



**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, APRIL 27, 2020**

REGULAR MEETING: 7:30 PM

In light of public health orders from the Missouri Governor and the Clay County Health Department related to the COVID-19 pandemic, this meeting will be held via audio and video. Members of the public interested in this meeting may listen at City Hall, 7010 North Holmes, in the Council Chambers or livestream at <https://www.gladstone.mo.us/meeting/>. Due to the COVID-19 public health orders, occupancy in the Council Chambers will be limited.

TENTATIVE AGENDA

- 1. Meeting Called to Order.**
 - 2. Roll Call.**
 - 3. Approval of the April 13, 2020, Regular City Council Meeting Minutes.**
 - 4. PROCLAMATION: BUILDING SAFETY MONTH, MAY 2020**
- REGULAR AGENDA**
- 5. Communications from the City Council.**
 - 6. Communications from the City Manager.**
 - 7. APPROVE FINANCIAL REPORT FOR 8 MONTHS ENDING MARCH 31, 2020.**
 - 8. RESOLUTION R-20-18** A Resolution authorizing the City Manager to execute a contract with BKM Construction in the total amount not to exceed \$190,645.00 for the Curb, Gutter, Sidewalk, and Trail Project-Phase 1; TP2004.

9. FIRST READING BILL NO. 20-12 An Ordinance granting certain temporary and emergency powers to the City Manager related to fees and deadlines for business licenses, development plans, building permits, and liquor licenses.

10. FIRST READING BILL NO. 20-13 An Ordinance amending Title IX, Chapter 2800, of the Code of Ordinances, City of Gladstone, Missouri, to update its regulations relating to the declaration and abatement of dangerous buildings.

11. Other Business.

12. Adjournment.

Representatives of the News Media may obtain copies of this notice by contacting:

City Clerk Ruth Bocchino
7010 N. Holmes, Gladstone MO
POSTED: April 23, 2020, 3:30 pm



**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, APRIL 13, 2020**

PRESENT: Mayor Carol Suter
Mayor Pro Tem Jean Moore
Councilman Bill Garnos
Councilman R.D. Mallams
Councilman Kyle Yarber

ALL COUNCILMEMBERS ATTENDED VIA ZOOM

City Manager Scott Wingerson
Assistant City Manager Bob Baer
City Clerk Ruth Bocchino
Attorney Chris Williams-via Zoom

Item No. 1. On the Agenda. Meeting Called to Order.

Mayor Suter opened the Regular City Council Meeting Monday, April 13, 2020, at 7:30 pm.

Item No. 2. On the Agenda. **ROLL CALL**

All Councilmembers were present via Zoom. The City Manager, Scott Wingerson, the Assistant City Manager, Bob Baer, and the City Clerk, Ruth Bocchino, were present in the City Council Chambers, 7010 North Holmes, Gladstone, Missouri.

Item No. 3. On the Agenda. Approval of the March 23, 2020, Regular City Council Meeting Minutes.

Councilman Mallams moved to approve the minutes of the March 23, 2020, Regular City Council meeting as presented. **Mayor Pro Tem Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item No. 4. On the Agenda. **PROCLAMATION: OLDER AMERICANS MONTH**

Mayor Suter recognized the Older Americans in our City, and declared May as Older Americans Month.

Item No. 5. On the Agenda. **PROCLAMATION: EARTH DAY**

Mayor Suter recognized Earth Day April 22, 2020, at the request from Climate Action Kansas City, and all next week it will be celebrated.

Item No. 6. On the Agenda. CONSENT AGENDA

Councilman Mallams moved to approve the Consent Agenda as published. **Councilman Garnos** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Councilman Mallams moved to approve **RESOLUTION R-20-15** A Resolution accepting easements from certain property owners in conjunction with the Northeast 76th Street Improvements Project from North Oak Trafficway to North Brooklyn, Project TP1818. **Councilman Garnos** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Councilman Mallams moved to **APPROVE TYPE 4 OUTDOOR SPECIAL EVENTS PERMITS:**

Rock the Block Client Appreciation Picnic, 602 Northeast 70th Terrace, Linden Square, Friday May 15, 2020, 5:00 pm to 8:00 pm.

Gladstone Household Hazardous Waste Drop Off, 7512 North Antioch Road, Happy Rock Park West, Saturday, May 30, 2020, 8:00 am to 12:00 pm.

NAWS Woofstock Charity Fundraiser, 602 Northeast 70th Street, Linden Square, June 13, 2020, 7:00 am to 4:00 pm.

Councilman Garnos seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Councilman Mallams moved to **APPROVE FINANCIAL REPORT FOR 8 MONTHS ENDING FEBRUARY 29, 2020.** **Councilman Garnos** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

REGULAR AGENDA.

Item No. 7. On the Agenda. Communications from the City Council.

Councilman Yarber stated: *“I just will mention one thing. I wanted to compliment Chief Hasty on the article that was in the Dispatch. There were all kinds of crazy rumors going around and so it was great to reassure people that the city is a source of accurate information. Good reassurance at this time. Thank you, Chief.”*

Councilman Mallams stated: *“Thank you, Mayor. Again, I would like to thank our Mayor, also the City Manager, the city’s Leadership Team, and every member of our city staff. They continue*

to work together and I know that they will continue to work as we move through this to meet the needs of our residents and our business owners. I'd like to go one step further. I'd like to extend thanks to Dr. Danny Clemens, Superintendent of the North Kansas City School District; his Leadership Team and every member of the School District, for their efforts to continue learning for their 40,000 students through the use of technology. Mayor, thank you."

Councilman Garnos stated: *"Mayor, just a couple of things. Scott may be talking about this in his comments. I just wanted to check on some of the upcoming Gladstone events. I have not heard for sure whether we are cancelling the Parks and Rec Advisory Board next Tuesday and then also next weekend is that free bulky item drop off at Happy Rock Park. I didn't know if those were getting rescheduled. From what I understand, Mayor, the shut-down from Clay County Public Health runs through April 24. There is currently consideration being given to extending it one to three weeks and I just wanted to check to see if that is the current status as far as everybody knows and also I wanted to say I appreciate the rumor control efforts. That is valuable. I agree with Councilman Yarber on that. I appreciate Dominic's analysis of the impact on the financials for revenues and expenditures. We will, obviously, all be tracking that very carefully over the next several months. I appreciate his front-end analysis with the financial report for where we are going to get hit and when. That helps, thanks."*

Mayor Pro Tem Moore stated: *"Thank you, Mayor. It's difficult and challenging at these times for everybody. I think we are remiss if we don't take a moment to pause and express thanks to those individuals who have gone way above and beyond to do their jobs under circumstances that they absolutely had no way to anticipate. Tonight I want to express my gratitude again and deepest appreciation to our front liners out there; our Fire, EMS, and Public Safety Officers. I'd also like to piggy-back a bit on Councilman Mallams comments; I'd like to recognize all of our teachers, who all of a sudden have been called on to become online instructionalists; and also our students who had to adopt a new learning model. To our restaurants, who continue to feed us safely and well; and to our grocery store workers who are out there every day stocking the shelves and making sure that we are well fed. Finally, to all those volunteers who are working tirelessly to donate and deliver food to those individuals who are struggling to feed their families. I want to offer a special thanks to our friends at Antioch Bible Baptist Church under the amazing leadership of Pastor Bob and his wife Judy who are spearheading the food collection at their church and the distribution effort for North Kansas City School District. Thank you, Mayor."*

Mayor Suter stated: *"I would like to add to your list. I would like to express my appreciation to all of the residents of Gladstone and the surrounding area for their cooperation through this effort. It really has been a good experience with people voluntarily doing what we have asked them to do; to stay home, to keep distance in our parks. It is so important to keep our parks and trails open and I really appreciate the way that our residents have cooperated with all of us; with Public Safety and all those others who are doing extraordinary work. The best of good people really comes out in hard times. As for the hard times, the last time we met, I told you that in response to the request of area Mayors, the Mid America Regional Council was convening for the first time ever, it's called MAC, Multi-Agency Coordinating Group, and it's made up of elected officials and professionals from health care and public safety and emergency services from the nine county area that MARC serves. They had an introductory meeting week ago."*

Tomorrow morning we meet again to really begin the coordination effort on the releasing of restrictions. The extension and/or releasing; we are kind of back where we were two weeks ago, where some jurisdictions seem content to just decide what they want to decide and tell everybody; others much prefer that we work together in unison. It was actually, comparatively, easier to shut things down than it's going to be to open things up. It was easier because the medical community was totally unanimous about shutting down, adamant about what needed to happen. Where we are now? There is no unanimity at all. Everybody has a different opinion; every location is actually in a different situation, and even in the metropolitan area we are having different experiences in different parts of the metropolitan area. As we know now, the virus is particularly prevalent among minority populations and that has been true all over the country in dramatic fashion. That means that some parts of the city or region are going to be much more severely impacted than others and we've seen it here as well. That makes this decision making about who is going to do what and when way more complicated. The hot beds in our area, of course, have been Kansas City, Kansas; basically just one nursing home is responsible for 50% of all of the deaths in the whole State of Kansas. On our side of the State it's pretty much been in the low-income communities, mostly in the urban core and kind of on the East side. That is where most of the deaths have been occurring. You might see why the Unified Government and why the City of Kansas City will want to keep things shut down longer than probably other jurisdictions who are not having a significant issue. Clay County in particular is not strained; most of the suburban areas around, our hospitals have capacity. We are sending healthcare workers to other parts of the country because we have plenty of folks who aren't needed here. We have some very different experiences going on right now. Shutting down was pretty much a non-political event, but opening up is going to be much more of a political event. There will be very much more input and rationale based on political philosophy and allegiances than there was when we shut down. We will see how things go tomorrow and with our first go-around with trying to have a conversation and trying to get the Core Four, as they like to all themselves; although Clay County is way larger than Wyandotte County; to get that Core Four to understand that there are lots of other folks in the region who may or may not agree with them, but we all need to understand the impact that happens when one or more districts decides to do something that the others don't want to do. I think, in theory, everybody is probably going to side with extending the shutdown for at least another week; at least till the end of the month. That seems to be, at least what the Kansas Governor is going to do, is extend hers; hers ends on the 19th and it is sounding like she is probably going to go to the end of the month. Nobody is quite sure what Parsons is deciding to do. He has not been very forthcoming in conversations about where he is. I think he is waiting for instructions from the White House to decide what he is really going to do in Missouri. If the State continues to shut us down then we don't have decisions to make. If the State backs off, then we will all have decisions to make and then it will be up to the individual jurisdictions and then hopefully some ability to work together in the region to do something that makes sense. I think everybody expects that what will happen will be some kind of a rolling of the restrictions cutting off one at a time and then we will work backwards to normalcy. I think even Dr. Fauci seems to be saying that should be able to get accomplished in May and by June we ought to be able to be kind of to the end of it. We will see. If some folks want to, like Mayor Lucas seems to be saying today that he's thinking things ought to stay shut down completely until the middle of May, then that would put the roll block into the middle of June before we could be back to normal. Just kind of whose opinion wins out. Like I said, we have been pretty much following the medical opinions expressed by the Clay County

Public Health Director, but he was pretty much in unison with everybody else in the region and I'm not sure that will continue to be the case here going forward. We will see. Is that helpful? I'm telling you as much as I know today. I know we've been having conversations all week and all weekend trying to lead up to this meeting tomorrow to see if we can't get some better cooperation this time. This time if there is not cooperation, the last time when we were shutting down, there was enough chaos and everybody looked like they didn't know what they were doing, but man that is going to pale in comparison to the mess that will be created if we don't all agree in the region to ease restrictions. People will just be so confused about who is allowed to do what, where, and when. So we will see. I'm trying to be on the positive side that we are going to be able to reach some agreements without just capitulating to the most strident, strictest shut down that people want because I'm not there but I think that by the end of the month we will be approaching an appropriate time to start rolling off. We will see. Supposedly our area is supposed to peak this week so by next week we will pretty much know it's going to be downhill from there and we have not anywhere near taxed our capacity. We actually have hundreds and hundreds of excess ventilators in this region so we have a long way to go to really tax most of our capacity yet. Again, that is different in parts of the region. In terms of the ongoing work over the weekend, the City Manager and I have been in conversations with Wal Mart who would like to do a drive through testing site and so I am going to ask the City Manager to tell you about that as he gets on to the rest of his comments as well. Thank you."

