Ms. Woodward	She has an address of 3102 Adele Court, and this property, we filled out the application for a building permit last week, and we are waiting on that to get back to us so we can get started. As soon as we get that, we're planning on starting with the repairs.
Mr. Oliver	I'd go ahead and continue it to the February 10th meeting to make sure the permit goes through, which I'm sure it will.
Ms. Woodward	Okay.
Mr. Oliver	It won't be a problem. And then maybe at that time—it's going to be a pretty big job, so at that time we might continue it for a couple of months, and it shouldn't be in a—
Mr. Landis	**I make a motion that Item 2219, 3102 and 3104 South Adele, be continued to February 10th.**

Mr. Wicklund **Second.**

Mr. Reed **I have a motion by Mr. Landis and a second by Mr. Wicklund that Item 2219, 3102 and 3104 South Adele, be continued to the February 10th meeting. All those in favor, signify by saying "aye". (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

Ms. Woodward Thank you very much.

Mr. Reed Thank you.

ITEM 2184 **1915 MISSOURI (Tornado Group #2)**
OWNER: Hagen Brown Special Needs TR
ADDRESS: 3081 Hickory Hill Way Joplin, MO 64804
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SECOND TIME BEFORE THE BOARD)

Scott Brown My name is Scott Brown. I'm here on Item Number 2184.

Mr. Oliver Okay.

Mr. Brown I think it was in June that we got the building permit. We have worked with the insurance company. They declared the house as a total loss, and we hired a contractor to go in there and get started. Before he started, the insurance company came back and changed the adjustment by almost half. We have been fighting with the insurance company ever since. We've had to bring in structural engineers, and all of that. It's just been a total abhorrence. We finally settled with the insurance company last week, but there's been a building permit on that property since immediately after the—as a matter of fact, we got our building permit when you still had the moratorium going. And it's just been a simple fact that we've been fighting with the insurance company, and the structural engineer, and all of that, we ended up with increasing their settlement close to $45,000, and I was not even thinking about starting the construction contract if there wasn't money there to pay for it. And we finally—we're still arguing, but we're so close that now we're only about $5,000 apart, so I told the contractor last week, you know, $5,000—let's go ahead and try and get this property back up and going, because that's a number we can handle--$40 some thousand coming out of pocket is not. And I don't know what else to tell you. It's been under contract for a long time. We've actually even had to—we had to change the building design in order to try to accommodate the funds from the insurance company, and we even came in and got a second building permit on the same property because we, instead of just repairing it, we had to design a much cheaper home to try

and go on that property, to try and get it accommodated. So it's just been an absolute abhorrence in working with that insurance company.

Mr. Oliver — Guys, we can continue this to the March 9th meeting.

Mr. Brown — So you're continuing it to the March 9th meeting. I have no clue what that means. Does that mean I've got to come back in here again, because you've probably already noticed that within the last week after we settled with the insurance company, we got in there and started gutting the property down to the point where we can start rebuilding it back.

Mr. Oliver — I see there's been more work done, but until the property gets in a shape to where we can release it, it will stay on the agenda.

Mr. Brown — Well, I understand. What I'm asking is, guys, what do you mean by, in the shape where you can release it?

Mr. Oliver — Well, basically, the outside shell completed.

Mr. Brown — Well, there's no way we'll have that done by March 9th, because, I mean, like the gentleman said earlier, the contractors are busy. So all we have to do is just show you guys reasonable progress?

Mr. Oliver — That's correct.

Mr. Brown — I appreciate it. Thank you.

Mr. Landis — **I make a motion that Item 2184, 1915 Missouri, be continued to our March meeting.**

Mr. Wicklund — **Second.**

Mr. Reed — **I have a motion by Mr. Landis and a second by Mr. Wicklund, that Item 2184, 1915 Missouri, be continued to the March 9th meeting. All in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.** Next?

ITEM 2190 — **2124 MARYLAND (Tornado Group #2)**
OWNER: Robert Yonkers & Robert Short
ADDRESS: 1010 W. 2nd ST Joplin MO 64801
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SECOND TIME BEFORE THE BOARD)

Robert Yonkers — My name is Robert Yonkers, Item Number 2190, 2124 Maryland. I realize that the house is—I'm going to have the house demolished, but I'm just going to request some extra time to get my personal things and trucks and things moved out and make arrangements for its destruction. I'm going to need a couple of months because of the amount of stuff I have to move, and I really don't have a lot of help. And pardon me, but a couple of days ago I just cracked a couple of ribs. I'm like—I'm going to tell you it's going to be a couple of weeks before I'm going to be able to start lifting much or doing anything. I'm just asking for a month, a month and a half or so, extension to take care of these items. I do not believe that the house is worth trying to salvage. At first I did, but there is some internal structural damage that is going to be—I'm going to try to re-open my case with FEMA.

Mr. Oliver — Okay. Well, I don't mind giving you 30 days and bringing you back and seeing where you're at at that point.

Mr. Yonkers — Well, I probably—it's going to be a couple of weeks before I'm going to do much of anything.

Mr. Oliver — Okay.

Mr. Yonkers — It was quite a task to dress this morning.

Mr. Oliver — Yeah, okay.

Mr. Yonkers — Those cows—boy, I tell you what, they can be rough on you.

Mr. Edwards — I think what Jeff is kind of maybe wanting to see is, he realizes that it may take you some time to get your possessions out of there, but maybe if you can go ahead and start contacting some demolition companies—

Mr. Yonkers — That, and talk to FEMA.

Mr. Edwards — Getting some bids, and then maybe getting close to hiring a demolition contractor, showing some progress with regard to that, maybe even having a contract by the next meeting. I don't assume you have to have your house torn down by the next meeting, but showing that you are going to hire somebody, you've got a bid in place, and—you know, showing us that you are going to take this thing down yourself.

Mr. Yonkers — Well, what I'd like to try to do, because I'm not going to be able to, unless FEMA can help me, I'm not going to be able to have the money to demolish it, so what I'm going to attempt to do is sell the property for whatever I can get to get it demolished—I mean, have somebody demolish it.

Mr. Edwards — One option that you do have, too, if you can't afford to have it demolished yourself, you can sign a release. The City will go ahead and do the

demolition and just have a tax bill against the property. In the event you would sell the lot later on to somebody, you would just have to pay the tax bill out of the proceeds from the sale.

Mr. Yonkers — Of course, I don't have any idea what the demolition will entail, but I know that the property is large enough by City standards—codes, that anybody can rebuild anything they want to on it.

Mr. Edwards — So while you may not have the money to demolish the house yourself, the City could do that, and then once you sell the property, you just pay the City back at that time.

Mr. Yonkers — That would be great. Well, give me a little time to—I've got trucks I've got to get moved, and I've got a lot of tools and equipment. I've been a contractor here in Joplin for 18 years now. And the heck of it, is I just got the house paid for. Welcome to life.

Mr. Edwards — So, you need to stay in touch in Jeff and let him know kind of where you're at.

Mr. Yonkers — So I appreciate some help with this and cooperation and give me a little time to heal up and get started.

Mr. Oliver — You are receiving the mail there at 1010 West Second?

Mr. Yonkers — No—no, my mailing address I put down here.

Mr. Oliver — Okay, I'll get it off there. We'll get you another letter out. We'll continue it to the February 10th meeting, and hopefully you'll have some new—

Mr. Yonkers — Well, I just have to go back to the farm—that's all there is to it.

Mr. Oliver — I'm sorry.

Mr. Yonkers — I've just got to go back to the farm—that's all there is to it. And Dad needs the help obviously anyway.

Mr. Reed — It appears to be secured.

Mr. Oliver — Yes, I think he's—

Mr. Wicklund — **I make a motion that Item 2190, 2124 Maryland, be continued to the February 10th meeting.**

Mrs. Ferneau — **Second.**

Mr. Reed — **I have a motion by Mr. Wicklund and a second by Mrs. Ferneau that Item 2190, 2124 Maryland, be continued to the February 10th meeting.**

All those in favor, signify by saying "aye". (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.

Mr. Yonkers — Will I get a letter on when that meeting is?

Mr. Oliver — Yes, if you've got the correct address for me down there, I'll get a letter sent to you.

Mr. Yonkers — Okay.

Mr. Oliver — Okay?

Mr. Yonkers — Thank you, sir.

Mr. Oliver — Alright, thank you.

Ms. Jones — Jeff, I might add one more option. We are going to be setting a deadline to sign up with the volunteers—

Mr. Oliver — Robert, you might listen here if you can.

Ms. Jones — The volunteers are still removing structures for free as long as you're signed up by the end of January. So if you want to use the volunteers to bring your structure down for free, you have to sign up with them by January 31st.

Mr. Yonkers — Where will be the best place to go?

Mr. Reed — Okay, next? Good morning.

ITEM 2181

1111 E 19TH (Tornado Group #2)
OWNER: James & Edith Dilworth
ADDRESS: 1023 Jackson Joplin, MO. 64801
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SECOND TIME BEFORE THE BOARD)

Jeannie Potts — Good morning. This is Item Number 2181. My name is Jeannie Potts, and I'm representing Edith Dilworth. It's 1111 East 19th Street. We are signed up now with AmeriCorps, so it's just a matter of AmeriCorps getting over there and doing the demolition.

Mr. Oliver — Okay. So you do have a demo permit in place now?

Ms. Potts — I don't know what they do. We're signed up with them. That's all I know.

Mr. Oliver — Okay.

Mr. Landis — When they do that, Leslie, they—

Ms. Jones — The volunteers get the demolition permit for them.

Mr. Oliver — Okay.

Ms. Jones — I would leave this one on until the volunteers get to it.

Mr. Oliver — Okay.

Mr. Landis — So continue it for 30 days?

Mr. Oliver — Yes.

Mr. Landis — **Okay, I'll make a motion that Item 2181, 1111 East 19th, be continued for 30 days to our February 10th meeting.**

Mr. Wicklund — **Second.**

Mr. Reed — **I have a motion by Mr. Landis and a second by Mr. Wicklund that Item 2181, 1111 East 19th, be continued to our February 10th meeting. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.** Okay, next?

ITEM 2206 — **2201 S. VIRGINIA & 210 E. 22ND ST. (Tornado Group #3)**
OWNER: Eric Haun
ADDRESS: 420 S. Byers. Joplin MO. 64801
"Finding of fact Hearing" scheduled for this date

Eric Haun — This is Item Number 2206. I'm Eric Haun. The address is 2201 South Virginia and 210 East 22nd Street. The 210 East 22nd Street was a garage apartment behind the house on Virginia. I did change my address—my address has changed from what's on here, so my correct address is on this sheet. I did bring a list of materials and a timetable for completion of repairs. I haven't seen anybody hand any of that in. Who would I hand that in to?

Mr. Oliver — Go ahead and bring it up, and we'll pass it around, Eric.

Mr. Haun — Well, I've got three copies. Basically, all of that says is that I've got a building permit from you guys. I've got the builders' risk insurance and contact information for that. I've got—the taxes are paid on the property, and I've been working on it. And it's hard to come up with an exact timeline, I mean, depending on the weather, depending on the time off

work, depending on the amount of volunteers. I did have one volunteer group lined up on Wednesday. I was told by one volunteer group that I would have nine people to help me, and nobody showed up. And they said it just depends on how many volunteers show up that day. I mean, that's understandable. So, I mean, I broke it down all the way of the date that it would actually be completely done. I don't know—I mean, hopefully it will be a long time before that. So, I mean, that's my plan. I don't know how that ties in—I mean—and I know, in the next month the entire thing should not be done. I should have several points on my list complete. And I know there will be maybe other things pop up on the list that I didn't think of.

Mr. Oliver — Right.

Mr. Landis — Thank you for doing that.

Mr. Reed — That's very appreciative to see that plan in place.

Mr. Oliver — Because it is New Business, we always just bring those back in 30 days because the ad runs in the paper, and what have you.

Mr. Landis — **I make a motion that Item 2206, 2201 South Virginia and 210 East 22nd Street, be continued for 30 days to our February 10th meeting.**

Mr. Wicklund — **Second.**

Mr. Reed — **I have a motion by Mr. Landis and a second by Mr. Wicklund that Item 2206, 2201 South Virginia and 210 East 22nd Street, be continued to the February 10th meeting. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

Mr. Haun — I will receive a similar letter as I got today?

Mr. Reed — You will.

Mr. Haun — Informing me of February 10th?

Mr. Oliver — Yes.

Mr. Haun — Okay, thank you.

Mr. Oliver — Thanks, Eric.

Mr. Reed — Good morning.

ITEM 2217 — **2725 S. SCHIFFERDECKER (Tornado Group #3)**
OWNER: J.T. & Yvonne Goodman

ADDRESS: 2725 Schifferdecker Joplin MO. 64801
"Finding of fact Hearing" scheduled for this date

Ray Goodman — Good morning. My name is Ray Goodman. This is my mom, Yvonne Goodman. We're speaking on behalf of 2725 Schifferdecker.

Mr. Landis — What's the item number?

Mr. Goodman — I'm sorry, it's Item 2217.

Mr. Oliver — This is the big rock house that sits up behind the ponds.

Mr. Reed — Okay.

Mr. Goodman — First of all, I would like to apologize on behalf of my mom and me for not being in touch with you guys before this. Dad got ill after the tornado. That old Arkansas Stone masonry saved my parents' lives by just, you know, protecting them but taking part of the roof off. Dad got ill two weeks after the tornado and never did quite _____. In two and a half months Mom and I were kind of focused on being in the ICU at Freeman and then Barnes, so he unfortunately passed away in August. And I work in Columbia. Of course, I grew up here in Joplin, but I work for the city fire department up there, and I've got two little ones, and Mom, all things considered, was planning on relocating to Columbia. And to be honest, we've had our hands pretty full just dealing with the estate issues, just the bare simplest of estate issues. It was a little more complicated than I would have expected. I'm trying to get Mom settled in temporary housing while she finds another home up there. And a long story short, I'm pretty grateful you guys sent a letter to bring us in here to put this back kind of front and center in our attention, because I let a lot of responsibility go that we haven't got the house kind of back under control. It's a pretty personal thing to us, besides growing up there. It was Dad's favorite place.

Yvonne Goodman — I've been so upset, basically useless.

Mr. Goodman — No, you're not useless, so not to take too much of your time and tell all our story, as far as the house, our goal—Mom still has a mortgage on it, and we'd like to—we're paying on it, and we'd like to try to somehow get that back in something. As far as selling the property, that's probably not a really practical goal. It's kind of a bigger goal for both of us, is we'd like to do what we can to try to find a way to preserve the house, not just kind of in memory of Dad, but for the town. It was a—I guess a lot of people recognize it. It's a pretty house—you know, those ponds are pretty—you know, it's kind of a landmark for the town. It's also a historic house, and I was hoping to bring some documentation to you all, but I wasn't able to catch the art museum director to contact who I was recommended to to find that—as I understand it, the house was built in 1831 and was moved to the site it's at. It had an update in the 1970's. Bill

Michael added onto it. And then—I don't know, but I think there might be a value to the town for just the fact that the outer part of the structure is still intact. Looking at the amount of history it might have before that, I think it would be well worth whatever efforts we can make to try to preserve the house if it's possible. So as far as our plan--and I have spoken briefly with—Jeff was kind enough to kind of give us a "heads up" of what you guys needed. Before February 10th, what we would like to do is go ahead—and we've had a few people interested in the property possibly, and we would like to pursue wherever that goes. I think the restoration of the house is going to be a pretty big job, and I actually—my second job is I work for a ambulance. I've been back twice taking patients from Columbia to Freeman East, and I talked my partner into going by to look at the house, and it's a sense of despair being there with the roof essentially no longer intact. And much of the house as I last have seen it, it was relatively intact, but the entire area underneath the part of the roof that is missing. The old part is, you know--probably the first week or two after the tornado, it had actually—we probably would have needed to have the plaster and everything removed anyway. It's going to have to be gutted down to the frame. It's going to be a pretty big job for anybody to undertake. And I would be happy. I just may not have the resources to do that. So our plan, what I was recommending to Mom, and I think she's pretty much with me, is to get some bids on putting a roof on, getting some windows and doors—at least get the outer shell presentable to the town and see what kind of timeline, if we can't find a buyer that's interested in restoring it, to figure out a way over the next—however long it takes to restore the building.

Mrs. Goodman — We have been having trouble with the insurance. They gave us half, promising us the rest, but with conditions, and for the contents, so it's just been tough.

Mr. Goodman — We have had some things that are getting pretty confused. It didn't help that Dad, you know—he would always take care of everything and didn't really like to bother Mom with staff, and of course, I'm got my place pretty full up in Columbia, and held on as long as I could stay away from work until the fire chief was getting pretty tired of me being away. So I was helping a little bit the first two weeks, and then I had to get back because he was getting more sick. He was having a hard time juggling everything. And frankly, it was pretty unexpected when had to go under on a ventilator. The staff actually said they—so I'm not giving too much information here, but in case you all are curious what about the house and Dad—they said he was like a tank, they couldn't put him down. I think part of it is they couldn't sedate him because he had stuff he wanted to tell us like, you know, this many things need to be done. Anyhow, there was lots of—we couldn't find the checks, the original first attempt of settlement the insurance company sent, and they've had to reissue some, and then there's been the question of whether—the house is in Mom's name, the sole surviving spouse, so we're thinking there's probably not

going to need to be a probate estate, but the insurance company sent it to the estate of—we had trouble just getting partial checks to pay the mortgage off it. It's been longer than we would have expected, and I apologize for that. And I think, you know, that's kind of—if anybody, it's my responsibility to figure out. But as far as the house--and I know that you guys--and I applaud you for your efforts to get Joplin going again, you need, you know, kind of a timeline. So that's our plan, is by the next date, if we can get a continuance of it, we would like to have more information for you and kind of a plan. Any advice or assistance you guys have, we would absolutely love to hear it.

Mr. Oliver — Just like I spoke with you on the phone about it, you know, maybe before the February 10th meeting, if you can at least be working on and possibly get some quotes on what it would cost to put the roof on and get some new windows and doors in it. And, I mean, that's showing some progress. We'll continue. I think everybody here would like to give you the opportunity to save that property, no doubt, but you've got to have some kind of progress. So we'll continue it to the February 10th meeting. At that point, you know, maybe if there is a building permit in place, we'll continue it again. We might continue it a couple of months at that point and give you plenty of time to get the roof on, and what have you. And at some point there, when that gets done—you know, just because the inside is not done, we would still be able to release it with the outside being finished and the property being secured.

Mr. Goodman — And I thank you for your patience.

Mrs. Goodman — I think that this house is part of Joplin history. It's been around—and I envision the Yankees and Confederates walking through the doors at some time. The war didn't start until 1860, and the house was built in 1831. We can't destroy old history.

Mr. Cope — If you are able to find some of that history like you were talking about to determine that, it may be old enough that you would need to talk to the federal departments that handle historic preservation. Depending on how it's put back, there may be grants—

Mrs. Goodman — We have been looking.

Mr. Cope — But that would be something to the federal program. We don't deal with residential homes and locals.

Mrs. Goodman — But we can't destroy our history.

Mr. Oliver — Well, we'll work with you, okay?

Mrs. Goodman — Thank you.

Mr. Oliver — Alright.

Mr. Landis — **I'd like to make a motion that Item 2217, 2725 Schifferdecker, be continued to our February 10th meeting.**

Mr. Wicklund — **Second.**

Mr. Reed — **I have a motion and a second by Mr. Landis and Mr. Wicklund that Item 2217, 2725 Schifferdecker, be continued to our February 10th meeting. All in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

Mrs. Goodman — Thank you, gentlemen.

Mr. Reed — I'm sorry for your loss.

ITEM 2178 — **2424 BIRD (Tornado Group #1)**
OWNER: Charles Spencer
ADDRESS: 2102 Manitou Joplin MO. 64804
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (THIRD TIME BEFORE THE BOARD)

Charles Spencer — We're here for Item 2178, 2424 Bird. And there's still work in progress. I've got almost all the house, the top part cleaned out. I can restore it with Mary. One of my problems is trying to find a storage unit to put my belongings in so we can get the top part torc down. Maybe she can tell you more about it.

Mary McGee — Yeah, we're working on that. We may just go ahead and build a storage unit, or storage shed, for his belongings. But we've had several volunteer groups out and helping him with the cleanup process in going through debris. I sent a letter in to the Building Board of Appeals a couple of weeks ago to kind of outline our stages that we're going to go through with him, and so we're still in the debris cleaning stage, and he's still going through his valuables and sorting those things.

Mr. Spencer — I've just got one room left in there, and supposed to have more volunteers being in next week to finish that up.

Mr. Wicklund — And you are who?

Ms. McGee — I'm sorry, I am Mary McGee. I am a case manager for Catholic Charities—

Mr. Wicklund — Okay.

Ms. McGee — And we are helping Charles to get back on his feet with his home. And it's just a tedious process, but we are going to get there. As soon as the cleaning out stage is finished, then the demolition of the walls will begin. So we do have a plan, and we just ask for a little more time and little patience, and we will get there.

Mr. Wicklund — What timeframe are you on? What are you thinking?

Ms. McGee — Probably, we will be looking at within the next month, I would say that or less, that the debris cleaning process will be finished, and that we will be applying for a building permit.

Mr. Wicklund — Your goal is to save the house?

Mr. Spencer — No.

Mr. Wicklund — No?

Mr. Spencer — Take the top part off and just save the basement. The basement is still—

Ms. McGee — The foundation can be used, is what our disaster coordinator Gabe Tishler has assessed.

Mr. Reed — Did you get things kind of straightened out with your insurance?

Mr. Spencer — Not really. I mean, all I got is $20,000 in escrow. When I got a mortgage on this house in 2004, I put an insurance policy onto it. My mortgage company refused it and put their own insurance policy onto it, which really, if they had left it alone, I wouldn't have been in better shape than—like I told them yesterday, they used to send me statements. I have to keep making payments to these people, and they're pretty much refusing to send me statements. I was on the phone the other day with them for two hours arguing with them, and they're in Troy, Michigan, and all we can do is get on the phone, and it's just a hassle with them. I said—I told them yesterday I'd been better off if they had just left the original insurance policy I had on there, and I wouldn't have to be dealing with these people right now. But they end up putting their own insurance policy onto it, and all it does is cover them $20,000, and that's I've got in escrow for repairs. What they were planning on doing was repairing it, but it's beyond—the top part's beyond repair.

Mr. Wicklund — Well, my biggest concern is if you're going to try to save the basement, that will be more of a risk for somebody falling in or getting hurt than the way it is now, right?

Mr. Oliver — It can be.

Mr. Wicklund — I think that would be the City's position, too.

Mr. Oliver — We would want—I mean, if it was going to be any amount of time before you started reconstruction, we obviously would want that fenced around it.

Mr. Spencer — Well, right now, the walls are—

Mr. Oliver — We are allowing some people to do that. We've got another one on here that we're allowing them to do that.

Mr. Spencer — Well, it's not really—it's not really a basement as you call a basement. The house was raised off the ground in 1940 or 1941, and the basement, if you want to call it that, was put underneath it. It's not in the ground—it's ground level. So it's just a—and everybody calls it a basement, but really my way of looking at it, it's not a basement. The guy raised the house up in 1941 and put the house on top and added that concrete block section. And like I said, I'm pretty sure the basement says 1940 or 1941.

Mr. Reed — Do you walk around over there, or do you have to crawl?

Mr. Spencer — It's a full stand-up basement.

Mr. Cope — I think I hear what you're saying, is if you stand beside it, the top of that basement wall is actually above grade.

Mr. Spencer — Yeah, the yard goes out, and it drops off _____.

Mr. Cope — Again, if it's high enough that a guard isn't required, that will be fine. Otherwise, you put up a—

Mr. Wicklund — All we're thinking of if somebody falls in it. We're looking at different issues.

Mr. Spencer — Well, the first problem I've had is thieves coming into my property and stealing stuff. I mean, if they fall and break their neck, I don't care.

Ms. McGee — Once his construction is completed, 50 percent of it, he'll receive the $10,000 from his escrow, and then once the other 50 percent is completed, he'll receive the other $10,000 from his insurance, his escrow.

Mr. Spencer — Well, they know more about insurance people. I'm pretty much—and my mortgage company owns the insurance company, which is another problem. When they're tied together like that, it's really weird.

Mr. Oliver — Based on the information that you sent to me and stuff, guys, I don't have a problem carrying this, you know, to the March 9th meeting. That will give him some more time, give him some time to get it demolished, bring him back, and see if a permit is in place to rebuild by that time.

Mr. Spencer — And one more thing, you've been sending my mail to 2102 Manitou. I wrote on that paper my mailing address—I'm out in the FEMA trailers, and it's 5501 North Michigan. I wrote that down on that paper.

Mr. Oliver — I think I remember that, 5501—

Mr. Spencer — North Michigan.

Mr. Wicklund — **I make a motion that Item 2178, 2424 Bird, be continued to the March 9th meeting.**

Mr. Landrith — **I'll second.**

Mr. Reed — **I have a motion by Mr. Wicklund and a second by Mr. Landrith that Item 2178, 2424 Bird, be continued to our March 9th meeting. Those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.** We'll see you on March 9th.

Ms. McGee — Okay, thank you.

Mr. Reed — Let's go back to the beginning.

ITEM 2105 — **719 W 14TH ST.**
OWNER: James Smith & Jayme Ogen
ADDRESS: Joplin MO.
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SEVENTH TIME BEFORE THE BOARD)

Mr. Oliver — Alright. I had spoke with—I can't remember which Jayme it was, but it's been like right after our last meeting, I remember. When I had spoke with him, he had mentioned that they may end up deciding to demo this property themselves. I'd left messages this week hoping one of them would call me. I did not receive a call. They do have a building permit in place, okay, but I need to get confirmation on what solid plans they have on this. So guess, if we could continue this to the February 10th meeting as well, and hopefully, if they have decided to demolish it, there will be a permit in place or something at that time.

Mr. Landrith — If not, do you think we will be in a position to go ahead and take action?

Mr. Oliver — If I'm verbally still hearing that their intent is to demolish it, I will offer them the consent form. But, Steve, if they've got a residential permit in place, what—I mean, it's kind of a—

Mr. Cope — Right now, if they've pulled a permit, they've got 180 days to not turn a screw. That's the law. Unless it's an emergency or an immediate danger to the public in some way—

Mr. Wicklund — Is it secured?

Mr. Landrith — No, the back of it is open.

Mr. Wicklund — Are they aware of that?

Mr. Oliver — They have been made aware.

Mr. Wicklund — What's their reasoning for not doing anything with this? I mean, are they just busy?

Mr. Oliver — Well, they kind of had gotten started, you know, doing some repairs to it before the tornado hit, and they've basically pulled off and worked on other structures.

Mrs. Ferneau — What's the date on the permit?

Mr. Oliver — I'm sorry.

Mrs. Ferneau — What's the date on the permit, when it was pulled?

Mr. Oliver — Actually, I've got April in here on my notes.

Mr. Cope — Yeah, they have pulled it actually before the tornado.

Mr. Wicklund — But they haven't pulled a new one?

Mr. Cope — Not since. Since if they've been past that point—

Mr. Wicklund — So they've had their chance.

Mr. Reed — Because the 180 days are up.

Mrs. Ferneau — One hundred and eighty is up.

Mr. Cope — So based on that, then we can proceed unless they have—if they want to pull a new permit, it's going to take plans for reconstruction to do that. So I guess you just go through the process. If they want to put a little more effort into it—

Mr. Edwards — It's going to end up getting worse.

Mr. Wicklund — Well, they have had since October to pull another permit on it, and so they're not interested too much.

Mr. Landis — And you've had a little trouble getting ahold of them, too, Jeff?

Mr. Oliver — Like I said, I have both their phone numbers, letters. I've left them messages.

Mr. Landis — So do you feel comfortable with going ahead?

Mr. Wicklund — Do you have any additional pictures or anything?

Mr. Cope — You would still need to get a title search and all that in place. You haven't done the full title, have we?

Mr. Edwards — Why don't we table this one, and after the next one, we'll come back to it?

Mr. Landis — **I'll make a motion that Item 2105, 719 West 14th, be tabled until later in the meeting.**

Mr. Wicklund — **Second.**

Mr. Reed — **I have a motion by Mr. Landis and a second by Mr. Wicklund to table Item 2105 until later in the meeting. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

ITEM 2128 — **510 W. 16TH ST.**
OWNER: Keith & Kim Logan
ADDRESS: 3501 Finley Ave. Joplin MO. 64804
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (EIGHTH TIME BEFORE THE BOARD)

Mr. Oliver — They were at our last meeting. They did come in since that meeting. They have purchased a permit. It might be kind of slow moving, but with the permit in place, I would like to continue this one to June 22nd.

Mr. Landis — **I make a motion that Item 2128, 510 West 16th, be continued to the June 22nd meeting.**

Mr. Landrith — **And I'll second.**

Mr. Wicklund — Is it secured?

Mr. Oliver — Yes.

Mr. Wicklund — Okay.

Mr. Reed — **I have a motion by Mr. Landis and a second by Mr. Landrith that Item 2128, 510 West 16th, be continued to our June 22nd meeting. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

ITEM 2162

1601 FURNACE
OWNER: Angela Plemmons
ADDRESS: 1601 E. Furnace St. Joplin MO. 64801
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (THIRD TIME BEFORE THE BOARD)

Mr. Oliver — I believe the City is ready.

Mr. Reed — I'll entertain a motion.

Mr. Wicklund — **I make a motion that Item 2162, 1601 Furnace, be moved to a demolition hearing.**

Mr. Reed — And a second?

Mr. Landis — **Second.**

Mr. Reed — **I have a motion by Mr. Wicklund and a second by Mr. Landis that Item 2162, 1601 Furnace, be the subject of a demolition hearing. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.** I'll turn it over to Peter.

Mr. Edwards — This is the Joplin Building Board of Appeals meeting in the Joplin Municipal Building on this 13th day of January, 2012, for conducting a dangerous building 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 2162 on the agenda, also known as 1601 Furnace. The City calls Jeff Oliver.

Ms. Champlin — 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. Edwards — Please state your name and occupation.

Mr. Oliver	Jeff Oliver, Building Inspector for the City of Joplin.
Mr. Edwards	How long have you been employed in your current position with the City?
Mr. Oliver	Two years.
Mr. Edwards	Have you, in the official performance of your duties, had occasion to inspect known as 1601 Furnace?
Mr. Oliver	Yes, I have.
Mr. Edwards	I'm going to hand you what's been marked as City's Exhibit 1. Can you identify those?
Mr. Oliver	These are photos taken of the property.
Mr. Edwards	And did you take the photographs?
Mr. Oliver	Yes, I did.
Mr. Edwards	And do the photos show the property in its current condition?
Mr. Oliver	Yes, they do.
Mr. Edwards	If there is no objection, I would offer City's Exhibit 1.
Mr. Reed	The Board accepts.
Mr. Edwards	Jeff, what, if anything, have you done to ascertain ownership of the property?
Mr. Oliver	I had a title search performed.
Mr. Edwards	I'm going to hand you what's been marked as City's Exhibit 2. Is that the title search that the City received?
Mr. Oliver	Yes, it is.
Mr. Edwards	Who does it show as the owner of the property?
Mr. Oliver	Angela Plemmons.
Mr. Edwards	And is there anybody else that may have an interest in the property?
Mr. Oliver	Subject to a TCS Holdings.
Mr. Edwards	It looks like they may have purchased the property at a tax sale in 2011, is that correct?

Mr. Oliver — Correct.

Mr. Edwards — If there is no objection, I would offer City's Exhibit 2.

Mr. Reed — The Board accepts.

Mr. Edwards — Jeff, what, if anything, have you done to notify the owners of the property of this action?

Mr. Oliver — I sent out certified letters.

Mr. Edwards — I'm going to hand you what's been marked as City's Exhibits 3 and 4. Are those the certified letters you sent out?

Mr. Oliver — Yes, they are.

Mr. Edwards — Can you go through each letter and tell the Board who you sent it to and what's contained in the letter?

Mr. Oliver — Yes. Exhibit 3 is a certified letter sent December 13th to Jeremy K. Brown, also TCS Holdings, letting him know of today's meeting, January 13th, and I do have a signed receipt for that. Exhibit 4 is a certified letter that was sent to Angela back on October 31st of last year, letting her know of a December 9th meeting. I do not have a signed receipt for that.

Mr. Edwards — The City would offer Exhibits 3 and 4.

Mr. Reed — The Board accepts.

Mr. Edwards — Jeff, what else have you done to notify the owners of the property of this action?

Mr. Oliver — I had it published in the Joplin Globe.

Mr. Edwards — I'm going to hand you what's been marked as City's Exhibit 5. Is that the affidavit of publication that we received from the Globe?

Mr. Oliver — Yes, it is, with the publication dates of November 17th and November 24th, December 1st and December 8th of 2011.

Mr. Edwards — If there is no objection, I would offer City's Exhibit 5.

Mr. Reed — The Board accepts.

Mr. Edwards — Jeff, 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 projects in the Joplin area over the last 20 years.

Mr. Edwards — From an inspection of the property at issue here, do you have an expert opinion as to whether or not this property constitutes 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, if any?

Mr. Oliver — Yes, I do, subsections 10, 12, 13, 14, and 18. Line 10, "whenever the building or structure, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, trash, filth, inadequate light, air ventilation or sanitation facilities, or otherwise is determined to be unsafe, unsanitary, unfit for human habitation, or in such a condition that it is likely to cause sickness or disease." As you can see from the photos being passed around, the property has several major issues with decay, a lot of trash and filth around, both in the property, as well as outside. Line 13, "whenever the building or structure has become an attractive nuisance to children or is open to unauthorized or unlawful entry." The property is not secured. Line 14, "whenever the building or structure, because of obsolescence, dilapidated condition, deterioration, damage, trash and debris, unsafe exits, lack of sufficient fire resistive construction, unsafe electrical wiring, gas connections or heating apparatus, previous fires or other cause is determined to be a fire hazard or is a fire hazard under chapter 58. That just—I mean, that kind of ties in with line 10 as well. That's all I have.

Mr. Edwards — 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 specifically would offer Section 26-612 of the Code, and all of its parts and sub-parts into evidence before the Board. I would ask the property owner if he has any questions for the Board. I don't see anybody in the audience. I would ask the Board if they have any questions for Mr. Oliver.

Mr. Reed — I would like Mr. Oliver to repeat those subsections, please.

Mr. Oliver — Ten, 12, 13, 14, and 18.

Mr. Reed — Thank you.

Mr. Edwards — Any other questions? Seeing none, the City would rest its case and turn it back over to the Board.

Mr. Reed — What's your wish?

Mr. Wicklund — **I make a motion that Item 2162, 1601 Furnace, be declared a dangerous building and ordered demolished in accordance with the**

City Code, Chapter 26, Article X, Section 26-612, specifically subsections 10, 12, 13, 14, and 18.

Mr. Landis **Second.**

Mr. Reed **I have a motion by Mr. Wicklund and a second by Mr. Landis that Item 2162, 1601 Furnace, be declared a dangerous building according to Chapter 26, Articles IX and X, Section 26-612, subsections 10, 12, 13, 14, and 18, be declared a dangerous building and demolished. Those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

ITEM 2168 **2305 S. JOPLIN (Tornado Group #1)**
OWNER: Gerardo J. Villasenor
ADDRESS: 2116 S. 22ND Ct. Stillwater OK. 74074
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (THIRD TIME BEFORE THE BOARD)

Mr. Oliver The owner of this item contracted with B & D Yardbuilders. The property has been removed and can be released.

Mr. Landis **I make a motion that Item 2168, 2305 South Joplin, be removed from our agenda.**

Mr. Wicklund **Second.**

Mr. Reed **I have a motion by Mr. Landis and a second by Mr. Wicklund that Item 2168, 2305 South Joplin, be removed from our agenda. Those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

ITEM 2169 **2315 ILLINOIS (Tornado Group #1)**
OWNER: Exchange Bank and Trust Co.
ADDRESS: 4301 W. 6TH St. Stillwater OK. 74074
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (THIRD TIME BEFORE THE BOARD)

Mr. Oliver This address as well—they had a contract with B & D Yardbuilders to demolish. It is gone, and this item can be released as well.

Mr. Landrith — **Mr. Chairman, I'd move that Item 2169, 2315 Illinois, be removed from our agenda.**

Mr. Landis — **Second.**

Mr. Reed — **I have a motion by Mr. Landrith and a second by Mr. Landis that Item 2169, 2315 Illinois, be removed from our agenda. Those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

ITEM 2173 — **2729 SCHIFFERDECKER (Tornado Group #1)**
OWNER: Laramie & Phaedra Lafarge
ADDRESS: 1710 Glover St Joplin MO. 64801
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (THIRD TIME BEFORE THE BOARD)

Mr. Oliver — Alright—

Mr. Wicklund — This property is up for sale, just FYI.

Mr. Oliver — Okay. I was wondering, because I'd kind of talked to Peter about this a little bit. I mean, the City would be ready. The gentleman had made it to the previous two meetings. I think he had the intentions of possibly rebuilding it and was looking at, you know, getting some estimates to get that done. They have done a lot of work as far as the cleanup goes. Again, I believe—

Mr. Landis — He had not, right?

Mr. Oliver — I'm sorry.

Mr. Landis — Before, he had not, right?

Mr. Oliver — At the first meeting, they hadn't really cleaned up much. I mean, it's basically cleaned up and ready for somebody to come in and start repairing. So we would be ready if the Board chose to go forward with the demolition. I would be fine with giving them a little more time if we want to lean that way.

Mr. Wicklund — I would recommend giving him 60 days. I know they just put it on maybe right before Christmas, and they're trying to sell it as a structure already there to be rehabbed, and not as lot value.

Ms. Jones — Jeff, they've signed up with the volunteers to tear the structure down.

Mr. Oliver — Really?

Ms. Jones — They're on the list.

Mr. Wicklund — Weren't they also in the paper recently about this property? They were on the front page, or something.

Ms. Jones — I would continue it 30 days to see if the volunteers get it down. But I will say this, whether something is for sale or not, we still have to continue.

Mr. Landis — **I make a motion that Item 2173, 2729 Schifferdecker, be continued for 30 days.**

Mr. Wicklund — **Second.**

Mr. Reed — **To the February 10th meeting?**

Mr. Landis — **The February 10th meeting, I'm sorry.**

Mr. Reed — **I have a motion by Mr. Landis and a second by Mr. Wicklund that Item 2173, 2729 Schifferdecker, be continued to our February 10th meeting. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

ITEM 2174 — **2328 MISSOURI (Tornado Group #1)**
OWNER: James Kendall
ADDRESS: 4408 Malaura Ln Joplin MO. 64804
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (THIRD TIME BEFORE THE BOARD)

Mr. Oliver — The school district bought this property. Leslie is staying in contact with them. I believe we can release this item from the agenda. It will be taken care of.

Mr. Landrith — **Mr. Chairman, I make a motion that Item 2174, 2328 Missouri, be stricken from our agenda.**

Mr. Wicklund — **Second.**

Mr. Landis — **I will abstain.**

Mr. Reed — **I have a motion by Mr. Landrith and a second by Mr. Wicklund that Item 2174, 2328 Missouri, be removed from our agenda. Those in favor? (Mrs. Ferneau, Mr. Landrith, and Mr. Wicklund voted "aye";**

with Mr. Landis and Mr. Reed abstaining) Those opposed? (None) Motion passes, 3 in favor, 2 abstentions.

ITEM 2175 **2703 S OLIVER (Tornado Group #1)**
OWNER: David Williams
ADDRESS: 3113 Martin Dr Joplin MO. 64804
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (THIRD TIME BEFORE THE BOARD)

Mr. Oliver — I spoke with the lady on the phone this morning, or actually had a message from her this morning. The demolition is basically done. They were wanting to save the basement area and put a fence up. The fence is not up yet, but I'll make sure that that gets done, or I'll stay on top of it until that gets done.

Mr. Landis — Do we want to continue it for 30 days to make sure the fence gets there?

Mr. Oliver — We can. It's up to you guys.

Mr. Landis — **We might as well. I'll make a motion that Item 2175, 2703 South Oliver, be continued to our February 10th meeting.**

Mr. Wicklund — **Second.**

Mr. Reed — **I have a motion by Mr. Landis and a second by Mr. Wicklund that Item 2175, 2703 South Oliver, be continued to our February 10th meeting. All those in favor? (Mrs. Fcrneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

Mr. Reed — Let's move back to that one we tabled.

ITEM 2105 **719 W 14TH ST.**
OWNER: James Smith & Jayme Ogen
ADDRESS: Joplin MO.
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SEVENTH TIME BEFORE THE BOARD)

Mr. Edwards — I think—I've reviewed the file, and the City would be in a position to move forward with the dangerous building hearing.

Mr. Wicklund — **I make a motion that Item 2105, 719 West 14th Street, be moved to the demolition hearing.**

Mr. Landis	**Second.**
Mr. Reed	**I have a motion by Mr. Wicklund and a second by Mr. Landis that Item 2105, 719 West 14th, be the subject of a demolition hearing. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.** The Board turns it over to Peter.
Mr. Edwards	The case for today is Item Number 2105 on the agenda, also known as 719 West 14th Street. The City calls Jeff Oliver. Jeff, I'll remind you that you're still under oath. Jeff, please state your name and occupation.
Mr. Oliver	Jeff Oliver, Building Inspector for the City of Joplin.
Mr. Edwards	How long have you been employed in your current position with the City?
Mr. Oliver	Two years.
Mr. Edwards	Have you, in the official performance of your duties, had occasion to inspect the property known as 719 West 14th?
Mr. Oliver	I have.
Mr. Edwards	I'm going to hand you what's been marked as City's Exhibit 1. Can you identify those?
Mr. Oliver	These are photos taken of the property.
Mr. Edwards	And did you take the photos?
Mr. Oliver	Yes, I did.
Mr. Edwards	Do the photos show the property in its current condition?
Mr. Oliver	Basically, yes. There were some small improvements that were in the process, as far as working on the flooring and box sill area of the property, which basically appears they have walked away from continuing to rehab the property.
Mr. Edwards	If there is no objection, I would offer City's Exhibit 1.
Mr. Reed	The Board accepts.
Mr. Edwards	Jeff, what, if anything, have you done to ascertain ownership of the property?
Mr. Oliver	I had a title search performed.

Mr. Edwards — I'm going to hand you what's been marked as City's Exhibit 2. Is that the title search the City received?

Mr. Oliver — It is.

Mr. Edwards — Who does it show are the owners of the property?

Mr. Oliver — Harold G. McAnally. Both the Jamies' purchased this property from him. That was the original—

Mr. Edwards — So the owners of the property are Jamie Smith and Jayme Ogden, is that correct?

Mr. Oliver — That's correct.

Mr. Edwards — If there is no objection, we would offer City's Exhibit 2.

Mr. Reed — The Board accepts.

Mr. Edwards — Jeff, the owners of the property that I just mentioned, had they been in to the Building Department to take out a building permit?

Mr. Oliver — Back in April, they did.

Mr. Edwards — I'm going to hand you what's been marked as City's Exhibit 3. Is that a copy of the building permit, or a copy of the—

Mr. Oliver — Yes. Actually, the issue date was May 5th, with the expiration date of October 30th of 2011.

Mr. Edwards — Tell me what that document is.

Mr. Oliver — It's basically a receipt that's printed out that we keep a copy of. And the owners did pay the fees for the building permit itself.

Mr. Edwards — If there is no objection, I would offer City's Exhibit 3.

Mr. Reed — The Board accepts.

Mr. Edwards — Jeff, what, if anything, have you done to notify the owners of this property of this action?

Mr. Oliver — I sent out certified letters.

Mr. Edwards — I'm going to hand you what's been marked as City's Exhibits 4 and 5. Are those the certified letters you sent out?

Mr. Oliver — Yes, they are. Exhibit 4 is a certified letter dated December 13th of 2011 sent to Jamie Smith, letting him know of today's meeting, January 13th, and I do have a signed receipt for that letter. Exhibit 5 is a certified letter that was sent back on September 26th of 2011 sent to Jayme Ogden, letting him know of the December 9th meeting, 2011, and I also have a signed receipt for that letter.

Mr. Edwards — If there is no objection, I would offer City's Exhibits 4 and 5 into evidence before the Board?

Mr. Reed — The Board accepts.

Mr. Edwards — Jeff, what else have you done to notify the owners of the property of this action?

Mr. Oliver — I had it published in the Joplin Globe?

