

THE **BOARD OF APPEALS** OF THE CITY OF RAYMORE, MISSOURI, MET IN REGULAR SESSION **WEDNESDAY, FEBRUARY 24, 2021** IN THE HARRELSON ROOM, CENTERVIEW, 227 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING BOARD MEMBERS PRESENT: CHAD BUCK, MIKE COX, RANDY REED (via Zoom), LLOYD BROWN, MIKE EKEY AND ALTERNATES WADE BECK AND DICK MAYNARD. ALSO PRESENT WERE DEVELOPMENT SERVICES DIRECTOR JIM CADORET, BUILDING OFFICIAL JON WOERNER, AND CITY ATTORNEY JONATHAN ZERR.

1. **Call to Order** – Chairman Buck called the meeting to order at 6:30 p.m.
2. **Roll Call** - Roll was taken and Chairman Buck declared a quorum present to conduct business.
3. **Unfinished Business –**

A. Minutes of August 29, 2018 meeting

On a motion by Brown, 2nd by Ekey the minutes of the August 29, 2018 meeting were approved after a roll call vote by a 7-0 vote.

4. **New Business –**

A. Election of Officers

Motion by Ekey to retain Chad Buck as Chairman and Mike Cox as Vice-Chairman. Both are willing to continue serving. No other nominations were made. Motion passed after a roll call vote by a 7-0 vote.

B. Case #BOA 2021-01 Dangerous Building Order - Joan Vaughn Trust, 1231 Wiltshire Boulevard

City Attorney Jonathan Zerr swore in those individuals who intended to provide testimony to the Board on the case. [Jon Woerner; William Stilley; and Michael Prentice]

Chairman Buck opened the hearing and advised those in attendance the process for review of the case.

Building Official Jon Woerner presented the case for the City. Mr. Woerner submitted a packet of documents to the Board including 8 exhibits related to the case. The request is for an order for demolition

of the fire-damaged structure at 1231 Wiltshire Boulevard. The building is under the ownership of the Joan L. Vaughn Trust. Mr. Woerner reviewed the eight findings he made to declare that the building is a dangerous building that constitutes a public nuisance. He also advised the Board of the notice requirements that were met.

Chairman Buck asked if there was a timeline included in his order.

Mr. Woerner indicated that if the Board approves the order for demolition that the property owner be given thirty days to complete the demolition and bring the property back to grade.

Chairman Buck asked if there is also an appeal process and timeline.

Board Clerk Jim Cadoret stated there is an appeal process outlined by Code that allows 30 days to file an appeal to any Board decision. This 30-day period does run concurrently with the timeline the Board provides for any corrective action to be taken.

City Attorney Jonathan Zerr asked Mr. Woerner several questions related to the inspection of the property.

Q1: *Can you provide your title?*

A: *Building Official*

Q2: *How long have you been in the City of Raymore as Building Official?*

A: *Over 18 years*

Q3: *Over those 18 years have you gained education, training and experience in the building industry that qualifies you as an expert for construction of buildings?*

A: *Yes*

Q4: *Do you have experience in applying the construction code in Raymore to construction, both new as well as old construction?*

A: *Yes*

Q5: *In your official duties did you have the opportunity to inspect the property at 1231 Wiltshire Boulevard?*

A: *Yes*

Q6: *Did you obtain photographic evidence of the property regarding its current condition of the fire damage it suffered.*

- A: *Yes I attached the photographs as exhibits*
- Q7: *Have those exhibits been marked and provided to the Board as Exhibits 8a, 8b, 8c, 8d, 8e and 8f.*
- A: *Yes*
- Q8: *Do those photographs document the condition of the structure and the violations which would qualify the structure as a dangerous building under the terms of the Raymore City Code?*
- A: *Yes*
- Q9: *Are the photos fair and accurate representations of the premises at the time you completed the inspection?*
- A: *Yes*
- Q10: *Have you done a follow-up inspection as of today or recently?*
- A: *Yes, last week. I had to repost the notices I previously posted as they had been removed and I re-completed the inspection.*
- Q11: *Was there significant change or alteration to the property since the photographs were taken.*
- A: *No*
- Q12: *Are you stating to the Board that the property remains unchanged?*
- A: *Yes*
- Q13: *And that the photographs continue to represent an accurate representation of the property?*
- A: *Yes*

