

**MINUTES OF THE PUBLIC HEARING AND SPECIAL MEETING
OF THE CITY COUNCIL
CITY OF MISSION HILLS, KANSAS**

April 1, 2022

The City Council of the City of Mission Hills, Kansas held a public hearing on April 1, 2022 at 12:00 p.m.

PRESIDING: Mayor David W. Dickey (via phone)

PRESENT: Councilpersons Bill Bruning, Braden Perry (via phone), Eden Thorne (via phone), and Andy Weed (via phone)

ABSENT: Barbara Nelson

ALSO PRESENT: Jennifer Lee, City Administrator; Meghan Woolbright, City Clerk; Anna Krstulic, City Attorney; Jesse Kirk, City Arborist

VISITORS: Tarak Devkota, 2517 W. 68th Street

Mayor Dickey called the public hearing to order to discuss if 2517 W. 68th Street should be ordered repaired or demolished pursuant to K.S.A. 12-1750 et seq. and Section 5-301 et seq. of the City Code at 12:05 p.m. Ms. Lee referred to the staff timeline that provided a history of the ongoing nuisances and maintenance issues at 2517 W. 68th Street that started in December 2020 with the most recent and outstanding nuisance issue in February 2022. She noted that the Architectural Review Board (ARB) had approved a whole house remodel for this address at the February 15, 2022 meeting. Ms. Lee noted the next step towards issuing a permit is the submission of construction drawings for the building inspector to review. At this time construction drawings have yet to be submitted for this project. Ms. Lee added there is a remaining balance due to the City for the fees to remedy nuisance issues at this property. Ms. Lee stated that draft Resolution No. 2022-K had been prepared for Council's consideration following the public hearing.

Mr. Devkota requested an opportunity to review the draft Resolution No. 2022-K prior to further Council discussion. Ms. Lee stated that the draft Resolution No. 2022-K is for the Council's consideration and Mr. Devkota was provided an opportunity to review the draft. Ms. Krstulic stated that the specific violations against 2517 W. 68th Street and reason for the public hearing is the structure does not meet the minimum building standards due to the fact that there is no water service at the property. Mayor Dickey asked if the Council had any questions or comments. Councilperson Bruning noted he attended the February 15, 2022 ARB meeting as the Council liaison and was very impressed by Mr. Devkota's proposal, but noted a lack of confidence that action would be taken based on the history of ongoing nuisances and maintenance issues. He continued that the Council is being proactive in this public hearing and noted the Council is

managing another vacant property issue where similarly the minimum building standards were not met and overtime the property became a nuisance to the neighborhood and danger to children playing. Councilperson Bruning stated that prior to taking any action today, he would require a timeline for proceeding with the ARB approved project and assurances that the timeline would be kept and there would be responsive communication between the property owner and City.

Mr. Devkota responded that he believes there has been a mischaracterization of the facts and he has informally been in contact with City Hall trying to understand the violations. He asked that the record reflect the violations at his property including nuisance lawn maintenance, a recreational vehicle on property exceeding the allowed timeframe, porch disrepair, dangerous limb removals, fence disrepair, and water utility shut-off. He opined that these violations did not pose dangerous conditions for children and the structure was habitable when purchased. Mr. Devkota stated that prior resident did not have a history of structural complaints and the building itself is in the same condition in which he purchased it, so he fails to understand the City's position on the matter. He noted that the current supply chain issues for construction materials and the increased demand for constructors has made it difficult for him to proceed with the renovation of this property. Mr. Devkota added that he has the finances to proceed with the ARB approved project. He noted the construction drawings were delayed but are now being prepared. Mr. Devkota stated he and the City started off on the wrong foot and that he is pained that the City's minutes reflect his property as a repeat nuisance offender. He noted his in-person attendance to the public hearing was to demonstrate his commitment to being a part of this community and his desire to raise his family in this neighborhood. Mr. Devkota apologized for the current status of the matter and added he attempted to pay for the nuisance abatement directly prior to the public hearing and would pay them without contest. He noted he selected to turn off the water system and winterize the pipes because the property was unoccupied and vacant in cold weather. Mr. Devkota suggested setting a date by which the building permit at his property be issued as a remediation step and signal of confidence to the Council.

Mayor Dickey thanked Mr. Devkota for attending the public hearing in person, which demonstrates commitment to addressing the matter, and his testimony. He noted that the challenge for the Council is there have been examples in the past where residents or potential residents have promised to remediate issues, yet they remain for years to the detriment of the neighboring residents. Mayor Dickey stated the Council is seeking to balance this current matter and previous experiences in the City in a way that is fair to all parties.

Ms. Krstulic clarified that the purpose of this public hearing is not to address any of the outstanding nuisance items, but to address the minimum building standards, which is a different section of Code. She noted in recognition of the fact that Mr. Devkota intends to begin a project, the draft Resolution No. 2022-K proposes two alternatives, either the water supply is required to be turned on and property is compliance with the minimum standards or purchase the building permit for the proposed renovation within a timeframe determined by the Council. Mr. Devkota opined a reasonable timeframe to purchase the building permit, as determined by the Council,

would benefit the progression of his project. Mayor Dickey asked Mr. Devkota what a reasonable timeframe would be for the Council to set. Mr. Devkota noted his discussions with the architect and replied that construction drawings could be provided in 21 to 30 days and the building permit would then be purchased immediately upon City approval. He added that while materials are on order, the demolition of the interior could be completed within 30 days of the building permit being issued. Councilperson Bruning noted the proposed timeframe and suggested the building permit could be purchased in advance of the May 9, 2022 Council meeting. Ms. Lee noted for instance that if the construction drawings were received by April 22nd or April 29th the City Inspector could review the drawings in two to three business days and determine whether additional information is required. She noted that generally staff allows for two weeks for construction drawing review, but in this matter the review timeframe would be expedited. Mayor Dickey agreed with Councilperson Bruning and suggested the last day of the timeframe to purchase the building permit be May 9, 2022 so that if necessary the Council could take additional action at the May meeting. Mr. Devkota noted the construction drawing review process and if there should be concern of delay. Ms. Lee replied this is typically a standardized process with the City Architect reviewing that the drawings match the ARB approval and the City Inspector reviewing for Code compliance.

Councilperson Bruning noted he has been contacted by more than one resident in this neighborhood that there is concern about property maintenance and asked if the yard would be maintained as an occupied residence. Mr. Devkota replied yes. Councilperson Bruning asked if moving forward if Mr. Devkota would be more responsive to City communications. Mr. Devkota replied that mailed communication issues have been resolved and he will be responsive with phone communications with staff. Councilperson Bruning asked if Mr. Devkota would be responsive and address any property issues presented to him moving forward. He stated he could engage a lawn care company to ensure that the property was maintained. He added during construction the property will be more difficult to maintain. Mayor Dickey agreed and noted that the neighborhood will be more understanding during the construction process because progress is being made.

Mayor Dickey asked if there was a motion. Councilperson Bruning moved to approve Resolution No. 2022-K and that the owner complete necessary improvements to meet the Minimum Standards or obtain a building permit on or before May 9, 2022. Councilperson Thorne seconded. **Approved 4-0.**

ADJOURNMENT

Meeting adjourned at 12:32 p.m.

/s/ Meghan Woolbright, City Clerk