



# CITY OF TOPEKA

## CITY COUNCIL COMMITTEE MEETING MINUTES

### PUBLIC HEALTH AND SAFETY COMMITTEE

CITY COUNCIL  
City Hall, 215 SE 7<sup>th</sup> Street, Suite 255  
Topeka, KS 66603-3914  
Tel: 785-368-3710  
Fax: 785-368-3958  
www.topeka.org

Date: February 17, 2020

Time: 3:00 p.m.

Location: 1<sup>st</sup> Floor Conference Room, Holliday Building, 620 Madison

**Committee members present:** Councilmembers Karen Hiller, Sylvia Ortiz, Neil Dobler

**City staff present:** Sasha Haehn (Director, Neighborhood Relations), Mike Haugen (Property Maintenance Division Director), Mary Feighny (Deputy City Attorney), Brent Trout (City Manager)

#### **Call to Order**

Committee member Ortiz called the meeting to order at 3:02pm. Committee members introduced themselves.

#### **Elect 2020 Committee Chair**

Councilmember Ortiz made a motion to elect Councilmember Hiller to serve as the Committee Chair. Councilmember Dobler seconded the motion. Councilmember Hiller accepted the nomination. 3:0 motion passes.

#### **Approve December 23, 2019 meeting minutes**

Committee member Ortiz made a motion to approve the minutes. Committee member Dobler seconded the motion. Motion approved 3:0

#### **Property Maintenance Presentation/Discussion**

Chairwoman Hiller provided a brief introduction as to the presentations and discussions that have taken place in the past year regarding Property Maintenance. Chairwoman Hiller introduced Mike Haugen, Division Director of Property Maintenance, to continue his presentations.

Mr. Haugen stated he would like to present on the various Housing topics first, as they are lengthier, and end with Inoperable Vehicles and Graffiti if time allows.

#### **PRESENTATION BEGINS**

#### **Complaint & Survey Driven**

This slide was provided as a brief re-introduction for new committee member. No additional comments from the committee.

### Inspection - Exterior

No additional comments from the committee.

### Housing Exterior

In addition to information on this slide, Mr. Haugen stated an additional safety requirement is the exterior house number. If this is not visible, those few seconds may make a lot of difference for emergency personnel trying to guess which house to respond to. No additional comments from the committee.

### Inspections - Interior

No additional comments from the committee.

### Housing Interior

No additional comments from the committee.

### Notification

No additional comments from the committee.

### Compliance (& slides of Before/After photos)

Mr. Haugen stated that Property Maintenance will offer to work with an owner. There are a number of resources that are available and provided to the owner.

Committee member Ortiz inquired as to the next step used if an owner is not able to qualify for any of the resource assistance. Mr. Haugen stated those cases are sent to the Prosecutor's office. Committee member Ortiz expressed concern for the "working poor". Mr. Haugen responded that the number of cases that go to Prosecution and actually get prosecuted are small. Many people realize the seriousness of the situation by the time they go to court and find a way to address their case. Chairwoman Hiller inquired if her understanding of the case process was correct: inspector provides what they feel is an appropriate amount of notice, the inspector has the right to give one extension, the case then moves to the supervisor, then it goes to the Prosecutor. Chairwoman Hiller inquired about the Administrative Hearing Officer and when they are involved. Mr. Haugen stated everyone who receives a citation, for Property Maintenance, has the right to request a hearing. Chairwoman Hiller inquired further if the Administrative Hearing Officer only engages in cases if it has been citizen-requested. Mr. Haugen confirmed this is true for all cases with the exception of demolition. All demolition cases are sent before the Administration Hearing Officer.

### Unsafe Structures

Mr. Haugen noted that there are a number of charts and graphs that are used to determine the 30%.

### Condemnation Orders

The house must have running water and electricity. Citation issued to inform owner must have these utilities before they are permitted to reside on the premise. This includes the garage and yard as well as the main structure.

### Housing Results 2019

Sasha Haehn, Director of Neighborhood Relations, stated that in addition to the City's voluntary compliance, the Court is also working with property owners to gain voluntary compliance. Municipal Court staff can provide that information with regard to the court side. Chairwoman Hiller stated she would like to have that information. Mr. Haugen noted that there are some cases from 2019 still waiting to go to court, however, out of the 720 cases that have gone to court, only 19 convictions have been made. This shows that most people are getting their properties up to code.

