



CODE SERVICES

a division of the

MANHATTAN FIRE DEPARTMENT

Scott French, Director of Fire Services • Brad Claussen, Building Official

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Housing Appeals Board Minutes

HEARING DATE: June 14th, 2017

LOCATION: 1500 McCain Lane

MEMBERS PRESENT: Bill Muir, Regina Schroeder, Allyn Weddle

STAFF PRESENT: Rick Berry - Sr. Code/Zoning Officer, Brad Claussen – Building Official

OWNERS/AGENTS PRESENT: Randall Baughman – Owner, Dan McCulley - Attorney

The meeting was called to order at 9:55 AM by Chairman Muir. Members were asked to review the minutes from the May 10th, 2017 meeting and they were then approved by a 3-0 vote.

Chairman Muir asked Berry to summarize today's appeal item. It was explained that the retaining wall was inspected and noted as failing and in need of replacement and that Mr. Baughman has requested a variance from the obligation to comply with the minimum standard as set forth in the code.

Mr. Baughman then presented a packet of documents to the board and discussed prior notices and HAB actions from 2014 to present. Mr. Baughman stated he has an engineering document (June 2016) that states the wall has or is failing but did not submit this document to the board. Mr. Baughman took board members along the upper wall area and discussed how he felt that the water runoff from Chi Omega was being directed onto his property, causing damage to the retaining wall on his property. Mr. Baughman also stated that he felt the city should have cited Chi Omega for the water runoff issue onto his property and what he felt caused damage to the retaining wall. Mr. Baughman referred back on numerous occasions to HAB documents and actions from October of 2016.

Mr. McCulley then stated that the previous notices had been dismissed by the City Attorney. Chairman Muir asked for a city response. Building Official Claussen stated that it was the City's position that the wall is failing, it is on Mr. Baughman's property and needs to be replaced. Also,

that per legal advice from the City Attorney, the water runoff issue was a civil matter to be handled by the court system.

Mr. McCulley then summarized the current status of their civil suit against Chi Omega. He stated they have a hearing July 6th and mediation July 19th. Mr. Baughman then stated the cost estimate to replace the wall was in excess of \$158,000.

Board members held general discussion relating to safety fencing and possible time extensions until the civil suit is resolved. Board members and Mr. Baughman referred back to the October appeal and other documents. Berry reminded board members that the October appeal did not have bearing on this appeal and that the wording on the appeal documents was not the same. Mr. Baughman then alluded that Berry gave him the wording on the current appeal. Berry stated that he gave Mr. Baughman the appeal document to complete and the violation notice. He stated that Mr. Baughman completed and signed the document on his own.

After additional general discussion, Chairman Muir explained the purpose and responsibility of the Housing Appeals Board. Regina Schroeder made a motion to table the appeal and it failed for a lack of a second. Allyn Weddle then made a motion to table the appeal for no longer than 6 months from today, (December 11th, 2017). Chairman Muir seconded and the motion passed 3-0.

Respectfully Submitted,

Rick Berry - Board Secretary