

University Park Board Special Meeting Minutes April 19, 2025

7:00 at the clubhouse and on ZOOM

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 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.

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

In person at meeting: Karla Slaymaker, Jim Jackson, Jim Slaymaker, Todd Schmitt, John Cassida, Kim Luna, Jeff Luna

On zoom at Meeting: Curt and Cindy Friedrich

This is a special meeting dedicated to discussing the covenants. We did not send an agenda out – we are going to go over the 21 covenants and will talk about the information we have to date and if anyone has any information to add – we are hoping we can eliminate the items that are already covered under another statute or law or regulation. The outliers will be the ones to discuss if we want to enforce them or are we willing to enforce them and to pay money to enforce them.

The covenants are on our webpage.

Covenant 1

There shall not, at any time hereafter, be erected upon the above-described real estate any building other than a residential dwelling unit or units and accessory buildings for storage of motor vehicles or for engaging in hobby activities. Said, accessory buildings must be located on the lot with or on a lot adjacent to the residential unit for which they are an accessory. Only one principal structure shall ever be constructed on any one lot, although this restriction shall not prevent the construction of a structure on two or more adjoining lots. All structures built as residential units shall be exclusively designed and used as single-family dwellings.

Jo Ann Zahner 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:

On Monday March 17, 2025 9:23 AM Bob Isaac wrote: Good morning, Jo Ann and thank you for

your inquiry. 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. Hope this helps. If you have any questions or need additional information, I suggest contacting the Planning Compliance Specialist Darrin Hobbs. Have a great week! Thanks Bob Isaac.

The email from Bob Isaac dated March 17, 2025, indicates to us that Riley County no longer supports our covenant building requirements.

We believe it applies to Covenant 1,2,3,5,6,7,8.9

Covenant 2

No structure or major improvements shall be commenced or maintained until (1) approved by the Board of Directors of the University Park Improvement District (2) compliance with all Riley County ordinances and regulations, (3) necessary permits have been issued by Riley County, (4) compliance with the provisions of these covenants is approved by the board of Directors of University Park Improvement District.

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Covenant 3

All construction, improvements, alterations, etc., commenced shall be pursued diligently to completion within one year of the starting date. A vacant lot will, in no way, exempt the Lot Owner from minimum utility charges beyond the first year of ownership or maintenance obligations to insure visual quality of the Improvement District from the date of conveyance.

No structure of a temporary character, mobile home, trailer, basement, tent, shack, garage or other out buildings, shall be used on any site at any time as a residence either temporarily or permanently. The Board of Directors of University Park Improvement District may grant in writing a temporary variance during the period of construction to use a temporary structure for the convenience of the building contractor.

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Covenant 4

None of the above-described real estate shall ever be used for business purposes whatsoever. Home occupations may be allowed, but requires approval of the Board of Directors.

Riley County Land Development Regulations pp 157,158,161; for short term rental regulations, pp 178-181. Businesses are covered really well in the RCLDR. To some degree it is allowed. If we have a problem with that are we willing to enforce it.

Covenant 5

All structures built within University Park Improvement District shall be newly erected, permanent buildings. This subsection specifically prohibits housing of a type where at any time the title to the residence is a different document than the title to the real estate upon which the residence is located No trailers, mobile homes or temporary structures shall be allowed or used as a residence. Trailer, for purposes of this article, shall not include boat, car or utility trailers, although none of the above shall be used as a residence. Garages, or buildings designed as garages shall not be used as residences. The intent of this subsection is to limit the building of new structures to what are known in the construction industry parlance as "site built, stick built" homes.

All outbuildings constructed must match or compliment the primary residence in siding, color and design. All outbuildings, including those for which a building permit is not required, must be approved by the Board of Directors of University Park Improvement District prior to construction.

All lots shall be surveyed prior to building thereon.

Variances from the requirements of this subsection may be granted by the Board of Directors of University Park Improvement District upon application to the Board. Said variances may be granted on a case by case basis and are solely within the discretion of the Board.

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Covenant 6

No livestock or poultry shall be kept upon any lot. The keeping, boarding or breeding of dogs, cats or other pets on a commercial basis shall not be permitted within University Park.

It is recognized that pets are important to families living in University Park. It is also recognized that pets can be a source of unpleasantness between neighbors. Therefore to promote harmony in the community and protection for persons and pets, the following restrictions are made:

- a. Dogs and cats shall be required to have rabies protection.
- b. Dogs and cats shall not be allowed to run loose.

Outside pens, kennels, or structures for the keeping of pets shall be esthetically compatible with the overall plan for University Park. They should be placed and built such as to be completely screened from the view of adjacent neighbors as much as possible.

Each residence shall be limited to a total of two (2) dogs and four (4) cats.

All plumbing shall be approved by a licensed plumber before walls are covered.

