

DRAFT NOTES OF THE COUNCIL MEETING

January 21, 2014

(Subject to Subject to Approval at the February 4, 2014 Meeting)

HEARING

Dangerous Building - 839 Shady Lane

Dangerous
Building
Hearing

James King
Property
839 Shady Lane

Mayor Leasor called a hearing to order at City Hall, 210 West Washington, at 7:00 p.m. regarding property located at 839 Shady Lane. Attending the hearing were Alderman Ward Three Dennis Watz, Alderman Ward Two Craig Kase, Alderman Ward Two Jason Alexander, Alderman Ward One Tony Wessler, and seven citizens. Alderman Ward Three Jarrett Dace and Alderman Ward One Mike Ryan, Jr. were unable to attend. Also attending were City Attorney Matt Schroeder, City Administrator J.T. Hardy, City Clerk Jan Koch, Code Administrator Dan King, and City Engineer Robert Schaffer. The property located at 839 Shady Lane was externally inspected by Code Administrator Dan King and property owners were notified to vacate, vacate & repair, or vacate & demolish said building. The property owner failed to do the aforementioned. Mayor Leasor asked if Mr. James King and/or his representative was present. There was no response.

839 Shady Lane

Written Notifications

Written
Notifications

Code Administrator Dan King outlined a time line of events regarding 839 Shady Lane:

1. A dangerous building complaint was received on June 13, 2013.
2. Notice was sent to Mr. James King by certified mail on June 14, advising him to vacate and repair or demolish the structure within thirty days. It was brought to the city's attention that the mailing address on file was incorrect. A corrected second letter was sent by certified mail on June 20, 2013.
3. Return receipt for the first notice was received on June 17, 2013.
4. Return receipt for the second corrected notice was returned on July 11, 2013 as 'unclaimed and unable to forward'.
5. A *Letter Report* from Hansen Franklin County Land Title and Abstract Company for the property at 839 Shady Lane was requested on October 28, 2013 (per the City Attorney).
6. The structure at 839 Shady Lane was posted on October 28 with the same notice to vacate and repair or demolish from June 20, 2013 (as advised by the City Attorney).
7. A *Letter Report* received on November 20, 2013 verified Mr. James King as the only owner of the property.
8. A hearing notice for January 21, 2014 was sent to Mr. James King on December 19, 2013 via certified mail.
9. The hearing notice was sent to the Sullivan Independent on December 20, 2013 to be published in the newspaper on January 1, 8 & 15, 2014.
10. The hearing notice for the January 21, 2014 hearing was posted at City Hall on December

20, 2013.

- 839 Shady Lane
Written
Notifications
11. Return receipt for the December 19, 2013 notice to Mr. James King was received on December 23, 2013.
 12. On January 2, 2014 Code Administrator Dan King received a phone call from Lisa King, wife of James King, stating that they had received the notice for the hearing on January 21, 2014 but had not received any other notices other than the first notice with the wrong address. She also stated that because it had the wrong address they assumed that it was a mistake on the City's part and ignored it. Code Administrator King informed her that a second notice was sent on June 20, 2013 but was returned to the city as 'unclaimed'. She stated that they did not receive that notice. She then stated that she would have her husband contact the city.
 13. On Wednesday, January 8, 2014 the Code Administrator called the Kings' residence to talk with them about 839 Shady Lane. No one was home but the Administrator left a message.
 14. On Tuesday, January 14, 2014 the Code Administrator received a call from Mr. James King. He was advised of the hearing on January 21, 2014 at 7:00 p.m. and was also told that it would probably be much easier and less expensive for him to demolish the house as opposed to the city having it done. He agreed and said he would have the structure demolished if the City would provide him with a letter for him and his attorney stating that the city would not give him any permits to renovate the structure. Mr. James King was advised that he could not and would not be given such a letter because the city would allow him to apply for permits to renovate the structure – if that's what he wanted to do. He stated that he would get back to the Code Administrator by the end of the week with a decision on whether he would renovate or demolish the structure.
 15. On Thursday, January 16, 2014 Mr. James King contacted the Code Administrator inquiring about building permits. (Note: While it has no bearing on this hearing, this is the same property that had a structural fire back in 1998 and was deemed a dangerous building by the Board of Aldermen back then. However, as the result of a lawsuit, a court judgement was rendered in favor of the property owner. But since that time, no visible improvements have been made to the property nor have any building permits been requested or issued.)

