



CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

PUBLIC HEALTH & SAFETY COMMITTEE

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
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Date: October 14, 2022

Time: 2:00pm

Location: ECR; 3rd Floor City Hall 215 SE 7th Street (*virtual attendance option also available*)

Committee members present: Councilmembers Karen Hiller, Christina Valdivia-Alcalá, Neil Dobler. Deputy Mayor Spencer Duncan was absent.

City staff present: City Manager Stephen Wade, Chief of Staff Bill Cochran, City Attorney Amanda Stanley, Deputy City Attorney Mary Feighny, Community Engagement Director Monique Glaude, Public Works Deputy Director Hannah Uhrig, Property Maintenance Division Director Mike Haugen, Fire Marshal Alan Stahl, Development Services Division Director Richard Faulkner, Forestry Manager Travis Tenbrink, Public Works Deputy Director Tony Trower, Communications Director Gretchen Spiker, Interim Finance Director Rachelle Mathews

1) Call to Order

Committee member Hiller called the meeting to order at 2:00pm. Committee members and staff introduced themselves.

2) Approve June 14, 2022 Meeting Minutes

Committee member Valdivia-Alcalá made a motion to approve the minutes. Committee member Dobler seconded. Minutes approved 3-0-0. Committee member Duncan was absent.

3) Changing Our Culture of Property Maintenance

Chairwoman Hiller voiced appreciation for staff that have been working on this initiative, and excitement for the progress that has been made. She is looking forward to what is to come. She introduced the staff members in attendance.

Committee member Valdivia-Alcalá echoed sentiments of thanks for the work staff has done. She noted she felt there was a sense of excitement on the City Council for moving forward with some of these initiatives.

May 8 Consulting Final Presentation and Report:

Chairwoman Hiller thanked the staff members who assisted with gathering the preliminary information that was included on Karen Black's report. She asked

staff to review the final presentation and report to include anything that they feel might be missing in the time between Karen Black's presentation to the Governing Body (October 18), and the next Committee meeting (October 25).

LLC Ordinance:

City Attorney Amanda Stanley reviewed the LLC ordinance. As background on this issue, she noted that this has been a chronic issue for Municipal Court for about the past five years. A corporation or out-of-state landlord is served a notice to appear for a property code violation, and they do not show up for court. Currently, under the City's Municipal Code, the only recourse is to issue a warrant for someone who does not appear for court. It is difficult to issue a warrant when dealing with a business where there is no particular person to list, especially if it is structured as an LLC, which protects them from individual liability. As a way to keep cases from remaining unresolved for years, she has drafted an ordinance to hopefully help resolve some of this issue.

The drafted ordinance creates a new process in the City's Municipal Code for dealing with LLC's. Under the new process, when the LLC's are served with a notice to appear in court, and if they do not show up, this ordinance will give the Municipal Court Judges the authority to issue a summons to appear and explain why you did not come. If they fail to show up to that summons, the ordinance will give the Judge the authority to issue a default judgement against the corporation and assess fines and fees. City Attorney Stanley stated that while this is a novel concept at the city level in Kansas, it is not a novel concept in State Law. The State Law has had this type of provision for criminal offenses against corporations since the 1970's. The ordinance being presented is modeled after State Law, and staff has done a lot of research in other states. This is not a unique-to-Topeka problem, rather a nationwide problem. Staff is hopeful the Committee and Governing Body will be supportive of this new idea to help deal with the corporations.

An additional piece of the ordinance speaks about how to perfect appeals of demolitions. Currently, State Law gives someone the right to appeal a demolition order to the District Court. The law does not say how long the individual has to issue the appeal, or what the process is. This has led to some appeals to the District Court to sit and have nothing done with it, which makes it difficult on the City's end to move forward on cases such as fire damaged buildings, due to having to wait on the District Court. The City is allowed, under State Law, to put

processes into place with timings and deadlines, to avoid having to have a demolition building sit there forever.

Chairwoman Hiller inquired about how soon City Attorney felt this ordinance could be ready to present to the Committee? City Attorney Stanley stated she was confident that it was ready to be reviewed, that she has received the green light from Karen Black, and would like to see it move through the Committee and Governing Body as soon as possible so that it can be put into place. Chairwoman Hiller stated she felt this would be ready to take consideration and action on at the Committee's October 25th meeting.

