

CITY OF SEVERY, KANSAS

MINUTES OF SPECIAL MEETING AND RECORD OF PUBLIC HEARING

AUGUST 21, 2023 AT CITY HALL

Present: Mayor Donna Wiss, Council Members Lyle Riggs, Rodger Kraft, Ron Robert, Kevin Klepper, Clerk Tessa Riggs, City Attorney Alleen VanBebber (via zoom); William A. Wunderlich and Sue L. Wunderlich, parties to the hearing.

Absent: Council President Marc Warren

Guest: Robin Wunderlich

Mayor Wiss called the Special Meeting to order at 7:15 p.m. The Pledge of Allegiance was recited, and roll was called.

The Special Meeting was held for the purpose of conducting a Public Hearing that concerned Resolution No. 2023-6, which found that conditions at 302 North Kansas Avenue constitute a public nuisance in violation of Ordinance 431. The Wunderlichs, as the owners of the property, were served with that Resolution and Order of Violation and timely requested a hearing before the Council.

The hearing was conducted by Councilman Robert, serving as Council President, *pro tem*. City Attorney VanBebber pointed out that this is the second resolution finding such a violation, and that the Wunderlichs had been given a hearing before the Council on the prior Resolution. Two extensions of time to remove or abate the nuisance have run, but no progress has been shown. After being served with Resolution No. 2023-6 and the Order of Violation, the Wunderlichs requested and were granted this second hearing.

Sue Wunderlich acknowledged notification that the City has retained an independent contractor to remove the items in violation of Ordinance 431. William Wunderlich acknowledged that he knows the costs of the cleanup will be charged against the owners.

Neither of the Wunderlichs denied that conditions on this property violate the Ordinance, and they testified that they own the property but do not own the items that make up the violation. The Wunderlichs said that the violating items are the property of their tenant, as far as they know.

Sue Wunderlich said that they have given the tenant a notice of eviction. They have spoken with an attorney and been advised that they, as the owners, may not remove the tenant's items until the time allowed in their notice of eviction has run. The date of eviction is September 15, 2023.

The Wunderlichs requested an opportunity to clean up the property at their own expense, beginning on September 16, 2023. The Council recessed to deliberate and then resumed the hearing. The decision was to allow the Wunderlichs to have until September 22, 2023, to remove or abate the nuisance conditions. If the violation is not removed or abated after September 22, 2023, the City will proceed without further notice to remove or abate the violation and charge the costs to the owners.

The Wunderlichs agreed to sign a written notarized contract prepared by the City Attorney, setting out the agreed terms for an extension of time, as presented in the hearing.

Klepper moved to adjourn the hearing and meeting. Riggs 2nd. Motion passed 4-0.