

University Park Board Meeting Minutes

May 14th, 2024, 7:00 at the Clubhouse/Zoom

Universityparkks.org

This meeting was recorded, including both the live and Zoom audiences, for future reference. The link to the Zoom recording is uploaded to our website under University Park Info – 2024 Board Meetings.

Call to Order 7:00 pm: Board Members James Slaymaker, Jo Ann Zahner, Sarah Dahl present

Community present: Sarah Dahl, James Slaymaker, Jo Ann Zahner, Karla Slaymaker, Krista and Ethan Sylvester, John Cassida, Bob and Libby Vathauer, Dave Chizek, Sandra Graham, Tracy Sabo, John Havenstein, Officer Michael Wagenblast, Officer Patrick Tiede

On Zoom: Patrick Siebert, Laurie Brunner, Susan & Don Turner, Paul Weiler, Bryson Funke.

NOTICE: All attendants will need to state their first and last name on the sign-in sheet or have their first and last name displayed on the Zoom meetings. This is for proper recordkeeping of the UP public meetings. If your first and last name is not displayed properly on Zoom, you can provide it in the chat, or speak it aloud at the start of the meeting. If your first and last name have not been recorded by 15 minutes after the start of the meeting, you will be removed from the Zoom. This applies to all future University Park meetings.

NOTICE: Viewer discretion is advised. To adhere to proper record keeping, the audio and visual recordings will stay active throughout all Zoom meetings. The camera, audio and recording features will not be disabled at any future meetings.

Audience Comments

This meeting is being recorded, including both the live and Zoom audiences, for future reference. Please stand and state your name before speaking. Be brief, on target and to the point. Keep comments to under 5 minutes. Be respectful of the Board and other community members. The audience will have the opportunity to take part in discussion of agenda items in the order that they appear on the agenda.

Does the audience have any comments at this time? No comments

Does anyone on zoom have any comments at this time? No comments

Introductions/Announcements/Presentations/Thanks

Thanks to all those who came out for the Firewise workday on April 13th. Over 30 adults and kids turned out to help. We got a lot done and had a great time working together.

Thank you to Don Turner for burning the burn pile for us – it was very helpful.

Welcome new community members at 11312 Rimrock, Ryan & Angela Nye. Stop by and say Hi if you are out and about.

Approval of April meeting minutes and April financial reports. **3-0 approved.**

Any comments from the Board, the community or online? No comments

Old Business

Standing Committee Reports

Boat Ramp – John Cassida said that the boat dock is ready to float, just waiting for the water level to be at a good spot to put the dock in- so it's safe to put it in. Right now, the connection points are under water. Water Level needs to come down around 2' to put it in - also dependent upon the weather. Wanted to also warn the board that we will probably need to budget for replacing the wood in the next 2-4 years. There are quite a few pieces that are starting to rot. We can put the dock in with trucks or tractor – John put new hitches on the dock. Thank you, John, for the work you put into this.

Golf Course – no update from committee lead Jeff Luna.

Welcome Committee – no update from committee lead Don Turner.

Firewise – no update from committee lead Karla Slaymaker except we could use more people on this committee.

Parks & Rec – no update from committee lead Curt Friedrich

Sherman Township – no update from committee lead Tracy Sabo. Next meeting will be in June.

Golf Course Prairie Management – update from committee lead Laura Mendenhall. Laura would like approval to pay Debbie with Hilltop Ag Services \$300 to spray burn pile as soon as possible and the old-world blue stem in June. The \$300 covers both sprayings. **3-0 approved.**

Equipment – no update from committee lead Curt Friedrich. He recently changed the oil in the hustler mower. James warned that if anyone drives the mower there is a slight problem with neutral and the emergency brake. It will be looked at soon.

Fire House Build – James is trying to find out from Riley County where we are at on the firehouse build. Charles and Wilson are working on the title and the contract. John Cassida and Jo Ann Zahner mentioned that it was brought up at our last volunteer fire fighter training. Its confusing why we don't have a contract yet and the building started on. James said that this has been years trying to work through this process – the ball is in Riley County's court, and we've pushed as hard as we can.

Sewer/Lagoon Update -see updates at universityparkks.org

UP Rental Management Contract: still working through details of the contract we received from Randy Taylor/Asset Performance LLC. It will be forwarded to the Board for review and decisions will be made at a future meeting.