Retaliatory Eviction:

City Attorney Stanley stated the Retaliatory Eviction ordinance has been on the books for a long time, and she did not have a final draft of the new ordinance prepared yet, as she had been waiting to view the May 8 final report. She has now reviewed that report, and staff is now beginning the process of researching how to make Karen Black's suggestions into a reality with the affirmative presumption of shifting the burden. The working draft will be presented to the Committee, possibly by the October 25th meeting.

Chairwoman Hiller reviewed the timeline for next steps. She does not envision the Committee meeting in November, to give time for staff to continue working on finalizing things that would then come before the Committee at a December meeting. She would like those items to then be ready for review and action by the Governing Body in January, with the idea that policy items could be completed by the end of January or early February so that it is in place by March and the growing season. Correspondingly, there will be continuations of debriefing of the mowing program and planning for what can be done with it for next year.

Chairwoman Hiller inquired if the items from Karen Black were complete, or if there was more information coming from her? Deputy Director Hannah Uhlrig stated the group was still waiting on the finalization of the action plan. The first list of the eleven items, including some preliminary action components, were included in the final draft. The detailed analysis on that to include the "when", "who" and "how" is still being worked on through this next month, once the Governing Body adopts the eleven recommendations as presented in the draft. With the assumption that there are no major changes or modifications to the eleven recommendations, or additional steps needed, the vast majority of those

should have an action plan within the month of November so a step-by-step report can be provided at the December meeting.

Chairwoman Hiller inquired about the voting process. Deputy Director Uhlig clarified that, if, the entire Governing Body was supportive of the eleven items, and that no additional items were added or heavy modifications made to the current items, it should be ready for final consideration and action at the next Committee meeting.

Vegetation Ordinance & SOP:

City Attorney Stanley noted that there was a modification to the ordinance that had been left for consideration, regarding native plants, at the last meeting.

Councilwoman Naeger had asked for an amendment dealing with native plants. She included the original ordinance as well as the modified ordinance that included a description and sentence on native plants, into the packet.

Chairwoman Hiller stated she would like to have the Committee review this in more detail at the next meeting (October 25); to look at the latest version that City Attorney had provided, but that there were also a few items in the ordinance that Chairwoman Hiller wanted to caution people to look at and study such as the distance requirement for how far onto a property line from the right-of-way an owner needed to mow. This was something that had been reviewed initially, but had not been worked further since that time, and staff had been spending more time on it.

Property Maintenance Director, Mike Haugen, addressed the vegetation ordinance. One concern he had is about the language pertaining to acreage and mowing back 30 feet, if the property is over an acre. He stated that that piece was his suggestion, but that the more he drives through the community, he sees certain pieces of land that had been somewhat maintained, and as such, the “urban forest” has been kept under control. However, if the ordinance reduces the requirement to 30 feet on all of these properties, urban forests are going to start developing (trees growing up on some of these properties which later turns into an acre or two acres of nothing but woods). He noted that having an urban forest would make it very expensive when it came time to clear the forest. He suggested possibly removing that from the ordinance and placing it in the SOP, that the director can administratively make the determination on a case-by-case basis on which properties this is needed and which ones it is not. Chairwoman Hiller noted that request could be considered, and that she had been encouraging everyone to

really look around as they go through town to take notice of what people have been doing, in terms of things like mowing widths and what might be reasonable to ask. She noted we did not want to encourage reforestation, although that is a popular thing to do right now. Chairwoman Hiller suggested having additional training from the Shawnee County Extension office on noxious weeds, and others stating the training would be useful.

Chairwoman Hiller inquired about the status of the Forestry ordinance as there was a reference to a Forestry billing process in the SOP. Deputy Director Uhlrig stated staff had completed a preliminary look at the Forestry ordinance, and that it does not appear to currently show anything within the SOP or the ordinance to be adopted. From a billing and processes for property abatements, historically that has not been an issue within Forestry and that it should not be a problem. Due to the way the Code is written, it should not be something that crosses into that line; so pending the final adoptions of the Vegetation Ordinance, there will not be a need to change this. Deputy Director Uhlrig stated that, according to Forestry Manager Travis Tenbrink, he recalls having to issue a notice of abatement, but that voluntary compliance to mitigate the issue occurred before the City had to pursue the issue any further. As such, staff did not think any additional changes were necessary.

Chairwoman Hiller inquired about abatement in alleys, noting it was an issue she hears about frequently. Some comments are from people included Forestry showing up to trim when they were not expecting it, using herbicides that kill their gardens. And that early conversations also discussed the issue of billing and that, perhaps since Forestry had not done any noticing and abatements. To avoid possible complaints or confusion from people, if the vegetation ordinance is updated to include language about abatements, a suggestion would be to provide refreshed information to notify owners that keeping vegetation out of the alleyways, or anywhere on an easement, was their responsibility; and that the City would not be coming out to do that as a free service.