Mr. Edwards — I'm going to hand you what's been marked as City's Exhibit 6. Is that the affidavit of publication that we received from the Globe?

Mr. Oliver — Yes, it is, with the publication dates of May 7th, May 14th, May 21st, and May 28th of 2010.

Mr. Edwards — If there is no objection, I would offer City's Exhibit 6.

Mr. Reed — The Board accepts.

Mr. Edwards — Jeff, we've already established that you're a qualified expert in the construction of buildings. From an inspection of the property at issue here, do you have an expert opinion as to whether or not this property constitutes 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, if any?

Mr. Oliver — Yes, I do, subsections 3, 4, 10, 11, 12, 15, and 19. Line 3, "whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, decay, vandalism or faulty construction or the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building or the deterioration, decay or inadequacy of its foundation, or any other cause, is likely to partially or completely collapse." As you can see by the photos being passed around, the structure does have some pretty severe footing and foundation issues with it which have caused some weakening of the structure, both on the floor and the walls. Also 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." As you can see by the photos being passed around, the

overall condition of the property is in pretty poor shape, a lot of decay. The roof is in pretty poor shape. Line 13, again, "whenever the building or structure has become an attractive nuisance to children or is open to unauthorized or unlawful entry." Currently, the property is open. That pretty much sums it up.

Mr. Edwards — 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 specifically would offer Section 26-612 of the Code, and all of its parts and sub-parts into evidence before the Board. I have no further questions for Mr. Oliver. I would ask the property owners if they have any questions. I don't see anybody in the audience, so I would ask the Board if they have any questions. Seeing none, the City rests its case and turns it back over to the Board.

Mr. Wicklund — **Mr. Chairman, I make a motion that Item 2105, 719 West 14th Street, be declared a dangerous building and be ordered demolished in accordance with the City Code, Chapter 26, Articles IX and X, Section 26-612, subsections 3, 4, 10, 11, 12, 15, and 19.**

Mr. Landis — **Second.**

Mr. Reed — **I have a motion by Mr. Wicklund and a second by Mr. Landis that Item 2105, 719 West 14th, be considered a dangerous building and ordered demolished in accordance with subsections 3, 4, 10, 11, 12, 15, and 19. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

ITEM 2180 — **2526 S WILLARD (Tornado Group #1)**
OWNER: James McKeehan & James A Ryan
ADDRESS: General Delivery Racine Mo 64858
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (THIRD TIME BEFORE THE BOARD)

Mr. Oliver — We are showing a demo permit in place. If the Board would continue it to February 10th, and hopefully it will be done.

Mr. Landis — **I make a motion that Item 2180, 2526 South Willard, be continued to February 10th.**

Mr. Wicklund — **Second.**

Mr. Reed — **I have a motion by Mr. Landis and a second by Mr. Wicklund that Item 2180, 2526 South Willard, be continued to February 10th. All**

those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.

ITEM 2182 **1825 INDIANA (Tornado Group #2)**
OWNER: Junell Henson
ADDRESS: 1825 Indiana Joplin MO. 64801
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SECOND TIME BEFORE THE BOARD)

Mr. Oliver — This item does have some concrete left on the property; however, it can be released from the agenda, and that will be addressed at a later date.

Mr. Wicklund — **I make a motion that Item 2182, 1825 Indiana, be released from our agenda.**

Mr. Landis — **Second.**

Mr. Reed — **I have a motion by Mr. Wicklund and a second by Mr. Landis that Item 2182, 1825 Indiana, be released from our agenda. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

ITEM 2185 **2013 S MOFFET (Tornado Group #2)**
OWNER: Shane & Thuy Springer
ADDRESS: 400 E Market Diamond, MO 64840
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SECOND TIME BEFORE THE BOARD)

Mr. Oliver — The City is ready.

Mr. Wicklund — **I make a motion that Item 2185, 2013 South Moffet, be subject to a demolition hearing.**

Mr. Landrith — **Second.**

Mr. Reed — **I have a motion by Mr. Wicklund and second by Mr. Landrith that Item 2185, 2013 South Moffet, be the subject of a demolition hearing. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.** The Board turns it over to the City.

Mr. Edwards	The case for today is Item Number 2185 on the agenda, also known as 2013 South Moffet. The City calls Jeff Oliver. Jeff, I'll remind you that you're still under oath. Jeff, please state your name and occupation.
Mr. Oliver	Jeff Oliver, Building Inspector for the City of Joplin.
Mr. Edwards	How long have you been employed in your current position with the City?
Mr. Oliver	Two years.
Mr. Edwards	Have you, in the official performance of your duties, had occasion to inspect the property known as 2013 South Moffet?
Mr. Oliver	Yes, I have.
Mr. Edwards	I'm going to hand you what's been marked as City's Exhibit 1.
Mr. Oliver	These are photos taken of the property.
Mr. Edwards	And did you take the photos?
Mr. Oliver	I have, some as recent as yesterday, so yes.
Mr. Edwards	Do the photos show the property in its current condition?
Mr. Oliver	Yes, they do.
Mr. Edwards	If there is no objection, I would offer City's Exhibit 1.
Mr. Reed	The Board accepts.
Mr. Edwards	Jeff, what, if anything, have you done to ascertain ownership of the property?
Mr. Oliver	I had a title search performed.
Mr. Edwards	I'm going to hand you what's been marked as City's Exhibit 2. Is that the title search that the City received?
Mr. Oliver	Yes, it is. It shows a Shane and Thuy Springer as the owners.
Mr. Edwards	If there is no objection, I would offer City's Exhibit 2.
Mr. Reed	The Board accepts.
Mr. Edwards	Jeff, what, if anything, have you done to notify the owners of the property of this action?

Mr. Oliver — I sent out certified letters.

Mr. Edwards — I'm going to hand you what's been marked as City's Exhibit 3 and City's Exhibit 4. Are those the certified letters that you sent out?

Mr. Oliver — Yes, they are. Exhibit 3 is a certified letter dated December 10th of 2011, sent to Shane and Thuy Springer, letting them know of the January 13th meeting today, and I do have a signed receipt for that letter. Exhibit 4 is a certified letter dated November 2nd of 2011, sent to Shane and Thuy Springer, letting them know of the December 9th meeting we had, and I do have a signed receipt for that letter as well.

Mr. Edwards — If there is no objection, I would offer City's Exhibits 3 and 4.

Mr. Reed — The Board accepts.

Mr. Edwards — Jeff, have you gotten any kind of response from them?

Mr. Oliver — No, I have not.

Mr. Edwards — Jeff, I'm going to hand you what's been marked as City's Exhibit 5. Can you identify this?

Mr. Oliver — It's a publication in the Joplin Globe, first published December 22nd of 2011.

Mr. Edwards — What are the other dates of publication, if you'll look at page 2?

Mr. Oliver — December 22nd, December 29th of 2011; January 5th and January 12th of 2012.

Mr. Edwards — If there is no objection, we would offer City's Exhibit 5.

Mr. Reed — The Board accepts.

Mr. Edwards — And I would also ask that the Board keep the record open so that when the City receives the affidavit of publication from the Joplin Globe, that it accepts it into evidence as well.

Mr. Reed — Will do.

Mr. Edwards — Jeff, from an inspection of the property at issue here, do you have an expert opinion as to whether or not this property constitutes 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, if any?

Mr. Oliver — Yes, I do, subsections 4, 6, 10, 12, 13, and 17. 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." As you can see by the photos being passed around, that this property was damaged by the May 22nd tornado, and I believe is economically unfeasible to rehab. Also line 13, "whenever the building or structure has become an attractive nuisance to children or is open to unauthorized or unlawful entry."

Mr. Edwards — If there is no objection, I would offer Chapter 26, Articles IX and X of the Joplin Code into evidence before the Board and specifically would offer Section 26-612, and all of its parts and sub-parts into evidence before the Board. I don't have any further questions for Mr. Oliver. Does anyone on the Board have any questions? Seeing none, I would ask the property owners if they have any questions. Seeing no one in the audience, the City rests its case and turns it back over to the Board.

Mr. Wicklund — **I move that Item 2185, 2013 South Moffet, be ordered a dangerous building and ordered demolished in accordance with the City Code, Chapter 26, Articles IX and X, subsections 4, 6, 10, 12, 13, and 17.**

Mr. Landis — **Second.**

Mr. Reed — **I have a motion by Mr. Wicklund and a second by Mr. Landis that Item 2185, 2013 South Moffet, be declared a dangerous building and ordered demolished according to subsections 4, 6, 10, 12, 13, and 17. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

ITEM 2188 — **2101 S JOPLIN (Tornado Group #2)**
OWNER: Eloise Nivens
ADDRESS: 2101 S Joplin Joplin, MO 64801
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SECOND TIME BEFORE THE BOARD)

Mr. Oliver — The City is ready.

Mr. Wicklund — This property is supposed to be closed in two weeks.

Mr. Landis — It doesn't matter. We can still go with it.

Mr. Wicklund — I know, for a fact, they want to keep it and rebuild it.

Mr. Oliver — I'll let the Board decide whether they want to move forward with it or not. I mean, we're ready.

Mr. Landis — We still have to move forward with it, and if they get it done before, we can keep it from—if we continue it, and they get it closed, and they can—

Mr. Edward — What's—

Mr. Cope — The demo order is not going to happen—

Mr. Landis — Yeah, it will be a month.

Mr. Cope — The order can be in place, but it's going to be a minimum of 30 days before we could act on it.

Mr. Edwards — Who's buying the house?

Mr. Wicklund — A local contractor.

Mr. Edwards — A local contractor?

Mr. Wicklund — I have to abstain.

Mr. Edwards — Would you tell us what you know about it?

Mr. Wicklund — They're going to rehab and fix it and flip it.

Mr. Edwards — Who's the contractor?

Mr. Wicklund — He doesn't want to be released at this time.

Mr. Edwards — Okay. In your opinion, is he a reputable contractor?

Mr. Wicklund — Yes.

Mr. Edwards — I would say, let's pass this for 30 days. I don't want a demolition order to screw up financing or screw up the sale. Jeff, in your opinion, is this a rehabbable structure?

Mr. Oliver — Oh, yeah, it could be done. We hadn't had any contact with anybody or anything on this property.

Mr. Edwards — So it looks like it's owned by—

Mr. Wicklund — It's actually a foreclosure.

Mr. Edwards — Yes, it's owned by the mortgage company, but if it's a rehabbable structure, and we've got somebody in mind to buy it here in the next few weeks and rehab, which is—if that happens, we'll pass it for 30 days.

Mr. Landis — **If it doesn't, we'll do it next time, on February 10th. I make a motion that Item 2188, 2101 South Joplin, be continued to our February 10th meeting.**

Mr. Landrith — **Second.**

Mr. Reed — **I have a motion by Mr. Landis and a second by Mr. Landrith that Item 2188, 2101 South Joplin, be continued to our February 10th meeting. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, and Mr. Reed voted "aye", with Mr. Wicklund abstaining) Those opposed? (None) Motion passes (4 in favor, 1 abstention).**

ITEM 2189 — **2108 SERGEANT (Tornado Group #2)**
OWNER: Jeffrey & Lisa Ivey
ADDRESS: 5350 Spurgeon Rd Joplin, MO 64804
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SECOND TIME BEFORE THE BOARD)

Mr. Oliver — The City is ready.

Mr. Reed — Well, what's the Board's desire?

Mr. Wicklund — **I make a motion that Item 2189, 2108 Sergeant, be subject to a demolition hearing.**

Mr. Landis — **Second.**

Mr. Reed — **I have a motion by Mr. Wicklund and a second by Mr. Landis that Item 2189, 2108 Sergeant, be the subject of a demolition hearing. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.** The Board turns it over to the City.

Mr. Edwards — Susan, would you let the record reflect that Mr. Wicklund did abstain on the last vote?

Ms. Champlin — To do what?

Mr. Edwards — Would you let the record reflect that Mr. Wicklund abstained on the last vote, on the last property?

Mr. Wicklund	On Item 2188.
Ms. Champlin	You abstained from 2188?
Mr. Edwards	The case for today is Item Number 2189 on the agenda, also known as 2108 Sergeant. The City calls Jeff Oliver. Jeff, I'll remind you that you're still under oath. Jeff, please state your name and occupation.
Mr. Oliver	Jeff Oliver, Building Inspector for the City of Joplin.
Mr. Edwards	How long have you been employed in your current position with the City?
Mr. Oliver	Two years.
Mr. Edwards	Have you, in the official performance of your duties, had occasion to inspect the property known as 2108 Sergeant?
Mr. Oliver	Yes, I have.
Mr. Edwards	I'm going to hand you what's been marked as City's Exhibit 1. Can you identify those?
Mr. Oliver	These are photos that were taken of the property.
Mr. Edwards	Did you take the photographs?
Mr. Oliver	Yes, I did.
Mr. Edwards	And do the photos show the property in its current condition?
Mr. Oliver	Yes, theydo.
Mr. Edwards	If there is no objection, I would offer City's Exhibit 1.
Mr. Reed	The Board accepts.
Mr. Edwards	Jeff, what, if anything, have you done to ascertain ownership of the property?
Mr. Oliver	I had a title search done.
Mr. Edwards	I'm going to hand you what's been marked as City's Exhibit 2. Is this the title search that the City received?
Mr. Oliver	Yes, it is.
Mr. Edwards	Who does it show are the owners of the property?

Mr. Oliver — Jeffrey and Lisa Ivey.

Mr. Edwards — And does the title search show anybody else that may have an interest in the property?

Mr. Oliver — A BWM Mortgage.

Mr. Edwards — If there is no objection, I would offer City's Exhibit 2.

Mr. Reed — The Board accepts.

Mr. Edwards — Jeff, what, if anything, have you done to notify the owners of the property of this action?

Mr. Oliver — We had certified letters sent.

Mr. Edwards — I'm going to hand you what's been marked as City's Exhibits 3, 4, and 5. Are those the certified letters that you sent out?

Mr. Oliver — Yes, they are. Exhibit 3 is a certified letter sent to Jeffrey and Lisa Ivey dated December 10th of 2011, informing them of today's meeting, January 13th, and I do have a signed receipt for that letter. Exhibit 4 is a certified letter dated November 2nd of 2011, sent to Jeffrey and Lisa Ivey, letting them know of the December 9th meeting we held, and I have a signed receipt for that letter as well. Exhibit 5 is a certified letter dated December 13th of 2011 sent to BWM Mortgage. I do not have a signed receipt for that letter.

Mr. Edwards — If there is no objection, I would offer City's Exhibits 3, 4, and 5.

Mr. Reed — The Board accepts.

Mr. Edwards — Jeff, what else have you done to notify the owners of the property of this action?

Mr. Oliver — I published in the Joplin Globe.

Mr. Edwards — I'm going to hand you what's been marked as City's Exhibit 6. Is that the legal notice that the City received from the Joplin Globe?

Mr. Oliver — Yes, it is, with the publication dates of December 22nd and December 29th of 2011, and January 5th and January 12th of 2012.

Mr. Edwards — If there is no objection, I would offer City's Exhibit 6.

Mr. Reed — The Board accepts.

Mr. Edwards — And I would ask that the record be held open so that when the City receives the affidavit of publication from the Joplin Globe, that it also be accepted by the Board as evidence.

Mr. Reed — Will do.

Mr. Edwards — Jeff, from an inspection of the property at issue here, do you have an expert opinion as to whether or not this property constitutes 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, if any?

Mr. Oliver — Yes, I do, 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, this property was damaged by the May 22nd tornado. That's all I really have. I would also like to note that there is a secondary structure behind this main residence on this property as well as part of the demolition.

Mr. Edwards — Jeff, what is specifically wrong with the property? Under the definitions of dangerous buildings, what specific facts lead you to the conclusion that this is a dangerous building?

Mr. Oliver — Also line 13, "whenever the building or structure has become an attractive nuisance to children or is open to unauthorized or unlawful entry." Currently, it is open. It has remained open since the tornado, so it has been several months. As well, as you can see from the photos, just some general damage to the structure itself through the roof has sustained some damage.

Mr. Edwards — Are there any holes in the roof?

Mr. Oliver — There are no big gaping open holes—yeah, I mean, it's open, so some elements are getting inside the property as well, causing further damage and deterioration.

Mr. Edwards — Is there any damage to the windows?

Mr. Oliver — Yes.

Mr. Edwards — Open windows, windows that are broken out?

Mr. Oliver — Yes, many of the windows are busted, letting the elements in.

Mr. Edwards — Is anybody living in the property?

Mr. Oliver — No, there is not.

Mr. Edwards — Is there anything structurally wrong with the property? Are the walls buckling, or are there any foundation issues?

Mr. Oliver — You know, nothing that is totally, you know, just jumping out at me that was going to cause it to collapse or fall in, but obviously, you know, you can see the damage that's been done.

Mr. Edwards — Well, to summarize it, I mean, there's been some damage to the roof, but from the pictures, it looks like the roof is for the most part intact. Is that correct?

Mr. Oliver — For the most part, it is intact. There are shingles missing, and the second story level—I mean, the windows are blown out—like I say, letting the elements in, which is going to, you know, cause even further damage and deterioration of the structure.

Mr. Edwards — If there is no objection, I would offer Chapter 26, Articles IX and X of the Code of Ordinances into evidence before the Board and specifically would offer Section 26-612 of the Code, and all of its parts and sub-parts into evidence before the Board. I don't have any further questions for Mr. Oliver. I would ask the property owners if they have any questions. Seeing no one in the audience, I would ask the Board if they have any questions.

Mr. Reed — The only question I've got, is according to your testimony, I guess, these owners have been notified. For eight months they have done nothing to clean up or secure this property.

Mr. Oliver — That's correct.

Mr. Edwards — The City rests its case and turns it back over to the Board. As far as the City's position, I would just remind the Board that they have three options that they can make a finding that it's a dangerous building. One would be, of course, to demolish the structure. One would be an order to repair, or an order to vacate. It doesn't seem like there's a lot wrong with this structure, so what the Board may consider doing is declaring it as a dangerous building, and be making an order to repair by a certain date.

Mr. Wicklund — I'll make a motion that Item 2189, 2108 Sergeant, be declared a dangerous building and be subject to repair within six months?

Mr. Edwards — The City recommends 60 days. I would probably ask that the Board be a little bit more specific as to what repairs need to be made. I think the main things were the open windows and the roof. And I don't know if this tree is still in the yard.

Mr. Oliver — As far as I know, it was still there.

Mr. Landrith — It was there the last time I looked.

Mr. Edwards — I'm not sure why that was wasn't cleaned up with the nuisance properties.

Mr. Cope — You can order it repaired in 60 days or 30 days.

Mr. Edwards — You can order it repaired in 30 days.

Mr. Cope — And then _____ (speaking away from microphone).

Ms. Jones — I can give a little bit of history on this one. FEMA and I went and looked at this structure and actually was _____ the tree. The tree was leaning on the house. The next door neighbor came running over to me and said that the owner is evidently gone. The neighbors are complaining about this structure.

Mr. Reed — Thirty days, or should we give them 60?

Mr. Edwards — Certainly you can withdraw your motion, and if the Board wants to have further discuss, the Board can have discussion.

Mr. Wicklund — I withdraw my motion.

Mr. Edwards — Any further discussion from the Board on the property?

Mr. Wicklund — It does look like it's structurally all there. I mean—Leslie, how bad is the damage on the back?

Ms. Jones — Honestly—

Mr. Wicklund — I mean, if we board up the windows and remove the tree, is it more exposed to the elements?

Ms. Jones — I looked at the property with FEMA. It's hard to tell—I only went this far up the tree. The FEMA guy went way up the tree—

Mr. Wicklund — Okay.

Ms. Jones — It's hard to tell what exactly will be exposed once the tree is removed. That's my best answer.

Mr. Wicklund — What about the structure in the back, the second structure? Is it worse—better?

Mr. Oliver — It's probably in a little better condition. Again, there's some roof issues, and what have you, but it is part of the same lot, so it's—

Mr. Landrith — Have you ever been able to contact the owner?

Mr. Oliver — No, I have not. They signed for a couple of letters.

Mr. Reed — So they're aware of all this process.

Mr. Wicklund — Have we contacted the mortgage company, sent them anything?

Mr. Edwards — The letter that's into evidence is a letter that was sent, but we do not have a certified receipt.

Mr. Landrith — Well, would the Board entertain a motion to order this repaired, and if nothing has been done in 30 days, then to have a demo hearing.

Mr. Edwards — I think what the Board can do today, is they can take a vote on whether or not the evidence presented by the City—whether or not this property constitutes a dangerous building as defined in the Code, and certainly the Board can make an order to repair, an order to demolish, or an order to vacate and to give a time period, if there is an order to repair, then obviously, if it's not repaired within that timeframe, the Board has already determined that it's a dangerous building.

Mr. Wicklund — Is two weeks not—is that too soon? Our January 27th—our next January meeting?

Mr. Cope — _____ an order to repair still a 30-day period.

Mr. Edwards — For a minimum, doing a 30-day notice?

Mr. Cope — I was going to suggest _____ (speaking away from microphone) _____ what's allowed for a building to stand that will address all of our _____. Section 26-756 addresses a structure that appearance-wise is acceptable and is water-tight.

Mr. Wicklund — I guess my only problem is we only have one subsection that was mentioned, and normally we have five to 10.

Mr. Edwards — Well, I think you have subsection 6. I think it's an attractive nuisance, subsection 13.

Mr. Wicklund — Okay. We only had one.

Mr. Edwards — And that's fine.

Mr. Wicklund — **I guess I'll remake my motion that Item 2189, 2108 Sergeant, be declared a dangerous building and ordered repaired under the standards of Standard 26-756 within 30 days.**

Mr. Landrith — **With the tree removed.**

Mr. Wicklund **And the tree removed.**

Mr. Landrith **I'll second that.**

Mr. Reed **I have a motion by Mr. Wicklund and a second by Mr. Landrith that Item 2189, 2108 Sergeant, be declared a dangerous building accordance to Standard 26-756 and ordered repaired, and the tree removed according to subsections 6 and 13, I guess. All those in favor, signify by saying "aye". (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

Mr. Wicklund Will that letter also go to their mortgage company?

Mr. Oliver Yes.

Mr. Wicklund I would just think that if it was in foreclosure, you know, they would want an opportunity to repair it. But it may not even be close to that.

Mr. Edwards Can we go off record?

Ms. Champlin Yes.

(The Building Board of Appeals went off record for approximately five minutes)

ITEM 2192 **2210 BYERS (Tornado Group #2)**
OWNER: Tonya Miller
ADDRESS: 20047 County Rd 70 Jasper, MO 64755
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SECOND TIME BEFORE THE BOARD)

Mr. Oliver 2210 Byers—

Mr. Edwards The City is ready on this one.

Mr. Oliver The City is ready.

Mr. Reed Okay, what's the Board's desire here?

Mr. Wicklund **I make a motion that Item 2192, 2210 Byers, be subject to a demolition hearing.**

Mr. Landis **Second.**

Mr. Reed	**I have a motion by Mr. Wicklund and a second by Mr. Landis that Item 2192, 2210 Byers, be the subject of a demolition hearing. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.** The Board turns it over to the City.
Mr. Edwards	The case for today is Item Number 2192 on the agenda, also known as 2210 Byers. The City calls Jeff Oliver. Jeff, I'll remind you that you're still under oath. Jeff, please state your name and occupation.
Mr. Oliver	Jeff Oliver, Building Inspector for the City of Joplin.
Mr. Edwards	How long have you been employed in your current position with the City?
Mr. Oliver	Two years.
Mr. Edwards	Have you, in the official performance of your duties, had occasion to inspect the property known as 2210 Byers?
Mr. Oliver	Yes, I have.
Mr. Edwards	I'm going to hand you what's been marked as City's Exhibit 1. Can you identify these?
Mr. Oliver	These are photos taken of the property at 2210 South Byers.
Mr. Edwards	Jeff, did you take the photos?
Mr. Oliver	Yes, I did.
Mr. Edwards	Do the photos show the property in its current condition?
Mr. Oliver	Yes, they do.
Mr. Edwards	If there is no objection, I would offer City's Exhibit 1.
Mr. Reed	The Board accepts.
Mr. Edwards	Jeff, what, if anything, have you done to ascertain ownership of this property?
Mr. Oliver	I had a title search performed.
Mr. Edwards	I'm going to hand you what's been marked as City's Exhibit 2. Is this title search that the City received?

Mr. Oliver — Yes, it is. It shows a Tonya Miller as the owner. And we also have a Mortgage Electronic Registrations Systems, Incorporated, of Southwest Missouri Bank also on it.

Mr. Edwards — If there is no objection, I would offer City's Exhibit 2.

Mr. Reed — The Board accepts.

Mr. Edwards — Jeff, what have you done to notify the owners of the property of this action?

Mr. Oliver — I sent out certified letters.

Mr. Edwards — I'm going to hand you what's been marked as City's Exhibits 3, 4, and 5. Are those the certified letters that you sent out?

Mr. Oliver — Yes, they are. Exhibit 3 is a certified letter dated December 13th sent to MERS, letting them know of today's meeting, January 13th, and I do have a signed receipt for that letter. Exhibit 4 is a certified letter dated December 13, 2011, sent to Southwest Missouri Bank. I have a signed receipt for that letter. It was letting them know of today's meeting. Also, Exhibit 5 is a certified letter dated December 10, 2011, sent to Tonya Miller, and I do not have a signed receipt for that letter.

Mr. Edwards — If there is no objection, I would offer City's Exhibits 3, 4, and 5.

Mr. Reed — The Board accepts.

Mr. Edwards — Jeff, have you done anything else to notify the owners of the property of this action?

Mr. Oliver — I had it published in the Joplin Globe.

Mr. Edwards — I'm going to hand you what's been marked as City's Exhibit 6. Is this the legal notice that we received from the Joplin Globe?

Mr. Oliver — Yes, it is, with the publication dates of December 22nd and December 29th of 2011, and January 5th and January 12th of 2012.

Mr. Edwards — If there is no objection, I would offer City's Exhibit 6.

Mr. Reed — The Board accepts.

Mr. Edwards — And ask that the Board leave the record open so that when the City receives the affidavit of publication from the Globe, that it also be accepted into evidence.

Mr. Reed — Will do.

Mr. Edwards — Jeff, from an inspection of the property at issue here, do you have an expert opinion as to whether or not this property constitutes 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, if any?

Mr. Oliver — Yes, I do, 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." Line 13, "whenever the building or structure has become an attractive nuisance to children or is open to unauthorized or unlawful entry." Line 15, "whenever the electrical system is totally or partially damaged, destroyed, removed or otherwise made inoperable, unsafe or hazardous." As you can see by the photos being passed around, this property was damaged by the May 22nd tornado. There was a pretty large hole in the roof. There has been some plywood put over it. There was a tarp that was put over it at one time. That has all decayed since they were put on after the storm back in May. That hole caused some damage to the interior of the structure.

Mr. Edwards — Is the electrical system exposed?

Mr. Oliver — The service on the property is not up to current code. It's damaged.

Mr. Edwards — I think you mentioned subsection 15.

Mr. Oliver — Yes, the electrical system.

Mr. Edwards — But tell me what is specifically wrong with the electrical system.

Mr. Oliver — Well, the service coming into the property is damaged. The weatherhead, and what have you, is bent. You know, the power is no longer connected to the property obviously, so that's inoperable. Obviously, with the elements getting into the property and some of the damage that that's caused, there's probably some damage done to the wiring inside as well.

Mr. Edwards — Is the property open to the public?

Mr. Oliver — Yes.

Mr. Edwards — I have no further questions. 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 specifically would offer Section 26-612 of the Code, and all of its parts and sub-parts into evidence before the Board. I don't have any questions for Mr. Oliver. I would ask anybody in the audience if they have any questions. Seeing nobody in the audience, I would ask the Board if they have any questions?

Mr. Wicklund — How exactly is it open?

Mr. Oliver — The door is open, in the back.

Mr. Wicklund — Okay.

Mr. Edwards — Any other questions from the Board? Seeing none, the City rests its case and turns it back over to the Board.

Mr. Wicklund — **I make a motion that Item 2192, 2210 Byers, be declared a dangerous building and be ordered demolished in accordance with the City Code, Chapter 26, Articles IX and X, sections 6 and 13.**

Mr. Landis — **Second.**

Mr. Reed — **I have a motion by Mr. Wicklund and a second by Mr. Landis that Item 2192, 2210 Byers, be considered a dangerous building and ordered demolished in accordance with subsections 6 and 13. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

ITEM 2193 — **2220 S PEARL (Tornado Group #2)**
OWNER: Leon & Betty Williams
ADDRESS: 2810 S Joplin Joplin, MO 64804
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SECOND TIME BEFORE THE BOARD)

Mr. Oliver — There is a demo permit in place. It was applied—let's see, I've actually got two. It looks like the first intention was to demolish it, but somebody's came in since then and got a residential improvement permit, so I'd like to continue it to the February 10th meeting.

Mr. Wicklund — **I make a motion that Item 2193, 2220 South Pearl, be continued to the February 10th—is that correct?**

Mr. Oliver — February 10th.

Mr. Wicklund — **February 10th meeting.**

Mr. Landis — **Second.**

Mr. Reed — **I have a motion by Mr. Wicklund and a second by Mr. Landis that Item 2193, 2220 South Pearl, be continued to our February 10th meeting for a progress report. All those in favor? (Mrs. Ferneau, Mr.**

Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.

ITEM 2195 **2306 HARLEM (Tornado Group #2)**
OWNER: Michael Kennedy
ADDRESS: 1977 Dry Creek Ln Joplin, MO 64804
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SECOND TIME BEFORE THE BOARD)

Mr. Oliver — Again, there's a demo permit in place. I would like to continue this to the February 10th meeting, and hopefully at that time, the property will be down.

Mr. Wicklund — **I make a motion that Item 2195, 2306 Harlem, be continued to the February 10th meeting.**

Mr. Landis — **Second.**

Mr. Reed — **I have a motion by Mr. Wicklund and a second by Mr. Landis that Item 2195, 2306 Harlem, be continued to the February 10th meeting for a progress report. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

ITEM 2196 **2430 MURPHY (Tornado Group #2)**
OWNER: Debi Hammond
ADDRESS: P O Box 82 Pittsburg, KS 65724
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SECOND TIME BEFORE THE BOARD)

Mr. Oliver — There was a permit purchased for this property. Probably two months ago, I spoke with a gentleman on site; however, I'm starting to wonder if they haven't walked away from it. I mean, they put new decking and material on the roof and didn't even felt it, and there hasn't been anything done within the last month. So, I mean, leaving the decking on the roof exposed without at least felting it in kind of leads you to believe that they may have changed their mind here, or something, but I do need to get some more information.

Mr. Wicklund — Can you provide pictures next time, too?

Mr. Oliver — Yes, if I going to—if I think we're going to move forward, we will, yes.

Mr. Landis — **I make a motion that Item 2196, 2430 Murphy, be continued to our February 10th meeting.**

Mr. Landrith — **Second.**

Mr. Reed — **I have a motion on Item 2196, 2430 Murphy, a motion by Mr. Landis and a second by Mr. Landrith, that this item be continued to the February 10th meeting. Those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

Mr. Reed — Okay. Do we need a short break, or is everybody okay? Okay, moving right along.

ITEM 2197 — **2431 ADELE (Tornado Group #2)**
OWNER: Nathaniel Simpson
ADDRESS: 2525 E 32nd ST Apt 126 Joplin, MO 64804
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SECOND TIME BEFORE THE BOARD)

Mr. Oliver — Just this last week, the owner of this property has got with a contractor. Originally, I believe they had signed up or were going to sign up and have it taken down; however, he's got with a contractor, and there is a residential improvement permit in place. With that just having happened this last week, I do have the permit, but I don't have a whole lot of information, so I would like to continue it to the February 10th meeting as well. If things are moving at that time, it might be a situation that at the February 10th meeting, we could continue it for a couple of months, and hopefully he will be far enough that we might be able to release it.

Mr. Wicklund — **I make a motion that Item 2197, 2431 Adele, be continued to the February 10th meeting for a progress report.**

Mr. Landrith — **Second.**

Mr. Reed — **I have a motion by Mr. Wicklund and a second by Mr. Landrith, that Item 2197, 2431 Adele, be continued to the February 10th meeting. Those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

ITEM 2198 — **2522 ADELE (Tornado Group #2)**
OWNER: Linda Lourenco
ADDRESS: 2522 Adele Joplin, MO 64804

"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SECOND TIME BEFORE THE BOARD)

Mr. Oliver — This one, as well, has a residential improvement permit that was purchased recently on December 27th. In my notes here, I've got to continue this to the February 24th meeting, and possibly it could be far enough along to release at that time.

Mr. Landrith — **Mr. Chairman, I make a motion then that Item 2198, 2522 Adele, be forwarded to our February 24th meeting for a progress report.**

Mr. Wicklund — **Second.**

Mr. Reed — **I have a motion by Mr. Landrith and a second by Mr. Wicklund that Item 2198, 2522 Adele, be continued to our February 24th meeting for a progress report. Those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

ITEM 2199

2722 S. WALL (Tornado Group #2)
OWNER: Michael Copeland
ADDRESS: 1640 S 696 Rd Quapaw, OK 74363
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SECOND TIME BEFORE THE BOARD)

Mr. Oliver — This property has been bought, I believe, by a company called Old Joplin Properties. They have actually bought several properties in town. There is a residential improvement permit in place, purchased on the 13th of December. I don't know how fast he's going to be moving. I do know—like I said, he's bought four or five or six properties. If you would, I guess continue this to the March 9th meeting and bring it back at that time to see what kind of progress has been made.

Mr. Wicklund — **I make a motion that Item 2199, 2722 South Wall, be continued to the March 9th meeting for a progress report.**

Mr. Landrith — **Second.**

Mr. Reed — **I have a motion by Mr. Wicklund and a second by Mr. Landrith that Item 2199, 2722 South Wall, be continued to the March 9th meeting for a progress report. Those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

ITEM 2200	**2802 S. JOPLIN (Tornado Group #2)** **OWNER: Penni Hoaglin** **ADDRESS: 4701 E 32nd ST Box 8165 Joplin, MO 64804** **"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SECOND TIME BEFORE THE BOARD)**
Mr. Oliver	There is a demo permit in place for this property as well. I'd ask the Board to continue it to February 10th, please.
Mr. Landrith	**Mr. Chairman, I'd make a motion that Item 2200, 2802 South Joplin, be continued to our February 10th meeting for a progress report.**
Mr. Landis	**Second.**
Mr. Reed	**I have a motion by Mr. Landrith and a second by Mr. Landis that Item 2200, 2802 South Joplin, be continued to the February 10th meeting for a progress report. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**
ITEM 2201	**911 S. PENNSYLVANIA (Fire)** **OWNER: Larry & Charlotte Warren** **ADDRESS: 911 S. Pennsylvania** **"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the December 9, 2011 meeting for a "Demolition Hearing" And Progress Report (SECOND TIME BEFORE THE BOARD)**
Mr. Oliver	The City is ready.
Mr. Landrith	**Mr. Chairman, I'd make a motion that Item 2201, 911 South Pennsylvania, be conducted a demo hearing.**
Mr. Landis	**Second.**
Mr. Reed	**I have a motion by Mr. Landrith and a second by Mr. Landis that Item 2201, at 911 South Pennsylvania, be the subject of a demolition hearing. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.** The Board turns it over to the City.
Mr. Edwards	The case for today is Item Number 2201 on the agenda, also known as 911 South Pennsylvania. The City calls Jeff Oliver. Jeff, I'll remind you that you're still under oath. Jeff, please state your name and occupation.

Mr. Oliver	Jeff Oliver, Building Inspector for the City of Joplin.
Mr. Edwards	How long have you been employed in your current position with the City?
Mr. Oliver	Two years.
Mr. Edwards	Have you, in the official performance of your duties, had occasion to inspect the property known as 911 South Pennsylvania?
Mr. Oliver	Yes, I have.
Mr. Edwards	I'm going to hand you what's been marked as City's Exhibit 1. Can you identify those?
Mr. Oliver	These are photos taken of the property at 911 South Pennsylvania.
Mr. Edwards	And did you take the photos?
Mr. Oliver	Yes, I did.
Mr. Edwards	And do the photos show the property in its current condition?
Mr. Oliver	Yes, they do.
Mr. Edwards	If there is no objection, I would offer City's Exhibit 1.
Mr. Reed	The Board accepts.
Mr. Edwards	Jeff, what, if anything, have you done to ascertain ownership of the property?
Mr. Oliver	I had a title search performed.
Mr. Edwards	I'm going to hand you what's been marked as City's Exhibit 2. Is that the title search that the City received?
Mr. Oliver	Yes. It shows a Larry and Charlotte Warren as owners, as beneficiaries of Wayne Pence and Barbara Pence.
Mr. Edwards	If there is no objection, I would offer City's Exhibit 2.
Mr. Reed	The Board accepts.
Mr. Edwards	Jeff, what, if anything, have you done to notify the owners of the property of this action?
Mr. Oliver	I sent out certified letters.

Mr. Edwards — I'm going to hand you what's been marked as City's Exhibits 3 and 4. Are these the certified letters you sent out?

Mr. Oliver — Yes, they are.

Mr. Edwards — And can you just go through the letters and tell the Board who you sent them to and what they contain?

Mr. Oliver — Yes. Exhibit 3 is a certified letter that was sent December 13th to a Larry and Charlotte Warren at the address of 204 Fox Ridge Drive. I do have a signed receipt for that letter. Upon Larry receiving the letter, I received a phone call, as well as a visit from him, here at our office. He did inform me that this was not the same Larry and Charlotte Warren that own this property, but anyhow, he did know of these folks. He didn't have any information how to get ahold of them, but it's the wrong Larry and Charlotte Warren. Exhibit 4 is a certified letter dated November 16th. It was a "finding of fact" letter sent to the same Larry and Charlotte Warren. That letter was letting them know of the December 9th meeting. So I've been unable to find the correct Larry and Charlotte Warren.

Mr. Edwards — The letter you sent on—that was identified as Exhibit 4 was actually sent to them at 911 South Pennsylvania, is that correct?

Mr. Oliver — That's correct.

Mr. Edwards — And somehow that got forwarded to them at the Fox Ridge Drive address, is that correct?

Mr. Oliver — Yes.

Mr. Edwards — If there is no objection, I would offer City's Exhibits 3 and 4.

Mr. Reed — The Board accepts.

Mr. Edwards — Jeff, what, if anything else, have you done to notify the owners of the property of this action?

Mr. Oliver — I had it published in the Joplin Globe.

Mr. Edwards — I'm going to hand you what's been marked as City's Exhibit 5. Is this the legal notice that was published in the Joplin Globe?

Mr. Oliver — Yes, it is.

Mr. Edwards — And what does it show are the dates of publication?

Mr. Oliver — Thursday, December 22nd, and Thursday, December 29th of 2011; Thursday, January 5th, and Thursday, January 12th of 2012.

Mr. Edwards — If there is no objection, I would offer City's Exhibit 5.

Mr. Reed — The Board accepts.

Mr. Edwards — And I would also ask that the record be held open so that when the City receives the affidavit of publication from the Globe, that the Board accept it into evidence.

Mr. Reed — Will do.

Mr. Edwards — Jeff, from an inspection of the property at issue here, do you have an expert opinion as to whether or not this property constitutes 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, if any?

Mr. Oliver — Yes, I do, 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 were passed around, this property was destroyed by fire.

Mr. Edwards — And is it your opinion that it is not economically feasible to rehabilitate the property?

Mr. Oliver — That's correct.

Mr. Edwards — Is it an attractive nuisance?

Mr. Oliver — Yes.

Mr. Edwards — And a danger to the public?

Mr. Oliver — Yes, it is.

Mr. Edwards — If there is no objection, I would offer Chapter 26, Articles IX and X of the Joplin Code into evidence before the Board and specifically would offer Section 26-612 of the Code, and all of its parts and sub-parts into evidence before the Board. I don't have any further questions for Mr. Oliver. I would ask the property owners if they have any questions. Seeing no one in the audience, I would ask the Board if they have any questions. Seeing none, the City rests its case and turns it back over to the Board.

Mr. Wicklund — **I make a motion that Item 2201, 911 South Pennsylvania, be declared a dangerous building and be ordered demolished in accordance with City Code Chapter 26, Articles IX and X, subsections 6 and 13.**

Mr. Landrith **Second.**

Mr. Reed **I have a motion by Mr. Wicklund and a second by Mr. Landrith that Item 2201, 911 South Pennsylvania, be considered a dangerous building and ordered demolished in accordance with subsections 6 and 13. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

Mr. Edwards I think that's all the projected hearings we have for today. I think everything else is New Business on our agenda.

Mr. Oliver That's correct.

Mr. Edwards I know you had a question. I know we've got some lunch out there. I don't know, Jeff, how you want to do the New Business, if you just want to continue them all to the next meeting.

Mr. Oliver I actually have one that can be released.

Mr. Edwards Okay.

Mr. Landrith Item 2203.

Mr. Oliver Yes, Item 2203, 2006 South Ozark has been demolished and cleared.

ITEM 2203 **2006 S. OZARK (Tornado Group #3)**
OWNER: Oliver Dutton
ADDRESS: 4747 Seagraves Dr. Joplin MO. 64804
"Finding of fact Hearing" scheduled for this date

Mr. Landrith **Mr. Chairman, I make a motion that Item 2203, 2006 South Ozark, be released from our agenda.**

Mr. Wicklund **Second.**

Mr. Reed **I have a motion by Mr. Landrith and a second by Mr. Wicklund that Item 2203, 2006 South Ozark, be released from our agenda. Those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.**

Mr. Edwards Jeff, are there any other properties that can be released?

Mr. Oliver Not at this time.

Mr. Edwards Is it your recommendation that the remaining properties that are the first time before the Board just for "fact finding", that those just be continued

to the next meeting for a demolition progress report and possible dangerous building hearing?

Mr. Oliver — Yes, to the February 10th meeting.

ITEM 2202 — **1623 DELAWARE (Tornado Group #3)**
OWNER: Scott Malcon
ADDRESS: 1623 Delaware Ave. Joplin MO. 64801
"Finding of fact Hearing" scheduled for this date

ITEM 2204 — **2026 S. JOPLIN AVE. (Tornado Group #3)**
OWNER: John Hutchinson
ADDRESS: P.O. Box 31. Webb City MO. 64870
"Finding of fact Hearing" scheduled for this date

ITEM 2205 — **2110 S. BROWNELL (Tornado Group #3)**
OWNER: Marc Fritter
ADDRESS: P.O. Box 163. Neveda MO. 64772
"Finding of fact Hearing" scheduled for this date

ITEM 2207 — **2214 S. MURPHY (Tornado Group #3)**
OWNER: Kathryn Blunt
ADDRESS: 1203 W. Mount Vernon. Springfield MO. 65806
"Finding of fact Hearing" scheduled for this date

ITEM 2208 — **2301 S. MOFFET (Tornado Group #3)**
OWNER: Leon & Betty Williams
ADDRESS: 2810 S. Joplin Ave. Joplin MO. 64801
"Finding of fact Hearing" scheduled for this date

ITEM 2209 — **2302 S. HARLEM (Tornado Group #3)**
OWNER: Genene Clements
ADDRESS: 4520 SE 100TH ST. Galena KS. 66739
"Finding of fact Hearing" scheduled for this date

ITEM 2210 — **2305 S. BIRD (Tornado Group #3)**
OWNER: Marlon Moss
ADDRESS: 548 Glenwood. Oxnard CA. 93030
"Finding of fact Hearing" scheduled for this date

ITEM 2211 — **2310 S. HARLEM (Tornado Group #3)**
OWNER: Benjamin Knox
ADDRESS: 2310 S. Harlem Ave. Joplin MO. 64801
"Finding of fact Hearing" scheduled for this date

ITEM 2212 — **2332 S. PEARL (Tornado Group #3)**
OWNER: Michael Arrowhead
ADDRESS: 1300 E. 4TH St. Joplin MO. 64801

"Finding of fact Hearing" scheduled for this date

ITEM 2214 — 2408 S. EMPIRE (Tornado Group #3)
OWNER: Pinnacle Properties
ADDRESS: P.O. Box 57. Carterville MO. 64835
"Finding of fact Hearing" scheduled for this date"

ITEM 2215 — 2431 ANNIE BAXTER (Tornado Group #3)
OWNER: Lois Richardson
ADDRESS: 120 N. Sergeant. Joplin MO. 64801
"Finding of fact Hearing" scheduled for this date

ITEM 2216 — 2531 N. KINGSDALE (Tornado Group #3)
OWNER: James & Judith Riggen
ADDRESS: P.O. Box 52 Joplin MO. 64802
"Finding of fact Hearing" scheduled for this date

ITEM 2218 — 2815 S. MAIN ST. (Tornado Group #3)
OWNER: Fern Wagner
ADDRESS: 2811 S. Main. Joplin MO. 64804
"Finding of fact Hearing" scheduled for this date

ITEM 2220 — 3117 ABIGAIL ST. (Tornado Group #3)
OWNER: Gary & Peggy Cox
ADDRESS: P.O. Box 4804. Joplin MO. 64803
"Finding of fact Hearing" scheduled for this date"

ITEM 2221 — 3118 S. ABIGAIL LN. (Tornado Group #3)
OWNER: Kim Cox
ADDRESS: 900 Clearview Dr. Union MO. 63084
"Finding of fact Hearing" scheduled for this date

ITEM 2222 — 1905 S. MISSOURI (Fire)
OWNER: Gary L. Mitchell
ADDRESS: 6748 County Rd. 290 Carl Junction 64834
"Finding of fact Hearing" scheduled for this date

Mr. Landrith — Mr. Chairman, I'd make a motion then that the following items: Item 2202, 1623 Delaware; Item 2204, 2026 South Joplin; Item 2205, 2110 South Brownell; Item 2207, 2214 South Murphy; Item 2208, 2301 South Moffet; Item 2209, 2302 South Harlem; Item 2210, 2305 South Bird; Item 2211, 2310 South Harlem; Item 2212, 2332 South Pearl; Item 2214, 2408 South Empire; Item 2215, 2431 Annie Baxter; Item 2216, 2531 North Kingsdale; Item 2218, 2815 South Main; Item 2220, 3117 Abigail; Item 2221, 3118 South Abigail; and a non-related tornado item, Item 2222, 1905 South Missouri, be continued to our February 10th for a progress report and demo hearings.

