

CITY OF GLADSTONE, MISSOURI

CITY COUNCIL MEETING

TRANSCRIPT OF MEETING

April 23, 2007
7:30 p.m.
City Hall
Gladstone, Missouri

Attendance:

City Council Members:

Mr. Les Smith, Mayor
Mr. Mark Revenaugh, Mayor Pro Tem
Mr. Bill Cross, Councilman
Ms. Carol Rudi, Councilman
Mr. Wayne Beer, Councilman

Staff:

Mr. Scott Wingerson, Assistant City Manager
Mr. Dave Ramsay, City Attorney
Ms. Cathy Swenson, City Clerk
Mr. Kirk Davis, City Manager

Ms. Janet Wimer
Certified Court Reporter

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25

1 CITY COUNCIL MEETING

2 ITEM 1:

3 MAYOR SMITH: Good evening. I'd like to
4 call to order the April 23, 2007, Gladstone City
5 Council Meeting. I apologize for getting started
6 so late this evening, but we've been in a work
7 session.

8 ITEM 2:

9 MAYOR SMITH: Madam Clerk, could you
10 please note that all Council Members are present.

11 ITEM 3:

12 MAYOR SMITH: Would you please stand and
13 join us in the Pledge of Allegiance.

14 (WHEREIN, the Pledge of Allegiance was
15 said.)

16 ITEM 4:

17 MAYOR SMITH: Thank you. The first item
18 of business is approval of the April 9th, City
19 Council Meeting Minutes.

20 COUNCILMAN CROSS: Mayor Smith.

21 MAYOR SMITH: Councilman Cross.

22 COUNCILMAN CROSS: I move that we approve
23 the minutes of the Regular, April 9th, Council
24 Meeting.

25 MAYOR PRO TEM REVENAUGH: Second.

1 MAYOR SMITH: Motion and second. Any
2 discussion?
3 (WHEREIN, there was no response.)
4 MAYOR SMITH: All in favor, please
5 indicate by saying aye?
6 (WHEREIN, all Council Members said aye.)
7 MAYOR SMITH: Opposed, same sign.
8 (WHEREIN, there was no response.)
9 ITEM 5:
10 MAYOR SMITH: Next we have a
11 Proclamation. Who will be accepting this? Mr.
12 Napoli.
13 MR. NAPOLI: I will.
14 MAYOR SMITH: Whereas, through our
15 continuing attention to building safety, we enjoy
16 the comfort of structures that are safe and sound
17 and, whereas, the dedicated members of the
18 International Code Council, including building
19 safety and fire prevention officials, architects,
20 engineers and others in the construction industry,
21 develop and enforce the codes to safeguard
22 Americans in the buildings where we live, work,
23 play and learn and, whereas, the building safety
24 codes provide safeguards to protect the public from
25 natural disasters that can occur all across the

1 country, such as snow storms, hurricanes,
2 tornadoes, wild land fires and earthquakes,
3 building safety codes also work to minimize other
4 potential building catastrophes and, whereas,
5 building safety week, sponsored by the
6 International Code Council Foundation, is an
7 excellent opportunity to educate the public and is
8 a perfect time to increase public awareness of the
9 role building safety and fire prevention officials,
10 local and state building departments, and federal
11 agencies play in protecting lives and property and,
12 whereas, this year's theme, Building Smarter for
13 Disasters and Everyday Life, encourages all
14 Americans to raise our awareness and building
15 safety and to take appropriate steps to ensure that
16 the places where we live, work, play and learn are
17 safe.

18 Countless lives have been saved because
19 of the building safety codes adopted and enforced
20 by local and state agencies and, whereas, this
21 year, as we observe building safety week, we ask
22 all Americans to consider projects to improve
23 building safety at home and in the community and to
24 recognize the local building, safety and fire
25 prevention officials and the important role that

1 they play in public safety. Now, therefore, I, Les
2 Smith, the Mayor of the City of Gladstone,
3 Missouri, on behalf of the Members of the Gladstone
4 City Council and all Gladstone residents, do hereby
5 proclaim, May 6th to 12th, 2007, as Building Safety
6 Week. Alan, congratulations.

7 MR. NAPOLI: Thank you. I appreciate it.

8 MAYOR SMITH: Thank you for what you do.

9 MR. NAPOLI: Thank you.

10 ITEM 6:

11 MAYOR SMITH: Item 6 on the agenda is the
12 Consent Agenda. Madam Clerk, would you please
13 explain and read the Consent Agenda?

14 MS. SWENSON: The Consent Agenda allows
15 the City Council to consider and approve routine
16 items of business without discussion. Any Member
17 of the City Council, the City Staff, or the public,
18 may request to remove any item from the Consent
19 Agenda and request it be considered under the
20 Regular Agenda, if discussion of the item is
21 desired. Items not removed from the Consent Agenda
22 must be approved upon a motion by a Council Member,
23 second, and unanimous vote to approve the Consent
24 Agenda. The Consent Agenda is as follows:
25 Resolution R-07-25, authorizing execution of

1 contracts with Musselman & Hall Contractors,
2 American Marking & Paving, and Superior Bowen
3 Asphalt Company, LLC, for the 2007 Street
4 Maintenance Programs, Project TP0703, TP0704 and
5 TP0811. Resolution R-07-26, accepting Temporary
6 Construction Easements and Right-of-Ways from
7 certain property owners in conjunction with the
8 Community Center Streets reconstruction project.
9 Resolution R-07-27, accepting a Permanent Water
10 Line Easement for the Gladstone Raw Water Main from
11 the Briarcliff Development Company and Approval of
12 the Financial Reports from March, 2007.

13 MAYOR SMITH: Thank you. The Consent
14 Agenda allows for members of the audience, Staff,
15 or Council to have an item removed before
16 discussion. Is there anyone in the audience who
17 would like an item removed for discussion this
18 evening?

19 (WHEREIN, there was no response.)

20 MAYOR SMITH: Staff.

21 MR. DAVIS: No, sir.

22 MAYOR SMITH: Council.

23 COUNCILMAN RUDI: Mayor Smith.

24 MAYOR SMITH: Councilman Rudi.

25 COUNCILMAN RUDI: I move to approve the

1 Consent Agenda as presented.

2 COUNCILMAN CROSS: Second.

3 MAYOR SMITH: There's been a motion and a
4 second. All in favor, please say aye.

5 (WHEREIN, all Council Members said aye.)

6 MAYOR SMITH: Opposed, same sign.

7 (WHEREIN, there was no response.)

8 MAYOR SMITH: Thank you.

9 ITEM 7:

10 MAYOR SMITH: Is there anyone in the
11 audience who would like to address the Council on
12 any issue this evening that is not on our Regular
13 Agenda? If there is, you may do so at this time.

14 (WHEREIN, there was no response.)

15 MAYOR SMITH: Hearing none, move on to
16 Communications from the City Council.

17 MS. FORSLUND: I'm sorry.

18 MAYOR SMITH: I'm sorry. Please give us
19 your name and address for the record, please?

20 MS. FORSLUND: Sure. I'm Kim Forslund at
21 3515 N.E. 61st Terrace.

22 MAYOR SMITH: Okay.

23 MS. FORSLUND: I'm here in regard to the
24 recent passing of the dog ordinance. The addition
25 of Bull Terrier to the dangerous dog list. We have

1 packets to distribute for you. I also have some
2 pictures from the internet and also some family
3 photographs, if I may bring those to you?

4 MAYOR SMITH: Please.

5 MS. FORSLUND: If a Bull Terrier isn't
6 your thing, you may not know what they look like
7 compared to typical Pit Bull type dogs.

8 MAYOR SMITH: Okay.

9 MS. FORSLUND: They are not Pit Bulls.
10 They are not considered Pit Bulls. They are AKC
11 Registered. A regular Pit Bull is not. We spent
12 years researching breeds for our family and decided
13 on a Bull Terrier after visiting several breeders
14 over several years.

15 The packet that is before you, lists
16 different dog ordinances in different cities
17 nearby. Liberty, I believe, does include Bull
18 Terrier, but it was written in 1987, that portion
19 that included a Bull Terrier. It is the only city
20 in the surrounding area that does so. Manhattan,
21 Kansas has 13 breeds listed, None of which are Bull
22 Terrier. KCK and KCMO, even Independence,
23 Missouri, does not list Bull Terrier as a dangerous
24 breed. Also, there are letters from two local
25 Veterinarians that urge you to take Bull Terrier

1 off the dangerous dog list. They are highly social
2 and wonderful family pets. They are not aggressive
3 dogs. Also, in the packet is some information from
4 the American Temperament Test Society percentage
5 ratings. It's a list and I just included the first
6 two pages, but you're free to hop online for that.
7 Bull Terrier has a higher rating than Basset Hound
8 or Beagle and many, many others. And it's 10
9 percent higher than the average of all breeds
10 together in temperament testing.

11 So I guess my question for you all
12 tonight is, would you be willing to consider either
13 doing more research, or based on your own
14 discussions and your findings, removing this breed
15 from the dangerous dog list, not tonight, but in
16 the future?

17 MAYOR SMITH: I cannot speak for the rest
18 of the Council, I'll let them do so, but I think
19 anytime we have new information provided to us,
20 that we probably have responsibility to research
21 that. And together with legal counsel, I think we
22 - I would be willing to consider doing that.
23 Probably would be willing to do that.

24 MS. FORSLUND: Okay. I appreciate it.

25 MAYOR SMITH: Any comments?

1 (WHEREIN, there was no response.)

2 MS. FORSLUND: Thank you for your time.

3 MAYOR SMITH: Thank you. Anyone else in

4 the audience who'd like to address the Council this

5 evening? Ma'am, can we keep these pictures and

6 whatnot?

7 MS. FORSLUND: Absolutely. They're just

8 copies.

9 MAYOR SMITH: Okay. Thank you.

10 ITEM 8:

11 MAYOR SMITH: Communications from Council

12 Members.

13 COUNCILMAN CROSS: Mayor Smith.

14 MAYOR SMITH: Councilman Cross.

15 COUNCILMAN CROSS: I would like to

16 commend the Staff, and I guess the department

17 heads, for their driving force for a City Manager.

18 The preparation that they spent in putting together

19 that budget is outstanding. They really did an

20 excellent job. They made it understandable, so

21 that somebody, with my education and background,

22 could read and understand it, even though I'm

23 certainly not an expert on finance. And the second

24 thing, that workshop that we spent in there for an

25 hour and a half, was very good, very informative

1 and all of our questions were answered.

