



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
June 25, 2020

Department Safety & Code Enforcement

Director Approval *David Cowan*

AGENDA ITEM Consider a resolution authorizing the abatement of unhealthy and unsafe exterior conditions 225 S. 16th Street.

SUMMARY RECOMMENDATION City Staff recommends the Commission approve the Resolution to abate 225 So. 16th.

BACKGROUND Code Enforcement Officer Erin Musgrove has been attempting to resolve a nuisance issue at 225 So. 16th. Since December 2019, Erin has made multiple attempts to have the owner abate the nuisance, including three violation notices and one summons to court. The resident failed to appear for the court hearing, but due to COVID-19, court sessions were discontinued. Continued efforts by Erin were ignored, and the nuisance pile has continued to grow. City Staff is receiving daily calls from the neighbors related to the nuisance and the hazards for the neighborhood. The resident has been cited into court, but the court appearance is now scheduled for August 2020, due to the court backlog. City Staff is asking the Commission to approve the Resolution giving us the authority to abate this nuisance in 20 days.

BUDGET IMPACT The budget impact would be the abatement of this nuisance that would be assessed to the property owner.

SUGGESTED MOTION I move to adopt a resolution authorizing abatement of unhealthy and unsafe exterior conditions at 225 South 16th Street.

SUPPORTING DOCUMENTS

1. Resolution
2. Consent to Abate
3. Court Filings and Notices
4. Pictures

RESOLUTION NO. 2020-_____

**A Resolution Authorizing Abatement of Unhealthy
and Unsafe Exterior Conditions at 225 South 16th**

Whereas, Amber R. True, owns the following described real estate located at 225 South 16th, Independence, Kansas:

Lot 66, Glenwood Addition to the City of Independence,
Montgomery County, Kansas

And Whereas, the City's Code Enforcement Officer has determined that the exterior condition of the property at 225 South 16th is in violation of City Code 42-66 due to the accumulation of debris, junk, abandoned motor vehicle parts, and appliances in the yard.

And Whereas, Amber R. True has been cited for violating City Code 42-66 on three occasions, to-wit: December 3, 2019, April 7, 2020, and most recently on May 11, 2020.

And Whereas, on all occasions, Amber R. True was given 15 days' notice to alleviate the exterior condition as required by City Code 42-67.

And Whereas, Amber R. True was issued a citation to appear in Municipal Court on March 6, 2020, failed to appear, and her new Court date is not scheduled until August, 2020.

And Whereas, Amber R. True has taken no action to alleviate the condition of the exterior of the property at 225 South 16th.

And Whereas, due to the continuing complaints from surrounding neighbors, the Code Enforcement Officer is requesting authority to proceed with abatement pursuant to City Code 42-69.

BE IT RESOLVED by the Governing Body of the City of Independence, Kansas:

Section 1. Amber R. True has been cited with violating City Code 42-66 on three separate occasions, has been issued the required notice on three separate occasions, and has failed to alleviate the exterior conditions of the yard at 225 South 16th, Independence, Kansas.

Section 2. The Code Enforcement Officer or other agents of the City are hereby authorized to abate the exterior conditions at 225 South 16th, Independence, Kansas, pursuant to City Code 42-69 and to have the costs of abatement assessed against the property pursuant to City Code 42-73.

Adopted by the Governing Body of the City of Independence, Kansas, on the 25th day of June, 2020.

LEONHARD CAFLISCH, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk

**CONSENT TO ABATEMENT
OF EXTERIOR YARD CONDITIONS
WHICH ARE UNHEALTHY AND UNSAFE**

COMES NOW, Amber R. True, and agrees to the following:

1. Amber R. True is the owner and occupant of the following described real estate:

Lot 66, Glenwood Addition to the City of Independence, Montgomery County, Kansas (commonly known as 225 South 16th, Independence, Kansas)

2. Amber R. True has been issued three separate notices for violation of City Code 42-66 concerning the exterior condition of the yard at 225 South 16th on December 3, 2019, April 7, 2020, and May 11, 2020.

3. Amber R. True hereby consents to abatement of the exterior condition of the yard at 225 South 16th which will entail removal of all unhealthy and unsafe trash, debris, abandoned motor vehicle parts, appliances and other rubbish located thereon which are in violation of City Code 42-66.