Mr. Landis **Second.**

Mr. Reed **I have a motion by Mr. Landrith and a second by Mr. Landis that all those items they just read be continued to the February 10th meeting. All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, Mr. Reed, and Mr. Wicklund voted "aye") Those opposed? (None) Motion passes, 5-0.** I'll entertain a motion to adjourn.

Mr. Landrith **So be it.**

Mr. Landis **Second.**

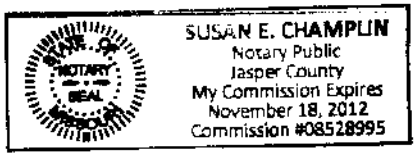
Mr. Reed We're adjourned.

There being no further business to come before the Building Board of Appeals, the meeting stood adjourned at 11:15 a.m.

Approved Steven Reed
Steven Reed, Chairman

Approved Susan E. Champlin
Susan E. Champlin, Notary Public

My Commission expires: November 18, 2012



MINUTES
BOARD OF ADJUSTMENT
REGULAR MEETING
JANUARY 20, 2012
11:00 A.M.

Ervin Wilson opened the January 20th Board of Adjustment meeting with the following Board members present: John Briggs, Keith Cochran, Wayne Johnson, and Ervin Wilson. Board Members Crystal Harrington and Mary Neville (alternate) were absent. Eric Kellstadt, Gina Simmons, and Susan Champlin represented the Planning/ Community Development division.

Mr. Wilson — I will call to order the October meeting of the City of Joplin Board of Adjustment. For those not familiar with the process, we're going to go through the rules of the Board of Adjustment.

1) State your name and address clearly for the record.
2) Please give your testimony as briefly and as completely as possible.
3) Please, do not repeat testimony that has been given previously. We want you to state your facts, but limit your information to new information only.
4) Everyone is invited to speak; however, if you have a spokesman, please allow him or her to speak.
5) When the Public Hearing is closed by the Chairman, no additional testimony is allowed except when invited by the Board.
6) Remember that this is a Public Hearing, and all sides have a right to give testimony or state one side of any issue.
7) The Board of Adjustment of the City of Joplin through this introduction, accepts into evidence the 2003 Comprehensive Plan, the Zoning Code of the City of Joplin and the Subdivision Regulations of the City of Joplin being Appendices 29-A and 29-B of the Joplin Municipal Code, the written recommendations of the City's staff, and all other written evidence presented at today's hearing. Thank you for your consideration and understanding.

NEW BUSINESS:

Item 01-12-01: **4720 South Indiana Ave – A request for a variance from Section 29A-1404 (Height and Area Regulations), Article 14 (Commercial District), appendix 29-A (Zoning Code) for a waiver of 105 feet from the 45 feet requirement in height – Mercy Health System.**

Mr. Wilson — The staff's report, please.

Mr. Kellstadt — Thank you, Chairman. You have all received a similar request before last year from Mercy Health Systems. At the time, they had not acquired 4720

South Indiana in time to bring it before this Board. So the previous request included the rest of the area they had acquired near I-44 and South Main Street. The previous action by the Board did approve the same request of the 105-foot variance from 45-foot height requirement, so that have a total of 150 feet for construction of the new hospital. This piece at 4720 South Indiana is the last piece of the property that they own, and they wanted to ensure that their entire property that they own have all the same variances in place, and zoning in place as well.

Mr. Wilson — Now, this—according to Mercy, this is to be the doctors' office building, is that correct?

Mr. Kellstadt — No plans have been submitted at this time. Right now, the renderings that we have all seen in the past were conceptual. We do know that the main hospital is going be more centrally located on the property; however, due to the fact that it is still going through the design phase, they wanted to just ensure that the location of the hospital—that they have consistent zoning and height restrictions throughout the entire property. They just want to be consistent.

Mr. Wilson — Does the Board have any questions of the staff? If there are none, this portion of the hearing is closed. The Chair will accept a motion.

Mr. Briggs — **I make a motion that Item 10-12-01 be approved.**

Mr. Wilson — **I have a motion. Do I have a second?**

Mr. Johnson — **Second.**

Mr. Wilson — **I have a motion and a second. All those in favor? (Mr. Briggs, Mr. Cochran, Mr. Johnson, and Mr. Wilson voted "aye") The motion passes (4 in favor, 2 absent).** You may inform Mercy Health.

<u>Item 01-12-02</u>: **720 South Murphy Avenue – A request for a variance from Section 29A-1815 (Fence), Article 18 (Supplementary Regulations), appendix 29-A (Zoning code) for a privacy fence location in front yard – Aaron Mayfield and April Black.**

Mr. Wilson — Please state your name and address clearly for the record, please.

Aaron Mayfield — My name is Aaron Mayfield. My address is 720 Murphy Avenue here in Joplin.

April Black — April Black, and my address is 720 Murphy Avenue in Joplin.

Mr. Mayfield

We—let's see in what order to start—we have a request to be allowed to keep a fence that we have that runs to the side of our house as opposed to the custom of being located behind the house. To give you a little background, right after the tornado happened, we were looking to kind of develop our property, and kind of make a recreational area, you know, so we could, you know, have kids—have our relatives over and, you know, entertain. We had trouble getting the permit because it was right after the tornado, and we weren't getting any responses back, so we went ahead and built the fence and just figured we were going to get the permit later. It turns out, there's a problem with the location of the fence. I'm submitting this variance request because I feel like we do have a unique situation that should allow us to have the fence. We own the residence at 720 Murphy Avenue. The house sits lengthwise on the lot, and garage built onto the house is located directly behind the house, so we can't really have a yard area behind the house because there's not space. There's a driveway there. So what I did is, I bought the empty lot to the south. I own two lots to the south of the house. One is an empty lot that was just sitting there vacant, and I bought it and kind of cleaned it up and have been maintaining it ever since. And then the house, or the lot that's to the south of it, contains an extra garage which I also use for a workshop, and what have you. So what I want to do, is I want to use the empty lot that's to the south of my house kind of as our recreational area, you know, where we can, you know, let our kids play, and what have you, and plant flowers, and what not. We do live in an area—in a neighborhood that's kind of low income, so it kind of attracts an element that's kind of thuggish and sometimes criminal in nature. We have been subject to cat calls and jeers and occasionally threats of violence by some passer-by. Not everybody in the neighborhood is terrible, but there are a lot more thuggish type people and more criminal types. So in order to really enjoy the property, we feel like we really need a privacy fence up to be able to enjoy our property without the threat of outside influences.

I went through the five points that the variance request application pointed out--uniqueness, the adjacent property, hardship, spirit and intent, and minimum variance. And on the first point, uniqueness—again, as I stated, and the size of our house and the way it's placed on the property does not permit us to use a traditional back yard. The attached garage and driveway occupy the small area to the rear of the house, the west side—thus we are denied the use of the yard space to the rear. Instead, we would like to use our side yard for recreation. The second point, adjacent property—the variance will not adversely affect the rights of adjacent property owners. The property owner to the south of the variance is myself, and the house itself blocks the view of the fence from the property owner to the north, so the adjacent property owners should not be affected by this at all. Hardship—in our case, the restriction—the use of a privacy fence strictly to the rear of the house effectively denies us any recreational area for any use.

Allowing us to place a privacy fence to the side of our house will allow us the use of our yard. Spirit and intent—our sole intent is to insulate ourselves from the seedier members of the neighborhood and provide us and our family members with a degree of privacy. Minimum variance—the reasonable use of our yard would be restricted without the benefit of a privacy fence. The fence will not be placed close to the street but to the side of the house on the property we already own.

Now, I wrote this in pretense, but the reality of the matter is to put the fence up, thinking there wouldn't be a problem if we just get the permit later when everything quieted down, but it turned out there was a problem with the placement of the fence. So that is my request pretty much summed up. I do have a map drawn out if you need to see it, if you have not yet already seen it.

Mr. Wilson — We have it.

Mr. Mayfield — Okay.

Ms. Black — The only thing I would like to contribute is, I have three teenage girls, and they've been hit on, and my daughter is going to college next year, and I'd like to be able to—yes, I would even make a garden. The woman from the Children's Home that lives behind us didn't even know females lived there. That's how much we hide in our house because of the stuff going on. We would like to be able to go outside and enjoy the yard we have, but I wash my dog, I can't wash my car, I can't enjoy my children in the yard outside because of the stuff going on. And we just want to be able to enjoy our space. We have all the space we can't because people are leering over the fence and hitting on my minor children. And it was brought to our attention that we should report this to the police, and we have, and they haven't done anything. And we found a meth kit in our back yard. We turned it in to the police, and they didn't do anything. My car has been broken into, and a screwdriver was hammered into my ignition, and nothing was done about it. The cops came and took our report and then left. Our screens were cut, and nothing was done about it. We just want some protection. That's all we're asking for, is some privacy and protection, and what yard we have.

Mr. Kellstadt — I brought Gina Simmons, our code enforcement officer for that area, and she did issue them a letter. She will be able to answer any questions pertaining to this.

Mr. Wilson — We may have a few questions for you. Does that complete your presentation?

Mr. Mayfield — It pretty much sums it up.

Mr. Wilson — Is there anyone else in favor of this request and wishes to testify at this time?

Stephanie Theis — My name is Stephanie Theis, and I'm the director of Children's Haven, or the children's shelter. We are on the block adjacent to them. We are on Picher, and they're on Murphy. And really, I completely understand the concerns that they have with the neighborhood, and neighbors from the convenience store. That alley that is there—and I think the fronts of both Picher and Murphy Streets—there is definitely a criminal element, and we are continually finding illegal things and recently, with a murder in the area, have found a gun and bullets right there. So I think we continue to call the police about issues. That alley and the two streets have a huge criminal element, and I would just like to say that we are thankful that somebody is making an effort to take care of their property. I know the property directly to the north, I have called the City on several times with complaints about their activity from tearing apart computers for the inside pieces, and just things that are not good for the neighborhood and the people who are hanging around, so I'd just like to be in support of what they've done.

Mr. Wilson — Do we have anyone else who wishes to testify in favor? Sir?

Charles Kohler — (Speaking from audience)

Mr. Wilson — Would you state your name and address, please?

Mr. Kohler — My name is Charles Kohler, and I have a piece of property—I own a lot of property right in there, anyway. And there's been a criminal element in that neighborhood for years and has never been done—every once in a while they'll arrest somebody and throw somebody in jail, and then they just open up another house. And we just keep going and going and going. And I'm afraid that one of these days somebody's going to get killed down there because it's just—it gets worse—it doesn't get any better in that neighborhood. And I know the cops are trying their best to weed the people out, but as a society, we need to change the way we do things about the criminal element and drugs and stuff, especially in this neighborhood, because all this—if you talk to anybody in Joplin, they'll say west of Seventh Street, you don't want to live there at all. And that's bad when you start talking that way. Knowing that, but we've got all these kids right across the street at that school. They're going in and out of there all the time. They grow up in the neighborhood, and they see all this stuff. And it's about time for our society to really change the way we do things pertaining to drugs. I've got a guy right now that's in jail from one of my rental houses, and a guy came over the other night and fired shots with a gun. It's a wonder somebody didn't get killed. So it just gets worse, it doesn't get better. It's getting worse and worse. For a long time, I thought it would get better. I have property in there, and I start fixing some of the

stuff up and put a roof on a house, and the back wall, and then I start fixing the house, and I just said, "well, I'm going to stop for a while," because I'm not going to fix it up and spend all my money fixing up a house and putting somebody in it and have them tear it all to pieces. And drug people come in there and live in your house, tear them all up, and then they move out. And then the next—then you go in there and clean them all up again, and then the next group comes along, and then they tear them all up. It's really bad. And when you have to build a fence to put your kids inside a fence to take care of them, something's wrong. But I agree with her 100 percent. I wouldn't object to letting her do whatever she wanted to do with the family, to protect her kids and themselves. Thank you.

Mr. Wilson — Is there no one to speak in opposition? (None) This portion of the hearing is closed. Any questions?

Mr. Johnson — I'm looking at here, where it says, "Staff recommends a placement of the fence at least half the distance of the house from the front wall line, removal of the electric wire from the chain link fence."

Mr. Mayfield — This is Aaron Mayfield again, 720 Murphy Avenue. Originally—years ago I had a dog that was very feisty. She liked to dig out from underneath the fence, so I put an electric line at the base of the fence to keep her in the yard. I no longer have that problem, so removal of the line and the insulators is no problem at all.

Mr. Wilson — Okay. How much distance would that restrict you by moving it about halfway back down the house, and what is it—the arbor that you put up also—what type of impediment would that be as far as moving it that much?

Mr. Mayfield — The problem is, is we've laid the patio, and so we've got a cement patio sitting there that we are, you know—we're already putting our--

Ms. Black — And my issue with that is, is that you guys are more than welcome to come by and look—if you look at the way that we cleaned it up, it barely just gives us enough room for me to go ahead and put a garden in if we move back from where it is at, because we have to have some storage space, and we need to let my children have their space, and they're all three teenage girls in one room. And we removed stuff—we built a storage shed, and it's up to code. It's been built with hurricane quality materials. We've been doing the work ourselves with the help of my friend. And we just—we need to put stuff in storage so that we can have room in our house. So if we move it back, we're going to lose some space for storage and a place to have a garden. I mean, I have worked really careful in planning it all out to make sure I have plenty of room for a garden and have space back there.

Mr. Mayfield — And we'll have to re-pour that patio, which is, you know, a significant financial expense.

Mr. Wilson — Where the patio sits?

Ms. Black — It's next to—it's right next to the fence in the front.

Mr. Wilson — What I was going to suggest, that I noticed by the photographs here, the front of the fence comes to the edge of the porch.

Ms. Black — We're going to put a gate there. We just want to be able to walk of our house into the area.

Mr. Wilson — I understand that, but as far as aesthetics, it appears to me that that—while I agree with you for the safety and everything—aesthetically, that does not really—I don't know, it doesn't look right. I wouldn't have any objection if you had put it at the front edge of the house.

Ms. Black — We could move it to there. I mean, we can move part of the fence and come to the edge of the house.

Mr. Wilson — Well, that's where—okay. If the committee will look at the last picture—

Mr. Johnson — Yes.

Mr. Wilson — You see what I'm talking about there. I understand that you want an easier access into the area, a safe space, so to speak. But I believe it would look more pleasing if, instead of being right there as far from the front of house as it is, which is—you know, what is it—about three feet or four feet, okay? It would look better set back just right to the front edge of the house.

Ms. Black — Okay.

Mr. Wilson — That would be my recommendation. Instead of having to tear your patio completely up, you know, to move the whole—if you could move—what would staff recommend as far as distance on the length of the fencing, to move it back like that?

Mr. Kellstadt — I can't make a recommendation since it is outside the code. It would be put to the committee to make a recommendation.

Mr. Wilson — Okay. Does anyone on the committee have a recommendation that we could, say, move it back to the edge of the house and go down the length X-number of feet? How far do you say would be feasible?

Mr. Johnson — So, if I understand you correctly, in looking at this photo, going to the left, cut back, and then back?

Mr. Wilson — Move the fence that sits there back to the porch, and move it back how far—from this area back to the front of the house? What would the committee's recommendation be on something like that?

Mr. Johnson — You would have to tear out that whole fence line for pushing it back three feet.

Ms. Black — Are you talking about the whole fence line?

Mr. Wilson — A portion of it—I would say 10 or 12 feet, something like eight to 12 feet, somewhere in that neighborhood.

Mr. Mayfield — That would probably work for the patio. As it sits, I believe it's about 12 feet away from the house, so we could bring that back and put a gate there, and it would work. The patio starts to bring it back out and down through the property.

Mr. Wilson — Is it approximately 12 feet from the house to the patio--approximately?

Mr. Mayfield — I don't have the diagrams for it—well, I mean it's approximately—there's at least eight feet there, I know.

Mr. Wilson — So that would be technically a section, one section of fencing, an eight-foot section? Would the committee think that would be feasible, and would that be a recommendation for the committee?

Mr. Johnson — I understand that there's been a hardship here, and I really sympathize with your situation. Like Mr. Kohler had said, that neighborhood is kind of not a real good, but I think with everything that you've done, you've done this somewhat heartfelt with your family, and so far. It's difficult, but I would recommend that if you could just go back to the south maybe eight feet, put a gate in so it wouldn't be, you know, that much more significant a cost, I would recommend that.

Ms. Black — We'll probably move the whole fence.

Mr. Johnson — We're discussing just that portion, just a portion. If you could just go that portion, and then go back, and then just keep it parallel with the front of the house, and you could put a gate in. I would recommend that. You wouldn't have to do—you already have done a lot to that, and I can sympathize with you there. But you need to get permits before you start.

Ms. Black — It was right after the tornado, and I kept calling and calling and calling.

Mr. Wilson — Well, at that time, everything was so "up in the air" that nobody—everybody was chasing themselves for sure.

Ms. Black — And all I could think of was time, because my daughters were at school, and all I could think of, "I really want to get this done before she leaves."

Mr. Wilson — I understand. So, in effect, you would move an eight-foot section of the fence back to the front edge of the house, you know, back from the porch—the front porch to the front of the house, eight feet—come out and put a gate. Is that agreeable?

Ms. Black — Yes.

Mr. Wilson — And that would still give you the privacy and protection that you would like to have. Are there any other questions or discussion from the committee? I have a question for you, if you would please come to the microphone if you would, sir?

Mr. Kohler — I would like to say that I think a lot of the problem down there in that neighborhood, to get back to this, and you guys—if you go down there and just look, you see what I'm talking about. You'll see that what I'm telling you is true. If you go down there to the store across the street from the school, and just walk into that building, see what they're selling over there, all the beer and all the wine and all that to all the people. That just contributes to the problem. You get poor people that have all kinds of problems, so here they go to the store and buy a bottle of wine, and they start drinking, and they start throwing their bottles in yards, and I've picked up hundreds of them. And that's—a lot of the problem is that store, right across the street from that school. I don't know how they get by with selling all the beer and wine over there that close to the school. I really don't. I don't know how the—because it's just so many feet from the school, which they shouldn't even have a license to sell drugs and stuff over there. And if you go inside the building and just look, and go to the bathroom and walk around in the building and look to see how filthy it is, and just see the people that are running it, the class of people that are running that store. Just look—look at the lot, and turn around and walk out and get in your car and drive off. You'll have a different opinion of that neighborhood. You'll see what I'm talking about.

Mr. Wilson — Well, I can understand that, sir. I lived in that area when I wasn't able to afford much better. And I understand where your feelings are coming from on that. However, the situation with selling is beyond the review of this committee, and that is actually a higher law enforcement venue.

Mr. Kohler — I know. I just thought I'd say that, so that way you'll know what the problem is there in that neighborhood.

Mr. Wilson — Yes, sir, I do know, having lived in that area myself.

Mr. Kohler — That's all I have to say. Thank you.

Mr. Wilson — Okay, is there any comment—

Mr. Kellstadt — I would just like to remind the Board that due to the quorum we have present, one vote would effectively deny the request, one vote in opposition.

Mr. Wilson — It must be a unanimous vote since we only have four Board members present. The Chair will now close this portion of the meeting. Is there any further comment? **If not, the Chair will entertain a motion that Aaron Mayfield and April Black would move an eight-foot section of the fence from the front of the porch to the front of the house and place a gate in that section that is to be moved for access to their secured property.** The Chair will now accept a motion.

Mr. Johnson — **I make a motion that Case 01-12-02 be approved per the recommendations and change to the fence.**

Mr. Wilson — **I have a motion, and I need a second.**

Mr. Briggs — **Second.**

Mr. Wilson — **I have a motion and a second. All in favor? Mr. Briggs, Mr. Cochran, Mr. Johnson, and Mr. Wilson voted "aye") The motion passes (4 in favor, 2 absent).** Thank you.

Ms. Black — Thank you.

Mr. Wilson — We need to excuse Ms. Neville and Mrs. Harrington. They were unable to attend the meeting today. I need a motion to excuse them from attending the meeting today.

Ms. Johnson — **I make a motion that we excuse them.**

Mr. Wilson — **I have a motion. I need a second.**

Mr. Cochran — **Second.**

Mr. Wilson — **The motion is made and seconded. All in favor? Mr. Briggs, Mr. Cochran, Mr. Johnson, and Mr. Wilson voted "aye") The motion is approved (4 in favor, 2 absent).** Is there a motion to close, if there is no further discussion from the staff?

Mr. Johnson — **I make a motion we close.**

Mr. Briggs **Second.**

Mr. Wilson The motion is approved. Thank you very much.

The meeting was adjourned at 11:35 a.m.

Approved _____
Ervin Wilson, Chairperson

Approved _____
Susan Champlin, Senior Clerk

MINUTES
DESIGN REVIEW STANDARDS COMMISSION
CITY OF JOPLIN
REGULAR MEETING
DECEMBER 8, 2011

The Design Review Standards Commission of the City of Joplin met in regular session on Thursday, December 8, 2011, at 3:30 P.M. in the Council Chambers at the Joplin City Hall at 602 South Main Street, Joplin, Missouri.

MEMBERS PRESENT: Robert Greer, Nancy Morton, Mark Rohr, and Mark Williams

MEMBERS NOT PRESENT: Michelle Hagan and Steven McCollum

CITY STAFF PRESENT: Eric Kellstadt, Planning/Community Development Specialist
Jonathan Raiche, Planning/Community Development Specialist
Susan Champlin, Senior Clerk

OTHERS PRESENT: None

Item 1 – Meeting called to Order:

Ms. Champlin called the roll, and Mrs. Morton opened the meeting.

Mr. Greer explained that a downtown business representative has submitted an application to serve on this commission. Mr. McCollum is unable to attend this meeting due to work obligations, and Mrs. Morton will follow up with Mrs. Hagan. She asked for a motion to excuse Mrs. Hagan and Mr. McCollum from attending the meeting.

MR. GREER MOVED, SECONDED BY MR. ROHR, THAT MRS. HAGAN AND MR. McCOLLUM BE EXCUSED. THE MOTION CARRIED, WITH MR. GREER, MR. MRS. MORTON, MR. ROHR, AND MR. WILLIAMS VOTING "AYE"; AND WITH MRS. HAGAN AND MR. McCOLLUM BEING ABSENT (4 IN FAVOR, 2 ABSENT).

Item 2 – Approval of minutes from special meeting of October 18, 2011:

Mrs. Morton asked for any additions or corrections to the minutes of the special meeting of October 18, 2011, and none were received. The minutes stand approved as written.

Item 3 – New Business:

a) Presentation of Application for 528-530 South Main Street (Les Olson, owner of Sidecars Insurance Company).

Mr. Kellstadt explained that an application has been received from Les Olson, owner of Sidecars Insurance Company, for façade improvements to the building known as the Orpheum Theater. There will be storefront improvements on the façade, with the brick infill being replaced on the back. The first floor façade will have a matching Marvin clad ultimate storefront system. The

storefront design is compatible to the overall character of the building, with the applicant using softer muted hues (bronze) overall for the body of the storefront system.

The design retains the original entrance locations on the front, side, and back lower level façade. The applicant proposes replacing aluminum framed doors with anodized bronze doors to match the storefront system.

The belt course located on the Main Street facing façade will be painted to match the limestone (earth tones) wrapping along the east and south facades above storefronts and designed to complement the storefront system.

The applicant desires to remove the current plywood on the series of second story windows and replace with new Marvin clad ultimate double hung windows with decorative pre-finished Stratton casings in bronze. The second story historic cornice will be inspected, cleaned, repaired, and restored. The cast iron metal columns on the Main Street storefront level will be restored.

The applicant will replace damaged brick and tuck point as required, with the new brick matching the historic brick in color, shape, and size. New brick veneer located on first floor storefront columns and south side first floor level column will be matched to historic brick in color, size and texture. Existing parapet to be structurally reinforced on roof side (interior side) and flashing added to decrease further deterioration.

The existing roof will be inspected and repaired as required. Second story iron signage attachments (bolts) will be removed. New gutter and downspouts will be installed to replace deteriorating materials currently in place. Second floor steel lintels at all window openings where deterioration exists will be inspected, and cleaned with a wire brush, and iron will be primed with one coat of rust inhibitive primer and two coats of exterior metal paint.

Mrs. Morton asked for a motion to approve this application.

MR. WILLIAMS MOVED THAT THE APPLICATION FOR FAÇADE IMPROVEMENTS FOR 528-530 SOUTH MAIN STREET BE APPROVED.

Mr. Rohr asked about the aluminum clad windows, and Mr. Greer replied that the aluminum clad windows are an approved substitution as long as it is matching in the original character and nature of profiling. The windows will be treated with attached treatment to create the historic character through softening of the edges and creating those curved profiles.

Mr. Rohr asked if the exterior surface will not be aluminum, or if it will be aluminum covering something else up. Mr. Greer replied that it is an aluminum system with a bronze anodized finish. It will appear as a metal window that is treated with additional snap-on profiles to give it the historic nature rather than just the square tubing alone.

Mr. Greer explained that the back side of the building has a patio with asphalt shingles on the side of the building that will be removed. This area will be taken back to the original brick condition and converted into an outdoor terrace.

Mr. Greer explained that Section 1 of the staff report states that the applicant desires to restore the property for use as an architectural firm but needs to be changed to the intended proper use.

Mr. Raiche explained that the property owner has asked him to present this application. He visited with Mr. Olson and has reviewed the façade grant application for these improvements. Mr. Olson's main business is the insurance company, but the building will contain several businesses including the Run Around, a doctor's office, and the Keystone Bar and Pretzel Love. Several distinct storefronts are linked by an interior hallway.

Mrs. Morton asked how many storefronts are involved. Mr. Raiche replied three in front facing Main Street, with the corner storefront having two entrances. The bar is located on the north side of the rear portion of the building, with an additional storefront in the rear on the southwest corner of the building. There will be a total of five storefronts.

Mrs. Morton asked if the five storefronts qualify for grant funding, and Mr. Raiche replied that the owner is eligible for the maximum amount of $100,000.

Mr. Greer explained that no storefront window system is currently installed on the west façade, but that an existing archway was infilled with brick. The applicant will remove that infill brick and replace it with a storefront to create a west façade entry. The building contains a shaft possibly for an elevator to make that area a lobby for future tenants upstairs for additional space.

Mrs. Morton explained that everyone who attended the state historic preservation conference in November was very impressed with the quality of the downtown area. She asked for a second for Mr. Williams' previous motion.

Mr. Greer wished to abstain from voting on the request since he is the architect for these improvements.

Mr. Rohr expressed concern about not having four commissioners who can vote if Mr. Greer needs to abstain. Mrs. Morton understood that if a quorum is present, that three of the commissioners can vote. She stated that this occurred during last month's special meeting.

MR. ROHR SECONDED THE MOTION AS STATED ABOVE. THE MOTION CARRIED, WITH MRS. MORTON, MR. ROHR, AND MR. WILLIAMS VOTING "AYE"; WITH MR. GREER ABSTAINING; AND WITH MRS. HAGAN AND MR. McCOLLUM BEING ABSENT (3 IN FAVOR, 1 ABSTENTION, AND 2 ABSENT).

Item 3 – Discussion:

No additional discussion took place. The meeting was adjourned at 3:50 p.m.

Approved _____
Nancy Morton, Chairperson

Approved _____
Susan Champlin, Senior Clerk

MINUTES
HISTORIC PRESERVATION COMMISSION
SPECIAL MEETING
DECEMBER 8, 2011

The Historic Preservation Commission of the City of Joplin met in special session on Thursday, December 8, 2011, at 4:00 P.M. in the Council Chambers at the Joplin City Hall at 602 South Main Street, Joplin, Missouri.

MEMBERS PRESENT:	Paula Callihan, Nancy Morton, Peter Ramsour, and Karen Yates
MEMBERS ABSENT:	Wendy Brunner-Lewis (Alternate), Gay Lynne Dawson (Alternates), Steven McCollum, Alice Pantoja, and Sandra Pommert
CITY STAFF PRESENT:	Eric Kellstadt, Planning/Community Development Specialist Jonathan Raiche, Planning/Community Development Specialist Susan Champlin, Senior Clerk

Item 1 – Roll Call:

Ms. Champlin called the roll and Mrs. Morton opened the meeting. The City staff reported that Mr. McCollum had work obligations and was unable to attend. Mrs. Morton asked for a motion to excuse those absent from attending this meeting.

MRS. CALLIHAN MOVED, SECONDED BY MS. YATES, THAT MS. BRUNNER-LEWIS, MS. DAWSON, MR. McCOLLUM, MRS. PANTOJA, AND MRS. POMMERT BE EXCUSED FROM ATTENDING THIS MEETING. THE MOTION CARRIED, WITH MRS. CALLIHAN, MRS. MORTON, MR. RAMSOUR, AND MS. YATES VOTING "AYE"; AND WITH MS. BRUNNER-LEWIS, MS. DAWSON, MR. McCOLLUM, MRS. PANTOJA, AND MRS. POMMERT BEING ABSENT (4 IN FAVOR, 5 ABSENT).

Item 2 – Introductions:

Mrs. Morton explained that Mr. Kellstadt will be making the presentation for the City, with Mr. Raiche making the presentation for the property owner, Mr. Les Olson

Item 3 – Adoption of minutes of the regular meeting of Tuesday, November 15, 2011:

Mrs. Morton asked for any additions or corrections to the minutes of the regular meeting of Tuesday, November 15, 2011, and none were received.

MRS. MORTON STATED THAT THE MINUTES STAND APPROVED AS READ.

Item 4 – Old Business:

There was no old business to discuss at this time.

Item 5 – New Business:

a) Request for Review of Façade Improvements at 528-530 South Main Street (Les Olson).

Mr. Kellstadt explained that an application for a certificate of appropriateness has been received from Les Olson for façade improvements at 528-530 South Main Street. This property is known generally as the Orpheum Theater with five facades, three in the front and two in the rear. The applicant is replacing the lower level storefront facing Main Street with a Marvin clad ultimate storefront system.

The applicant will also be replacing inappropriate first-floor storefronts on the south side facing Sixth Street with the exact same storefront system as the Main Street facing façade. The storefront system metal will be painted bronze. The applicant also desires replacing brick infill on the back first floor façade with the matching Marvin clad ultimate storefront system.

The storefront design is compatible to the overall character of the building. The applicant is using softer muted hues overall for the body of the storefront system in a bronze color.

The design retains the original entrance locations on the front, side, and back lower level façade. The applicant proposes replacing aluminum framed doors with anodized bronze doors to match the storefront system.

The belt course located on the Main Street facing façade will be painted to match the limestone wrapping along the east and south facades above the storefronts and designed to complement the storefront system. Earth tones will be used.

The applicant desires to remove the current plywood on the series of second story windows and replace with new Marvin clad ultimate double hung windows with decorative pre-finished Stratton casings in bronze. The second story cornice will be inspected, cleaned, repaired, and restored. Cast iron metal columns located on the Main Street storefront level will be restored.

The applicant will replace the damaged brick and tuck point as required, with the new brick matching the historic brick in color, shape, and size. The new brick veneer located on the first floor storefront columns and south side first floor level column will be matched to the historic brick in color, size, and texture. Existing parapet will be structurally reinforced on the roof side (interior side) and flashing added to decrease further deterioration.

The existing roof will be inspected and repaired as required. Second story iron signage attachments (bolts) will be removed. New gutter and downspouts will be installed to replace the existing materials. Second floor steel lintels at all window openings will be inspected and cleaned with a wire brush, and iron will be primed with one coat of rust inhibitive primer and two coats of exterior metal paint.

Mrs. Morton asked for a motion to open the request for discussion for the improvements at 528-530 South Main.

MR. RAMSOUR MOVED THAT THE CERTIFICATE OF APPROPRIATENESS BE OPENED FOR DISCUSSION FOR 528-530 SOUTH MAIN STREET.

Mr. Ramsour asked if the parapets are being reinforced, and Mr. Kellstadt replied that is what the applicant has intended.

Mr. Ramsour asked if this poses any safety problems on the sidewalks. Mr. Raiche has been working with the property owner on his application and explained that safety practices must be used for any façade work. A pedestrian detour must be provided.

Mr. Ramsour asked if there are five storefronts. Mr. Raiche replied that the three storefronts exist in the front, containing the applicant's insurance business, the Run Around, and a doctor's office. A vacant space exists on the southwest corner of the building, with the Keystone Bar being located on the west side.

Mr. Ramsour asked if the applicant will receive five grants, and Mr. Raiche replied it will be one grant. The maximum amount allowable for one year is $100,000, with a maximum of $37,500 allowed per storefront. The applicant intends to open the upper floor for business expansion.

Mrs. Morton asked if the upper floor is not currently occupied, and Mr. Raiche replied that is correct.

Mrs. Morton asked about the square footage in the building that is not currently occupied. Mr. Raiche replied that the second floor is completely vacant, along with the space in the southwest corner of the building.

Mrs. Morton asked about the process once the Historic Preservation Commission approves the certificate of appropriateness. Mr. Raiche replied that the Community Development office conducts an environmental review. Then they work more closely with the property owner on contract signing and procurement, and a formal bid process.

Mrs. Morton asked about the amount that requires the formal bid process, and Mr. Raiche replied any project costing over $15,000. He explained that the maximum grant amount for rear facades is $15,000, but those should also be procured for since the total project cost is $30,000.

Mrs. Morton asked about the timeframe, and Mr. Raiche replied that a legal advertisement is required to be posted 15 days prior to the date of the bid opening. The entire process for procurement and soliciting for bids takes about four to six weeks.

Mrs. Morton asked what takes place once the bids are opened, and Mr. Raiche that the Community Development staff reviews the lowest and best bid. The bid is approved, with the staff tracking the work. The staff makes sure the applicant purchases his building permit, with the building staff conducting the necessary inspections.

Mrs. Morton asked if Mr. Olson is ready to advertise for bids once this commission grants the certificate of appropriateness, and Mr. Raiche replied that he is ready to proceed.

Mr. Ramsour asked, if each façade was owned by separate people, the three facades facing Main Street would qualify for $37,500 per façade, with the two rear facades qualifying for $15,000 per façade. Mr. Raiche replied that is correct if they have separate ownerships and are distinct buildings. The maximum amount for one applicant is $100,000 annually.

Mrs. Morton asked if this is the maximum amount allowed per calendar year, or if it is based on the City's fiscal year. Mr. Raiche was not sure. He explained that the grant fiscal year is also different.

Mr. Ramsour asked what businesses are going into the building or if all the space is occupied. Mr. Raiche replied that the building currently contains the Sidecars Insurance Company, the Run Around, and a doctor's office in the front. The Keystone Bar exists in the rear. The owner did not specify any additional businesses that would occupy the building.

Mrs. Morton asked for a second to Mr. Ramsour's motion.

MRS. CALLIHAN SECONDED THE MOTION AS STATED ABOVE, THAT A CERTIFICATE OF APPROPRIATENESS BE GRANTED TO MR. LES OLSON FOR FAÇADE IMPROVEMENTS AT 528-530 SOUTH MAIN STREET. THE MOTION CARRIED, WITH MRS. CALLIHAN, MRS. MORTON, MR. RAMSOUR, AND MS. YATES VOTING "AYE"; AND WITH MS. BRUNNER-LEWIS, MS. DAWSON, MR. McCOLLUM, MRS. PANTOJA, AND MRS. POMMERT BEING ABSENT (4 IN FAVOR, 5 ABSENT).

Item 6 – Discussion:

There was no additional business to come before the Historic Preservation Commission. The meeting stood adjourned at 4:25 p.m.

Approved _____
Nancy Morton, Chairperson

Approved _____
Susan Champlin, Senior Clerk

CITY TREE BOARD MINUTES

Tuesday, November 15, 2011
Athletic Complex
3301 West First
Joplin, MO 64801
5:30 pm

MEMBERS PRESENT:	**Vicki Christensen, Jason Grossman, Charles Keeter, Mike Shade and Gregg Wilkerson**
ABSENT:	**All present**
GUESTS:	**Chris Cotten** **Director of Parks and Recreation**
MEETING CALLED TO ORDER:	**Chairman Jason Grossman called to order the regular meeting.**
APPROVAL OF MINUTES:	**There being no corrections, Charles Keeter made a motion to accept the minutes, with a second by Mike Shade.**
OLD BUSINESS:	**The preliminary renovation plans for Parr Hill Park were discussed along with the need to plant trees. Chris said the ponds will be removed and that area will become a green space. It had cost the city about $1,200 per month to keep the ponds full as they leaked into a mine shaft so this will be a great savings. More playgrounds will be added as well as a dog park and skate park. The walking trail will be extended north on the other side of 15th street. A parking lot will also be added to the park. The Joplin Masons are donating one of the playgrounds and Mars dog food company will probably donate the fencing for the dog park. American Ramp Company will sell the city a skate park at their cost. The Schifferdecker Park skate ramp will be moved to Parr Hill Park and a shelter will be added to the area where the skate ramp had been. In the future small skate parks are to be added to other parks with sales tax money. Jason said everyone needs to think about how they want trees planted and let him know soon as Chris meets with Mark Rohr at the end of the month. Chris added there were 85 trees in the park before the tornado.**

OLD BUSINESS: Jason showed everyone a map of Cunningham Park with possible tree spacing and location of small, medium and large trees. Chris suggested a Yoshino Cherry tree or some other flowering tree would look nice next to the monument. Chris also said the sod is down, the memorial tree has been planted, and the ponds are going, complete with goldfish donated by Lowes. The sod is being watered using a fire hose and the park fire hydrant. The seven properties next to the park have been purchased and the foundations are being removed.

NEW BUSINESS: Jason said a Girl Scout troop wants to plant trees in the parks and Chris suggested they wait until spring for that project. However, he said this fall they could plant at Cunningham Park some of the 200,000 flower bulbs we were given recently.

The Right-of-Way Project was discussed. It was decided Jason, with help from Jon Skinner, would compose a letter for City Manager Mark Rohr stating the problem with the city codes for the site triangle regulations conflicting with his concept of having a uniform look of tree lined streets. Jason will email everyone the letter and if okay Chris can forward it to Mark Rohr. Chris said the letter would probably then go to Jack Schaller and then to the Traffic Board.

REPORTS AND COMMUNICATIONS: Chris reminded everyone of the Tree Dedication Memorial Service to be held at Cunningham Park on Tuesday, November 22nd from 4:30 pm to 6 pm. The Governor and others will speak, the school band will perform, and there will be a choir singing. CNN will have live coverage of the event.

Chris said the city is to get 1.4 million dollars in trees from the Governor.

ADJOURNMENT: Jason Grossman made a motion to adjourn, with a second by Mike Shade.

Judy Cawthra

Judy Cawthra
Senior Clerk

JOPLIN SPORTS AUTHORITY
JOPLIN, MISSOURI

Minutes of the open session of the Board of Directors of the Joplin Sports Authority, Joplin, Missouri held at 2:30 p.m. at the LaQuinta Inn on December 14, 2011.

CALL TO ORDER

Board president Phil Metz called the meeting to order.

Present: Chris Cotten, Randy Evans, Matt Lee, Mark Rains, Craig Hull, Todd Chenault, Jim Frazier, Wendi Douglas, Jennifer Lallemand, Pat Lipira, Kevin Welch, Ruth Sawkins, John Hoffmann
Absent: Jim West, Mike Seibert, Christopher Beyer, Jared Bruggeman, Patrick Tuttle, Jeff Starkweather.
Staff & guests: Steve Taylor, Charlie Aiken & Jordan Larimore (JSA Staff). Ashley Daniels, Rick Utter, Stephanie Merryman (Employer Advantage).

--Before moving on to agenda items, Board president Phil Metz introduced new member Ruth Sawkins to the board.

--Rick Utter, Ashley Daniels, and Stephanie Merryman present JSA Board with presentation and discussion of 401K and financial plans offered by Employer Advantage. JSA is exploring 401K options that would require Board approval for full-time employees.

AGENDA ITEMS

Review of previous meeting minutes.

- A motion was made by Pat Lipira to *accept the November 2011 minutes*, seconded by Todd Chenault. Motion carried by a 14-0 vote.

Treasurer's Report for November, 2011 (presented by Steve)

- A motion was made by Pat Lipira to *accept November 2011 Treasurers Report*, seconded by Randy Evans. Motion carried by a 14-0 vote.
- A motion was made by Mark Rains to *pay unpaid bills*, second by Kevin Welch. Motion carried by a 14-0 vote.

Events Discussion: (presented by Craig and Staff)

International

National

- *2012 Kaminsky Classic, Jan. 5-7, 2012* – Jeff Starkweather said the event would be held at Robert Ellis Young Gymnasium at Missouri Southern and would feature eight teams including Tulsa Memorial, Webster Groves, Francis Howell, Wichita Word of Life, Jefferson City, St. Louis Sumner, William Chrisman and Joplin.

State

Special Olympics District Basketball Feb. 11, 2012 – Jim Frazier said Missouri Special Olympics had its site visit on Wednesday, Nov. 2 and visited MSSU and Sports Park of Southwest Missouri. Both facilities will be used and JSA will be responsible for lunch on Saturday and facility rental.

Local

Old Business

- *Sports Complex Office Facility* – Chris Cotten said he is waiting on the city attorney, discussed issues with prevailing wage due to the building belonging to the city. Cotten said he hoped to have a draft of a contract to present at Jan. board meeting.
- *Joplin Sports Complex Soccer Scoreboard* – "JSA supports Joplin Parks & Rec" to be visible on the scoreboard sign. Mark Rains motions to buy the scoreboard, seconded by Randy Evans, motion carries 14-0.
- *USSSA Youth Baseball* – Hull said JSA will offer to pay facility rental. Cotten mentioned local vendors concerns over booking of several dates at the complex by a potential agreement with USSSA. Cotton said he has ensured locals with concerns that any potential agreement will be in best interest of Joplin.
- *Dec. 1 Appreciation reception* – Well received by Board and all guests.
- *Booster cards* – Briefly mentioned; said to be of higher quality than past ones.

New Business

- *401K discussion with Employer Advantage* – Randy Evans suggests board form a personnel committee to research 401K options, as well as other full-time employee policies (sick days, vacation time). Lipira motions to create personnel committee and suggests it be ready to present a consensus to the board at a later time. Seconded by Rains.
- *FY2011 Audit* – Steve told the board that the auditors were expected to be finished in the required timeframe.

Other Business

Adjournment

Motion to adjourn was made by Randy Evans, seconded by Kevin Welch. Motion carried by a 14-0 vote. Meeting adjourned at 3:39 p.m.

Craig Hull
Director

Phil Metz
Board President

Next meeting: Wednesday, January 14, 2011 at 2:30 p.m. at the Holiday Inn in Joplin, Missouri.