Chairwoman Hiller noted that the process is improved from past years. Mr. Haugen stated the change occurred roughly three years ago, and in comparison, has been able to see a huge positive change. The goal is voluntary compliance.

### Dangerous/Unsafe Structures Immediate Public Safety Issue

No additional comments from the committee.

### Demolition Results 2019

Mr. Haugen stated that he has been pleased with this process that has been in place since 2016, noting that far more properties have been saved than expected. Chairwoman Hiller commented she was also pleased to see action being taken.

### Questions from the Committee (1<sup>st</sup> slide)

#### -Mothballing & Historic Preservation

Mr. Haugen noted this is not something that is currently done by the Property Maintenance office, nor is it required through the IMPC. Chairwoman Hiller stated that there are guidelines that address the process of mothballing, but that the language is very specific and detailed. Chairwoman Hiller stated that with partnerships with historic preservation groups, this process could be addressed.

Discussion regarding the IMPC, and which City Department/Division would or could address issues pertaining to historic preservation, continued. Chairwoman Hiller would like to see more done in this area. Ms. Haehn stated there is a Historic Preservation Planner in the Planning Department and that the topic of mothballing and historic preservation may be better addressed by the Planning Department Staff. [Conversation begins at 23:20 minute of the video and ends after "Historic Preservation" slide at minute marker 35:15. Video link can be found below].

#### -Policy to charge when responding to vacant structures similar to alarm responses

Mr. Haugen stated there would not be a charge for a call for securement on a vacant structure if there was a code similar to the alarm code, as the owner would be a victim, similar to the alarm code.

Chairwoman Hiller expanded on her initial inquiry to ask if property owners, who are not properly securing structures, and where multiple calls for securement are occurring, if the fees increase. Mr. Haugen confirmed that repeat violations receive \$100-\$200. As with all cases, if voluntary compliance is reached, all fees are dropped. Mr. Haugen noted ongoing conversations with the City Prosecutor in regard to some of the properties with habitually repeat offenses, especially those where abatement crews have been out, to potentially begin prosecuting those cases. Chairwoman Hiller appreciated the effort to make habitual offenders become more responsible for the maintenance of their properties.

Ms. Haehn provided a report from the City's Performance Portal, with regard to cases filed, voluntary compliance, and cases prosecuted. It appears that most of the numbers are for 2018, however, the information will be an accurate picture of the 2019 results. Ms. Haehn reviewed the data for 2018 cases, as those cases would all have been completed by this time. There were 563 cases that were filed by the Property Maintenance Division. Of that number, 382 were resolved through voluntary compliance (68%). Out of the 563 cases, six (6) were prosecuted. Chairwoman Hiller noted there were roughly 80 cases that appeared to be remaining. Ms. Haehn and Mr. Haugen stated there could be a few different reasons for this, however the graph shows that the Court shares a goal with Property Maintenance to gain voluntary compliance.

Committee member Ortiz commended Staff for their work on the entire process of citing cases through following up and prosecuting, when necessary.

Committee member Ortiz inquired about the recipients of the violation letters, with regard to rental properties. Mr. Haugen stated letters are sent to property owner, tenant, the individual who is paying the taxes and the bank. Committee member Ortiz inquired who was responsible for taking care of the issues. Mr. Haugen stated the property owner is ultimately responsible for taking care of the issue. If they have a contract with a tenant, it would be the owner's prerogative to bill the tenant.

Chairwoman Hiller inquired about the processes of notification for the various types of violations. Mr. Haugen stated that a first class letter is sent to the property owner for a weed case. For sanitation, graffiti, inoperable vehicle and housing share the same process: The property owner, individual paying the taxes, and bank receive a letter via certified mail. The resident receives a letter via first class mail. The only individual who is sought out for prosecution will be the property owner. Mr. Haugen stated he would review information to ensure he stated that process correctly.

Committee member Ortiz inquired if there have been instances of lost notices and provided a hypothetical scenario as an example. Mr. Haugen stated that there have been times when owners have been billed even in cases where mowing may have been done prior to the abatement crews coming out. In those instances, the owner

is still billed \$106.65 for processing fees. However, there have been cases when someone has received a bill but had taken care of their property or there have been cases when flags are moved and the contract crew mows the wrong lot. In those instances, the citation is refunded.

