

The Seymour Board of Alderman met for a regular meeting at 6:00 pm on Thursday, June 4, 2015 in the Seymour City Hall Board Room, 123 West Market Street.

Meeting called to order by Mayor Dale Bailey.

Roll call: Grady Bennett, Charlie Ivy, Dean Rowe, Jim Ashley.

Also present was City Administrator Sam Burt, City Attorney Dani Padgett, Police Officer Jesse Lafferty, Supervisor Mitch Plummer, City Clerk Leslie Houk.

Approval of Minutes

A motion was made by Ivy/Rowe to approve the minutes as written. Ayes: All. Nays: None.

Approval to pay bills and make necessary transfers

A motion was made by Ivy/Ashley to pay bills and make necessary transfers. Ayes: All. Nays: None.

Sho Me License Agreement

A motion was made by Ivy/Ashley to approve the Sho Me License Agreement. Ayes: All. Nays: None.

There was other discussion on looking into contracts for the other companies that attach to the City's poles.

Supervisor's Report-Mitch Plummer

The WA & SW taps were completed for Steve Bahnmillier.

They have been working on miscellaneous sewer projects.

They have been trimming trees out of the power lines.

Administrator's Report-Sam Burt

See Report.

Aldermen's Report

Alderman Charlie Ivy has concerns over the budget and reporting procedures.

Alderman Dean Rowe has noticed three young men hanging out at the saddle club. Alderman Rowe asked Officer Lafferty if they could patrol the area a little heavier.

City Attorney Report-Dani Padgett

Nothing to report.

A motion was made by Ivy/Rowe to go into executive session. Ayes: All. Nays: None. The following roll call vote was recorded. Ayes: Bennett, Ivy, Rowe, Ashley. Nays: None.

The reason for executive session is Personnel and Real Estate.

A motion was made by Ivy/Ashley to go back into open session. Ayes: All. Nays: None. The following roll call vote was recorded. Ayes: Bennett, Ivy, Rowe, Ashley. Nays: None.

A motion was made by Rowe/Ivy to have Lance Davis do the Animal Control. If Lance gets called in on his days off, after regular hours, weekends and Holidays he will receive a minimum of two hours overtime. Ayes: All. Nays: None.

A motion was made by Ivy/Ashley to adjourn. Ayes: All. Nays: None.

Mayor Dale Bailey

City Clerk Leslie Houk

**ADMINISTRATOR'S REPORT
JUNE 4, 2015**

EXTRACTION PROCESS AT LUCKY "B"HONEY

Bee boxes – not hives – may accumulate on the property

Small amount of bees will be present temporarily

Process will begin mid June

NEW YIELD SIGN

Stop sign at North Division and West Rhodes Avenue replaced

Yield sign and Children Playing added

BETTER INSPECTIONS

Cost to investigate – Approximately \$200

Cost to condemn – Approximately \$500

Emails attached FYI

SEWER LINE IN NORTH PART OF CITY

Question about easement

Easement given by Childress

Engineer Henry Meja - 1997

EMAIL OF CONCERN

Received by Mayor and addressed

Hi Sam

I hope things are going well over there. I was thinking of checking in with you, but you beat me to it.

Regarding condemnation, you had asked about the process for that previously. I see I wrote to you about it on February 3. I could resend that email if you need it. In brief, a property owner must be given the opportunity to repair or remove the structure before the City can have it removed and charge them for the cost of doing so. I'm not sure what ordinances you might already have that would have bearing on the process. Worst case, a supplemental ordinance might need to be passed. Of course a warrant is needed to enter any property unless permission is granted by the property owner.

I could take a quick tour of the structures in question to more closely estimate what further time would be involved to produce a report summarizing unsafe conditions (structural, hygienic, safety). I would charge you for my time to do so - probably less than \$200. But otherwise, I would estimate at this point that the reports would average around \$500 each if we could inspect 3 per day, and would include descriptions and photos of each serious condition present. (The report takes more time to produce than the time to inspect.) How many total homes are on your list?

Roger

Roger Day

BETTER INSPECTIONS

BETTER REPAIRS

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P. O. Box 14222, Springfield, MO 65814

Sam Burt - City Administrator, Seymour Missouri

From: BSG [roger@bettersolutionsgroup.com]
Sent: Wednesday, June 03, 2015 4:01 PM
To: 'Sam Burt - City Administrator, Seymour Missouri'
Cc: jim@BetterSolutionsGroup.com
Subject: Unsafe Structures

Mr. Burt, Here is my input concerning the condemnation process.

Some city codes contain language about the process of condemning structures. When I say "city code," that means the total of all individual codes and ordinances which make up the body of law adopted by the City. For building codes, most cities have an adoptive ordinance which brings in codes produced by other sources. Seymour has adopted some of the 2012 International Codes. However, most cities have their own custom planning and zoning language. Many of them have their own property maintenance language.