MINUTES
BUILDING BOARD OF APPEALS
REGULAR MEETING
JANUARY 27, 2012
9:00 AM

Steven Reed, Chairman, called the January 27th Building Board of Appeals meeting to order with the following Board members present: Sharon Ferneau, Mike Landis, Don Landrith, and Steven Reed. Board member Kyle Denham arrived at 9:05 a.m., with Board members Mark Eastman and Michael Wicklund being absent. City officials present: Jeff Oliver, Building Inspector; Leslie Jones, Director of Finance; Peter Edwards, Assistant City Attorney; and Susan Champlin, Notary Public.

Mr. Reed — Alright, we need a motion to excuse Mr. Denham, Mr. Eastman, and Mr. Wicklund.

Mr. Landrith — **Mr. Chairman, I'll make that motion.**

Mr. Reed — **We have a motion to excuse Kyle Denham, Mark Eastman, and Michael Wicklund.**

Mr. Landis — **Second.**

Mr. Reed — **All those in favor? (Mrs. Ferneau, Mr. Landis, Mr. Landrith, and Mr. Reed voted "aye") Those opposed? (None)** Alright, we have a quorum, so we'll take anybody out in the audience who has an item they would like to discuss. Just step forward and give us your name, and the item you're here for.

ITEM 2231 — **2403 S. WILLARD (Tornado Group #4)**
OWNER: Ramon Torres Ramirez
ADDRESS: 2403 S. Willard, Joplin, MO. 64804
"Finding of fact Hearing" scheduled for this date

Zach Tussinger — Good morning. My name is Zach Tussinger. I'm an attorney. I am here on behalf of 2403 South Willard, which is Item 2231 on your agenda. I'm representing Mr. Ramirez. His house—he had received a letter that it was up for a hearing here. And we do have a contractor that's been working on the house—new windows, roof repairs have been made. I have a list here of all the repairs that have been made. To date, it's about $20,000 worth of repairs done by Metro Restorations. I'd be happy to answer any questions you have.

(Mr. Denham arrived for the meeting at this time – 9:05 a.m.)

Mr. Oliver — Okay, I do have it on record that the permit is in place.

Mr. Tussinger Okay.

Mr. Oliver What we're going to do, though—I'll ask the Board here to carry it for 30 days so I can go out and verify the work that's been done.

Mr. Tussinger Okay.

Mr. Oliver Actually, when I tagged it, I knew it had a newer roof on it, and that some work was being done on it—

Mr. Tussinger Okay.

Mr. Oliver We need to see it get to a certain point before we can release it.

Mr. Tussinger Sure.

Mr. Oliver So I'll verify that before the next meeting, which will be basically a month from now—

Mr. Tussinger Okay.

Mr. Oliver And maybe at that point, we can just release it from the agenda.

Mr. Tussinger Okay, great.

Mr. Landis **I make a motion that Item 2231, 2403 South Willard, be continued for 30 days.**

Mr. Landrith **I'll second.**

Mr. Reed **I have a motion by Mr. Landis and a second by Mr. Landrith that Item 2231, 2403 South Willard, be continued for 30 days for a progress report. All in favor, signify by saying "aye". (Mr. Denham, Mrs. Ferneau, Mr. Landis, Mr. Landrith, and Mr. Reed voted "aye") Those opposed? (None) Motion passes, 5-0.**

Mr. Oliver That will be February 24th—

Mr. Tussinger Okay.

Mr. Oliver And I do have your correct address, right?

Mr. Tussinger Yes.

Mr. Oliver Okay, good.

Mr. Tussinger Thank you very much.

Mr. Oliver — Thank you.

Mr. Reed — And I do want to recognize that Mr. Denham came in. Alright, next?

Man in Audience — I'm here with Mr. David Caywood on the property at 733 South Picher.

Mr. Landis — What's the item number?

Mr. Landrith — 2241.

Mr. Landis — I've got it—thank you.

ITEM 2241 — **733 S. PICHER**
OWNER: David Caywood
ADDRESS: 733 S. Picher, Joplin MO. 64801
"Finding of fact Hearing" scheduled for this date

Mr. Oliver — Go ahead.

Man in Audience — We are unsure as to who the legal property owner is. It is—the property has a reverse mortgage. We have contacted since December 26th—tried to make contact with Wells-Fargo Mortgage Company. We have yet—to this date--we sent them a certified return letter by certified return receipt and have yet to get anything back from them. The insurance that was carried—the mortgage company required them to do work to it, and the mortgage company paid for the work to be done. The people that the mortgage company hired did not do adequate work; therefore, the insurance company would not insure the property, so they have no insurance on the property. Wells-Fargo supposedly carried insurance on the real estate, on the structure, but at this point nobody knows—and we do believe Children's Haven has expressed a possible interest in purchasing the property.

Mr. Oliver — But your intentions are to go ahead and go with a demolition at some point if you get this figured out?

Man in Audience — Well, that's where—we would—we have not talked expressly with Children's Haven, but the belief is that if Children's Haven buys the property, they would be demolishing the property.

Mr. Oliver — Okay.

Man in Audience — But right now, it's tied up with Wells-Fargo, not knowing whether Wells-Fargo is the owner, or if David Caywood is the owner.

Mr. Oliver — Okay. Well, what we'll probably do here is continue it for 30 days. I've got to do a title search myself anyway, and we'll get another letter out to you if the Board chooses to continue this.

David Caywood — My belongings _____ the stuff that was lost from the burn—that happened on Christmas afternoon about 3:00 o'clock when it started, and there's some salvageable stuff in it—part of--you know, there's quite a bit of value in, and I'd like to, you know, get it out. I've got some storage units—as soon as I get check cleared, that I've going to take that were I'll have a place to put it. I just need—I don't drive—I don't have a driver's license any more, and I just need a place to put it, so when I get my check cleared, then I'm going to get some—the storage is already reserved so I could get the property out of it, and hopefully that Children's Haven could get it, so they could put it all together right there in one area if they could get it, and I'd like to see that happen. But I don't know whether I own the property, or if Wells-Fargo owns the property. And I can't get an answer from them. I'm just having a problem with it. And I don't understand a lot of stuff, and Dustin is doing most of my work—

Mr. Oliver — Okay.

Mr. Caywood — And that's all I have to say.

Mr. Oliver — Okay. Well, we'll continue it for 30 days. I'll get a letter out to you.

Mr. Caywood — Okay.

Mr. Oliver — Do you have a new address?

Mr. Caywood — Yes, 501 North Sergeant.

Mr. Oliver — Okay—is it on that sheet there, sir?

Mr. Caywood — No.

Mr. Oliver — That sign-in sheet?

Mr. Caywood — No.

Mr. Oliver — If you wouldn't mind, would you please write it on that sheet there?

Mr. Caywood — Okay.

Mr. Oliver — That way, I'll make sure you get the letter. And we'll continue it to the February 24th meeting. You know, that will give you another month maybe to get some of those belongings out, okay?

Mr. Caywood — Thank you.

Mr. Oliver — Alright, thank you.

Mr. Caywood — I wrote the address—I believe right above the address of the property.

Mr. Oliver — Thank you, sir.

Mr. Landis — **I make a motion that Item Number 2241, 733 South Picher, be continued for 30 days.**

Mr. Denham — **Second.**

Mr. Reed — **I have a motion by Mr. Landis and a second by Mr. Denham that Item 2241, 733 South Picher, be continued for 30 days for a progress report. All those in favor? (Mr. Denham, Mrs. Ferneau, Mr. Landis, Mr. Landrith, and Mr. Reed voted "aye") Those opposed? (None) Motion passes, 5-0.** Okay, who would like to go next?

Mr. Oliver — Come up, ma'am.

Rayleen Weems — I'm Rayleen Weems. I'm answering the letter I got for 431 West 31st Street.

Mr. Reed — Item 2239?

Mr. Landrith — Yes.

ITEM 2239 — **431 W. 31ST St. (Tornado Group #4)**
OWNER: Rayleen Weems
ADDRESS: 3108 S. Moffet, Joplin MO. 64804
"Finding of fact Hearing" scheduled for this date

Mr. Oliver — Okay, go ahead, ma'am.

Ms. Weems — Okay, I have AmeriCorps that's going to clean up around our building there, my house there. And I think that I probably have a buyer for the house, but we're going ahead and cleaning it up. But we will take care of anything that needs to be taken care of, you know, if we could have a few days.

Mr. Oliver — Yes. We'll pretty much automatically at this meeting go ahead and continue it for you for 30 days.

Ms. Weems — That will be great.

Mr. Oliver — Do you think the sale is going to take place within that time?

Ms. Weems — Yes, I do. But we're going to—as soon as AmeriCorps gets out there, they're going to clean up the old garage and the _____ that was in the back and clean up some stuff around the house so it will look better than it looks now. The house is not torn up that bad on the inside. It's just the outside that looks really bad.

Mr. Oliver Right.

Ms. Weems So I do have a buyer.

Mr. Oliver Okay.

Ms. Weems Is that okay?

Mr. Oliver Yes. And I have your correct address?

Ms. Weems What do you have down? I don't live at the house there.

Mr. Oliver Yeah.

Ms. Weems My address is 3108 Moffet. Yes, you do have it—

Mr. Oliver Okay.

Ms. Weems Because I got my letter.

Mr. Oliver Very good.

Mr. Landis **I'll make a motion that Item 2239, 431 West 31st Street, be continued for 30 days.**

Mrs. Ferneau **Second.**

\Mr. Reed **I have a motion by Mr. Landis and a second by Mrs. Ferneau that Item 2239, 431 West 31st Street, be continued for 30 days for a progress report. All those in favor? (Mr. Denham, Mrs. Ferneau, Mr. Landis, Mr. Landrith, and Mr. Reed voted "aye") Those opposed? (None) Motion passes, 5-0.**

Mr. Oliver Thank you, ma'am.

Mr. Reed Okay, I guess we'll go back to Page 1 and start with Item 2154.

ITEM 2154 **2528 QUINCY**
OWNER: Billy & Norman Gilmore
ADDRESS: 817 W. Austin St. Webb City MO. 64870
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the September 23, 2011 meeting for a "Demolition Hearing" And Progress Report (FOURTH TIME BEFORE THE BOARD)

Mr. Oliver Okay—2528 Quincy, they do have a permit in place, and it was just recently purchased on December 5th. I haven't really seen any progress yet, but they do have a permit in place. So I guess I'd like to ask the

Board to possibly continue this one to the March 23rd meeting. Maybe at that time they'll have some work done.

Mr. Landrith **Mr. Chairman, I'd make a motion that Item 2154, 2528 Quincy, be advanced to our March 23rd meeting for a progress report and demolition hearing.**

Mr. Denham **Second.**

Mr. Reed **I have a motion by Mr. Landrith and a second by Mr. Denham that Item 2154, 2528 Quincy, be continued to our March 23rd meeting. All those in favor? (Mr. Denham, Mrs. Ferneau, Mr. Landis, Mr. Landrith, and Mr. Reed voted "aye") Those opposed? (None) Motion passes, 5-0.**

ITEM 2155 **1102 VALLEY**
OWNER: Neil Booker
ADDRESS: 1102 Valley, Joplin MO. 64801
"Demolition Hearing" has been posted in the Joplin Globe Legal Section. Item continued from the September 23, 2011 meeting for a "Demolition Hearing" And Progress Report (FOURTH TIME BEFORE THE BOARD)

Mr. Oliver The City is ready.

Mr. Landrith **Mr. Chairman, I'd make a motion that Item 2155, 1102 Valley, be subject to a demolition hearing.**

Mr. Denham **Second.**

Mr. Reed **I have a motion by Mr. Landrith and a second by Mr. Denham that Item 2155, 1102 Valley, be the subject of a demolition hearing. All those in favor? (Mr. Denham, Mrs. Ferneau, Mr. Landis, Mr. Landrith, and Mr. Reed voted "aye") Those opposed? (None) Motion passes, 5-0.** The Board turns it over to the City.

Mr. Edwards Before we get started with the hearing, Jeff, maybe you should update the Board on the status of the property and the reasons that you think that we need to go forward with the hearing.

Mr. Oliver Sure. Mr. Booker had some health issues. He has found a place to live here in Joplin, and he's had some health issues. Previously, he has asked for a little bit of time to get some more of his belongings out of the property, but he does realize it needs to come down. So in going forward with this possible demolition, once we get through it, I would ask the Board to possibly put a stay on it for 30 to 60 days after the order is in place to give him the opportunity to get more of his belongings out.

Mr. Edwards — This is the Joplin Building Board of Appeals meeting in the Joplin Municipal Building on this 27th day of January, 2012, for conducting a dangerous building 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 2155 on the agenda, also known as 1102 Valley. The City calls Jeff Oliver.

Ms. Champlin — 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. Edwards — Please state your name and occupation.

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

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

Mr. Oliver — Two years.

Mr. Edwards — Have you, in the official performance of your duties, had occasion to inspect the property known as 1102 Valley?

Mr. Oliver — Yes, I have.

Mr. Edwards — I'm going to hand you what's been marked as City's Exhibit 1. Can you identify those?

Mr. Oliver — These are photos taken of the property at 1102 Valley.

Mr. Edwards — And did you take the photographs?

Mr. Oliver — Yes, I did.

Mr. Edwards — Do the photographs show the property in its current condition?

Mr. Oliver — Yes, it does. In fact, it's probably deteriorated a little bit further even.

Mr. Edwards — If there is no objection, I would offer City's Exhibit 1.

Mr. Reed — The Board accepts.

Mr. Edwards — Jeff, what, if anything, have you done to ascertain ownership of the property?

Mr. Oliver — I had a title search performed.

Mr. Edwards — I'm going to hand you what's been marked as City's Exhibit 2. Is that the title search you spoke of?

Mr. Oliver — Yes, it is. It shows a Neil Booker as the owner.

Mr. Edwards — In looking through the file, it looks like we've got somebody in the title search that we did not serve notice to. What I would—the City's going to basically ask the Board to continue this so that we can get notice to the person who has the deed of trust on the property.

Mr. Reed — Do we have a motion?

Mr. Landrith — **I'll make a motion that we continue Item 2155, 1102 Valley, to our March 23rd meeting for a progress report and demo hearing.**

Mr. Denham — **Second.**

Mr. Reed — **I have a motion that Item 2155, 1102 Valley, be continued to our March 23rd meeting for a progress report. All those in favor? (Mr. Denham, Mrs. Ferneau, Mr. Landis, Mr. Landrith, and Mr. Reed voted "aye") Those opposed? (None) Motion passes, 5-0.**

Mr. Reed — Okay, moving down to Group #4, Item 2223.

Mr. Edwards — I think everything else on the agenda is first time on the agenda properties just scheduled for "fact finding" hearings, so unless the Board wants an update on each property, I think the Board can make a motion to continue all of the remaining properties on the agenda to next month's meeting.

ITEM 2223 — **1531 ST. LOUIS (Tornado Group #4)**
OWNER: Mary Jo Mueller
ADDRESS: 301 S. Sergeant, Joplin, MO 64801
"Finding of fact Hearing" scheduled for this date

ITEM 2224 — **1825 S. OHIO (Tornado Group #4)**
OWNER: Patricia Bennett & Anita Stewart
ADDRESS: 611 E. 5TH ST. Galena KS. 66739
"Finding of fact Hearing" scheduled for this date

ITEM 2225 — **1919 S. GRAND (Tornado Group #4)**
OWNER: Sean & Erin Russell
ADDRESS: 1919 S. Grand, Joplin MO. 64801
"Finding of fact Hearing" scheduled for this date

ITEM 2226 — **1923 S. GRAND (Tornado Group #4)**
OWNER: Wes Vertz
ADDRESS: 16448 Jackpine, Carthage MO. 64835
"Finding of fact Hearing" scheduled for this date

ITEM 2227 1926 E. 17TH ST. (Tornado Group #4)
OWNER: James & Patricia Spencer
ADDRESS: 819 W. Broadway, Webb City MO. 64870
"Finding of fact Hearing" scheduled for this date

ITEM 2228 2202 S. MOFFET (Tornado Group #4)
OWNER: Richard & Amber Hayes
ADDRESS: 610 Hays Ave, Carl Junction MO. 64834
"Finding of fact Hearing" scheduled for this date

ITEM 2229 2217 S. MOFFET (Tornado Group #4)
OWNER: Ethan & Tracy Giertz
ADDRESS: 213 Rocky Ln., Carl Junction MO. 64834
"Finding of fact Hearing" scheduled for this date

ITEM 2230 2310 S. BIRD (Tornado Group #4)
OWNER: Nathanael & Melissa Fair
ADDRESS: 1921 W. 16TH St. Joplin MO. 64801
"Finding of fact Hearing" scheduled for this date

ITEM 2232 2415 S. PICHER (Tornado Group #4)
OWNER: Vernon & Holmqui Thies
ADDRESS: P.O. Box 1132, Carthage MO. 64836
"Finding of fact Hearing" scheduled for this date

ITEM 2233 2609 S. MISSOURI (Tornado Group #4)
OWNER: Financial Freedom Acquisition
ADDRESS: 1 Banting, Irvine, CA 92618
"Finding of fact Hearing" scheduled for this date

ITEM 2234 2615 W. 32ND ST. (Tornado Group #4)
OWNER: Kathryn George
ADDRESS: 4055 Old Hwy 71, Joplin MO. 64804
"Finding of fact Hearing" scheduled for this date

ITEM 2235 2720 S. ILLINOIS (Tornado Group #4)
OWNER: Gwendolyn Kirk
ADDRESS: 4507 W. 26TH St., Joplin MO. 64804
"Finding of fact Hearing" scheduled for this date

ITEM 2236 2827 S. PEARL (Tornado Group #4)
OWNER: Dan & Marylan Gephert
ADDRESS: 2828 S. Wall, Joplin MO. 64804
"Finding of fact Hearing" scheduled for this date

ITEM 2237 2829 S. JOPLIN (Tornado Group #4)
OWNER: Jonathan D. Bhend
ADDRESS: 211 S. Main St. Ste 306, Joplin MO. 64804
"Finding of fact Hearing" scheduled for this date

ITEM 2238 **2829 S. KENTUCKY (Tornado Group #4)**
OWNER: Kevin Pruitt
ADDRESS: 2829 S. Kentucky, Joplin MO. 64804
"Finding of fact Hearing" scheduled for this date

ITEM 2240 **521 W. 32ND St. (Tornado Group #4)**
OWNER: Teresa Woodward & David Clifton
ADDRESS: 1838 White Oak Dr, Joplin MO. 64801
"Finding of fact Hearing" scheduled for this date

ITEM 2242 **1233 W. 10TH ST.**
OWNER: John Pliler
ADDRESS: 2028 S. Kentucky, Joplin MO. 64804
"Finding of fact Hearing" scheduled for this date

Mr. Denham — I had one question on one particular property—Item 2235, 2720 Illinois. There has been quite a bit of work on that. Do they not have a permit?

Mr. Oliver — Yeah, they've got one in place—

Mr. Denham — Okay.

Mr. Oliver — And we'll continue it and release it at the next meeting.

Mr. Denham — I was just curious about that.

Mr. Oliver — Yeah, I'm familiar with that one.

Mr. Edwards — I'm just assuming some of these properties have been tagged one-two-three months ago, and there probably been a change on at least some of them.

Mr. Reed — So we'll entertain a motion if someone wants to make one.

Mr. Landrith — **I will make a motion that Item Number 2223—**

Mr. Edwards — Just say all the remaining items.

Mr. Landrith — **Okay, rather than go through all of them—all the remaining items on the agenda be forwarded to our March meeting for progress reports and demo hearings.**

Mr. Landis — **Second.**

Mr. Reed — **I have a motion by Mr. Landrith and a second by Mr. Landis that all the remaining items on the agenda be continued to our March 23rd meeting. All those in favor? (Mr. Denham, Mrs. Ferneau, Mr. Landis, Mr. Landrith, and Mr. Reed voted "aye") Those opposed? (None) Motion passes, 5-0.**

Mr. Oliver	February 24th—
Mr. Landis	February 24th.
Mr. Landrith	What did I say—March? I'm sorry, February 24th.
Mr. Denham	I think Item 2155 was also referred to as March, the one that we were getting ready to have a demolition hearing on. Does that need to be just 30 days?
Mr. Landrith	Yes.
Mr. Oliver	Yes, just continue that to February 24th.
Mr. Landrith	**I'll amend that.** I do have a question, though, Peter—Item 2242 is a burn-out, and it's not tornado related. That will fall under this motion also?
Mr. Edwards	Item 2242—I don't see—
Mr. Denham	It's the very last two that say "not tornado related".
Mr. Edwards	What's your question?
Mr. Landrith	Should Item 2242 be included in this motion, for the forwarding of it to the next meeting?
Mr. Edwards	Yes, all the remaining—
Mr. Landis	All the remaining items.
Mr. Landrith	Alright, very good.
Mr. Edwards	Yes, all the remaining items on the agenda need to be continued to the February 24th meeting. I think we have a motion. We need a second and a vote.
Mr. Reed	We voted on the original. Do we need to vote on the amendment?
Mr. Edwards	Technically, yes.
Mr. Reed	**Okay, the motion was amended to continue all the remaining items to the February 24th meeting. All those in favor, signify by saying "aye". (Mr. Denham, Mrs. Ferneau, Mr. Landis, Mr. Landrith, and Mr. Reed voted "aye") Those opposed? (None) Motion passes, 5-0.**
Ms. Champlin	Do we have a new "second" on the amended motion?
Mr. Landis	Yes.

Ms. Champlin — Okay.

Mr. Edwards — In the meantime, if it's a fire burn-out and it's an obvious danger, then Jeff, you can go to David and see if we need to move a little bit quicker on that one, get a title search in, and go out there and look at it, and order an emergency demolition.

Mr. Oliver — I believe they already have a dumpster set.

Mr. Reed — That was a lot quicker than last week. The meeting is adjourned.

Mr. Oliver — The next one, guys, I believe there's 37 items on it if you haven't already got your agenda.

There being no further business to come before the Building Board of Appeals, the meeting stood adjourned at 9:30 a.m.

Approved Steven Reed
Steven Reed, Chairman

Approved Susan E. Champlin
Susan E. Champlin, Notary Public

My Commission expires: November 18, 2012

SUSAN E. CHAMPLIN
Notary Public
Jasper County
My Commission Expires
November 18, 2012
Commission #08528995

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: February 6, 2012

Item: COUNCIL BILL NO. 2012-252
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg — Date: 1/27/2012
City Attorney: Brian Head — Date: 1-31-12
City Manager: R. Mark Rohr — Date: 1-31-12
Board or Commission: Planning and Zoning Commission — Date: 1/9/2012

Recommended Action: Planning and Zoning Commission recommended striking Case 002-12 from the agenda by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 002-12: 2503 and 2511 South Main Street - A request to rezone from District R-3 (Apartment House) to District C-3 (Commercial) for future commercial development – 32nd Street Plaza, LLC.

STAFF SUMMARY:
The Future Land Use Map indicates that this area should contain commercial uses. Nearby commercial development/zoning has occurred and this request is consistent with development patterns. Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Kellstadt explained that the applicant has requested to strike this case from the agenda.

Mr. Anderson asked if a public hearing must still be conducted. Mr. Bolander replied that is correct, since the request was advertised as a public hearing. Mr. Anderson asked for comments, and none were received.

PUBLIC COMMENT:
None.

Z&P Meeting: January 9, 2012
City Council Meeting: February 6, 2012

STAFF PLANNING REPORT

CASE 002-12:

Petition the Council to rezone from District R-3 (Apartment House District) to District C-3 (Commercial District) for future construction of a commercial building.

APPLICANT:

32nd Street Plaza, LLC (Kevin Manard)

LOCATION:

All of Lot Numbered One Hundred Fifty Seven (157) and Lot Numbered One Hundred Fifty Eight (158) in O'Keefe's Addition to the City of Joplin, Jasper County, Missouri also known as 2503 and 2511 South Main Street.

PRESENT ZONING:

R-3 (Apartment House District)

REQUESTED ZONING:

C-3 (Commercial District)

EXISTING CONDITIONS:

PROPERTY SIZE

Approximately 100' X 110' (11,000 square feet or 0.25 acre)

FLOOD PLAIN

Zone X

SITE	LAND USE	EXISTING ZONING
NORTH	Single-Family Residential (former)	C-3
SOUTH	Single-Family Residential/Undeveloped (former)	R-3
EAST	Single-Family Residential (former)	R-1
WEST	Commercial (Salvation Army store – former)	C-3

TRAFFIC CONDITIONS:

STREET(S) WITH ACCESS TO PROPERTY

Main Street

CLASSIFICATION OF STREET(S)

Main Street – Principal Arterial

RIGHT-OF-WAY WIDTH

Main Street – 80 feet

WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?

No.

UTILITIES:

The property has all utility connections

CONSISTENT WITH FUTURE LAND USE MAP?

Yes.

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes. This request is consistent with the land use principles and development policies of the Comprehensive Plan.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

This property is suited for commercial development as indicated in the Future Land Use Map.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The zoning change should not detrimentally affect nearby properties. Nearby uses included various commercial businesses.

DISCUSSION

The Future Land Use Map indicates that this area should contain commercial uses. Nearby commercial development/zoning has occurred and this request is consistent with development patterns. Staff recommends approval.

REZONING APPLICATION FORM

RECEIVED 11-30-11

Return Form to:
Planning / Community Development Specialist
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

Case No.: 002-12
Filing Fee: $350.00
Date Advertised: 12-25-11
Date Notices Sent: 12-29-11
Public Hearing Date: 1-9-12

APPLICANT: 32nd Street Plaza, LLC Kevin Manard PHONE: 4176247227
ADDRESS: 1710 E 32nd, Suite E, JOPLIN, MO ZIP: 64804
OWNER: Abundant Life Properties / Robert Garvin PHONE: 4176247227
ADDRESS: 2511 Main / 2503 Main Joplin MO ZIP: 64804
LOCATION OF PROPERTY: 2511 & 2503 Main Joplin, MO
LEGAL DESCRIPTION: Lots 158 & 157 in O'Keefe Addition to the City of Joplin, Jasper County, Missouri

Present Zoning R-3 Requested Zoning: C-3 Acreage: 0.25 acres
Present Use of Property: Vacant

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Vacant land	C-3
South	Vacant land	R-3
East	Vacant land	R-1
West	Vacant land	C-3

CHARACTER OF THE NEIGHBORHOOD: Commercial Vacant land

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   No
2. Are there substantial reasons why the property cannot be used in accord with existing zoning?
   If yes, explain: Yes. The most appropriate use is commercial

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? Yes

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Main and alleyway
2. Classification of Street(s):
   Arterial ✓ Collector _____ Local _____
3. Right-of-Way Width: 80 feet
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   No

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? No
2. Properly Sized Street Right-of-Way? No
3. Drainage Easements? No
4. Utility Easements:
   Electricity? No
   Gas? No
   Sewers? No
   Water? No
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:
Property is in the Tornado Zone

SIGNATURE: _____ DATE: _____

BY: J. Kevin Manard

TITLE: Member



Case 002-12: A request to rezone from District R-3 (Apartment House District) to District C-3 (Commercial District) for the development of commercial building at the area generally described as 2503 and 2511 South Main Street - 32nd Street Plaza, LLC (Kevin Manard)

Case 002-12: 2503 and 2511 South Main Street - A request to rezone from District R-3 (Apartment House) to District C-3 (Commercial) for future commercial development – 32nd Street Plaza, LLC.

Mr. Kellstadt explained that the applicant has requested to strike this case from the agenda.

Mr. Anderson asked if a public hearing must still be conducted. Mr. Bolander replied that is correct, since the request was advertised as a public hearing.

Mr. Anderson opened the public hearing for Case 002-12. He asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 002-12.

MR. LANDRITH MOVED, SECONDED BY MR. EASTMAN, THAT CASE 002-12 BE STRICKEN FROM THE AGENDA, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. ANDERSON, MR. EASTMAN, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 002-12
32nd Street Plaza, LLC
(P & Z Recommended Striking
from their Agenda)

COUNCIL BILL NO. 2012-252 **ORDINANCE NO.**

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-3 and including in District C-3 property as described below and located at 2503 and 2511 South Main Street in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District R-3 and including same in District C-3:

All of Lot Numbered One Hundred Fifty Seven (157) and Lot Numbered One Hundred Fifty Eight (157) in O'Keefe's Addition to the City of Joplin, Jasper County, Missouri.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: February 6, 2012

Item: COUNCIL BILL NO. 2012-253
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg — Date: 1/27/2012
City Attorney: Brian Head — Date: 1-31-12
City Manager: R. Mark Rohr — Date: 1-31-12
Board or Commission: Planning and Zoning Commission — Date: 1/9/2012

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 003-12: 2328 South Connecticut Ave – A request to rezone from District R-2 (Two Family Residential) to District C-O (Non-Retail Commercial) for future commercial development – John A. Yaple.

STAFF SUMMARY:
Changing development patterns as a response with the widening of Connecticut Avenue has been occurring in the area, primarily changing to commercial non-retail districts. Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. John Yaple appeared to request the rezoning of property located at 2328 South Connecticut Avenue. He believes that this is the last piece of residential property on the west side of Connecticut between 20th Street and the railroad viaduct. He explained that the properties to the north are zoned C-0, with Empire District's electric substation existing to the south.

Mr. Eastman asked Mr. Yaple if there are two separate owners, and he replied that is correct. He explained that all the property has the same address, but that there are two separate parcels. His lot has the frontage along Connecticut Avenue, but Mr. Buchanan's property is a flag-shaped parcel to the rear that extends back almost to the railroad track.

Mr. Eastman thought Mr. Yaple's property is currently under contract for sale and asked if Mr. Buchanan's property is also under contract for sale. Mr. Yaple replied that is correct.

PUBLIC COMMENT:
Mr. Frank Buchanan appeared and explained that he is owner of the rear portion of the property in this request.

Z&P Meeting: January 9, 2012
City Council Meeting: February 6, 2012

STAFF PLANNING REPORT

CASE 003-12:

Petition the Council to rezone from District R-2 (Two-Family Residential) to District C-O (Non-Retail District) for future construction of a commercial building.

APPLICANT:

John A. Yaple and Buchanan Investments, LLC

LOCATION:

2328 South Connecticut Avenue

PRESENT ZONING:

R-2 (Two-Family Residential)

REQUESTED ZONING:

C-O (Non-Retail District)

EXISTING CONDITIONS:

PROPERTY SIZE

Approximately 100' X 321' (32,100 square feet or 0.73 acre)

FLOOD PLAIN

Zone X

SITE	LAND USE	EXISTING ZONING
NORTH	Single-Family Residential	C-0
SOUTH	Electrical Substation	R-1
EAST	Single-Family Residential	R-1
WEST	Undeveloped	R-1

TRAFFIC CONDITIONS:

STREET(S) WITH ACCESS TO PROPERTY

Connecticut Avenue

CLASSIFICATION OF STREET(S)

Connecticut Avenue – Minor Arterial

RIGHT-OF-WAY WIDTH

Connecticut Avenue – 80 feet

WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?

No.

UTILITIES:

The property has all utility connections

CONSISTENT WITH FUTURE LAND USE MAP?

No. However, this request is consistent with previous rezoning that have occurred north of this property.

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes. This request is consistent with the land use principles and development policies of the Comprehensive Plan. The widening of Connecticut Avenue has changed development patterns from residential to commercial.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

This property is suited for commercial development as a response to the widening of Connecticut Avenue.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The zoning change should not detrimentally affect nearby properties. Nearby uses included various commercial non-retail zoning.

DISCUSSION

Changing development patterns as a response with the widening of Connecticut Avenue has been occurring in the area, primarily changing to commercial non-retail districts. Staff recommends approval.

RECEIVED 12-1-11

CITY OF JOPLIN, MISSOURI
REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only
Case No.: 003-12
Filing Fee:
Date Advertised: 12-25-11
Date Notices Sent 12-24-11
Public Hearing Date: 1-9-12

APPLICANT: John A. Yaple. PHONE: 417-540-3837
ADDRESS: 3401 N. Rangeline Rd ZIP: 64801
OWNER: John A. Yaple PHONE: 417-540-3837
ADDRESS: 3401 N. Rangeline Rd ZIP: 64801
LOCATION OF PROPERTY: 2328 Connecticut Joplin mo 64804
LEGAL DESCRIPTION: See ATTACHED Deed. 2328 Connecticut
for Both properties. (Mr. Buchanan)

Present Zoning R-2 Requested Zoning: C-O Acreage: .24
Present Use of Property: VACANT lot

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	VACANT lot.	C-O
South	Empire Slab station.	? R-1
East	Houses & Business	R-1- And C-O C-1
West	RAILROAD tracks.	? R-1

CHARACTER OF THE NEIGHBORHOOD: The three large lots to the North have been rezoned to C-O and office buildings are planned

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
No this would make the last R-1 lot on west side C-O
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? If yes, explain:
Its better suited for C-O

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes - recent rezoning to similar districts have occurred north of these properties
2. Consistent with Future Land Use Map? Yes - No - but is consistent with recent rezoning north of these properties

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Connecticut.
2. Classification of Street(s):
   Arterial ✓ Collector _____ Local _____
3. Right-of-Way Width: 60
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   No

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? N/A
2. Properly Sized Street Right-of-Way? N/A
3. Drainage Easements? _____
4. Utility Easements:
   - Electricity? _____
   - Gas? _____
   - Sewers? _____
   - Water? _____
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:
This is a smaller lot surrounded by multiple commercial lots.

SIGNATURE: [signature] DATE: 12-1-11
BY: John A. Yagla
TITLE: Owner / Applicant.

(Note: By signing this application you are signifying that you are either the legal owner of the subject property or are a legal representative of the owner or owners of the subject property.)

[signature]
FRANK BUCHANAN II
BUCHANAN INVESTMENTS, LLC



0 112.5 225 450 675 900 Feet

Case 003-12: A request to rezone from District R-2 (Two-Family Residential) to District C-O (Commercial Non-Retail) for the development of commercial offices at the area generally described as 2328 South Connecticut Avenue - John A. Yaple and Buchanan Investments, LLC

N

Case 003-12: 2328 South Connecticut Avenue – A request to rezone from District R-2 (Two Family Residential) to District C-O (Non-Retail Commercial) for future commercial development – John A. Yaple.

Mr. Anderson opened the public hearing for Case 003-12.

Mr. John Yaple, 3401 North Range Line Road, Joplin, appeared to request the rezoning of property located at 2328 South Connecticut Avenue. He believes that this is the last piece of residential property on the west side of Connecticut between 20th Street and the railroad viaduct. He explained that the properties to the north are zoned C-0, with Empire District's electric substation existing to the south.

Mr. Eastman asked Mr. Yaple if there are two separate owners, and he replied that is correct. He explained that all the property has the same address, but that there are two separate parcels. His lot has the frontage along Connecticut Avenue, but Mr. Buchanan's property is a flag-shaped parcel to the rear that extends back almost to the railroad track.

Mr. Eastman thought Mr. Yaple's property is currently under contract for sale and asked if Mr. Buchanan's property is also under contract for sale. Mr. Yaple replied that is correct.

Mr. Frank Buchanan, 7260 County Lane 208, Joplin, appeared and explained that he is owner of the rear portion of the property in this request.

Mr. Anderson asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 003-12.

MR. LANDRITH MOVED, SECONDED BY MR. EASTMAN, THAT CASE 003-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. ANDERSON, MR. EASTMAN, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 003-12
John A. Yaple
(P & Z Recommended Approval)

COUNCIL BILL NO. 2012-253 **ORDINANCE NO.**

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-2 and including in District C-0 property as described below and located at 2328 South Connecticut Avenue in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District R-2 and including same in District C-0:

All of the following described tract, all that part of Lot Numbered Ninety (90) in Southmorland Acres, an addition to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, described as follows: Beginning 644.85 feet South of the Northeast Corner of Lot 90, thence West 319.00 feet, thence South 100.00 feet, thence East 319.00 feet, thence North 100.00 feet to the point of beginning except the west 200 feet thereof, and except the south 13.2 feet of the east 119.0 feet thereof, and Tract 1: All of the West 200.00 feet of the following described tract: All of that part of Lot Numbered Ninety (90) in Southmorland Acres, an Addition to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, described as follows: Beginning 644.85 feet South of the Northeast corner of Lot 90, thence West 319.00 feet, thence South 100.00 feet, thence East 319.00 feet, thence North 100.00 feet to the point of beginning. Tract 2: All that part of Lot Numbered Ninety (90) in Southmorland Acres, an Addition to the City of Joplin, Jasper County, Missouri being more particularly described as follows: Beginning 731.65 feet South of the Northeast corner of said Lot 90, thence South 13.2 feet, thence West 119.0 feet, thence North 13.2 feet, thence East 119.0 feet to the point of beginning.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: February 6, 2012

Item: COUNCIL BILL NO. 2012-254
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg — Date: 1/27/2012
City Attorney: Brian Head — Date: 1-31-12
City Manager: R. Mark Rohr — Date: 1-31-12
Board or Commission: Planning and Zoning Commission — Date: 1/9/2012

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 004-12: Northwest Corner of 6th Street and Grand Avenue – A request to rezone from District M-1 (Restricted Industrial) to District C-3 (Commercial) for future commercial development - Watered Gardens.

STAFF SUMMARY:
The applicant has requested the rezoning to C-3 (Commercial District) since this parcel was sold by the City of Joplin and was inadvertently listed as being in a C-3 district. Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. James Whitford appeared representing Watered Gardens Gospel Rescue Mission. They purchased three lots from the City of Joplin during 2007 that were listed as commercial lots on the bid form. He recently learned that they were actually industrially zoned, so he is requesting the zoning change since the surrounding properties are zoned commercial.

Mr. Smith asked Mr. Whitford about any future use for this property, and he has no specific use planned at this time.

PUBLIC COMMENT:
None.

Z&P Meeting: January 9, 2012
City Council Meeting: February 6, 2012

STAFF PLANNING REPORT

CASE 004-12:

Petition the Council to rezone from District M-1 (Restricted Industrial District) to District C-3 (Commercial District).

APPLICANT:

Watered Gardens

LOCATION:

Northwest corner of 6th Street and Grand Avenue

PRESENT ZONING:

M-1 (Restricted Industrial District)

REQUESTED ZONING:

C-3 (Commercial District)

EXISTING CONDITIONS:

PROPERTY SIZE

Approximately 120' X 150' (18,000 square feet or 0.4 acre)

FLOOD PLAIN

Zone X

SITE	LAND USE	EXISTING ZONING
NORTH	City Records Building	M-1
SOUTH	Commercial Business	M-2
EAST	Commercial Business & Vacant Lot	M-2
WEST	Watered Gardens & Parking Lot	C-3 & C-1

TRAFFIC CONDITIONS:

STREET(S) WITH ACCESS TO PROPERTY

Grand Avenue

CLASSIFICATION OF STREET(S)

Grand Avenue – Local

RIGHT-OF-WAY WIDTH

Grand Avenue – 60 feet

WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?

No.

UTILITIES:

The property has all utility connections

CONSISTENT WITH FUTURE LAND USE MAP?

Yes.

STAFF ANALYSIS:

CONSISTENT WITH FUTURE LAND USE MAP?

Yes.

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

This property is suited for commercial development and indicated in the Future Land Use Map.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The zoning change should not detrimentally affect nearby properties as this area is a mix of commercial and industrial zoning.

DISCUSSION

The applicant has requested the rezoning to C-3 (Commercial District) since this parcel was sold by the City of Joplin and was inadvertently listed as being in a C-3 district. Staff recommends approval.

REZONING APPLICATION FORM

RECEIVED 12-2-11

Return Form to:
Planning / Community Development Specialist.
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

Case No.: 004-12
Filing Fee: $ 350.00
Date Advertised: 12-25-11
Date Notices Sent: 12-29-11
Public Hearing Date: 1-9-12

APPLICANT: WATERED GARDENS PHONE: 417 623 6030
ADDRESS: 531 Kentucky Ave Joplin ZIP: 64801
OWNER: JAMES Whitford PHONE: 417 392-0122
ADDRESS: 1205 W. Daugherty Webb City ZIP: 64870
LOCATION OF PROPERTY: Immediately South of City Records, 509 Grand
LEGAL DESCRIPTION: "All of lots 235, 236, 237 in Porter's Addition to Murphysburg, now in the City of Joplin, Jasper Co., containing 18,000 sq. ft more or less."

Present Zoning M-1 Requested Zoning: C3 Acreage: 0.4
Present Use of Property: None

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	City Records Storage	M1
South	Beauty Salon/Salon School	M2
East	Warehouse	M2
West	Parking & Rescue mission	C1, C3

CHARACTER OF THE NEIGHBORHOOD:

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   No
2. Are there substantial reasons why the property cannot be used in accord with existing zoning?
   If yes, explain: It was sold to ~~us~~ us by the City as C-zoned.

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? Yes

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: ~~Rex~~ Grand Ave.
2. Classification of Street(s):
   Arterial _____ Collector _____ Local X
3. Right-of-Way Width: 60'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   N/A

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? N/A
2. Properly Sized Street Right-of-Way? _____
3. Drainage Easements? _____
4. Utility Easements:
   - Electricity? _____
   - Gas? _____
   - Sewers? _____
   - Water? _____
5. Additional Comments: There is no specific planned use at this time. As it was sold and listed on the City's bid form as C-zone, we feel it should be changed to C-zone.

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: _____ DATE: 11/29/11

BY: James Whitford

TITLE: Executive Director



Case 004-12: A request to rezone from District M-1 (Restricted Industrial District) to District C-3 (Commercial District) at the area generally described as the northwest corner of 6th Street and Grand Avenue - Watered Gardens

N

Case 004-12: Northwest Corner of Sixth Street and Grand Avenue – A request to rezone from District M-1 (Restricted Industrial) to District C-3 (Commercial) for future commercial development - Watered Gardens.

Mr. Anderson opened the public hearing for Case 004-12.

Mr. James Whitford, 1205 West Daugherty Street, Webb City, Missouri, appeared representing Watered Gardens Gospel Rescue Mission. They purchased three lots from the City of Joplin during 2007 that were listed as commercial lots on the bid form. He recently learned that they were actually industrially zoned, so he is requesting the zoning change since the surrounding properties are zoned commercial.

Mr. Smith asked Mr. Whitford about any future use for this property, and he has no specific use planned at this time.

Mr. Anderson asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 004-12.

MR. HARRINGTON MOVED, SECONDED BY MR. McCLURE, THAT CASE 004-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. ANDERSON, MR. EASTMAN, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 004-12
Watered Gardens
(P & Z Recommended Approval)

COUNCIL BILL NO. 2012-254 **ORDINANCE NO.**

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District M-1 and including in District C-3 property as described below and located at the northwest corner of Sixth Street and Grand Avenue in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District M-1 and including same in District C-3:

All of Lots Numbered Two-Hundred Thirty five (235), Two-Hundred Thirty six (236), and Two-Hundred Thirty seven (237) in Porters Addition to Murphysburg, now in the City of Joplin, Jasper County, Missouri.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: February 6, 2012

Item: COUNCIL BILL NO. 2012-255
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg Date: 1/27/2012
City Attorney: Brian Head Date: 1-31-12
City Manager: R. Mark Rohr Date: 1-31-12
Board or Commission: Planning and Zoning Commission Date: 1/9/2012

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 005-12: 2612 and 2614 South Virginia Avenue – A request to rezone from District R-1 (Single Family Residential) to District C-3 (Commercial) for future commercial development – Charles Kuehn.

STAFF SUMMARY:
In response to the May 22, 2011 tornado, the Citizens Advisory Recovery Team (CART) recommended that land use changes to commercial zoning should be considered for one-block either direction of Main Street in order to encourage commercial development. Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Charles Kuehn appeared to request the rezoning of property at 2612 and 2614 Virginia Avenue and explained that he currently owns the adjoining property along Main Street that is zoned C-3. He explained that a building will be constructed on the property facing Main Street, with the property along Virginia being used for parking.

Mr. Eastman asked Mr. Kuehn if the property in this request would contain a parking lot, and he replied that is correct.

Mr. Eastman asked Mr. Kuehn if the alley between Main Street and Virginia Avenue would remain open, and he replied that it would remain open. His building will sit six feet west from the alley to allow for seven parking spaces off Main Street in front of the building, with 48 parking spaces between Virginia Avenue and the alley.

