

The Seymour Board of Alderman met for a regular meeting at 6:00 pm on Thursday, July 23, 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 Chief Ron Wright, Fire Chief Shawn Crump, 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.

2014-2015 Budget-Final Amendment

A motion was made by Ivy/Bennett to approve the final budget amendments for the 2014-2015 budget. Ayes: All. Nays: None.

Ordinance-Chickens

Attorney Padgett questioned the chicken coop size because of allowing 6 chickens instead of 12.

Mayor's Report-Dale Bailey

Mayor Bailey mentioned adding fowl or rabbits to the chicken ordinance. The Board agreed to table the ordinance until the next meeting. A motion was made by Ivy/Bennett to include fowl and rabbit in the chicken ordinance. Ayes: All. Nays: None.

Mayor Bailey handed out the 6 month financial. A motion was made by Ivy/Ashley to publish the 6 month financial in the paper. Ayes: All. Nays: None

Supervisor's Report-Mitch Plummer

The city employees have been busy reading meters, catching up on the mowing, hauling brush, fixing water leaks, maintenance on the mowers and vehicles, changing meters out and worked on the excess water on Thoroughfare Street.

Administrator's Report-Sam Burt

See Report

Attorney's Report-Danette Padgett

Nothing to report.

Aldermen's Report

Alderman Grady Bennett received complaints on the mowing at the park. Alderman Bennett did comment that they are doing a good job given the circumstances of all the wet weather.

Alderman Grady Bennett asked for an update on the generator at the old city hall.

Alderman Grady Bennett asked where we were on the pole attachments.

Alderman Grady Bennett noticed that the low water slab on Cantrell Street washed out. They have filled in the holes with gravel.

Alderman Grady Bennett asked if there is a list of streets to be paved this year.

Alderman Charlie Ivy handed out information on Missouri community Betterment.

Alderman Charlie Ivy handed out information on diversifying neighborhoods.

Alderman Charlie Ivy would like the Board to appoint a committee to create a new motto. He would like the committee to consist of an Alderman from each ward, four residents from each ward and two residents from outside of the city limits.

Alderman Dean Rowe has received complaints on the road condition at Division and Summit. This is state property. City Administrator Sam Burt will contact the state.

Alderman Dean Rowe commented that Ava has a nice sign that says welcome to Ava. Sam has a small sign ordered that says welcome to Seymour. This will not be in replace of a bigger one that the Seymour Community Betterment Association is working on.

Alderman Jim Ashley asked about the children at play signs at Summit and Charles. The signs are on order.

A motion was made by Bennett/Rowe to take a 10 minute break and 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 Bennett/Ivy 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 Bennett/Ashley to purchase 2 trucks as long as they are within the budget that was proposed. Ayes: All. Nays: None.

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

Mayor Dale Bailey

City Clerk Leslie Houk

**ADMINISTRATOR'S REPORT
JULY 23, 2015**

LEAKING WINDOWS AT CITY HALL

Called Affordable Roofing to check out roof
Windows need to be sealed
Some tuck point work needed

BROKEN WINDOW AT OLD LIBRARY BUILDING

Window appeared to be broken by a rock or ball
Repair or replace depending on availability of parts
Broken part is being replaced

FIRE EXTINGUISHERS

Our extinguisher were dated 2007 and 2009 – all needed replaced
Exit lighting needed new batteries
All public works, police, fire, library and city hall
We will now be on annual inspections
This visit cost \$2386.70 – to update our facilities
Annual inspections will be \$350 per year.

MIRMA APPRAISALS

MIRMA appraises 30 properties a year
Seymour is on the list for 5 properties
There is no cost to the city
(Library, School Moms Building, City Hall, Fire Station on Clinton,
Electric Shop on Cantrell)

ANNUAL MIRMA CONFERENCE

Safety Coordinator, Chuck Smith, will be attending
Leslie will also attend

BETTER SOLUTIONS /UNSAFE STRUCTURES

See Attachments

Sam Burt - City Administrator, Seymour Missouri

From: Better Projects [betterprojects@sbcglobal.net]
Sent: Monday, July 13, 2015 6:42 PM
To: 'Sam Burt - City Administrator, Seymour Missouri'
Cc: jim@BetterSolutionsGroup.com
Subject: FW: Unsafe Structures

Sam: I am resending everything below using my Better Projects email ID, since I received a message that it was rejected by your email service as possible spam. Perhaps this has happened in the past as well with other email I've sent you, using my Better Solutions Group email ID. So hopefully, you'll get this email! -Roger

From: BSG [mailto:roger@bettersolutionsgroup.com]
Sent: Monday, July 13, 2015 3:28 PM
To: 'Sam Burt - City Administrator, Seymour Missouri'
Cc: 'jim@BetterSolutionsGroup.com'
Subject: FW: Unsafe Structures

Hi Sam

I received your email to my betterprojects@sbcglobal.net email address. I understand you read the first email I had sent to you regarding the condemnation process, for which I used that email address. However, I am retransmitting the email below, which represented an improvement to that former email, and was sent from my email ID for the business through which Jim Difranco and I are doing business with Seymour - Better Solutions Group LLC (DBA Better Inspections).

Before inspecting, I would want to review any language in your City ordinances regarding condemnation. If none, then I believe condemnation could be possible with the combination of any adopted ordinance language concerning property maintenance and/or Chapter 34 of your adopted 2012 International Building Code, in concert with either a properly composed warrant, or the signed permission of the property owner to allow inspection.

I would also prefer that the City Attorney first be consulted on what I've written above and below as to whether he/she would concur with it or not. And we would want a law enforcement officer present when we are at any property being inspected.

You would want to first gather information on each property in question as to ownership (Recorder records) and history of tax payments (Assessor records). Of course those offices would have to be notified of changes in ownership at such time that any property were to become City property.

Do you have an idea of how many properties you are considering?
Regards,
Roger

From: BSG [mailto: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 eminent 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 Difranco, 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

BETTER INSPECTIONS

BETTER REPAIRS

roger@bettersolutionsgroup.com

cell (417) 830-7622

better solutions group LLC

P. O. Box 14222, Springfield, MO 65814

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