Item No. 8. On the Agenda. Communications from the City Manager.

City Manager Scott Wingerson stated: "Thank you, Mayor. I guess to start with, the testing facility, as the Mayor said, Wal Mart asked us late Friday night into Saturday morning if the Gladstone store could be a testing site for COVID-19. They have partnered with Quest Lab and another laboratory in another part of the country to offer drive through testing, like maybe you have seen on the news and on similar channels. How it works is the person downloads an app, puts their symptoms in, the symptoms are reviewed by a doctor, the doctor then prescribes a test. The person makes an appointment at their neighborhood Wal Mart through this app and it shows up with their appointed time where a Wal Mart Pharmacist provides the test. That person self-administers the test and then seals the container, the kit, and puts it in a drop box where the lab picks it up and takes it to the lab. There are a few logistical details to work out. The main one is the indemnification that they are asking for. Chris is in the process of reviewing that and will offer his opinion later. Many cases in Missouri don't allow indemnification so we may have a change of plans there, but I'm sure we can work something out. Their goal, Wal Mart's goal, is to have this open sometime next week, the first to middle part of next week, and they are asking for our support with 24 hour security and on-call EMS through 9-1-1. We are excited to partner with Wal Mart. They are a big part of our community and if they can pull this off we are excited. Any questions about that before I go on? As of late tonight, there are 122 cases of COVID-19 in Clay County with still two deaths. That has been a consistent number for the last few days. About eight of those are confirmed in Gladstone. We have been very fortunate in all the measures that the people in businesses are taking for social distancing and proper hygiene and all of that. They are working eight people out of 25,000 people and that is a small number so we are very, very proud of Gladstone residences and businesses for sticking with it. If we can just stick with it a little while longer I think we will be on the other side of this thing. I can't do the thank you's and the shout outs as well as the Council did in their report, but I'd like to just echo my thoughts

about our first responders and Fire/EMS and Law Enforcement; they continue to step up and serve on the front line without complaint and just completely mission driven and we are super proud of them. I'd like to shout out to Public Works for safely opening brush disposal to the delight of about 500 cars in the last two weeks which is probably some sort of record; maybe Tim can confirm that. Shout out to the Community Center for, among other things, painting the swimming pool themselves instead of contracting for it in their downtime and starting Facebook live fitness classes to keep a social connection with some of the Community Center members. Finally, just a heartfelt thank you to the Leadership Team and Emergency Managers who have met almost every day since March 14 through this thing. We are pretty much at status quo now which is a sad thing to say but if things don't change we are very well prepared to handle what is coming our way. With that Mayor, thank you very much."

Mayor Suter asked if there were any questions for the City Manager, to make sure everybody is able to stay informed as we go forward.

There were none.

Item No. 9. On the Agenda. RESOLUTION R-20-16 A Resolution adopting changes to the definition of medical expenses within the City of Gladstone's Flexible Benefits Plan.

Mayor Suter asked if there were any questions regarding the Resolution or any other information needed.

There were none.

City Manager Wingerson stated *"This is information regarding the CARES Act and broadens the definition of reimbursable or purchase expenses from the Flexible Spending Accounts."*

Mayor Pro Tem Moore moved to approve **RESOLUTION R-20-16** A Resolution adopting changes to the definition of medical expenses within the City of Gladstone's Flexible Benefits Plan. **Councilman Yarber** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item No. 10. On the Agenda. RESOLUTION R-20-17 A Resolution amending or revising the 2020 Transportation Sales Tax Fund for the City of Gladstone, Missouri, and authorizing expenditures of funds.

Mayor Suter invited City Manager Wingerson and Finance Director Dominic Accurso to speak regarding Resolution R-20-17.

City Manager Wingerson stated: *"Yes, Mayor. Thank you very much. I'll start and then ask Dominic to fill in the blanks that I leave behind. This is actually the city's mid-year budget and it's only amending the Transportation Sales Tax Fund because of some grant funding that we were able to achieve and we need spending authority in that particular fund. Because all of the other funds are going backwards, they are becoming smaller because of revenue shortfalls in*

those funds, there is no need to actually amend the budget. That action also provides us some flexibility in that if we make reductions in the budget after tonight and this thing clears as the Mayor was talking about before the end of June, then we may be able to institute some of these programs for the residents such as recreation, Community Center membership, soccer programs, and all that sort of stuff. So we want the flexibility to offer these programs if there is a revenue connected to them and we would need to amend the budget to do that so we are choosing not to recommend amending the budget at this point but we are going to outline a pretty aggressive strategy to deal with the Corona Virus impact. In a very basic summary, general fund revenues are projected to be nearly \$1.2 million dollars below budget. Combine that with the fact that we are into 9/12 of the year, fiscal year, though, that doesn't allow us a lot of flexibility. There are reductions in sales tax, gross receipts taxes, charges for services, fines and forfeitures, municipal court is closed, and those are the areas that will be the hardest hit. The Community Center fund is also very difficult as the Council is very well aware; we talk about it twice a year. The Community Center is largely funded through user fees. When the Center is not open, there are no user fees to be earned in that regard. The Community Center budget is projected to be \$575,000.00 below budget, this is almost entirely in user fees. While the other funds are affected, the General Fund and Community Center are funded with the greatest impact. In this situation, the only response is to reduce expenditures. The process is complicated due to the fact that we are 9/12 of the fiscal year complete prior to the start of the virus situation. Our priority for reducing expenditures was first to reduce expenditures with program revenue attached, such as senior programs, rec programs, fitness classes and things like that. Of course, if gathering limits are lifted, we will make every effort to restore these programs before the end of the fiscal year. The second strategy was to review and freeze Capital Equipment purchases that have not been purchased. Because we are so far into the fiscal year, most of those things, police cars and things like that, have been purchased. Anything that hasn't been purchased we froze and postponed into the next fiscal year. The third strategy was to protect our existing full time employees with very limited exceptions and except in the Public Safety Department, vacant positions are frozen until at least July 1. Our part-time pool has largely been furloughed and will be called back as soon as the crisis is over. Finally, we are using CERF and the General Fund to balance and the use of fund balance in the Community Center to balance the budget based on anticipated revenues and expenditure shortfalls. Finally, we are preparing to issue a series of bonds that the Council is very interested in and up to speed on. It involved some important projects in the community; a fire station addition, a public safety headquarters, outdoor pool improvements, water main improvements, and many more. The crisis has adversely affected the Municipal Bond market nationally. Our municipal rating agency, which is SMP, has assigned a negative outlook to all public finance sectors. That is not just in Gladstone, that applies to every public agency looking to issue bonds. Our financial advisor here locally, our municipal financial advisor, has concerns that a possible increase in expenditures through a bond issue, and unknown revenue declines, will result in a negative bond rating. Based on this information, I recommend that we pause the issue of the bond until we believe the bond markets are recovered and our advisors believe we can achieve a positive outcome. It doesn't do any good for us to borrow this money right now and pay too much for it or put the financial reputation of the city on the line. Thank you for your consideration. A special thank you to Dominic, who has worked tirelessly under some pretty difficult circumstances to put this budget together, and if there are no questions for me at this point, I'll defer to Dominic and then we will both stand for questions."

Finance Director Accurso stated: *“Thank you, City Manager Wingerson. Good evening, City Council. I just kind of wanted to start out, I was talking to Scott about this earlier, this is probably the most difficult project I’ve had to work on. For the most part, when things are good, and you know you can rationalize how things are going to end up and increasing, modeling is easy, but when things are starting to decline, and this is something that has never happened before, everybody is asking, well, what do we do? What are we doing? And something I found out from a lot of my colleagues is no one is really saying what they are doing, they are just kind of stopping; it’s too difficult, we have never had a crisis like this, it hasn’t happened in a long time. We don’t know what to expect, we don’t know what to expect from sales tax, we don’t know what to expect for charges for services. Something I did, I went in and analyzed some of our sales tax remitters and looked to see how things were going, you know, in their world. It got to be so difficult because there is no template for it; as Scott said, the one thing we can expect is that sales tax is going to decrease and charges for services will decrease; we cannot gather in groups so things like our programs can’t get together and do it. So those are the items that are biggest hit. Honestly, the only thing we can do with that is to decrease expenditures. That came together; we did a great job of getting this worked out. I wish I could say I didn’t lose too much sleep over it but I have and we made it work, so, you know, congratulations to everybody. Everybody worked hard on this and you know, we all came together to make it happen. You know, shining star; property tax; we got most of that already so property taxes are looking good. I don’t foresee anything changing in that realm. Sales tax, you know, fortunately we have had $\frac{3}{4}$ of the year go by and sales tax has been very positive. The impact it will have on that on the General fund, I’m estimating probably about a 10% decrease in the General fund, so that what that \$450,000.00 represents. The gross receipts tax, you know we have been fighting with that for the past few years. We are just kind of coming to terms on that; that is going to decrease about \$230,000.00. License and permits were actually going very strong until all this happened and it has leveled off, so a lot of construction has stopped, permitting has stopped. I shouldn’t say stopped, it has slowed down considerably. Of course charges for services, the majority of that is our senior program. Obviously there is not a lot of people taking trips or going out to restaurants or anything like that right now. Fines and forfeitures, that was actually doing very well this year. The State Supreme Court actually closed in person appearances so we are actually doing, there is some activity in there; not as much as we’d like to see, so that is significantly decreased, too. As far as miscellaneous revenue goes, essentially that is just the decrease in interest revenue. Interest rates two months ago were over 1%, we were almost getting 1.5% on our money; now it is down to .08%. Interest rates have just drastically dropped over the past couple of months. With that said, as Scott said, we’re about \$1,193,000.00 down in total revenues. What we have done, and I’m just kind of going to go off the exhibits. Exhibit A kind of shows some of those adjustments that we have made to the different funds. Obviously the General fund is the largest fund so there was a lot going on there. Essentially we took a position that we are open, available payroll, available supplies and services, obviously we are not travelling right now so training is going to be decreased greatly if there is any training still available. Other items like fuel, well obviously we are not driving very many places so we can probably decrease fuel expenses. That was across pretty much all of the departments. All together we did find \$1.2 million dollars in decreases in expenditures. One thing I’m always excited about, usually the equity transfer, you would think that we would have to grab that but we managed to keep it the same so we are preserving the fund balance in the General fund. We are expected to end this fiscal year with an ending fund balance of \$3,643,031.00. I think that is*