Code Administrator Report

839 Shady Lane
Defects Report

Code Administrator Dan King submitted the following report (accompanied by photographs) of the defects of the structure located at 839 Shady Lane:

- 1) The structure is a typical single family home built on a foundation with a crawl space. The structure was damaged by a fire in March of 1998 and no significant repairs have been made to the structure since that date nor have any requests for building permits been received or issued:
 - a) Most all the windows in the home are broken.
 - b) The siding is missing in several areas.

- c) There is a large hole in the roof.
- d) The front porch is pulling away from the rest of the house.
- e) The back door is gone.
- f) The floor in the back door area has collapsed.
- g) A portion of the ceiling has collapsed in a couple areas within the structure.

839 Shady Lane
Defects Report

- 2) This structure has been deemed a “Dangerous Building” per City Code Section 510.020.2, 510.020.3, 510.020.5, 510.020.8 and 510.020.9. Section 510.020.2 states “Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting member or members or fifty-percent (50%) damage or deterioration of the non-supporting enclosing or outside walls or covering.”
- 3) City Code Section 510.020.3 states “Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general welfare of the occupants or the people of the City.
- 4) City Code Section 510.020.5 states “ Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.”
- 5) City Code Section 510.020.8 states “Those that have parts thereof that are so attached that they may fall and injure members of the public or property.”
- 6) City Code Section 510.020.9 states “ Those that because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of the City of Sullivan.”

Discussion

Code Administrator Dan King stated that the property was damaged inside as well as outside by at least 50% which invited vermin and/or wild animals onto the property. He added that it is a danger to any child or adult walking by as it has a risk of falling down in the future. Administrator Dan King noted that the property owner(s) have always had to option to repair, renovate, or demolish. This would have to be done according to existing city building codes.

Hearing Adjourned

Hearing
Adjourned

Being no further input, Alderman Dennis Watz made a motion to adjourn the hearing at approximately 7:30 p.m. Alderman Alexander seconded the motion and it carried with a roll call vote as follows: Alderman Craig Kase, aye; Alderman Dennis Watz, aye; Alderman Jason Alexander, aye; and Alderman Tony Wessler, aye. (Also see “City Attorney Input” listed later on in the meeting.)



CALL TO ORDER

Roll Call

Roll Call

Mayor Thomas D. Leasor called the council meeting to order in the Council Room at City Hall, 210 West Washington at approximately 7:30 p.m. Roll call was taken and attending the meeting were Alderman Ward Two Craig Kase, Alderman Ward One Tony Wessler, Alderman Ward Two Jason Alexander, and Alderman Ward Three Dennis Watz. Alderman Ward Three Jarrett Dace and Alderman Ward One Mike Ryan, Jr., were unable to attend. Also attending were City Attorney Matt Schroeder, City Administrator J.T. Hardy, City Engineer Robert Schaffer, and City Clerk Jan Koch.

PLEDGE OF ALLEGIANCE

Pledge

At this time, the Pledge of Allegiance was recited by everyone present. The Pledge was followed by a moment of silence.

AGENDA APPROVAL

Agenda

Alderman Alexander made a motion to approve the agenda as submitted. Alderman Kase seconded the motion and it carried unanimously.

MINUTES APPROVED

Minutes

Notes from the council meeting held January 7, 2014 were presented. Alderman Watz made a motion to approve the minutes as submitted. Alderman Wessler seconded the motion and it carried unanimously. Notes from the closed meeting held January 7, 2014 were presented. Alderman Wessler made a motion to approve the minutes as submitted. Alderman Kase seconded the motion and it carried unanimously. Notes from the budget workshop meeting held January 14, 2014 were presented. Alderman Kase made a motion to approve the minutes as submitted. Alderman Watz seconded the motion and it carried unanimously. Notes from the special closed meeting held January 14, 2014 were presented. Alderman Alexander made a motion to approve the minutes as submitted. Alderman Wessler seconded the motion and it carried unanimously.

REQUESTS & PETITIONS

Los Cabos 3 - Liquor Licenses

Los Cabos 3
Liquor Licenses

Mr. Ronald Hallows submitted an application on behalf of Los Cabos 3 to sell intoxicating liquor (all kinds) by the drink with Sunday sales at a restaurant bar located at 617 Missouri Avenue. Alderman Watz made a motion to approve the liquor licenses contingent upon approval of the State of Missouri and contingent upon approval of the city merchant's license. Alderman Kase seconded the motion and it carried unanimously.

STANDING COMMITTEE REPORTS

Committee
Reports

P&Z and Airport Board

No meetings have been scheduled for January 2014 for the Airport Board or Planning & Zoning.

