

* Citizens confront council about ordinance

(Continued from Page 1A)
impression on visitors. However, the use of fear and intimidation — threats of fines or incarceration — is a tactic that is uncalled for in our small community.”

The letter sent to residents whose homes violate the ordinance is, by all accounts, not a nice one. City Councilman Jim Miesner said changing it is the first thing the city needs to do to resolve the controversy.

“I think part of the outrage to these letters is the method,” said a man at the city meeting. “This woman has no restraint. She drives around town throwing them out the windows. May I suggest that you amend the mechanics (so) that she can only do it with a complaint from a neighbor? Because I don’t want to live my life according to her standards.”

“I think the biggest problem is the tone of the letter,” Mr. Miesner said. “It’s a very harsh and terrible letter. Even the IRS wouldn’t send out that letter. And people read too much into it.”

“Issue No. 1 is the letter, and No. 2 would be educating people that the letter is not as serious as it sounds. We’re not going to throw someone in jail over it, even though it sounds as serious as that. We’re still reasonable people.”

“We’ve had to let it roll, because some of these people come back year after year. And some of these people, with their yards full of iron



THE NEW PAINT and trim on this house at 110 S. York Ave. cleaned it up nicely after it was put into new hands, thanks to the Connections program that Code Enforcement Officer Jan Ackerman helped create.

— Herald staff photos by Stephanie DeCamp

and cars and parts, that’s just how they want it. You watch TV, these hoarding shows — it just tears them apart when you start cleaning them up. But you live in society and you can’t let it happen.”

The councilman’s wife, Ruth Miesner, said that the very group that many point fingers at as the

cause of the commotion could also be the answer.

“You asked what we could do, and you know about Decatur Tomorrow?” she asked. “They sponsor community conversations, and sometimes they’ll grab a topic and gather the community together. They’ll use a neutral third party to

guide the discussion, so that nobody has an agenda that seems to be playing out. We’ve done it a few times. We did it over what would make Oberlin a better place to live, and out of that came the (new) Golden Age Center. Sappa Park came out of that, too.

“Out of one of those was the city

beautification team, even. They’ve done projects to make things look better. They did the mural deliberately to cover up the storage unit behind it (on south main street) and the City Slickers program (that helps clean up litter and trash) came out of that, and the gazebo and flowers, and the park by the high school. They do all of that. But their job never has been gentrification of the town; they just want it to be neat.”

The Constitution

Tim Bowen, who was appointed as a council member at the last meeting, sees it differently. The beautification team is the group that makes most of the complaints, he said, and the ordinance itself violates people’s constitutional rights regarding probable cause and searches, as well as the limits of governmental authority.

“Right of entry,” Mr. Bowen said in a later interview, “is about when she (Jan Ackerman, the code enforcement officer employed by the city to enforce the blighted property ordinance) can enter a property, and according to our ordinance, it says that ‘it shall be a violation of this code to deny the officer the right of access and entry of private property ...’ which is against the Fourth and Fifth Amendments, and Article 15 of the Kansas Bill of Rights.”

Mr. Miesner disagrees.

“I think a lot of them think they have more constitutional rights than they really do have. ‘It’s their

property, they can do with it what they dang well please.’ Of course the Constitution gives us rights, but those rights are limited. The right to make a fist, for example, ends at my nose. But they really do feel their lifestyle is being threatened.

“I’d like to think it doesn’t amount to a hill of beans, since it doesn’t affect more than 25, at most 40 people. And out of them, most of them go ahead and do the work, mowing the weeds or whatever. There’s really just a handful of people upset.”

The number of people at the last meeting, however, begs to differ. As does the emotion and conviction with which they spoke.

“When I leave here, I’m either going to burn my house down or tear it down,” resident Jerry Miller said at the height of the public comment portion of the meeting. “It’s the only thing that’s mine, and the only one who can take it away from me is God.

“People have got to learn to respect other people’s property. The only three people that can eyeball my place are the sheriff, chief of police and county assessor. Other than that, they’re a trespasser. I drove around town last night and saw 40 places that need the same amount of work mine does. And the city owns four of them. I’m leaving Oberlin. I was going to build a brand new house out here. But there’s no way in hell that I’m doing that now.”

Continued next week.

Man says city runs roughshod over people who get its letter

By STEPHANIE DeCAMP
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Eric Swegle doesn’t have a Facebook account, and seemed just as surprised as everyone else to see so many people show up at the City Council meeting on Thursday, Aug. 16, to protest the way the city enforces an ordinance dealing with blighted property.

“The word got out that I was preparing a speech,” he said, “and I think that because there are so many people, it’s quite easy for the word to spread and people to pull together.”

Mr. Swegle said he has been in Oberlin for about five years, and moved here from Ellsworth. He works as a handyman, and has renovated several houses in small towns throughout Kansas. He’s currently working on renovation of the old Presbyterian church on Commercial Street with Jim Sporn.

He said he decided to get involved when he recognized what was happening here with the letters and the code enforcement officer. He has lived in other towns that have had similar issues with code enforcement and the officers who handle it.