2 MAYOR SMITH: I believe you have just a
3 small bit of news. Don't you?

4 COUNCILMAN CROSS: Well, yes. I thought
5 I probably told everybody. You can't tell this,
6 but I became a grandfather again three hours ago.
7 I think that's seven or eight now. Eight, eight
8 grandchildren. I'm fortunate to have them living
9 here close by. Thrilled that all of them appear,
10 at this time, to be healthy. I won't say wealthy
11 and wise. What a thrill it is to see a daughter
12 reproduce. And, of course, she gets all the credit
13 rather than a son-in-law.

14 But time goes so fast when you're
15 sitting in a hospital waiting, but you see your
16 daughter in pain, but you know what the end result
17 is and it's all worth it. I know, because they
18 keep on trying. But if you don't have one, sure do
19 want one. Didn't mean to get on my soap box, but I
20 love this one already.

21 MAYOR SMITH: Congratulations, Bill and
22 Mary, both of you. Councilman Beer.

23 COUNCILMAN BEER: Yes, Mayor Smith. I
24 just wanted to make a comment actually that one of
25 the Resolutions, or one of the Items on the Consent

1 Agenda, was - was accepting construction easements
2 for the street surrounding the Community Center and
3 City Hall. That's going to be a pretty remarkable
4 upheaval, I suppose, in the traffic flow for a
5 little bit awhile. And so everyone who is here
6 this evening, keep in mind that coming up, we're
7 going to start tearing up the streets and making
8 things a mess, as if they weren't already a mess.
9 And that's it.

10 MAYOR SMITH: Councilman Cross.

11 COUNCILMAN CROSS: Do you see that - have
12 you seen that wall that's going up there? Somebody
13 can put up a wall, a real high wall there, and it's
14 fun to go by each day and see something added on to
15 it knowing this is part of Gladstone, this is what
16 our citizens voted for. I think it's going to be
17 something that we are proud of.

18 MAYOR SMITH: Absolutely.

19 COUNCILMAN CROSS: Pardon me, Mayor.

20 MAYOR SMITH: That's all right.

21 Councilman Rudi.

22 COUNCILMAN RUDI: I was just going to
23 offer congratulations to Councilman Cross and his
24 wife Mary and their daughter Carol, and her
25 husband, whose name I've forgotten, on the birth of

1 their grandson.

2 MAYOR SMITH: Dad.

3 COUNCILMAN RUDI: Yeah. And the dad.

4 COUNCILMAN CROSS: Thank you, Carol.

5 MAYOR SMITH: Mayor Pro Tem Revenaugh.

6 MAYOR PRO TEM REVENAUGH: Nothing at this

7 time. Thank you.

8 MAYOR SMITH: The only item I have is

9 that we need to appoint a Council Representative to

10 the GEBC Board. And I would like for the Council's

11 ratification to appoint Mayor Pro Tem Revenaugh.

12 Motion, perhaps?

13 COUNCILMAN BEER: In fact, I would like

14 to make that motion.

15 COUNCILMAN RUDI: And I would second.

16 MAYOR SMITH: Is there any discussion?

17 MAYOR PRO TEM REVENAUGH: Did I miss a

18 meeting?

19 MAYOR SMITH: All in favor, please say

20 aye.

21 (WHEREIN, all Council Members said aye.)

22 MAYOR SMITH: Opposed, same sign.

23 (WHEREIN, there was no response.)

24 MAYOR SMITH: Thank you. That would be

25 7:30 a.m., third Friday of the month.

1 MAYOR PRO TEM REVENAUGH: Thank you.

2 MAYOR SMITH: You're welcome.

3 ITEM 9:

4 MAYOR SMITH: City Manager Davis.

5 MR. DAVIS: A couple of things. Number

6 one, beautification is next week, as everybody

7 knows, Friday, Saturday and Sunday. The following

8 weekend is the first brush disposal weekend out at

9 Public Works. And finally, you talked about roads

10 being closed. The - Holmes, between 69th and 70th,

11 is going to be closed, I think starting the 24th,

12 for construction to help with construction of the

13 Community Center. It will be closed for a few

14 days. More than that, 69th Street from Holmes to

15 Troost, Holmes from 69th to 72nd to 72nd Terrace,

16 you approved a pretty aggressive road maintenance

17 program tonight. North Oak is part of that. I

18 think you're going to see a lot of road

19 construction in this general area the next two or

20 three months.

21 MAYOR SMITH: Very good.

22 COUNCILMAN RUDI: Mayor Smith, I have

23 just one question. You're not going to come to us

24 and say no one can get to work and you want it

25 closed?

1 MR. DAVIS: No. But we're going to be -
2 the employees - employees are going to be parking,
3 probably, offsite. There will be a memo that goes
4 out to them this week that will address some of the
5 pool parking issues that we might have this summer.

6 MAYOR SMITH: Very good.

7 ITEM 10:

8 MAYOR SMITH: Item 10 is a Public Hearing
9 for consideration of a Special Use Permit subject
10 to certain conditions to Selective Site Consultants
11 for operation of a Communications Tower Facility on
12 property located at 6221 North Chestnut, Applicant
13 is Selective Site Consultants, Incorporated, the
14 Owner, Cascone Land Company, File Number 1295. The
15 hearing is open and will be immediately continued
16 until the May 14, 2007 City Council Meeting at the
17 request of the applicant.

18 ITEM 11:

19 MAYOR SMITH: Item 11 is First Reading
20 Bill of 07-10, repealing Ordinance Number 3.992 and
21 enacting a new Ordinance levying Sewer Service
22 Charges and Commodity Rate Charges in the City of
23 Gladstone, Missouri.

24 COUNCILMAN BEER: Mayor Smith.

25 MAYOR SMITH: Councilman Beer.

1 COUNCILMAN BEER: Motion to place Bill
2 07-10 on its First Reading.

3 MAYOR PRO TEM REVENAUGH: Second.

4 MAYOR SMITH: Motion and a second. Any
5 discussion?

6 (WHEREIN, there was no response.)

7 MAYOR SMITH: All in favor, please say
8 aye.

9 (WHEREIN, all Council Members said aye.)

10 MAYOR SMITH: Opposed, same sign.

11 (WHEREIN, there was no response.)

12 MAYOR SMITH: Madam Clerk, if you'd
13 please read the bill.

14 MS. SWENSON: First Reading Bill 07-10,
15 repealing Ordinance Number 3.992 and enacting a new
16 Ordinance levying Sewer Service Charges and
17 Commodity Rate Charges in the City of Gladstone,
18 Missouri.

19 COUNCILMAN BEER: Mayor Smith.

20 MAYOR SMITH: Councilman Beer.

21 COUNCILMAN BEER: Motion to approve the
22 First Reading of Bill - or to accept the First
23 Reading of Bill 07-10, to waive the rule, and place
24 the bill on its second and final reading.

25 MAYOR PRO TEM REVENAUGH: Second.

1 MAYOR SMITH: Motion and a second. Any
2 discussion?

3 (WHEREIN, there was no response.)

4 MAYOR SMITH: All in favor, please say
5 aye?

6 (WHEREIN, all Council Members said aye.)

7 MAYOR SMITH: Opposed, same sign.

8 (WHEREIN, there was no response.)

9 MAYOR SMITH: Madam Clerk.

10 MS. SWENSON: Second Reading Bill 07-10,
11 repealing Ordinance Number 3.992 and enacting a new
12 Ordinance levying Sewer Service Charges and
13 Commodity Rate Charges in the City of Gladstone,
14 Missouri.

15 MAYOR SMITH: Councilman Beer.

16 COUNCILMAN BEER: Motion to approve the
17 Second Reading of Bill 07-10 and to enact the Bill
18 as Ordinance Number 4.028.

19 MAYOR PRO TEM REVENAUGH: Second.

20 MAYOR SMITH: Motion and second. Any
21 discussion?

22 COUNCILMAN BEER: Mayor Smith.

23 MAYOR SMITH: Councilman Beer.

24 COUNCILMAN BEER: Just for the benefit of
25 those in the audience tonight. This is an increase

1 in the sewer rates that is a pass through from
2 Kansas City. Kansas City has increased their sewer
3 rates to us. And since we use Kansas City's
4 services for sewer - for sewage--

5 MAYOR SMITH: Treatment.

6 COUNCILMAN BEER: --treatment. Thank
7 you, sir. For sewage treatment, this is just a
8 pass through to cover the cost of the increase from
9 Kansas City.

10 MAYOR SMITH: Not welcome, none the less.

11 COUNCILMAN BEER: Exactly. Not welcome.

12 MAYOR SMITH: Any discussion?

13 (WHEREIN, there was no response.)

14 MAYOR SMITH: Madam Clerk, will you
15 please call the roll.

16 MS. SWENSON: Councilman Wayne Beer.

17 COUNCILMAN BEER: Aye.

18 MS. SWENSON: Councilman Carol Rudi.

19 COUNCILMAN RUDI: Aye.

20 MS. SWENSON: Councilman Bill Cross.

21 COUNCILMAN CROSS: Aye.

22 MS. SWENSON: Mayor Pro Tem Mark
23 Revenaugh.

24 MAYOR PRO TEM REVENAUGH: Aye.

25 MS. SWENSON: Mayor Les Smith.

1 MAYOR SMITH: Aye. Bill 07-10 has been
2 enacted as Ordinance Number 4.028 as of this date.

3 ITEM 12:

4 MAYOR SMITH: Item 12 is the Continued
5 Public Hearing on Appeal of Dangerous Building
6 Order pursuant to Title IX, Chapter 200, Article 4,
7 of the Gladstone City Code on property located at
8 3707 N.E. 56th Terrace, Property Owner, Avalon
9 Thompson. Public Hearing will be, in essence, led
10 by City Counselor, Dave Ramsay. Counselor, the
11 hearing is open.

12 MR. RAMSAY: Mr. Mayor and Members of
13 Council, I'd like to call as my first witness in
14 this hearing, Alan Napoli, Head of the Codes
15 Enforcement Department of the City. Might also -
16 Ms. Pinnick, are you here? You're certainly
17 welcome to sit up in the front, if you'd like, and
18 ask questions after--

19 MR. WICHMAN: Just so you know, we're
20 neighbors that came to support any statements that
21 were made. You know, I don't know if you want to
22 hear from us or not.

23 MR. RAMSAY: Certainly. Please state
24 your name and occupation for the Panel.

25 MR. NAPOLI: Alan Napoli, Building

1 Official for the City of Gladstone.

2 MR. RAMSAY: How long have you been
3 employed in that position?

4 MR. NAPOLI: A little over 18 years.

5 MR. RAMSAY: And are you familiar with
6 property located within the City of Gladstone at
7 the address of 3707 N.E. 56th Terrace?