Deputy Director Uhlrig clarified that there is currently language in the Forestry Ordinance that states that if the City has to abate, we can bill back the property owner. She stated that, in terms of the alleyway, it is really when Forestry has to go in to trim or address overhang over the public alley. Forestry will not go onto private property or private space, but they do have to go through and trim up the alleys to allow trash trucks, other utility vehicles, or even citizens to have a clear

access to the public space. That is the only area where true abatement occurs, and the residents are not charged because it is something located in the public alleyway. Chairwoman Hiller wanted to include language that could clarify that owners know they are responsible for cleaning overhang into the alleys. She feels the issue has become that people know Forestry will take care of it, and just let it go or do not know it is supposed to be their responsibility to clear. She suggested creating some type of noticing process once this ordinance has been approved, as an educational piece. She suggested staff review that information prior to the next meeting, so that a review and reconciling of the two areas can be done, if needed. She suggested that it may be possible to have a single billing process and a single noticing process that looked the same since it spoke to the same vegetation piece.

Travis Tenbrink, Forester, echoed comments made by Deputy Director Uhrig that although there may be some overlap in language between the Forestry ordinance and the Vegetation ordinance, they would make sure the information was clear.

International Property Maintenance Code (IPMC):

Chairwoman Hiller noted, in review of Karen Black's report, spoke to a growing trend in different cities to not require a vacant property to be boarded in lieu of making it secure and keeping up the appearances.

With regard to the vacant property, and everything related to it discussion, Chairwoman Hiller inquired if that would be a big enough book of business that the review should be scheduled for 2023, rather than trying to get it figured out before December? Waiting might provide a chance to really look at all of the moving parts of that ordinance. Deputy Director Uhrig confirmed that the vacant property was an area that was put on hold, from an internal staff perspective, pending final results to revisit once it was completed. There has been a lot of preliminary conversations, internally and with Karen Black during her in-person visit, regarding different items under that code, but that staff will revisit the items and create a timeline as part of their action steps.

Chairwoman Hiller noted that the hope was to get vegetation completed before December, and to have the other two pieces moving into work sessions. Referencing back to the IPMC, some language could be changed later, and Chairwoman Hiller stated having some short-term stuff related to the IPMC could be done soon, and expecting that there would be an "IPMC - Part B" to follow later, if the group wanted to review something such as fines and fees, later.

Property Maintenance SOP: [Video minute mark 31:45]

Division Director Haugen noted that the SOP stated that the only thing needing to be changed was the definition, as it will be strictly serving as a Standard Operating Procedure only. He noted there will be a discussion with Legal regarding habitual violators, and that that language will have to be added into the SOP, as it is not currently there. As for the letter, there are six things that are required to be included per City Code. This takes up almost a full page. He stated that the letter was very clear and concise, however he is looking at adding a second page that provides suggestions on how to correct the issue. The second page information would not serve as an official page or legal document, but would be added as an additional way to provide customer service.

Committee member Valdivia-Alcalá inquired as to how long Division Director Haugen felt this might take to create the letter? Division Director Haugen stated that it could be as soon as two weeks, however was not able to confirm that deadline. City Manager Wade added that his office was aware of the issue, and that they were working to help expedite it.

Committee member Valdivia-Alcalá inquired if the tone of the letter was going to be considered? Division Director Haugen stated they would do their best to ensure that both the required language was included, as well as the clarification of the citation, but to keep the tone of the overall language in mind so that recipients were able to understand the issue, but were also not fearful to contact the City with questions.

Chairwoman Hiller suggested, that if staff and the Committee could reach a preliminary agreement on the letter, and do a test run with it next year to see how it is received, the new information could be reviewed after six months to see how it is doing. Chairwoman Hiller and Committee member Valdivia-Alcalá both stressed the importance of the tone conveyed within the letter. Division Director Haugen understood.

Chairwoman Hiller would like to receive a status update at the October 25th meeting on the Vegetation and Forestry interface, and the IPMC. She suggested bringing the draft letter to the meeting as well. Deputy Director Uhrig noted she was unsure if staff could expedite the process that quickly, but would bring it if it was ready.

