



# 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: December 23, 2019

Time: 2:00 p.m.

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

**Committee members present:** Sylvia Ortiz (Chair), Councilmembers Karen Hiller, Councilmember Michael Padilla

**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

Chairwoman Ortiz called the meeting to order at 2:00pm. Committee members introduced themselves.

### Approve November 18, 2019 Meeting Minutes

Committee member Padilla made a motion to approve the November 18<sup>th</sup>, 2019 minutes. Committee member Hiller seconded the motion. The motion was approved 3:0.

### Property Maintenance Division Discussion: Weeds

Mike Haugen, Property Maintenance Division Director, began the presentation regarding weeds, grass, annual plants, and vegetation.

There were some initial technical difficulties at the beginning of the presentation. Mr. Haugen verbally provided the information found on the presentation.

One written notice is sent per year via certified first-class mail. This is in line with the State Law & City Ordinance. Use Reactionary and Proactive approaches to enforcement. Reactionary enforcement includes: See Click Fix, Emails, Phone Calls, In-person complaints. Proactive enforcement involves Code Enforcement Inspectors look for weeds while looking for other issues within their territory. Once violations are found, the property owners are notified via legal written process. State law allows municipalities to adopt their own code when it comes to notification of weeds. Mr. Haugen stated that the City of Topeka utilizes first-class mail rather than certified mail as the owner has ten days to correct the weeds violation once the first-class letter has been sent.

SLIDESHOW:

Weeds, Grass, annual plants and vegetation

No additional questions/comments from the committee.

Complaint and Survey driven

No additional questions/comments from the committee.

Notification

Mr. Haugen covered most of the information from this slide earlier in the meeting.

No additional questions/comments from the committee.

2019 Weed Cases

Mr. Haugen stated most of the items from this slide earlier. There were 3,296 weed cases in 2019, which was down by about 700 from 2018. The weather is an unpredictable factor.

Fees

No additional questions/comments from the committee.

Basics of the process for a case

With regard to re-inspection for compliance or noncompliance, Mr. Haugen stated that if the property is in compliance, the case is closed and there is no fee. If there is a second or subsequent case, a fee of \$106.65 is charged.

With regard to a court hearing before an abatement, Mr. Haugen stated that the process of getting to the hearing really adds a lot of time, upwards of a month, to address the weeds issue. No additional questions/comments from the committee.

IMPC 302.4 Weeds

No additional questions/comments from the committee.

Dear Property Owner (postcard)

Postcards were sent to property in the spring of 2019, to every violator in 2018 to hopefully get a head start on addressing weeds issues. Staff is currently working to find out if this method was effective, as about \$800 in supplies and postage was used.

Video in presentation

Code Enforcement and City4 Staff have been working to create short educational videos that address a number of Code Compliance topics and offers ways the community can improve their property.

Following the presentation:

Chairwoman Ortiz appreciated the information provided in the video created by Mr. Haugen and City 4, and suggested creating a “catchy” name for the video program.

Chairwoman Ortiz inquired about blowing grass and leaves into the street. Mr. Haugen stated Code Enforcement does not cite that violation, however the Utilities Department can and will issue citations for that violation, as the debris causes clogs in the drainage system.

Chairwoman Ortiz inquired about putting contact information on the courtesy postcard that was mailed in the spring. Mr. Haugen stated the City of Topeka contact information is included on the return address portion of the postcard, and that he had received a number of calls following that postcard being sent out.

Chairwoman Ortiz inquired what could be done to help repeat offenders. Mr. Haugen stated the fees go up with each subsequent notification. The cost is a good deterrent for many, however this is not the case for others.

Chairwoman Ortiz inquired if there were any issues with collecting fees. Mr. Haugen stated all monies collected are processed through the Accounting Department, and he does not see those numbers. A request was made for that information, but Mr. Haugen had not received a response. If fees are not paid, the information is sent to the collections agency.

Chairwoman Ortiz inquired if there were any other items that Mr. Haugen wanted to follow up with. Mr. Haugen stated he had planned to send a copy of the door hanger that is used. Mr. Haugen noted he would like to make some improvements to the door hanger, but that it has been an effective tool when making notifications. Owners see the door hanger and address the problem before the allotted time has passed and saves the department money in sending the certified letter.

Committee member Padilla inquired if inspectors are able to identify repeat offenders who may be unable to meet Code requirements due to disability or resources, and if there any resources provided to those individuals? Mr. Haugen stated that there are some individuals who do seem to have difficulties maintaining their yard. In some cases, an outside agency will step in to help, but that is not always the case. Resources are sometimes hard to come by, but the Property Maintenance and Neighborhood Relations Staff try to find help where they are able to.

Chairwoman Ortiz suggested reaching out to the Topeka JUMP association. Mr. Haugen stated he had made an informal inquiry with the group at one time, however appreciated the suggestion and would inquire with them again.