very considerable considering what is going on right now. That's the General fund. Do you have any questions on any of that? I hate to repeat everything Scott said, he said pretty much everything I can say. The Community Center is kind of what he said and I've just kind of want to quantify everything. 83% of all revenues from the Community Center fund comes from sales tax or charges for services. So that is a lot. They are going to have a huge impact on that. We are hoping that things can clear up; again we are leaving the budget available in case we can't have those programs later on. I wish I could look into my crystal ball and say yes, everything is going to be fine June 1st, we can go outside and play in soccer tournaments and whatever else; but bottom line, I don't know. We don't know. What we did with that, we are hoping that we will have some area for revenue generation but we used that equity transfer to subsidize that so the ending fund balance of the Community Center fund is going to be about \$884,118.00. Going to Exhibit C with Public Safety Sales Tax, it will be affected. Again, thankfully we are $\frac{3}{4}$ of the way through the year so the sales tax we have is already there. There will be a little bit of a decrease. We have offset it with just additional equity transfer. We didn't touch any of the expenditures there; fortunately we had a good fund balance available in that fund so we should be ending the year with a fund balance of \$59,804.00. Something that has been more difficult for me to imagine, one of the things we did, was suspending all late fees, all shut offs, line items like that, so with that said, how are we going to collect it in the future, you know, what if this does last for another, till June, that is three or four months' worth of water bills that haven't been collected; not only water bills, but four months of gas bills, four months of electric bills, possibly four months of that; something we're trying to grasp ahold of is how we are going to collect those and is it possible that some of those are going to be uncollectable? We have had decreased water consumption this year and that is the adjustment in the revenue with the water and sewer so we are looking at a decrease of \$255,000.00 in that. As far as the equity transfer goes, the majority of the increase in the equity transfer is to facilitate the televising of the sewer; the sewer televising and cleaning actually ran over the fiscal year so we have increased the equity transfer for that to provide for that. The rest of it is to help out with the shortage in revenue. The good thing about having decrease sewer consumption is, you know, that is less that we pay to Kansas City. So, you know, you can see that as well in the decrease in the sanitary sewer. With that said, the Water fund is still very, is still doing very well, it is still very healthy. They are expected to have an ending fund balance of \$2,284,449.00. Moving on to the Capital funds; Capital funds, again, the same thing, they will be affected by the sales tax. On the CIST side, most of the projects have been completed. We still have a few projects remaining and Tim continues to work on that. We are expecting CIST to end within the suggested fund balance of \$153,908.00 for the ending fund balance. As Scott kind of said for the Transportation Fund, that's really the reason we need to increase the budget on that. It is really just an accounting adjustment so when we did Pleasant Valley Road, we used a different fund and so now that it has been built, we actually have to expense it so it's never technically been expensed and that is what that amount of money is for. So with that said, we are expecting the Transportation Sales Tax Fund to have an ending fund balance of \$59,812.00 by the end of this year. The Capital Equipment Replacement fund, or CERF, again as Scott said, this fund has given us a lot of flexibility over the years. It's given us the ability to do a lot of things and it's probably going to get used again this year a little bit. Fortunately we still do have some fund balance remaining in this fund that we are expecting this year to have an ending fund balance of \$256,096.00. Thankfully we still have some expenditures that we haven't budgeted so we do have a little bit of room in that fund. Other than that, I think I just want to say one more time that, you know, one of the things that we are not asking for

reductions as it does give us the flexibility to do other programs that we may be able to do later in the year so if everything clears up in June we could still have some of those events; do things like that, and help everybody out. The only thing that is actually on, the only increase in budget authority is for the Transportation Sales Tax. With that, I will answer any questions that you may have."

City Manager Wingerson stated: *"Mayor if I could just make a closing comment along the lines of who would have thought we'd harken back to the 'good ole days' of 1% interest."*

Mayor Suter stated: *"Scott, if you would just address the issue for the rest of the Council; you know we talked from time to time about our preference to maintain our 20% cash operating reserve which has never, ever, been tapped; we have always said that we have to have any disaster or emergency big enough or important enough to use it, and so my question to the City Manager was, this seems like a pretty big emergency. I just want to explain a little bit between you and Dominic of your decision around the use of that vs. other funds."*

City Manager Wingerson stated: *"Yes, the use of the fund balance would have been the fourth or fifth strategy down the list. This is an emergency, but it's a revenue emergency, not an expenditure emergency and the 20% fund balance policy is there for very short term expenditure emergencies such like you might have in a natural disaster or act of terrorism where a lot of money was necessary very quickly but it would be replaced in the subsequent budget year by incoming revenues. So because this is a revenue crisis, for lack of a better word, that money won't necessarily be replaced in a subsequent year so we need to be a little bit careful with that. I don't know if that hit on what the Mayor was asking me but...."*

Mayor Suter stated: *"Yes, that's it. You all have done a fabulous job again of financial gymnastics of figuring out how to move things around in ways that can maintain stability as much as possible and I hope that we never see a time when we actually have to use those funds but you know that begs the question, we keep saying, 'oh in some big natural disaster, or something,' well this is a national disaster so it probably kind of qualifies. But next year's budget will be just as big of a challenge. I know you are already working on that and the guess work that will go into next year's budget because revenues lag and so we won't know how bad sales tax fall off until two months after it happens. So I applaud, again, your creativity and your determination to make it work with what we have. It does mean that because we are not going to be doing the bond, it is likely that the projects that we hoped to get started in 2020 are not going to be 2020 projects, but 2021."*

City Manager Wingerson stated: *"Yes, I'm not sure of the dates yet. It kind of depends on when the bond markets clear up and it makes sense to issue them. Some of those projects are just flat ready to go. In the current sort of financial situation, I didn't feel comfortable in, for example, fronting the money for these projects on the hopes that we would be reimbursed from a future bond issue. We just don't know what that is going to look like yet and some of those projects, not the high-profile ones, but some of the secondary projects may drop off because of the overall bond issue size and scope. We will just have to play that by ear. We are consulting with our financial advisor, Dominic is, on a weekly or more often basis for the last six or eight weeks, so*

we are watching it very closely and we are getting advice from our bond counsel, financial advisors across the city, and of course the national rating agencies as well.”

Mayor Suter asked if there were any questions or comments.

There were none.

Councilman Mallams moved to approve **RESOLUTION R-20-17** A Resolution amending or revising the 2020 Transportation Sales Tax Fund for the City of Gladstone, Missouri, and authorizing expenditures of funds. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Mayor Suter stated: *“Item No. 11 and 12 both have to do with the next section of the Rock Creek Greenway Trail so before we entertain motions, again, is there any information or questions you might have for Tim or others on that project?”*

There were none.

Mayor Suter stated: *“I’m just taking time to do it in these meetings because I know we just don’t have as much opportunity to talk to each other and stay kind of informed as we go through this so I wanted to make sure that everybody has the opportunity before we proceed.”*

Item No. 11. On the Agenda. FIRST READING BILL NO. 20-10 An Ordinance authorizing the City Manager to execute a License Agreement between the City of Gladstone and the Missouri Highways and Transportation Commission for the City to construct and maintain a segment of the Rock Creek Greenway Trail-Phase 2 on Missouri State Route 1 property between Northeast 66th Street and Northeast 67th Terrace; Federal Project #TAP-3323(412).

Councilman Garnos moved Bill No. 20-10 be placed on its First Reading. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0). The Clerk read the Bill.

Councilman Garnos moved to accept the First Reading of Bill No. 20-10, waive the rule, and place the Bill on its Second and Final Reading. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0). The Clerk read the Bill.

Councilman Garnos moved to accept the Second and Final Reading of Bill No. 20-10, and enact the Bill as **Ordinance 4.510**. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0).

Item No. 12. On the Agenda. FIRST READING BILL NO. 20-11 An Ordinance authorizing the City Manager to execute a Program Agreement between the City of Gladstone and the

Missouri Highways and Transportation Commission for federal transportation alternative funds to construct the Rock Creek Greenway Trail-Phase 2; Federal Project #TAP-3323(412).

Councilman Yarber moved Bill No. 20-11 be placed on its First Reading. **Councilman Garnos** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0). The Clerk read the Bill.

Councilman Yarber moved to accept the First Reading of Bill No. 20-11, waive the rule, and place the Bill on its Second and Final Reading. **Councilman Garnos** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0). The Clerk read the Bill.

Councilman Yarber moved to accept the Second and Final Reading of Bill No. 20-11, and enact the Bill as **Ordinance 4.511**. **Councilman Garnos** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0).

Item No. 13. On the Agenda. Other Business.

Councilman Mallams thanked Scott Wingerson and Bob Baer for working with Wal Mart on the removal of the trees, brush, and debris along 72nd Street.

Item No. 14. On the Agenda. Adjournment.

Mayor Suter adjourned the April 13, 2020, Regular City Council meeting at 8:21 pm.

Respectfully submitted:

Ruth E. Bocchino, City Clerk

Approved as presented: ____

Approved as modified: ____

Mayor Carol J. Suter

PROCLAMATION OF THE MAYOR

WHEREAS, the City of Gladstone is committed to recognizing our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster; and

WHEREAS, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings; and

WHEREAS, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, worship, play; and

WHEREAS, our nation benefits economically and technologically from using the International Codes that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the world; and

WHEREAS, these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, and earthquakes; and

WHEREAS, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings that are essential to keep America's prosperity; and

WHEREAS, "Safety Buildings, Safer Communities, Safer World," the theme for Building Safety Month 2020, encourages all Americans to raise awareness of the importance of building safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2020 encourages appropriate steps everyone can take to ensure the safety of our built environment, and recognizes that the implementation of safety codes by local and state agencies has saved lives and protected homes and business; and

WHEREAS, each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, I Carol J. Suter, Mayor of the City of Gladstone, Missouri, on behalf of the members of the Gladstone City Council and all Gladstone residents, do hereby proclaim May 2020, as:

BUILDING SAFETY MONTH



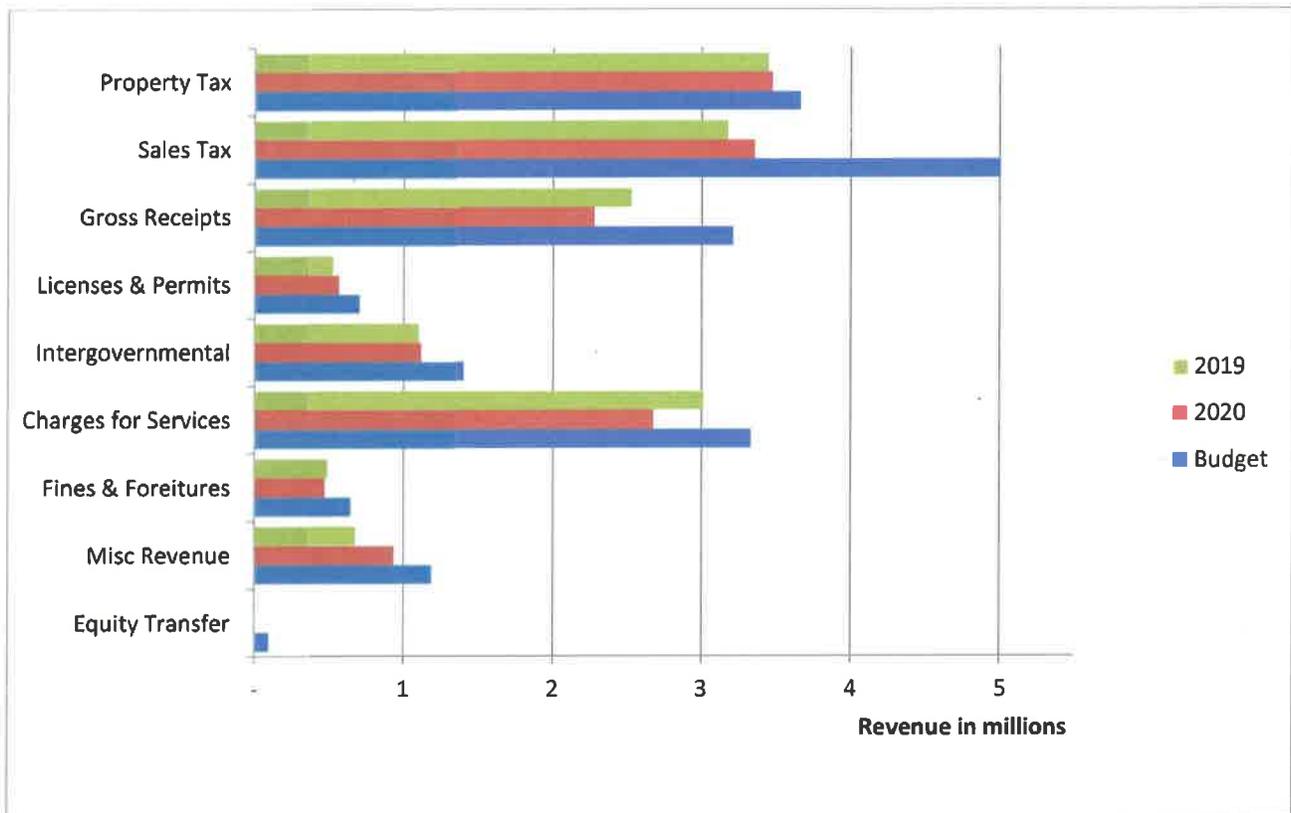
CITY OF GLADSTONE MISSOURI

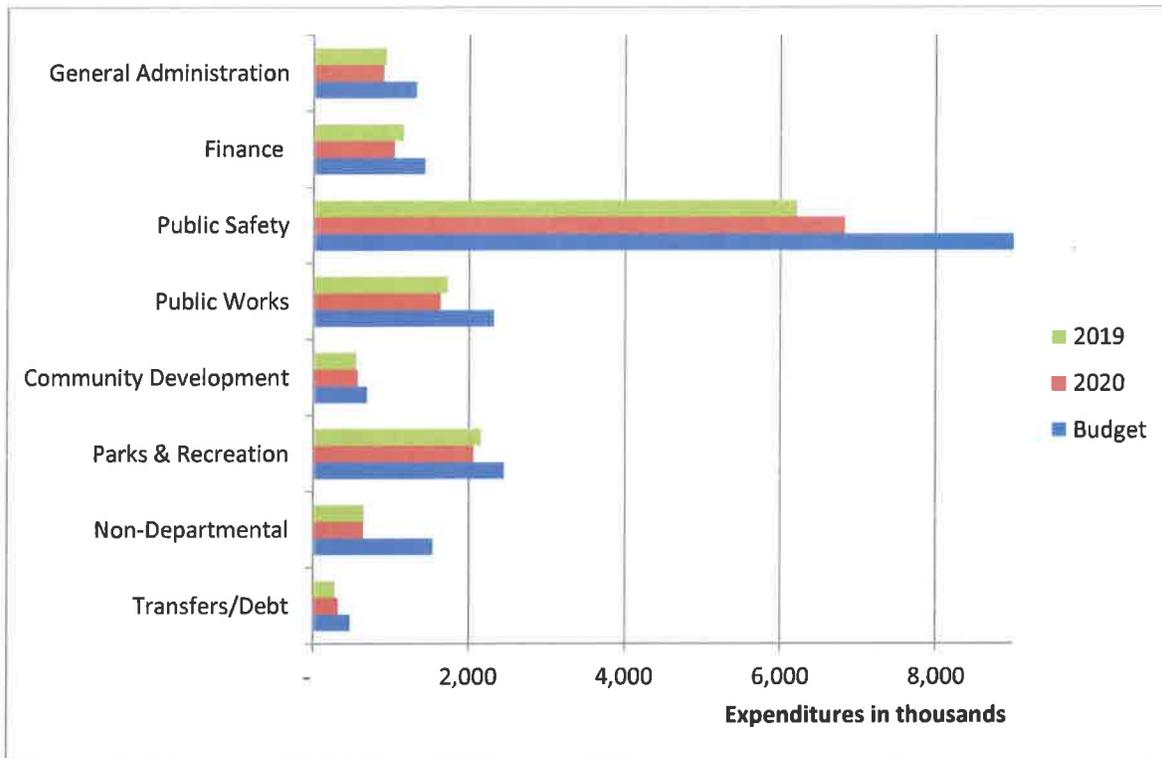
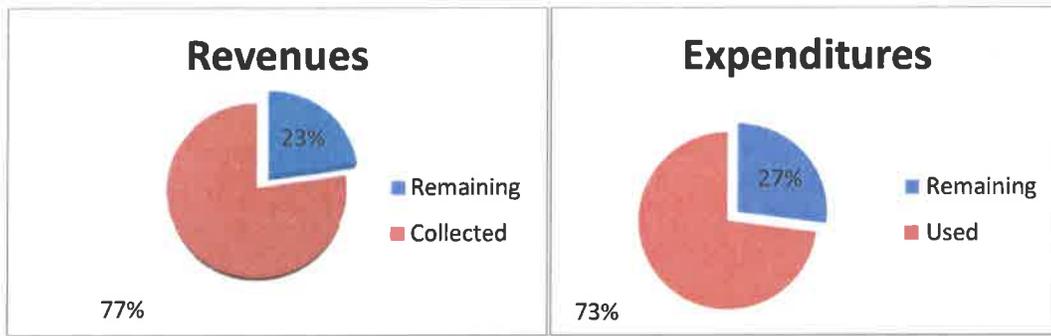
Financial Report for 9 Months Ending
March 31, 2020

GENERAL FUND

General Fund Revenues

Total revenues for the General Fund through 9 months or 75% of this fiscal year are \$14,889,480 compared to total budgeted revenues for the year of \$19,266,600 or 77% of budgeted revenue. Property tax receipts are \$3,477,183, an increase of \$29,530 from the same time last year. Sales tax on a cash basis is \$3,268,808 or \$190,107 over last year. Gross receipts taxes are \$2,366,597, down 10% from last year, mainly due to a decrease in electric, telecom, and wireless gross receipts. License and Permits revenues are \$568,118, up 7% or \$38,306 from the same time as last year due to building and right of way permits being issued. Intergovernmental revenue has increased by \$17,926 from the previous year to \$1,119,819. Charges for Services are \$2,674,171, down 11% or \$339,096 compared to the previous year due to multiple large overnight senior trips in the 2019 fiscal year. Fines and Forfeitures have decreased 4% from the same time last year to \$478,001. Miscellaneous Revenue is \$936,782, up 37% due to inter-fund transfers.

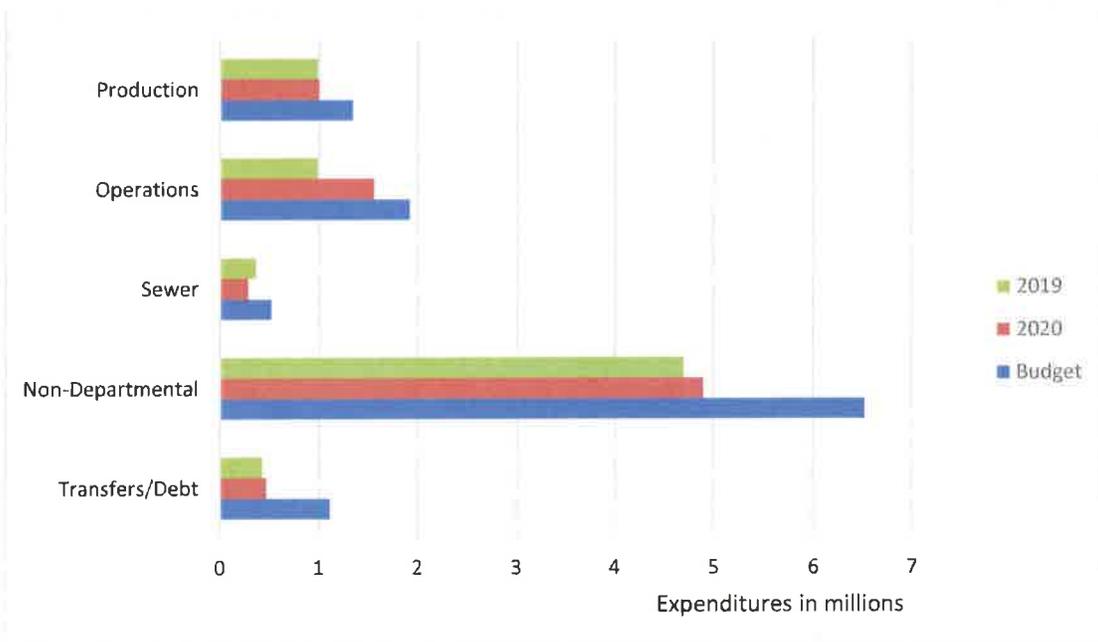
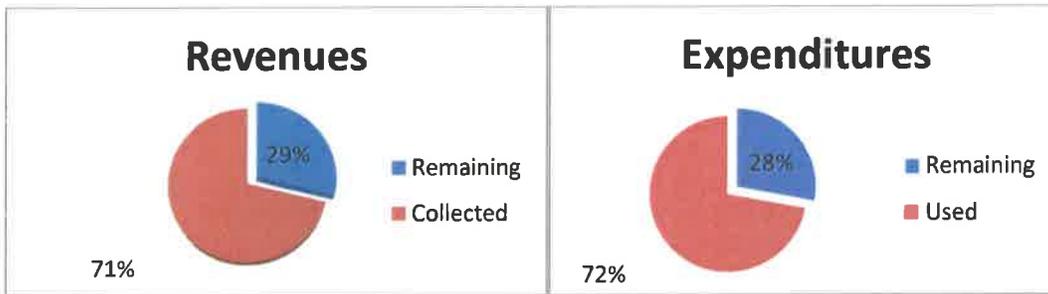
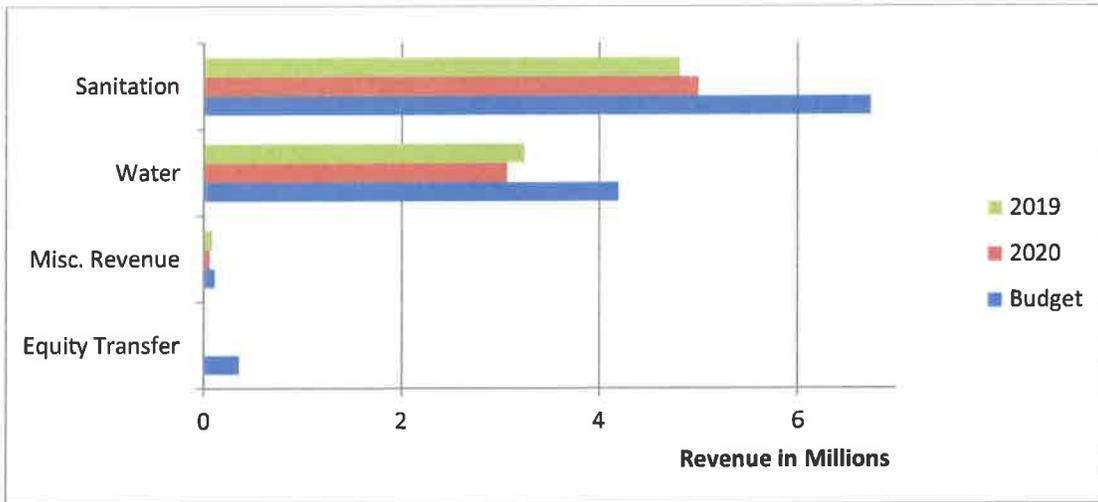