Mr. Zerr asked that the Exhibit photographs 8a thru 8f be admitted being the photographic evidence submitted by Mr. Woerner in preparation for the hearing this evening showing the condition of the property. Mr. Zerr also entered into the record the Dangerous and Nuisance Building Code for the City of Raymore.

- Q14: *From your training and experience as well as your education and subsequent inspection of the property do you have an expert opinion as to whether or not the property constitutes a dangerous building as defined by the Dangerous and Nuisance Building Code.*

- A: *It is a dangerous building*
- Q15: *Can you describe exactly what you found in the building that would correlate with the pictures that would qualify it as a dangerous building?*
- A: *The 8 findings of fact that were described earlier.*
- Q16: *In your opinion would the cost of repairing the building exceed its current value?*
- A: *I cannot answer as I am not in the construction field.*
- Q17: *Is it your opinion that the structure should be demolished at this time?*
- A: *Yes.*
- Q18: *You provided a notice and an order for remediation of the property identified as Exhibit 1?*
- A: *Correct.*
- Q19: *Exhibit 1 is a 2-page letter dated November 18, 2020 to the Joan L. Vaughn Trust at 1231 Wiltshire Boulevard?*
- A: *Yes*
- Q20: *That outlines the concerns and remediation that would have been required with regard to the property?*
- A: *Yes*
- Q21: *Did you send that notice to representatives, owner or trustee of the property?*
- A: *I sent the letter to the Joan Vaughn Trust, Mr. Prentice (email and letter) and Mr. Stilley.*
- Q22: *Is Mr. Prentice the nephew of Joan Vaughn.*
- A: *Yes*
- Q23: *Does he have involvement with the Trust, and is he aware of the Trust?*
- A: *Yes*
- Q24: *And is Mr. Stilley the attorney assisting in administration of the Trust?*
- A: *Yes*
- Q25: *Did you receive confirmation back that the delivery of the correspondence reached its intended recipients?*

A: Yes

Mr. Zerr asked that Exhibit 1 (2-page notification letter) be admitted as part of the Exhibits.

Q26: *As part of your investigation of ownership of the property did you obtain a copy of the Cass County Assessor's report?*

A: *Yes, added as Exhibit 2*

Q27: *Does that show Joan L. Vaughn Trust, 1231 Wiltshire Boulevard, as the owner of the property.*

A: *Yes*

Q28: *That is the property at issue this evening?*

A: *Yes*

Mr. Zerr submitted Exhibit 2, Cass County Assessor's report confirming ownership of the property, including an aerial photograph of the property.

Q29: *Did you have conversations with representatives of the South Metropolitan Fire Protection District?*

A: *Yes, I asked for information on the insurance coverage for the property.*

Q30: *Were you able to obtain information on the insurance for the property?*

A: *Yes, State Farm Insurance.*

Q31: *Did you reach out to the insurance company in order to advise them of the concerns you have with regard to the dangerous conditions of the property?*

A: *Yes, and I advised them of the City Code requirement on retainage of insurance proceeds.*

Q32: *As far as the correspondence you received information that a local State Farm agent was responsible for, or handling, the insurance claim with regards to the property?*

A: *Yes*

Q33: *Did you have communication with the insurance company on that issue?*

A: *Yes I had communication with agent Drayton Riley.*

Mr. Zerr admitted Exhibit 3, the communication between Mr. Woerner and the South Metropolitan Fire Protection District regarding the contacts for insurance.