Some cities have adopted a specific code related to the condition of existing structures, such as the International Property Maintenance Code. One could also alternately use Chapter 34 - Existing Structures in your adopted International Building Code. The bottom line is that there must be language which is adopted by the City which requires existing structures to be maintained in a safe condition. Safe has the meaning of both structurally safe, and also safe for human habitation or activity. But then further, the City should also have language that supports the steps the City may take when a property becomes abandoned and/or unsafe.

There are three aspects of safety. Not all of these aspects or conditions need be present to determine condemnation.

- 1) Structural condition, such as danger of collapse for any portion of roof, walls, or foundation
- 2) Other personal safety conditions, such as broken windows, tripping hazards, damaged gas lines, many others
- 3) Health and hygiene related conditions, such as filth, mold, decay, animal activity, meth residue; and broken / non-functioning water, waste lines, and heating systems.

When a structure is suspected as being unsafe, here are 10 steps that I would suggest, based on my experience. However, you will want your City attorney to advise regarding what process is pursued.

- 1) Contact the owner, requesting permission to enter the structure to inspect it.
- 2) If no permission is forthcoming, a warrant may be obtained to enter the property to inspect it, based on concern regarding the safety of the structure and, if empty, that it might represent an attractive nuisance which can endanger others who might decide to enter it and/or use it for an illegal purpose.

- 3) Inspection must be by qualified individuals, and reports generated, with copies of reports also provided to the property owner. In the case of structural concerns, it might be helpful to obtain the opinion of a structural engineer. In the case of illegal drug manufacture, it might be helpful to obtain the opinion of an environmental services company. It is good policy to have a law enforcement officer present during the inspection, should the owner or other sympathetic party show up to make a fuss.
- 4) Given that the unsafe condition is confirmed by inspection, affix "Unsafe - Do Not Enter or Occupy" notice on the property.
- 5) The owner of the property must next be given notice and opportunity to repair or remove the structure themselves by a particular deadline. It would be good to acquire a statement of intent from them as to whether they will repair or demolish the structure. If they can escrow sufficient funds, or obtain a letter of credit for repair, that would allow the City to give them more time for such work to be done. If they plan to demolish, they could be given a shorter deadline to do so. In many cases, an inspection report will suggest that the cost to repair a structure would exceed the cost of demolishing and rebuilding it, or that there is no practical means to repair it without first demolishing a significant portion of the structure.
- 6) If the property is not repaired or removed by the determined deadline, affix "Condemned - Do Not Enter or Occupy" notice on the property.
- 7) Give notice to the owner that the deadline has expired and the City will remove the structure, with the cost of same to be incurred by the property owner.
- 8) The City obtains competing bids for demolition, and has the structure demolished and removed from the site. Various utility companies must also be sure their services are properly capped or removed. The property owner is invoiced for the cost.
- 9) If the owner cannot pay the City's invoice for demolition, the City may take action to obtain title to the property to pay or help pay for that cost. If by way of imminent domain, an appraisal of the property after removal of the structure is obtained, and if that value is more than the cost of demolition, the owner is paid the difference.
- 10) The City sells the now vacant lot, turns it into a mini-park, or holds it for some other present or future purpose.

In a way, this process is similar to dealing with tall grass, but on a grander scale, and with greater chance of bad feelings by the owner of the property. (Mow the grass, and if you don't, we'll have it mowed and send you the bill.) But the City does have a responsibility to protect the safety of its citizens.

I recommend first explaining the entire process to the property owner, so that they can anticipate it, and perhaps decide up front what position they will take. One option is for the City to offer to purchase the property from them for \$1.00, and if they agree, that simplifies the above process. Sometimes, the property owner is thankful to have the burden of the property removed from their shoulders. Other times, they want to fight

tooth and nail to keep it, while yet being unable financially to correct the problems. In most every case, the owner will not repair or demolish the building, and the reason for this is closely related to why the building is in such poor condition.

I hope the above is helpful. Again, it would be good for the City attorney to weigh in on how you choose to move forward.

My business partner, Jim Difrancio, and I would be pleased to perform inspections, take numerous photos, and create reports. We have a number of credentials related to construction, codes, and inspections. See our biographies under the "About" tab at www.bettersolutionsgroup.com. I have some credentials bearing on structural issues by way of education, code expertise, and SEMA training (Structural Inspector II #30332). However, where expedient or appropriate, we would coordinate with another expert, such as a licensed structural engineer or environmentalist (I would recommend Miller Engineering and Sunbelt Environmental).

Regards,
Roger

Roger Day

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