Expenditures through 9 months or 75% of this fiscal year amounted to \$14,028,700 or 73% of FY20 budgeted expenditures of \$19,232,570. This indicates that actual expenditures are 3% or \$369,111 more than last year's expenditures of \$13,659,589. General Administration expenditures decreased \$31,088 or 2% from last year for a total of \$900,425 due to contractual payments and changes in personnel. Finance expenditures are down \$112,371 to \$1,045,927 due to vacant positions and purchase of equipment during the previous fiscal year. Public Safety expenditures are \$6,829,962, up \$616,894 or 9% due to positions being filled and increased personnel costs. Public Works expenditures are \$1,637,700 or 5% less than the prior year due to vacant positions and changes in personnel. Community Development expenditures are \$572,213, an increase of 5% or \$25,495 due to changes in personnel and property abatement. Parks & Recreation expenditures are \$2,065,357, down 4% or \$90,310 from the same time last year due to decreases in Senior Activities. Non-Departmental expenses are comparable to the previous year at \$646,400. Transfers and debt have increased to a total of \$327,746 from the prior year due to the new lease purchase for software and an ambulance. Current revenues are greater than current expenditures in the amount of \$860,781.

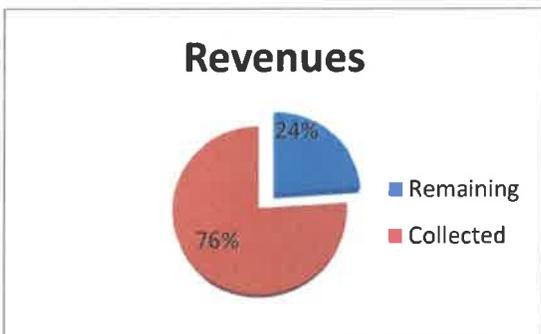
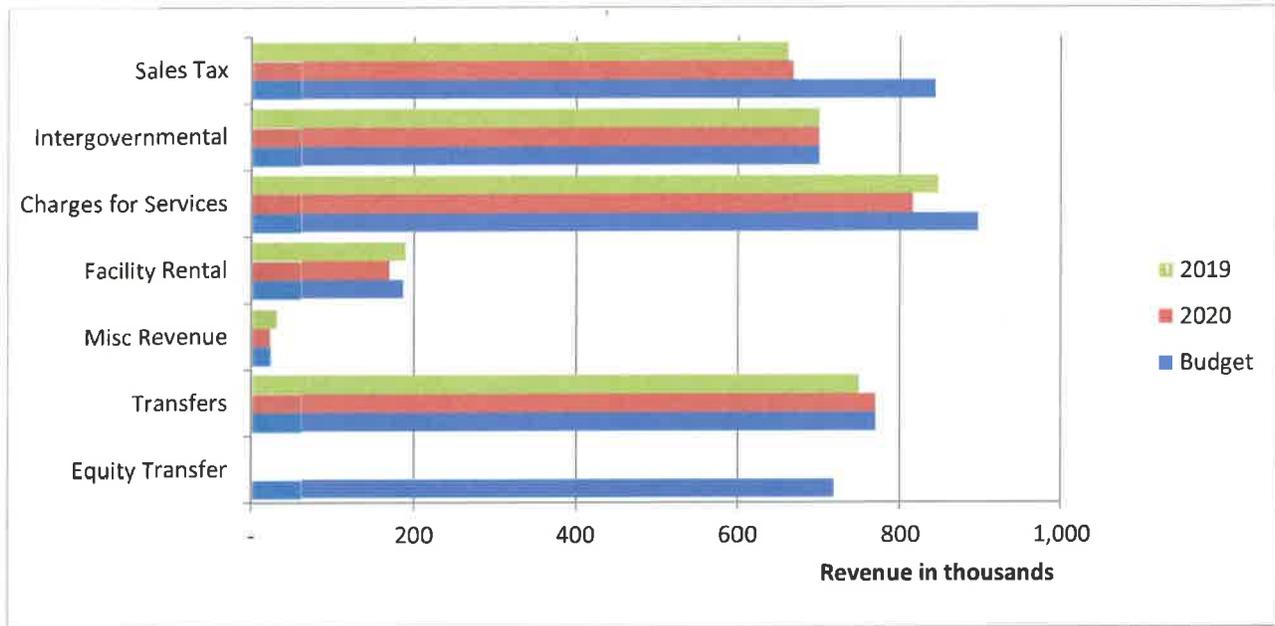
COMBINED WATER AND SEWERAGE SYSTEM FUND

Total budgeted revenues for the fiscal year are \$11,422,243. Total revenues through 9 months or 75% of this fiscal year, amounted to \$8,131,727 or 71% of FY20 budgeted revenues. Revenues are down less than 1% or \$12,639 from last year due to decreased water and sewer consumption.

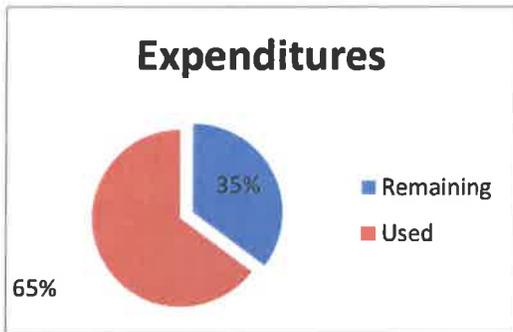
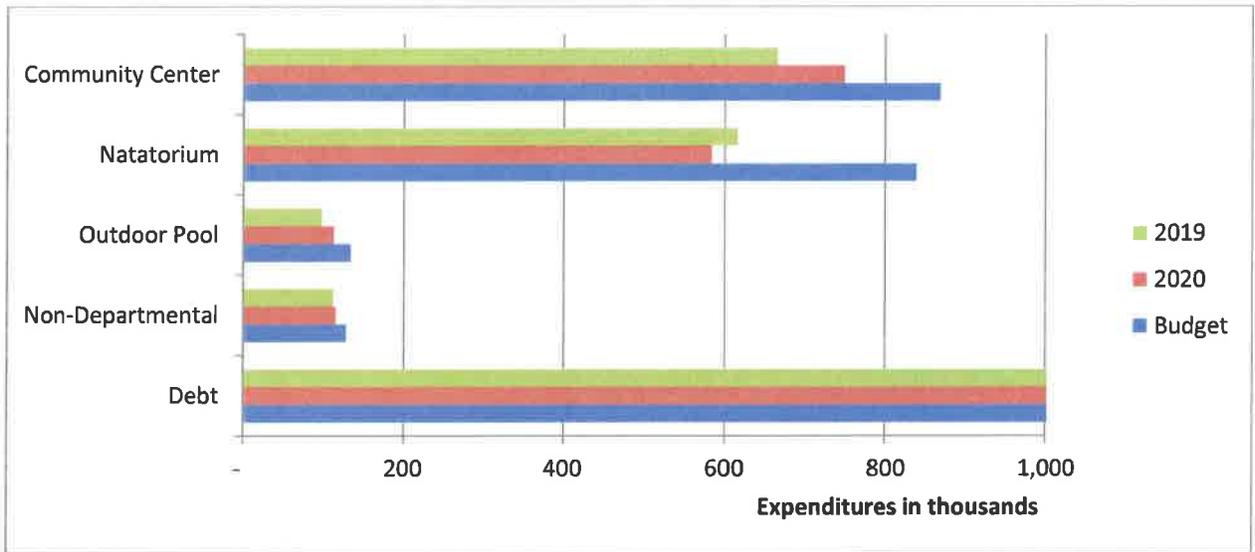


Total budgeted expenses for the fiscal year are \$11,472,243. Total expenses through 9 months or 75% of this fiscal year amounted to \$8,265,850 or 72% of FY20 budgeted expenses. Production expenditures are up \$17,401 to \$1,003,087 due to additional lime sludge maintenance. Operations division expenditures are \$1,558,259, up \$572,230 due to accelerated water line replacements. Sewer division expenditures have decreased to \$289,350 due to changes in personnel. Non-departmental expenditures are \$4,894,906, up 4% due to the increase in sewer charges paid to Kansas City. Transfers and debt are up \$38,746 due to a transfer to assist with street repairs. Current Expenditures exceeds current revenues by \$134,122 (does not include equity transfer of \$362,338).

COMMUNITY CENTER AND PARKS TAX FUND

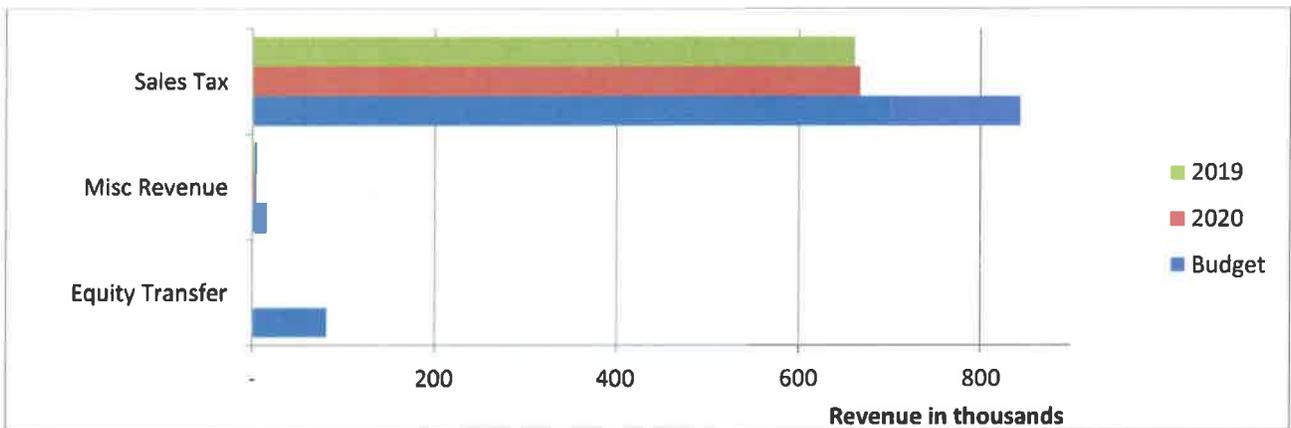


Total budgeted revenues for the fiscal year are \$4,139,891. Total revenues through 9 months or 75% of this fiscal year, amounted to \$3,146,801 or 76% of FY20 budgeted revenues. Sales tax received is \$844,075, up 1% or \$6,474 from the previous year. Intergovernmental revenue is \$700,000. Charges for Service are \$816,029, down 4% or \$31,325. Revenue from facility rental is down 11% or \$20,007 to \$169,127. Miscellaneous revenue is \$23,746, down \$8,293 from prior year. Transfers are \$769,900, an increase of \$20,400 or 3% over the previous year. Equity transfer was increased to \$718,330 to offset the anticipated decrease in revenue.