Covenant Enforcement: At the February 13, 2024, meeting the Board voted to move forward with enforcement of the Amendment Covenants of Restrictions, June 12, 2001, Item 6, No Livestock shall be kept upon any lot; specifically, the donkey located on Danielle Maple's property at 7213 Mound Ridge Rd. An Executive Session was held on April 26, 2024, UPID Board Members, James Slaymaker Jo Ann Zahner & Sarah Dahl met to discuss progress. A petition was filed with Riley County Court and Danielle Maple was served on May 7, 2024. Maple has 21 days to officially respond (petition and notice of summons attached to these meeting minutes and under quick link tab on website)

No comments from the board, the community or online.

New Business

Blue Valley Middle School Cross Country group has requested to use the golf course for a Meet on October 15th. It is recommended they have porta potties to handle additional people and a police officer on site during meet. It was a very successful cross-country meet last year. Last year there was a potential for an incident with nudity on the day of the event. There was a concern that this could happen again. We feel like it would be a good idea for them to discuss to make sure they have a plan in place to manage in case the situation happens again. We feel we should communicate this with them and let them decide what to do. Approved the meet if they provide porta potties and are made aware of the security concerns.

3-0 approved.

A question was asked if we were looking at having a University Park wide Garage Sale? The last garage sale was 2 years ago – the day was cold and rainy – not the best turnout. If we are going to do a garage sale, we will need someone to coordinate it. Tracy Sabo offered to do a quick online poll about who is interested in having a garage sale and coordinating it. The duties for the person who oversees the garage sale per Kim Luna who ran it two years ago would be: pick the date, put ad in papers and social media, purchase garage sale sign, put together a map. UP will fund the newspaper ad. **3-0 approved.**

At our last UP Board meeting on April 9th the Riley County Police were called due to continued verbal disruptions that prevented the meeting from proceeding in an orderly way. We are waiting on the County Attorney to follow up with the next steps. Will let you know what he says when we hear back from him.

Comment from Bob Vathauer about the clean up going on at Baldwin Creek and several other areas. These clean ups are taking place on property owned by the Army Corp of Engineers by the Corp. It would be great if they looked at the boat dock area and cleaned it up due to the fire hazard.

The picnic is this Saturday at 6:30 – bring a dish and friends!

A motion was made to leave the meeting open to executive session to discuss legal matters concerning Covenant enforcement. **3-0 Approved**

This meeting ended at 7:30 pm

IN THE 21st JUDICIAL DISTRICT
DISTRICT COURT OF RILEY COUNTY, KANSAS

University Park Improvement)
District,

<u>Plaintiff,</u>)	
<u>V</u>)	Case No. <u>RL-2024-CV-000101</u>
<u>Danielle A. Maple,</u>)	
<u>Defendant.</u>)	

Defendant's Name and Address:

Danielle Maple
7213 Mound Ridge Road
Manhattan, KS 66503

Proceeding Pursuant to K.S.A. Chapter 60

SUMMONS

To: Danielle Maple
(Defendant's name)

A civil lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached petition or a motion under K.S.A. 60-212. Under Kansas Supreme Court Rule 113, you may seek from the clerk of the court an extension of up to 14 additional days to serve and to file an answer or a K.S.A. 60-212 motion.

If you fail within 21 days to serve and to file an answer or a K.S.A. 60-212 motion or obtain a Rule 113 extension, the court may enter default judgment against you for the relief

Process Information:

Name Type : DEFENDANT
Agency : RCP1
Court Case Number : 2024CV101
Judge Name :
Date Entered : 05/06/24
Date Receivd : 15:43:00 05/06/24

Disposition : ACT
Court Date : **/**/*
Court Code : RDC
Copies Recieved: 1
Expiration Date: 06/05/24
Date Returned : **/**/*

Assigned Officer :

Location:

SERVICE REQUIREMENTS:

PERSONAL, RESIDENTIAL, TACKING

PAPERS TO SERVE: CIVIL SUMMONS, PETITION

Service Attempts:

Danielle Maple

RILEY COUNTY POLICE DEPARTMENT

I hereby certify that at 1350 hours on the 7th day of May, 2024, I served the foregoing papers listed above to

Danielle Maple (person served) (relationship) at: 7213 Mountain Ridge Mtn K 66503 (place of service)

Personal: by delivering a copy to said defendant/respondent personally.

Residential: by leaving a copy at said defendant's/respondent's usual place of residence with a person of suitable age and discretion residing therein

by delivering a copy to the legally appointed or authorized agent of defendant

Tacking: by leaving a copy at defendant's/ respondent's usual place of residence and on mailing notice of such service to defendant/respondent 1st class mail.