Q34: *At this time are there any insurance proceeds being held by the City.*

A: *Yes, by code 25% of the insurance proceeds are being held by the City.*

Q35: *So there are funds available for purposes of being able to complete demolition of this structure in the event the property owner does not take action in the next 30 days.*

A: *Yes*

Q36: *You indicated you had multiple correspondence with a Mike Prentice?*

A: *Yes*

Q37: *And that correspondence may or may not have been received?*

A: *Correct.*

Q38: *You received confirmation through conversation with Mr. Prentice that he is aware of the hearing this evening?*

A: *Yes*

Mr. Zerr submitted Exhibit #4, an unclaimed return receipt letter to Mike Prentice regarding the condition of the property.

Q39: *You also have Exhibit #5, correspondence with State Farm Insurance to the City of Raymore regarding the coverage requirements and deposit of funds that are currently being held in escrow by the City of Raymore.*

A: *Yes*

Q40: *And we are currently holding \$104,188 in order to apply towards the removal of the structure?*

A: *Yes*

Mr. Zerr submitted Exhibit #5.

Q41: *Have you received a bid for the removal of the structure?*

A: *We received a bid from State Farm, however we are required to have 2 more.*

Q42: *We have correspondence from representatives of the insurance agency indicating the 25% payment as Exhibit #6 and Selective Construction Services LLC showing a cost proposal of \$19,300 for the removal of the structure?*

A: Yes

Q43: *Is that the quote you received from the insurance agency?*

A: Yes

Mr. Zerr submitted Exhibit #6 and #7. Mr. Zerr indicated he already submitted Chapter 510 as part of the evidence this evening.

Q44: *Do you believe you took all efforts reasonably available for purposes of being able to notify persons that have an interest in the property?*

A: Yes

Q45: *During the time frame between your initial inspection and now were you able to review and identify if there were any construction or demolition permits obtained for the property?*

A: *There are no permits obtained for this property.*

Q46: *And at this time the property owner has not complied with the terms of the notice and order for demolition of the property?*

A: Correct.

Q47: *Have you had any other contact for anyone identifying themselves as an owner or having a legal interest in the property?*

A: *One individual, I believe her name is Brenda, that identified herself as part of the Prentice family.*

Q48: *Was she made aware of the hearing this evening?*

A: Yes.

Chairman Buck indicated that the Board members did receive the exhibits in their meeting packet.

Chairman Buck asked for confirmation that the property is in a Trust, and asked who the Trustee is?

Mr. Zerr commented that a representative from the Trust may be able to speak to that matter this evening.

Mr. William Stilley, Stilley Law Office, 19401 US 40 #150, Independence, Missouri, stated he is representing Joan L. Vaughn Trust, and is in the transition period for Ameriprise Financial to assume the trusteeship for the Trust. Prior to this time no one had any kind of authority to handle any demolition of the property. The final death certificate for Joan Vaughn was recently provided.

Mr. Stilley stated there is a warranty deed transferring the house to the Joan L. Vaughn Revocable Trust. He indicated Mr. Prentice is going to ask for access to the property. Mr. Stilley indicated he does not represent Mr. Prentice but that they have been in constant communication since Mrs. Vaughn's death.

Mr. Stilley indicated that it is Ameriprise's position that we have no objection to the demolition. The facts speak for themselves and have no objection to the Board's demolition of the structure. There are no funds until Ameriprise takes office as successor trustee, hopefully within the next couple of weeks.

Mr. Stilley did request that the excess funds after demolition be returned to the Joan L. Vaughn Trust.

Mr. Stilley indicated Mr. Prentice has been a spokesperson between Mr. Woerner and the family. Mr. Prentice has no ownership interest in the house and has no control or authority to spend money or demolish the house. He is a nephew of Joan Vaughn.

Mr. Michael Prentice, 7294 Crown Park, Belton, Missouri, stated he is trying to do what needs to be done. He understands demolition of the house is needed and recently gained access to remove personal items from the house. He asked for 30 days to go through parts of the house and find what he can.

Chairman Buck indicated the Board is here to consider the order recommended from the City staff.

Chairman Buck asked for clarification on the additional 30 day request to access the building.

Mr. Woerner indicated the building official and fire marshal initially requested no access to the building when the building was posted as a dangerous building.