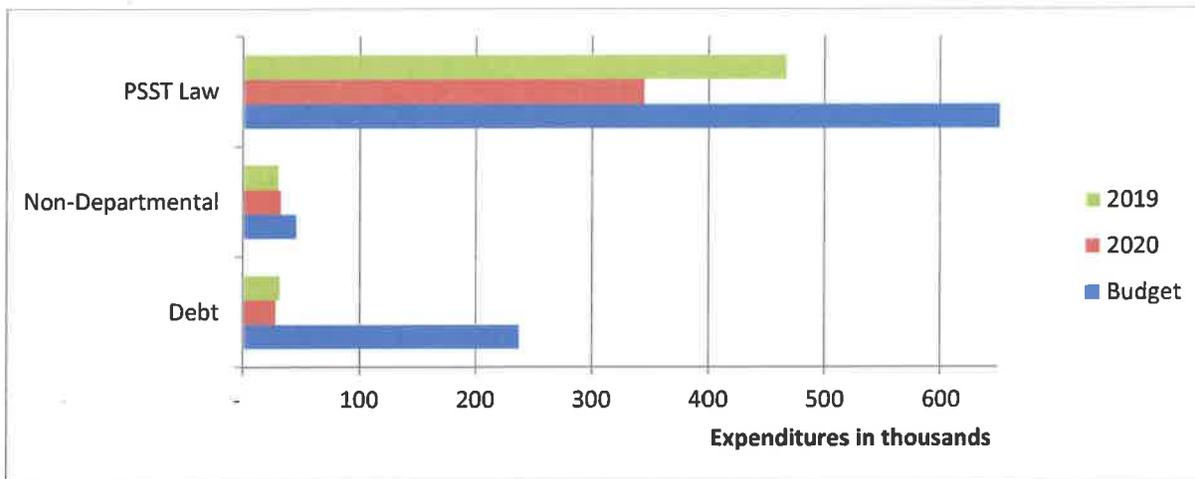
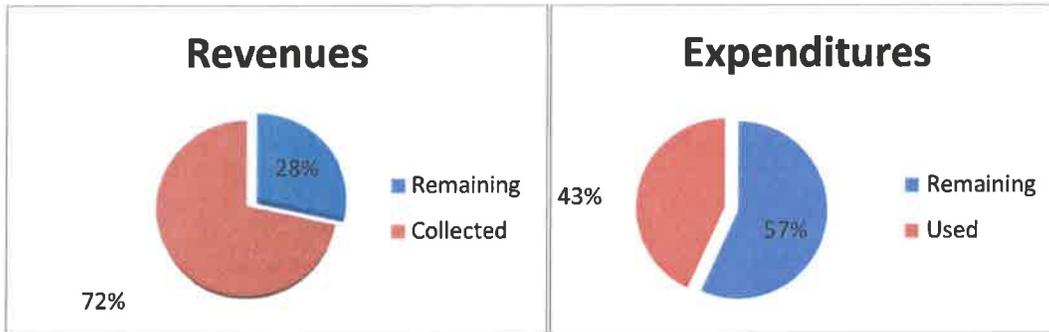


Total budgeted expenditures for the fiscal year are \$4,133,628. Total expenses through 9 months or 75% of this fiscal year, amounted to \$2,675,920 or 65% of FY20 budgeted expenses. Community Center expenses have increased 13% from the same time last year to \$749,711 due to personnel, purchase of new fitness equipment, and professional services. The Natatorium expenses are \$854,166, down \$32,296 from the same time last year due to capital purchases and HVAC repairs. Outdoor Pool expenses are up 15% to \$116,050 due to personnel. Non-departmental and debt are comparable to the prior year. Current revenue exceeds current expense by \$470,881.

PUBLIC SAFETY SALES TAX FUND



Total budgeted revenues for the fiscal year are \$940,228. Total revenues through 9 months or 75% of this fiscal year amounted to \$672,441 or 72% of FY20 budgeted revenues. Sales tax on a cash basis is up 1%. Miscellaneous revenue is comparable to the previous year.



Total budgeted expenditures for the fiscal year are \$940,228. Total expenses through 9 months or 75% of this fiscal year are \$405,966 or 43% of the FY20 budgeted expenses. Law division is down 26% due to open positions and the timing of capital purchases. Non-Departmental is \$32,739, compared to \$30,436 during the previous year. Payments for debt are comparable to the prior year. Current revenues exceed current expenditures by \$266,475.

Respectfully submitted,

Dominic Accurso

Dominic Accurso
Director of Finance

RESOLUTION NO. R-20-18

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BKM CONSTRUCTION IN THE TOTAL AMOUNT NOT TO EXCEED \$190,645.00 FOR THE CURB, GUTTER, SIDEWALK, AND TRAIL PROJECT – PHASE 1; PROJECT TP2004.

WHEREAS, seven proposals were received for the Curb, Gutter, Sidewalk, and Trail Project – Phase 1; TP2004, and the proposal of BKM Construction in the amount of \$190,645.00 has been determined by the Director of Public Works to be the lowest and best proposal.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

THAT, the City Manager of the City of Gladstone, Missouri, is hereby authorized to execute a contract with BKM Construction for work as outlined in the contract for a total amount not to exceed \$190,645.00.

FURTHER, THAT, funds for such purpose are authorized from the Transportation Sales Tax fund.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 27th DAY OF APRIL 2020.

Mayor Carol J. Suter

ATTEST:

Ruth E. Bocchino, City Clerk



Request for Council Action

RES # R-20-18

BILL # City Clerk Only

ORD # City Clerk Only

Date: 4/22/2020

Department: Public Works

Meeting Date Requested: 4/27/2020

Public Hearing: Yes Date: [Click here to enter a date.](#)

Subject: Contract Award, Project TP2004, Curb, Gutter, Sidewalk, and Trail Project – Phase 1

Background: Seven bids were received for this project. BKM Construction was the low bidder with a bid of \$190,645.00. This project involves the removal and replacement of curbs, gutters, and sidewalks on 72nd Street between N. Broadway and N. Troost and trail replacement in Happy Rock Park. The project will be constructed in FY21.

Budget Discussion: Funds are budgeted in the amount of \$ 200,000.00 from the TST Fund. Ongoing costs are estimated to be \$ N.A. annually. Previous years' funding was \$N.A.

Public/Board/Staff Input: City staff contacted references for BKM Construction and all were positive. Staff recommends awarding the project to BKM Construction.

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Tim Nebergall
Department Director/Administrator

PC
City Attorney

SW
City Manager

BILL NO. 20-12

ORDINANCE NO. 4.512

AN ORDINANCE GRANTING CERTAIN TEMPORARY AND EMERGENCY POWERS TO THE CITY MANAGER RELATED TO FEES AND DEADLINES FOR BUSINESS LICENSES, DEVELOPMENT PLANS, BUILDING PERMITS, AND LIQUOR LICENSES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

WHEREAS, on March 13, 2020, the President of the United States declared the COVID-19 outbreak a National Emergency. On March 13, 2020, the Governor of the State of Missouri declared the COVID-19 outbreak a State Emergency; and

WHEREAS, the passage of this Ordinance is hereby found and determined to be in the best interest of the City, in order to provide for the public's health, safety, and welfare, and to ensure efficient and effective continuity of City government operations and delivery of City services.

SECTION 1 – GRANT OF AUTHORITY. Notwithstanding any City Ordinance, policy, or regulation to the contrary, the City Manager is granted the authority to do any of the following actions as determined to be in the best interests of the City:

- A. Waive, modify, or suspend the operation of any City Ordinance requirements regarding the issuance of any license or permit, including but not limited to business licenses, development plans, building permits, or liquor licenses.

SECTION 2 – EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain so until expiration of the Public Health Orders.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 27th DAY OF APRIL, 2020.

Mayor Carol J. Suter

Attest:

Ruth E. Bocchino, City Clerk

First Reading: April 27, 2020

Second Reading: April 27, 2020



Request for Council Action

RES #

BILL # 20-12

ORD # 4.512

Date: 4/22/2020

Department: General Administration

Meeting Date Requested: 4/27/2020

Public Hearing: Yes Date: [Click here to enter a date.](#)

Subject: Granting certain temporary and emergency powers to the City Manager related to fees and deadlines for business licenses, development plans, building permits, and liquor licenses.

Background: On March 13, 2020, the President of the United States declared the COVID-19 outbreak a National Emergency and the Governor of the State of Missouri declared COVID-19 a State Emergency. Business and Liquor Licenses are due for renewal by June 30 annually. The past few weeks have been unprecedented and have created challenges and hardships for many in our business community. The City is working hard to assist our businesses during this difficult time by making our liquor renewal year align with the State of Missouri; as the State of Missouri Division of Alcohol and Tobacco Control has issued an Emergency Waiver for Liquor License Renewals. Staff proposes to follow these same guidelines as far as extending the liquor renewal date by two months. Therefore, liquor renewals will be due by August 31, 2020. The City will not be charging late fees at this time. Fiscal year 2020 liquor licenses that are set to expire on June 30, 2020, will now extend until August 31, 2020. This is an extension of the current active license. The City will not reissue licenses to reflect the extended expiration date. All active liquor licenses with an expiration date of June 30, 2020, shall remain displayed and recognized as valid through August 31, 2020, and can be verified by the City of Gladstone.

Similarly, business licenses are traditionally due on July 1. Staff proposes to extend these licenses through August 31st without penalty. We hope these two actions help support our business community.

Budget Discussion: Funds are budgeted in the amount of \$ 0 from the N/A Fund. Ongoing costs are estimated to be \$ 0 annually. Previous years' funding was \$

Public/Board/Staff Input: The City Manager should be granted the authority to waive, modify, or suspend the issuance of any license, development plans, building permits, or liquor licenses during this crisis to assist our business community.

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Scott Wingerson
Department Director/Administrator

City Attorney

SW
City Manager

AN ORDINANCE AMENDING TITLE IX, CHAPTER 2800, OF THE CODE OF ORDINANCES, CITY OF GLADSTONE, MISSOURI, TO UPDATE ITS REGULATIONS RELATING TO THE DECLARATION AND ABATEMENT OF DANGEROUS BUILDINGS.