8 MR. NAPOLI: Yes. I am.

9 MR. RAMSAY: And what brought your
10 attention to that property?

11 MR. NAPOLI: We had received complaints
12 from neighbors about the structure being vacant, a
13 lot of accumulation of trash, rubbish, vehicles
14 parked on the grass, the state of disrepair that it
15 was in, the fact that it had been unoccupied for
16 several years and we went out and had some pictures
17 taken.

18 Based on what's there, what the use
19 should be and is, it was considered to be a
20 dangerous building as it's not being used what it's
21 supposed to be for. And that was our
22 determination.

23 MS. PINNICK: What is the building being
24 used for?

25 MR. RAMSAY: Let me - Ms. Pinnick, if

1 you'd like to ask questions, we'll let him go
2 through his presentation and then you can cross
3 examine him, if that's all right.

4 MS. PINNICK: Yeah.

5 MR. RAMSAY: Mr. Mayor, let me go through
6 a series of exhibits with Mr. Napoli, which will
7 help fill out the record and give the Council an
8 idea of - a more specific idea of what - what we're
9 referring to here.

10 MS. PINNICK: Wouldn't I be able to
11 examine the pictures and stuff first?

12 MR. RAMSAY: Sure. Do you have any other
13 copies?

14 MS. PINNICK: And have I agreed to them
15 or sign a protest in some way before the Council
16 sees them?

17 MR. RAMSAY: Why don't you sit up here
18 and I will show each of them to you as we get to
19 them. First, Mr. Napoli, let me show you what's
20 been marked as Exhibit Number 1 and ask if you can
21 identify that document?

22 MR. NAPOLI: Yes. This is a Notice and
23 Order that was sent to Avalon Thompson at a
24 residence in Dickson, Texas indicating the property
25 and also what violations, conditions listed of

1 violations of the property.

2 MR. RAMSAY: And let me also show you
3 Exhibit Number 2 and ask if you can identify that
4 document?

5 MR. NAPOLI: Yes. This is the letter
6 that - cover letter that was sent to Ms. Avalon
7 Thompson letting her know that this was a
8 notification that the property was in violation of
9 our Dangerous Buildings and that the Notice and
10 Order was enclosed as to what she needed to do,
11 which was, in our opinion, to demo the property.

12 MR. RAMSAY: Now was a copy of Exhibit 1
13 enclosed with - with Exhibit 2?

14 MR. NAPOLI: Yes. It was.

15 MR. RAMSAY: And is - were these sent -
16 prepared and sent in accordance with your customary
17 practices and consistent with the ordinances of the
18 City of Gladstone?

19 MR. NAPOLI: Yes. They were.

20 MR. RAMSAY: Mr. Mayor, I would ask you
21 to include Exhibits 1 and 2 in the official record?

22 MAYOR SMITH: Let the record show as
23 having it been presented and accepted.

24 MR. RAMSAY: Let me show you a - just for
25 the record, Ms. Pinnick is reviewing these

1 photographs that we intend to offer as exhibits.

2 MS. PINNICK: I don't know what those are
3 pictures of. It's not my concern. Maybe it's my
4 basement 20 years ago or something, but it's not
5 there now.

6 MR. RAMSAY: Mr. Napoli, I'm going to
7 hand you what's been marked on the back as Exhibit
8 Number 3. It appears to be a photograph. Can you
9 identify that for us?

10 MR. NAPOLI: Yes. This is a picture of
11 the property in question on the south, southeast
12 corner, showing a pile of wood that's just been
13 tossed out there, some other debris, an old truck
14 bed or cover, of some sort, with several tires on
15 it. It also shows the back end of the foundation
16 with the roofing material just hanging over. And
17 you see some blocks that are laying on top of the
18 roof and some foam. Apparently, that was filling
19 in around some cracks and gaps there.

20 MR. RAMSAY: And let me show you Exhibit
21 Number 4, also a photograph, and ask you to
22 identify that? What is--

23 MR. NAPOLI: This is the same structure.
24 This is the north side of the foundation. Some
25 mold, what appears to be some roofing tar cans,

1 some more cinder blocks sitting on the roof. Also,
2 the vent stacks from the house that are rusted and
3 leaning.

4 MR. RAMSAY: Then let me direct your
5 attention to Exhibit 6, also a photograph, and ask
6 you to explain that photograph for us?

7 MR. NAPOLI: This is a picture of the
8 west side and north side of the structure. The
9 west side is where the foundation is accessible
10 from. It also shows where the gas meter would be
11 sitting, as there is no gas meter there. Also, the
12 power pole that the meter is sitting on, which has
13 a yellow tag on it, which indicates that there is
14 no electricity to the structure. Also, it shows
15 where the phone box is held.

16 Also, if you'll notice, that that pole
17 is leaning away from the building and there is no -
18 well, it's not properly supported. Also, shows at
19 the front porch, a well area there of debris that's
20 stored around the front of the foundation.

21 MR. RAMSAY: Next, I'll show you Exhibit
22 6, another photograph.

23 MR. NAPOLI: This is a picture of a
24 pickup truck that's been parked out on the property
25 that is current - was unlicensed and parked on the

1 grass, not where it was approved to be parked.

2 MR. RAMSAY: Now Exhibit 7, another
3 photograph of the property.

4 MR. NAPOLI: This is another picture of
5 the west side of the structure, which is, like I
6 said earlier, where you enter the foundation area
7 there. It gives you a different view of the
8 debris, where the door entering the foundation area
9 is. Also, the utilities are also there, too.

10 MR. RAMSAY: Let me now show you Exhibit
11 Number 8, another photograph.

12 MR. NAPOLI: This picture here shows the
13 pickup truck that's parked on the grass. It also
14 shows tire marks where they've been driving to and
15 from the property on the grass and not using the
16 drive that is there.

17 MR. RAMSAY: And finally, Exhibit 9,
18 another photograph.

19 MR. NAPOLI: This is a picture of the
20 Notice and Order of the - and the courtesy notice,
21 and also the dangerous building inspection of the
22 property, that was sent to Ms. Avalon Thompson that
23 was posted at the property.

24 MR. RAMSAY: Mr. Napoli, in addition to
25 December 4 of 2006, when these photographs were

1 taken, have you been to or near the premises since
2 that period of time?

3 MR. NAPOLI: Yes. I have.

4 MR. RAMSAY: And on how many occasions?

5 MR. NAPOLI: On several occasions.

6 MR. RAMSAY: When was the most recent
7 occasion?

8 MR. NAPOLI: Today was the most recent.
9 This afternoon, I drove by.

10 MR. RAMSAY: Other than the fact that
11 there is some snow shown in those photographs, has
12 there been a significant change in the property
13 from the time those photographs were taken?

14 MR. NAPOLI: No significant change. The
15 only thing I did notice is the pickup truck is no
16 longer there.

17 MR. RAMSAY: Thank you. Mr. Mayor, I ask
18 that you make Exhibits 3 through 9 part of the
19 official record.

20 MAYOR SMITH: Done.

21 MS. PINNICK: So we're taking into effect
22 now, the pictures that were taken last December?

23 MAYOR SMITH: Counselor, should I--

24 MS. PINNICK: Is that true?

25 MAYOR SMITH: Excuse me, Miss, for a

1 moment. Would it be wise, since there's going to
2 be adverse action, to go ahead and swear in Ms.
3 Pinnick to have her under oath for any statements
4 that she would like to make?

5 MR. RAMSAY: Yes. That would be fine.

6 MAYOR SMITH: I'm sorry. I should have -
7 Ma'am, please. Madam Clerk, would you, please?

8 (WHEREIN, Ms. Cynthia Pinnick was sworn
9 in by the City Clerk, Ms. Swenson.)

10 MAYOR SMITH: Do you wish to ask
11 questions of Mr. Napoli?

12 MS. PINNICK: Okay. Do you drive down
13 56th Terrace on a regular basis?

14 MR. NAPOLI: Not on a daily basis, I do
15 not.

16 MS. PINNICK: And last year when there
17 were over 22 code violations called in on that
18 road, did my property have any code violations?

19 MR. NAPOLI: I do not know. I did not
20 check those records for those--

21 MS. PINNICK: So has that property ever
22 been ticketed in the last 20 years for any code
23 violations?

24 MR. NAPOLI: I believe it has, yes.

25 MS. PINNICK: I need to know those dates.

1 I've never had a code violation down there that I
2 know of.

3 MR. NAPOLI: I do not have those dates
4 with me. I was not asked for them.

5 MS. PINNICK: So what are the code
6 violations at the property today?

7 MR. NAPOLI: The property is not as you
8 would say code violations. It's classified as a
9 dangerous building.

10 MS. PINNICK: But why is it a dangerous
11 building?

12 MR. NAPOLI: It is - there is a structure
13 that is nonhabitable. There's no running water.
14 There is no electricity. There is no gas. It is a
15 foundation that has a roof supposedly over the top
16 of it. It's not designed for habitable occupancy.
17 And for the past three-

18 MS. PINNICK: Why do you think it's not
19 designed for habitable occupancy? It's been a
20 residence and I'm paying residence taxes on it.
21 It's an earth contact home. Just because it
22 doesn't have a top like everybody else's home,
23 doesn't mean it's not a home. It's a poured
24 concrete basement.

25 MR. NAPOLI: It--

1 MS. PINNICK: Go ahead.

2 MR. NAPOLI: It's poured concrete

3 foundation. As to it's being taxed, that would be

4 between you and the County. But as a habitable

5 structure, I do not show anything or have any -

6 anything that would indicate to me that it is

7 habitable and meets with any of our requirements

8 for a habitable structure.

9 MR. RAMSAY: Mr. Napoli, let me ask you.

10 Would this structure, if someone were to come in

11 today and ask for a building permit for a structure

12 like the one in question, to use as a residence,

13 would the City issue a building permit for such a

14 structure?

15 MR. NAPOLI: No. They would not.

16 MR. RAMSAY: So this - are you familiar

17 with other basement structures that have been

18 constructed in Gladstone possibly in years past?

19 MR. NAPOLI: There have been a few.

20 Those have built on top of that foundation to

21 construct what would be considered a habitable and

22 current residential type structure that would meet

23 with our standards.

24 MS. PINNICK: So why would you not issue

25 me a permit for doing something to this property?