CITY ADMINISTRATOR REPORT

Salt Supply

Salt Supply

Recent weather storms have consumed much of the city's available salt supply. Supplies have

Budget Amendment (Winter Salt) been adversely affected by the difficulty of delivery via river barges. Street Commissioner Larry Cuneio advised that he is waiting on 150 tons of salt ordered. Once the order is received, he will be at the budget expenditure of \$42,000. Each winter storm can consume about 150 tons. Commissioner Cuneio would like to order an additional 200 tons of salt in hopes of having it delivered by February 2014. Staff would like to request a budget adjustment of \$12,000 for 150 tons of salt (Motor Fuel Tax Fund expenditure line item #002-753-341). Alderman Wessler made a motion to approve the budget adjustment as requested. Alderman Alexander seconded the motion and it carried unanimously.

CITY ATTORNEY

Closed Session **Closed Session**
Administrator Hardy and City Attorney Schroeder reported they had some matters pertaining to litigation and real estate.

839 Shady Lane Declared Dangerous Bldg **Dangerous Building - Board Action**
City Attorney Schroeder asked for Board action on 839 Shady Lane pursuant to City Code 510. Alderman Watz made a motion to declare the property at 839 Shady Lane a dangerous building based on the findings & evidence. Alderman Alexander seconded the motion and it carried unanimously with a roll call vote as follows: Alderman Dennis Watz, aye; Alderman Tony Wessler, aye; Alderman Jason Alexander, aye; and Alderman Craig Kase, aye. After the hearing, the property owners have thirty days in which to respond.

January 2014 Monthly Bills **FINANCE COMMITTEE**
January 2014
Alderman Alexander reported he reviewed the monthly bills for January 2014 and made a motion to approve payment in the amount of \$1,346,674.94. Alderman Wessler seconded the motion and it carried unanimously.

ORDINANCES

2015 Chamber Contract **Chamber Contract**
Bill No. 3615 sponsored by Alderman Jason Alexander, being an ordinance approving a contract agreement with the Sullivan Area Chamber of Commerce which agreement deals with community relations for the City of Sullivan, Missouri; and, authorizing the Mayor to execute was introduced and read two times. The question was asked, "Shall Bill No. 3615 become Ordinance No. 3615?" The aldermen were polled and voted as follows: Alderman Dennis Watz, aye; Alderman Tony Wessler, aye; Alderman Jason Alexander, aye; Alderman Jarrett Dace, (absent); Alderman Craig Kase, aye; and Alderman Mike Ryan, Jr., (absent). Passage of this ordinance approved an agreement with the Chamber for marketing & development purposes. The contract ends September 30, 2015 with an annual cost of \$6,000.

CMT Contract Airport Runway Maintenance **CMT Contract-Airport Runway Maintenance**
Bill No. 3616 sponsored by Alderman Dennis Watz, being an ordinance approving an agreement with Crawford, Murphy & Tilly, Incorporated which agreement deals with professional services for airport runway maintenance at the Sullivan Regional Airport in the City of Sullivan, Missouri; and, authorizing the Mayor to execute was introduced and read two times. The question was asked, "Shall Bill No. 3616 become Ordinance No. 3616?" The aldermen were

polled and voted as follows: Alderman Tony Wessler, aye; Alderman Dennis Watz, aye; Alderman Mike Ryan, Jr., (absent); Alderman Jason Alexander, aye; Alderman Craig Kase, aye; and Alderman Jarrett Dace, (absent). Passage of this ordinance approved a 28-day contract with CMT for design services of the airport runway maintenance at a cost not-to-exceed of \$19,280 at a cost share of 90/10.

Menard - Purchase & Sale Amendment

Menard
Sale/Purchase
Amendment
18.8 acres

Bill No. 3617 sponsored by Alderman Jason Alexander, being an ordinance approving the first amendment of a purchase and sale agreement with Menard, Incorporated which agreement conveys the City of Sullivan's interest on a parcel of land (formerly known as the "Tyree Tract") containing 18.8(±) acres, more or less, located along the East South Service Road in the City of Sullivan, Missouri for a total purchase price in the amount of seventy thousand dollars (\$70,000); and, authorizing the Mayor to execute was introduced and read two times. The question was asked, "Shall Bill No. 3617 become Ordinance No. 3617?" The aldermen were polled and voted as follows: Alderman Jason Alexander, aye; Alderman Jarrett Dace, (absent); Alderman Craig Kase, aye; Alderman Mike Ryan, Jr., (absent); Alderman Dennis Watz, aye; and Alderman Tony Wessler, aye. Passage of this ordinance approved an amendment to the agreement with Menard (per Ord #3605 passed on 12/3/13) for the sale an additional 18.8(±) acres at the Sullivan Industrial Park East at the appraised price of \$70,000.