Mr. Haugen stated the postcards addressing weeds/grass are being processed currently and will be sent out mid-March of this year.

Committee member Ortiz inquired about instances when only a partial amount of the property has been mowed. Mr. Haugen stated that in those instances, Property Maintenance is willing to work with individuals who call and are able to finish in a timely fashion.

Mr. Haugen noted that in a number of cases, he is appreciative of the Hearing Officer position, as it serves as a checks and balance measure for his position.

Mr. Haugen addressed the expectations regarding paint and other exterior code compliance issues.

Chairwoman Hiller presented a list of questions to include:

- On topic of paint, what is the expectation? Citing the specific items that need to be painted.
- Mr. Haugen noted a list of questions that had been sent to him from the committee that he was not able to obtain exact numbers from at the time, but would get those to the committee shortly.
- Previous code required paint on boarding. IPMC requires sealing. What are the expectations? Boards to be painted or shellacked. However, paint is better to avoid confusion.
- What is the collaboration with Section 8 and Housing Quality Standards (HQS) Inspectors? City Property Maintenance works with those groups and use them as the mediator to help with tenants who may be skeptical to have Property Maintenance come into their home. Property Maintenance works to explain tenant rights, and collaborates with Section 8 and HQS. Topeka Habitat for Humanity is another group who will often report to Property Maintenance homes that they feel are unsafe and need problems addressed.

#### Inoperable Vehicles

Notification is sent to property owner. No additional comments by the committee.

#### Notification for Inoperable Vehicles

The IPMC places the responsibility of notification on the property owner. City of Topeka code places administrative fees on the vehicle owner.

Quandary stated: 1) Property Maintenance cites the property owner, 2) the vehicle is towed to the Police Impound lot, 3) Impound charges for the tow and storage, 4) the

\$175 administrative fee that Property Maintenance would typically charge is not charged as certified notice was not sent to the vehicle owner.

Additionally, obtaining the vehicle owner information can be difficult as Inspectors would have to go onto private property, get a warrant for vehicles in back or side yards, run the VIN to confirm who it goes to. It will cost more to send certified mail to each vehicle owner than to proceed with current practice. Vehicle owners are not complaining about not receiving notification because the Impound notifies them, Property Maintenance leaves a notice at the residence (generally the owner of the vehicle resides at the same residence), and inspectors leave a green door tag on the door which provides a date when the car will be removed.

Chairwoman Hiller inquired about the Police Impound staff running the VIN and contacting the vehicle owner. Mr. Haugen confirmed and noted that in addition to running the VIN, the Impound staff notifies the vehicle owner, send certified mail which includes a bill for towing, certified mail, storage fees after three days. They do not bill for the first three days. If the vehicle owner picks the vehicle up prior to the third day, they are only responsible for paying for the tow charge.

Committee member Dobler inquired as to the process of sending the vehicle to auction and whether or not the administrative fees from Property Maintenance could be paid from the money received at auction. Ms. Haehn stated that there is no due process.

Mr. Haugen stated a concern for overstepping bounds of the Fourth Amendment rights, against unreasonable searches and seizures without probable cause. However, if inspectors are able to view the vehicle by legal measures such as being invited onto a neighbor's property, or if the inspector is able to view the vehicle without trespassing.

Committee member Ortiz inquired if there was a list of salvage companies or tow companies that would be able to be provided to constituents who do not have the resources to remove the vehicle. Ms. Haehn stated she would review the list of resources that is provided upon request to ensure the phone numbers to salvage yards are provided. Chairwoman Hiller complimented the resource list that Staff has put together.

Vehicle Registration (two slides with photos)  
No additional comments from the committee.

#### Vehicle Results for 2019

Mr. Haugen commended the Property Maintenance Inspectors in their efforts to find solutions to help increase the voluntary compliance measures with increasing the percentage of cases for obtaining voluntary compliance with inoperable vehicle cases.

### Questions from Committee

Parking on unpaved surfaces - Chairwoman Hiller inquired about the process for reporting for vehicles parking on unpaved surfaces. Mr. Haugen stated when reports are received regarding these issues, they forward them to the Police Department. However, if a Property Maintenance Inspector sees it, they will also address it.

In street parking - Chairwoman Hiller inquired if there was inter-department communication and action between the Police Department and Property Maintenance. Mr. Haugen stated the Police Department enforces those cases.

