

University Park Board Special Meeting Minutes March 22, 2025
7:00 at the clubhouse and on ZOOM

NOTICE was read: 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 has not been recorded by 5 minutes after the start of the meeting, you will be removed from the Zoom. This meeting is being recorded, including both the live and Zoom audiences, for future reference. Viewer Discretion is advised. To adhere to proper record keeping, the audio and visual recordings will stay active throughout all Zoom meetings. If you are in attendance in person, please put your full name and address on the sign-in sheet.

Meeting Called to Order: Board Members present: Sarah Dahl, Jo Ann Zahner, James Slaymaker

In person at meeting: Karla Slaymaker, Mark and Annie Feldman, Rita and John Cassida, Matthew Schindler, Dave Sommers, Mike Couch, Heather Morgan, Jim Slaymaker, Richard and Katie Biswell, Godon and Tracy Sabo, Gary McCabe, Craig and Tracey Weston, Todd Schmidt, Jim Jackson, John Havenstein, Dave Chizek

On zoom at Meeting: Travis Gilbert, Ethan and Krista Sylvester, Kim and Jeff Luna, Danielle Maple, Sequoia Baker

This was a special meeting dedicated to discussing the covenants. We did not discuss rules on the golf course or any other topics. If you would like to discuss additional items please email the board at universityparkboard@gmail.com and we can add them to the April Board meeting agenda. Those in attendance were told, **If you are not a resident or land owner in University Park you will not be allowed to speak during this discussion because the Covenants only apply to those people.** If you are not a resident or landowner or are unable to attend the meeting but have comments for the board to consider please email universityparkboard@gmail.com.

James said thank you to everyone who has given input through surveys and conversations. First, we need to make sure we all understand what we are discussing. University Park is required to follow the regulations put forth by Riley County through the Land Development Regulations 2022 plus building requirements and other ordinances that are in place. University Park also has covenants which run with the land with the current covenants in place since 2001. In the last 10 years, there have been attempts to update the covenants which were unsuccessful for various reasons. We are here tonight to discuss how we, as a community want to move forward with this process. There will be no final decisions made until the community has had multiple opportunities to give input and the board will vote on a decision at a future UPID Board meeting at or before the June monthly meeting.

Over the years there has been a lot of discussion as to what authority the University Park Board has to enforce the covenants with building codes and mowing requirements being consistently

enforced by the Boards with the support of the county. In addition, there was a recent civil court case which was unsuccessful. We need to be aware of what Riley County policy is, because it's not discretionary and they are going to enforce it rather we want them to or not. We distributed a Word document with the covenants and some of the Riley County policies to aid with our discussion. Please continue this research and share your findings with the community to assist in the process.

Jo Ann Zahner had asked Bob Isaac, Riley County Planning and Development, "Are land owners required to get University Park approval before a building permit is issued?" And his response was:

When someone applies for a building permit for property located in University Park, staff, as a courtesy, encourages applicants to check with the UPID Board to see if there would be any objections to their building plans. Please note that building permit approval through the County is not predicated upon UPID Board approval. If a building proposal meets the County's standards and specifications, we must issue the permit regardless of the UPID Board's determination. Similar to an HOA, enforcement of UPID standards and requirements are privately enforced by the UPID Board. This email indicates to me that Riley County no longer supports our covenant building requirements.

As we see it we have three options and we will discuss each one. During the discussion of the covenants only residents and property owners will be allowed to give input. Please stand and state your full name.—Comments should be less than 3 minutes.

The first option is to Leave Covenants in place - After reviewing the online comments and having conversations with community members it is clear to me that very few community members are interested in keeping the covenants as they are.

Comments: None that pertain to this option.

The second option is to Edit the covenants – making changes is a complicated process. which is one reason it has only been done a few times since 1980. Our goal is to find out what the community wants to do and then we will determine the best path forward.

Comments:

- Matthew Schindler's opinion was that the semantics need to be cleaned up if we keep the covenants.
- Craig Weston asked what has the board been enforcing in the past. James Slaymaker answered that the board has enforced the building permits and mowing requirements through Riley County. If mowing doesn't happen, the Board fills out a county form to get the cost of mowing reimbursed through an assessment on the property owner's taxes.
- Karla Slaymaker reinforced that mowing is supporting the county regulation and has nothing to do with UPID covenants.