WHEREAS, the City is authorized to enact ordinances requiring the vacation, demolition, or repairs of buildings or structures which are detrimental to the health, safety, or welfare of the residents and declared to be a public nuisance pursuant to Section 67.400 of the Revised Statutes of Missouri (“**RSMo**”); and

WHEREAS, Section 67.410, RSMo requires that certain provisions be contained in any ordinance enacted pursuant to Section 67.400, RSMo, including provisions regarding the duties of inspectors, adequate notice of a declaration of nuisance and, upon failure to commence work or reconditioning or demolition, the calling and conduct of a full and adequate hearing on the matter and notice of the same; and

WHEREAS, the City Council previously adopted an Ordinance creating Title IX, Chapter 2800, of the Code of Ordinances, City of Gladstone, Missouri, pursuant to Section 67.400 *et seq.*, RSMo; and

WHEREAS, consistent with the statutes referenced above, the City Council desires to amend Title IX, Chapter 2800, to provide for a streamlined process for the declaration and abatement of dangerous buildings or structures within the City that are detrimental to the health, safety, or welfare of the residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

Section 1. Title IX, Chapter 2800- Abatement of Dangerous Buildings of the City Code is replaced with a new Title IX, Chapter 2800, Abatement of Dangerous Buildings or Structures, to read in the form of **Exhibit A**, attached hereto and incorporated herein by reference.

Section 2. That this Ordinance shall be in full force and effect from and after its passage.

INTRODUCED, PASSED, SIGNED, AND MADE EFFECTIVE BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, ON THIS 27TH DAY OF APRIL, 2020.

Mayor Carol J. Suter

ATTEST:

Ruth E. Bocchino, City Clerk

First Reading: April 27, 2020

Second Reading: April 27, 2020



Request for Council Action

RES # City Clerk Only

BILL # Bill No. 20-13

ORD # 4.513

Date: April 20, 2020

Department: Community Development

Meeting Date Requested: 4/27/2020

Public Hearing: Yes Date: [Click here to enter a date.](#)

Subject: Ordinance for Abatement of Dangerous Buildings and Structures

Background: Prior to the Building Commission, the City Council heard all hearings related to Dangerous Buildings and Structures. In 2012 the Building Commission was formed and they held their first meeting on April 12, 2012. The Commission met by request when staff had a dangerous building to address. The Building Commission is comprised of the following:

- Member – Planning Commission
- Member – Neighborhood Commission
- Member – Board of Zoning and Adjustment
- Member – Uniform Code Board of Appeals
- Member – At-Large
- Alternate – At-Large
- Alternate – At-Large
- Alternate – At-Large

The last meeting held by the Building Commission was September 14, 2017. Since then, staff has not had any dangerous buildings to address until recently. During that time, two (2) of the Alternates resigned and one (1) moved out of Gladstone. The current member At-Large was recently placed on a different Board and Commission. The Board of Zoning and Adjustments member (BZA), resigned their position from the BZA; therefore, he was automatically resigned from the Building Commission. Currently there are only three (3) standing members; for the Commission to meet and hear matters there must be four (4) members present.

As mentioned above, recently a couple of residential and commercial dangerous buildings and structures have been identified and have proven to be an eyesore to the community. Staff reviewed the current regulations with legal counsel and it was determined that we could streamline the dangerous building process. This would entail rewriting the current ordinance and incorporating the use of an Administrative Hearing Officer. By doing this, the Building Commission would no longer be essential in the dangerous building process.

I have spoken with all three (3) of the current Building Commission Members advising them of the possibility of the Commission being non-operational; and that this would in no way impact their responsibilities on the other Boards and Commissions that they sit on. All three (3) were agreeable with the Building Commission being decommissioned.

Budget Discussion: Funds are budgeted in the amount of \$ 0.00 from the N/A Fund. Ongoing costs are estimated to be \$ 0.00 annually. Previous years' funding was \$0.00

Public/Board/Staff Input: See attached Bill and Exhibit for consideration as the new Regulations for "Abatement of Dangerous Buildings and Structures".

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Alan Napoli
Community Development Administrator / Building Official

SW
City Manager

City Counsel

EXHIBIT A

CHAPTER 2800. - ABATEMENT OF DANGEROUS BUILDINGS AND STRUCTURES

Sec. 9.2800.010. - Title.

These regulations shall be known as the "Abatement of Dangerous Building Code" and may be cited as such, and will be referred to in this chapter as "this code."

Sec. 9.2800.020. - Purpose and scope.

It is the purpose of this code to provide a just, equitable, and practicable method for the repair, vacation, and/or demolition of buildings and/or structures that may endanger the life, limb, health, property, safety, and/or welfare of either the occupants or the general public. This code shall apply to all dangerous buildings, as herein defined, that exist now or that may exist in the future in the City of Gladstone, Missouri. All parts of this code shall be read in harmony with all other existing ordinances so as to give effect to both, where possible, such that this code provides additional requirements rather than replacing existing requirements.

Sec. 9.2800.030. - Alteration, additions, and repairs.

All buildings or structures, which are required to be repaired under provisions of this code, shall be subject to the provisions of this title.

Sec. 9.2800.040. - Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Building Commissioner means the City Manager of the City of Gladstone, Missouri or their designee.

Declaration of nuisance and order means the declaration of nuisance and order that is required to be sent pursuant to section 9.2800.090 of this code.

Interested parties means any and all owner(s), occupant(s), lessee(s), mortgagee(s), agent(s), and all other persons having an interest in the building or structure at issue, as shown by the land records of the recorder of deeds office in the county where the property is located.

Order of abatement means the order of abatement that is required to be sent pursuant to section 9.2800.110 of this code.

Sec. 9.2800.050. - Dangerous building defined.

- (1) Any and all buildings, structures, and/or portions thereof, which have any or all of the conditions listed in the following subsections, shall be deemed a "dangerous building" for purposes of this code.
 - (a) Those having inadequate facilities for egress (including hallways, doorways, passageways, stairways, elevators, fire escapes, or other facilities for evacuation) in case of fire or panic.
 - (b) Those where the walking surface of a means of egress (including hallways, doorways, passageways, stairways, elevators, fire escapes, or other facilities for evacuation) is so

warped, worn, loose, torn, or otherwise unsafe, as to not provide safe and adequate means of exit in case of fire or panic.

- (c) Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded or have insufficient strength to be reasonably safe for the purpose used. There shall be a rebuttable presumption that the provisions of this subsection are satisfied where the stress on any floor, roof, or portion thereof, due to all dead and live loads, is more than 1½ times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose, or location.
- (d) Those that have been damaged by fire, earthquake, wind, flood, or by another cause, so that it has become dangerous to life, safety, or the general health and welfare of the occupants or the general public. There shall be a rebuttable presumption that the provisions of this subsection are satisfied where the structural strength or stability of such building, structure, or portion thereof is less than the minimum requirements of the building code for new buildings or similar structure, purpose, or location.
- (e) Those that are likely to fail, or to become detached or dislodged, or to collapse, and thereby injure persons or damage property.
- (f) Those of insufficient strength or stability, or which are not so anchored, attached, or fastened in place, so as to be capable of resisting a wind pressure of one-half of that specified in the building code for new buildings or similar structure, purpose, or location without exceeding the working stresses permitted in the building code for such building.
- (g) Those that have wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- (h) Those that, because of dilapidation, deterioration, or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay or inadequacy of its foundation; or any other cause, are likely to partially or completely collapse.
- (i) Those that are, for any reason, so unsafe, unsanitary, or dangerous so that they threaten the health, safety, or general welfare of the occupants or the general public.
- (j) Those where the walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle one-third of the base.
- (k) Those that, exclusive of the foundation, show 33 percent or more damage or deterioration of the supporting member(s), or 50 percent damage or deterioration of the non-supporting members, enclosing or outside walls or coverings.
- (l) Those that have been so damaged by fire, wind, earthquake, or flood, or which have become so dilapidated or deteriorated as to become an attractive nuisance to children; a harbor for vagrants, criminals, or immoral persons; or as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- (m) Those that have been constructed, or which exist or are maintained in violation of any specific requirement or prohibition applicable thereto provided by the building

regulations of this jurisdiction, as specified in the building code, or any law or ordinance of this state of jurisdiction relating to the condition, location, or structure of buildings.

- (n) Those which, whether or not erected in accordance with all applicable laws or ordinances, have in any non-supporting part, member, or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent, of the strength, fire-resistance qualities or characteristics, or weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.
 - (o) Those that because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, are unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease, so as to threaten the health, safety, or welfare of those occupying (or who may occupy) such building or structure.
 - (p) Those that, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electrical wiring, gas connections to heating apparatus, or other cause, are determined by the fire marshal to be a fire hazard.
 - (q) Those that are in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
 - (r) Those where any portion thereof remains on a site after the demolition or destruction of the building or structure or whenever any building structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
- (2) The above listed conditions are hereby deemed detrimental to the health, safety, and/or welfare of the city's residents, the existence of which constitutes a nuisance. However, for purposes of this code, the requirements of those housing, fire, building, or other codes, or ordinances, which are adopted by the city, together with state and/or federal requirements, shall be deemed to be competent evidence of compliance [or] noncompliance with the provisions of this code.

Sec. 9.2800.060. - Dangerous buildings declared a nuisance.

All dangerous buildings are hereby declared to be a public nuisance and shall be repaired, rehabilitated, demolished, or removed in accordance with the procedures specified in this code.

Sec. 9.2800.070. - Building Official: duties.

- (1) *Inspections.* When there are reasonable grounds to believe a building or structure is a dangerous building, the Building Official shall inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such places to be dangerous building(s). Whenever any complaint or report is filed with the city alleging that a structure or building exists in

violation of this code, such report or complaint shall be deemed to provide reasonable grounds for an inspection pursuant to this code.

- (2) *Right of entry.* When it is necessary to make an inspection to enforce the provisions of this code, or when the Building Official or the Building Official's authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition that is contrary to or in violation of this code that makes the building or premises unsafe, dangerous, or hazardous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises are unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the Building Official may seek a search warrant or other appropriate court order as provided herein.
- (3) A search warrant under this section is a written order by any judge in the Municipal Division, Gladstone, 7th Judicial Circuit Court of Missouri for the search or inspection of any property, the seizure of any property, or both search and seizure of any property within the limits of the city.
- (4) If a complaint in writing is filed by the Building Official, any police officer, or city attorney of the city, with the municipal court judge stating that he or she has probable cause to believe there exists in the premises to be described therein, a violation or violations of the provisions of the ordinance and is within the territorial limits of this city, and if such complaint is verified by the oath or affirmation stating evidential facts from which such judge determines the existence of probable cause, then such judge shall issue a search warrant directed to the authorized person to search the premises, building or structure therein described for the purposes requested and seize any specified property. Such search warrant may be executed and returned only within ten days after the date of its issuance. The person authorized to conduct the search under the warrant shall make a return promptly after concluding the search, and such return shall contain an itemization of all violations of this chapter discovered pursuant to such search. Refusal to allow entry upon presentation of a search warrant shall be an ordinance violation. Forcible entry may be permitted when authorized by the search warrant.
- (5) *Posting.* Once the Building Official has determined that a building or structure constitutes a dangerous building for purpose of this code, he/she shall post a notice to vacate upon such building or structure, which shall state:

DO NOT ENTER UNSAFE TO OCCUPY

It is a violation to occupy this building,
or to remove or deface this notice.