On Private Property - Property Maintenance enforces this, as well as inoperable and untagged vehicles. The Police Department plays a role in this area when vehicles are on unpaved surfaces on private property. Mr. Haugen stated this area in the IPMC is a little difficult because if someone moves the vehicle, then the case is closed. There is some difference between parking on unpaved surfaces and parking on private property, and oftentimes, cases will fall on both areas.

### Graffiti

Not as major of a problem as other issues. A consent form is sent with notice. With a property owner consent, goal is to address graffiti within 24 hours. Removal is free to the property owner. There are 531 consent forms on file. In 2019, 74 cases where notices were sent out. Of those, 54 of those were taken care of by the property owner, 9 were taken care of by Property Maintenance with a warrant, and 106 were on public surfaces.

### Notification of Graffiti

With consent forms on file, Property Maintenance is able to quickly address removing graffiti. Otherwise, it may take a little longer.

### Graffiti Results

Works with Shawnee County Parks and Recreation, Schools to remove graffiti at no charge.

Chairwoman Hiller inquired about the process of removing graffiti from vinyl siding. Mr. Haugen stated there is not. He does make referrals for people to go to the hardware store where products are available. Mr. Haugen stated they also receive calls about graffiti on boats, vehicles, utility boxes and other surfaces. These surfaces are not found within the IPMC, as current language discusses buildings only.

### Just So You Know...

The forced compliance cases for sanitation creates a lot of work for inspectors.

Chairwoman Hiller inquired if there have been strategies that Property Maintenance have found, whether policy-related or otherwise, that are more efficient that could be reviewed or changed from current language to reflect the efficient way by the

Governing Body. Mr. Haugen stated that the norm has to change if the community wants to see an overall improvement.

### Training for Consistency

Committee member Ortiz thanked Mr. Haugen for providing this information. Property Maintenance meets weekly with the City Prosecutor to ensure proper wording is used on citations and that inspectors are enforcing the codes. The SOP manuals were recently updated and will be reviewed annually. The Judge and Prosecutor review all of the warrants to ensure consistency. Field inspectors and the Field Supervisor review cases for accuracy and consistency. Mr. Haugen has frequent meetings with inspectors to restate expectations.

### **Other Items Before the Committee**

Committee member Ortiz inquired about thoughts for the next steps. Chairwoman Hiller addressed City Manager and stated that staff had been able to provide the amount of fines that had been billed out, with regard to their administrative process, but had not been able to know the amount of return on fines, fees and abatement costs from the Finance Department.

Chairwoman Hiller stated she felt, that with regard to the direction of future meetings, there were two options:

- Talk about Team Up to Clean Up immediately
- Come back with lists, from the information and questions that have come up in these meetings, to discuss policy changes or initiatives that the Committee and Staff would want to move forward on.

Committee member Ortiz would like to get a report from SGT Klamm with regard to the upcoming move of the homeless camp from the river and to see if the Committee needs to assist with anything further. Brent Trout, City Manager, stated that he had some information with regard to this situation. Union Pacific is moving three campsites. Burlington Northern Santa Fe Railroad is also moving a few sites. There are a number of campsites that are on the Mission property, and will not be effected. There will be marked property lines to make clear. The hope is that there will not be a large conflict with moving individuals to other places. Mr. Trout appreciated the amount of advanced notice that was provided by the rail roads, so the community can try to find other alternatives. Mr. Trout noted that SGT Klamm would be available to come to the next meeting to provide information as to the process and the outcome. Chairwoman Hiller added additional work was being done with the partners in the Homeless Taskforce to help people get to safe new locations.

For the next meeting: Team Up to Clean Up presentation, and update on homeless relocation.

Proposed action: Goals, policy, and initiatives; with contributions from the Committee and Staff members to help move the process forward.



**Adjourn**

Meeting was adjourned at 5:00pm.