Other (reason):

No Service (reason):

All done in Riley County, State of Kansas by: Jeff # 16
(Process Server-Officer)

Joseph A. Knopp #09419
Knopp, Biggs & Renz P.A.
620 Humboldt
Manhattan, Kansas 66502
Phone: 785-776-9288
Fax: 785-776-5702
E-mail: Joe@KnoppBiggs.com
Attorney for Plaintiff,
University Park Improvement District

IN THE DISTRICT COURT OF RILEY COUNTY, KANSAS

University Park Improvement District)
Plaintiff,)
V,) Case No. RL-2024-CV-
) Division
Danielle A. Maple)
Defendant,)

)

PETITION
(Pursuant to Chapter 60 of Kansas Statutes Annotated)

COMES NOW, the Plaintiff , Plaintiff, University Park Improvement District , by and through its attorney, Joseph A. Knopp and for its cause of action against the Defendant, states and alleges:

PARTIES

1. The Plaintiff is a body corporate and politic organized under the laws of the State of Kansas with the power to sue and be sued. pursuant to KSA 19-2753 er seq. and amendments thereto.
2. The Defendant is a Kansas resident and resides at 7213 Mound Ridge Road, Manhattan, Kansas 66503.

Jurisdiction

3. This court has jurisdiction over the parties and the subject matter of this action.

VENUE

4. Venue for this action is proper in Riley County District Court pursuant to KSA 60-604 because Riley County is the county (I) in which the cause of action arose; and (ii) where the defendant's is residing and (iii) the location of the violation of the restrictions and covenants.

ALLEGATIONS OF FACT

5. The Plaintiff, University Park Improvement District, is a public corporation organized to perform governmental functions.
6. The University Park Improvement District was created by resolution of the Riley County Commission on January 31, 1980.
7. Pursuant to that authority, the Plaintiff adopted *Amended Covenants of Restriction for University Park Improvement District, Riley County, Kansas*. This resolution is filed in the office of the Register of Deeds of Riley County, Kansas on July 1, 2001 in Book 798, Page 1544.
8. Those restrictions (filed in 2001) included the following:
 - a. Paragraph 6. "No livestock or poultry shall be kept on any lot."
 - b. paragraph 15. "Nuisance activities- no noxious or offensive activity shall be carried on within University Park which will constitute a public nuisance."

9. Lots 288, 289, 290 and 291, University Park #1Subdivision, Riley County, State of Kansas are subject to these covenants and resolutions of the Plaintiff.
10. In 2015, the Defendant acquired Lots 289, 290 and 291, University Park #1 Subdivision, Riley County, State of Kansas as evidenced by the deed recorded in the office of the Riley County Register of Deeds in Book 864 at Page 3636.
11. In 2017, the Defendant acquired Lot 288, University Park #1Subdivision, Riley County, State of Kansas as evidenced by the deed recorded in the office of the Riley County Register of Deeds in Book 864 at Page 3636.
12. The Defendant is allowing a donkey to dwell on the property.
13. The defendant has notice of this violation and refuses to remove the livestock i.e. a donkey form the premises.

THEORY OF RECOVERY

14. Allowing a donkey to dwell on Lots 288, 289, 290 and 291, University Park #1Subdivision, Riley County, State of Kansas is a violation of the restrictive covenant which provides, "No livestock or poultry shall be kept on any lot."
15. The noise and smell arising from the donkey dwelling on the property is a nuisance as determined by the Plaintiff acting thought the Board of Directors.
16. Allowing a donkey to dwell on Lots 288, 289, 290 and 291, University Park #1Subdivision, Riley County, State of Kansas is a violation of the restrictive covenant which provides, " no noxious or offensive activity shall be carried on within University Park which will constitute a public nuisance "

Prayer for Relief

Wherefore the Plaintiff, Plaintiff, University Park Improvement District, prays that the court:

- A. Enjoin the defendant from violating The University Park Improvement District *Amended Covenants of Restriction for University Park Improvement District, Riley County, Kansas.* filed in the office of the Register of Deeds of Riley County, Kansas on July 1, 2001 in Book 798, Page 1544, by refraining from allowing a donkey to dwell on the Defendant's property legally described as on Lots 288, 289, 290 and 291, University Park #1 Subdivision, Riley County, State of Kansas
- B. Assess the costs of this action against the defendant; and
- C. Grant the Plaintiff such other relief as is just and equitable.

Respectfully Submitted,

/s/ Joseph A. Knopp
Joseph A. Knopp #09419
Attorney for the Plaintiff