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No person shall remain in or enter any building or structure that has been posted pursuant to this section, except that entry may be made to repair, demolish, or remove such building under permit. No person shall remove or deface any such notice after it has been posted until the

required repairs, demolition, or removal have been completed and all provisions of the declaration of nuisance and order have been duly met.

- (6) *Declaration of nuisance and order.* When a building or structure has been inspected and has been determined to be a dangerous building, the Building Official shall commence proceedings to cause the repair, vacation, and/or demolition thereof, including issuance of the declaration of nuisance and order.
- (7) *Standards for vacation, repair, and/or demolition.* The Building Official shall follow the following standards in ordering repair, vacation, or demolition of a dangerous building:
 - (a) If the dangerous building reasonably can be repaired so that it no longer will exist in violation of the terms of this code, it shall be ordered repaired.
 - (b) If the dangerous building is in such condition as to make it dangerous to the health, safety, and/or welfare of its occupants, it shall be ordered vacated and repaired.
 - (c) In all cases where a dangerous building cannot be repaired so that it no longer will exist in violation of the terms of this code, it shall be demolished.
 - (d) In all cases where a dangerous building is a fire hazard existing or erected in violation of this code or any city ordinance, or state or federal statute, it shall be ordered repaired or demolished.
- (8) *Notice to Building Commissioner.* The Building Official shall report to the Building Commissioner when there is any noncompliance with any notice sent or posted pursuant to this code.
- (9) *Hearing.* The Building Official shall appear at all hearings conducted by the Building Commissioner and testify as to the condition of the building or structure in question.
- (10) *Interpretations.* The Building Official is hereby authorized to enforce the provisions of this code. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

Sec. 9.2800.080. - Building Commissioner; duties.

The Building Commissioner shall have the power pursuant to this Article to:

- (1) Supervise all inspections required by this code and cause the Building Official to make inspections and perform all duties required of him/her by this code. If the Building Commissioner deems it necessary to the performance of their duties and responsibilities imposed herein; the Building Commissioner may request an inspection and report be made by any other city department or retain the services of an expert whenever the Building Commissioner deems such service necessary.
- (2) Upon report from the Building Official that there has been a failure to comply with a declaration of nuisance and order, the Building Commissioner shall hold a hearing as required by this code.
- (3) Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of this article.

(4) If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the Building Commissioner shall issue an order, based upon its findings of fact, commanding the owner, occupant, mortgagee, lessee, agent or other person(s) have an interest in said building as shown by the land records of the County wherein the land is located to repair, vacate or demolish any building found to be a dangerous building and to clean up the property, provided that any person so notified shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this City or the owner or any person having an interest in said building as shown by the land records of Clay County wherein the land is located may vacate and demolish said dangerous building at his/her own risk to prevent the acquiring by the City of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building, no order shall be issued.

(5) If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the Building Commissioner may cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant; and the Building Commissioner shall certify the cost of the work borne by the City for such repair, vacation, demolition, and/or cleanup, and all other expenses of the City in connection therewith, including, but not limited to: cost of preparing and providing notices; costs of the City's legal representation; title search fees; and all other similar or related expenses to the City Clerk as a special assessment represented by a special tax bill against the real property affected; said tax bill shall be a lien upon said property and shall be deemed a personal debt against the property owner(s) unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo. Except as provided in Subsection (6) of this Section, at the requested period of not more than ten (10) years, said assessment shall bear at the lawful rate of interest authorized to be collected by municipalities by State Statute until fully paid

6. As to damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, if an order is issued by the Building Commissioner as provided in Subsection (5) of this Section, and a special tax bill or assessment is issued against the property, proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the repayment of up to twenty-five percent (25%) of the insurance proceeds, as set forth in subdivisions (a) and (b) of this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:

- a. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment and shall pay such monies to the City to deposit into

an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under the Chapter.

b. The City shall release the proceeds and any interest that has accrued on such proceeds received under subdivision (a) of this Subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after the receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Subsection (5) of this Section. If the City has proceeded under the provisions of Subsection (5) of this Section, all monies in excess of that necessary to comply with the provisions of Subsection (5) of this Section for the removal, securing, repair and cleanup of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.

7. If there are no proceeds of any insurance policy as set forth in Subsection (6) of this Section, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid. The same shall bear interest at the lawful rate as provided by law as to each such installment as the same comes due.

8. Subsection (6) of this Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.

9. Subsection (6) of this Section does not make the City a party to any insurance contract, and insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

10. The Building Commissioner may certify in lieu of payment of all or part of the covered claim under Subsection (6) that is has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (6) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certification provided from this Subsection.

Sec. 9.2800.090. – Building Commissioner; appointment or designation of Hearing Officer.

The Building Commissioner, in their discretion, may appoint or designate, in writing, a suitable person to act as the Building Commissioner under this Chapter.

Sec. 9.2800.100. - Appeals.

Any person aggrieved by an action of the Building Commissioner may appeal such decision to circuit court as provided in RSMo 536.100 to 536.140, if proper record as defined in RSMo 536.130 is maintained of the hearing; otherwise, the appeal shall be made pursuant to the procedures provided by RSMo 536.160.

Sec. 9.2800.110. - Declaration of nuisance and order.

- (1) *Declaration.* Once the Building Official has determined that the building or structure is a dangerous building under the terms of this code, he shall cause notice of such declaration to be served upon all interested parties in accordance with this section. All interested parties shall be made parties to any action pursuant to this code.

The declaration of nuisance and order shall contain:

- (a) The street address (or other description sufficient for the accurate identification) of the premises upon which the building or structure is located;
 - (b) A statement that an inspection revealed that the building or structure is a dangerous building, with a concise description of the conditions found to render this conclusion;
 - (c) A statement of the remedial action(s) required to be taken as determined by the Building Official; and
 - (d) A statement that such remedial action(s) shall commence within a reasonable time (which shall not exceed 30 days from the date of such notice) and proceed continuously without unnecessary delay.
- (2) *Service of declaration.*
- (a) The declaration of nuisance and order shall be sent via both first class mail (postage prepaid) and certified mail (postage prepaid) return receipt requested to the interested parties. Notice sent via the U.S. Postal Service shall be effective as the date of mailing. If the Building Commissioner learns that neither the regular mailed notice nor the certified mailed notice was received by the recipient (for any reason other than refusal), the Building Official may attempt to have such party personally served with such notice.
 - (b) If any one of the interested parties does not receive such notice, for whatever reason, such fact shall not invalidate any proceedings hereunder as to any other person duly served nor relieve any such person from any duty or obligation imposed by the provisions of this code. Mail returned by the U.S. Postal Service marked "refused" shall constitute proof of service.
 - (c) If service cannot be had by either personal service or by certified mail, then service may be had by publication in a newspaper qualified to publish legal notices, for two successive weeks.

Sec. 9.2800.120. - Recordation of declaration of nuisance and order.

If compliance is not had with the declaration of nuisance and order within the time specified therein, the Building Official shall file in the office of the county recorder a certificate describing the property and certifying that the building is a dangerous building and that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed and the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the Building Official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

Sec. 9.2800.130. - Enforcement and abatement.

- (1) If no interested party complies with the declaration of nuisance and order within the time specified therein, or upon failure of any such party to proceed continuously with such work without unnecessary delay, the Building Commissioner shall hold a full and adequate hearing on the matter, joining all interested parties. Such hearing shall be recorded in accordance with RSMo 536.130, and shall be considered a contested case for purposes of judicial review.
- (2) Written notice of such hearing shall be given at least ten days in advance of such hearing (in accordance with the service of declaration requirements of section 9.2800.090(2)) directing the interested parties to appear before the Building Commissioner on the date specified in such notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated, and/or demolished in accordance with the statement of particulars set forth in the declaration of nuisance and order.
- (3) Any party may be represented by counsel and all parties shall have an opportunity to be heard.
- (4) After the hearing, if the evidence supports a finding that the building or structure is a dangerous building, the Building Commissioner shall issue an order of abatement along with specific findings of fact, based upon competent and substantial evidence, that shows the building or structure to be a dangerous building and ordering the building or structure to be vacated, demolished and removed, or vacated and repaired. Provided that any person so notified, shall have the privilege of either vacating and repairing said building or structure (if such repair will comply with the ordinances of the city) or may vacate and demolish said dangerous building, at his own risk to prevent the city from acquiring a lien against the land where the dangerous building stands. If the evidence does not support a finding that the building or structure is a dangerous building, no order shall be issued.
- (5) The written order of abatement from the Building Commissioner shall be delivered, by person or mail, to each party of the hearing, or the attorney of record. The order shall state a reasonable time, to be no less than 30 days from the date of issuance, within which to comply with the order, and shall further provide that if the work is not substantially completed within 30 days of the issuance of the order, the city may, by its own employees or by contractor, perform the work necessary to bring the

building into compliance with the order of abatement, with cost levied to the property owner, or by a lien placed upon the property.

- (6) If the city performs or contracts for abatement pursuant to subsection (5), the cost of such abatement and other associated costs, including but limited to any attorney fees incurred by the City, shall be certified to the City Clerk, who shall cause a special tax bill or special assessment against the property to be prepared and collected by the city collector or other official collecting taxes, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the city and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in RSMo 429.010 to 429.360. At the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten years. The tax bill from its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid.

Sec. 9.2800.140. - Emergencies.

In any case where it reasonably appears that there is an immediate danger to the health, safety, or welfare of any person, the Building Official may take emergency measures to vacate and repair or demolish a dangerous building or structure.

Sec. 9.2800.150. - Violations and penalties.

- (1) It shall be a violation of this code for:
 - (a) Any property owner to fail to comply with any order of either the Building Official or the Building Commissioner.
 - (b) Any person to occupy any building that has been posed as a dangerous building pursuant to this code.
 - (c) Any person to remove or deface any dangerous building notice that has been posted on such building until the repairs, demolition, or removal ordered have been completed and a certificate of occupancy issued pursuant to the provisions of the building code.
 - (d) Any person to obstruct, impede, or interfere with any officer, employee, contractor, or authorized representative of the city or with any person who owns or holds any estate or interest in any building that has been ordered repaired, vacated, or demolished under the provisions of this code, whenever such officer, employee, contractor, or authorized representative of the city or person having an interest or estate in such building or structure, is engaged in the work or repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.
- (2) The city shall have the right to collect fines and penalties for any violation of this code and to punish the violation thereof by a fine or imprisonment, or by both fine and imprisonment. Such fine may not exceed \$1,000.00; unless the owner of the

property is not also a resident of the property, then such fine may not exceed \$2,000.00.

Sec. 9.2800.160. - Extension of time to perform work.

Upon receipt of an application from the person required to conform with any order and by agreement of such person to comply with such order if allowed additional time, the Building Official may grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation, or demolition, if the Building Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Building Official's authority to extend time is limited to the physical repair, rehabilitation, or demolition of the premises and will not in any way affect the time to appeal any order.