Mr. Eastman asked Mr. Bolander if the Comprehensive Plan shows commercial development for one block on each side of Main Street. He replied not at the moment, but that is a recommendation from the Citizen Advisory Recovery Team (CART) process. He mentioned discussion during the last several years regarding the extension of the Main Street commercial district east one block to Virginia Avenue.

Mr. Bolander explained that the requirements for off-street parking, stormwater detention, and landscaping cannot be developed on the lots on Main Street that were originally platted for homes.

Mr. Smith asked if Mr. Kuehn must rezone the property even if it will only be used for parking. Mr. Bolander replied that it doesn't necessarily have to be rezoned. The owner can apply for a Special Use Permit that will limit the use strictly to parking. If more properties along Virginia Avenue are rezoned commercially, some developers may need that property to build on.

Mr. Bolander explained that a Special Use Permit may be requested for parking in this case, but the zoning code also states that the parking area must be zoned the same as the main use, which is C-3 in this case.

Mr. Kuehn asked if a Special Use Permit will require the owner to appear before this commission every five years to reapply, and Mr. Bolander replied not for a parking lot.

Mr. Harrington asked Mr. Bolander if this use requires landscape separation between the residential properties on either side. He replied that buffering and landscaping are required, unless the properties on either side are rezoned to commercial.

Mr. Eastman asked Mr. Kuehn if he is agreeable with the buffering and landscaping requirements on both sides, and he replied that he is. He plans a 9,000 square foot two-story masonry building, with the back elevation to look like the front elevation.

PUBLIC COMMENT:
Mr. Mike Carney, 208 South Maize Road, Wichita, Kansas, appeared in favor of this particular proposal since he represents Larry Fugate, the owner of three pieces along Virginia Avenue that are adjacent to the property in this request. He has submitted a rezoning application for commercial zoning for those three lots.

Mr. Eastman asked which properties Mr. Fugate owns, and Mr. Carney replied 2602, 2604, and 2610 South Virginia Avenue, directly behind Taco Bell.

Z&P Meeting: January 9, 2012
City Council Meeting: February 6, 2012

STAFF PLANNING REPORT

CASE 005-12:

Petition the Council to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial District) for future commercial use.

APPLICANT:

Charles Kuehn

LOCATION:

2612 and 2614 South Virginia Avenue

PRESENT ZONING:

R-1 (Single-Family Residential)

REQUESTED ZONING:

C-3 (Commercial District)

EXISTING CONDITIONS:

PROPERTY SIZE

Approximately 120' X 150' (18,000 square feet or 0.4 acre)

FLOOD PLAIN

Zone X

SITE	LAND USE	EXISTING ZONING
NORTH	Single-Family Residential	R-1
SOUTH	Single-Family Residential	R-1
EAST	Single-Family Residential	R-1
WEST	Commercial Business	C-3

TRAFFIC CONDITIONS:

STREET(S) WITH ACCESS TO PROPERTY

Virginia Avenue

CLASSIFICATION OF STREET(S)

Virginia Avenue – Local

RIGHT-OF-WAY WIDTH

Virginia Avenue – 60 feet

WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?

No.

UTILITIES:

The property has all utility connections

CONSISTENT WITH FUTURE LAND USE MAP?

No. However, this request is consistent with previous rezonings that have occurred north of this property.

STAFF ANALYSIS:

CONSISTENT WITH FUTURE LAND USE MAP?

No. However, this request is consistent with the recommendations for land use changes presented by the Citizens Advisory Recovery Team (CART).

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes. This request is consistent with the land use principles and development policies of the Comprehensive Plan and by the CART.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

This property is suited for commercial development due to the distance from Main Street.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The zoning change should not detrimentally affect nearby properties due to proximity to other commercially zoned property along Main Street.

DISCUSSION

In response to the May 22, 2011 tornado, the CART recommended that land use changes to commercial zoning should be considered for one-block either direction of Main Street in order to encourage commercial development. Staff recommends approval.

RECEIVED
12-2-11

CITY OF JOPLIN, MISSOURI
REZONING APPLICATION FORM

For Office Use Only
Case No.: 025-12
Filing Fee:
Date Advertised: 12-25-11
Date Notices Sent 12-29-11
Public Hearing Date: 1-9-12

Return Form to:
Planning / Community Development Specialist
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

APPLICANT: Charles Kuehn PHONE: 417-825-3901
ADDRESS: 600 McConnell Joplin, MO. ZIP: 64801
OWNER: Iftinar Ali PHONE: 417-622-9149
ADDRESS: 3715 Red Fox Run ZIP: 64804
LOCATION OF PROPERTY: 26th & Main
LEGAL DESCRIPTION: (See Attached pages)

Present Zoning R1 Requested Zoning: C-3 Acreage: .42 acres
Present Use of Property: None

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Residential	R-1
South	Residential	R-1
East	Residential	R-1
West	Commercial	C-3

CHARACTER OF THE NEIGHBORHOOD: Commercial

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   No
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? If yes, explain:

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? ~~Yes~~ No: This rezoning is consistent with the pattern and development pattern of the City

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Main Street, 26th, 27th, & Virginia Avenue
2. Classification of Street(s):
   Arterial for property area Collector _____ Local X
3. Right-of-Way Width: _____
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   No

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? NO
2. Properly Sized Street Right-of-Way? NO
3. Drainage Easements? NO
4. Utility Easements:
   - Electricity? _____
   - Gas? _____
   - Sewers? _____
   - Water? _____
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: [signature] DATE: 12-22-11
BY: Charles Rueker
TITLE: Owner Rep

(Note: By signing this application you are signifying that you are either the legal owner of the subject property or are a legal representative of the owner or owners of the subject property.)



0 112.5 225 450 675 900 Feet

Case 005-12: A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial Districtl) for commercial development at the area generally described as 2612 and 2614 South Virginia Avenue - Charles Kuehn

N

Case 005-12: 2612 and 2614 South Virginia Avenue – A request to rezone from District R-1 (Single Family Residential) to District C-3 (Commercial) for future commercial development – Charles Kuehn.

Mr. Anderson opened the public hearing for Case 005-12.

Mr. Charles Kuehn, 620 McConnell Avenue, Joplin, appeared to request the rezoning of property at 2612 and 2614 Virginia Avenue and explained that he currently owns the adjoining property along Main Street that is zoned C-3. He explained that a building will be constructed on the property facing Main Street, with the property along Virginia being used for parking.

Mr. Eastman asked Mr. Kuehn if the property in this request would contain a parking lot, and he replied that is correct.

Mr. Eastman asked Mr. Kuehn if the alley between Main Street and Virginia Avenue would remain open, and he replied that it would remain open. His building will sit six feet west from the alley to allow for seven parking spaces off Main Street in front of the building, with 48 parking spaces between Virginia Avenue and the alley.

Mr. Eastman asked Mr. Bolander if the Comprehensive Plan shows commercial development for one block on each side of Main Street. He replied not at the moment, but that is a recommendation from the Citizen Advisory Recovery Team (CART) process. He mentioned discussion during the last several years regarding the extension of the Main Street commercial district east one block to Virginia Avenue.

Mr. Bolander explained that the requirements for off-street parking, stormwater detention, and landscaping cannot be developed on the lots on Main Street that were originally platted for homes.

Mr. Smith asked if Mr. Kuehn must rezone the property even if it will only be used for parking. Mr. Bolander replied that it doesn't necessarily have to be rezoned. The owner can apply for a Special Use Permit that will limit the use strictly to parking. If more properties along Virginia Avenue are rezoned commercially, some developers may need that property to build on.

Mr. Bolander explained that a Special Use Permit may be requested for parking in this case, but the zoning code also states that the parking area must be zoned the same as the main use, which is C-3 in this case.

Mr. Kuehn asked if a Special Use Permit will require the owner to appear before this commission every five years to reapply, and Mr. Bolander replied not for a parking lot.

Mr. Harrington asked Mr. Bolander if this use requires landscape separation between the residential properties on either side. He replied that buffering and landscaping are required, unless the properties on either side are rezoned to commercial.

Mr. Eastman asked Mr. Kuehn if he is agreeable with the buffering and landscaping requirements on both sides, and he replied that he is. He plans a 9,000 square foot two-story masonry building, with the back elevation to look like the front elevation.

Mr. Anderson asked for comments from the audience.

Mr. Mike Carney, 208 South Maize Road, Wichita, Kansas, appeared in favor of this particular proposal since he represents Larry Fugate, the owner of three pieces along Virginia Avenue that are adjacent to the property in this request. He has submitted a rezoning application for commercial zoning for those three lots.

Mr. Eastman asked which properties Mr. Fugate owns, and Mr. Carney replied 2602, 2604, and 2610 South Virginia Avenue, directly behind Taco Bell.

Mr. Anderson asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 005-12.

MR. McCLURE MOVED, SECONDED BY MR. SMITH, THAT CASE 005-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. ANDERSON, MR. EASTMAN, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 005-12
Charles Kuehn
(P & Z Recommended Approval)

COUNCIL BILL NO. 2012-255 **ORDINANCE NO.**

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located at 2612 and 2614 South Virginia Avenue in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District R-1 and including same in District C-3:

All of Lots Numbered Four (4), Five (5), and Six (6) in Thompson's Addition to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: February 6, 2012

Item: COUNCIL BILL NO. 2012-256
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg — Date: 1/27/2012
City Attorney: Brian Head — Date: 1-31-12
City Manager: R. Mark Rohr — Date: 1-31-12
Board or Commission: Planning and Zoning Commission — Date: 1/9/2012

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 006-12: 1602 South Range Line Road, 2918 East 16th Street, and 2920 East 16th Street – A request to rezone from District C-O (Non-Retail District) and District R-1 (Single-Family Residential) to District C-3 (Commercial) for future development – Charlie Kuehn.

STAFF SUMMARY:
This property is suited for commercial development as indicated in the Future Land Use Map. The zoning change should not detrimentally affect nearby properties as this area is near Range Line Road. Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Charles Kuehn appeared to request the rezoning of the properties in Case 006-12 for future commercial development. He has purchased these properties, with the property located on Range Line Road being zoned C-0 at this time. He would like to rezone all three lots to District C-3.

Mr. Landrith has worked with Mr. Kuehn on several projects during his tenure on the City Council and can rely on his word, but he expressed concern about receiving rezoning requests for future commercial development, with no specific uses being planned at the time.

Mr. Landrith discussed the rezoning of properties to planned districts, and Mr. Kuehn expressed concern that the planned districts delay construction projects three months. He expressed concern about returning to this commission and the City Council for review of development plans. He explained that time is of the essence on some commercial structures.

Mr. Eastman asked Mr. Kuehn if a larger building is being planned, or basically what existed there before. He does not have any prospective tenants at this time, as he cannot really design

something until he knows if the property will be zoned commercial. He has not visited with any tenants or prospects at this time.

Mr. Eastman asked Mr. Bolander if the Comprehensive Plan recommends commercial zoning back to Highview Avenue. He replied that is correct, in that the Future Land Use Map and the Comprehensive Plan recommend a commercial designation back to Highview with a buffer along the east side of Highview to protect the residents to the west.

Mr. Anderson asked if the alley has actually been vacated, and Mr. Bolander replied that no request has been submitted for the alley vacation. The alley will remain, with the current utilities being located there.

PUBLIC COMMENT:
Mr. Edward Sherman, 6726 South Knoxville, Tulsa, Oklahoma, appeared representing Ludmeyer Investments, Incorporated, who own property at 1630 South Range Line Road. This property lies immediately south across the alley from the property in this request.

Mr. Sherman explained that 1630 South Range Line is the location of U. S. Cellular, and he has filed for a construction permit to rebuild the U. S. Cellular building on that site. He expressed concern about what will happen to the alley that extends from Range Line west to the building immediately west of his property. Ludmeyer Investments uses that alley as access for their parking and will have difficulty meeting the zoning requirements for the number of parking spaces that they need for their building.

Mr. Sherman expressed concern about what happens with the property in this request so any development does not encumber or encroach upon the alley, and that it remains a dedicated alley. The alley stops at the western boundary of the property in question, and in order to open that alley all the way to Highview Avenue, significant amounts of utilities would have to be removed.

Mrs. Betty Corbin, 2902 East 16th Street, Joplin, appeared in favor of the request and explained that the alley was always like a race track from Range Line Road, which is why the alley was blocked off at the Range Line entry. She explained that the property in this request looks like commercial land and is no longer a residential neighborhood. She discussed the heavy traffic down Highview Avenue during the last several years. Her house was completely destroyed in the tornado.

Mr. Joe Landrith, 2914 East 16th Street, Joplin, appeared in opposition to the request and expressed concern about the type of business that may come onto the property. He expressed concern about a restaurant and asked about a wall separating the commercial side from the residential side. He explained that the alley was blocked off to keep the trucks from coming down the alley and creating dust, with 10 to 12 trucks coming down the alley daily. He did not suggest rezoning the property to commercial until the applicant actually has some development plans for the property.

Z&P Meeting: January 9, 2012
City Council Meeting: February 6, 2012

STAFF PLANNING REPORT

CASE 006-12:

Petition the Council to rezone from District C-0 (Non-Retail District) and District R-1 (Single-Family Residential) to District C-3 (Commercial District).

APPLICANT:

Charles Kuehn

LOCATION:

1602 South Range Line Road, 2918 and 2920 East 16th Street

PRESENT ZONING:

C-0 (Non-Retail District) and R-1 (Single-Family Residential)

REQUESTED ZONING:

C-3 (Commercial District)

EXISTING CONDITIONS:

PROPERTY SIZE

Approximately 285' X 150' (42,750 square feet or 0.98 acre)

FLOOD PLAIN

Zone X

SITE	LAND USE	EXISTING ZONING
NORTH	Dental Office & Single-Family Homes	C-0 & R-1
SOUTH	Commercial Building & Single-Family Homes	C-1 & R-1
EAST	Restaurants	M-2 & C-2PD
WEST	Single-Family Homes	R-1

TRAFFIC CONDITIONS:

STREET(S) WITH ACCESS TO PROPERTY

Range Line Road (Business 71) and 16th Street

CLASSIFICATION OF STREET(S)

Range Line Road (Business 71) – Principal Arterial
16th Street - Local

RIGHT-OF-WAY WIDTH

Range Line Road (Business 71) – 85 feet
16th Street – 60 feet

WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?

No.

UTILITIES:

The property has all utility connections

STAFF ANALYSIS:

CONSISTENT WITH FUTURE LAND USE MAP?

Yes.

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

This property is suited for commercial development as indicated in the Future Land Use Map.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The zoning change should not detrimentally affect nearby properties as this area is near Range Line Road.

DISCUSSION

Staff recommends approval.

CITY OF JOPLIN, MISSOURI
REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only
RECEIVED 12-2-11
Case No.: 006-12
Filing Fee:
Date Advertised: 12-25-11
Date Notices Sent 12-29-11
Public Hearing Date: 1-9-12

APPLICANT: Charlie Koehn PHONE: 417-825-3907
ADDRESS: 1620 McConnell Joplin, MO. ZIP: 64801
OWNER: Iftikhar Ali PHONE: 417-623-9149
ADDRESS: 3715 Red Fox Run ZIP:
LOCATION OF PROPERTY: 16th & Range line
LEGAL DESCRIPTION: (See Attached page)

Present Zoning CO, R1 Requested Zoning: C-3 Acreage: .89
Present Use of Property: Commercial

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Commercial	CO
South	Commercial	C-1
East	Commercial	M-2, CO-PD
West	Residential	R-1

CHARACTER OF THE NEIGHBORHOOD: Heavy commercial

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   NO
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? If yes, explain:

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? Yes

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Rangeline, 11th Street
2. Classification of Street(s):
   Arterial X Collector _____ Local X
3. Right-of-Way Width: 85' & 60'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   NO

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? NO
2. Properly Sized Street Right-of-Way? NO
3. Drainage Easements? NO
4. Utility Easements:
   - Electricity? _____
   - Gas? _____
   - Sewers? _____
   - Water? _____
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: [signature] DATE: 12-2-11
BY: Charles Rueker
TITLE: Owner Rep

(Note: By signing this application you are signifying that you are either the legal owner of the subject property or are a legal representative of the owner or owners of the subject property.)



0 135 270 540 810 1,080 Feet

Case 006-12: A request to rezone from District C-O (Non-Retail District) and District R-1 (Single-Family Residential) to District C-3 (Commercial District) at the area generally described as 1602 South Range Line Road, 2918 East 16th Street and 2920 East 16th Street - Charlie Kuehn

N

Case 006-12: 1602 South Range Line Road, 2918 East 16th Street, and 2920 East 16th Street – A request to rezone from District C-O (Non-Retail District) and District R-1 (Single-Family Residential) to District C-3 (Commercial) for future development – Charles Kuehn.

Mr. Anderson opened the public hearing for Case 006-12.

Mr. Charles Kuehn, 620 McConnell Avenue, Joplin, appeared to request the rezoning of the properties in Case 006-12 for future commercial development. He has purchased these properties, with the property located on Range Line Road being zoned C-0 at this time. He would like to rezone all three lots to District C-3.

Mr. Landrith has worked with Mr. Kuehn on several projects during his tenure on the City Council and can rely on his word, but he expressed concern about receiving rezoning requests for future commercial development, with no specific uses being planned at the time.

Mr. Landrith discussed the rezoning of properties to planned districts, and Mr. Kuehn expressed concern that the planned districts delay construction projects three months. He expressed concern about returning to this commission and the City Council for review of development plans. He explained that time is of the essence on some commercial structures.

Mr. Eastman asked Mr. Kuehn if a larger building is being planned, or basically what existed there before. He does not have any prospective tenants at this time, as he cannot really design something until he knows if the property will be zoned commercial. He has not visited with any tenants or prospects at this time.

Mr. Anderson asked for comments from the audience.

Mr. Edward Sherman, 6726 South Knoxville, Tulsa, Oklahoma, appeared representing Ludmeyer Investments, Incorporated, who own property at 1630 South Range Line Road. This property lies immediately south across the alley from the property in this request.

Mr. Sherman explained that 1630 South Range Line is the location of U. S. Cellular, and he has filed for a construction permit to rebuild the U. S. Cellular building on that site. He expressed concern about what will happen to the alley that extends from Range Line west to the building immediately west of his property. He stated that Ludmeyer Investments uses that alley as access for their parking and will have difficulty meeting the zoning requirements for the number of parking spaces that they need for their building.

Mr. Sherman expressed concern about what happens with the property in this request so any development does not encumber or encroach upon the alley, and that it remains a dedicated alley. The alley stops at the western boundary of the property in question, and in order to open that alley all the way to Highview Avenue, significant amounts of utilities would have to be removed.

Mrs. Betty Corbin, 2902 East 16th Street, Joplin, appeared in favor of the request and explained that the alley was always like a race track from Range Line Road, which is why the alley was blocked off at the Range Line entry. She explained that the property in this request looks like commercial land and is no longer a residential neighborhood. She discussed the heavy traffic

down Highview Avenue during the last several years. She stated that her house was completely destroyed in the tornado.

Mr. Eastman asked Mr. Bolander if the Comprehensive Plan recommends commercial zoning back to Highview Avenue. He replied that is correct, in that the Future Land Use Map and the Comprehensive Plan recommend a commercial designation back to Highview with a buffer along the east side of Highview to protect the residents to the west.

Mr. Joe Landrith, 2914 East 16th Street, Joplin, appeared in opposition to the request and expressed concern about the type of business that may come onto the property. He expressed concern about a restaurant and asked about a wall separating the commercial side from the residential side. He explained that the alley was blocked off to keep the trucks from coming down the alley and creating dust, with 10 to 12 trucks coming down the alley daily. He did not suggest rezoning the property to commercial until the applicant actually has some development plans for the property.

Mr. Anderson asked for additional comments, and none were received. He then closed the public hearing for Case 006-12.

Mr. Anderson asked if the alley has actually been vacated, and Mr. Bolander replied that no request has been submitted for the alley vacation. The alley will remain, with the current utilities being located there.

MR. HARRINGTON MOVED, SECONDED BY MR. McCLURE, THAT CASE 006-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. ANDERSON, MR. EASTMAN, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 006-12
Charles Kuehn
(P & Z Recommended Approval)

COUNCIL BILL NO. 2012-256 **ORDINANCE NO.**

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-0 and District R-1 and including in District C-3 property as described below and located at 1602 South Range Line Road, 2918 East 16th Street, and 2920 East 16th Street in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District R-1 and District C-0 and including same in District C-3:

All of Lot Numbered One Hundred Sixteen (116) and the West 5 feet of Lot Numbered One Hundred Fifteen (115) in Campbell's First Addition to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, and All of Lots Numbered One Hundred Thirteen (113), One Hundred Fourteen (114) and One Hundred Fifteen (115) except the West 5 feet of Lot Numbered One Hundred Fifteen (115) and except that portion of Lot Numbered One Hundred Thirteen (113) deeded for Highway right-of-way, All in Campbell's First Addition to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, and All of Lot Numbered One Hundred Seventeen (117) in Campbell's First Addition to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: February 6, 2012

Item: COUNCIL BILL NO. 2012-257
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg — Date: 1/27/2012
City Attorney: Brian Head — Date: 1-31-12
City Manager: R. Mark Rohr — Date: 1-31-12
Board or Commission: Planning and Zoning Commission — Date: 1/9/2012

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 007-12: Southeast Corner of 36th Street and Indiana – A request to rezone from District R-1 (Single-Family Residential) to District R-3 (Apartment House) for future development – Charles Kuehn.

STAFF SUMMARY:
This property is suited for apartment house development since it has access to a collector roadway and is consistent with nearby development patterns. The zoning change should not detrimentally affect nearby properties as this zoning is consistent with nearby development patterns. Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Charles Kuehn appeared to request the rezoning of property for the future construction of apartments. He explained that the Joplin Housing Authority owns the property to the north, with a manufactured home park being located to the south.

Mr. Smith asked about the land to the south, and Mr. Kuehn replied that it is a trailer home park.

PUBLIC COMMENT:
None.

Z&P Meeting: January 9, 2012
City Council Meeting: February 6, 2012

STAFF PLANNING REPORT

CASE 007-12:

Petition the Council to rezone from District R-1 (Single-Family Residential) to District R-3 (Apartment House District).

APPLICANT:

Charles Kuehn

LOCATION:

Southeast corner of 36th Street and Indiana Avenue.

PRESENT ZONING:

R-1 (Single-Family Residential)

REQUESTED ZONING:

R-3 (Apartment House District)

EXISTING CONDITIONS:

PROPERTY SIZE

Approximately 330' X 425' (140,250 square feet or 3.2 acres)

FLOOD PLAIN

Zone X

SITE	LAND USE	EXISTING ZONING
NORTH	Apartments	R-3
SOUTH	Single-Family Homes & Manufactured Homes	Dennis Acres
EAST	Undeveloped	R-1
WEST	Hospital & Parking Lot	C-O

TRAFFIC CONDITIONS:

STREET(S) WITH ACCESS TO PROPERTY
Indiana Avenue and 36th Street

CLASSIFICATION OF STREET(S)

Indiana Avenue – Collector
36th Street - Local

RIGHT-OF-WAY WIDTH

Indiana Avenue – 60 feet
36th Street – 40 feet

WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?

No.

UTILITIES:

The property has access to all utility connections

CONSISTENT WITH FUTURE LAND USE MAP?

No. However, the rezoning request is consistent with nearby zoning districts and with access to a collector street.

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes. Apartment house development is consistent with nearby zoning.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

This property is suited for apartment house development since it has access to a collector roadway and is consistent nearby development patterns.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The zoning change should not detrimentally affect nearby properties as this zoning is consistent with nearby development patterns.

DISCUSSION

Staff recommends approval.

RECEIVED 12-2-11

CITY OF JOPLIN, MISSOURI
REZONING APPLICATION FORM

For Office Use Only
Case No.: 007-12
Filing Fee:
Date Advertised: 12-25-11
Date Notices Sent 12-29-11
Public Hearing Date: 1-9-11

Return Form to:
Planning / Community Development Specialist
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

APPLICANT: Charles Kuehn PHONE: 417-865-3901
ADDRESS: 630 McDonnell Joplin, MO. ZIP: 64801
OWNER: Nadine Farrar, Kelly Farrar PHONE: 417-437-6382
ADDRESS: 3601 Indiana ZIP: 64804
LOCATION OF PROPERTY: 36th & Indiana
LEGAL DESCRIPTION: Dennis Acres, lots 30 & 31, except South end 40'

Present Zoning R1 Requested Zoning: R-3 Acreage:
Present Use of Property: Single Family

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Joplin Housing Authority	R-3
South	Trailer Park	Not in City
East	Single Family	R-1
West	Hospital	CD

CHARACTER OF THE NEIGHBORHOOD: Hospital & Multi-Family

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   ND
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? If yes, explain:

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? YES
2. Consistent with Future Land Use Map? ___, No - However, this proposed Zoning is consistent with property north of 36th St.

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Indiana Avenue & 30th Street
2. Classification of Street(s):
   Arterial _____ Collector X Local X
3. Right-of-Way Width: 60' & 50'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   NO

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? NO
2. Properly Sized Street Right-of-Way? NO
3. Drainage Easements? NO
4. Utility Easements:
   - Electricity?
   - Gas?
   - Sewers?
   - Water?
5. Additional Comments:

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: [signature] DATE: 12-2-11
BY: Charles Ruehn
TITLE: Owner Rep

(Note: By signing this application you are signifying that you are either the legal owner of the subject property or are a legal representative of the owner or owners of the subject property.)



Case 007-12: A request to rezone from District R-1 (Single-Family Residential) to District R-3 (Apartment House District) for future apartments at the area generally described as the southeast corner of 36th Street and Indiana Avenue - Charlie Kuehn

N

Case 007-12: Southeast Corner of 36th Street and Indiana – A request to rezone from District R-1 (Single-Family Residential) to District R-3 (Apartment House) for future development – Charles Kuehn.

Mr. Anderson opened the public hearing for Case 007-12.

Mr. Charles Kuehn, 620 McConnell Avenue, Joplin, appeared to request the rezoning of property for the future construction of apartments. He explained that the Joplin Housing Authority owns the property to the north, with a manufactured home park being located to the south.

Mr. Smith asked about the land to the south, and Mr. Kuehn replied that it is a trailer home park.

Mr. Anderson asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 007-12.

MR. McCLURE MOVED, SECONDED BY MR. HARRINGTON, THAT CASE 007-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. ANDERSON, MR. EASTMAN, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 007-12
Charles Kuehn
(P & Z Recommended Approval)

COUNCIL BILL NO. 2012-257 **ORDINANCE NO.**

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District R-3 property as described below and located at the southeast corner of 36th Street and Indiana Avenue in the City of Joplin, Newton County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District R-1 and including same in District R-3:

All of Lots Thirty (30) and Thirty-one (31) except the south Forty (40) feet of Dennis Acres Subdivision to the City of Joplin, Newton County, Missouri.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: February 6, 2012

Item: COUNCIL BILL NO. 2012-258
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg — Date: 1/27/2012
City Attorney: Brian Head — Date: 1-31-12
City Manager: R. Mark Rohr — Date: 1-31-12
Board or Commission: Planning and Zoning Commission — Date: 1/9/2012

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "6 in favor, 1 abstention, and 0 absent"

SUMMARY/REQUEST:
Case 008-12: 2515 and 2519 South Connor Avenue – A request to rezone from District R-1 (Single Family Residential) to District R-2 (Two-Family Residential) for future development – David and Betty McCartney.

STAFF SUMMARY:
Prior to the May 22, 2011 tornado, there were two single-family homes on this property. The zoning change should not detrimentally affect nearby properties as this zoning is consistent with nearby development patterns.

Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Eastman wished to abstain from the discussion and vote on Case 008-12, as Mr. McCartney is a colleague of his.

Mr. David McCartney appeared and distributed a report to the commissioners for their review. His report begins with a color front elevation of the proposed duplex. He stated that the property at 2515 and 2519 South Connor contained two single-family residences on two 50-foot lots prior to the tornado. He proposes the construction of a 2,000 square foot duplex, with each unit containing two bedrooms and two baths with a detached garage behind the duplex.

Mr. McCartney explained that the third page of his report suggests that one of the issues with rezoning from District R-1 to District R-2 is population density. The density would not actually change since the duplex would be constructed across the middle of those two lots.

Mr. McCartney mentioned a precedent in that neighborhood since he previously owned a duplex that existed on R-1 zoning across Connor Avenue. His report also indicates that some residents who plan to rebuild their houses in this area suggested that they are in favor of his request to construct a duplex.

Mr. Smith asked Mr. Bolander if some of the commercial property owners are building back on Jackson Avenue, and he replied that is correct.

Mr. Smith mentioned a previous request for rezoning in this area, and Mr. McCartney replied that there is no alley in that block. He explained that a certified public accountant (CPA) is constructing a building further to the north and would not fall within the 185-foot radius surrounding the property in this request.

PUBLIC COMMENT:
None.

Z&P Meeting: January 9, 2012
City Council Meeting: February 6, 2012

STAFF PLANNING REPORT

CASE 008-12:

Petition the Council to rezone from District R-1 (Single-Family Residential) to District R-2 (Two-Family Residential).

APPLICANT:

David and Betty McCartney

LOCATION:

2515 and 2519 South Connor Avenue

PRESENT ZONING:

R-1 (Single-Family Residential)

REQUESTED ZONING:

R-2 (Two-Family Residential)

EXISTING CONDITIONS:

PROPERTY SIZE

Approximately 100' X 125' (12,500 square feet or 0.28 acre)

FLOOD PLAIN

Zone X

SITE	LAND USE	EXISTING ZONING
NORTH	Vacant Lot	R-1
SOUTH	Single-Family Home	R-1
EAST	Medical Office	C-O
WEST	Single-Family Homes	R-1

TRAFFIC CONDITIONS:

STREET(S) WITH ACCESS TO PROPERTY

Connor Avenue

CLASSIFICATION OF STREET(S)

Connor Avenue - Local

RIGHT-OF-WAY WIDTH

Connor Avenue – 60 feet

WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?

No.

UTILITIES:

The property has access to all utility connections

CONSISTENT WITH FUTURE LAND USE MAP?

No. However, the rezoning request is consistent with nearby pre-existing use. Prior to the May 22, 2011 tornado, there were two single-family homes on this property.

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes. Prior to the May 22, 2011 tornado, there were two single-family homes on this property. Two-Family Residential use will not change the usage density of the property.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

This property is suited for two-family residential use since previously there were two houses on the property.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The zoning change should not detrimentally affect nearby properties as this zoning is consistent with nearby development patterns.

DISCUSSION

Staff recommends approval.

RECEIVED
12-2-11

CITY OF JOPLIN, MISSOURI
REZONING APPLICATION FORM

For Office Use Only
Case No.: 008-12
Filing Fee:
Date Advertised: 12-25-11
Date Notices Sent 12-29-11
Public Hearing Date: 1-9-12

Return Form to:
Planning / Community Development Specialist
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

APPLICANT: David and Betty Mc Cartney PHONE: 417-437-0884
ADDRESS: 720 Glenview Place, Joplin ZIP: 64801
OWNER: David and Betty McCartney PHONE: 417-437-0884
ADDRESS: 720 Glenview Place, ZIP:
LOCATION OF PROPERTY: 2515 and 2519 South Connor
LEGAL DESCRIPTION: Sec: 15 Twp: 27 Rng: 33
Commercial Club Lots 21 and 22

Present Zoning R-1 Requested Zoning: R2 Acreage: .280
Present Use of Property: vacant lots

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	vacant lots	R-1
South	vacant lot (house)	R1
East	commercial (bldg destroyed)	C-0
West	vacant lots (houses)	R1

CHARACTER OF THE NEIGHBORHOOD: mixed residential and commercial; Commercial located primarily on Jackson and 26th Streets

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   no
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? If yes, explain:
   see attached

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? No - The FLU shows Low Density Residential however there were previously two units on this property prior to the tornado

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Connor
2. Classification of Street(s):
   Arterial_____ Collector_____ Local X
3. Right-of-Way Width: 55'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   no

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? no
2. Properly Sized Street Right-of-Way? no
3. Drainage Easements? no
4. Utility Easements:
   - Electricity? no
   - Gas? no
   - Sewers? no
   - Water? no
5. Additional Comments:

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: Betty McCartney, Louise Waite DATE: 12/2/11
BY:
TITLE: owners

(Note: By signing this application you are signifying that you are either the legal owner of the subject property or are a legal representative of the owner or owners of the subject property.)



0 110 220 440 660 880 Feet

Case 008-12: A request to rezone from District R-1 (Single-Family Residential) to District R-2 (Two-Family Residential) for future duplexes at the area generally described as 2515 and 2519 South Connor Avenue - David and Betty McCartney

N

Case 008-12: 2515 and 2519 South Connor Avenue – A request to rezone from District R-1 (Single Family Residential) to District R-2 (Two-Family Residential) for future development – David and Betty McCartney.

Mr. Eastman wished to abstain from the discussion and vote on Case 008-12, as Mr. McCartney is a colleague of his. He left the Council Chambers at this time.

Mr. Anderson opened the public hearing for Case 008-12.

Mr. David McCartney, 720 Glenview Place, Joplin, appeared and distributed a report to the commissioners for their review. His report begins with a color front elevation of the proposed duplex. He stated that the property at 2515 and 2519 South Connor contained two single-family residences on two 50-foot lots prior to the tornado. He proposes the construction of a 2,000 square foot duplex, with each unit containing two bedrooms and two baths with a detached garage behind the duplex.

Mr. McCartney explained that the third page of his report suggests that one of the issues with rezoning from District R-1 to District R-2 is population density. The density would not actually change since the duplex would be constructed across the middle of those two lots.

Mr. McCartney mentioned a precedent in that neighborhood since he previously owned a duplex that existed on R-1 zoning across Connor Avenue. His report also indicates that some residents who plan to rebuild their houses in this area suggested that they are in favor of his request to construct a duplex.

Mr. Smith asked Mr. Bolander if some of the commercial property owners are building back on Jackson Avenue, and he replied that is correct.

Mr. Smith mentioned a previous request for rezoning in this area, and Mr. McCartney replied that there is no alley in that block. He explained that a certified public accountant (CPA) is constructing a building further to the north and would not fall within the 185-foot radius surrounding the property in this request.

Mr. Anderson asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 008-12.

MR. LANDRITH MOVED, SECONDED BY MR. SMITH, THAT CASE 008-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. ANDERSON, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN ABSTAINING (6 IN FAVOR, 1 ABSTENTION, 0 ABSENT).

Mr. Eastman returned to the dais at this time.

P & Z Case 008-12
David and Betty McCartney
(P & Z Recommended Approval)

COUNCIL BILL NO. 2012-258 **ORDINANCE NO.**

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District R-2 property as described below and located at 2515 and 2519 South Connor Avenue in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District R-1 and including same in District R-2:

All of Lots Twenty-one (21) and Twenty-two (22) in Commercial Club Addition to the City of Joplin, Jasper County, Missouri.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: February 6, 2012

Item: COUNCIL BILL NO. 2012-259
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg — Date: 1/27/2012
City Attorney: Brian Head — Date: 1-31-12
City Manager: R. Mark Rohr — Date: 1-31-12
Board or Commission: Planning and Zoning Commission — Date: 1/9/2012

Recommended Action: Planning and Zoning Commission recommended rezoning to District C-0-PD by a vote of "5 in favor, 2 opposed, and 0 absent"

SUMMARY/REQUEST:
Case 009-12: 2019 South Highview Avenue – A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial) for future commercial development – Norma Hammer.

STAFF SUMMARY:
This property is suited for C-3 (Commercial District) as indicated in the Future Land Use Map. The zoning change should not detrimentally affect nearby properties as this zoning is consistent with nearby development patterns and is part of a series of similar rezoning requests along the east side of Highview Avenue.

Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Tom Noland appeared representing Mrs. Hammer. He explained that Mrs. Hammer is an elderly lady who is no longer residing in Joplin. Her home was destroyed in the tornado. She, along with two of her neighbors to the south, would like to have their lots, which have now been cleared, to be rezoned for future commercial development. They have no plans or contracts to sell at this time, but they would like to have the property rezoned so if an opportunity arises to sell the vacant properties for a commercial use, they would be ready to develop.

Mr. Landrith explained that two nice homes have been constructed along the west side of Highview Avenue, and he expressed concern about rezoning the properties on the east side of Highview to District C-3. He would be in favor of C-0 or C-0-PD zoning rather than C-3 zoning because of the uncertainty of what would be constructed there, plus the fact that residential construction is taking place across the street.

Mr. Noland explained that a fifth lot sits between the two lots on the south and the two lots on the north. The lots to the north include Mrs. Hammer's lot and his brother's property. The owner of the fifth lot, Mrs. Junkins, recently passed away, with her son also intending to seek a zoning change. The next two lots to the south are owned by Allen Hall and Brandi Rogers. Mr. Noland explained that no rebuilding has taken place along the east side of Highview Avenue to date.

Mr. McClure asked Mr. Noland if he would object to changing the zoning to a planned district such as C-3-PD. His preference would be the C-3 zoning.

Mr. Eastman explained that the planned district requires the review of development plans when something actually takes place on the property.

Mr. Eastman asked about the master plan, and Mr. Bolander replied that the Future Land Use Map does recommend a commercial designation. He explained that most of the properties along Highview Avenue contained homes prior to the tornado, but most of them are not being rebuilt because of the existing commercial district along Range Line Road. The question is how to best develop that commercially since the Future Land Use Map recommends that, and still protect the homes on the west side of Highview.

Mr. Landrith expressed concern about rezoning from District R-1 to District C-3 and would like to offer an amendment.

PUBLIC COMMENT:
Mr. Allen Hall, 1820 West 21st Terrace, Joplin, appeared representing Brandi Rogers and explained that Highview Avenue is being used a through street and an alternative to Range Line Road. He stated that several commercial properties exist along Highview south of 22nd Street, including the Great Plans Credit Union, Lowe's, and other businesses.

Mr. Don Wills, 2104 South Highview Avenue, Joplin, appeared in opposition and explained that he is building one of the houses on the west side of Highview. He expressed concern about decreased residential property values. He explained that one lady has started rebuilding at the northeast corner of 22nd Street and Highview Avenue. His home is almost to the completion stage, and he did not want to see parking lots or anything commercial from his front door. He explained that this is a residential area that is safe for children.

Ms. Laura Pina, 2020 South Highview Avenue, Joplin, appeared in opposition and is planning on rebuilding on her property. She is opposed to commercial rezoning along east side of Highview for the safety of her children. She wishes to rebuild since it was a nice neighborhood and the first time she was able to be a homeowner. She seeks stability for her children.

Mr. Allyn Burt, 2609 Waters Edge Boulevard, Joplin, appeared in opposition and explained that the Unity Church that was formerly on 20th Street expressed their interest in rebuilding or moving to a new location. He owns several pieces of property in this area and asked about C-0 zoning which would allow the church to expand into that area. He discussed the area along Highview Avenue north from 20th Street that contains a buffer between the commercial properties facing Range Line Road and the residential properties to the west.

Mr. Burt contacted Mrs. Hammer and other property owners along Highview Avenue for the church, and they were not interested in selling the property at that time. He thought light commercial zoning wouldn't harm any residential properties in the area, but any higher commercial district does affect the property values.

Mr. Charles Kent, 1513 Gold Stream Drive, Webb City, Missouri, formerly lived at 2023 Arizona Avenue. He asked what effect the commissioners' action on the east side of Highview Avenue would have on his lot on Arizona. He asked about the effect on Arizona if commercial zoning is allowed on Highview.

Z&P Meeting: January 9, 2012
City Council Meeting: February 6, 2012

STAFF PLANNING REPORT

CASE 009-12:

Petition the Council to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial District).

APPLICANT:

Norma Hammer

LOCATION:

2019 South Highview Avenue

PRESENT ZONING:

R-1 (Single-Family Residential)

REQUESTED ZONING:

C-3 (Commercial District)

EXISTING CONDITIONS:

PROPERTY SIZE

Approximately 310' X 175' (54,250 square feet or 1.25 acres)

FLOOD PLAIN

Zone X and Zone AE

SITE	LAND USE	EXISTING ZONING
NORTH	Church	R-1
SOUTH	Single-Family Home	R-1
EAST	Office and Restaurant	C-3PD
WEST	Single-Family Homes	R-1

TRAFFIC CONDITIONS:

STREET(S) WITH ACCESS TO PROPERTY

Highview Avenue

CLASSIFICATION OF STREET(S)

Highview - Local

RIGHT-OF-WAY WIDTH

Highview Avenue – 60 feet

WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?

No.

UTILITIES:

The property has access to all utility connections

CONSISTENT WITH FUTURE LAND USE MAP?

Yes

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

This property is suited for C-3 (Commercial District) as indicated in the Future Land Use Map.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The zoning change should not detrimentally affect nearby properties as this zoning is consistent with nearby development patterns and is part of a series of similar rezoning request along the east side of Highview Avenue.

DISCUSSION

Staff recommends approval.

CITY OF JOPLIN, MISSOURI
REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

RECEIVED 12-2-11

Case No.: 009-12
Filing Fee:
Date Advertised: 12-25-11
Date Notices Sent 12-29-11
Public Hearing Date: 1-9-12

APPLICANT: Norma Hammer PHONE: 439-1077
ADDRESS: 629 Trumpet Circle, Hoover, Alabama ZIP: 35226
OWNER: Norma Hammer PHONE: Same
ADDRESS: Same ZIP:
LOCATION OF PROPERTY: 2019 Highview, Joplin, Missouri 64804
LEGAL DESCRIPTION: All of lot numbered 15 in Kindred's Subdivision to the City of Joplin, Jasper County, Missouri, also known as 2019 Highview.

Present Zoning: Residential R-1 Requested Zoning: Commercial C-3 Acreage: < one acre
Present Use of Property: vacant

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	vacant (Church)	residential R-1
South	vacant (house)	residential R-1
East	commercial	commercial C-3 PD
West	vacant (house)	residential R-1

CHARACTER OF THE NEIGHBORHOOD: massively tornado damaged (Single - family Residential)

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   no
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? No

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? yes

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin. See #5 below

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Highview
2. Classification of Street(s): local
   Arterial_____ Collector_____ Local X
3. Right-of-Way Width 60'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   Unlikely

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? Unknown
2. Properly Sized Street Right-of-Way? Unknown
3. Drainage Easements? Unknown NO
4. Utility Easements:
   - Electricity? Unknown
   - Gas? Unknown
   - Sewers? Unknown
   - Water? Unknown
5. Additional Comments: The proposal will allow commercial develop to continue along the east side of Highview from 22nd Street northward, consistent with existing development to the south. Rebuilding businesses along Rangeline may wish to expand westward into deeper lot sizes, or new office and commercial enterprises may elect to locate and front onto Highview. Anticipated adverse traffic conditions and fire hazards are minimal, if any. The proposal is consistent with the city's future land use plans.

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

_____

_____

_____

SIGNATURE: Norma Hammer DATE: 11-16-11

BY: _____

TITLE: _____

(Note: By signing this application you are signifying that you are either the legal owner of the subject property or are a legal representative of the owner or owners of the subject property.)



0 135 270 540 810 1,080 Feet

Case 009-12: A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial District) for future commercial development at the area generally described as 2019 South Highview Avenue - Norma Hammer

N

Case 009-12: 2019 South Highview Avenue – A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial) for future commercial development – Norma Hammer.

Mr. Anderson opened the public hearing for Case 009-12.

Mr. Tom Noland, 1035 North Pine Street, Carterville, Missouri, appeared representing Mrs. Hammer. He explained that Mrs. Hammer is an elderly lady who is no longer residing in Joplin. Her home was destroyed in the tornado. She, along with two of her neighbors to the south, would like to have their lots, which have now been cleared, to be rezoned for future commercial development. They have no plans or contracts to sell at this time, but they would like to have the property rezoned so if an opportunity arises to sell the vacant properties for a commercial use, they would be ready to develop.

Mr. Landrith explained that two nice homes have been constructed along the west side of Highview Avenue, and he expressed concern about rezoning the properties on the east side of Highview to District C-3. He would be in favor of C-0 or C-0-PD zoning rather than C-3 zoning because of the uncertainty of what would be constructed there, plus the fact that residential construction is taking place across the street.

Mr. Noland explained that a fifth lot sits between the two lots on the south and the two lots on the north. The lots to the north include Mrs. Hammer's lot and his brother's property. The owner of the fifth lot, Mrs. Junkins, recently passed away, with her son also intending to seek a zoning change. The next two lots to the south are owned by Allen Hall and Brandi Rogers. Mr. Noland explained that no rebuilding has taken place along the east side of Highview Avenue to date.

