



# 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  
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Date: June 8, 2020

Time: 3:00 p.m.

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

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

**City staff present:** Brent Trout (City Manager), Mike Haugen (Property Maintenance Division Director)

### Call to Order

Chairwoman Hiller called the meeting to order at 3:02pm. Committee members introduced themselves.

### Approve March 8, 2020 meeting minutes

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

### Staff Responses to Issues List

Chairwoman Hiller introduced Mike Haugen, Division director for Property Maintenance, to read through a list of questions and answers. [This document will be found at the bottom of the minutes].

Collected fees vs. fines/fees/abatement costs - Mr. Haugen noted that the area of this document shows the amount that was billed out in 2016, 2017, and 2019. There were two changes in software programs that occurred in 2018, and the numbers are very difficult to track in a neat manner. The fees that were waived or cases closed are typically from cases where the individual has passed away, are unable to pay anymore or a transfer of ownership occurred in the middle of the case. The fees are not waived "just because", there is a more substantial reason.

Chairwoman Hiller inquired if it would be fair to make the assumption, based on trends and numbers carried over, that there is around one million dollars a year that is billed out and is not collected on. Mr. Haugen stated that assumption is likely correct, and that collection on what is billed is around 50%. Chairwoman Hiller noted this gap may be worth taking a deeper look at in the future to determine a more efficient way to close that gap. Mr. Haugen stated that most of the

work is done through the NIA areas, which are areas where people are unable to make the payments, so the issue drags on until the person passes away. Chairwoman Hiller would like to know what other solutions outside of the Property Maintenance Division could be brought about.

Graffiti fees - Numbers are lower in 2016 and 2017, and much higher in 2019. Mr. Haugen noted this may have been due to the way graffiti is addressed, and the aggressive measures taken by the program have been successful with the reduction of graffiti in 2020 so far. Committee member Ortiz noted the quicker graffiti is removed and with the increase of murals that have been helpful with reducing graffiti.

Fees waived or closed by collections - Committee member Ortiz inquired about the fees waived or closed by collections each year. Mr. Haugen stated there were various reasons this would happen and that the increase in 2017 is due to the number of demolitions that were completed.

Chairwoman Hiller asked for clarification as to what the total amount paid to office each year was. Mr. Haugen stated these are fees that individuals come to the office directly and pay.

Chairwoman Hiller inquired if information was ever received by the County. It was not.

Mr. Haugen would like to see the billing process go through the RPI to help find efficiencies. Chairwoman Hiller appreciated the suggestion.

Mowing Recidivism - Mr. Haugen noted one of the inmate abatement crews have been cut this season. The postcards seem to be helping, however the program will not show full numbers until after this season. A notice is posted to the door of the violator to let them know that a notice will be sent to the owner and that future notices will not be made with regard to mowing. Willingness to work with the owners, and it seems to be helping. With repeat offenders, code officers are keeping track of the properties and are working on the cases more regularly.

Resource list - This can be found online.

[Topeka.org>Government>Departments>Neighborhood Relations>Property Maintenance Division. Titled "Resources to assist on your property"].

Abatement Fees rates - Mr. Haugen stated this issue may be tricky, as most of the calls received are from individuals who struggle to pay. However, if the Council wanted to review the rates for certain issues, that may be an option. Chairwoman Hiller noted that some years ago, a formula was created to assist with calculating the amount of staff time was put into each case.

Court consequence - Mr. Haugen noted a fee of \$100 covered the staff cost and the cost of the certified mail. No responses have been returned to Mr. Haugen with reference to additional options for prosecuting or increasing current practice with repeat offenders.

Charges for securements - If property is found near high priority area (i.e.: school, community center, etc) if owner does not secure house within a 24-hour period, they receive a fine. Fines have not been sent to owners who have experienced a house fire. Currently, the Fire Department will call Property Maintenance to request a securement. This may be something that is reviewed deeper. Committee member Ortiz noted a house that had experienced a fire and the owner has no plans to secure the property and is waiting for the City to handle it. Mr. Haugen noted the City does not take care of properties without billing the owner. When cases like this occur, Property Maintenance sends the owner a violation notice, followed by abatement and billing.

Chairwoman Hiller noted the recent implementation of the County's program for neighbors purchasing the property has been successful, however takes time. Mr. Haugen noted solutions are trying to happen to work with owners to sell their property if they are no longer able or willing to take care of it.

Chairwoman Hiller inquired about the process of demolitions and if staff has looked at reviewing it in order to get rid of the property after a structure has been demolished voluntarily. Mr. Haugen stated it has not, however he would be interested in moving forward with a program to waive fees for properties in order to have the individual turn their property over to the City, if he obtains approval from supervisors.