MoDNR & Benton Grant Agreement - Review of Water System

MoDNR &
Benton Contract
Water Supply
Study Grant

Bill No. 3618 sponsored by Alderman Tony Wessler, being an ordinance approving a three-party agreement with Missouri Department of Natural Resources and Benton & Associates, Incorporated which agreement deals with professional services for review of the public water system in the City of Sullivan, Missouri; and, authorizing the Mayor to execute was introduced and read two times. The question was asked, "Shall Bill No. 3618 become Ordinance No. 3618?" The aldermen were polled and voted as follows: Alderman Mike Ryan, Jr., (absent); Alderman Jason Alexander, aye; Alderman Craig Kase, aye; Alderman Jarrett Dace, (absent); Alderman Tony Wessler, aye; and Alderman Dennis Watz, aye. Passage of this ordinance approved an engineering review of the city's public water system at a cost of \$50,000 of which is 90% grant reimbursable.

MAYOR INPUT

Elmont Overpass - Schatz Memorial Bridge

Schatz
Memorial
Bridge

Mayor Leasor stated that it has been discussed amongst Board members and received community feedback on naming the Elmont Overpass the James K. Schatz Memorial Bridge in honor of his dedication to get the overpass constructed. Mayor Leasor reported that a bill was introduced in the State of Missouri House of Representatives today (1/21/14) by Representative Dave Hinson to do just that. If approved, the effective date would be sometime in August 2014.

Electric Power Demand

Inclement
Weather &
Utilities

Mayor Leasor reminded residents to be cognizant of electric usage during this particularly cold snap the city is experiencing. Residents are likely to see an increase in their utility bills which will be due to their usage.

Resolution - Opposing Pole Attachments

Pole Attachment
Resolution

Mayor Leasor read a resolution opposing pole attachments. At the request of special interest groups comprised of telecommunication and the cable industry, five bills have been pre-filed in the Missouri Senate and House of Representatives that reenact last year's legislation on pole attachments and wireless communication services. It was noted that while the City of Sullivan has a good working relationship with the local provider, passage of these bills would restrict the city's maintenance on their own utility poles thus compromising the safety and reliability of utility service to not only the city but also its customers. Administrator Hardy stated that if the city chose to go underground with utilities and wanted to take down poles, they might have to leave them alone because of attachments. He then relayed a recent incident involving the Dorson Circle area where a communications line was probably lower than it should have been and a vehicle caught the wire and pulled it down — which in turn, caused other damages. Following this discussion, Alderman Kase made a motion to adopt the resolution as read. Alderman Alexander seconded the motion and it carried unanimously.

CITY CLERK

Candidates
4/8/14 Election

2014 Election - Filing Closed

City Clerk Jan Koch reported that filings closed today (January 21, 2014 at 5:00 p.m.) for one alderman in each ward (Wards 1, 2, and 3). Incumbent Alderman Ward One Tony Wessler and incumbent Alderman Ward Two Jason Alexander have re-filed. There were three other filings: David A. Cochran, Jr. filed for Alderman Ward Two, Paul L. McCulloch filed for Alderman Ward Three, and Robert (Bob) Hathman filed for Alderman in Ward Three but later withdrew. The election will be held April 8, 2014.

Closed Session

CLOSED SESSION

The time was approximately 8:00 p.m., and Alderman Wessler made a motion to adjourn into closed session with closed records and closed votes to discuss matters concerning litigation and real estate. Alderman Alexander seconded the motion and it carried with a roll call vote as follows: Alderman Craig Kase, aye; Alderman Dennis Watz, aye; Alderman Jason Alexander, aye; and Alderman Tony Wessler, aye.

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Closed Results

CLOSED RESULTS

As a result of the closed meeting held January 21, 2014 one matter concerning real estate and two matters concerning litigation were discussed with no final results to report at this time.

Return to Open

RETURN TO OPEN

The Board reconvened into open session at approximately 8:45 p.m.

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Adjourn

ADJOURN

Being no further business at this time, Alderman Kase made a motion to adjourn. Alderman Watz seconded the motion and it carried unanimously. The meeting adjourned at approximately 8:45 p.m.

Attest:

Janice K. Koch, City Clerk



Thomas D. Leasor, Mayor