Fire Inspection:

Fire Marshal Alan Stahl provided an update on the multi-unit property inspection program and stated the Fire Inspectors have partnered with the Property Maintenance Division to begin sending a Property Maintenance inspector out to cases to assist with documenting cases. The goal of this partnership is to complete a full interior inspection with the ability to look at both fire and property maintenance code issues, rather than just fire code, simultaneously. This is in development with a goal to be able to roll out early in the Spring with implementation. He will bring a draft for the Committee to review to the December meeting, and noted this draft has been processed through both agencies, City Legal and the City Manager's office.

Chairwoman Hiller inquired as to the reception of the multi-unit family housing inspections have been? Fire Marshall Stahl stated that overall, this has been well received. There was some initial push-back from certain landlords, however, things have improved as the landlords have realized that no one is being singled out, and that the division is looking at all multi-family housing units. The goal is to bring all of the properties into compliance with all of the codes of the City.

Chairwoman Hiller inquired if the Fire Inspectors are only looking at the public spaces within these multi-family units, or checking individual units while they are there as well? Fire Marshal Stahl responded that they are not able to spot-check the living unit unless the tenant invites them in to do so. Fire Inspectors are not asking tenants for access into their living unit, and there have only been a few times when, by chance, a tenant has caught an Inspector in the hall and invited them inside.

Committee member Valdivia-Alcalá inquired if advanced notice is given prior to the public access space, to possibly allow for individual families to reach out and request they perform an interior inspection? Fire Marshal Stahl stated they had not been doing so, but that it was something to consider. Advanced notice is currently given to the property owners, but they could also look into providing the tenants with advanced notice as well.

Vacant Property:

Fire Marshal Stahl noted that a partnership between his office and the Property Maintenance Division was emerging in the area of vacant property inspections. Historically, the Fire Marshal's office has not been involved with enforcing

Environmental Code or Fire Code on vacant structures. However, within the past several weeks, the Fire Marshal's office has begun working with a vacant hotel which has been a known problem. That case involves coordination between the two divisions, to ensure the right code is used in the right place. The owner was notified and has been complying, and seems to understand that the City is very seriously looking at their property to ensure it is brought up to compliance and is secure. This is to help mitigate major fire or life safety risk potentials that exist.

Chairwoman Hiller gave credit to Committee member Valdivia-Alcalá for naming the initiative Changing Our Culture of Property Maintenance, and was glad to see this exact type of partnership evolve from it. Committee member Valdivia-Alcalá added she found it good to hear reports articulated about divisions/departments moving beyond the silos, and to see the formulation of these types of partnerships. She stated it was exciting and thinks they will do well for the initiative.

Chairwoman Hiller stated that she had penciled in to review this piece in more detail next year, and that when it came to vacant properties, the conversation to treat those differently between low-income owners who cannot fix the property versus those who could and should have fixed issues. This conversation would also include talking about the County Tax Sales.

Division Director Haugen voiced appreciation for the partnership that has developed between the two divisions. There have been big benefits that have already emerged. The biggest issue is staffing levels in both divisions. However, he felt that once they reached full staffing, they would like to begin a proactive approach in notifying multi-housing families of inspections and taking a look before incidents occur. Committee member Valdivia-Alcalá stated that the conversations on having extra staff should not be something to hesitate about. She feels early notification and the proactive approach is very important for the community and those living in the multi-family units.

Chairwoman Hiller stated she felt it was better practice to take extra time at first, and be consistent with handling the manner and that the City will begin to see some of those issues go away because we have changed our culture.

Website Changes: [Video minute mark 47:57]

Communications Director Gretchen Spiker provided an update. Staff are working on the development of a new City website, with a priority to include an enhanced translation services. The current website utilizes Google Translate to assist with this process, however it is not always as accurate. She noted that some of the Changing Our Culture promotions were in Spanish, such as the Achieving Our Culture of Property Maintenance Celebration event.

Committee member Valdivia-Alcalá voiced appreciation to moving forward with the enhanced movement toward getting more information in Spanish. However, she stated that in addition to providing just the base of translated information to the Spanish-speaking community, she would also like to see more involvement within that particular community as well.

Chairwoman Hiller inquired if she had understood, through various communications, that the full website rollout would be part of a 2023 evolution? Director Spiker confirmed, that this process would not occur until 2023, however she would be able to provide updates along the way.