Housing Interiors - Mr. Haugen stated individuals understand their rights more now than thirty-forty years ago. A consent form is required any time an interior inspection is completed. Chairwoman Hiller finds this process troubling as a tenant is not protected by retaliatory actions if they are not a tenant in good standing. In terms of City personnel and providing safe housing, and a case has not been completed for being in compliance, there may be potential for ongoing compliance issues for future tenants. Inspection and styles have changed and greatly improved in recent years. City Manager Brent Trout noted inspectors have to respect rights of the tenants if they refuse to allow the inspectors inside of a structure or room. Committee member Ortiz complimented Mr. Haugen on the improvements of the division since he has become the director. Mr. Haugen stressed the teamwork and relationships that have been built between NIAs, other departments, the public, and Property Maintenance officers has been essential for the improvements and positive experiences for all parties involved.

Graffiti on boats/cars/trailers - Currently not able to do anything about it. Interested in finding a way to address this issue. Chairwoman Hiller inquired if

current door hanger method would be useful. Mr. Haugen stated it was not currently a pressing issue, unless someone could come up with a great suggestion.

Vinyl & steel graffiti - Great deal of voluntary compliance with this. If notice goes unmanaged, Property Maintenance will paint over it.

Exterior paint notice, timing - Mr. Haugen noted cases would not be opened with regard to exterior paint between November 1<sup>st</sup> and March 1<sup>st</sup>. Notices are given in 120, 90, 60, and 30 day increments and once March 1<sup>st</sup> hits, an open case will provide an additional 60 days to complete the painting. Property Maintenance will work with owners who ask for help and are making some type of progress.

Committee member Ortiz referenced phone numbers. Mr. Haugen noted most of those could be found on the Resource List. Mr. Haugen stated the City also has a map with cartoon characters that provides a variety of issues and the numbers people could contact to address that matter. Chairwoman Hiller inquired if this map has been updated or reviewed. City Manager Trout stated this would be reviewed and updated.

Closing cases and reopening them - Mr. Haugen noted a new owner must be provided due process to address an issue before reopening a case on a property that had been previously cited. This process also assists the prosecutor for tracking the cases. If a property is left open and a case goes to "bench warrant" status, the data tracking system retains the information and it continues on. By closing the case and reopening a new one, the tracking system is able to be more effective in showing what is actually occurring. The Prosecutor is able to make the decision to prosecute the seller.

Public Reports - Mr. Haugen stated the City uses MyGov website, however, the software is only able to provide case closed as a close-out status and the City has no control over how it is posted to the website. Chairwoman Hiller noted there is sometimes a difficulty on the MyGov website, and she inquired if there was a way to simplify how searching for a case by citizens.

Closing with non-compliance - Chairwoman Hiller inquired if there was a way to mark a case to show if a case has gone to court. Mr. Haugen stated this has happened and should be easier to see.

Painted Boards - Chairwoman Hiller stated that at one time, there was a requirement for boards to be painted and a color that was somewhat close to the house and used to be enforced, however this was changed in the most recent edition of the IMPC to remove the paint and stated it only needed to be weather proof, and that it could be a policy to change and include again. Mr. Haugen was supportive of this change. He noted a new edition of the IMPC would be released soon however, those items could be reviewed and changed if not already done.

Mothballing – Mr. Haugen is not supportive of this being under the Property Maintenance Division, however he would partner with another department if directed to do so. City Manager Trout noted that as work continues with the Housing Study and landbanks, there is a way to identify some usefulness for the mothballing process. Chairwoman Hiller would like for Staff to take a deeper look at the process.

Trees and shrubs – Mr. Haugen contacted the IMPC to clarify the interpretation of this ordinance. There is a section in the Municipal Code, Section 12 that addresses the issue of trees and shrubs, however it falls under Forestry and not Property Maintenance. Mr. Haugen stated if the committee would recommend the Property Maintenance division take over this, there will be a continued backlogged in cases. Chairwoman Hiller stated the code is the standard, and would like to discuss what the standard is for the City. City Manager Trout noted that putting this responsibility onto the City, the demand would be unmet. Chairwoman Hiller stated if a standard was set, it may not be put onto the City's responsibility to take care of. Discussion will continue on how to address this issue. Committee member Ortiz inquired about voluntary trees growing through a fence and obstructing part of a "yield" sign. Mr. Haugen stated the Street division will take care of this issue. Mr. Haugen can send a notice to the owner, but obstruction of street signs fall to the Street division. Mr. Haugen noted if the committee choose to put code in, he is asking that resources be made available first and he can be on board with those decisions.

#### **Discussion: Preparation for Public Input Sessions**

Committee member Ortiz stated she would prefer not to host these sessions until July, at the minimum. Committee member Dobler suggested waiting until August to make a decision. Mr. Haugen agreed that in August, the committee could meet again to re-evaluate. Mr. Trout noted Legal could revise an edition to the Governing Body Meeting ordinance to allow Committees to continue meeting virtually.

The next meeting will be July 13<sup>th</sup> for an update about the homeless situation.

#### **Other items before the committee**

None.

#### **Adjourn**

Meeting was adjourned at 5:04pm.

Meeting video can be viewed at: <https://youtu.be/xD1v3bR9ero>