1 Putting in new electric. By the way, the electric
2 is turned on there. I've gotten the bill. The
3 next bill will be come out on the 26th. The water
4 was never shut off when the renters moved out. I
5 can go in there now and turn the water on and water
6 comes out in the faucets. The water has never been
7 turned off since the people moved out.

8 MR. NAPOLI: Well, according to our
9 records, the water has been shut off and I show
10 nobody's name, except for the gentleman who moved
11 out back in 2004, as the last person.

12 MS. PINNICK: And they never came and
13 shut the water off when they moved out. Somebody
14 might have said they did it, but they didn't do it.
15 It's turned off inside with my shutoff valve.
16 Which if it wasn't up to code, I guess it wouldn't
17 be holding that water pressure back.

18 MR. NAPOLI: Well, the power--

19 MS. PINNICK: Nobody lives there.
20 There's no reason to have lights, gas and water on
21 because I don't live there right now.

22 MR. NAPOLI: Well, the power company
23 would not turn the power on if it's been off for
24 over a year without the inspection from a City
25 Representative and we have not been in that

1 structure to--

2 MS. PINNICK: It's on at the pole. I'm
3 paying the bills.

4 MR. NAPOLI: Well.

5 MS. PINNICK: I have the turn on number
6 here. I didn't bring the bill because it was only
7 for five dollars, but the next one is coming out on
8 the 26th. So the only thing from City Code is it
9 doesn't have utilities, but it doesn't have
10 utilities because no one lives there.

11 MR. NAPOLI: Well, the structure itself
12 inside is done. I have not personally been inside.
13 But from what pictures I've seen from a previous
14 tenant, that is not a habitable structure. And any
15 and all structure work that may have been done over
16 the last three years, have not ever been permitted,
17 so no inspections have been conducted inside that
18 structure.

19 MS. PINNICK: The only thing I've done,
20 was go in here this year finally to - it's finally
21 going to get put in my name this year, my kids'
22 names, and I went in there and tore out all the
23 walls and the holes and the mess that the people
24 left in there and cleaned it all out, and some of
25 the stuff that was sitting outside.

1 When you do construction, there is
2 always going to be some debris. I did not leave it
3 out there for more than two weeks. The pickup
4 truck was over there to load stuff up in and to
5 haul it off. That's why it was sitting over there
6 all the time. If I demoed anything else out of
7 there, I put it in the truck and I hauled it off.
8 The only thing that's sitting out there now under a
9 clear plastic tarp is wood for construction.

10 MR. WICHMAN: Does that count the beer
11 cans and the awning tent that's been sitting in the
12 southeast corner for six months, where they were
13 back there with a bonfire and all--

14 (WHEREIN, several people were talking at
15 the same time.)

16 MAYOR SMITH: We're not going to have
17 that type of hearing in these chambers. You will
18 have an opportunity to speak, sir. You will have
19 an opportunity to cross examine him, and that will
20 be the way it is handled.

21 MS. PINNICK: I'm sorry. I was just
22 answering his question.

23 MAYOR SMITH: I do - Counselor, am I
24 allowed to ask questions?

25 MR. RAMSAY: Certainly.

1 MAYOR SMITH: You mentioned that the
2 pickup truck in the yard was unlicensed?

3 MR. NAPOLI: Correct.

4 MAYOR SMITH: Yet, when you demo
5 material, you use the truck to haul it away. Is
6 that the same pickup truck?

7 MS. PINNICK: Uh-huh.

8 MAYOR SMITH: Okay. Thank you.

9 MS. PINNICK: And it's licensed.

10 MAYOR SMITH: Well, let's validate. Is
11 it licensed or unlicensed?

12 MR. NAPOLI: Well, the vehicle is no
13 longer there now. But the vehicle, when it was
14 there, was not currently licensed.

15 MAYOR SMITH: Thank you.

16 MR. RAMSAY: Mr. Napoli, I want to show
17 you a set of photographs that are marked as Exhibit
18 10 and ask if you can tell me where those came from
19 and identify them?

20 MR. NAPOLI: These are from a disk that
21 the renter, I forgot the gentleman's name off the
22 top of my head right now, that moved out, he was
23 the last renter, to my knowledge, in there, left in
24 '04, I believe, that supplied these to us after he
25 had moved out showing the leaky roofs, the floors,

1 the walls that were showing mold damage, a sewer
2 backup, debris on the porches.

3 Inside he had to keep his furniture off
4 the floors and everything because they're always
5 getting wet, got a refrigerator up off the floor,
6 got mold and mildew on the floor, it's on the
7 walls, several areas with sewage coming up through
8 the floor.

9 MR. RAMSAY: Now in 2004, did this
10 gentleman make a formal complaint to the City about
11 the condition of this property?

12 MR. NAPOLI: Not that I do recall. At
13 least not while he was residing in the place.

14 MR. RAMSAY: So I guess his purpose for
15 providing these photographs was just to provide the
16 City with some indication of the current condition
17 of the property?

18 MR. NAPOLI: That is correct.

19 MS. PINNICK: And that would be some
20 property that he lived in for 20 years and possibly
21 let run down. I protest those pictures being
22 shown. I mean, it doesn't look like my property.
23 I don't recognize - maybe the front porch kind of
24 looks like my porch over there, but that's his
25 stuff in there. It's not my mess.

1 MR. RAMSAY: One more question, Mr.
2 Napoli. In going through these photographs, and I
3 see a number of them show exterior portions of a
4 property, are you reasonably sure that these
5 photographs are of the property that we're dealing
6 with?

7 MR. NAPOLI: Yes. I am.

8 MR. RAMSAY: Mr. Mayor, I would ask that
9 you include the photographs, comprising of Exhibit
10 10, as part of the record.

11 MS. PINNICK: And I protest why - why
12 were you showing pictures of somebody else's mess
13 and rot and muck? What does that prove about a
14 basement structure? That they didn't care of it
15 and they let it run down.

16 MAYOR SMITH: I believe it's due
17 primarily to the fact that some of these pictures
18 do indeed show some decay of the structural
19 integrity. They will be accepted and admitted.

20 MR. RAMSAY: Thank you, Your Honor.
21 That's all I have of this witness.

22 MAYOR SMITH: Ma'am, do you have any
23 other--

24 MS. PINNICK: Yes.

25 MAYOR SMITH: --questions you'd like to

1 ask?

2 MS. PINNICK: Is this a picture of that
3 property? Is this also a picture? You keep saying
4 that the roof is unsafe, but here is a picture of
5 me and my son both standing on the roof jumping up
6 and down and standing on the roof and taking
7 pictures.

8 Are these also pictures of the same
9 property? These are pictures without the snow.
10 You can see that it's a nice place. You can't even
11 see the earth contact home as you drive down the
12 road. It's a really small property. You can't
13 hardly see it from the road. This picture shows
14 that.

15 MR. RAMSAY: Would you like to question
16 Mr. Napoli about those and present them to the
17 Council?

18 MS. PINNICK: Yes. I already did. Is
19 this the same property?

20 MR. RAMSAY: Pass these along to Mr.
21 Napoli.

22 MS. PINNICK: Are people required to get
23 a building permit to put up a new door?

24 MR. NAPOLI: Not to put up a new door,
25 unless the structural - they have to do structural

1 work to the framework of the door, as to the header
2 and the studs around it.

3 MS. PINNICK: You made some comment about
4 the trailer that has been out there for 40 some
5 years and the firewood, which was stacked at the
6 beginning of the winter neatly beside it. I go -
7 we go rummaging through it and come the spring, we
8 need to restack stuff. Is this a picture of the
9 same basement and the wood and the trailer that has
10 been there and was within code when we placed it
11 there?

12 MR. NAPOLI: It does appear to be the
13 same pile of wood. These pictures do appear to be
14 the roof in question, which also show that the roof
15 is holding water, and we have an extension cord
16 going down the furnace flue vent, which is not to
17 code. It does appear that a new door has been
18 added to the front of the - or to the east side of
19 the - well, the west side of the building. I'm
20 sorry. And some green object is on top of the
21 furnace flue vent, which I've never seen before on
22 a furnace vent.

23 MS. PINNICK: There's no furnace in there
24 right now. There's no furnace.

25 MAYOR SMITH: Ma'am, is there an

1 apparatus to burn the firewood inside the house?

2 Do you have a--

3 MS. PINNICK: Pardon me?

4 MAYOR SMITH: --fireplace or wood burning

5 stove?

6 MS. PINNICK: I burn wood at my - my

7 home. The wood is wood that we've cut down from

8 over there.

9 MAYOR SMITH: Has there ever been any

10 wood burned in that house over the winter or

11 anything like that?

12 MS. PINNICK: Not this winter.

13 MR. RAMSAY: Mark those collectively as

14 Respondent's A.

15 MAYOR SMITH: I believe the Court

16 Reporter is labeling and numbering those

17 photographs so you may submit them into evidence.

18 MR. RAMSAY: Ten of them. Let's just

19 make it one.

20 Mr. Mayor, I've asked the Court Reporter

21 to mark, collectively, the 10 photographs that Ms.

22 Pinnick has produced and they're marked as Exhibit

23 A. And for her benefit, I would ask you to include

24 those in the record.

25 MAYOR SMITH: So included. Mr. Napoli,

1 do you recognize those as pictures of that
2 property?

3 MR. NAPOLI: Yes. I do.

4 MAYOR SMITH: Thank you.

5 MR. RAMSAY: I have nothing further of
6 Mr. Napoli.

7 MAYOR SMITH: Ma'am, do you have anything
8 further of Mr. Napoli?

9 MS. PINNICK: Are there any plans within
10 the City of Gladstone as to why the City of
11 Gladstone, perhaps, wants this property?

12 I don't understand, after something's
13 been sitting over there and I finally go in here
14 and start putting improvements, new window, new
15 door, bring on construction building materials to
16 go ahead and fix up the insides, and now all of a
17 sudden, it's a dangerous building. I don't
18 understand what's dangerous about this property.

19 MR. RAMSAY: I think there were about
20 three questions there, but if you'd like to try--

21 MS. PINNICK: Yeah, well.

22 MR. NAPOLI: As to anything going on in
23 Gladstone, no, I am not aware of anything to that
24 nature. Everything we're doing there has to do
25 with complaints we have received from neighbors

1 within the area. As to - well, that was the first
2 question. Is that correct? What was the second
3 question?