Mr. McClure asked Mr. Noland if he would object to changing the zoning to a planned district such as C-3-PD. His preference would be the C-3 zoning.

Mr. Eastman explained that the planned district requires the review of development plans when something actually takes place on the property.

Mr. Eastman asked about the master plan, and Mr. Bolander replied that the Future Land Use Map does recommend a commercial designation. He explained that most of the properties along Highview Avenue contained homes prior to the tornado, but most of them are not being rebuilt because of the existing commercial district along Range Line Road. The question is how to best develop that commercially since the Future Land Use Map recommends that, and still protect the homes on the west side of Highview.

Mr. Allen Hall, 1820 West 21st Terrace, Joplin, appeared representing Brandi Rogers to discuss the rezoning requests and asked if the four requests needed to be separated. Mr. Anderson replied that separate public hearings must be conducted for each case.

Mr. Anderson asked for comments from the audience in favor of the request as presented in Case 009-12.

Mr. Hall explained that Highview Avenue is being used a through street and an alternative to Range Line Road. He stated that several commercial properties exist along Highview south of 22nd Street, including the Great Plans Credit Union, Lowe's, and other businesses.

Mr. Anderson asked for comments in opposition to this request.

Mr. Don Wills, 2104 South Highview Avenue, Joplin, appeared in opposition to the request as presented in Case 009-12 and explained that he is building one of the houses on the west side of Highview. He did not feel that commercial zoning coming into the neighborhood would do anything good for the residential property values or property taxes. His grandmother moved into the neighborhood before it started developing and remained there for the simple fact that it is a nice neighborhood that is close to Range Line Road.

Mr. Wills explained that one lady has started rebuilding at the northeast corner of 22nd Street and Highview Avenue. His home is almost to the completion stage, and he did not want to look out his front door and see parking lots or anything commercial. He explained that this is a residential area that is safe for children.

Ms. Laura Pina, 2020 South Highview Avenue, Joplin, appeared in opposition and is planning on rebuilding on her property. She is opposed to commercial rezoning along east side of Highview for the safety of her children. She wishes to rebuild since it was a nice neighborhood and the first time she was able to be a homeowner. She doesn't wish to relocate and seeks stability for her children.

Mr. Allyn Burt, 2609 Waters Edge Boulevard, Joplin, appeared in opposition and explained that he was contacted by the Unity Church that was formerly on 20th Street to express their interest in rebuilding or moving to a new location. He owns several pieces of property in this area and asked about C-0 zoning which would allow the church to expand into that area. He discussed the area along Highview Avenue north from 20th Street that contains a buffer between the commercial properties facing Range Line Road and the residential properties to the west.

Mr. Burt contacted Mrs. Hammer and other property owners along Highview Avenue for the church, and they were not interested in selling the property at that time. He thought light commercial zoning wouldn't harm any residential properties in the area, but any higher commercial district does affect the property values.

Mr. Landrith expressed concern about rezoning from District R-1 to District C-3 and would like to offer an amendment. Mr. Anderson asked for additional comments in opposition to the request.

Mr. Charles Kent, 1513 Gold Stream Drive, Webb City, Missouri, formerly lived at 2023 Arizona Avenue. He asked what effect the commissioners' action on the east side of Highview Avenue would have on his lot on Arizona. He asked about the effect on Arizona if commercial zoning is allowed on Highview.

Mr. Anderson asked for additional comments from the audience, and none were received. He then closed the public hearing for Case 009-12.

MR. EASTMAN MOVED, SECONDED BY MR. HARRINGTON, THAT CASE 009-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION FAILED, WITH MR. EASTMAN, MR. HARRINGTON; AND MR. McCLURE VOTING "AYE"; AND WITH MR. ANDERSON, MR. GILSTRAP, MR. LANDRITH, AND MR. SMITH VOTING "NAY" (3 IN FAVOR, 4 OPPOSED, 0 ABSENT).

Mr. Anderson entertained another motion.

MR. LANDRITH MOVED, SECONDED BY MR. SMITH, THAT CASE 009-12 BE AMENDED TO REZONE THE PROPERTY LOCATED AT 2019 SOUTH HIGHVIEW AVENUE FROM DISTRICT R-1 TO DISTRICT C-0-PD RATHER THAN THE EXTENSIVE C-3 ZONING AS STATED IN THE REQUEST.

Mr. Landrith felt that some real plans must be made, with all the development that is taking place. He did not believe it was too unreasonable to ask for District C-0-PD.

THE MOTION AS STATED ABOVE CARRIED, WITH MR. ANDERSON, MR. GILSTRAP, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN AND MR. HARRINGTON VOTING "NAY" (5 IN FAVOR, 2 OPPOSED, 0 ABSENT).

Mr. Bolander explained that the commissioners voted to amend the request, and that they must vote on the amendment as stated in the previous motion.

MR. LANDRITH MOVED, SECONDED BY MR. SMITH, THAT CASE 009-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL TO REZONE THE PROPERTY LOCATED AT 2019 SOUTH HIGHVIEW AVENUE TO DISTRICT C-0-PD AS AMENDED IN THE PREVIOUS MOTION. THE MOTION CARRIED, WITH MR. ANDERSON, MR. GILSTRAP, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN AND MR. HARRINGTON VOTING "NAY" (5 IN FAVOR, 2 OPPOSED, 0 ABSENT).

P & Z Case 009-12
Norma Hammer
(P & Z Recommended Rezoning
to District C-0-PD)

COUNCIL BILL NO. 2012-259 **ORDINANCE NO.**

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located at 2019 South Highview Avenue in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District R-1 and including same in District C-3:

All of Lot Numbered Fifteen (15) in Kindred's Subdivision to the City of Joplin, Jasper County, Missouri, as shown by the recorded plat thereof.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: February 6, 2012

Item: COUNCIL BILL NO. 2012-260
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg OK H Date: 1/27/2012
City Attorney: Brian Head Date: 1-31-12
City Manager: R. Mark Rohr Date: 1-31-12
Board or Commission: Planning and Zoning Commission Date: 1/9/2012

Recommended Action: Planning and Zoning Commission recommended rezoning to District C-0-PD by a vote of "5 in favor, 2 opposed, and 0 absent"

SUMMARY/REQUEST:
Case 010-12: 2023 South Highview Avenue – A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial District) for future commercial development – Steven Noland.

STAFF SUMMARY:
This property is suited for C-3 (Commercial District) as indicated in the Future Land Use Map. The zoning change should not detrimentally affect nearby properties as this zoning is consistent with nearby development patterns and is part of a series of similar rezoning requests along the east side of Highview Avenue.

Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Tom Noland appeared representing Steven Noland and explained that the property at 2023 South Highview Avenue is a vacant lot and a victim of the tornado. The owner will not rebuild and is seeking a zoning change to allow the property to be sold for some future endeavor. This lot is contiguous with Mrs. Hammer's lot and lies directly behind the former Enterprise Rental Car facility location.

Mr. Smith asked Mr. Noland for documentation that he is representing the owner, and he replied that the agent filing is included in the application for rezoning. Mr. Smith didn't see anything in the report that was distributed to the commissioners, but Mr. Kellstadt explained that the staff has all the affidavits on file.

Mr. Bolander explained that a confidentiality agreement is signed for some developments and that the staff makes sure they have all the necessary documentation before proceeding with a request.

PUBLIC COMMENT:
Mr. Allen Hall, 1820 West 21st Terrace, Joplin, appeared representing Brandi Rogers and agreed with Mr. Noland in regard to what he is proposing for the property.

Mr. Don Wills, 2104 South Highview Avenue, Joplin, appeared in opposition to the request as presented in Case 010-12 and did not believe the commercial properties needs to be extended that far into his residential area. He explained that people need homes to live in and are not needing restaurants or other businesses. He did not believe the extension of commercial zoning into the residential neighborhood would do any good.

Ms. Laura Pina, 2020 South Highview Avenue, Joplin, appeared in opposition and is planning on rebuilding on her property. She is opposed to commercial rezoning along east side of Highview for the safety of her children. She wishes to rebuild since it was a nice neighborhood and the first time she was able to be a homeowner. She seeks stability for her children.

Mr. Allyn Burt, 2609 Waters Edge Boulevard, Joplin, appeared in opposition to the request as presented in Case 010-12 and suggested that the commercial boundary be extended west from Range Line Road to the same line as the property located north of 20th Street. This would give the commercial developers more land and at the same time create a buffer between the commercial and the residential areas. He stated that the arrangement along Highview Avenue north from 20th Street works beautifully.

Z&P Meeting: January 9, 2012
City Council Meeting: February 6, 2012

STAFF PLANNING REPORT

CASE 010-12:

Petition the Council to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial District).

APPLICANT:

Steven E. Noland

LOCATION:

2023 South Highview Avenue

PRESENT ZONING:

R-1 (Single-Family Residential)

REQUESTED ZONING:

C-3 (Commercial District)

EXISTING CONDITIONS:

PROPERTY SIZE

Approximately 120' X 310' (37,200 square feet or 0.85 acre)

FLOOD PLAIN

Zone X

SITE	LAND USE	EXISTING ZONING
NORTH	Single-Family Home	R-1
SOUTH	Single-Family Home	R-1
EAST	Commercial Use	C-3PD
WEST	Single-Family Homes	R-1

TRAFFIC CONDITIONS:

STREET(S) WITH ACCESS TO PROPERTY

Highview Avenue

CLASSIFICATION OF STREET(S)

Highview - Local

RIGHT-OF-WAY WIDTH

Highview Avenue – 60 feet

WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?

No.

UTILITIES:

The property has access to all utility connections

CONSISTENT WITH FUTURE LAND USE MAP?

Yes

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

This property is suited for C-3 (Commercial District) as indicated in the Future Land Use Map.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The zoning change should not detrimentally affect nearby properties as this zoning is consistent with nearby development patterns and is part of a series of similar rezoning request along the east side of Highview Avenue.

DISCUSSION

Staff recommends approval.

RECEIVED
12-2-11

CITY OF JOPLIN, MISSOURI
REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only
Case No.: 010-12
Filing Fee:
Date Advertised: 12-25-11
Date Notices Sent 12-25-11
Public Hearing Date: 1-9-12

APPLICANT: Steven E. Noland PHONE: 623-5854
ADDRESS: 210 W. 19th Street, Joplin, Missouri ZIP: 64804
OWNER: Steven E. and Tracy R. Noland, H&W PHONE: Same
ADDRESS: Same ZIP:
LOCATION OF PROPERTY: 2023 Highview, Joplin, Missouri 64804
LEGAL DESCRIPTION: All of lot numbered 14 in Kindred's Subdivision to the City of Joplin, Jasper County, Missouri, also known as 2023 Highview.

Present Zoning: Residential R-1 Requested Zoning: Commercial C-3 Acreage: < one acre
Present Use of Property: vacant

SURROUNDING LAND USE AND ZONING:

	Land Use		Zoning	
North	vacant	(House)	residential	R-1
South	vacant	(House)	residential	R-1
East	commercial		commercial	C-3 PD
West	vacant	(House)	residential	R-1

CHARACTER OF THE NEIGHBORHOOD: massively tornado damaged (Single-family Residential)

RELATIONSHIP TO EXISTING ZONING PATTERN:
1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   no
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? No

CONFORMANCE WITH COMPREHENSIVE PLAN:
1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? yes

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin. See #5 below

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Highview
2. Classification of Street(s): local
   Arterial_____ Collector_____ Local X
3. Right-of-Way Width: unknown (60')
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   Unlikely

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? Unknown
2. Properly Sized Street Right-of-Way? Unknown
3. Drainage Easements? Unknown
4. Utility Easements: NO
   - Electricity? Unknown
   - Gas? Unknown
   - Sewers? Unknown
   - Water? Unknown
5. Additional Comments: The proposal will allow commercial develop to continue along the east side of Highview from 22nd Street northward, consistent with existing development to the south. Rebuilding businesses along Rangeline may wish to expand westward into deeper lot sizes, or new office and commercial enterprises may elect to locate and front onto Highview. Anticipated adverse traffic conditions and fire hazards are minimal, if any. The proposal is consistent with the city's future land use plans.

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

_____

_____

_____

SIGNATURE: Steven E McCord DATE: 11-19-11

BY: _____

TITLE: _____

(Note: By signing this application you are signifying that you are either the legal owner of the subject property or are a legal representative of the owner or owners of the subject property.)



0 135 270 540 810 1,080 Feet

Case 010-12: A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial District) for future commercial development at the area generally described as 2023 South Highview Avenue - Steven E. Noland

N

Case 010-12: 2023 South Highview Avenue – A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial District) for future commercial development – Steven Noland.

Mr. Anderson opened the public hearing for Case 010-12.

Mr. Tom Noland, 1035 North Pine Street, Carterville, Missouri, appeared representing Steven Noland and explained that the property at 2023 South Highview Avenue is a vacant lot and a victim of the tornado. The owner will not rebuild and is seeking a zoning change to allow the property to be sold for some future endeavor. This lot is contiguous with Mrs. Hammer's lot and lies directly behind the former Enterprise Rental Car facility location.

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Mr. Anderson asked for comments from the audience.

Mr. Allen Hall, 1820 West 21st Terrace, Joplin, appeared representing Brandi Rogers and agreed with Mr. Noland in regard to what he is proposing for the property.

Mr. Don Wills, 2104 South Highview Avenue, Joplin, appeared in opposition to the request as presented in Case 010-12 and did not believe the commercial properties needs to be extended that far into his residential area. He explained that people need homes to live in and are not needing restaurants or other businesses. He did not believe the extension of commercial zoning into the residential neighborhood would do any good.

Ms. Laura Pina, 2020 South Highview Avenue, Joplin, appeared in opposition and is planning on rebuilding on her property. She is opposed to commercial rezoning along east side of Highview for the safety of her children. She wishes to rebuild since it was a nice neighborhood and the first time she was able to be a homeowner. She seeks stability for her children.

Mr. Allyn Burt, 2609 Waters Edge Boulevard, Joplin, appeared in opposition to the request as presented in Case 010-12 and suggested that the commercial boundary be extended west from Range Line Road to the same line as the property located north of 20th Street. This would give the commercial developers more land and at the same time create a buffer between the commercial and the residential areas. He stated that the arrangement along Highview Avenue north from 20th Street works beautifully.

Mr. Anderson asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 010-12.

MR. EASTMAN MOVED, SECONDED BY MR. HARRINGTON, THAT CASE 010-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR

APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION FAILED, WITH MR. EASTMAN AND MR. HARRINGTON VOTING "AYE"; AND WITH MR. ANDERSON, MR. GILSTRAP, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "NAY" (2 IN FAVOR, 5 OPPOSED, 0 ABSENT).

Mr. Anderson entertained another motion.

MR. LANDRITH MOVED, SECONDED BY MR. SMITH, THAT CASE 010-12 BE AMENDED TO REZONE THE PROPERTY LOCATED AT 2023 SOUTH HIGHVIEW AVENUE FROM DISTRICT R-1 TO DISTRICT C-0-PD RATHER THAN THE EXTENSIVE C-3 ZONING AS STATED IN THE REQUEST. THE MOTION CARRIED, WITH MR. ANDERSON, MR. GILSTRAP, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN AND MR. HARRINGTON VOTING "NAY" (5 IN FAVOR, 2 OPPOSED, 0 ABSENT).

MR. LANDRITH MOVED, SECONDED BY MR. SMITH, THAT CASE 010-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL TO REZONE THE PROPERTY LOCATED AT 2023 SOUTH HIGHVIEW AVENUE TO DISTRICT C-0-PD AS AMENDED IN THE PREVIOUS MOTION. THE MOTION CARRIED, WITH MR. ANDERSON, MR. GILSTRAP, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN AND MR. HARRINGTON VOTING "NAY" (5 IN FAVOR, 2 OPPOSED, 0 ABSENT).

P & Z Case 010-12
Steven Noland
(P & Z Recommended Rezoning
to District C-0-PD)

COUNCIL BILL NO. 2012-260 **ORDINANCE NO.**

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located at 2023 South Highview Avenue in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District R-1 and including same in District C-3:

All of Lot Fourteen (14) in Kindred's Subdivision to the City of Joplin, Jasper County, Missouri.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: February 6, 2012

Item: COUNCIL BILL NO. 2012-261
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg Date: 1/27/2012
City Attorney: Brian Head Date: 1-31-12
City Manager: R. Mark Rohr Date: 1-31-12
Board or Commission: Planning and Zoning Commission Date: 1/9/2012

Recommended Action: Planning and Zoning Commission recommended rezoning to District C-0-PD by a vote of "5 in favor, 2 opposed, and 0 absent"

SUMMARY/REQUEST:
Case 011-12: 2121 South Highview Avenue – A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial District) for future commercial development – Brandi Rogers.

STAFF SUMMARY:
This property is suited for C-3 (Commercial District) as indicated in the Future Land Use Map. The zoning change should not detrimentally affect nearby properties as this zoning is consistent with nearby development patterns and is part of a series of similar rezoning requests along the east side of Highview Avenue.

Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Allen Hall appeared representing Brandi Rogers to request the rezoning of property located at 2121 South Highview Avenue. Shortly after the tornado, Mr. Hall visited with the Unity Church, who now plan to relocate somewhere else.

Mr. Harrington commented that amending the zoning district to C-0-PD does not prevent the property owners from seeking C-3 zoning again in the future.

PUBLIC COMMENT:
Mr. Tom Noland, 1035 North Pine Street, Carterville, Missouri, appeared in favor of the request.

Mr. Don Wills, 2104 South Highview Avenue, Joplin, appeared in opposition and expressed concern about commercial zoning extending that far into his neighborhood. He thought that other businesses need to be taken care of and rebuilt instead of coming into his neighborhood and decreasing the residential property values.

Ms. Laura Pina, 2020 South Highview Avenue, Joplin, appeared in opposition and is planning on rebuilding on her property. She is opposed to commercial rezoning along east side of Highview.

Z&P Meeting: January 9, 2012
City Council Meeting: February 6, 2012

STAFF PLANNING REPORT

CASE 011-12:

Petition the Council to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial District).

APPLICANT:

Brandi Rogers

LOCATION:

2121 South Highview Avenue

PRESENT ZONING:

R-1 (Single-Family Residential)

REQUESTED ZONING:

C-3 (Commercial District)

EXISTING CONDITIONS:

PROPERTY SIZE

Approximately 160' X 310' (49,600 square feet or 1.13 acres)

FLOOD PLAIN

Zone X

SITE	LAND USE	EXISTING ZONING
NORTH	Single-Family Home	R-1
SOUTH	Single-Family Home	R-1
EAST	Commercial Use	C-3
WEST	Single-Family Homes	R-1

TRAFFIC CONDITIONS:

STREET(S) WITH ACCESS TO PROPERTY

Highview Avenue

CLASSIFICATION OF STREET(S)

Highview - Local

RIGHT-OF-WAY WIDTH

Highview Avenue – 60 feet

WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?

No.

UTILITIES:

The property has access to all utility connections

CONSISTENT WITH FUTURE LAND USE MAP?

Yes

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

This property is suited for C-3 (Commercial District) as indicated in the Future Land Use Map.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The zoning change should not detrimentally affect nearby properties as this zoning is consistent with nearby development patterns and is part of a series of similar rezoning request along the east side of Highview Avenue.

DISCUSSION

Staff recommends approval.

RECEIVED
12-2-11

REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

Case No.: 011-12
Filing Fee: $350.00
Date Advertised: 12-25-11
Date Notices Sent: 12-29-11
Public Hearing Date: 1-9-12

APPLICANT: BRANDI ROGERS PHONE: 417-825-7774
ADDRESS: 2121 HIGHVIEW ZIP: 6480
OWNER: BRANDI ROGERS PHONE: 417-825-7774
ADDRESS: 402 MAPLE C/O BOX 531 JOPLIN 64802 ZIP: 64804
LOCATION OF PROPERTY: 2121 HIGHVIEW JOPLIN MO. 64804
LEGAL DESCRIPTION:

Present Zoning: R1 Requested Zoning: C-3 Acreage: 1.12
Present Use of Property: NONE LOST IN TORNADO

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	(House) DUE TO VACANT	R-1
South	(House) DUE TO VACANT	R-1
East	NONE TORNADO COMMERCIAL	C-3
West	(House) TORNADO VACANT	R-1

CHARACTER OF THE NEIGHBORHOOD: Single-family residential destroyed by tornado

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts? NO
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? ____
   If yes, explain: NO

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? YES

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. ~~One copy of a legal description of the property proposed to be rezoned.~~
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: HIGHVIEW
2. Classification of Street(s):
   Arterial _____ Collector _____ Local ✓
3. Right-of-Way Width: 60'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   UNLIKELY

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? UNKNOWN
2. Properly Sized Street Right-of-Way? UNKNOWN
3. Drainage Easements? UNKNOWN
4. Utility Easements:
   Electricity? UNKNOWN
   Gas? UNKNOWN
   Sewers? UNKNOWN
   Water? UNKNOWN
5. Additional Comments: NO

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: Brandi Rogers DATE: 9/1/11

BY: _____

TITLE: _____



0 135 270 540 810 1,080 Feet

Case 011-12: A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial District) for future commercial development at the area generally described as 2121 South Highview Avenue - Brandi Rogers

N

Case 011-12: 2121 South Highview Avenue – A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial District) for future commercial development – Brandi Rogers.

Mr. Anderson opened the public hearing for Case 011-12.

Mr. Allen Hall, 1820 West 21st Terrace, Joplin, appeared representing Brandi Rogers to request the rezoning of property located at 2121 South Highview Avenue. Shortly after the tornado, Mr. Hall visited with the Unity Church, who now plan to relocate somewhere else.

Mr. Anderson asked for comments from the audience.

Mr. Tom Noland, 1035 North Pine Street, Carterville, Missouri, appeared in favor of the request.

Mr. Don Wills, 2104 South Highview Avenue, Joplin, appeared in opposition to the request as presented in Case 011-12. He explained that his home is almost completed and expressed concern about commercial zoning extending that far into his neighborhood. He thought that other businesses need to be taken care of and rebuilt instead of coming into his neighborhood and decreasing the residential property values and tax rates.

Ms. Laura Pina, 2020 South Highview Avenue, Joplin, appeared in opposition and is planning on rebuilding on her property. She is opposed to commercial rezoning along east side of Highview.

Mr. Anderson asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 011-12.

MR. EASTMAN MOVED, SECONDED BY MR. HARRINGTON, THAT CASE 011-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION FAILED, WITH MR. EASTMAN AND MR. HARRINGTON VOTING "AYE"; AND WITH MR. ANDERSON, MR. GILSTRAP, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "NAY" (2 IN FAVOR, 5 OPPOSED, 0 ABSENT).

Mr. Anderson entertained another motion.

MR. LANDRITH MOVED, SECONDED BY MR. SMITH, THAT CASE 011-12 BE AMENDED TO REZONE THE PROPERTY LOCATED AT 2121 SOUTH HIGHVIEW AVENUE FROM DISTRICT R-1 TO DISTRICT C-0-PD RATHER THAN THE EXTENSIVE C-3 ZONING AS STATED IN THE REQUEST. THE MOTION CARRIED, WITH MR. ANDERSON, MR. GILSTRAP, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN AND MR. HARRINGTON VOTING "NAY" (5 IN FAVOR, 2 OPPOSED, 0 ABSENT).

MR. LANDRITH MOVED, SECONDED BY MR. SMITH, THAT CASE 011-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL TO REZONE THE PROPERTY LOCATED AT 2121 SOUTH HIGHVIEW AVENUE TO DISTRICT C-0-PD AS AMENDED IN THE PREVIOUS MOTION. THE

MOTION CARRIED, WITH MR. ANDERSON, MR. GILSTRAP, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN AND MR. HARRINGTON VOTING "NAY" (5 IN FAVOR, 2 OPPOSED, 0 ABSENT).

Mr. Harrington commented that amending the zoning district to C-0-PD does not prevent the property owners from seeking C-3 zoning again in the future.

P & Z Case 011-12
Brandi Rogers
(P & Z Recommended Rezoning
to District C-0-PD)

COUNCIL BILL NO. 2012-261 **ORDINANCE NO.**

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located at 2121 South Highview Avenue in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District R-1 and including same in District C-3:

All of Lot Eleven (11) and Lot Twelve (12) except the North 100 feet thereof in Kindred's Subdivision to the City of Joplin, Jasper County, Missouri.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: February 6, 2012

Item: COUNCIL BILL NO. 2012-262
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg OKH Date: 1/27/2012
City Attorney: Brian Head Date: 1-31-12
City Manager: R. Mark Rohr RMR Date: 1-31-12
Board or Commission: Planning and Zoning Commission CK Date: 1/9/2012

Recommended Action: Planning and Zoning Commission recommended rezoning to District C-0-PD by a vote of "5 in favor, 2 opposed, and 0 absent"

SUMMARY/REQUEST:
Case 012-12: 2101 South Highview Avenue – A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial District) for future commercial development – Leon O. Noland.

STAFF SUMMARY:
This property is suited for C-3 (Commercial District) as indicated in the Future Land Use Map. The zoning change should not detrimentally affect nearby properties as this zoning is consistent with nearby development patterns and is part of a series of similar rezoning requests along the east side of Highview Avenue.

Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Tom Noland, 1035 North Pine Street, Carterville, Missouri, appeared representing Leon Noland to request the rezoning of property located at 2101 South Highview Avenue.

PUBLIC COMMENT:
Mr. Allen Hall, 1820 West 21st Terrace, Joplin, appeared in favor of Mr. Noland's request.

Mr. Don Wills, 2104 South Highview Avenue, Joplin, appeared in opposition to the request as presented in Case 012-12. He expressed concern about commercial zoning extending that far into his neighborhood. He thought that other businesses need to be taken care of and rebuilt instead of coming into his neighborhood and decreasing the residential property values.

Ms. Laura Pina, 2020 South Highview Avenue, Joplin, appeared in opposition and is planning on rebuilding on her property. She is opposed to commercial rezoning along east side of Highview.

Mr. Anderson appreciated everyone's participation and reminded them that these cases are being presented to the City Council on Monday, February 6.

Z&P Meeting: January 9, 2012
City Council Meeting: February 6, 2012

STAFF PLANNING REPORT

CASE 012-12:

Petition the Council to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial District).

APPLICANT:

Leon G. Noland

LOCATION:

2101 South Highview Avenue

PRESENT ZONING:

R-1 (Single-Family Residential)

REQUESTED ZONING:

C-3 (Commercial District)

EXISTING CONDITIONS:

PROPERTY SIZE

Approximately 100' X 310' (31,000 square feet or 0.7 acre)

FLOOD PLAIN

Zone X

SITE	LAND USE	EXISTING ZONING
NORTH	Single-Family Home	R-1
SOUTH	Single-Family Home	R-1
EAST	Commercial Use	C-3
WEST	Single-Family Homes	R-1

TRAFFIC CONDITIONS:

STREET(S) WITH ACCESS TO PROPERTY

Highview Avenue

CLASSIFICATION OF STREET(S)

Highview - Local

RIGHT-OF-WAY WIDTH

Highview Avenue – 60 feet

WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?

No.

UTILITIES:

The property has access to all utility connections

CONSISTENT WITH FUTURE LAND USE MAP?

Yes

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

This property is suited for C-3 (Commercial District) as indicated in the Future Land Use Map.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The zoning change should not detrimentally affect nearby properties as this zoning is consistent with nearby development patterns and is part of a series of similar rezoning request along the east side of Highview Avenue.

DISCUSSION

Staff recommends approval.

RECEIVED
12-2-11

CITY OF JOPLIN, MISSOURI
REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only
Case No.: 012-12
Filing Fee:
Date Advertised: 12-25-11
Date Notices Sent: 12-25-11
Public Hearing Date: 1-9-12

APPLICANT: Leon G. Noland PHONE: 623-5854
ADDRESS: 210 W. 19th Street, Joplin, Missouri ZIP: 64804
OWNER: Same PHONE:
ADDRESS: ZIP:
LOCATION OF PROPERTY: 2101 Highview, Joplin, Missouri 64804
LEGAL DESCRIPTION: All of the North 100 feet of lot numbered 12 in Kindred's Subdivision to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof.

Present Zoning: Residential R-1 Requested Zoning: Commercial C-3 Acreage: < one acre
Present Use of Property: vacant

SURROUNDING LAND USE AND ZONING:

Land Use		Zoning	
North	vacant (House)	residential	R-1
South	vacant (House)	residential	R-1
East	commercial	commercial	C-3
West	vacant (House)	residential	R-1

CHARACTER OF THE NEIGHBORHOOD: massively tornado damaged (Single-family Residential)

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   no
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? No

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? yes

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin. See #5 below

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Highview
2. Classification of Street(s): local
   Arterial_____ Collector_____ Local X
3. Right-of-Way Width 60'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   Unlikely

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? Unknown
2. Properly Sized Street Right-of-Way? Unknown
3. Drainage Easements? Unknown
4. Utility Easements:
   Electricity? Unknown
   Gas? Unknown
   Sewers? Unknown
   Water? Unknown

NO

5. Additional Comments: The proposal will allow commercial develop to continue along the east side of Highview from 22nd Street northward, consistent with existing development to the south. Rebuilding businesses along Rangeline may wish to expand westward into deeper lot sizes, or new office and commercial enterprises may elect to locate and front onto Highview. Anticipated adverse traffic conditions and fire hazards are minimal, if any. The proposal is consistent with the city's future land use plans.

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

_____

_____

_____

SIGNATURE: Leon E Noland DATE: 11-9-11

BY: _____

TITLE: _____

(Note: By signing this application you are signifying that you are either the legal owner of the subject property or are a legal representative of the owner or owners of the subject property.)



0 135 270 540 810 1,080 Feet

Case 012-12: A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial District) for future commercial development at the area generally described as 2101 South Highview Avenue - Leon G. Noland

N

Case 012-12: 2101 South Highview Avenue – A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial District) for future commercial development – Leon O. Noland.

Mr. Anderson opened the public hearing for Case 012-12.

Mr. Tom Noland, 1035 North Pine Street, Carterville, Missouri, appeared representing Leon Noland to request the rezoning of property located at 2101 South Highview Avenue.

Mr. Anderson asked for comments from the audience.

Mr. Allen Hall, 1820 West 21st Terrace, Joplin, appeared in favor of Mr. Noland's request.

Mr. Don Wills, 2104 South Highview Avenue, Joplin, appeared in opposition to the request as presented in Case 012-12. He explained that his home is almost completed and expressed concern about commercial zoning extending that far into his neighborhood. He thought that other businesses need to be taken care of and rebuilt instead of coming into his neighborhood and decreasing the residential property values and tax rates.

Ms. Laura Pina, 2020 South Highview Avenue, Joplin, appeared in opposition and is planning on rebuilding on her property. She is opposed to commercial rezoning along east side of Highview.

Mr. Anderson asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 012-12.

MR. EASTMAN MOVED, SECONDED BY MR. HARRINGTON, THAT CASE 012-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION FAILED, WITH MR. EASTMAN AND MR. HARRINGTON VOTING "AYE"; AND WITH MR. ANDERSON, MR. GILSTRAP, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "NAY" (2 IN FAVOR, 5 OPPOSED, 0 ABSENT).

Mr. Anderson entertained another motion.

MR. LANDRITH MOVED, SECONDED BY MR. SMITH, THAT CASE 012-12 BE AMENDED TO REZONE THE PROPERTY LOCATED AT 2101 SOUTH HIGHVIEW AVENUE FROM DISTRICT R-1 TO DISTRICT C-0-PD RATHER THAN THE EXTENSIVE C-3 ZONING AS STATED IN THE REQUEST. THE MOTION CARRIED, WITH MR. ANDERSON, MR. GILSTRAP, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN AND MR. HARRINGTON VOTING "NAY" (5 IN FAVOR, 2 OPPOSED, 0 ABSENT).

MR. LANDRITH MOVED, SECONDED BY MR. McCLURE, THAT CASE 012-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL TO REZONE THE PROPERTY LOCATED AT 2101 SOUTH HIGHVIEW AVENUE TO DISTRICT C-0-PD AS AMENDED IN THE PREVIOUS MOTION. THE MOTION CARRIED, WITH MR. ANDERSON, MR. GILSTRAP, MR. LANDRITH, MR.

McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN AND MR. HARRINGTON VOTING "NAY" (5 IN FAVOR, 2 OPPOSED, 0 ABSENT).

Mr. Anderson appreciated everyone's participation and reminded them that these cases are being presented to the City Council on Monday, February 6.

P & Z Case 012-12
Leon O. Noland
(P & Z Recommended Rezoning
to District C-0-PD)

COUNCIL BILL NO. 2012-262 **ORDINANCE NO.**

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located at 2101 South Highview Avenue in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District R-1 and including same in District C-3:

All of the North 100 feet of Lot Numbered Twelve (12) in Kindred's Subdivision to the City of Joplin, Jasper County, Missouri.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: February 6, 2012

Item: RESOLUTION NO. 2012-007
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Resolution

Public Works Director: David Hertzberg — Date: 1/27/2012
City Attorney: Brian Head — Date: 1-31-12
City Manager: R. Mark Rohr — Date: 1-31-12
Board or Commission: Planning and Zoning Commission — Date: 1/9/2012

Recommended Action: Planning and Zoning Commission recommended approval for a permanent Special Use Permit by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 013-12: 1901 South New Hampshire Avenue – A request for a Special Use Permit (First Request) for the construction of a parking lot – David Dowell.

STAFF SUMMARY:
The applicant is requesting a special use permit for the development of a parking lot. The parcel is zoned District R-1 (Single-Family Residential) and is adjacent to a single family zoned parcel to the east. The parking lot will serve a commercial office located south of the alley.

This area was destroyed by the May 22, 2011 tornado. The Citizens Advisory Recovery Team (CART) recommended a mix of commercial uses that may compliment nearby residential properties along 20th Street.

The following items are conditions for consideration of the Special Use Permit:

1. This Special Use Permit to be issued to David Dowell for the use of a parking lot.
2. Landscaping, buffering, driveway access, and storm water requirements will need to be met.
3. Any other conditions set by the City Council of the City of Joplin.

PLANNING & ZONING COMMISSION TESTIMONY:
Dr. David Dowell appeared to request a Special Use permit for the construction of a parking lot to serve his medical office located at 1501 East 20th Street. He is currently in the process of

rebuilding his office and has had a shortage of parking for the past six or seven years. He has purchased the lot to the north and would like to request a Special Use Permit for a nicely landscaped, well-lit parking lot.

Mr. Smith asked Dr. Dowell if his property is at the intersection of 20th Street and New Hampshire Avenue, and he replied that is correct.

PUBLIC COMMENT:
None.

Z&P Meeting: January 9, 2012
City Council Meeting: February 6, 2012

STAFF PLANNING REPORT

CASE 013-12:

Petition the Council for a Special Use Permit (1st Request) for a parking lot.

APPLICANT:

David Dowell

LOCATION:

1901 South New Hampshire Avenue

PRESENT ZONING:

R-1 (Single-Family Residential)

PRESENT USE OF PROPERTY:

Single-Family Home (destroyed)

PROPOSED LAND USE ACTIVITY:

Parking Lot

EXISTING CONDITIONS:

PROPERTY SIZE

Approximately 85'X122' (10,370 square feet or 0.23 acre)

	LAND USE	EXISTING ZONING
NORTH	Single-Family Home	R-1
SOUTH	Commercial Office	C-O
EAST	Single-Family Home	R-1
WEST	Single-Family Home	R-1

TRAFFIC CONDITIONS:

STREET(S) WITH ACCESS TO PROPERTY, STREET CLASSIFACATION, AND RIGHT-OF-WAY WIDTH

19th Street, Local, 50 feet
New Hampshire Avenue, Local, 50 feet

IS OFF STREET PARKING PROVIDED?

Yes. Off street parking is the intended use for this request.

IS AN OFF-STREET DROP-OFF / PICK-UP AREA REQUIRED? (FAMILY DAYCARE ONLY):

N/A

LEAD TEST RESULTS (DAYCARE ONLY):

N/A

DISCUSSION:

The applicant is requesting a special use permit for the development of a parking lot. The parcel is zoned District R-1 (Single-Family Residential) and is adjacent to a single family zoned parcel to the east. The parking lot will serve a commercial office located south of the alley.

ADDITIONAL INFORMATION OR COMMENTS:

This area was destroyed by the May 22, 2011 tornado. The Citizens Advisory Recovery Team (CART) recommended a mix of commercial uses that may compliment nearby residential properties along 20th Street.

CONDITIONS FOR CONSIDERATION:

1. This Special Use Permit to be issued to David Dowell for the use of a parking lot.
2. Landscaping, buffering, driveway access, and storm water requirements will need to be met.
3. Any other conditions set by the City Council of the City of Joplin.

RECEIVED
12-12-11

CITY OF JOPLIN, MISSOURI

SPECIAL USE PERMIT APPLICATION

For Office Use Only
Case No.: 013-12
Filing Fee: _____
Date Advertised: 12-25-11
Date Notices Sent: 12-28-11
Public Hearing Date: 1-9-12

Return Form To:
Planning and Community Development Manager
City of Joplin
602 South Main Street
Joplin, MO 64801
417-624-0820 Ext. 511
FAX 417-625-4738

APPLICANT: David Dowell PHONE: 417-659-9395

ADDRESS: 4431 Belmont Drive ZIP: 64804

OWNER: David Dowell PHONE: 417-659-9395

ADDRESS: 4431 Belmont Drive ZIP: 64804

LOCATION OF PROPERTY: 1901 New Hampshire

LEGAL DESCRIPTION: Lot 14 & 15 Jno Ratcliffe's Subdivision of Lots 21-24 Inc in Baker's 3rd Addition

PRESENT ZONING CLASSIFICATION: R1 ACREAGE: less than 1

PRESENT USE OF PROPERTY: Vacant Lot

PROPOSED LAND USE ACTIVITY: Parking lot for other Business Located at 1501 E 20th (Directly South of Property)

ADJACENT ZONING AND LAND USE:

	Land Use	Zoning
North	~~Medical Office Building~~ Vacant Lot	~~Commercial~~ Residential
South	Medical Office Building	Commercial
East	Vacant Lot	Residential
West	Vacant Lot	Residential

	Yes	No
Does the proposed special use meet the following standards? If yes, attach a separate sheet explaining why.		
1. Is deemed necessary for the public convenience at that location.	X	

	Yes	No
2. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.	X	
3. Is found to be generally compatible with the neighborhood in which it is proposed.	X	
4. Will comply with the height and area regulations of the district in which it is located unless specifically granted.	X	
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect.	X	
6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.	X	

Should this special use be valid only for a specific time period? Yes _____ No X

If Yes, what length of time? _____

SIGNATURE: _____ DATE: 12-09-2011

BY: David Darnell TITLE: owner

Attachments Required:

1. One copy of a legal description of the property on which the use is to be located.
2. One copy of the necessary descriptive material related to the intensity and extent of the proposed use, including any traffic conditions that may result; any danger from fire hazards; how the proposed use may affect the character of the surrounding properties; and how the proposed use will benefit the City of Joplin.
3. Ten copies of a site plan (drawn to a scale of 100 feet or less; the inch) that meets all ordinance requirements for the property on which the use is to be located, showing:
   a) structures
   b) boundary lines with dimensions and bearings,
   c) streets,
   d) easements,
   e) parking lot layout,
   f) internal traffic flow,
   g) points of ingress/egress,
   h) landscaping,
   i) setbacks, and
   j) detention, if required.

[Note: By signing this application you are signifying that you are either the legal owner of the subject property or are a legal representative of the owner or owners of the subject property.]

Does not apply. Parking Lot.

1. Hours of Operation.
2. Days of Operation.
3. Number of Off-street Parking Spaces.
4. Signs (Generally signs are limited to one sign not larger that one (1) foot by two (2) feet set no more than six (6) feet off the ground and at least ten (10) feet inside the property line.)
5. Number of Assistants or employees.
6. Nature of the Business.
7. Location of the Business.

Violation of any condition will cause a complaint to be filed with the Municipal Court and the Permit will be suspended immediately requiring reapplication.



0 110 220 440 660 880 Feet

Case 013-12: A request for a Special Use Permit for a parking lot at the area generally described as 1901 South New Hampshire Avenue - David Dowell

N

Case 013-12: 1901 South New Hampshire Avenue – A request for a Special Use Permit (First Request) for the construction of a parking lot – David Dowell.

Mr. Anderson opened the public hearing for Case 013-12.

Dr. David Dowell, 4431 Belmont, Joplin, appeared to request a Special Use permit for the construction of a parking lot to serve his medical office located at 1501 East 20th Street. He is currently in the process of rebuilding his office and has had a shortage of parking for the past six or seven years. He has purchased the lot to the north and would like to request a Special Use Permit for a nicely landscaped, well-lit parking lot.

Mr. Smith asked Dr. Dowell if his property is at the intersection of 20th Street and New Hampshire Avenue, and he replied that is correct.

Mr. Anderson asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 013-12.

MR. LANDRITH MOVED, SECONDED BY MR. HARRINGTON, THAT CASE 013-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL FOR A PERMANENT SPECIAL USE PERMIT TO BE ISSUED TO DAVID DOWELL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. ANDERSON, MR. EASTMAN, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 013-12
David Dowell
(P & Z Recommended Approval
for a Permanent Special Use Permit)

RESOLUTION NO. 2012-007

A RESOLUTION granting a Special Use Permit (First Request) to David Dowell for the construction of a parking lot at 1901 South New Hampshire Avenue, in the City of Joplin, Jasper County, Missouri.

WHEREAS, the Planning and Zoning Commission at a Public Hearing held on January 9, 2012, recommended that a Special Use Permit be granted to David Dowell for the construction of a parking lot at 1901 South New Hampshire Avenue, in the City of Joplin, Jasper County, Missouri.

WHEREAS, a public hearing was held before the City Council on February 6, 2012, in compliance with said request;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Joplin, as follows:

That a Special Use Permit be granted to David Dowell for the construction of a parking lot located in the City of Joplin, Missouri, on the following described real estate, to-wit:

All of Lot Numbered Fifteen (15) and the West One-half (W1/2) of Lot Numbered Fourteen (14) in J.W. Ratcliff's Subdivision of Lots 21, 22, 23, and 24 in Bankers Third Addition in the City of Joplin, Jasper County, Missouri.

and the said Special Use Permit is hereby issued with the following conditions and made a part thereof:

1. This Special Use Permit to be issued to David Dowell for the use of a parking lot.

2. Landscaping, buffering, driveway access, and storm water requirements will need to be met.

3. Any other conditions set by the City Council of the City of Joplin.

The violation of any condition set forth in this Resolution shall be interpreted as a violation of Appendix 29-A (Zoning Code) of the Municipal Codes of the City of Joplin and shall be administered in accordance with the provisions of Section 34 (Violation and Penalty) of Appendix 29-A of that Code. Conviction in Municipal Court for violation of any condition as set forth in this Resolution shall cause the immediate termination of this Special Use Permit and require the applicant as named in Item No. 1 above to reapply for renewal.

The Municipal Planner is hereby authorized and directed to issue said permit to David Dowell in accordance with the plans and specifications on file in the Office of the Building Official.

The City Clerk is hereby ordered to file this Resolution with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST: _____
Barbara L. Hogelin, City Clerk

MINUTES
PLANNING AND ZONING COMMISSION
REGULAR MEETING
JANUARY 9, 2012
4:00 P.M.

The Planning and Zoning Commission met in regular session on Monday, January 9, 2012. Present were Commission Members Bruce Anderson, Kent Eastman, Justin Gilstrap, Bob Harrington, Don Landrith, Don McClure, and Lee Smith. Troy Bolander, Eric Kellstadt, and Susan Champlin represented the Planning/Community Development office.

Mr. Anderson stated that the cases on this agenda will be presented to the City Council on Monday, February 6, 2012.

Case 039-11: OLD BUSINESS - Alley Vacation – A request to vacate a portion of the alley between Indiana Avenue and Ohio Avenue beginning at the North right of way line of 20th Street north approximately 186 feet to the Southeast corner of Lot 61. – C. Allyn and Pennie Burt

Mr. Anderson opened the public hearing for Case 039-11.

Mr. Allyn Burt, 2609 Waters Edge Boulevard, Joplin, explained that this alley is adjacent to property he recently rezoned for construction of a real estate office. He has closed on the sale of the last property on this block this week, so he now owns the entire square block for construction of a commercial building. He will be presenting development plans to the commissioners in the future and explained that this request is to vacate the alley easement for placement of the building in this location.

