**A PUBLIC HEARING WAS HELD TUESDAY, OCTOBER 16, 2018 AT THE BELLE CITY HALL LOCATED AT 104 E. THIRD ST, AT 5 P.M. THE MEETING WAS CALLED BY THE BUILDING COMMISSIONER OF THE CITY OF BELLE MAYOR JOSH SEAVER.**

The hearing was called to order by Seaver, the Pledge of Allegiance was recited.

In attendance:

Building Commissioner/Mayor Josh Seaver

City Attorney Mary Weston

City Clerk Frankie Hicks

Alderwoman Jeanette Struemph

Alderman Ken Stanfield

Building Inspector Chuck Cantrell

Sundi Jo Graham Belle Banner

Durrell Buehrlen Property Owner

**Building Commissioner Josh Seaver –**

The Building located at 309 Highway 28 East Belle, Missouri is owned by Durrell Buehrlen, who currently resides at 1507 W. Parkview Dr, Apt 5, Belle, MO.

Mr. Durrell Buehrlen purchased the building and property located at 309 Highway 28 East, Belle, Missouri, from Eric W. Skouby and Brenda Skouby on the 15th day of November, 2005

On August 22, 2018, Mark A. Buschman, Circuit Clerk and Ex-Officio Recorder for Maries County Missouri, certified the Warranty Deed to the City of Belle showing that Eric W. Skouby and Brenda Skouby sold the building and property located at 309 Highway 29 East, Belle, Missouri to Durrell Buehrlen. The legal description of the property is reflected in the Warranty Deed.

The City of Belle has an active contract with the Meramec Regional Planning Commission for inspection services for the City of Belle.

June, 2018, (latter part of June), the Building Commissioner did a drive by of the property located at 309 Highway 28 East in Belle, Missouri and was concerned about the condition of the property. Pictures were taken of the building. The Building Commission then contacted the Building Inspector and requested an inspection of the building be done.

On July 13, 2018, at the request of the City of Belle, Building Commission the Building Inspector conducted an inspection of the building located at 309 Highway 28 East, Belle, Missouri.

On July 16, 2018, the Building Inspector, Chuck Cantrell, issued a letter to the property owner, Durrell Buehrlen, advising that the property located at 309 Highway 28 East, is in violation of the City of Belle, Dangerous Building Ordinance, Chapter 505, Section 505.020, Section 505.030, and Section 505.040 as he found the structure to be unsafe and unsecured due to the following:

* Roof has missing and collapsed areas allowing water to enter the building.
* Open areas in the rear of the building such as windows.
* Ladder standing against one of the walls in rear which could allow someone to gain access onto the roof.
* Brick mortar joints on the front of the building area cracked and separating, this is causing the upper part of the front wall to be leaning and could possibly collapse.

In the letter of July 16, 2018, issued to Mr. Buehrlen, he was given 30 days to vacate, and repair or demolish the building and clean up the lot or property on which the building is located.

On August 11, 2018, the Building Commissioner had not noticed any repairs being made to the building located at 309 Highway 28 East.

On August 16, 2018, the Building Commissioner notified me the Building Inspector, Chuck Cantrell, that no repairs had been done, nor had the building been demolished.

On August 16, 2018, Durrell Buehrlen spoke with the Building Commissioner about a possible extension to the initial 30-day deadline given under Belle Municipal Code. The need to repair the building or demolish the building as outlined in the letter from the Building Inspector were discussed. Mr. Buehrlen was offered a 60-day extension to either repair the building or demolish the building. He was advised that he would need to sign a Memorandum of Understanding (MOU) with the City of Belle, Building Commissioner and that once the MOU was prepared, he would come back to the Belle City Hall and sign it. The MOU was completed.

On September 17, 2018, at 3:00 p.m., Mr. Buehrlen came to City Hall and stated that he would not sign the MOU as previously discussed. At that point, the Building Commissioner, Josh Seaver, advised Mr. Buehrlen that he would then in fact be proceeding according to the Belle Municipal Code as written.