All electrical wiring shall be approved by a licensed electrician.

The email from Bob Isaac dated March 17, 2025, indicates to us that Riley County no longer supports our covenant building requirements. Pg 162 in RCLDR discusses poultry (6 chickens, no roosters). We did not find anything on dogs and cats in the document.

Covenant 7

The size of a residential dwelling shall be a minimum of 1,000 square feet. Plans must be submitted to the Board of Directors for approval. Said plans shall include: (1) a site plan indicating property lines, location of proposed structure and/or site improvements, and relationship to ground line, (2) floor plan(s) indicating wall lines, room use, window and door locations, and overall structure dimensions.

The Board of Directors shall provide written approval/rejection of the plans and specifications submitted within 31 days after receipt. Should the Board reject a plan or request for changes and the plans are resubmitted, the Board shall have 31 days upon which to act on the resubmitted plans. Approval or rejection of said plans or specifications shall be made in an open meeting of the Board of Directors of University Park Improvement District.

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Covenant 8

No residential structure shall be of more than two stories (not counting a basement).

The foundation shall not be more than 18 inches above the highest grade line of the lot. Exteriors of all houses must be completed within twelve (12) months after ground breaking.

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Covenant 9

All structures must have a 25 foot set back from any street or roadway.

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Covenant 10

Garbage - All lot owners must make proper arrangements for the disposal of garbage and trash. This applies to the owner living at his residence, or renting to others. Refuse collection is available. Trash cans stored near the street shall be screened from public view. Burning of trash or any other material in an open fire is prohibited.

Need more information on this through the RC regulations.

Covenant 11

Mowing - Lot owners shall be responsible for mowing grass and weeds to prevent the spread of noxious weeds and prevent fire danger. Lot owners not in compliance will be sent a written notice to mow by the Board of Directors. If not taken care of, the Board will contract for mowing and the fee therefor plus administrative costs will be added into the lot owners real estate taxes.

Per RC regulations keep grass under 12" on undeveloped lots per RC Resolution 12706-70. James will continue to look for better documentation.

Covenant 12

Motor vehicles shall remain on existing roadways. Motor Bikes and off-road vehicles shall be restricted to existing roadways.

Note: Golf course rules are separate than county or township road. There is signage on the golf course. Existing roadways are either owned by the county or township.

Covenant 13

Unlicensed and inoperable or abandoned vehicles shall not remain visible in excess of 14 days (per A-I Riley County Zoning Regulations) without being placed in a garage or screened on all sides. Violators can be prosecuted by Riley County. All lot owners shall provide off-street parking for their vehicles.

This is in the Riley County Zoning Regulations. This rule is enforceable. If you have a problem with your neighbor – ask them to take care of their vehicles and if no action contact the county. This is not for the board to enforce – it is for the neighbor to call and ask the county to enforce.

Covenant 14

Where township, county, or state regulations, codes, ordinances, or laws are applicable and more restrictive than these covenants and restrictions, they shall supercede the provisions herein.

Covenant 15

Nuisance Activities - No noxious or offensive activity shall be carried on within University Park which will constitute a public nuisance. No property shall be used as a dumping ground for refuse, trash, garbage, debris or other waste, with ail (sic) properties to be maintained in a sanitary condition.

Covers a lot out here – we need someone to help research what is considered a nuisance. Is there a written document from the police?

Covenant 16

Burning - Outdoor burning of any kind shall be prohibited within University Park, except in that location designated by the Improvement District and under their supervision.

James Slaymaker is waiting to hear from the fire chief. For burning you have to call and get a permit – what is the mechanism to enforce it? We have a burn pile – but what does this mean at your house or if you have a fire pit.

Covenant 17

Firearms No discharging of firearms shall be allowed within University Park Improvement District.

This may be a state issue and not a county issue. Police department may have this answer – is it a distance thing. We are an unincorporated improvement district. Todd Schmidt is going to continue to research this.

Covenant 18

Civilian aircraft of any type shall be prohibited within University Park. This subsection does not prohibit emergency aircraft or emergency landings by civilian aircraft.

Need more information on this. Jo Ann Zahner is going to research this.

Covenant 19

Enforcement of these covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant. Said legal action shall be to restrain violation or to recover damages. Violators shall be responsible for all administrative fees incurred for enforcement of these covenants. Said fees shall, at the discretion of the Board of Directors, be forwarded to the Riley County Clerk and taxed against the real estate.

Covenant 20

Invalidation of any one of these covenants by judgment or Court Order shall in no way affect any of the other provisions which remain in full force and effect.

Covenant 21

The above covenants shall be deemed and taken to be covenants running with the land, and shall be binding upon all the lots in said University Park Improvement District until same are changed or eliminated.

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

Thank you for coming to take part in this important discussion. We will be scheduling another meeting in May 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 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 8:22 pm **Approved 3-0**