Mr. Landrith asked Mr. Burt if the City Council approved this request at their last meeting, and he replied that is correct. He failed to appear at the previous Planning and Zoning Commission meeting.

Mr. Eastman asked Mr. Burt if he now owns the property at 1901 South Ohio Avenue and the property south of there, and he replied that is correct. He has already closed on the purchase of the property at 1901 Ohio and will be closing on the purchase of the property to the south this week.

Mr. Eastman asked Mr. Burt why he wouldn't want to vacate the entire alley up to 19th Street, and he replied that this area will be a parking lot.

Mr. Kellstadt explained that Mr. Burt will return before the commissioners to seek the vacation of the remainder of the alley, along with rezoning the remaining two parcels at the northeast corner of that block. Since the City Council elected to approve this alley vacation at its previous meeting, the Planning and Zoning Commission may now elect to strike Case 039-11 from the agenda.

Mr. Anderson asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 039-11 and entertained a motion to strike this case from the agenda.

MR. LANDRITH MOVED, SECONDED BY MR. McCLURE, THAT CASE 039-11 BE STRICKEN FROM THE AGENDA. THE MOTION CARRIED, WITH MR. ANDERSON, MR. EASTMAN, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: February 6, 2012

Item: COUNCIL BILL NO. 2012- 113
Originating Department: BUILDING REGULATIONS

Attachments: 1) Council Bill No. 2012- 113
2) Photograph of Property
3) Bid Tabulation

Building Regulations: Tim Nyander TN	Date: 1-30-2012
Department Head: David Hertzberg David	Date: 1/30/12
Finance Department: Leslie Jones LJ	Date: 1-31-12
City Attorney: Brian Head	Date: 1-31-12
City Manager: R. Mark Rohr RMR	Date: 1-31-12

Recommended Action: Approval of Contract with Lynn Rowe to remove the structures and any remaining debris including foundation and footings located at 1505 E. HILL.

Summary: The above listed address was "tagged" as a dangerous building on May 9, 2011. The structure was determined to be dangerous under sub sections of Dangerous Building Code (Section 26-612, Joplin City Code). On January13, 2012 an advertisement for bids began in the Joplin Globe with bids being received on January 18, 2012. At that time bids were received as follows:

Lynn Rowe	**$ 2145.00**
B & D Yard builders	$ 2230.00
Big John's	$ 2949.99
Wheeler Excavation	$ 2329.00

A Special Tax Bill will be issued after the demolition is completed. The Special Tax Bill acts as a lien against the property until it is paid, with the owner having five years to pay off the assessment. The bill also is a personal debt of the owner.

Staff recommends that the demolition contract be awarded to Lynn Rowe.

COUNCIL BILL NO. 2012 – 113 ORDINANCE NO.

AN ORDINANCE approving the contract by and between the City of Joplin and Lynn Rowe for the demolition of the structure(s) and clearing of lot area located at 1505 E. HILL in the City of Joplin, Missouri, for the amount of Two Thousand One Hundred Forty Five and 00/100 Dollars($ 2,145.00); providing how the cost thereof shall be paid; how the assessment thereof shall be made; and containing an emergency clause.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That the contract with Lynn Rowe in the amount of Two Thousand One Hundred Forty Five and 00/100 Dollars ($ 2,145.00) is hereby approved for the demolition of the structure(s) and clearing of lot area located at 1505 E. HILL.

Section 2. The contractor will be paid in cash for the portion of the work performed by him, and this amount will be appropriated from the Revolving Public Improvement Fund, and will be evidenced by a special tax bill made and levied against 1505 E. HILL and legally described as:

ALL OF THE EAST 50 FEET OF LOT NUMBERED (1) IN BLOCK 35 IN FIRST ADDITION TO EAST JOPLIN CITY, NOW A PART OF THE CITYOF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEROF.

Section 3: That the City of Joplin declares that this ordinance relating to the immediate preservation of public health and welfare special is an emergency within the meaning of Section 2.12 (1) of the HOME RULE CHARTER of the City of Joplin, Missouri and the Council hereby declares that this ordinance shall be in full force and effect from and after its passage.

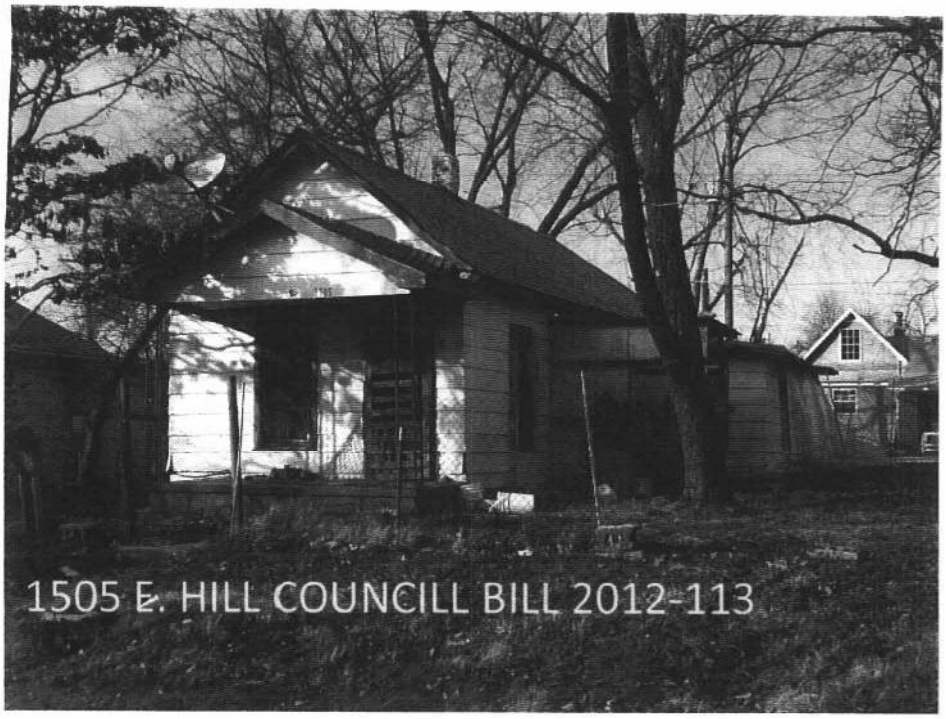
Passed by the Council of the City of Joplin, Missouri, this _____ day of _____, 2012, by a _____ vote.

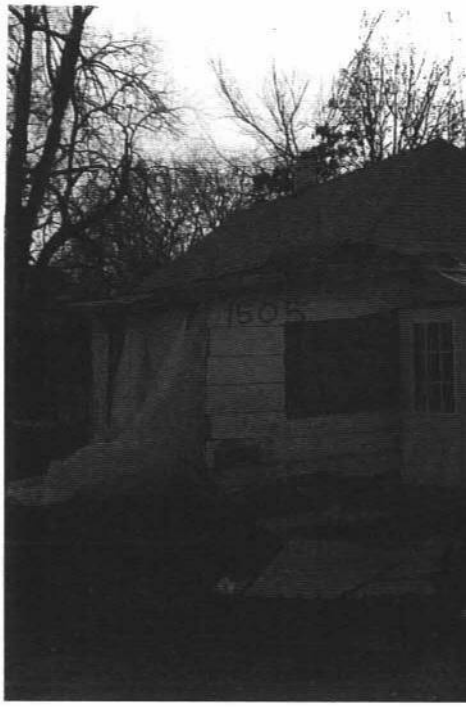
_____
Michael R. Woolston - Mayor

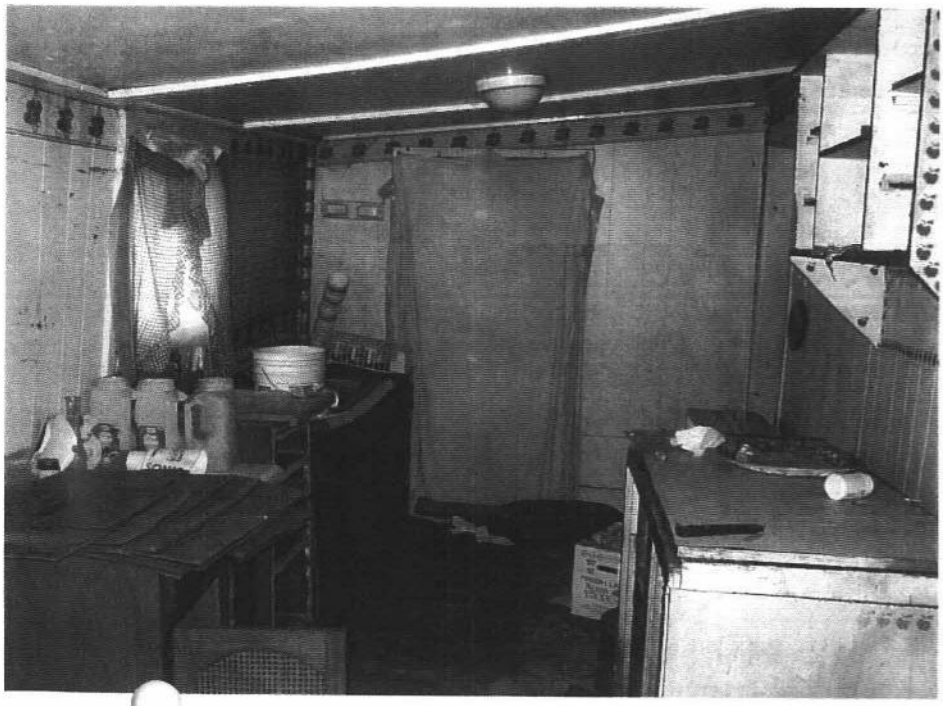
ATTEST:

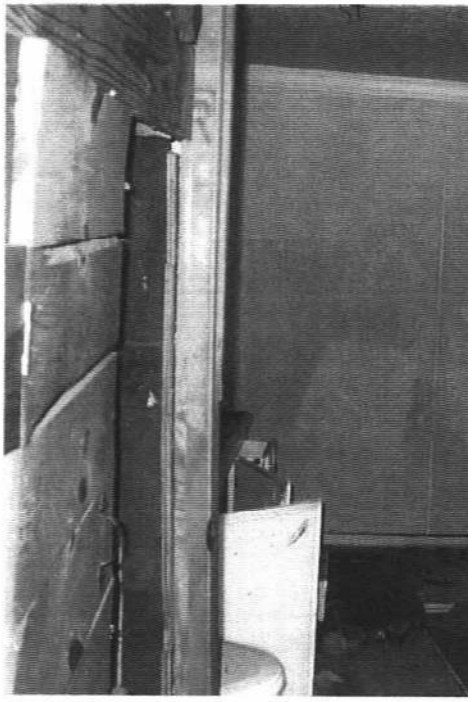
_____
Barbara Hogelin – City Clerk

APPROVED AS TO FORM:_____
Brian W. Head - City Attorney


1505 E. HILL COUNCILL BILL 2012-113







CITY OF JOPLIN MISSOURI

BID TABULATION:

BID #: ____ DESCRIPTION: 1505 E. HILL STREET DEPARTMENT: BUILDING REGULATIONS

BID OPENING DEADLINE: 1/18/12 OPENED: 10:00 A.M. 1/18/12

OPENED BY: JEFF OLIVER WITNESSED BY: MARCI STOEBEL APPROVED BY: _____

VENDOR NAME:	DATE RECEIVED:	CONTACT NAME:	PHONE #	AMOUNT OF BID:
LYNN ROWE	1/18/12	LYNN ROWE	417-439-5991	$2145.00
B&D YARD BUILDERS	1/18/12	DENNIS NEELY	417-437-7506	$2230.00
WHEELER EXCAVATING	1/18/12	STARBUCK WHEELER	417-437-1037	$2329.00
BIG JOHN'S	1/18/12	SID DAVIS	417-437-0285	$2949.99

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: February 6, 2012

Item: COUNCIL BILL NO. 2012-114
Originating Department: BUILDING REGULATIONS

Attachments: 1) Council Bill No. 2012- 114
2) Photograph of Property
3) Bid Tabulation

Building Regulations: Tim Nyander TN	Date: 1·30·2012
Department Head: David Hertzberg	Date: 1/30/12
Finance Department: Leslie Jones	Date: 1-31-12
City Attorney: Brian Head	Date: 1-31-12
City Manager: R. Mark Rohr	Date: 1-31-12

Recommended Action: Approval of Contract with Lynn Rowe to remove the structures and any remaining debris including foundation and footings located at 1511 S. MOFFET.

Summary: The above listed address was "tagged" as a dangerous building on September 21, 2010. The structure was determined to be dangerous under sub sections of Dangerous Building Code (Section 26-612, Joplin City Code). On January13, 2012 an advertisement for bids began in the Joplin Globe with bids being received on January 18, 2012. At that time bids were received as follows:

Lynn Rowe	**$ 2100.00**
B & D Yard builders	$ 2232.00
Big John's	$ 2599.01
Wheeler Excavation	$ 2190.00

A Special Tax Bill will be issued after the demolition is completed. The Special Tax Bill acts as a lien against the property until it is paid, with the owner having five years to pay off the assessment. The bill also is a personal debt of the owner.

Staff recommends that the demolition contract be awarded to Lynn Rowe.

COUNCIL BILL NO. 2012 – 114 ORDINANCE NO.

AN ORDINANCE approving the contract by and between the City of Joplin and Lynn Rowe for the demolition of the structure(s) and clearing of lot area located at 1511 S. MOFFET in the City of Joplin, Missouri, for the amount of Two Thousand One Hundred and 00/100 Dollars($ 2,100.00); providing how the cost thereof shall be paid; how the assessment thereof shall be made; and containing an emergency clause.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That the contract with Lynn Rowe in the amount of Two Thousand One Hundred and 00/100 Dollars ($ 2,100.00) is hereby approved for the demolition of the structure(s) and clearing of lot area located at 1511 S. MOFFET.

Section 2. The contractor will be paid in cash for the portion of the work performed by him, and this amount will be appropriated from the Revolving Public Improvement Fund, and will be evidenced by a special tax bill made and levied against 1511 S. MOFFET and legally described as:

ALL OF LOT FIFTY SEVEN (57) IN SOUTH JOPLIN LAND COMPANY'S FIRST ADDITION TO THE CITYOF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEROF.

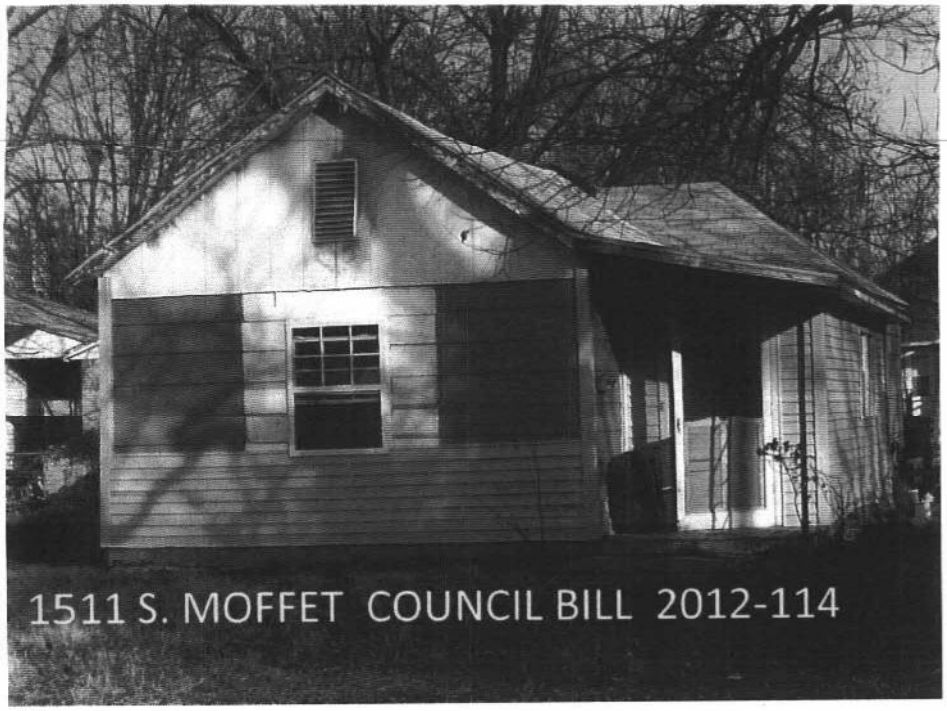
Section 3: That the City of Joplin declares that this ordinance relating to the immediate preservation of public health and welfare special is an emergency within the meaning of Section 2.12 (1) of the HOME RULE CHARTER of the City of Joplin, Missouri and the Council hereby declares that this ordinance shall be in full force and effect from and after its passage.

Passed by the Council of the City of Joplin, Missouri, this _____ day of _____, 2012, by a _____ vote.

ATTEST: Michael R. Woolston - Mayor

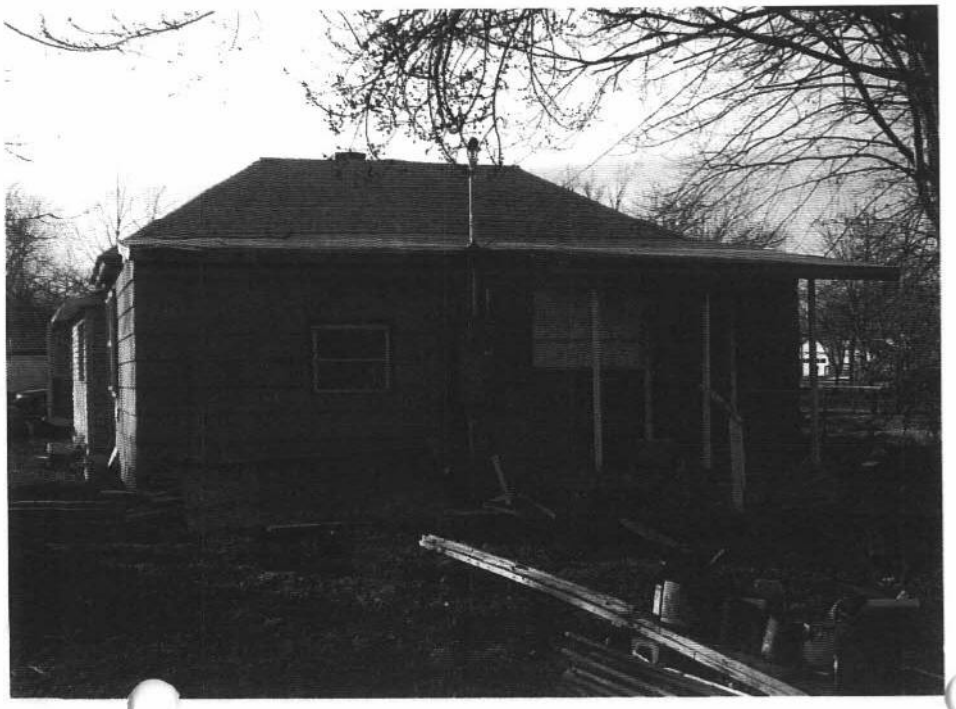
Barbara Hogelin – City Clerk

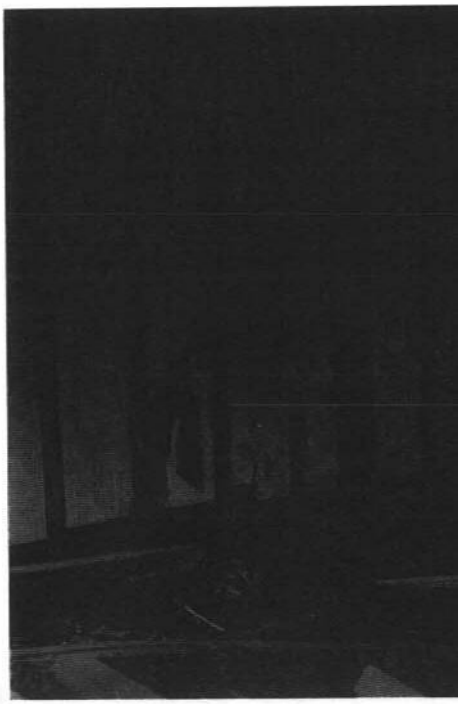
APPROVED AS TO FORM:_____
Brian W. Head - City Attorney



1511 S. MOFFET COUNCIL BILL 2012-114







CITY OF JOPLIN MISSOURI

BID TABULATION:

BID #: ____ DESCRIPTION: 1511 S. MOFFET AVENUE DEPARTMENT: BUILDING REGULATIONS

BID OPENING DEADLINE: 1/18/12 OPENED: 10:00 A.M. 1/18/12

OPENED BY: JEFF OLIVER WITNESSED BY: MARCI STOEBEL APPROVED BY: _____

VENDOR NAME:	DATE RECEIVED:	CONTACT NAME:	PHONE #	AMOUNT OF BID:
LYNN ROWE	1/18/12	LYNN ROWE	417-439-5991	$2100.00
B&D YARD BUILDERS	1/18/12	DENNIS NEELY	417-437-7506	$2232.00
WHEELER EXCAVATING	1/18/12	STARBUCK WHEELER	417-437-1037	$2190.00
BIG JOHN'S	1/18/12	SID DAVIS	417-437-0285	$2599.01

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: February 6, 2012
Council Bill No. 2012-115

Item: Motor Vehicle Expenditures
Originating Department: Public Works – Sewer Maintenance

Attachments: 1) Bid Tabulations
2) Council Bill No. 2012-115

Operations Planning: Tim Nyander TN	Date: 1·30·2012
Department Head: David Hertzberg DH	Date: 1/30/12
Finance Department: Leslie Jones LJ	Date: 1-31-12
City Attorney: Brian Head BH	Date: 1-31-12
City Manager: Mark Rohr MR	Date: 1-31-12

Recommended Action: Approval of the purchase of a Sewer Vacuum Truck/Jet Rodder for the Sewer Maintenance Division.

Background: A sewer vacuum/jet rodder is capable of simultaneous high pressure jetting and vacuuming for the removal of sand, grit, grease, sludge, stones and other materials from sanitary sewers, storm sewers, catch basins and other facilities. The equipment also performs hydro excavation, a cutting-edge green technology that uses pressurized water to safely and surgically convert solid ground into mud that is quickly vacuumed into the hopper. It is a safe, non-destructive and extremely cost-efficient method of excavating around underground utilities or just excavating in critical areas that are inaccessible to conventional excavation equipment.

Following approval of the City Manager, requests for bids were publically announced for a vacuum/jet rodder to be utilized in the Sewer Maintenance Division. This purchase will replace an existing unit owned by the City, which has exceeded its useful life.

Discussion: Four bids were received, with the lowest bid not meeting cab & chassis Gross Vehicle Weight Rating (GVWR) requirements. The second-lowest bid was presented by Key Equipment & Supply, of Kansas City, in the amount of $342,713, prior to the trade-in of the current vacuum/jetting unit of $100,000, leaving a purchase price of $242,713. The equipment as bid meets the specifications requested by the Public Works Department, and is the lowest and best bid of all that were received.

After review of all bidding documents, there will be 2 options added to the bid price, a traffic control light bar and a module which allows vacuuming while moving. The cost of these options are estimated at approximately $2,500.

Recommendation: It is recommended that the City accept the bid as described for the purchase of a Sewer Vacuum/Jet Rodder Truck.

CITY OF JOPLIN
CORRECTED BID TABULATION

BID #	2012-05	AWARDED:	Key Equipment & Supply
BID FOR:	Sewer Vacuum Truck/Jet Rodder	BID PRICE:	$242,713.00
CLOSING DATE:	17-Jan-2012	DEPT:	Public Works
CLOSING TIME:	2:00 PM	BID OPENED BY:	T Nyander, J Benson D. Smith, J. Burton

Company	Burnup Equipment Co, Inc.	Key Equipment & Supply	Burnup Equipment Co, Inc.	Burnup Equipment Co, Inc.
Location	Independence, MO	Kansas City, KS	Independence, MO	Independence, MO
Salesperson	Chris Burnup	Kent Fahnholz	Chris Burnup	Chris Burnup
Telephone	(816) 252-8700	(800) 282-0149	(816) 252-8700	(816) 252-8700
Bid Price/Delivered	$318,749.00	$342,713.00	$342,816.00	$352,982.00
Trade-In	$79,074	$100,000	$82,553	$85,079
Net Bid Price	**$239,675.00**	**$242,713.00**	**$260,263.00**	**$267,903.00**
Manufacturer	Vac-Con	Vactor	Vac-Con	Vac-Con
Model	390/1000	2100 Plus	V311E/1500L H RA-0	V311E/1500L H RA-0
Year	2012	2012	2012	2012

Cab & Chassis Does Not
Meet GVWR Specifications

COUNCIL BILL NO. 2012-115 ORDINANCE NO.

AN ORDINANCE approving the Purchase Order with Key Equipment & Supply, of Kansas City, in the amount of Three Hundred Forty-Two Thousand Seven Hundred Thirteen and no/100 Dollars ($342,713.00), less the trade in of used equipment in the City of Joplin, Missouri; providing how the cost shall be made and levied, and containing an emergency clause.

BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. That the Purchase Order be awarded to Key Equipment & Supply in the amount of Three Hundred Forty-Two Thousand Seven Hundred Thirteen and no/100 Dollars ($342,713.00), less the trade in of used equipment in the City of Joplin, Missouri:.

Section 2. That the City Manager of the City of Joplin is authorized to execute the Purchase Order described in Section 1 of this Ordinance for and on behalf of the City of Joplin.

Section 3. This ordinance is an emergency within the meaning of Section 2.12 (6) in that said ordinance provides for public improvements and is considered an emergency by the Council and as such shall become effective immediately upon this passage as provided by the Home Rule Charter for the City of Joplin.

Passed by the Council of the City of Joplin, Missouri, this _____ day of _____, 2012, by a _____ vote.

ATTEST: Michael R. Woolston, Mayor

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W. Head, City Attorney

I hereby certify that a sufficient amount is available in the said Sanitary Sewer Fund, Account Number 415-4542-540-8210 to pay the amount called for in said Purchase Order.

Leslie Jones, Director of Finance

City of Joplin

City Council Agenda Item

REQUESTED COUNCIL MEETING DATE: February 6, 2012
ITEM: Council Bill 2012-603 amending the Classification and Pay Plan adopted by Ordinance No. 2000-192 and authorizing a new title and an update to the position of Athletic Manager for the Parks and Recreation Department on an emergency basis.

ORIGINATING DEPARTMENT: Department of Human Resources

ATTACHMENTS: Council Bill 2012-603, Administrative Salary Plan dated November 6, 2010, the position description and an Exhibit A.

HUMAN RESOURCES DIRECTOR:	Reba L. Snavely	**DATE:** 1/31/12
CITY MANAGER:	R. Mark Rohr	**DATE:** 1-31-12
CITY ATTORNEY:	Brian Head	**DATE:** 1-31-12
FINANCE DIRECTOR:	Leslie Jones	**DATE:** 1-31-12
DEPARTMENT HEAD:	Christopher Cotten	**DATE:** 1/31/12

SUMMARY:
This Council Bill approves the position of Athletics Manager in the Department of Parks and Recreation.

DISCUSSION:
The Classification and Pay Plan includes provisions whereby the Plan periodically can be reviewed and revised. Following is the explanation for the changes to the classification:

The position of Athletics Manager is a new title only. The previous title was Facility and Events Manager and it was utilized at Memorial Hall. This new title more accurately describes the functions this position will accomplish. The position of Facility and Events Manager is not needed at this time as Memorial Hall is being rented to the local school system. Creating this position will allow the administration to address Council's stated priority of generating more activity at the Athletic Complex.

The Facility and Events Manager position is in the budget and is a range 29. The salary range for the Athletics Manager is also a range 29. The salary is $37,110 to $53,876.

The Athletics Manager is necessary so it can assume responsibilities for the management of the Athletic Complex. The position is responsible for planning, organizing and coordinating sports and recreational programs and events primarily at the Sports Complex and fields. The position has been reviewed by the Personnel Board and approved. The City Manager has reviewed and approved the Classification and Pay Plan revisions as described.

RECOMMENDATION:

Staff recommends approval of this Council Bill on an emergency basis.

COUNCIL BILL NO. 2012-603 **ORDINANCE NO. 2012-___**

AN ORDINANCE amending the Classification and Pay Plan adopted by Ordinance No. 2000-192 and authorizing a new classification title for the Parks and Recreation Department and containing an emergency clause.

WHEREAS, the City Council of the City of Joplin, Missouri, upon the recommendation of the Carl S. Becker Company, Inc., approved and implemented a Classification and Pay Plan on October 16, 2000. This plan was revised November 1, 2006.

WHEREAS, that Classification and Pay Plan included provisions whereby the Plan was reviewed beginning in June 2007 with the Envisioning Process to determine second tier management staffing levels in specific departments and to be in line with the Blueprint for the Future; and

WHEREAS, the Classification of Facility and Events Manager is being moved from Memorial Hall and placed at the Athletic Complex in order to effectively manage the planning, organizing and coordinating of sports and recreational programs and events at the complex and fields and such a move requires no additional funds.

WHEREAS, the City Manager has reviewed the new title for the Parks and Recreation Department requesting the Facility and Events Manager position previously used in Memorial Hall be transferred to the Athletic Complex as the Athletics Manager to become effective on the first day of the first pay period following the effective date of this ordinance. The Personnel Board has reviewed and approved the new classification title and duties.

WHEREAS, the City Manager has reviewed the Classification and Pay Plan revisions and is recommending these to the Council as stated above;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That the Classification and Pay Plan adopted by the Council of the City of Joplin, Missouri, on October 16, 2000, by Ordinance No. 2000-192, and having been amended to include functional and organizational changes.

Section 2. That the classifications as attached hereto as "Exhibit A" are hereby established.

Section 3. That this being an Ordinance affecting current expenditures of the City government and having to do with the expenditure of public funds, shall be considered an Emergency Ordinance within the meaning of Section 2.12(3) (4) of the Home Rule Charter of the City of Joplin, Missouri, and as such shall become effective immediately upon its passage.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this ___ day Of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

CITY OF JOPLIN
Council Meeting
February 6, 2012

Council Bill 2012 603
Classifications Changes

EXHIBIT A

Classification Title	Salary Range	Minimum Pay	Maximum Pay
Athletics Manager Department of Parks And Recreation	29	$37,110	$53,876

CITY OF JOPLIN

Class Code: 331

ATHLETICS MANAGER

Definition: Under general supervision, plans, organizes, and coordinates sports and recreational programs and events sponsored by the City of Joplin. This position reports to the Parks and Recreation Director and involves planning, preparing, and leading adults, children, and youth in various sports and recreational activities. This position will also assist in supervising the Sports Complex and fields. The position will support and assist with accomplishment of the Parks Departments stated mission and values.

Essential Functions: Essential functions include the following tasks, knowledge, skills, and abilities. Attendance and dependability are extremely important in this job. Must maintain confidentiality. Other duties may be assigned as necessary.

Tasks:

Position is responsible for developing positive revenue streams at the Athletic Complex. The Athletics Manager will be on program site and spend a lot of time interacting with participants, patrons and staff. Performs duties associated with a recreation facility or recreation program emphasis area. Team member must have experience running leagues and tournaments for all outdoor sports.

Provides excellent customer service to both internal and external customers. Assists patrons and provides information to the public. Coordinates recreation activities with patrons, contract instructors, and outside agencies.
Registers participants in programs. Organizes implements and evaluates activities, classes and programs.
Observes patron participation at recreation facilities and/or during programs to ensure compliance with policies, procedures and rules. Monitors the use of facilities and equipment.

Assesses the community's need for sports and recreational services and develops and directs programs and resources; develops and recommends budgets; performs a variety of administrative functions, and prepares a variety of reports. Organizes and coordinates staff needed to operate a variety of programs; prepares and disseminates marketing materials about programs and activities and secures revenue sources to support development and continuation of programs.

Determines equipment, material and supply needs for recreational and sports activities, maintains a current inventory of equipment, supplies, and materials and ordering additional stock as needed to facilitate smooth and efficient operation of program activities; assigns, coordinates, and reviews the work of full and part-time recreation program employees.

Knowledge, Skills, and Abilities:

Knowledge of the cultural and recreational needs of the citizens and ability to assess those needs.
Knowledge of effective programs and services for communities.
Knowledge of general management principles and practices, including budgeting, program planning, and employee supervision, evaluation and training.
Knowledge of the rules and regulations for a variety of recreational sports, including basketball, volleyball, softball and tennis.
Knowledge of a variety of recreation programs and activities and recreation programming and facility operations, including ability to schedule and coordinate activities.
Knowledge of the equipment, supplies, and materials needed for varying sports and recreational programs.
Skill in establishing and maintaining effective working relationships with City staff, local business and industry officials, and the public.
Skill in understanding and interpreting complex rules, regulations, policies, and procedures.
Skill in assessing the need for cultural and recreational services and developing responsive resources.
Skill in providing leadership for and evaluating the work of staff.
Ability to facilitate the leisure pursuits of a variety of age group's interests and abilities.
Ability to interact tactfully and courteously with the public.
Ability to establish and maintain effective working relationships with staff, colleagues and other agencies.
Ability to represent the City and Parks and Recreation Department in a professional manner.

Ability and skill in the use of a personal computer, internet, spreadsheets and word processing software.
Ability to administer basic First Aid and CPR.
Ability and skill in written and verbal communication.

Physical requirements:
Requires high levels of standing, bending, twisting, squatting, and moving about; lifting may be required; manual dexterity to such a degree as to allow proper assembly, operation, and maintenance of specialized essential job related equipment, and operation of computers, FAX machines, copiers, calculators and telephones; must be sighted, hearing, and mobile to such a degree as not to compromise safety rules or the safety of self or others while working. Mobile to such a degree that allows efficient and effective job related movement such as moving around a work area or building to perform essential job functions both inside and outside; requires color and depth perception. Working in groups of people and crowds that may be moving and changing is necessary. Working in varying weather conditions is necessary. Working a variety of early morning hours, evening and weekend hours and some holidays is required.

Minimum requirements:
Undergraduate Degree in Parks and Recreation, Sports and Leisure Management, Physical Education or equivalent education and experience to equate to the required education and experience. Current certification in First Aid and CPR. An understanding of cost recovery programming. A minimum of five years' experience including revenue generating sports, recreational programming and athletics management. Exhibits enthusiasm, energy and working well with the public and the Parks team. Must complete a confidentiality statement. Must successfully complete a thorough background check. Must have a valid driver's license.

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date:
Council Bill No. 2012-604
Item: New Aquatics Center Contract
Originating Department: Joplin Parks and Recreation Department

Attachments: 1) Agreement
2) Council Bill No. 2012-604

Parks and Recreation: Chris Cotten	Date: 1-31-2012
Finance Department: Leslie Jones	Date: 1-31-2012
City Attorney: Brian W. Head	Date: 1-30-2012
City Manager: Mark Rohr	Date: 1-31-12

Recommended Action: Authorization to enter into an agreement with Water's Edge Aquatic Design for services to provide feasibility, site location, evaluation, concept/planning schematic design, bidding, construction administration and post construction services for a new aquatic center to replace the Schifferdecker swimming pool.

Background: During the Informal before the January 17, 2012 City Council Meeting a presentation was given on the current situation with repairing the Cunningham Pool, opening Schifferdecker pool for one last summer and the criteria that went into interviewing and selecting a reputable aquatics firm to design and aid in overseeing the construction of a new aquatic center for the citizens of Joplin. As a result of that meeting, a contract has been procured with Water's Edge and with City Council approval, we will being the process of developing a new aquatic center.

Discussion:
Attached is the proposed contract between Water's Edge Aquatic Design for your review and consideration. References for Water's Edge have been checked and they have come back positive. Water's Edge has designed and completed over 200 projects within the last 10 years. This firm has done a multitude of projects for municipalities, school districts, universities, private developments and more. Water's Edge is very familiar with our pools, having evaluated Cunningham, Ewert and Schifferdecker over the years. Additionally, Water's Edge performed the evaluation on Cunningham Pool following the May 22nd tornado. Water's Edge will evaluate different locations for a new facility, will have public input meetings with our citizens and use that information to bring the best possible scenario for a new facility forward to Council for approval.

Recommendation: Staff recommends passage of this council bill on an emergency basis. It is imperative for work to begin immediately if a new facility is to be complete by Memorial Day weekend 2013.

COUNCIL BILL NO. 2012-604 ORDINANCE NO.

AN ORDINANCE approving the Agreement by and between the City of Joplin, Missouri, a Municipal Corporation, and the Water's Edge Aquatic Design, for services related to the planning, development and construction administration for a new aquatic center at Schifferdecker Park; and authorizing the City Manager to execute the same by and on behalf of the City of Joplin; and containing an emergency clause.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That the Agreement by and between the City of Joplin, Missouri, a Municipal Corporation, and Water's Edge Aquatic Design, for services related to the planning, development and construction administration for a new aquatic center at Schifferdecker Park, a true and accurate copy of the same being attached hereto and incorporated herein, be and the same is hereby approved.

Section 2. That the City Manager is hereby authorized and directed to execute said Agreement and other documents necessary to complete the transaction by and on behalf of the City of Joplin, Missouri.

Section 3. That this Ordinance, dealing generally with the preservation of public peace, health, and safety, is an emergency within the meaning of Section 2.12(1) and 2.12(3) of the Home Rule Charter of the City of Joplin, Missouri, and, as such, shall be in full force and effect immediately from and after its adoption and approval.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2012, by a vote of _____.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

Appendix A - Terms and Conditions

1 SERVICES OF ENGINEER

1.01 Scope

A. ENGINEER will provide feasibility, evaluation, masterplanning, programming, concept planning/schematic design, design development, final design, bidding, construction administration, and post construction services.

B. ENGINEER will serve as OWNER's professional engineering representative in those phases of the PROJECT to which this Agreement applies and will give consultation and advice to OWNER during the performance of its services.

C. ENGINEER will provide the Basic Services outlined and described in Appendix B of this Agreement.

D. ENGINEER will provide Additional Services following authorization by the OWNER.

2 OWNER'S RESPONSIBILITIES

2.01 Scope

A. OWNER shall have the responsibilities set forth in this Agreement, as described in Appendix C.

3 TIMES FOR PROVIDING SERVICES

3.01 General

A. ENGINEER's obligation to provide services hereunder will be for a period of time that may reasonably be required for the completion of said services.

1. If OWNER requests changes in scope, extent, or character of the PROJECT, the time of performance and compensation for ENGINEER's services shall be adjusted equitably.
2. The OWNER and ENGINEER are aware that many factors outside the ENGINEER's control may affect the ENGINEER's ability to complete the services to be provided under this Agreement. The ENGINEER will perform these services with reasonable diligence and expediency consistent with sound professional practices.

3.02 Suspension

A. The OWNER agrees that the ENGINEER is not responsible for damages arising directly or indirectly from any delays for causes beyond the ENGINEER's control. For purposes of this Agreement, such causes include, but are not limited to, strikes or other labor disputes; severe weather disruptions or other natural disasters or acts of God; fires, riots, war or other emergencies; failure of any government agency to act in a timely manner; failure of performance by the OWNER or the OWNER's contractors or consultants; or discovery of any hazardous substances or differing site conditions. In addition, if the delays resulting from any such causes increase the cost or time required by the ENGINEER to perform its services in an orderly and efficient manner, the ENGINEER shall be entitled to a reasonable adjustment in schedule and compensation.

4 PAYMENT TO ENGINEER

4.01 Compensation

A. General: In addition to other requirements of this Agreement, compensation is based on the

following:

1. A traditional design-bid-build delivery process with one prime contractor.
2. Fees for special consultants (e.g. geotechnical consultant, sound system consultant, irrigation system consultant, etc...) are not included. If special consultants are required, fees for such services will be negotiated at the time based on the required scope of work.
3. Expenses are included in described fees unless otherwise defined in this Agreement.
4. ENGINEER will furnish three (3) sets of the plans and specifications to the OWNER. Additional sets required for permitting, OWNER's review, bidding, or for construction will be furnished at the cost of reproduction and paid for by others (e.g. OWNER, Bidders, or Contractor).

B. The OWNER agrees to compensate the ENGINEER for the consulting services provided under this Agreement based on the following:

BASIC SERVICES- Lump Sum Amount:

Concept/Schematic Design	$37,100
Design Development	$60,950
Final Design/Construction Documents	$164,300
Bidding	$10,600
Construction/Post ConstructionAdministration	$135,150
SUBTOTAL- BASIC SERVICES	$408,100

OPTIONAL SERVICES/TASKS- If any optional service is selected by OWNER, OWNER agrees to compensate the ENGINEER based on the following: Selection of the optional services is indicated in the Agreement for Professional Services.

a.	Task A- Evaluation and Inventory-Facilities and Sites	$10,880
b.	Task B- Goals and Masterplanning	$12,200
c.	Task C- Operations Projections/Cost Recovery Study	$ 7,200
d.	Task D- Public Input Meetings	$ 5,360
e.	Task E- Public Awareness- Project Website	$ 5,320
f.	Task F- Public Awareness- 3-Dimensional Renderings	$ 5,000

C. Expenses: Direct expenses will be billed separately in accordance with the rates shown in Appendix E. The total reimbursable expenses are estimated to be a maximum of $22,000.

4.02 Other Payment Provisions

A. Invoices will be prepared using ENGINEER's standard practices and shall clearly identify the level of progress claimed.

B. Payment Due: Invoices shall be submitted by the ENGINEER monthly in proportion to services provided, are due upon presentation, and shall be considered past due if not paid within thirty (30) calendar days of the due date.

C. Interest: If payment in full is not received by the ENGINEER within thirty (30) calendar days of the due date, invoices shall bear interest at one-and-one-half (1.5) percent (or the maximum rate allowable by law, whichever is less) of the PAST DUE amount per month, which shall be calculated from the invoice due date. Payment thereafter shall first be applied to accrued interest and then to the unpaid principle.

D. Suspension of Services: If the OWNER fails to make payments when due or otherwise is in breach of this Agreement, the ENGINEER may suspend performance of services upon seven (7) calendar days' notice to the OWNER. The ENGINEER shall have no liability whatsoever to the OWNER for any costs or damages as a result of such suspension caused by any breach of this Agreement by the OWNER. Upon payment in full by the OWNER, the ENGINEER shall resume services under this Agreement, and the time schedule and compensation shall be equitably adjusted to compensate

for the period of suspension plus any other reasonable time and expense necessary for the ENGINEER to resume performance. In the event of any termination of this Agreement, ENGINEER will be entitled to invoice the OWNER and will be paid for all services performed or furnished and all reimbursable expenses incurred through the effective date of termination.

E. If the OWNER objects to any portion of an invoice, the OWNER shall so notify the ENGINEER in writing within seven (7) calendar days of receipt of the invoice. The OWNER shall identify in writing the specific cause of the disagreement and the amount in dispute and shall pay that portion of the invoice not in dispute in accordance with the other payment terms of this Agreement.

F. Payments to the ENGINEER shall not be withheld, postponed or made contingent on the construction, completion or success of the Project or upon receipt by the OWNER of offsetting reimbursement or credit from other parties who may have caused Additional Services or expenses. No withholdings, deductions or offsets shall be made from the ENGINEER's compensation for any reason unless the ENGINEER has been found to be legally liable for such amounts.

G. In the event of any termination of this Agreement, ENGINEER will be entitled to invoice the OWNER and will be paid for all services performed or furnished and all reimbursable expenses incurred through the effective date of termination.

H. In the event legal action is necessary to enforce the payment terms of this Agreement, the ENGINEER shall be entitled to collect from the OWNER any judgement or settlement sums due plus reasonable attorneys fees, court costs, and other expenses incurred by the ENGINEER for such collection action and, in addition, the reasonable value of the ENGINEER's time and expenses spent for such collection action, computed according to the ENGINEER's prevailing fee schedule and expense policies.

5 OPINIONS

5.01 Opinions of Probable Construction Cost

A. ENGINEER's opinions of probable construction costs for the PROJECT will be made on the basis of ENGINEER's professional judgment and experience.

B. ENGINEER makes no warranty, express or implied, that bids, the negotiated cost of the PROJECT or actual construction costs will not vary from opinions of probable construction cost prepared by ENGINEER.

5.02 Opinions of Facility Operating Expenses and Revenue Projections

A. ENGINEER's opinions of facility operating expenses and revenue projections for the PROJECT will be made on the basis of ENGINEER's professional judgment, experience, and historical data obtained from other similar facilities.