4. Amber R. True acknowledges and understands that she will be contacted prior to the abatement process and that she will remove from the exterior yard of 225 South 16th any property which she feels is valuable and which she wishes to retain, and further that any property left in the yard at 225 South 16th may be presumed by the City, its agents and employees, to be rubbish and debris in violation of City Code 42-66 and subject to abatement by the City.

5. Amber R. True hereby waives any and all claims of liability for injury and/or damages against the City, its agents and employees, arising from abatement of the

exterior condition of her yard, and agrees to indemnify and hold harmless the City, its agents and employees from the same.

6. Amber R. True understands that the cost of abatement may be assessed by the City against her as owner of the property in the same manner as taxes are assessed against property.

7. Amber R. True acknowledges that she has the right to seek the advice of independent counsel and has executed this consent knowingly and voluntarily.

DATE

AMBER R. TRUE

DATE

WITNESS SIGNATURE
Printed Name: _____

IN THE MUNICIPAL COURT OF INDEPENDENCE, KANSAS

CITY OF INDEPENDENCE

PLAINTIFF

VS.

No. _____

Amber True & Alex Wilson

Defendant

COMPLAINT

Environmental Code Violation

The undersigned complains that on or about the **8th** day of **June, 2020**, in the City of Independence, County of Montgomery, and State of Kansas, at **225 S 16th St** one **Amber True & Alex Wilson** did then and there unlawfully allow to exist, on any; residential, commercial or industrial premises, conditions which are detrimental to adjoining property, the neighborhood or the City of Independence, to wit:

Article III Property Maintenance Standards, Sec 46-66 (1) c. Personal property on porch, driveway, at curb, and in yard, complaint of articles of property being on neighbor's property. Pictures attached. This has escalated to it being a danger to the children in the home and an attractive nuisance to other children.