4 MS. PINNICK: What is dangerous about
5 this building?

6 MR. NAPOLI: That is noted in the Notice
7 and Order.

8 MS. PINNICK: Yeah. Some codes. And I
9 don't - you know, it said electrical, gas and
10 water.

11 MR. NAPOLI: That was my--

12 MS. PINNICK: The electricity is on, the
13 water's on--

14 MR. NAPOLI: --inspection out there.

15 MS. PINNICK: --and there's no gas.
16 Nothing in there needs gas.

17 MR. NAPOLI: That is in my inspection of
18 what was noted. Based on the Notice and Order,
19 there are five items that were noted, which
20 condition this as being a dangerous building. They
21 were for any reason to finish structure or any
22 portion thereof as a manifest of the purpose of
23 which it is being used, which at this point in
24 time, that structure is not a habitable structure,
25 due to conditions that we have seen and noted in

1 there, based on the pictures.

2 When any building or structure has been
3 so damaged by fire, wind, earthquake, flood or has
4 become so dilapidated or deteriorated to become an
5 attractive nuisance to children, harbor for
6 vagrants, criminals, or immoral persons, or as to
7 enable persons to resort there for the purpose of
8 committing unlawful and unmoral acts.

9 We have had complaints of people living
10 in tents out in the back of there. By the nature
11 of this being left vacant and that, it has become
12 an attractive nuisance and some of the residents
13 have expressed concern of their children being out
14 and possibly in that area.

15 Thirdly, whenever any building or
16 structure has been constructed, exists, or is
17 maintained in violation of any specific requirement
18 or prohibition applicable to such building or
19 structure provided by the building and regulations
20 of this jurisdiction as specified by the building
21 or housing code, or any law ordinance of the state
22 or jurisdiction relating to the condition,
23 location, or structure of the building, and if
24 structure does not meet our requirements of our
25 building code for a habitable occupancy.

1 Whenever a building or structure used,
2 or intended to be used, for dwelling purposes
3 because of inadequate maintenance, dilapidation,
4 decay, damage, faulty construction or arrangement,
5 inadequate light, air or sanitation facilities, or
6 otherwise as determined by the health officer to be
7 unsanitary, unfit for human habitation, or in such
8 condition that is likely to cause sickness and
9 disease. Based on the pictures, that pretty much
10 stands to reason. Whenever any building or
11 structure--

12 MS. PINNICK: Are these pictures from
13 2004 that you're talking about? Are these the
14 pictures you're talking about?

15 MR. NAPOLI: Those and the current--

16 MS. PINNICK: Is this not 2007?

17 MR. NAPOLI: --the current pictures I
18 have taken, too. Whenever any building or
19 structure in such condition as to constitute public
20 nuisance known to common law or inequity
21 jurisprudence. Those are the reasons why it was
22 classified as dangerous.

23 MS. PINNICK: I'd like to ask one more
24 time. If I am in code violation, just exactly what
25 is wrong? What would I need to fix at the

1 property? I fixed the no gas, because we have no
2 furnace, nothing for gas. The water has been on
3 since '04 when they moved out, and I don't live
4 there. I don't need water. My aunt lives next
5 door, if I need water. Steve across the street has
6 a faucet in the front yard and told me when I'm
7 cutting grass, if I need water, I can use that. I
8 have electricity to the pole, and I don't know, the
9 Power and Light Company did it. I don't know if
10 they broke any rules. They didn't contact me and
11 I'm getting bills.

12 The trash and debris, I explained I've
13 been gutting the building and I have another stack
14 of two-by-fours covered in clear plastic. It's
15 very visible what it is sitting there waiting for
16 you all to make up your minds, so I can go in there
17 and get a permit to start making it nice inside
18 there.

19 It's a concrete poured basement. There
20 is nothing structurally wrong with it. You have
21 pictures of me, and I'm not a small person, and my
22 son, standing on the roof. You know, if kids were
23 going to play on my roof, and I don't let my
24 children play on people's roofs, but if someone was
25 to play on my roof, they're not going to fall

1 through. I could probably park my car up there.
2 An attractive nuisance, I have been trying to fix
3 it up. This thing had a Halloween tablecloth
4 stapled to the front door for the last eight years
5 and you all didn't complain about it. I finally go
6 over there and put up a nice door and I get letters
7 saying it's a bad building and it's an eyesore.

8 MAYOR SMITH: Mr. Napoli, have we made
9 any attempts to inspect the building from the
10 interior?

11 MR. NAPOLI: There has been nobody that
12 has occupied the place and we have not been invited
13 in. I did - one time, Counselor Ramsay and I were
14 over there and looked at the structure. There was
15 a brown vehicle out front. We knocked on the door.
16 A lady came to the door. I asked her if she was
17 the tenant there. She said she was fixing the
18 place up to move into and live there. She was
19 waiting for the electricity to be turned on and she
20 was doing some wiring work and everything.

21 At that point in time, I informed her
22 that she needed permits for any work that would be
23 done, may be done, but she at no time let us into
24 the structure and nobody has asked us to walk
25 through the structure.

1 MAYOR SMITH: And so if we had a
2 structure in question that we wish to inspect, what
3 would be the procedures for - we would have to be
4 allowed with permission to inspect?

5 MR. NAPOLI: That is correct. The
6 structure - to answer one of her questions, too.
7 It is a concrete foundation basement, as she said
8 it was. That's all it is. It's a foundation
9 basement.

10 To be a dangerous building, it does not
11 have to be structurally unsound. And based on what
12 I classified the structure as a dangerous building,
13 there was no structural integrity comments based to
14 that because I had not been inside the structure to
15 see if there was any, "structural issues" in there.

16 MS. PINNICK: So you labeled it a
17 dangerous building without having any evidence of
18 it being dangerous, besides your opinion?

19 MR. NAPOLI: To be classified as a
20 dangerous building, there are, I believe, 14
21 reasons that a building can be classified as
22 dangerous. Five of those, five of those reasons, I
23 gave you.

24 MS. PINNICK: Right. Five.

25 MR. NAPOLI: It doesn't have to meet all

1 14. It only has to meet one of the 14 to be
2 classified as a dangerous building.

3 MAYOR SMITH: The Council is asking me if
4 they have the opportunity to ask questions?

5 MR. RAMSAY: Certainly.

6 COUNCILMAN BEER: Mayor Smith.

7 MAYOR SMITH: Councilman Beer.

8 COUNCILMAN BEER: One, I would have a
9 question of Ms. Pinnick. You said that you had
10 installed a door. When did you install that door?

11 MS. PINNICK: Last fall.

12 COUNCILMAN BEER: Before - before these
13 photographs were taken?

14 MS. PINNICK: Yes.

15 COUNCILMAN BEER: Was there a door in
16 place at that time, Mr. Napoli?

17 MS. PINNICK: A door and new - new
18 thermal windows on the front.

19 COUNCILMAN BEER: Mr. Napoli.

20 MR. NAPOLI: Based on the pictures that
21 were taken, I cannot tell you if that was a new
22 door or not at the time the pictures were taken.

23 COUNCILMAN BEER: Was it - did it appear
24 to be a sound door?

25 MR. NAPOLI: At the time that I was up at

1 the structure, yes. It did to the extent that the
2 door was new, but I did not test to see how it
3 latched, or locked, or closed, or anything to that
4 nature, or it's weather tightness.

5 COUNCILMAN BEER: The last tenant in that
6 structure, I believe I understood, was in 2004. Is
7 that correct?

8 MR. NAPOLI: Yeah. I believe he moved
9 out in mid 2004, yes.

10 COUNCILMAN BEER: And the debris that's
11 outside was - the pictures were taken in December
12 of 2006. It's the testimony of Ms. Pinnick that
13 that debris was only there for about two weeks. Is
14 that correct?

15 MS. PINNICK: I still have some stuff on
16 the front porch.

17 COUNCILMAN BEER: So the debris was there
18 longer than two weeks.

19 MS. PINNICK: But that's down on my front
20 porch in the cubbyhole.

21 COUNCILMAN BEER: Mr. Napoli, how much of
22 that debris did you find to be there after the
23 pictures were taken in 2006, December of 2006?

24 MR. NAPOLI: There is still some debris
25 there. I did not go on the property to verify how

1 much in reference to the pictures. There probably
2 is some that has been removed or relocated from the
3 area it was, but there is still some debris on the
4 site.

5 COUNCILMAN BEER: Ms. Pinnick, you had
6 stated that there is no heat to the structure.
7 That the gas is, in fact, turned off. There's no
8 gas because there is no furnace.

9 MS. PINNICK: Yeah.

10 COUNCILMAN BEER: At the same time, you
11 state that the water appears to be functional at
12 this time. In those three years, is it not
13 reasonable to expect that that water would have
14 frozen without heat?

15 MS. PINNICK: The water is - comes in
16 along the basement and it's an earth contact home.
17 It's in the ground with the water lines. It's -
18 no. I don't have any trouble with--

19 COUNCILMAN BEER: Temperature inside the
20 building never gets to a freezing point?

21 MS. PINNICK: It never freezes. My paint
22 never freezes in there. Nothing ever freezes.

23 COUNCILMAN BEER: That's all I have right
24 now.

25 MAYOR SMITH: Thank you. Councilman

1 Rudi.

2 COUNCILMAN RUDI: This is kind of hard.

3 Ms. Pinnick, have you ever offered to allow the

4 City inside to inspect since this started?

5 MS. PINNICK: Their findings were no gas,

6 no water, no electrical and trash and debris and

7 attractive nuisance. The attractive nuisance I've

8 already started on last fall. There would be no

9 reason for them to let - I let them in when these

10 are the problems and I've fixed these. Plus, I

11 don't live there right now so I don't need gas.

12 When I - when I get my permits and get

13 it fixed up and get my little gas fireplace and all

14 that, I know they're going to have to come in and

15 inspect it. But there would be no reason for them

16 to come over there and inspect it.

17 COUNCILMAN RUDI: So you have not

18 offered?

19 MS. PINNICK: No gas, no water, no

20 electrical. There's no reason for them to come

21 over there.

22 MAYOR SMITH: Would you be willing to

23 allow them to inspect the property now?

24 MS. PINNICK: I guess. I mean, I've got

25 stuff stored in there. I don't know what they're

1 going to be able to see. It's a building. It's
2 got a roof on it. The roof - the tarp was
3 accidentally left out there because we were gapping
4 around all the little pipes and things around the
5 cracks like you do at your home every year. And
6 the buckets are not there now.

7 COUNCILMAN RUDI: And this trailer that's
8 in back, I think.

9 MS. PINNICK: It's a bed off an old ice
10 cream truck.

11 COUNCILMAN RUDI: Okay.

12 MS. PINNICK: My grandpa went to the DMV
13 to make sure there was no vehicle numbers, there
14 was no moving parts, all the things that Gladstone
15 said that we had to have done to that to have it
16 sitting there, and it's been sitting there since I
17 was a little girl, and it's still quite sound, and
18 I painted it last year because it was looking
19 pretty bad.