B. The OWNER understands that the ENGINEER has no control over the cost or availability of labor, utilities, supplies, materials, equipment, or services provided by others, or over market conditions.

C. ENGINEER makes no warranty, express or implied, that actual operating expenses or projected revenues will not vary from opinions of facility operating expenses and revenue projections prepared by ENGINEER.

6 GENERAL CONSIDERATIONS

6.01 Performance Standards

A. The standard of care for all professional engineering and related services performed or furnished by ENGINEER under this Agreement will be the care and skill normally furnished by members of the

ENGINEER's profession practicing under similar circumstances at the same time and in the same locality. ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with ENGINEER's services.

B. The ENGINEER shall not be required to execute any documents subsequent to the signing of this Agreement that in any way might, in the sole judgment of the ENGINEER, increase the ENGINEER's risk or the availability or cost of its professional or general liability insurance.

C. As used herein, the word certify shall mean an expression of the ENGINEER's professional opinion to the best of its information, knowledge and belief, and does not constitute a warranty or guarantee by the ENGINEER.

6.02 Project Representatives

A. At the start of the PROJECT, ENGINEER and OWNER shall designate specific individuals to act as Project Representatives with respect to the services to be performed or furnished by the ENGINEER and responsibilities of OWNER under this Agreement. Such individuals shall have the authority to transmit instructions, receive information, and render decisions relative to the PROJECT, on behalf of each respective party.

6.03 Use of Documents

A. All Documents are instruments of service in respect to this PROJECT, and ENGINEER will retain an ownership and property interest therein (including the right of reuse at the discretion of the ENGINEER) whether or not the PROJECT is completed.

B. OWNER shall have the rights to make and retain copies of Documents for information and reference in connection with use on the PROJECT by OWNER for use, maintenance and repair, or reference for future improvements to the PROJECT.

C. OWNER agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Consultant from any damages, liabilities or costs, including reasonable attorneys' fees and costs of defense, arising out of the future use or modification by the Client to any reports, plans, specifications or other construction documents beyond the scope of these services. This indemnification provision shall survive the termination of this Agreement.

D. If the ENGINEER for any reason is not allowed to complete all the services called for by this Agreement, the ENGINEER shall not be held responsible for the accuracy, completeness, or constructibility of the construction documents prepared by the ENGINEER if used, reused, changed or completed by the OWNER or by another party. Accordingly, the OWNER agrees, to the fullest extent permitted by law, to indemnify and hold harmless the ENGINEER, its officers, directors, employees, and subconsultants (collectively, ENGINEER) from any damages, liabilities or costs, including reasonable attorneys' fees and defense costs, arising or allegedly arising from such use, change or completion by any other party of any construction documents prepared by ENGINEER.

6.04 Insurance

A. ENGINEER will procure and maintain insurance as set forth in Appendix D.

B. All policies of property insurance shall contain provisions to the effect that ENGINEER's interests are covered and that in the event of payment of any loss or damage the insurers will have no rights of recovery against any of the insureds or additional insureds thereunder.

6.05 Termination

A. In the event of termination of this Agreement by either party, the OWNER shall, within fifteen (15) calendar days of termination, pay the ENGINEER for all services rendered and all reimbursable

costs incurred by the ENGINEER up to the date of termination, in accordance with the payment provisions of this Agreement.

B. The OWNER may terminate this Agreement for the OWNER's convenience and without cause upon giving the ENGINEER not less than seven (7) calendar days written notice.

C. Either party may terminate this Agreement for cause upon giving the other party not less than seven (7) calendar days written notice for any of the following reasons.

1. Substantial failure by the other party to perform in accordance with the terms of this Agreement and through no fault of the terminating party.
2. Assignment of this Agreement or transfer of the Project by either party to any other entity without the prior written consent of the other party.
3. Suspension of the Project or the ENGINEER's services by the OWNER for more than ninety (90) calendar days, consecutive or in the aggregate.
4. Material changes in the conditions under which this Agreement was entered into, the Scope of Services or the nature of the Project, and the failure of the parties to reach agreement on the compensation and schedule adjustments necessitated by such changes.

D. In the event of any termination that is not the fault of the ENGINEER, the OWNER shall pay the ENGINEER, in addition to payment for services rendered and reimbursable costs incurred, for all expenses reasonably incurred by the ENGINEER in connection with the orderly termination of this Agreement, including but not limited to demobilization, reassignment of personnel, associated overhead costs and all other expenses directly resulting from the termination.

6.06 Successors, Assigns, and Beneficiaries

A. OWNER and ENGINEER each is hereby bound to the other party in respect of all covenants, agreements and obligations of this Agreement.

B. Neither OWNER nor ENGINEER may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent mandated or restricted by law.

6.07 Controlling Law

A. This Agreement is to be governed by the law of the State of Missouri.

6.08 Dispute Resolution

A. OWNER and ENGINEER agree to negotiate all disputes between them in good faith for a period of thirty (30) days from the date of notice prior to other provisions of this Agreement, or under law.

B. OWNER and ENGINEER agree to use mediation for dispute resolution if the previously described negotiation process is not successful.

C. In the event of any litigation arising from or related to this Agreement or the services provided under this Agreement, each party shall pay their own legal expenses, including staff time, court costs, attorney's fees and all other related expenses in such litigation.

6.09 Hazardous Environmental Conditions

A. OWNER represents to ENGINEER that to the best of its knowledge a hazardous environmental condition does not exist at or near the PROJECT Site.

B. Both parties acknowledge that the ENGINEER's scope of services does not include any services related to the presence or removal of any hazardous or toxic materials.

6.10 Allocation of Risks

A. The ENGINEER agrees, to the fullest extent permitted by law, to indemnify and hold harmless the OWNER, its officers, directors and employees (collectively, OWNER) against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, to the extent caused by the ENGINEER's negligent performance of professional services under this Agreement and that of its subconsultants or anyone for whom the ENGINEER is legally liable.

B. The OWNER agrees, to the fullest extent permitted by law, to indemnify and hold harmless the ENGINEER, its officers, directors, employees and subconsultants (collectively, ENGINEER) against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, to the extent caused by the OWNER's negligent acts in connection with the Project and the acts of its contractors, subcontractors or consultants or anyone for whom the OWNER is legally liable.

C. Neither the OWNER nor the ENGINEER shall be obligated to indemnify the other party in any manner whatsoever for the other party's own negligence or for the negligence of others.

D. In recognition of the relative risks and benefits of the PROJECT to both the OWNER and the ENGINEER, the risks have been allocated such that the OWNER agrees, to the fullest extent permitted by law, to limit the liability of the ENGINEER to the OWNER for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, including attorneys' fees and costs and expert-witness fees and costs, so that the total aggregate liability of the ENGINEER to the OWNER shall not exceed the ENGINEER's total fees for services rendered on this PROJECT. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.

E. It is intended by the parties to this Agreement that the ENGINEER's services in connection with the PROJECT shall not subject the ENGINEER's individual employees, officers, members or directors to any personal legal exposure for the risks associated with this Project. Therefore, and not withstanding anything to the contrary contained herein, the OWNER agrees that as the OWNER's sole and exclusive remedy, any claim, demand or suit shall be directed and/or asserted only against the ENGINEER, a Kansas limited liability company, and not against any of the ENGINEER's individual employees, officers, members or directors.

6.11 Consequential Damages

A. Notwithstanding any other provision of the Agreement, neither party shall be liable to the other for any consequential damages incurred due to the fault of the other party, regardless of the nature of this fault or whether it was committed by the OWNER or the ENGINEER, their employees, agents, subconsultants or subcontractors. Consequential damages include, but are not limited to, loss of use and loss of profit.

6.12 Survival

A. All express representations, indemnifications, or limitations of liability included in this Agreement will survive its completion or termination for any reason.

6.13 Severability

A. Any provision or part of the Agreement held to be void or unenforceable under any Laws or Regulations shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and ENGINEER, who agree that the Agreement shall be reformed to replace such stricken provision that comes as close as possible to expressing the intention of the stricken provision.

6.14 Waiver

A. Non-enforcement of any provision by either party shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remainder of this Agreement.

6.15 Code Compliance

A. The OWNER acknowledges that the requirements of the Americans with Disabilities Act (ADA) will be subject to various and possibly contradictory interpretations. The ENGINEER, therefore, will use its reasonable professional efforts and judgment to interpret applicable ADA requirements and other federal, state, and local laws, rules, codes, ordinances, and regulations as they apply to the PROJECT. The ENGINEER, however, cannot and does not warrant or guarantee that the PROJECT will comply with all interpretations of the ADA requirements and/or the requirements of other federal, state, and local laws, rules, codes, ordinances, and regulations as they apply to the PROJECT.

B. The ENGINEER shall put forth reasonable professional efforts to comply with applicable laws, codes, and regulations in effect as of the date of the execution of this Agreement. Design changes made necessary by newly enacted laws, codes and regulations after this date shall entitle the ENGINEER to a reasonable adjustment in the schedule and additional compensation in accordance with the Additional Services provisions of this Agreement.

6.16 Changed Conditions

A. If, during the term of this Agreement, circumstances or conditions that were not originally contemplated by or known to the ENGINEER are revealed, to the extent that they affect the scope of services, compensation, schedule, allocation of risks or other material terms of this Agreement, the ENGINEER may call for renegotiation of appropriate portions of this Agreement. The ENGINEER shall notify the OWNER of the changed conditions necessitating renegotiation, and the ENGINEER and the OWNER shall promptly and in good faith enter into renegotiation of this Agreement to address the changed conditions. If terms cannot be agreed to, the parties agree that either party has the absolute right to terminate this Agreement, in accordance with the Termination provision hereof.

7 DEFINITIONS

7.01 Defined Terms

A. As used herein, the following words and their derivative words or phrases shall have the meaning indicated, unless otherwise specified in this Agreement.

1. CERTIFY, CERTIFICATION: A statement of the ENGINEER's opinion, based on his or her observation of conditions, to the best of the ENGINEER's professional knowledge, information and belief. Such statement of opinion does not constitute a warranty, either express or implied. It is understood that the ENGINEER's certification shall not relieve the OWNER or the OWNER's contractors of any responsibility or obligation they may have by industry custom or under any contract.
2. COST ESTIMATE: An opinion of probable construction cost made by the ENGINEER. In providing opinions of probable construction cost, it is recognized that neither the OWNER nor the ENGINEER has control over the costs of labor, equipment or materials, or over the Contractor's methods of determining prices or bidding. The opinion of probable construction costs is based on the ENGINEER's reasonable professional judgment and experience and does not constitute a warranty, express or implied, that the Contractor's bids or the negotiated price of the Work will not vary from the OWNER's budget or from any opinion of probable cost prepared by the ENGINEER.
3. DAY, DAYS: A calendar day of 24 hours. The term "days' shall mean consecutive calendar days of 24 hours each, or fraction thereof.

4. INSPECT, INSPECTION: The visual observation of construction to permit the ENGINEER, as an experienced and qualified professional, to determine that the Work, when completed by the Contractor, generally conforms to the Contract Documents. In making such inspections, the ENGINEER makes no guarantee for, and shall have no authority or control over, the Contractor's performance or failure to perform the Work in accordance with the Contract Documents. The ENGINEER shall have no responsibility for the means, methods, techniques, sequences or procedures selected by the Contractor or for the Contractor's safety precautions and programs nor for failure by the Contractor to comply with any laws or regulations relating to the performance or furnishing of the Work by the Contractor.

5. RECORD DOCUMENTS: Drawings prepared by the ENGINEER upon the completion of construction based upon the drawings and other data furnished to the ENGINEER by the Contractor and others showing significant changes in the Work made during construction. Because Record Documents are prepared based on unverified information provided by others, the ENGINEER makes no warranty of the accuracy or completeness of the drawings. Refer to Appendix B – ENGINEER Services to determine if preparation of Record Documents is part of Basic Services or Additional Services.

B. Additional terms and definitions are referenced as part of this Agreement in Article 7 – Definitions of the Standard Form of Agreement Between Owner and Engineer for Professional Services Prepared by Engineers Joint Contract Documents Committee EJCDC No. 1910-1 (1996 Edition).

End of Appendix A

Appendix B - ENGINEER's Services

ENGINEER will provide concept planning, preliminary design, final design, bidding, construction administration, and post construction services for the PROJECT as set forth below.

1 BASIC SERVICES

1.01 Phase I - Concept Planning/Schematic Design

A. Using the design criteria, create alternative concept designs.

B. Through workshop or consecutive meetings, review and receive comment on alternate concept plans.

C. Create summary of features and surface areas for each concept.

D. Develop concept options in conjunction with available sites under consideration.

E. Compare concept options and review with selected committee.

F. Create concept/schematic plans for bathhouse

G. Final Report and Presentation.
   1. Prepare report summarizing planning process and final concept plan.
   2. Present final concept plan to parks advisory board and city council.
   3. Revise plan and create final report to address feedback from presentation.

1.02 Phase II - Preliminary Design/Design Development

A. ENGINEER will complete the following Preliminary Design Phase tasks:
   1. ENGINEER will coordinate the selection of the topographic survey firm, along with required information needed of survey.
   2. ENGINEER will coordinate the selection of the independent geotechnical investigation agency, along with reguired information needed of the geotechnical investigation.
   3. ENGINEER will use available information from the concept design phase as the basis for the pool layout and design criteria.
   4. OWNER will review and adjust the aquatic programs together with ENGINEER's design team.
   5. ENGINEER will recommend specific aquatic features to satisfy identified needs and community preferences. The final selection of features will help determine the pool size, construction cost, and operating cost for the PROJECT.
   6. ENGINEER's work will include pool site development. ENGINEER will coordinate pool facilities within the available site.
   7. The Preliminary Site Design will include a site drawing that shows the proposed pool facilities relative to existing site amenities. ENGINEER will use the topographic survey, furnished by the OWNER, for the existing site. The plan will show each selected aquatic feature. Construction costs, fees and contingencies will be identified to develop a project cost. Preliminary design of the following site items will also be included in this phase
      a. Preliminary site grading plan
      b. Utility service and distribution plan
      c. Conceptual site grading plan, utlizing topographic survey
      d. Conceptual stormwater management design
      e. Initial plan for landcape design and materials
   8. Preliminary design/design development of the pools and buildings will include initial selections of equipment, materials, details, and features as follows
      a. Preliminary details and techniques for swimming pool construction

b. Selection of equipment for pool systems.
c. Refinement and selection of amenities and features- including cut sheets.
d. Refinement of bathhouse floor plan
e. Elevations of buildings, showing appearance and material selections

9. When the Preliminary Design is complete, ENGINEER will meet with OWNER to review the drawings and cost information. Based on comments by the OWNER, ENGINEER will adjust the design and prepare the final Preliminary Design documents.
10. ENGINEER will submit necessary plans to City for planning and zoning review.
11. At the conclusion of the Preliminary Design phase, ENGINEER will make a final presentation to the City Council or other group designate by OWNER. The presentation will include a summary of the entire PROJECT in a written document as well as a verbal presentation. ENGINEER will create a Power Point presentation that describes the Preliminary Design and summarizes the PROJECT findings. ENGINEER will provide a colored layout drawing for the recommended pool design.

1.03 Phase III - Final Design

A. After acceptance by OWNER of the Preliminary Design documents, ENGINEER will:
1. On the basis of the above acceptance, prepare final engineering design and prepare final construction documents including bidding documents, specifications and drawings indicating the scope, extent, and character of the work to be performed and furnished by Contractor. Specifications will be prepared in general conformance with the 16-division format of the Construction Specifications Institute.
2. Provide design data for OWNER's use in filing applications for permits from or approvals of governmental authorities having jurisdiction to review or approve the final design of the PROJECT and assist OWNER in consultations with appropriate authorities.
3. Prepare and furnish Final Design Documents for review and approval by OWNER.
4. The number of prime contracts for work designed or specified by ENGINEER upon which the ENGINEER's compensation has been established under this Agreement is one (1).
5. ENGINEER will provide an updated opinion of probable cost of the PROJECT.

B. ENGINEER's services under the Final Design Phase will be considered complete on the date when the final documents have been delivered to and accepted by the OWNER. Under this Agreement ENGINEER will furnish four (4) final sets of the plans and specifications to the OWNER. If requested, additional sets will be furnished at the cost of reproduction.

1.04 Phase IV - Bidding

A. After acceptance by OWNER of the Bidding Documents, and upon written authorization by OWNER to proceed ENGINEER will:
1. Assist OWNER in advertising for qualified contractors to submit bids for constructing the PROJECT and distribute bidding documents to prospective bidders. Cost for printing and mailing of these documents will be paid for by prospective bidders.
2. Issue Addenda as appropriate to clarify, correct, or change the Bidding Documents.
3. Assist OWNER in evaluating the low bidder's proposal. Furnish and assist in assembling up to four (4) sets of Contract Documents for execution by Owner and Contractor.
4. Consult with OWNER as to the acceptability of subcontractors, suppliers, and other individuals and entities proposed by Contractor.
5. If desired by OWNER, receive and review qualifications of prospective bidders for specialty trades such as pool structure, pool mechanical, and pool coatings.
6. If desired by OWNER, receive financial statements and review qualifications of prospective bidders wishing to bid project as general contractor.

B. The Bidding Phase will be considered complete upon commencement of the Construction Phase or upon cessation of negotiations with the prospective bidder.

1.05 Phase V - Construction Administration

A. Upon successful completion of the Bidding Phase, ENGINEER will perform the following:

1. General Administration of Construction Contract. Consult with OWNER and act as OWNER's representative as provided in the General Conditions. All of OWNER's instructions to Contractor will be issued through ENGINEER, who shall have authority to act on behalf of OWNER in performance of Construction Administration of the Construction Contract to the extent provided in this Agreement and said General Conditions.
2. ENGINEER shall distribute plans and specifications to the selected reproduction company. The reproduction and shipping costs for these documents shall be paid for by OWNER.
3. Selecting Independent Testing Laboratory. Assist OWNER in the selection of an independent testing laboratory to perform the services needed for the PROJECT.
4. Visits to Site and Observation of Construction. In connection with observations of Contractor's work while it is in progress:
   a. ENGINEER will visit the site at intervals appropriate to the stage of construction in order to observe the progress and quality of the work completed by the contractor. Such visits and observations are not intended to be an exhaustive check or a detailed inspection of the contractor's work but rather are to allow ENGINEER, as an experienced professional, to become generally familiar with the work in progress and to determine, in general, if the work is proceeding in accordance with the Contract Documents.
   b. Based on this general observation, ENGINEER will keep the OWNER informed about the progress of the Work and shall advise the OWNER about observed deficiencies in the Work.
   c. ENGINEER will not supervise, direct or have control over the contractor's work nor have any responsibility for the construction means, methods, techniques, sequences or procedures selected by the Contractor nor the Owner's safety precautions or programs in connection with the work. These rights and responsibilities are solely those of the Contractor in accordance with the Contract Documents.
   d. If the OWNER desires more extensive project observation or full-time project representation, the OWNER shall request that such services be provided by ENGINEER as Additional Services in accordance with the terms of this Agreement.
   e. ENGINEER will not be responsible for any acts or omissions of the contractor, subcontractor, any entity performing any portions of the work, or any agents or employees of any of them. ENGINEER does not guarantee the performance of the contractor and shall not be responsible for the contractor's failure to perform its work in accordance with the Contract Documents or any applicable laws, codes, rules, or regulations.
5. Defective Work. Recommend to OWNER that contractor's work be disapproved and rejected while it is in progress if, on the basis of such observations, ENGINEER believes that such work will not produce a completed PROJECT that conforms generally to the Contract Documents or that it will prejudice the integrity of the design concept of the completed PROJECT as a functioning whole as indicated in the Contract Documents. ENGINEER will advise and consult with the OWNER on correction of Defective work and shall assist the OWNER in testing of work believed to be defective if necessary. Services in connection with the evaluation of and determination to accept Defective work by contractor, including required re-design services, will be paid in accordance with Section 2 - Additional Services.
6. Clarifications, Interpretations, and Field Orders. Issue necessary clarifications and interpretations of the Contract Documents as appropriate to the orderly completion of contractor's work. ENGINEER may issue Field Orders authorizing minor variations from

the requirements of the Contract Documents.

7. Change Orders. Recommend Change Orders to OWNER, as appropriate, and prepare Change Orders as required.

8. Shop Drawing Review. Review and take other appropriate action on the submittals, such as shop drawings, product data, samples and other data, which the contractor is required to submit, but only for the limited purpose of checking for conformance with the design concept and the information shown in the Construction Documents. Review of a specific item shall not indicate that ENGINEER has reviewed the entire assembly of which the item is a component. ENGINEER will not be responsible for any deviations from the Construction Documents not brought to the attention of ENGINEER in writing by the contractor.

9. Substitutes and "or-equal". Evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by contractor. If the substitute product requires re-design, the cost for these services will be paid as described in Section 2 – Additional Services.

10. Inspections and Tests. Require such special inspections or tests of contractor's work as deemed reasonably necessary, and receive and review all certificates of inspections, tests, and approvals required by Laws and Regulations or the Contract Documents. ENGINEER's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Contract Documents. ENGINEER will be entitled to rely on the results of such tests.

11. Applications for Payment. Based on ENGINEER's observations as an experienced and qualified design professional and on review of Applications for Payment and accompanying supporting documentation:
    a. Determine the amounts that ENGINEER recommends be paid. Such recommendations of payment will be in writing and will constitute ENGINEER's representation to OWNER, based on such observations and review, that, to the best of ENGINEER's knowledge, information and belief, contractor's work has progressed to the point indicated, the quality of such work is generally in accordance with the Contract Documents.
    b. By recommending any payment, ENGINEER will not thereby be deemed to have represented that observations made by ENGINEER to check the quality or quantity of contractor's work as it is performed and furnished have been exhaustive, extended to every aspect of contractor's work in progress, or involved detailed inspections of the work beyond the responsibilities specifically assigned to ENGINEER in this Agreement and the Contract Documents. Neither ENGINEER's review of contractor's work for the purposes of recommending payments nor ENGINEER's recommendation of any payment including final payment will impose on ENGINEER responsibility to supervise, direct, or control contractor's work in progress or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto, or contractor's compliance with Laws and Regulations applicable to contractor's furnishing and performing the work. It will also not impose responsibility on ENGINEER to make any examination to ascertain how or for what purposes contractor has used the moneys paid on account of the Contract Price, or to determine that title to any portion of the work in progress, materials, or equipment has passed to OWNER free and clear of any liens, claims, security interests, or encumbrances, or that there may not be other matters at issue between OWNER and contractor that might affect the amount that should be paid.

12. Contractor's Completion Documents.
    a. Receive and review maintenance and operating instructions, schedules, and guarantees.
    b. Receive bonds, certificates, or other evidence of insurance not previously

submitted and required by the Contract Documents, certificates of inspection, tests and approvals, Shop Drawings, Samples and other data approved as provided, and the annotated record documents which are to be assembled by Contractor in accordance with the Contract Documents to obtain final payment.

c. ENGINEER will transmit these documents to OWNER.

13. Substantial Completion. Promptly after notice from Contractor that Contractor considers the entire work ready for its intended use, in company with OWNER and Contractor, conduct a site visit to determine if the work is Substantially Complete. If after considering any objections of OWNER, ENGINEER considers the work Substantially Complete, ENGINEER will deliver a notice of Substantial Completion to OWNER and Contractor.

14. Final Notice of Acceptability of the Work. Conduct a final site visit to determine if the completed work of is acceptable so that ENGINEER may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, ENGINEER will also provide a notice that the work is acceptable to the best of ENGINEER's knowledge, information, and belief and based on the extent of the services provided by ENGINEER under this Agreement.

B. Duration of Construction Phase. The Construction Phase will commence with the execution of the first Construction Agreement for the PROJECT and will terminate upon written recommendation by ENGINEER for final payment to Contractor.

1.06 Phase VI - Post-Construction and Commissioning Services

A. During the Post-Construction and Commissioning Phase, ENGINEER will:

1. Provide assistance in connection with the testing and adjusting of PROJECT equipment or systems.
2. Assist in training OWNER's staff to operate and maintain PROJECT equipment, and systems.
3. Together with OWNER, visit the PROJECT to observe any apparent defects in the work, assist OWNER in consultations and discussions with Contractor concerning correction of any such defects, and make recommendations as to replacement or correction of defective work, if present.
4. If requested by OWNER and in company with OWNER, provide a review of the PROJECT within one month before the end of the Warranty Period to ascertain whether any portion of the work is subject to correction.

B. The Post-Construction Phase services may commence during the Construction Phase and, if not otherwise modified in this Appendix, will terminate upon written recommendation by ENGINEER for final payment to Contractor.

2 OPTIONAL SERVICES/TASKS- In addition to the BASIC SERVICES, we understand that there are alternate tasks that may be desired during the planning phase the would aide the project. The following list includes tasks that would be performed if authorized by OWNER.

2.01 Task A - Evaluation and Inventory - Existing pools and potential sites.

A. Review relevant documents from past design and planning efforts, base mapping and topogographic data, narratives and other information related to the alternative sites being considered.

B. Review surveys and investigative reports to identify opportunities and challenges with developing the alternative sites, including review of site surveys, environmental assessments, and other documents relating topics such as wetland delineation, endangered species, historic preservation, etc...

C. Evaluate and review the physical condition of the following Ewert Swimming Pool related

components (visual review by licensed professional engineer).

1. Pool structures
2. Bathhouse and filter building
3. Pool deck and fence
4. Pool water treatment system
5. Pool recirculation system
6. Pool deck equipment
7. Parking and site features

D. Evaluate and review the following Schifferdecker Swimming Pool related components (visual review by licensed architect and professional engineer)
   1. Bathhouse and filter building
   2. Parking and site features

E. Compare existing facilities with current design guidelines/standards.

F. Identify health and safety hazards.

G. Determine improvements that can be made to the exisitng facilities, and whether new aquatics features can be integrated with existing facilities.

H. Site Evaluation and Selection
   1. Develop comprehensive existing conditions mapping of the potential sites, including inventory and analysis diagrams of development opportunities and challenges.
   2. Evaluate each site against criteria categorized by cost, function, and perception.
   3. Compare the sites utilizing the matrix of evalualtion criteria.
   4. Provide recommendation of preferred site.

2.02 Task B. Establish Goals and Perform Aquatics Masterplanning

A. Inventory the aquatic features and programs at the existing pools.

B. Review and present examples of relevant facilities, along with potential features.

C. Establish goals and program
   1. Meet to establish overall goals for project- schedule, process, features, amenities, potential sites, etc...
   2. Conduct a meeting to gather initial feedback on goals and preferences on amenities, rank preferred features by priority.
   3. Meet to establish project design criteria such as aquatic facility size, features, deck area, concession area, and bathhouse floor plan.
   4. Develop desired program for bathhouse areas, including potential admissions/entry, concessions, office space, storage, lifeguard space, etc...
   5. Focus all that we hear into feasible design criteria.

D. Compare the preferred features with inventory of existing features within City's other aquatic centers, in effort to provide complementary features and avoid duplication where not warranted.

E. Conduct market analysis to identify locations and character of aquatic facilities that have impact on project.

F. Determine appropriate size of facility that is sustainable, based upon attendance and market analysis.

G. Apply and develop concept options in conjunction with the available sites, particularly with options to expand one of the existing pools to accomodate the project goals.

H. Consider preferences developed for site with masterplan review to determine preferred option along with preferred site.

I. Feasibility of Year Round Swimming- Consider goal for a potential future phase of enclosing all or portions of the aquatic center for year-round indoor swimming.
   1. Prepare concept plan alternatives that allow for adaptation of the facility into a year-round facility.
   2. Show area needed on site for expansions that allow for year-round swimming.
   3. Research options and projected costs for future building enclosure
   4. Develop opinion of cost estimates for construction of a future phase, as well as, additional costs incurred for current project to accomodate the future conversion.

2.03 Task C. Operations Projections and Cost Recovery Study. This study determines whether the planned facilities are financially sustainable, and include the following tasks.

A. Develop Anticipated expenses- including staffing, utilities, maintenance, chemicals, etc...

B. Project attendance- based upon selected features and market area study

C. Project Revenue- utilizing attendance projections and potential revenue per attendee.

D. Develop Fee Structure and Revenue Model- including fees associated with season passes, daily gate fees, concessions and programs.

2.04 Task D. Public Input Meetings. To gather input from the public, conduct public meetings to receive goals for aquatic center, along with preferred features or amenities.

A. Information Gathering Meeting (coordinated with Establishment of Goals)- Present example facilities and potential features at public meeting. Gather feedback to determine what features or amenities are preferred by the public.

B. Review comments and preferences, with the task force.

C. Concept Alternative Review (Integral with Concept Planning)- Present the concept plan options created, along with potential sites, to receive opinions and feedback from the public.

D. Review comments from public meeting with the task force, to integrate into development of the final concept alternative.

2.05 Task E. Public Awareness- website and brochures

A. Create and maintain a website for the project that provides the final project information such as selected concept plan, planned amenities, schedule, budget, and location.

B. Create and maintain web page journal that includes chronologic entries of the activities and tasks throughout, providing transparency of the process and outcomes to the public.

C. Create brochures and plan view renderings of the concept plan for public display.

2.06 Task F. Public Awareness- 3-Dimensional models and renderings, with animation

A. Create 3-Dimensional rendering and animations of final concept plan, providing photo-realistic images and animations of planned facility. The final product will include pictures and videos that could be posted on websites, or published in a variety of medias. The images and videos would provide a tool to help the public visualize the final plan.

3 ADDITIONAL SERVICES

3.01 Scope of Additional Services

A. ENGINEER will advise OWNER as to the necessity of data or services of the types described in

Section 2 – Additional Services, which are not part of ENGINEER's Basic Services, and assist OWNER in obtaining such data and services.

B. If authorized in writing by OWNER, ENGINEER will furnish or obtain from others Additional Services of the types listed below. OWNER will pay for these services based on hourly charge rates and direct expenses at cost. All authorized Additional Services shall be paid for over and above the fees for the Basic Services.

1. Preparation of applications and supporting documents for obtaining approvals of authorities having jurisdiction over the anticipated environmental impact of the PROJECT.
2. Services to make measured drawings of or to verify the accuracy of drawings or other information furnished by OWNER.
3. Services resulting from significant changes in the scope, extent, or character of the portions of the PROJECT designed or specified by ENGINEER or its design requirements including, any other causes beyond ENGINEER's control.
4. Services required for the evaluation of and determination to accept defective Work by Contractor including required re-design services.
5. Services required for re-design as a result of substitute products during the construction phase.
6. Services in connection with assistance with or coordination of fund raising efforts, donated items, or items furnished by OWNER or others.
7. Services required as a result of OWNER's providing incomplete or incorrect PROJECT information with respect to Appendix B.
8. Services during authorized out-of-town travel required of ENGINEER other than for visits to the Site or OWNER's office.
9. Assistance in connection with Bid protests, rebidding or renegotiating contracts for construction, materials, equipment, or services, only so long as the original work is reasonably consistent with the OWNER's program or other instruction.
10. Providing construction surveys and layouts to enable Contractor to perform its work.
11. Providing assistance in resolving any Hazardous Environmental Condition in compliance with current Laws and Regulations.
12. Preparing and furnishing to OWNER Record Drawings showing appropriate record information based on PROJECT annotated record documents received from Contractor.
13. Preparing to serve or serving as engineer or witness for OWNER in any litigation, arbitration or other dispute resolution process related to the PROJECT. Billing rates for expert witness services are higher than standard billing rates and will be furnished upon request.
14. Providing more extensive services required to enable ENGINEER to issue notices or certifications requested by OWNER.
15. Providing an enhanced or detailed pool operations manual.
16. Other services performed or furnished by ENGINEER not otherwise provided for in this Agreement.

End of Appendix B

Appendix C - OWNER's Responsibilities

The Agreement is amended and supplemented to include the following Agreement of the parties.

In addition to other responsibilities of OWNER as set forth in this Agreement, OWNER shall:

A. Provide ENGINEER with all criteria and full information as to OWNER's requirements for the PROJECT, including design objectives and constraints, space, capacity and performance requirements, flexibility, and expandability, and any budgetary limitations.

B. Furnish copies of all design and construction standards that OWNER will require to be included in the Drawings and Specifications. Furnish copies of OWNER's standard forms, conditions, and related documents for ENGINEER to include in the Bidding Documents, when applicable.

C. Furnish to ENGINEER any other available information pertinent to the PROJECT including reports and data relative to previous designs, or investigation at or adjacent to the Site.

D. Provide topographic survey for the Site.

E. Provide geotechnical engineering services in connection with explorations and tests of subsurface conditions at the Site including providing a written report with recommendations.

F. If demolition of existing facilities is required, provide a building materials assessment for identification of hazardous materials, such as asbestos, and have such materials removed and disposed of properly before start of construction.

G. Following ENGINEER's assessment of initially-available PROJECT information and data and upon ENGINEER's request, furnish or otherwise make available such additional PROJECT related information and data as is reasonably required to enable ENGINEER to complete its Basic and Additional Services.

H. Give prompt written notice to ENGINEER whenever OWNER observes or otherwise becomes aware of a Hazardous Environmental Condition or if any other development that affects the scope or time of performance of ENGINEER's services, or any defect or non-conformance in ENGINEER's services or in the work of any Contractor.

I. Authorize ENGINEER to provide Additional Services as required by OWNER.

J. Arrange for safe access to and make all provisions for ENGINEER to enter upon public property as required for ENGINEER to perform services under the Agreement.

K. Examine all alternate solutions, reports, sketches, Drawings, Specifications, proposals, and other documents presented by ENGINEER (including obtaining advice of an attorney, insurance counselor, and other advisors or ENGINEER's as OWNER deems appropriate with respect to such examination) and render in writing timely decisions pertaining thereto.

L. Provide reviews, approvals, and permits from all governmental authorities having jurisdiction to approve all phases of the PROJECT designed or specified by ENGINEER.

M. Provide, as required for the PROJECT:
   1. Accounting, independent cost estimating, and insurance counseling services.
   2. Legal services with regard to issues pertaining to the PROJECT as OWNER requires, Contractor raises, or ENGINEER reasonably requests.
   3. Such auditing services as OWNER requires to ascertain how or for what purpose Contractor has used the moneys paid.
   4. Placement and payment for advertisement for Bids in appropriate publications.

N. Provide the services of an independent testing laboratory to perform all inspections, tests, and approvals of samples, materials, and equipment required by the Contract Documents, or to evaluate

the performance of materials, equipment, and facilities of OWNER, prior to their incorporation into the work with appropriate professional interpretation thereof.

End of Appendix C

Appendix D - Insurance

The Agreement is amended and supplemented to include the following Agreement of the parties.

The limits of liability for the insurance required by this Agreement are as follows:

A.	By ENGINEER:			
	1.	Workers' Compensation:		Statutory
	2.	Employer's Liability:		
		a.	Each Accident	$500,000
		b.	Disease, Policy Limit	$500,000
		c.	Disease, Each Employee	$500,000
	3.	General Liability:		
		a.	Each Occurrence (Bodily Injury and Property Damage)	$1,000,000
		b.	Personal and advertising injury	$1,000,000
		c.	Products - completed operations aggregate	$2,000,000
		d.	General Aggregate	$2,000,000
	4.	Excess or Umbrella Liability:		
		a.	Each Occurrence	$2,000,000
		b.	General Aggregate	$2,000,000
	5.	Automobile Liability:		
		a.	Combined Single Limit (Bodily Injury and Property Damage and Hired and Non-Owned Auto Liability) Each Accident	$1,000,000
	6.	Professional Liability Insurance		
		a.	Limits of $1,000,000 per claim and $2,000,000 annual aggregate	
		b.	Certificate can be furnished upon request.	

End of Appendix D

Appendix E - Billing Rates (2012)

The Agreement is amended and supplemented to include the following Agreement of the parties.

The following range of billing rates represent the range of individuals who may work on this project. These rates do not apply to expert witness services. Billing rates for expert witness services will be furnished upon request. Billing Rates are subject to change each year.

Aquatic Design Engineer	$85 to $210 per hour
Aquatic Design Engineer-in-Training	$65 to $85 per hour
Senior Aquatic Design Technician	$95 to $105 per hour
Aquatic Design Technician	$70 to $95 per hour
CAD Technician	$55 to $70 per hour
Administrative Assistant	$50 to $80 per hour

Expenses

A. Direct project expenses will include basic expenses and special project expenses. Basic expenses include those needed to perform our work. Special project expenses are those that are requested by the OWNER for their project, such as renderings, models, testing or other special items. The OWNER must authorize any special expense prior to our incurring that expense.

B. The following items are examples of basic expenses.
   1. Travel costs including airfare, rental vehicles, tolls, rental fuel, mileage, and other transportation costs.
   2. Mileage costs are billed at the IRS-approved rate.
   3. Lodging including motel and hotel costs and all related taxes.
   4. Meals including tips.
   5. Printing costs including photocopies, color CAD drawings, mounting and laminating presentation boards, plotting construction drawings and related items.
   6. Phone costs including long distance and cell phone costs for specific project calls.
   7. Postage costs including U.S. Postal fees and fees for Federal Express and other related carriers.

C. Following is a list of common expense items and their expense rate:
   1. Black and white single-sided photocopies or prints:
      a. 8-1/2" x 11": $0.08 per page
      b. 11" x 17": $0.16 per page
   2. Color single-sided photocopies or prints:
      a. 8-1/2" x 11": $0.89 per page
      b. 11" x 17": $1.78 per page
   3. Oversize black/white single-sided prints/plots:
      a. 24" x 36": $6.20 per sheet
      b. 30" x 42": $9.00 per sheet
   4. Oversize color single-sided prints/plots:
      a. Unit Rate: $10.00 per square foot

b. 24" x 36": $60.00 per sheet
c. 30" x 42": $87.50 per sheet

5. Fax services:
   a. To receive: $1.00 per page
   b. To send: $1.50 per page

End of Appendix E

Agreement For Professional Engineering Services

This is an agreement effective as of the date of last signature below between Water's Edge Aquatic Design, LLC ("ENGINEER") and the City of Joplin, Missouri ("OWNER").

The OWNER intends to plan, design, and construct a new outdoor aquatic center, including support buildings, site work, and appurtenances ("PROJECT").

OWNER is authorized and empowered to contract with ENGINEER for the purpose of furnishing engineering services in connection with the PROJECT, and necessary funds for payment of said services are available.

OWNER and ENGINEER in consideration of their mutual understanding as set forth herein agree to the following scope of work, methods of delivery, fee basis, general conditions, and related issues ("Agreement"). This Agreement includes the following attached Appendices:

Appendix A - Terms and Conditions

Appendix B - ENGINEER's Services

Appendix C - OWNER's Responsibilities

Appendix D - Insurance

Appendix E - Billing Rates

The OWNER hereby agrees to give the ENGINEER all its planning and design criteria, OWNER design and construction standards, and full information as to the OWNER's requirements for the PROJECT.

Terms and conditions of this Agreement are described in Appendix A. ENGINEER agrees to perform the BASIC SERVICES in accordance with the Scope of Services described in Appendix B, as well as, the OPTIONAL SERVICES/TASKS as chosen below by OWNER, by placing initials adjacent to the following tasks.

	OWNER	ENGINEER
Task A- Evaluation and Inventory	_____	_____
Task B- Goals and Masterplanning	_____	_____
Task C- Operations Projections/Cost Recovery Study	_____	_____
Task D- Public Input Meetings	_____	_____
Task E- Public Awareness- Project Website	_____	_____
Task F- Public Awareness- 3-Dimensional Renderings	_____	_____

OWNER's Responsibilities are described in Appendix C. Insurance information is listed in Appendix D.

This Agreement represents the entire and integrated agreement between the ENGINEER and the OWNER, and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the ENGINEER and the OWNER. In Witness whereof, the parties hereto have executed this Agreement, the Effective Date of which is indicated above.

Water's Edge Aquatic Design, LLC "ENGINEER"	City of Joplin, Missouri "OWNER"
By: _____	By: _____
Print Name: Jeff A. Bartley	Print Name: _____
Print Title: Principal	Print Title: _____
Date: _____	Date: _____

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: February 6, 2012

Item: SITE PLANS FOR 1617 WEST 26TH STREET
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Site Plans

Public Works Director: David Hertzberg — Date: 1/27/2012
City Attorney: Brian Head — Date: 1-31-12
City Manager: R. Mark Rohr — Date: 1-31-12
Board or Commission: Planning and Zoning Commission — Date: 1/9/2012

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 014-12: NEW BUSINESS - 1617 West 26th Street – A request for a Site Plan Review for the reconstruction of a medical office building – Frank Ikerd.

STAFF SUMMARY:
The reconstruction of this development is a result of tornado damage.

This area is zoned correctly for this use and the plans are in compliance with the development policies of the Comprehensive Plan.

Staff has reviewed the preliminary plans. Final plans will include all required elements.

Staff recommends approval of the development plans.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Elliott Hunter appeared representing the owners to request the review of site plans for the reconstruction of a medical office building. The previous building was destroyed by the tornado, with a 4,000 square foot basement remaining. The building will be reconstructed, with 4,000 square feet on the main floor. It will adjoin a 6,000 square foot building directly to the east.

Mr. Hunter thought this building addition will be appropriate to the area. The building will contain mostly lease space for medical purposes since the adjoining building is a medical facility.

PUBLIC COMMENT:
None.

STAFF PLANNING REPORT

CASE 014-12:

Review plans for Dr. Ikerd, commercial non-retail facility (Medical Office)

APPLICANT:

Elliot Hunter on behalf of Frank Ikerd

NAME OF DEVELOPMENT:

New Office for Dr. Ikerd

LOCATION:

1617 West 26th Street

PRESENT ZONING:

C-O-PD (Non-Retail, Planned District)

EXISTING CONDITIONS:

PROPERTY SIZE

0.38 Acres

FLOOD PLAIN

Flood Zone "X" (Areas of Minimal Flooding)

	LAND USE	EXISTING ZONING
SITE	Previous Medical Office Building	C-O-PD
NORTH	Undeveloped	C-O-PD
SOUTH	Parking Lot	C-1
EAST	Office Building	C-1
WEST	Office Building	C-O-PD

TRAFFIC CONDITIONS:

STREET(S) WITH ACCESS TO PROPOSED DEVELOPMENT

26th Street

CLASSIFICATION OF STREET(S)

26th Street – Collector

RIGHT-OF- WAY WIDTH

Richard Joseph Blvd. – 60 ft.

WILL TURNING MOVEMENTS OF THE PROPOSED DEVELOPMENT CREATE AN UNDUE TRAFFIC HAZARD?

The proposed non-retail commercial building will not create an undue traffic hazard

PARKING REQUIRMENTS:

Parking is in compliance with City requirements.

UTILITIES:

The site has all utilities

LANDSCAPING REQUIREMENTS:

Landscaping is provided on site. It is in compliance with the requirements of City code.

BUFFERING REQUIREMENTS:

This property is adjacent to commercially zoned land, no buffer yard is required.

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes, this area is zoned correctly for this use and the plans are in compliance with the development policies of the Comprehensive Plan.

DISCUSSION

Staff has reviewed the preliminary plans. Final plans will include all required elements.

ADDITIONAL INFORMATION OR COMMENTS

The reconstruction of this development is a result of tornado damage.

STAFF RECOMMENDATION:

Staff recommends approval of the development plans.

ENCLOSURES:

Preliminary site plans

Case 014-12: NEW BUSINESS - 1617 West 26th Street – A request for a Site Plan Review for the reconstruction of a medical office building – Frank Ikerd

Mr. Anderson opened the public comment period for Case 014-12.

Mr. Elliott Hunter, 211 Main Street, Joplin, appeared representing the owners to request the review of site plans for the reconstruction of a medical office building. The previous building was destroyed by the tornado, with a 4,000 square foot basement remaining. The building will be reconstructed, with 4,000 square feet on the main floor. It will adjoin a 6,000 square foot building directly to the east.

Mr. Hunter thought this building addition will be appropriate to the area. The building will contain mostly lease space for medical purposes since the adjoining building is a medical facility.

Mr. Anderson asked for comments from the commissioners and the audience, and none were received. He then closed the public comment period for Case 014-12.

MR. HARRINGTON MOVED, SECONDED BY MR. GILSTRAP, THAT THE SITE PLANS AS PRESENTED IN CASE 014-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC COMMENT PERIOD. THE MOTION CARRIED, WITH MR. ANDERSON, MR. EASTMAN, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).