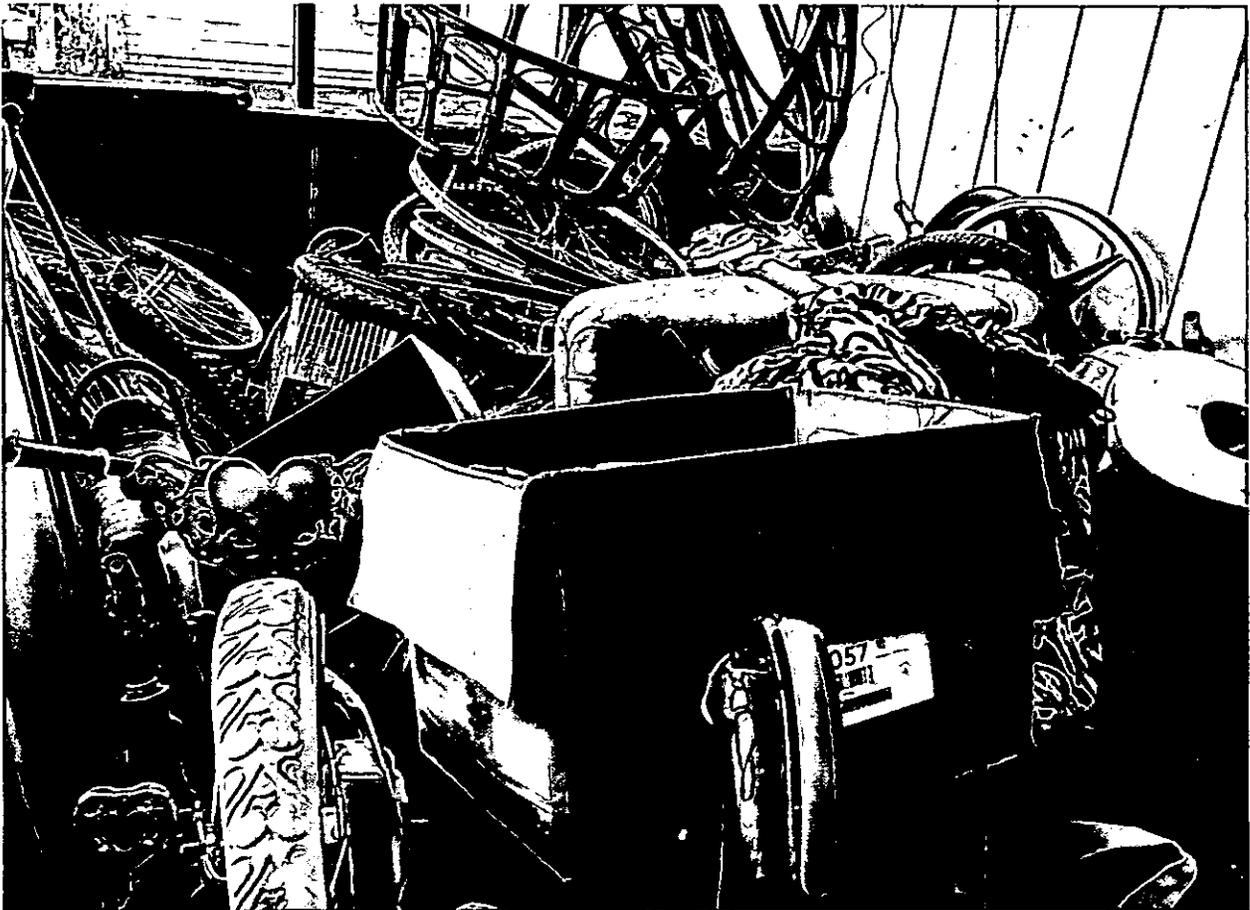
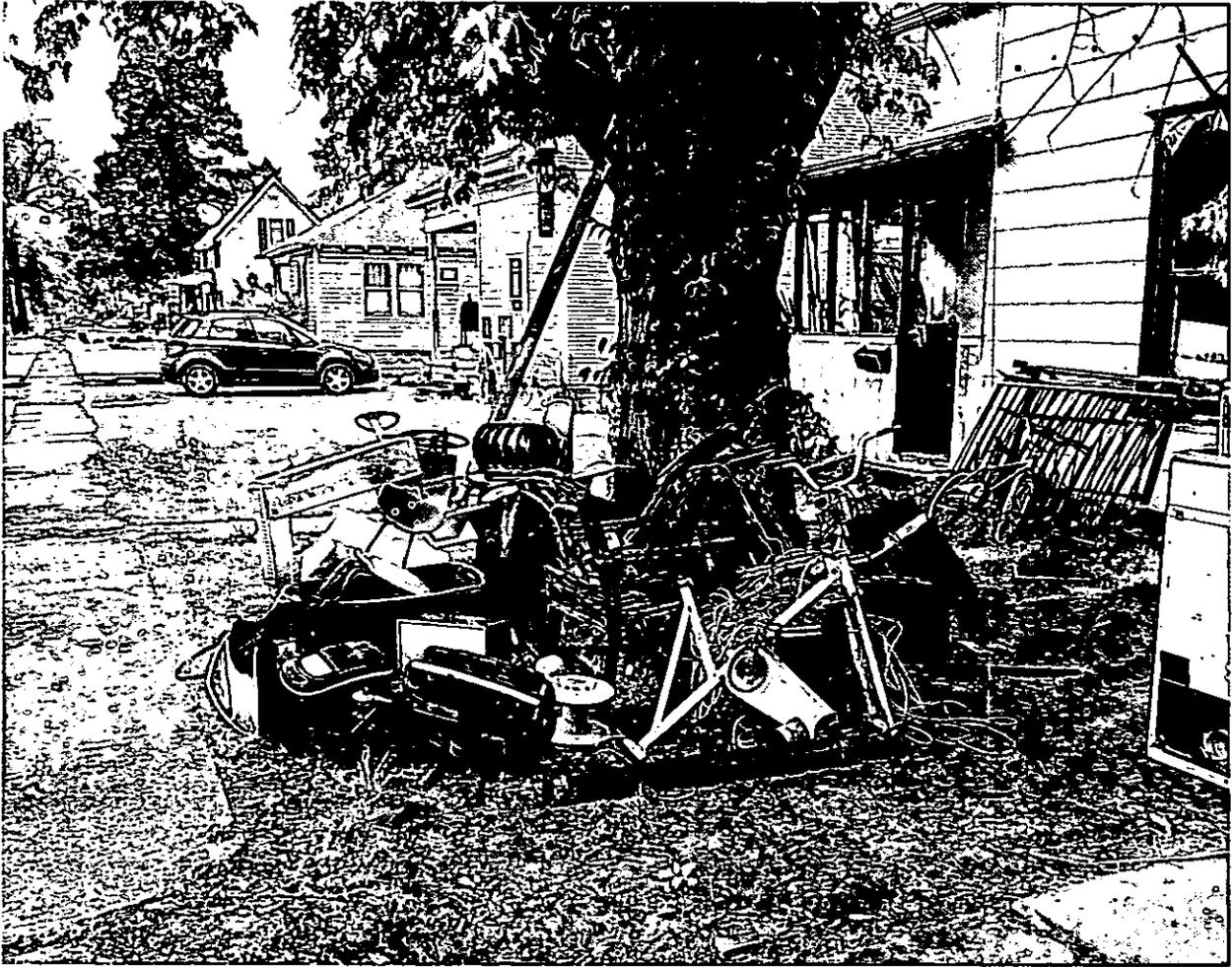
City of Independence, Kansas VS. Amber True & Alex Wilson