Chairwoman Ortiz and Mr. Haugen discussed various avenues to find volunteers.

Inquiries and responses from Committee member Hiller:

- Discuss the types of cases that go to court in practice versus what is included in the notice to owners. Mr. Haugen stated that the housing cases are the only ones that go to court. The letter states that other types of cases “could” go to

court, however that has not been the practice. Mr. Haugen preferred to keep that language should a case ever rise to the level of needing to go to court.

- Noted appreciation for the referral list that is provided to individuals that include a number of community resources. Suggested sending the attachments for the committee members in separate documents rather than combined.
- Committee member Hiller inquired if a letter is sent to the resident as well as the property owner. Mr. Haugen stated the owner is notified, as the responsibility ultimately lies with the property owner to have the tenant fix the issue or address it themselves.
- Inquired if Staff was looking through information to see if the postcard helped to reduce the number of repeat cases.
- Where do the charges come from when the abatement crew goes out? Mr. Haugen stated the City does not have the equipment to handle these cases, and that Inmate Crews are used. Shawnee County charges the City \$25/half-hour, even if they are there less than a half-hour. Where does that rate come from? Mr. Haugen stated the rate was set prior to his time in the position, however, he estimated the inclusion of the Jailer's pay and benefits would add up to around \$50/hour.
- Are you still waiting to hear from Shawnee County, City, and Collections to provide 2017 data? Mr. Haugen stated Shawnee County does not directly provide money to the City; but an exchange of taxes are split out. Shawnee County politely declined to provide that information. The collections agency pays the City. Does the City get an itemized transmittal? Mr. Haugen could not provide that information at present time. Committee member Hiller would be interested to see that information in the future.
- Constituent Surveys have shown the community wants the City to look nice, overgrowth is a concern, Mr. Haugen stated he and Staff are constantly looking for ways to improve their strategies and communication systems. Mr. Haugen stated that language on the citations and notices were not clear prior to 2016/2017, and that work has been done to provide that clarification.
- What payments have been paid to other City departments when they came to assist with Code Compliance issues? Mr. Haugen stated Code was 200 cases behind during the 2019 summer months, and that any case that was cited took 45 days to even re-address. Committee member Hiller inquired if other departments, such as Forestry that assisted on some of the cases when requested had billed the owner. Mr. Haugen noted that in the instances when other departments are called upon to assist, they do bill Code Compliance and are paid. However, if Code Compliance calls another department to address a situation that is the responsibility of that department, he was not able to

answer if the owners received a bill. Sasha Haehn, Neighborhood Relations Director, noted that the Public Works Department, who oversees the Forestry Department, gets involved in cases where alleyways are blocked due to it impeding traffic. When traffic cannot pass through an alley, it becomes a transportation issue, thus falls to the Public Works Department to address. Mr. Haugen followed up by stating the citations that are issued regarding alleys by Code Enforcement are related to grasses and weeds that have become overgrown.

Chairwoman Ortiz noted a confusion among residents regarding easements and alleyways.

Mary Feighny, Deputy City Attorney, read from the Topeka Municipal Code (TMC) 12.65.080 - Duties of private property owners. Forestry, however, sends the notice to clean up. Committee member Hiller stated there was some duplication in duties.

Committee member Hiller suggested an initiative that would engage the entire community to address overgrowth issues before they become problematic. Overgrowth is a continued concern for constituents. Committee member Hiller suggested a three year strategy to address the overgrowth.

- Downtown Kansas Ave looked terrible with overgrowth all summer (2019). With the current system in place, how was it missed? Mr. Haugen stated that the summer is a very busy time of year. This is a very busy area. Mr. Haugen asked that anyone with concerns please bring them forward through using See Click Fix, or calling the office to report the concern in order to initiate action by the inspector. Hiller inquired if inspectors are writing up area in the easement. Would like to have a proactive standard.

Mr. Haugen stated that Staff attends over 100 neighborhood and community meetings, and creating the videos is another resource he would like to see continue. There is an expectation for the inspectors to call constituents back. And inspectors now take the time to go out to the residence to explain and show the owner what, specifically, is needing to be addressed.

Chairwoman Ortiz commended the department for work that has been done. Chairwoman Ortiz noted she has also heard from constituents that the overall customer service received by the inspectors has improved greatly in the past few years. Mr. Haugen noted that he searches for any way he can get the community educated in the programs, and expectations.

### **Other Items before the Committee**

Committee member Hiller noted that this would not be a conversation for today, but if the other tabs would be addressed in January or if it would be covered by the new committee in February. Inoperable vehicles, graffiti, and housing cases.

Mr. Haugen will present on inoperable vehicles and graffiti would be brief, and housing at the next meeting.

**Adjourn**

Chairwoman Ortiz adjourned the meeting at 3:15pm.

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