“My experiences taught me that rigid enforcement of laws sometimes puts people in difficult circumstances,” he said, “and there’s usually a happy medium somewhere if people are willing to try and find it.”

Mr. Swegle said that he hadn’t received the city letter saying he needs to clean up his property that had residents standing in the back of the meeting room, waiting their turn

to have their say. But his friends and neighbors have.

Some of the complaints, he said, have merit, but he believed they had been resolved.

“I think that consideration of individual circumstance should always be a consideration in normal civilization,” he said. “Code enforcement is no exception. I think the order to comply in 10 days isn’t reasonable, especially for people who are working, financially strapped or elderly.”

Many people have pointed out the difficulty Richard Russ had while attempting to comply within the time frame. Mr. Russ, a retired contractor and a onetime City Council member who once ran for mayor, verified that he and his family all got together to make the necessary modifications on the house after receiving the city’s letter. Mr. Russ said he ended up going to the hospital for dehydration because of it. The temperatures were still sky high, he said, but the family was scared by the letter he had received.

“He got three bags of fluid put in him,” Clara Russ, his wife, said. “He collapsed on us and just went clear down.”

“Volunteerism is really the solution for those who wish to see a tidier Oberlin,” Mr. Swegle said later, noting what happened to the Russ family. “The city of Boise has a successful program called ‘Paint the Town.’ It’s 20 years old now, and local businesses and individuals contribute materials and labor, and once a month, volunteers go out and clean up neglected areas and paint houses for the disadvantaged.

“That’s the beauty of community efforts. It pulls people together, whereas receiving this threatening letter in the mail can only divide people, and no good can come from that. Really, this is about treating your neighbors with some degree of respect, and trying to work out a pleasant solution to any perceived problems.”

Mr. Swegle pointed out that some people may not be too quick to keep up their property because they fear a tax hike. They need reassurance from the city and county, he said, that their taxes won’t go up simply for maintaining their property.

“It’s maintenance, yet they’re punished when their taxes go up,” he said. “If the city is serious about cleaning up, then they need to make sure there will be no repercussions about it.”

Will doctors, families want to come live here?

By STEPHANIE DeCAMP
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One of the arguments often brought up by those who support the ordinance on blighted property is the fact that Oberlin is trying hard to recruit doctors and other medical workers to come here.

The hospital has recently gone through a litany of problems—from Administrator Lynn Doeden turning in her resignation to Dr. Steven Albert turning in his after being suspended. The hospital had to start over looking for doctors and other medical workers.

Pete Zander, a member of the doctor procurement committee and



THIS PROPERTY at 203 E. Hall St. was cited by Code Enforcement Officer Jan Ackerman as blighted, but has since been refurbished through the Connections program. The program connects owners of blighted property with buyers who want to refurbish it.

the county Hospital Board, says he thinks that the problem of blighted property only makes the job of finding these people, and convincing them to move here, even harder.

“I was at the council meeting the other night,” he said, “and people said that there was going to be a big opposition to the cleanup ordinance, but I didn’t say anything because I didn’t think anyone was of a mood to listen.”

“I can see both sides are right and both sides are wrong, depending on where you’re looking at it. We do buy our property, and pay taxes on it, but people do tell us what to do with that property. I have a farm out here, and I’m told where I can dig a pond or whatever, and I suppose that’s a little bit of what the property-rights people are talking about in Oberlin, because people’s unkept yards affect everybody.”

But his ability to see both sides of

the issue hasn’t changed his position on it, Mr. Zander said, adding that he wants people to know that the problem extends a lot further than just our yards.

“Where I’m coming from,” he said, “is it really does affect our ability to attract a good doctor. The good doctors are going to have several communities wanting their services ... So if we come to them looking like an unmade bed, we’re fighting with a very short stick. And if we’re looking to make up that deficiency with a higher price — we might have to offer them a higher wage — I don’t know if anybody would do that. Most people would say you can’t pay me enough in that town.”

Mr. Zander went on to say that the people who are affected by the ordinance need to understand that the ordinance itself sets a low threshold, that it’s not a standard someone should shoot for, but rather sets the

minimum for what must be done. The people who don’t have to worry about the ordinance, he said, are those who set a higher standard.

“I don’t know why Oberlin has gotten into the attitude of, ‘Let’s just do what it takes to get by,’” Mr. Zander said. “That doesn’t get you anywhere. That’s like a student saying that a D is good enough to pass. That will not get you a job....”

“I wish that the people that are so opposed to making their property and themselves presentable would quit acting like kids when mom tells you to clean up your room.”

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Please be sure to allow a couple of days’ notice so we can arrange to be there.

Space in the paper is limited and so is the time of our staff, so we may not be able to get to every event, but we will try.

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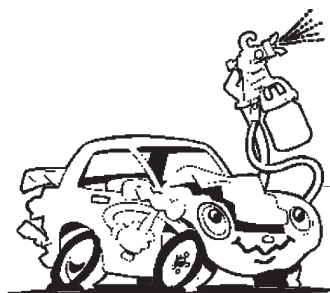
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