20 And the other one is still sitting up
21 here at 86th and Grand, where I was a kid at the
22 time, and it's still behind that property being
23 used as a shed. It was a good idea my grandpa had.

24 COUNCILMAN RUDI: And can you tell me
25 what this extension cord is?

1 MS. PINNICK: Oh, I think we were just
2 dropping it down to see if it went through the flap
3 or something inside there. I mean, we don't have
4 any electricity going on over there. I take a
5 generator over there from time to time. It might
6 even just be a tape measure.

7 COUNCILMAN RUDI: And you also said that
8 you've not burned any wood in there this winter,
9 but--

10 MS. PINNICK: I haven't.

11 COUNCILMAN RUDI: --you have in the past?
12 It's been used - there's a fireplace or something
13 in there?

14 MS. PINNICK: There's a wood burning
15 stove over there. I haven't burned a fire over
16 there. Now one of my girlfriends is helping me put
17 in tile and floors and stuff and she might have
18 started a fire in there, but she doesn't live there
19 and I don't live there. We spend some time over
20 there scrapping paint and hauling out all the
21 ceiling tiles and we pulled out all the insulation
22 and gone back in with new insulation.

23 COUNCILMAN RUDI: And then the
24 tablecloth, the Halloween tablecloth.

25 MS. PINNICK: Yeah. That's what the

1 renters left on the front door.

2 COUNCILMAN RUDI: Was it just attached?

3 It wasn't--

4 MS. PINNICK: It was stapled to the front

5 door.

6 COUNCILMAN RUDI: --it was just attached

7 to the door. Okay. It wasn't to be used instead

8 of the door, then?

9 MS. PINNICK: It was stapled to the front

10 door. That's the way they left it.

11 COUNCILMAN RUDI: Mr. Napoli, the lady

12 that you said answered the door and she said she

13 was fixing the place to get it ready to move in,

14 when was that, approximately?

15 MR. NAPOLI: It was before the last time

16 we were supposed to meet, so I would say it's

17 probably about two and a half months ago.

18 MS. PINNICK: That's my girlfriend,

19 Kathy. We're both over there all the time. We're

20 over there so much, we finally put in a phone

21 because we didn't want to have cell phones. But

22 there's a phone over there, so our family can get a

23 hold of us.

24 COUNCILMAN RUDI: I think for right now,

25 those are all of my questions.

1 MAYOR SMITH: Any other questions at this
2 time?
3 MAYOR PRO TEM REVENAUGH: Do you have
4 additional witnesses?
5 MR. RAMSAY: I would like to call the two
6 gentlemen who are here from the neighborhood.
7 MAYOR PRO TEM REVENAUGH: Why don't you
8 do that?
9 MAYOR SMITH: Please do.
10 COUNCILMAN RUDI: I have one question,
11 though. If I have another question for some - for
12 like Mr. Napoli, can I ask that later or--
13 MR. RAMSAY: Sure. Would you like to
14 start, sir?
15 MR. WICHMAN: Sure.
16 MAYOR SMITH: Ask the City Clerk to swear
17 the witness.
18 MS. SWENSON: Yes, sir. Will you please
19 state your full name?
20 MR. WICHMAN: Dennis Wichman.
21 MS. SWENSON: Thank you.
22 (WHEREIN, Mr. Dennis Wichman was sworn
23 in by the City Clerk, Ms. Swenson.)
24 MR. RAMSAY: Please restate your name and
25 your address?

1 MR. WICHMAN: Dennis Wichman, 5620 N.
2 Myrtle. My property is adjacent to the property in
3 question.
4 MR. RAMSAY: And are you familiar with
5 this property?
6 MR. WICHMAN: Very much so.
7 MR. RAMSAY: What can you tell us, from
8 your observation, about the condition of the
9 property?
10 MR. WICHMAN: Quite honestly, I could go
11 on and on and on about the uninhabitability of the
12 place, but I won't waste your time with that. The
13 City of Gladstone, in my opinion, and it isn't, you
14 know, you guys necessarily, but has been negligent
15 for the last 18 years since I've lived there in,
16 you know, making sure that they kept their grass
17 cut. It would continually be two to three feet
18 high weeds. Then every once - every six months or
19 so, maybe somebody would cut the weeds.
20 The place was just a joke. It's a junk
21 yard. In the last three years, and I can only
22 surmise why, nobody has chosen to live inside of
23 the basement area. We heard through a secondhand
24 nature that the place was uninhabitable. So
25 friends of, I guess, the owner have lived in a tent

1 for months at a time, bonfires at night for warmth
2 and light, right next door to us.

3 And I would like to ask you guys how you
4 would like to have your next door neighbor let
5 their weeds grow two and three feet high and live
6 in tents for months at a time with bonfires. We
7 called policemen from the City of Gladstone and
8 they wouldn't do anything. Nobody has ever seem to
9 care about the unsightly condition and the
10 uninhabitability of the place. There was children
11 living in that place for years in its, God knows
12 what it looks like, but it - honestly, I would just
13 beg the Council to do what's right and, you know,
14 support the Commissioner, the Zoning Commissioner,
15 in the fact that it is just not inhabitable and
16 something ought to be done. That's all I've got to
17 say.

18 MR. RAMSAY: Thank you. I have no
19 further questions.

20 MAYOR SMITH: I just have a couple of
21 questions, if I may, please. Have you ever noticed
22 anyone recently living in the property, any fires
23 that might be inside the house, smoke, whatever,
24 from people that may have been--

25 MR. WICHMAN: They haven't lived inside

1 of the basement. They've lived in a tent on the
2 outside. And I'm talking about in November and
3 December and January.

4 MAYOR SMITH: Councilman Rudi.

5 COUNCILMAN RUDI: You said that you
6 called the police in the past. Have you filed any
7 other complaints in the past, over the several
8 years, with the City?

9 MR. WICHMAN: It has seemed to be a
10 worthless activity because nobody ever seemed to
11 care. When the policemen came, those guys were
12 smoking pot, drinking beer, big bonfire, living in
13 a tent, and they just walked away from it saying
14 there was not anything they could do. So why would
15 I go to the, you know, try to go to any trouble
16 getting any more support from anybody to have any
17 changes made.

18 COUNCILMAN RUDI: So even in the - before
19 this tent event, you hadn't called the City?

20 MR. WICHMAN: Oh, I - we called before
21 about stuff. About the weeds growing three feet
22 high and how we thought it was an ordinance that
23 people keep their property up, you know.

24 COUNCILMAN RUDI: And you called - did
25 you call Public Safety?

1 MR. WICHMAN: You know, honestly, I can't
2 even remember.

3 COUNCILMAN RUDI: Okay. That's all
4 right.

5 MR. WICHMAN: Yeah. Called the City of
6 Gladstone.

7 MAYOR SMITH: I could have gone all day
8 without hearing all that part.

9 MR. WICHMAN: Well, I'm just telling you
10 guys. And if you would have had these people for
11 neighbors, you wouldn't tolerate it. You simply
12 wouldn't. And I don't why she's sitting there
13 supporting - she's saying things that are untrue,
14 you know, and it drives - what was the comment,
15 Gary, about, you know, for three years - well,
16 okay, the Halloween thing on the door and she was
17 making fun of how it looked and stuff. Either she
18 hasn't been there like a landlord ought to look at
19 her property and take care of it or - what was the
20 other thing that she said?

21 UNKNOWN MAN: Why didn't you evict the--

22 MR. WICHMAN: Yeah. Why didn't you evict
23 the people that didn't keep - you know, those
24 pictures in 2004--

25 MS. PINNICK: I'm not the landlord. I'm

1 the caretaker. I go over there and cut the grass.

2 MR. WICHMAN: So why are you even sitting

3 here then if you're not the landlord? Why are you

4 even here?

5 MAYOR SMITH: Do you drive past the - I

6 mean, you live behind it, do you drive up and down

7 the street every day?

8 MR. WICHMAN: Every day.

9 MAYOR SMITH: Have you seen substantial

10 change in it over the course of the last six to 12

11 months?

12 MR. WICHMAN: They cut - they cut the

13 weeds in the last couple of weeks. I noticed they

14 had - and they've been there trying to pick trash

15 up and stuff, but I looked over - we had to put a

16 fence between our property and theirs because we

17 were so embarrassed about the way the place looked

18 that we put a fence up.

19 But my wife - we took the time to do

20 that, just now, before we came over here and looked

21 and there's beer cans and the abandoned tent and

22 the remains of the bonfire and all that stuff is

23 still sitting there.

24 MAYOR SMITH: Any questions for the

25 witness?

1 (WHEREIN, there was no response.)

2 MAYOR SMITH: Thank you, sir.

3 MR. WICHMAN: You're welcome.

4 MR. RAMSAY: Sir, would you come up to

5 testify?

6 UNKNOWN MALE: I have nothing more. I

7 think he's covered it all.

8 MR. RAMSAY: That's all the evidence that

9 I have to present.

10 MAYOR SMITH: Ms. Pinnick, do you have

11 any further witnesses or evidence to present?

12 MS. PINNICK: Well, I'd - I'd like to

13 show the picture, and you can't hardly tell in this

14 picture, I wish they would have come out better,

15 but, you know, if he just moved in 18 years ago,

16 this property has been in my family for 70 years,

17 so it was there when he moved in and it hasn't

18 really changed much. My mom put a roof on it 10

19 years ago, so it does have a newer roof on the top

20 of it, so it's not this black tar like they used to

21 do.

22 But the people with the fences, houses

23 behind me, open up their back privacy fences and

24 then dump all their junk on me. And those tires

25 that are over there on top of that thing, are tires

1 that I picked up from my property where they opened
2 their fence and rolled it out for me to pick up and
3 clean up.

4 MR. WICHMAN: Now how would you know that
5 since you are never there?

6 MS. PINNICK: Because I clean it up. I'm
7 the one that cuts the grass. That's why I know.

8 MAYOR SMITH: Okay. Let's maintain
9 decorum here.

10 MAYOR PRO TEM REVENAUGH: Mayor Smith.

11 MAYOR SMITH: Councilman Revenaugh.

12 MAYOR PRO TEM REVENAUGH: Mr. Napoli,
13 well, I guess maybe you're the wrong person. Is
14 there an ordinance - I guess my - what I'm
15 wondering is, you say there's a basement, a poured
16 basement?

