THE MINUTES OF THE 1650th MEETING OF THE CITY COUNCIL OF THE CITY OF OVERLAND, MISSOURI, HELD ON FEBRUARY 13, 2023, AT 6:00 P.M.

CALL TO ORDER
Mayor Little called the meeting to order for Executive Session at 5:45 p.m.

ROLL CALL
Ruckman  
Wroblewski  
Furnace  
Jones  
Requejo  
Barnard  
Bennett

EXECUTIVE SESSION
Councilman Wroblewski made a motion to go into Executive Session for the purpose of Personnel, in accordance with RSMo. 610.021(3), and Negotiations with Employee Groups, in accordance with RSMo 610.021(9). Councilwoman Ruckman seconded. The vote was polled as follows: Ruckman — yes; Wroblewski — yes; Furnace — yes; Jones — yes; Requejo — yes; Barnard — yes; and Bennett — yes. Motion carried.

City Council returned from Executive Session at 6:05 p.m.

CALL TO ORDER
Mayor Little called the meeting to order at 6:06 p.m.

ROLL CALL
Ruckman  
Wroblewski  
Furnace  
Jones  
Requejo  
Barnard  
Bennett

PLEDGE OF ALLEGIANCE
REMEMBRANCE OF SERVICEMEMBERS AND FIRST RESPONDERS

COMMUNITY ANNOUNCEMENTS
- Citizen of the Year: John Moyle
- Business Citizen of the Year: Lighthouse for the Blind
- City Clerk Melissa Burton swore in Officer Jordan Lee.

APPROVAL OF MINUTES
January 23, 2023, City Council Meeting
Councilman Wroblewski made a motion to approve the January 23, 2023, Council Meeting minutes as presented. Councilwoman Requejo seconded. The vote was
pollled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

January 23, 2023, City Council Work Session
Councilwoman Requejo made a motion to approve the January 23, 2023, Council Work Session minutes as presented. Councilman Wroblewski seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Jones – yes; Requejo – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

APPROVAL OF BILLS
Councilwoman Requejo made a motion to approve the bills as presented Councilman Bennett seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

REPORT OF THE CITY CLERK

REPORT OF THE CITY ATTORNEY

Resolutions

- R2023-09 – Records Management & Destruction
  Councilwoman Requejo made a motion to approve R2023-09 as presented. Councilwoman Ruckman seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

- R2023-10 – Contract: CitizenObserver, LCC (Tip411)
  Councilman Wroblewski made a motion to withdraw R2023-10. Councilwoman Ruckman seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried. **R2023-10 - WITHDRAWN**

- R2023-11 – National Purchasing Cooperative Interlocal Participation Agreement
  Councilman Wroblewski made a motion to approve R2023-11 as presented. Councilwoman Jones seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

- R2023-12 – Contract: Purchase of Gym Bleachers for Community Center
  Councilwoman Jones made a motion to approve R2023-12 as presented. Councilwoman Ruckman seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.
- **R2023-13 – Contract: NovaChip – Woodson Road and Other City Streets**
  City Administrator McConachie made a correction to the title of R2023-13 indicating NB West completing the Woodson Road project and Pace Construction completing various other streets in Overland.

  Councilwoman Requejo made a motion to approve R2023-13 as amended. Councilman Wroblewski seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

**STAFF REPORT**
Chief Mackey presented the 2022 Officer of the Year Officer Chase Braden.

**RESIDENTS COMMENTS**

**REPORT OF THE CITY COUNCIL**

**REPORT OF THE MAYOR**

**ADJOURNMENT**
There being no further business to discuss Councilwoman Requejo made a motion to adjourn. Councilwoman Ruckman seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

ATTEST:  
MAYOR

CITY CLERK
THE MINUTES OF THE NUISANCE HEARING OF THE CITY COUNCIL OF THE CITY OF OVERLAND HELD ON MONDAY, FEBRUARY 13, 2023, IMMEDIATELY FOLLOWING THE REGULAR MEETING IN THE COUNCIL CHAMBERS AT 9119 LACKLAND ROAD, OVERLAND, MO

CALL TO ORDER
Mayor Little called the Nuisance Hearing to order at 6:30 p.m.

ROLL CALL
Ruckman  
Wroblewski  
Furnace  

Jones  
Requejo  
Barnard  
Bennett

NUISANCE HEARING: 9928 Westwise Court
City Attorney Joe Bond asked City Administrator Jason McConachie and any other person wishing to give testimony appear to be sworn in.

City Clerk Melissa Burton swore in City Administrator Jason McConachie.