Erin Musgrove, Code Enforcement

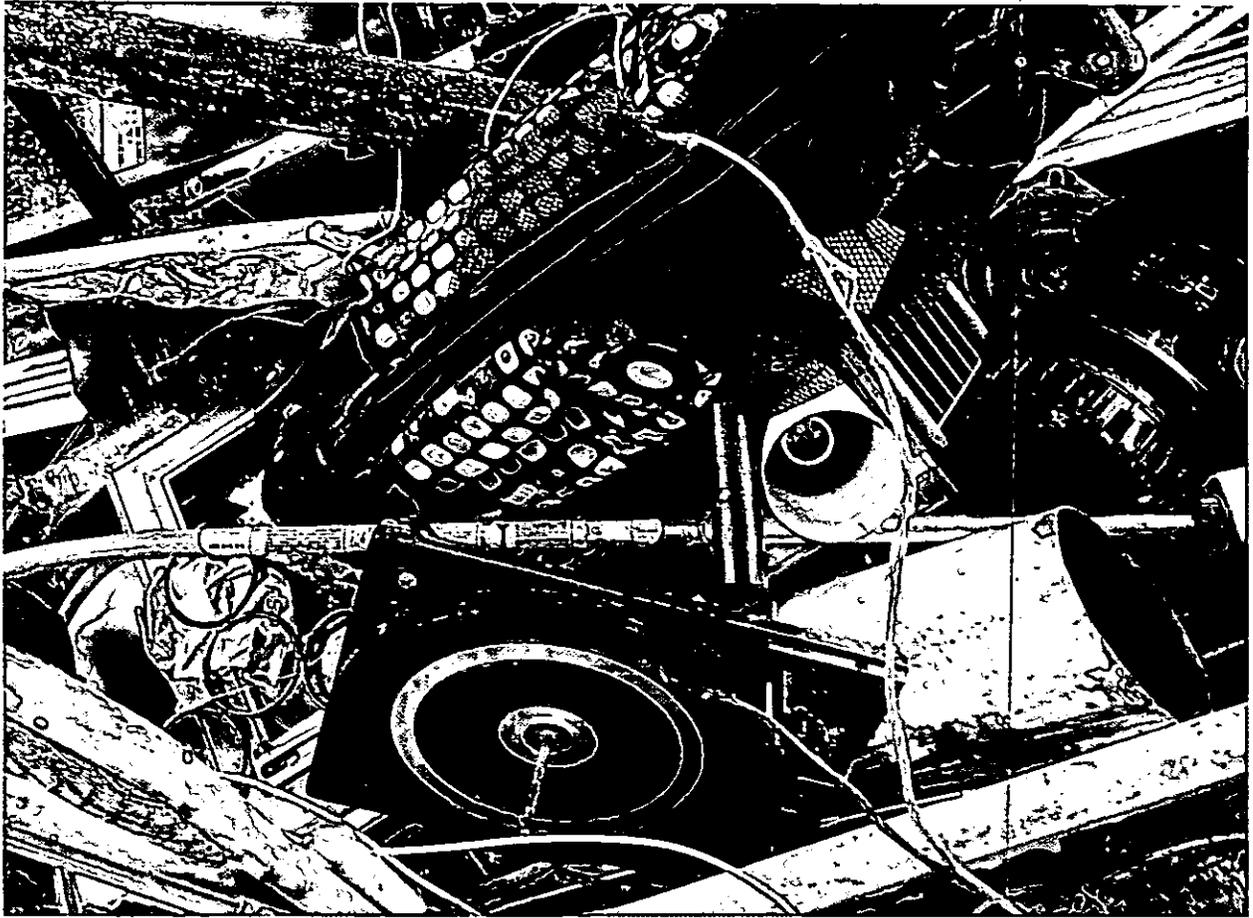
COMPLAINANT

Sworn before me, this _____ day of _____, 20__

Notary Public











Notice of Violation

State of Kansas
County of Montgomery
City of Independence

You are hereby notified that on the 11 day of May, 2020 at 09:57 (p.m. - a.m.) The undersigned Public Officer conducted an inspection of the following property:

Property Owner: Amber True, Alex Wilson. David Wilson
Legal Description:
Owner Address: 225 N 16th INDEPENDENCE KS
Violation Address: 225 S 16th

Said property is in violation of Sec. 42-66 of the Code of the City of Independence, Kansas:

- Subsection (1)(a) [checked]
Subsection (1)(b) []
Subsection (1)(c) [checked]
Subsection (2)(a) [checked]
Subsection (2)(b) []
Subsection (2)(c) []

Said property is in violation of Sec. 42-185 - Nuisance Code of the City of Independence, Kansas:

- Grass, weeds or other obnoxious vegetation more than 12" []

Description of Violation: Remove all property on driveway and beside garage and on front porch. You cannot run a salvage business from this residence. It has to be a clean safe place for children to play with no hazzards. Recheck Friday

ALLEVIATION OF VIOLATION

- You are hereby given ten (10) days from the receipt of notification or mailing to alleviate the violation. []
You are hereby given fifteen (15) days from the receipt of notification or mailing to alleviate the violation. []
You are hereby given forty-five (45) days from the receipt of notification or mailing to alleviate the violation. []

You are further notified that you may request a hearing before the governing body concerning this matter. Said request must be made within fifteen (15) days of the receipt of notification of violation or the mailing of said notification.

FAILURE TO ALLEVIATE

Failure to alleviate said violation or request said hearing may result in your prosecution as provided for in Sec. 42-68 and/or the abatement of the condition by the City as provided for by Sec 42-69, with the cost of said abatement being assessed against you as provided for in Sec 42-73.

I hereby certify that a true and correct copy of the above notice of violation was (personally served) or (sent by certified mail) to: Amber True, Alex Wilson. David Wilson on the 11 day of May at 9:57:35 AM (p.m. - a.m.) to said person.

Signature of Public Officer Date 5/11/2020



Notice of Violation

State of Kansas
County of Montgomery
City of Independence

You are hereby notified that on the 13 day of Sep, 2019 at 04:36 (p.m. - a.m.) The undersigned Public Officer conducted an inspection of the following property:

Property Owner: TRUE, AMBER
Legal Description:
Owner Address: 225 S 16TH INDEPENDENCE KS
Violation Address: 229 S 16th

Said property is in violation of Sec. 42-66 of the Code of the City of Independence, Kansas:

- Subsection (1)(a)
Subsection (1)(b)
Subsection (1)(c)
Subsection (2)(a)
Subsection (2)(b)
Subsection (2)(c)

Said property is in violation of Sec. 42-185 - Nuisance Code of the City of Independence, Kansas:

- Grass, weeds or other obnoxious vegetation more than 12"

Description of Violation: The camper electric cannot be hooked up to your residence. No one is allowed to stay in a camper in a yard in the city limits of INDEPENDENCE.

ALLEVIATION OF VIOLATION

- You are hereby given ten (10) days from the receipt of notification or mailing to alleviate the violation.
You are hereby given fifteen (15) days from the receipt of notification or mailing to alleviate the violation.
You are hereby given forty-five (45) days from the receipt of notification or mailing to alleviate the violation.