- Heather Morgan commented that the county has a duty to enforce the county regulation that concerns mowing and there is a form that we could fill out and then the county does the rest of the work.
- James Slaymaker mentioned that he will go to county attorney about enforcing their documents. If we decide to modify the covenants we may need to consult an attorney to make sure the updates are enforceable.
- Tracy Sabo mentioned that chickens were discussed in previous years from earlier boards to allow them because it is allowed in Manhattan.
- Danielle Maple mentioned that she found nothing in the minutes from 2016 board meetings that said that chickens were allowed in University Park.
- Jo Ann Zahner mentioned that meeting minutes previously may not have been as detailed and the discussion about chickens got inadvertently left off years ago.

The third option is to eliminate the Covenants completely – relying solely on Riley County Policies including Riley County Land Development Regulations, building requirements and other ordinances.

Comments:

- Sarah Dahl said that the covenants were created in the 60's and changed in 2001. She doesn't believe that land covenants can be taken away. Her personal opinion is that no one exists today that can enforce their authority.
- Gordon Sabo responded that when one buys into the community, one buys into the covenants and all should be aware that they exist when buying property here.
- James Slaymaker said that the covenants have been updated and registered with the Riley County Register of Deeds over the years: August 12, 1980, August 8, 1985, Nov 30, 1995, June 12, 2001. James believes that every time that the covenants were updated – that is the one that you live under.
- Tracy Weston shared that they didn't know about the covenants when they bought their property. We discussed that it is due diligence of the real estate firm, typically, to be aware on behalf of their buyers. There have been real estate agents that reach out to The Board for a copy of covenants to provide to their client before purchasing property. It's not logical for it to be part of the "welcome packet" because that is presented *after* buying property, and people should be aware before purchasing.
- Sarah Dahl said if it isn't enforceable why are we spending time and money on.
- Krista Sylvester asked if it isn't enforceable what purpose do the covenants serve.
- It was asked what the survey results were. Jo Ann Zahner read the survey that was sent by email and the results were: would you prefer to leave the covenants as they are (yes – 9, no – 26, blank – 1), would you prefer to modify University Park Covenants (yes – 14, no – 15, blank -2) and the last question was would you prefer to eliminate University Park Covenants and abide by Riley County Land Development Regulations that are enforced by Riley County (yes 21, no-8, 2-blank)

- Karla Slaymaker read off the Facebook survey that was done on the resident's page was leaving the covenants as they are (1), modify the covenants (8) and eliminate the covenants (29).
- Mike Couch mentioned that it was good that we are going to discuss it more because he is trying to make an informed decision. This information is a good preliminary start.
- Jim Jackson had to get permission from UPID before getting a building permit. He was surprised that it changed. He bought a house here because we have covenants. He is concerned about open burning.
- James Slaymaker said his concerns are (1) Building code (2) Mowing (3) Burning. James will find out what the county feels on the burning. We know their answer on the building code.
- Heather Morgan said county people are good at their work, but we need to have a county counselor weigh in with their opinion. She also said that maybe we can ask them to add onto their regulations (this is what they did in Leavenworth)
- Krista Sylvester said there are a lot of other things we could focus our time and money on.
- Jeff Luna said if we don't have the power to enforce covenants then we shouldn't waste time on them.
- Richard Biswell agrees if we don't have the power to enforce covenants, then why have them. He also shared that if it is a red flag day and you see people burning – call the county and the fire department will respond and help educate the resident of the danger.

NOTE: Additional commentary can be found in the Zoom recording.

James said thank you for coming to take part in this important discussion. We will be scheduling another meeting in the middle of April to continue this process. Please take the time to research the items that concern you the most and come to the next meeting with solutions to share how you would like to see them handled. This meeting was a first step to gather information toward solving an issue that has been plaguing board members for a long time. Solving this issue hopefully will encourage good people to run for the board in the future.

Meeting Adjourned at 8:00 pm **Approved 3-0**