City Attorney Joe Bond formally entered the following exhibits into the record:

1. Certified Copy of Section 225.005 Nuisances Affecting Health of the Overland Municipal Code
2. Notice of Hearing – Proof of Publication
3. Letter Report and Supporting Documents – Old Republic Title
4. List of Interested Parties
5. Notice of Nuisance and Abatement Order
6. Photographs of Property as of January 4, 2023
7. Certified Mail Receipts/Green Cards for mailing of Notice of Nuisance and Abatement Order
8. Notice of Hearing Failure to Obey Notice to Abate Public Nuisance
9. Photographs of Property as of January 20, 2023
10. Certified Mail Receipts/Green Cards for mailing of Notice of Hearing Failure to Obey Notice to Abate Public Nuisance
City Attorney Joe Bond gave City Administrator Jason McConachie the floor to review each of the exhibits in the record.

1. Exhibit #1 is a Certified Copy of Section 225.005 – Nuisances Affecting Health of the Overland Municipal Coe. This Code provision describes what conditions on property constitute a nuisance within the City of Overland.

2. Exhibit #2 consists of
   
   - A copy of the Notice of Hearing stating that a hearing will be held before the City Council of the City of Overland, Missouri, on Monday, February 13, 2023, beginning at 6:30 p.m. in the City Council Chambers at Overland City Hall, 9119 Lackland Road, Overland, MO 63114, in order to determine whether the conditions on the property located at 9928 Westwise Court, Overland, Missouri, 63114 [Locator No. 14L420211], constitute a public nuisance, pursuant to Section 225.005 – Nuisances Affecting Health, of the Overland Municipal Court.

   - A copy of the Ad Proof from the St. Louis Countian denoting that the Notice was published on three (3) consecutive days pursuant to the requirements set forth in Section 225.005 – Nuisances Affecting Health, Subsection D.2.

   - A copy of the Notarized Affidavit of Publication for the Notice of Hearing from the St. Louis Countian.

3. Exhibit #3 consists of:

   - A copy of the Letter Report ordered by the City and prepared by Old Republic Title on or about December 22, 2022, the property located at 9928 Westwise Court, Overland, Missouri, 63114 [Locator #14L420211].

   - A copy of the Supporting Documents used by Old Republic Title in preparation of the Letter Report ordered by the City on or about December 22, 2022.

4. Exhibit #4 is a list of the parties that have been identified as having a financial interest in the property located at 9928 Westwise Court based on the information contained in the:

   - Letter Report including the Supporting Documents obtained from Old Republic Title.
• Information obtained from the St. Louis County Assessors Office regarding the payment of real estate taxes for the property located at 9928 Westwise Court.

5. Exhibit #5 is a copy of the Notice of Nuisance and Abatement Order dated January 5, 2023, and issued by the City. Attachments to the Notice of Nuisance and Abatement Order included:

• A copy of Section 225.005 - Nuisances Affecting Health of the Overland Municipal Code

• Five (5) photographs depicting the condition of the property located at 9928 Westwise Court as of January 4, 2023.

Said Notice and Attachments were provided by:

• Certified Mail – Return Receipt Requested

• First Class U.S. Mail

• Posted on the Property

The notice states that:

Pursuant to Chapter 225 of the Municipal Code of the City of Overland (the "City Code") entitled "Nuisances," you are hereby notified that certain conditions on your property at the above-referenced address has been declared to be a public nuisance detrimental to the health, welfare, and safety of the citizens of the City.

More specifically, items including but not limited to; automobile tires, household appliances, household furniture, household electronics (including a television), mattresses, outdoor furniture, multiple trash cans, sections of dead trees, miscellaneous building materials, miscellaneous trash and debris are strewn about the property along with an abandoned/derelict vehicle being parked in the driveway. Such items constitute a violation of the Municipal Code of the City of Overland Section 225.005 - Nuisances Effecting Health.

To remedy these violations, please take the following actions:
• Pick up and dispose of all of the above noted and like items along with the trash and debris from the front, side and rear yards of the property, including the driveway.

• Remove the derelict vehicle from the driveway.

Further, the notice stated that abatement of the above-described nuisances is hereby ordered within ten (10) days from receipt of this Letter. Failure to comply with this Order will force the City to take remedial actions to protect the Citizens of the City and abate the nuisance.

6. Exhibit #6 consists of five (5) photographs depicting the condition of the property located at 9928 Westwise Court as of January 4, 2023. As you can see, there are visible accumulations of rubbish, garbage, junk, and other discarded items strewn about the driveway area and side yard/rear yard of the property. These images depict clear violations of Section 225.005.A.5 and .17 of the City’s Code.

7. Exhibit #7 consists of:

• Chart denoting the name of each Interested Party and the status of the Certified Mail – Return Receipt and First-Class Mailing as of today’s date, February 13, 2023.