You are further notified that you may request a hearing before the governing body concerning this matter. Said request must be made within fifteen (15) days of the receipt of notification of violation or the mailing of said notification.

FAILURE TO ALLEVIATE

Failure to alleviate said violation or request said hearing may result in your prosecution as provided for in Sec. 42-68 and/or the abatement of the condition by the City as provided for by Sec 42-69, with the cost of said abatement being assessed against you as provided for in Sec 42-73.

I hereby certify that a true and correct copy of the above notice of violation was (personally served) or (sent by certified mail) to: TRUE, AMBER on the 13 day of Sep at 4:36:09 PM (p.m. - a.m.) to said person.

Signature of Public Officer Date 9/13/2019



Notice of Violation

State of Kansas
County of Montgomery
City of Independence

You are hereby notified that on the 16 day of Sep, 2019 at 04:12 (p.m. - a.m.) The undersigned Public Officer conducted an inspection of the following property:

Property Owner: "AMBER TRUE"
Legal Description:
Owner Address: 225 S 16TH INDEPENDENCE KS
Violation Address: 225 S 16th

Said property is in violation of Sec. 42-66 of the Code of the City of Independence, Kansas:

- Subsection (1)(a)
Subsection (1)(b)
Subsection (1)(c)
Subsection (2)(a)
Subsection (2)(b)
Subsection (2)(c)

Said property is in violation of Sec. 42-185 - Nuisance Code of the City of Independence, Kansas:

- Grass, weeds or other obnoxious vegetation more than 12"

Description of Violation: Illegal to hook a camper up to a house in town for someone to reside in. I told you to disconnect that electrical connection Friday. It was still connected today 9/16/19 when i came by at 1:45. This house is in your name and the fine will be as well.

ALLEVIATION OF VIOLATION

- You are hereby given ten (10) days from the receipt of notification or mailing to alleviate the violation.
You are hereby given fifteen (15) days from the receipt of notification or mailing to alleviate the violation.
You are hereby given forty-five (45) days from the receipt of notification or mailing to alleviate the violation.

You are further notified that you may request a hearing before the governing body concerning this matter. Said request must be made within fifteen (15) days of the receipt of notification of violation or the mailing of said notification.

FAILURE TO ALLEVIATE

Failure to alleviate said violation or request said hearing may result in your prosecution as provided for in Sec. 42-68 and/or the abatement of the condition by the City as provided for by Sec 42-69, with the cost of said abatement being assessed against you as provided for in Sec 42-73.

I hereby certify that a true and correct copy of the above notice of violation was (personally served) or (sent by certified mail) to: "AMBER TRUE" on the 16 day of Sep at 4:12:37 PM (p.m. - a.m.) to said person.

Signature of Public Officer
Date 9/16/2019



Notice of Violation

State of Kansas
County of Montgomery
City of Independence

You are hereby notified that on the 07 day of Nov, 2019 at 10:18 (p.m. - a.m.) The undersigned Public Officer conducted an inspection of the following property:

Property Owner: TRUE, AMBER
Legal Description:
Owner Address: 225 S 16TH INDEPENDENCE KS
Violation Address: 225 S 16th

Said property is in violation of Sec. 42-66 of the Code of the City of Independence, Kansas:

- Subsection (1)(a) [checked]
Subsection (1)(b)
Subsection (1)(c) [checked]
Subsection (2)(a)
Subsection (2)(b)
Subsection (2)(c)

Said property is in violation of Sec. 42-185 - Nuisance Code of the City of Independence, Kansas:

- Grass, weeds or other obnoxious vegetation more than 12"

Description of Violation: Please clean up all the personal property in the driveway and dispose of properly. Please call me about the camper.

ALLEVIATION OF VIOLATION

- You are hereby given ten (10) days from the receipt of notification or mailing to alleviate the violation.
You are hereby given fifteen (15) days from the receipt of notification or mailing to alleviate the violation. [checked]
You are hereby given forty-five (45) days from the receipt of notification or mailing to alleviate the violation.

You are further notified that you may request a hearing before the governing body concerning this matter. Said request must be made within fifteen (15) days of the receipt of notification of violation or the mailing of said notification.