17 MS. PINNICK: I'm calling it an earth
18 contact home these days. It sounds better. But
19 yes, it's a basement.

20 MAYOR PRO TEM REVENAUGH: Okay. It was
21 designed as a poured basement?

22 MS. PINNICK: Yes.

23 MAYOR PRO TEM REVENAUGH: And is there
24 some ordinance against a structure being inhabited
25 that was designed as a poured basement?

1 MR. NAPOLI: As a basement, its
2 habitability is you have certain types of rooms you
3 have to have, living spaces you have, sleeping
4 areas, and there's certain size requirements with
5 them.

6 MAYOR PRO TEM REVENAUGH: Okay. So there
7 are a host of requirements--

8 MR. NAPOLI: Yes.

9 MAYOR PRO TEM REVENAUGH: --for a space,
10 regardless of what you call it, to be considered
11 habitable?

12 MR. NAPOLI: That is correct.

13 MAYOR PRO TEM REVENAUGH: Inside the
14 City?

15 MR. NAPOLI: Yes.

16 MAYOR PRO TEM REVENAUGH: Okay. And I
17 assume we can get a list of all those things.
18 Because to me, that's what this thing boils down
19 to. I don't care if we call it earth contact,
20 basement, I think the witness, or the - Ms. Pinnick
21 just said, it was designed as a basement. So the
22 question in my mind is, whether or not a basement
23 can be considered habitable according to City
24 Ordinances. Right?

25 MR. NAPOLI: Correct.

1 MAYOR PRO TEM REVENAUGH: So there's a
2 list of things that must be done, according to Mr.
3 Napoli, that would have enabled it to be considered
4 a habitable residence. Right?

5 MR. NAPOLI: Correct.

6 MAYOR PRO TEM REVENAUGH: And it's your
7 view that, in all probability, it's probably - it's
8 not a habitable residence.

9 MR. NAPOLI: That is correct.

10 MAYOR SMITH: It's my understanding from
11 your earlier testimony that there are 14 items, any
12 one of which, if there's a violation or not in
13 compliance, can bring this action. Correct?

14 MR. NAPOLI: That is correct.

15 MR. NAPOLI: What were these - restate
16 those five items.

17 MS. PINNICK: Five that he listed to me,
18 I'll tell you. It says, no gas, no heating
19 facility operational, no hot water for sanitation,
20 no water service, no water for sanitation,
21 electrical meter is yellow tagged and appeared to
22 be no electricity, trash and debris on the premises
23 and an attractive nuisance.

24 MR. NAPOLI: Those are my findings when I
25 went out to do an inspection. The actual

1 requirements are on the Notice and Order that
2 determine whether the structure is in compliance or
3 is in violation.

4 Those five items were; the first one,
5 whenever, for any reason, the building or
6 structure, or any portion thereof, is manifestly
7 unsafe for the purpose for which it is being used.

8 Two, whenever the building or structure
9 has been so damaged by fire, wind, earthquake or
10 flood, or has become so dilapidated or deteriorated
11 to become, one, an attractive nuisance to children,
12 two, a harbor for vagrants, criminals, or immoral
13 persons, or as to, three, enable persons to resort
14 thereto for the purpose of committing unlawful or
15 immoral acts.

16 Number three, whenever any building or
17 structure has been constructed, exists, or is
18 maintained in violation of any specific requirement
19 or prohibition applicable to such building or
20 structure provided by the building regulations of
21 this jurisdiction as specified in the building
22 code, or housing code, or any law ordinance of the
23 state or jurisdiction relating to the condition,
24 location or structure of building.

25 Four, whenever a building or structure

1 used, or intended to be used, for dwelling purposes
2 because of inadequate maintenance, dilapidation,
3 decay, damage, faulty construction or arrangement,
4 inadequate light, air or sanitation facilities, or
5 otherwise as determined by the health officer to be
6 unsanitary, unfit for human habitation, or in such
7 condition that it's likely to cause sickness or
8 disease.

9 And number five, whenever any building
10 or structure is in such condition as to constitute
11 a public nuisance known to common law or inequity
12 jurisprudence.

13 COUNCILMAN BEER: Mayor Smith.

14 MAYOR SMITH: Councilman Beer.

15 COUNCILMAN BEER: Mr. Napoli, can you
16 tell me what is the code requirement now for sewers
17 that aren't connected? Are septic systems still
18 permitted in Gladstone?

19 MR. NAPOLI: Septic systems are not
20 permitted in Gladstone, unless, for some reason,
21 when our sewer mains were put in and there is no
22 access to that sewer - a lot has no access to our
23 sewer main. There is a main that goes up and down
24 56th Terrace and there's access to it.

25 COUNCILMAN BEER: While you were unable

1 to observe the sewage backup into the house, we do
2 have photographs placed into evidence that shows a
3 significant amount of sewage backup. Do we know,
4 is that home, is that structure, attached to the
5 City sewer or is it still on septic?

6 MR. NAPOLI: I do not know that for a
7 fact. I could find out, though.

8 COUNCILMAN BEER: Ms. Pinnick, do you
9 know?

10 MS. PINNICK: I couldn't swear to it.

11 MR. WICHMAN: They used it when somebody
12 lived there.

13 MS. PINNICK: No one's living there, so I
14 don't need a sewer. I don't live there.

15 MAYOR PRO TEM REVENAUGH: Mr. Ramsay, is
16 there some - do we have any legal access to the
17 property to inspect it to see if, in fact, it does
18 qualify as a legal residence in the City of
19 Gladstone?

20 MR. RAMSAY: We've never - there is a
21 process by which we could obtain a civil search
22 warrant from the municipal court. We've never -
23 the Council has never activated that authority.
24 Otherwise, you know, if it were some kind of an
25 emergency situation, we could have access. But

1 simply to inspect it, we don't, other than in
2 accordance with a request for a building permit or
3 inspections of work in progress.

4 MAYOR PRO TEM REVENAUGH: Didn't Mr.
5 Napoli say that one of the previous residents was
6 doing some wiring in the house?

7 MR. NAPOLI: She indicated that she was.

8 MS. PINNICK: We were stripping out all
9 the insides of the house. We've not put anything
10 back into it yet. We've taken out the electrical
11 wire on the inside, most of the plumbing. The only
12 thing that's still in there is the bathroom sink
13 and the toilet.

14 MAYOR PRO TEM REVENAUGH: Well, then
15 would you have any objection to the Council, or Mr.
16 Napoli, whoever is qualified, to go in there and
17 inspect the premises to see if it qualifies as a
18 residence in Gladstone? I mean, it seems like that
19 would settle it.

20 MS. PINNICK: It qualified as a residence
21 in '04. Why wouldn't it qualify as a residence
22 now?

23 MAYOR PRO TEM REVENAUGH: Well, I don't
24 think the ordinances have changed materially since
25 '04. And I'm sure that Mr. Napoli can give you a

1 list of all the things that a residence would
2 require to consider that particular structure a
3 residence. And I think, you know, that would be a
4 good thing if we could all settle that. Because if
5 it's not habitable as a residence, then it's not an
6 earth contact home. It's a poured basement that
7 somebody put a roof on top of and rents it out to
8 people that can't afford better accommodations.

9 MS. PINNICK: It's not been - it hasn't
10 been rent since 2004, when the people that lived
11 there for 20 years moved out.

12 MAYOR PRO TEM REVENAUGH: So then you
13 don't have any objection to Mr. Napoli taking a
14 look?

15 MS. PINNICK: I'll get an out - how about
16 if I just get an outside person in, and he'll tell
17 you the place is sound.

18 MAYOR PRO TEM REVENAUGH: Because he's
19 not going to be as familiar with our residence
20 requirements as Mr. Napoli is.

21 MAYOR SMITH: Plus, I want to add that it
22 doesn't require the structure to be unsound to fit
23 the description of what Mr. Napoli is explaining.

24 MS. PINNICK: Well, the whole purpose of
25 this was because you all said that I needed to tear

1 it down. And if it's a sound structure and can be
2 built on, which I've been waiting all my life to
3 finally get it and it's happening in a month, why
4 would you not want to be willing to give me time to
5 finally get my hands on it, after waiting all this
6 time, to build the house on it that I want to do
7 and hook it up to the sewer system.

8 MAYOR SMITH: Do you believe any of those
9 five items that Mr. Napoli listed to be correct?

10 MS. PINNICK: No, and I responded. Did
11 you not give him a copy of my letter for the
12 appeal?

13 MAYOR SMITH: They have. I'm asking now
14 if you think that there is any of those violations
15 that exist and you say there are not.

16 MS. PINNICK: The door needs to be
17 painted.

18 MAYOR PRO TEM REVENAUGH: I don't think
19 the door was one of the things listed.

20 MS. PINNICK: No. Well, attractive
21 nuisance.

22 MAYOR PRO TEM REVENAUGH: So again, I'd
23 like to ask the question. Do you have any problem
24 with our Building Inspector going in and
25 determining whether or not this structure qualifies

1 as a residence?

2 MS. PINNICK: Well, it can't be a
3 residence right now because it has no rooms inside.
4 It's just a big shell. I've emptied out everything
5 in there.

6 MAYOR PRO TEM REVENAUGH: But you've been
7 renting it out as a residence.

8 MS. PINNICK: I don't rent it. No one
9 lives there.

10 MAYOR PRO TEM REVENAUGH: Not currently.

11 MS. PINNICK: I can't live there without
12 electricity and water. I can't live there without
13 those things.

14 MAYOR PRO TEM REVENAUGH: Right. You
15 said they could turn on the water and the
16 electricity. And short of that, it's ready to move
17 in. Right? Isn't that your earlier testimony?

18 MS. PINNICK: Well, it doesn't have any
19 rooms.

20 MAYOR PRO TEM REVENAUGH: Excuse me. Was
21 that your earlier testimony?

22 MS. PINNICK: Yes. Yes.

23 MAYOR PRO TEM REVENAUGH: Okay. Thank
24 you.

25 MS. PINNICK: It has electricity to the

1 pole. The water was never turned off.

2 MAYOR PRO TEM REVENAUGH: So you're using
3 it as a residence, whether it's a rental property
4 or one that you want to live in yourself, and all
5 I'm asking is for you to give us permission to have
6 Mr. Napoli go in and see if it qualifies as a
7 residence under our building codes. And if it
8 does, you're home free.

9 MS. PINNICK: Well, I'll have to have a
10 list of the building codes. Because if I have to
11 have an actual bedroom and an actual kitchen, there
12 are no walls inside there now.