Meeting video can be viewed at: <https://youtu.be/1R5E2rLaW0g>

# City of Topeka

1



PROPERTY MAINTENANCE  
HOUSING

# Complaint and Survey driven

2



- Reactionary - Respond to telephone, SeeClickFix or e-mail complaints with a goal of 48 hours by inspecting properties, determining if there are violations which we are able to address. 34% of cases
- Pro-active – Survey and monitor properties for compliance. 66% of cases
- Strategically address neighborhoods
- Team Up 2 Clean Up
- Results - When violations are found, we notify the property owners through a legal written process

# INSPECTION EXTERIOR

3



- ▶ PERFORMED FROM PUBLIC ACCESS
  - ▶ STREET
  - ▶ SIDEWALK
  - ▶ ALLEY
  - ▶ VACANT LOT
  - ▶ VEHICLE
  - OR
  - ▶ NEIGHBORS PROPERTY WITH CONSENT
  - ▶ ON PROPERTY WITH TENANTS CONSENT (SIGNED CONSENT)

# Housing Violations

4



## ► Exterior

- Weather tight against elements
  - Doors, windows, roofs, walls)
  - Housing numbers
- Structurally sound
  - Foundations, roofs, stairs, porches
    - ❖ Fire damaged properties often lead to unsafe structure proceedings and demolition orders

# INSPECTIONS *INTERIOR*

5



- ▶ GENERATED FROM TENANTS
  - ▶ SIGNED CONSENT REQUESTED
  - ▶ WILLING TO DO COMPLETE INSPECTON WHEN PERMITTED

# Housing Interior

## Common Condition Issues

- ▶ Weather tight
- ▶ Insufficient plumbing, electricity (hot/cold water)
- ▶ Leaking ceilings, windows, doors
- ▶ Insufficient exits, handrails, door & window locks, ventilation
- ▶ No water or electricity



# NOTIFICATION

7



- **STATE LAW AND CITY CODE REQUIRED NOTIFICATION BE MADE**
  - **CERTIFIED MAIL: NOTIFICATION IS SENT VIA CERTIFIED MAIL BY LAW AND FIRST CLASS BY POLICY.**
  - **PERSONAL SERVICE: USED FROM TIME TO TIME TO EXPIDITE SERVICE OR IF WE KNOW EXACTLY WHERE THE OWNER IS**
  - **EXTERIOR ARE GIVEN FROM 30 TO 60 DAYS WITH THE USUAL DEFAULT OF 60 BEING STANDARD**
  - **INTERIOR CAN BE FROM 24 HOURS TO WHAT THE INSPECTOR FEELS IS A REASONABLE TIME. HEALTH AND SAFETY TAKE PRIORITY**



# COMPLIANCE

8



- IF THE OWNER COMPLIES THE CASE IS CLOSED AS COMPLIED
- IF THE OWNER FAILS TO COMPLY THE CASE IS SENT TO THE CITY PROSECUTOR FOR CONSIDERATION.
- INSPECTORS CAN GRANT 1 EXTENSION IF THE OWNER REQUESTS IT AND PROVIDES PLAN OF ACTION
- ADDITIONAL EXTENSIONS NEED TO BE APPROVED BY A SUPERVISOR.



Over time,  
houses that are  
not maintained  
deteriorate

9





# BEFORE AND AFTER

10



# BEFORE AND AFTER

11





# BEFORE AND AFTER

12



# UNSAFE STRUCTURES

13



- ▶ Look for major repairs needed on exterior to include windows, paint/vinyl siding and roofs.
- ▶ A structure must meet 30% of the Replacement Cost Value reported by Shawnee County in order to qualify for an unsafe structure hearing.
- ▶ Administrative Hearing is set – property owner has an opportunity to repair or demolish the structure
- ▶ Hearing Officer issues a demolition order
- ▶ Owner may appeal the demolition order within 30 days of the date of the order
- ▶ If no appeal PMC will move forward with the necessary steps to hire the lowest bidding contractor to demolish the structure(s).



# CONSIDERED FOR DEMOLITION

14



# CONSIDERED FOR DEMONLITION

15





# CONDEMNATION ORDERS

16



City of Topeka, Kansas  
PROPERTY MAINTENANCE CODE UNIT  
620 SE Madison, Unit 13  
Topeka KS 66607-1118

Tel(785) 368-3161  
Fax (785) 368-3175  
[www.topeka.org](http://www.topeka.org)

## **CONDEMNED**

### **DANGER – KEEP OUT**

**THIS STRUCTURE IS UNSAFE AND ITS  
USE OR OCCUPANCY HAS BEEN  
PROHIBITED BY THE CODE OFFICIAL.**

**IT IS UNLAWFUL FOR ANY PERSON  
TO USE OR OCCUPY THIS BUILDING  
AFTER \_\_\_\_\_.**

Pursuant to TMC section 8.60.150, it is a misdemeanor offense to remove or deface this notice and is punishable by a fine not to exceed \$499 or a term of confinement not to exceed 179 days, or both.