FAILURE TO ALLEVIATE

Failure to alleviate said violation or request said hearing may result in your prosecution as provided for in Sec. 42-68 and/or the abatement of the condition by the City as provided for by Sec 42-69, with the cost of said abatement being assessed against you as provided for in Sec 42-73.

I hereby certify that a true and correct copy of the above notice of violation was (personally served) or (sent by certified mail) to: TRUE, AMBER on the 07 day of Nov at 10:18 57 AM (p.m. - a.m.) to said person.

Signature of Public Officer Date 11/7/2019



Notice of Violation

State of Kansas
County of Montgomery
City of Independence

You are hereby notified that on the 03 day of Dec, 2019 at 02:39 (p.m. - a.m.) The undersigned Public Officer conducted an inspection of the following property:

Property Owner: "True, Amber"
Legal Description:
Owner Address: 225 S 16th INDEPENDENCE KS
Violation Address: 225 S 16th

Said property is in violation of Sec. 42-66 of the Code of the City of Independence, Kansas:

- Subsection (1)(a) [checked]
Subsection (1)(b) []
Subsection (1)(c) [checked]
Subsection (2)(a) []
Subsection (2)(b) []
Subsection (2)(c) []

Said property is in violation of Sec. 42-185 - Nuisance Code of the City of Independence, Kansas:

- Grass, weeds or other obnoxious vegetation more than 12" []

Description of Violation: Last notice to clean up all personal property from the north side of the house. Needs to be disposed of properly. Dryer too.

ALLEVIATION OF VIOLATION

- You are hereby given ten (10) days from the receipt of notification or mailing to alleviate the violation. []
You are hereby given fifteen (15) days from the receipt of notification or mailing to alleviate the violation. [checked]
You are hereby given forty-five (45) days from the receipt of notification or mailing to alleviate the violation. []

You are further notified that you may request a hearing before the governing body concerning this matter. Said request must be made within fifteen (15) days of the receipt of notification of violation or the mailing of said notification.

FAILURE TO ALLEVIATE

Failure to alleviate said violation or request said hearing may result in your prosecution as provided for in Sec. 42-68 and/or the abatement of the condition by the City as provided for by Sec 42-69, with the cost of said abatement being assessed against you as provided for in Sec 42-73.

I hereby certify that a true and correct copy of the above notice of violation was (personally served) or (sent by certified mail) to: "True, Amber" on the 03 day of Dec at 2:39:40 PM (p.m. - a.m.) to said person.

Signature of Public Officer
Date 12/3/2019



Notice of Violation

State of Kansas
County of Montgomery
City of Independence

You are hereby notified that on the 07 day of Apr, 2020 at 02:03 (p.m. - a.m.) The undersigned Public Officer conducted an inspection of the following property:

Property Owner: Amber True
Legal Description:
Owner Address: 225 S 16th INDEPENDENCE KS
Violation Address: 225 S 16 th

Said property is in violation of Sec. 42-66 of the Code of the City of Independence, Kansas:

- Subsection (1)(a) [checked]
Subsection (1)(b)
Subsection (1)(c)
Subsection (2)(a)
Subsection (2)(b)
Subsection (2)(c)

door Tag
Not Sent

Said property is in violation of Sec. 42-185 - Nuisance Code of the City of Independence, Kansas:
Grass, weeds or other obnoxious vegetation more than 12"

Description of Violation: You cannot dumpster dive and have all the outside in the yard.

ALLEVIATION OF VIOLATION

- You are hereby given ten (10) days from the receipt of notification or mailing to alleviate the violation.
You are hereby given fifteen (15) days from the receipt of notification or mailing to alleviate the violation. [checked]
You are hereby given forty-five (45) days from the receipt of notification or mailing to alleviate the violation. [checked]

You are further notified that you may request a hearing before the governing body concerning this matter. Said request must be made within fifteen (15) days of the receipt of notification of violation or the mailing of said notification.

FAILURE TO ALLEVIATE

Failure to alleviate said violation or request said hearing may result in your prosecution as provided for in Sec. 42-68 and/or the abatement of the condition by the City as provided for by Sec 42-69, with the cost of said abatement being assessed against you as provided for in Sec 42-73.