On October 2, 2018, Mr. Durrell Buehrlen was served by Marshal Joe Turnbough with notice of the public hearing to be held on October 16, 2018, at 5:00 p.m. at the City Council Chambers to discuss the building/property located at 309 Highway 28 East, Belle, MO.

On October 11, 2018, the Building Commissioner received letter from Mark McClane and the Belle Community Betterment Association members that they support the City of Belle in its endeavor to ensure that building structures and housing located in our community are safe and maintained by the property owners. (see attached letter dated October 9, 2018, signed by Mark McClane)

During this public hearing, I have provided information to Mr. Buehrlen, interested parties, and the public about the location of the property which is in violation Chapter 505, and of the information, notices, and events leading up to the date of this public hearing.

In accordance with Chapter 505.080, the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land of records of the Recorder of Deeds of Maries County, Missouri may appear before the Building Commissioner at the public hearing to show cause why the building or structure should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector’s Notice to Mr. Durrell Buehrlen on July 16, 2018.

Mr. Buehrlen what do you have to offer as testimony or evidence in order to allow me to make a decision concerning the property and building located at 309 Highway 28 East in Belle, Missouri? What are your comments in this matter?

**Mr. Durrell Buehrlen’s reply to the question asked –**

When you asked me the first time when I met with you what I planned to do with it, I said repair it and tear part of it down and at the same time you told me I would have time to fix it within so many days and I told you I wouldn’t have time to fix it right now. I talked to Mr. Cantrell, it’s repairable but I just can’t afford it right now. It’s repairable I just don’t have the money to do it. On the front, you have a picture of the front, fake wall that I plan on tearing down, just needs to be torn down. Water has got in behind paint and makes it look really bad. Going to put a new roof on and tear that part off anyway, that’s what I told you the first time I met you.

**Seaver’s reply –**

Do you have anything else to offer or any evidence showing that it is repairable or anything to the contrary?

**Buehrlen’s reply –**

It been there all these years, I have let it go because the last couple of years I haven’t been able to do much. What kind of evidence are you asking do I need to get a contactor to come up with a bid or what?

**Seaver’s reply –**

Yeah that probably wouldn’t hurt, I really don’t know do you have anything supporting the fact that it doesn’t need to be torn down, other than you telling me that I am not a contractor, so I don’t know. You telling me that it doesn’t need to be tore down. **Buehrlen –** well you see it’s been built on like 4 times. Where the windows missing I should have had that repaired a long time ago, that is the original part that’s been added onto. I can’t see tearing down the whole building for one section because three areas are in really good shape just one that I can repair it you give me a time limit; I can get three contractors. **Seaver –** Is that all you got to say. **Buehrlen –** I don’t know what you what me to say, you want evidence I have owned the thing for 20 years and it hasn’t fell in on anybody. I just need time to repair it that’s all.

**Seaver –**

Are there any parties here who believe they have any rights concerning this property? If so, please state your name and what you have to say.

No one present to speak.

Are there any citizens attending this public hearing who wish to be heard at this time? If so, state your name and what you would like to day.

I don’t see anybody.

At this time, I would like to offer into evidence exhibit #1 is the General Warranty Deed, Exhibit #2 Pictures #2, #3, #4, and #5 shows the front and back of the property, Exhibit #6 will be the letter from Building Inspector Mr. Cantrell, exhibit #7 a note that I received, a telephone transcript, per phone conversation with Chuck letter was received by Mr. Buehrlen on 8-11-18 I have not seen any progress being made to resolve this issue on the property nor have we been contacted. Exhibit #8 is our Memorandum of Understanding, Exhibit #9 will be the Notice of this hearing served by Marshal Turnbough to Mr. Buehrlen, exhibit #10 will be the letter from the Belle Community Betterment Association, exhibit #11 will be the sheet that posted on the front door down there regarding the meeting as per our building code. Also take notice of Chapter 500 of the city building code regulations and chapter 505 Dangerous buildings.

My next step, after this public hearing, it to prepare a findings of facts of the evidence offered as to whether or not this building is considered a dangerous building in accordance with Chapter 505.

This public hearing is now concluded.

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Building Commissioner, Josh Seaver

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 City Clerk, Frankie Hicks