13 MAYOR PRO TEM REVENAUGH: Then it's
14 possible that it doesn't qualify as a residence.

15 MS. PINNICK: Well, that's just because I
16 tore out what walls and holes and the mess that
17 those people left in there. I wouldn't call what
18 they left as a residence.

19 MAYOR SMITH: Ma'am, excuse me. Let me
20 just ask for a clarification. You said you were
21 going to build a home on it. In its current
22 condition, are you going to use it as a foundation
23 and build upward?

24 MS. PINNICK: Yes.

25 MAYOR SMITH: Just two questions. That's

1 what you're going to do, you're going to build on
2 it as if it's a foundation and build a structure
3 above it?

4 MS. PINNICK: Yes.

5 MAYOR SMITH: Okay.

6 MS. PINNICK: And out to the west.

7 COUNCILMAN BEER: And I presume, Ms.
8 Pinnick, then that you have begun the design
9 process with a qualified design professional,
10 something that - you said that you were going to
11 start this in a month. That means permitting and
12 that means coming to the--

13 MS. PINNICK: Start what in a month? I
14 get the property hopefully turned into my kid's
15 name in a month's time. When my son graduates, it
16 gets put in his name.

17 MAYOR SMITH: So another - is another
18 possible solution that this poured basement, this
19 foundation, be stripped down to a foundation?

20 MR. NAPOLI: If it were stripped down to
21 a foundation, that is all that's there.

22 MS. PINNICK: Then it would be unsafe
23 because it wouldn't have a roof on it.

24 MAYOR PRO TEM REVENAUGH: Excuse me.
25 He's answering.

1 MR. NAPOLI: Then you would come to the
2 point, like I say, there would be no roof and no
3 walls, you'd just have your foundation. And then
4 you have a - you still have an attractive nuisance
5 because you have a foundation there that is
6 potentially dangerous as to a fall, kids fall into
7 it. It's still an area that can attract activities
8 that are not--

9 MAYOR SMITH: Okay. If it were left in
10 that condition for a very long period. I mean,
11 obviously, we have foundations in the City that sit
12 for a couple of weeks anyway. Is there any other
13 questions of Mr. Napoli?

14 COUNCILMAN BEER: One observation.

15 MAYOR SMITH: Certainly.

16 COUNCILMAN BEER: I would like to go back
17 to the photographs, which were entered into
18 evidence by a previous tenant, which shows a
19 significant amount of water backup into the - and
20 not just - not just sewage, but flood water backup
21 apparently into the building. Plus, it appears to
22 be a good significant amount of water that is
23 infiltrating through the - through the corners of
24 the poured concrete, which, you know, would
25 intimate some lack of structural integrity.

1 There just seems to be a whole host of
2 sanitation and like safety issues attached with
3 this thing. So that's just my observation.

4 MAYOR SMITH: Any questions for Mr.
5 Napoli?

6 (WHEREIN, there was no response.)

7 MAYOR SMITH: Thank you. Anything
8 further, Counselor?

9 MR. RAMSAY: Let me just summarize the
10 authority of the City Council. If a building is
11 declared to be a dangerous building, then there's
12 several options. The Council could require the
13 building to be repaired and put into compliance
14 with current building codes and standards, or the
15 building could be ordered to be demolished, or in
16 the event that the building does not constitute an
17 immediate danger, it could be vacated, secured and
18 maintained against entry.

19 Now some of the - some of the testimony
20 was that the property is not being maintained in a
21 sanitary condition and, at least for a period of
22 time, some people were allowed to reside there in
23 tents heated by bonfires. If Ms. Pinnick is
24 intending to build a home on this structure, then I
25 think if she would proceed with requesting a

1 building permit, providing some plans and moving
2 forward with it and, in the meantime, secure the
3 structure, that might be a way to proceed with
4 this.

5 MAYOR PRO TEM REVENAUGH: Mayor Smith.

6 MAYOR SMITH: Yes, Councilman Revenaugh.

7 MAYOR PRO TEM REVENAUGH: My
8 understanding is that the Council can also recess
9 the hearing to a future date in order to visit and
10 inspect the site. Is that right?

11 MR. RAMSAY: That's correct.

12 MAYOR SMITH: I was just about to state
13 the Council has three options, I believe. To
14 recess the hearing to a future date and inspect the
15 site, vote upon the contents of the building, or
16 continue the matter to the next Council Meeting
17 with no decision. Those, in essence, are the
18 three. At this time, however, I would like to see
19 if Counselor is finished.

20 MR. RAMSAY: Yes. I am. Yes, sir.

21 MAYOR SMITH: And Ms. Pinnick, are you
22 finished? Have you completed everything?

23 MS. PINNICK: I have a couple of more
24 things, but go on.

25 MAYOR SMITH: Would it be proper, the

1 former witness in the room is asking to speak
2 again, would it be proper to allow that?

3 MR. RAMSAY: As long as the hearing is
4 still open, certainly.

5 MAYOR SMITH: Sir, would you like to come
6 back forward, please.

7 MR. WICHMAN: Somebody asked earlier why
8 we didn't bring things up like this to the City of
9 Gladstone in the past, which we had and never
10 gotten any action.

11 If you guys are considering putting this
12 off, you know, for an inspection, or - that's a
13 perfect example of why people don't bother to tell
14 you about the three foot high grass and the people
15 living in the tents and the, you know, urinating in
16 the trees because they don't have a bathroom, and
17 all that sort of thing, is because - I mean, the
18 facts are staring you in the face to do something
19 about it. I urge you to. That's all I got to say.

20 MAYOR SMITH: Thank you, sir.

21 MS. PINNICK: May I comment to that?

22 MAYOR SMITH: This absolutely is
23 positively the final comment.

24 MS. PINNICK: When Kathy and I are over
25 there working and if my aunt is not next door and

1 we can't use her bathroom.

2 MAYOR SMITH: Yes, ma'am.

3 MS. PINNICK: She has a camping porta
4 potty. You know, it's a camper's type one. We
5 will use that if we're over there late at night.
6 No one lives in tents over there. We're scraping
7 the paint, we're laying tile or gluing stuff, and
8 it stinks or gets dusty in there, we go outside and
9 we put up the tent in the summer when it was hot to
10 keep out of the sun. And it's not up now because
11 it's winter. But no one lives over there in a
12 tent.

13 MAYOR SMITH: And I believe, just for the
14 record, Mr. Wichman's testimony would contradict
15 that and said there were folks in the tent at night
16 in the winter. Anything further?

17 MR. RAMSAY: No.

18 MAYOR SMITH: Is it proper to close the
19 hearing prior to discussion. Correct?

20 MR. RAMSAY: That's correct.

21 COUNCILMAN BEER: Mayor Smith.

22 MAYOR SMITH: Councilman Beer.

23 COUNCILMAN BEER: I make a motion that we
24 proceed with an order for demolition.

25 COUNCILMAN RUDI: Second.

1 MAYOR SMITH: Motion by Councilman Beer
2 and seconded by Councilman Rudi. Discussion?
3 COUNCILMAN RUDI: Mayor Smith.
4 MAYOR SMITH: Councilman Rudi.
5 COUNCILMAN RUDI: There's no question in
6 my mind that at least one of these items listed as
7 a reason for this to be a dangerous building, if
8 not more than one, is valid. Therefore, according
9 to ordinance, this is a dangerous building.
10 COUNCILMAN BEER: Mayor Smith.
11 MAYOR SMITH: Councilman Beer.
12 COUNCILMAN BEER: I'm not going to - I'm
13 not going to go through all this whole host of
14 testimony that's been brought forth to us in a
15 public hearing other than to comment that it all
16 seems to me to speak for itself.
17 We have a situation here where it is a
18 very unhealthy, unsanitary, it is not a viable,
19 safe structure, it is a public nuisance, it is an
20 attractive nuisance, and I believe that the
21 evidence is very clear that this is a building that
22 should be demolished.
23 MAYOR SMITH: Thank you. Among the
24 Council, if they feel that any of those 14 items,
25 based on the evidence presented here this evening,

1 is valid, then you have a right to vote as you
2 wish. Call the roll, please.

3 MS. SWENSON: Yes, sir. Councilman Wayne
4 Beer.

5 COUNCILMAN BEER: Aye.

6 MS. SWENSON: Councilman Carol Rudi.

7 COUNCILMAN RUDI: Aye.

8 MS. SWENSON: Councilman Bill Cross.

9 COUNCILMAN CROSS: Aye.

10 MS. SWENSON: Mayor Pro Tem Mark
11 Revenaugh.

12 MAYOR PRO TEM REVENAUGH: Aye.

13 MS. SWENSON: Mayor Les Smith.

14 MAYOR SMITH: Aye. Motion carries. I
15 would assume we will be in contact with the
16 property owner.

17 MR. RAMSAY: Yes.

18 MS. PINNICK: Well, we're going to appeal
19 it to Clay County.

20 MAYOR SMITH: I'd like to thank everyone
21 for their time in this matter this evening. Not an
22 easy decision. Do we need to keep these as
23 evidence?

24 MR. RAMSAY: Yes. Ms. Pinnick asked for
25 her photographs back.

1 MAYOR SMITH: Should we copy those, at
2 least, or do something with those, since they were
3 submitted as evidence.

4 MS. PINNICK: I'll let you keep them.
5 I've got the things. I can get more.

6 MAYOR SMITH: Very good.

7 ITEM 13:

8 MAYOR SMITH: Is there any other business
9 to come before the Council this evening?

10 (WHEREIN, there was no response.)

11 ITEM 14:

12 MAYOR SMITH: Questions from the News
13 Media, Mr. Rice, Kansas City Star?

14 MR. RICE: No.

15 ITEM 15:

16 MAYOR SMITH: The meeting is adjourned.
17 Thank you.

18 (WHEREIN, the meeting is concluded at
19 9:20 p.m.)

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CERTIFICATE OF REPORTER

STATE OF MISSOURI) ss:
COUNTY OF CLAY)

I, JANET H. WIMER, Certified Court
Reporter, the officer before whom the foregoing
meeting was taken, do hereby certify that the
testimony in said meeting was taken by me to the
best of my ability and thereafter reduced to
typewriting under my direction; that I am neither
counsel for, related to, nor employed by any of the
parties to the action in which this meeting was
taken, and further, that I am not a relative or
employee of any attorney or counsel employed by the
parties thereto, nor financially or otherwise
interested in the outcome of the action.

Notary Public in and for
the State of Missouri

My Commission Expires: 9/29/07