I hereby certify that a true and correct copy of the above notice of violation was (personally served) or (sent by certified mail) to: Amber True on the 07 day of Apr at 2:03:34 PM (p.m. - a.m.) to said person.

Signature of Public Officer Date 4/7/2020

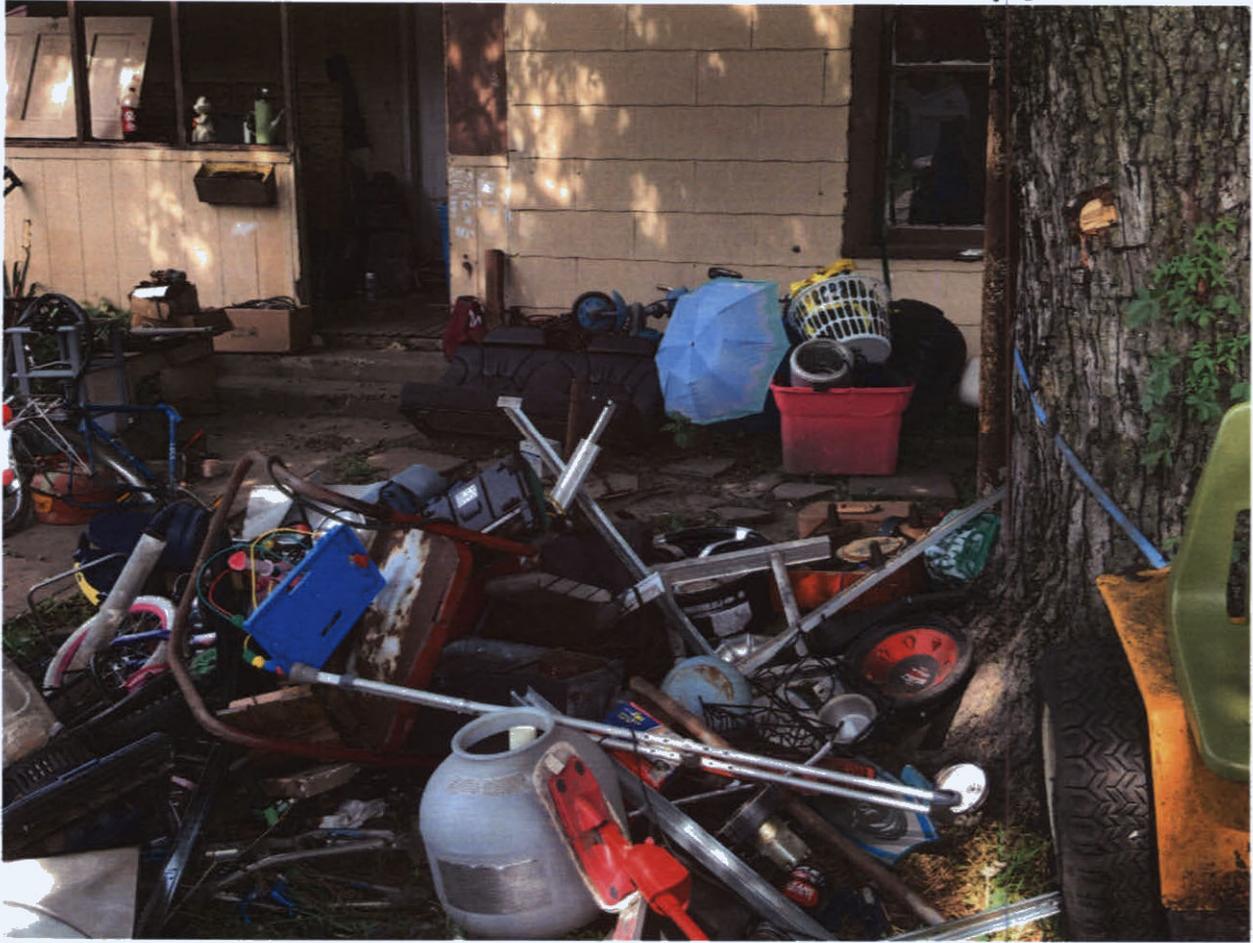
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