Mr. Stilley stated Mr. Prentice was able to remove some important papers, but there still needs to be access to remove any other

documents. Ameriprise does not have an objection to access to the property.

Board member Ekey asked for clarification on if Mr. Prentice was asking for an additional 30 days above the 30 days required under the order and appeal process, for a total of 60 days.

Mr. Prentice stated he needed only the next month, or 30 days total.

Mr. Zerr asked Mr. Stilley if he knew whether the property still maintains property casualty insurance coverage? Mr. Stilley indicated he does not have any knowledge on that.

Mr. Zerr commented that from the City perspective of allowing access to the property, if there is not property casualty coverage Mr. Prentice or anyone else who accesses the property is doing so at their own peril. Mr. Prentice and Mr. Stilley acknowledged that.

Mr. Zerr indicated that it is his understanding that the request for 30 days to access the property runs concurrently with the 30 day appeal timeframe. Mr. Prentice acknowledged he understood.

Mr. Zerr asked Mr. Prentice if he agreed that the property needed to be demolished. Mr. Prentice agreed.

Chairman Buck commented that by viewing the pictures this is a dangerous building. He asked if the City could grant access to the property.

Mr. Woerner stated the notice that was posted indicates those who enter do so at their own risk. Ownership of the property is allowed to access the property.

Chairman Buck asked for confirmation that there is no dispute from either party that the building needs to be demolished. Mr. Prentice and Mr. Stilley agreed.

Chairman Buck indicated it is his understanding based on testimony tonight that the property owner is not intending to proceed to demolish the structure. Mr. Stilley indicated that is correct.

Mr. Zerr provided proposed findings of fact for the Board to consider in determining a final conclusion in regards to demolition of the property.

1. Eight conditions justifying the identification of the structure as being a dangerous building have been shown by competent and substantial evidence.
2. All notices required by ordinances to property owners and individuals that have an interest in the property have been provided.
3. The property remains in a dangerous condition despite notice and order delivered per ordinance.
4. There is substantial and competent evidence presented that the building is a dangerous building and a nuisance and detrimental to the health, safety and welfare of the residents of the City.
5. No objections to the condition of the property or demolition of the structure were made by the property owner.
6. The excess funds shall be returned to the Trust once the building is demolished of any funds not utilized by the City for purposes of completing the demolition.
7. The property owners have requested 30 days to access the property and remove their personal assets and doing so would be at their own peril.

Mr. Stilley stated that Ameriprise has been waiting for a death certificate and the final certificate was received by Mr. Prentice today. Ameriprise is in the process to assume the successor trusteeship.

Mr. Zerr asked Mr. Stilley if he knew if Ameriprise Trust or Ameriprise Financial would be objectionable to the demolition of the structure. Mr. Stilley indicated no.

Board member Cox asked Mr. Stilley if the Trust issue could be resolved in the next couple of weeks.

Mr. Stilley indicated that Ameriprise Bank FFC would accept the trusteeship, but couldn't identify the date that would occur.

Board member Brown asked for clarification on when the 30-day demolition period started.

Mr. Cadoret stated the 30-day appeal period starts from the date the Order is signed by the Chairman. The Board is required to provide at least 30 days to comply with any order that is issued. The appeal period runs concurrently with the time provided to comply with the order.

Chairman Cox asked if the 30-day period could be expedited at all.

Mr. Zerr commented the 30-day period should be followed as the Trustee may want to appeal the decision.

Board member Ekey made a motion, seconded by Board member Brown, to accept the findings of fact submitted in Case #2021-01 by the City staff and determine that the building is in fact a dangerous building and to issue an order to demolish 1231 Wiltshire Boulevard to be completed in 30 days and that all proper notices have been given and accepted by the interested parties.

Motion passed by a roll call vote of 7-0.

Chairman Buck stated he will sign the order in the morning.

5. Adjournment

On a motion by Brown and 2nd by Cox the meeting was adjourned at 7:35 pm.

Chad Buck, Chairperson