• A copy of the Certified Mail and First-Class Mail envelopes returned to the City and marked UTF (Unable to Forward) for the following interested parties:
  • Property Owner
  • Amy Michelle Getzlow
  • Carly M Getzlow,

• A copy of the Certified Mail Receipt, Green Card and “Tracking Report” from the USPS Tracking website for the following interested parties:
  • Title Resources, Inc., (trustee for Shelter Mortgage, Inc.)
  • Shelter Mortgage, Inc. (Chesterfield, Missouri)
  • Lakeview Loan Servicing LLC
  • Rachel M. Getzlow
8. Exhibit #8 is a copy of the Notice of Hearing Failure to Obey Notice to Abate Public Nuisance dated January 23, 2023, and issued by the City.

Attachments to the Notice of Hearing Failure to Obey Notice to Abate Public Nuisance included:

- Four (4) photographs depicting the condition of the property located at 9928 Westwise Court as of January 20, 2023.
- A copy of the Notice of Nuisance and Abatement Order and associated attachments dated January 5, 2023, and previously issued by the City.

Said Notice and Attachments were provided by:

- Certified Mail – Return Receipt Requested
- First-Class U.S. Mail
- Posted on the Property

The notice states that:

More than the time allotted in the First Notice Letter has now passed and the nuisance-like conditions identified in the First Notice Letter have yet to be corrected. Therefore, the City is forced to take corrective action to abate the nuisance conditions pursuant to Chapter 225, "Nuisances."

Therefore, this Second Notice Letter shall serve as official notice that the City will provide you a public hearing on February 13, 2023, at 6:30 PM. The Hearing will be held in the City Council Chambers located in Overland City Hall, 9119 Lackland Road, Overland MO 64113 to determine whether the conditions on the Property constitute a public nuisance, as defined in the City Code, for which abatement will be ordered.

9. Exhibit #9 consists of four (4) photographs depicting the condition of the property located at 9928 Westwise Court as of January 20, 2023. As you can see, there are still the same accumulations of visible rubbish, garbage, junk, and other discarded items strewn about the driveway area and side yard/rear yard of the property that were present in the January 4, 2023, photographs. These images depict clear violations of Section 225.005.A.5 and .17 of the City's Code.
10. Exhibit #10 consists of:

- Chart denoting the name of each Interested Party and the status of the Certified Mail – Return Receipt and First-Class Mailing as of today’s date, February 13, 2023.

- A copy of the Certified Mail and First-Class Mail envelopes returned to the City and marked UTF (Unable to Forward) for the following interested parties:

- A copy of the Certified Mail Receipt, Green Card and “Tracking Report” from the USPS Tracking website for the following interested parties:
  - Title Resources, Inc.
  - Shelter Mortgage, Inc. (WI)
  - Lakeview Loan Servicing LLC (CSC - R.A.)
  - Nationstar Mortgage, LLC (CSC - R.A.)
  - Mr. Cooper

11. Exhibit #11 consists of four (4) photographs depicting the condition of the property at 9928 Westwise Court as of today’s date, February 13, 2023. Again, there are still the same accumulations of visible rubbish, garbage, junk, and other discarded items strewn about the driveway area and the side yard/read yard of the property that were present in the January 4, 2023, and January 20, 2023, photographs. These images depict clear violations of Section 225.005.A.5 and .17 of the City’s Code.

Upon conclusion of the presentation of all Exhibits, Mayor Little opened the floor to the City Council for discussion of the exhibits.

Councilwoman Ruckman asked to see a photograph of the rear yard.

City Administrator McConachie returned to Exhibit #6 which included a photograph of the rear yard as of January 4, 2023. City Administrator McConachie stated the City staff received permission from a neighboring property owner at that time to take the photograph of the back yard. City staff was unable to receive the same permission to obtain a picture of the back yard today, therefore Exhibit #11 contained only photographs of the front of the property.
With no further questions from the City Council, City Attorney Joe Bond stated the City rests its case.

Mayor Little stated the need a motion from the City Council to direct staff to draft findings and conclusions of fact of law to declare the property a nuisance.

Councilman Wroblewski made a motion to direct staff to prepare Findings and Conclusions Of Fact Of Law. Councilwoman Ruckman seconded. The vote was recorded as follows: Ruckman — yes; Wroblewski — yes; Furnace — yes; Jones — yes; Requejo — yes; Barnard — yes; and Bennett — yes. Motion carried.

**ADJOURNMENT**
Councilwoman Requejo made a motion to adjourn. Councilwoman Jones seconded. The vote was recorded as follows: Ruckman — yes; Wroblewski — yes; Furnace — yes; Jones — yes; Requejo — yes; Barnard — yes; and Bennett — yes. Motion carried.