**Any Unauthorized tampering or removal of this Notice  
WILL BE PROSECUTED.**

Building Address \_\_\_\_\_

Code Official \_\_\_\_\_

# HOUSING RESULTS 2019

- Properties Cited – 1569
- Voluntary Compliance – 1031
- Sent to Court - 720

# Dangerous/Unsafe Structures

## Immediate Public Safety Issue

18



- ▶ Unfit for human habitation
- ▶ Structurally unsound
- ▶ Dilapidated, deteriorating, decaying, in disrepair
- ▶ Major defects or life-threatening conditions

# DEMOLITION

# Demolition Results 2019

19



- ▶ Demo by City: 27
- ▶ Demo by Owner: 22
- ▶ Rehabilitation by owner: 37

# INOPERABLE VEHICLES

20



## Standards of measurement

- Flat tires
- Missing or broken windshields
- Up on jacks or blocks
- Missing front end/engine
- Severe body damage
- Unlicensed vehicles

Just because it has not been seen driven,  
does not mean it is inoperable



# NOTIFICATION FOR INOPERABLE VEHICLES

21



- Same standard of notification as others cases
- IPMC places responsibility of property owner
- City code places admin fees on the vehicle owner
- Currently we do not charge the administrative fees to vehicle owner
- Owner of the vehicle pays for towing and storage
- 90% or more of the cars we tow do not get claimed and go to auction.

# Vehicle registration

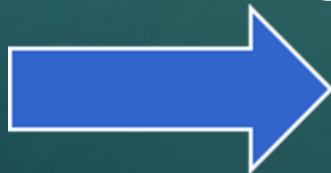
22



No tag



Expired tag









# VEHICLES RESULTS 2019

24



- Properties Cited – 1125
- Voluntary Compliance – 944
- Forced Compliance - 147

# Graffiti

25



- Most often in a matter of hours, maximum of 24 hours with consent
- Free to property owner with consent
- Residences, schools, business owners, public property



# NOTIFICATION FOR GRAFFITI

26



- NOTIFICATION MIRRORS ALL OTHER TYPES OF CASES
- OWNER IS GIVEN 10 DAYS TO COMPLY BY REMOVING THE GRAFFITI
- CITY WILL REMOVE THE GRAFFITI AT NO CHARGE IF OWNER RETURNS CONSENT

# GRAFFITI RESULTS 2019

27



74 – Total # of properties that we sent notices out on

54 - Voluntary Compliance

9 – Forced Compliance (number of warrants)

106 – Public Service – this would be the # of cases that we received a consent form

These numbers indicate that there were 95 properties that we opened cases on but did not send out a violation notice because we have a consent form on file.

We have approximately 531 graffiti consents on file.

# Efforts to reduce abatements and assist public

28



- ▶ Drafted letter with the Behavioral Insights Team in an effort to increase voluntary compliance.
- ▶ Post card to previous weed violators asking for their help in upcoming year
- ▶ Door hangers as warrant approached
- ▶ Inspectors name and phone number on violation notice
- ▶ Inspectors willing to meet with property owners at property to walk through issue
- ▶ SOPs online as well as IPMC
- ▶ On Line Action Center
- ▶ Over 100 public meetings
- ▶ Educational videos through channel 4 and Facebook live
- ▶ Team Up 2 clean Up: 4 events with 2 scheduled in 2020
- ▶ Walk and Talks in Neighborhoods

# Simplified-best case scenario

29



- ▶ Sanitation – 21 days
- ▶ Weeds – 14 days
- ▶ Graffiti – 24 hours with signed consent
- ▶ Inoperable/unlicensed vehicles – 21 days
- ▶ Housing – 180 days
- ▶ Demolitions – 6-12 months



# Housing Violations

30



## ► Exterior

- House Numbers
- Weather tight against elements
  - Doors, windows, roofs, walls)
- Structurally sound
  - Foundations, roofs, stairs, porches
    - ❖ Fire damaged properties often lead to unsafe structure proceedings and demolition orders