Training/Public Outreach Plans:

Community Engagement Director Monique Glaude´ provided an update on training. For the first step of training, staff have been in conversation with the KState Extension office, in regard to the noxious weeds and native plants, to talk about providing training in 2023. They informed Director Glaude´ that, in the past, they have trained the Property Maintenance Inspectors on how to identify both of those, and provided them with a book that was created to include photos and descriptions. In looking at how to empower neighbors to take care of their yards and any other issues they wanted to address, she reminded that Lowe's and Home Depot offer free online classes and workshops, that folks could review during the winter months. There will also be some various options and topics that they have on-demand content on. Staff will include that information in the Resource List booklet that will be compiled before the end of the year. Topeka Police Department Captain Colleen Stuart provided some information about Crime Prevention Through Environmental Design (CPTED), to include a free online mini-training course in 2023. This course will be 30 minutes and will consist of 53 slides. That information will be put before the Committee in December. There is also an option to participate in the in-person training. This is a five-day course and costs about \$595/per person; so Staff wanted to really focus in on the free

options. With the Public Outreach Plan, Community Engagement will continue to collaborate with Communications to identify what the next initiatives will be, and will continue to push out the press releases, infographics, standing banners, and social media posts that they have already been doing. Staff realized that Facebook's sponsored ads have been very effective in reaching citizens. Community Engagement have received a number of calls and emails on a daily basis that stem around the time those sponsored ads have been pushed out.

Resource List:

Director Glaude´ wanted to look at the various resource lists that Safe Streets is using, that Property Maintenance, Housing Services, and extract information that would be good for the Changing Our Culture of Property Maintenance and compile and add to the resource list. Director Glaude´ noted she would be specifically focusing on the housing resources, and the things people can access. Community Action, for instance has a weatherization program. Topeka Habitat for Humanity have various programs.

Chairwoman Hiller suggested training on mothballing for vacant properties, based on the checklist that the State has published. Director Glaude´ agreed.

Rehab Code:

Development Services Division Director Richard Faulkner provided a report. Their staff has spoken with two contractors who are doing rehabilitation work in the lower income areas currently. Some concerns that have come up center around the types of work they are allowed to do without a permit, as they have had difficulties with procuring contractors who are willing to do the work. Division Director Faulkner stated that he has provided them with a list that details the types of work, within a home, that requires a permit and which projects do not require a permit. He stated he was not sure of the level of familiarity those two individuals had with the list. He was going to reach out to them again to inquire about the type of work they are doing and to see if these things are projects they are able to do without a permit. He reminded that there are certain projects that do require a contractor with education credits and some sort of master's license to be allowed to do the work.

Chairwoman Hiller inquired if Division Director Faulkner felt there would be a value in having a larger group of people, to include the Committee, other staff and other house flippers attend a meeting to review this resource list? Division

Director Faulkner confirmed and stated his office is not always made aware of individuals who are flipping houses, and encouraged that anyone who he could get the list to or contact information that he could begin engaging with them in, would be helpful. Division Director Faulkner stated he had been in conversation with the two individuals, however he had not been on location to see the type of projects they had asked about. Chairwoman Hiller inquired about next steps with this engagement. Division Director Faulkner stated the next step would be to meet with them whenever they get their next project house to see what types of work they are wanting to do to rehab the home.

Chairwoman Hiller suggested possibly reaching out to the Builders' Association as well to see if they would share information through their network. City Manager Wade stated that he and Planning & Development Services Director Bill Fiander were working on a plan and would bring it to the Committee.

Chairwoman Hiller inquired if there was any regulation regarding helpers to the licensed tradespeople? Division Director Faulkner confirmed there was such language. A journeyman can work with an electrician one-on-one, same goes for plumbers that they can have one licensed person training another person who is working toward their license.

Committee member Valdivia-Alcalá suggested taking an approach of creating some type of public education campaign about what type of rehab work can and cannot be done, and how to apply for certain types of permits. And doing so in a creative way that catches peoples' attention while also providing that education and information.

Chairwoman Hiller agreed and suggested that if those items could be stubbed in to work in tandem on the timeline with the redo of the City's website and the training, education, and resource list that Community Engagement is putting together.

Chairwoman Hiller inquired if there had been any type of hit counter to show how many times some of the educational videos on mowing had been viewed, and if this could be something to use on the other pieces? Director Spiker stated that the videos had been sourced from other websites, and because of this, the City did not have the ability to obtain any type of hit-count tracking.

Chairwoman Hiller asked Division Director Faulkner to present again in December after consulting with the two individuals, and with his Director and City Manager, to provide a more definitive timeline.

Mowing Celebration (10/15/22):

Committee member Valdivia-Alcalá stated that she and Chairwoman Hiller had been to any and all media sources that would allow them to talk about the event. The Changing Our Culture of Property Maintenance Community Celebration event will take place on October 15th from 12:00-2:00pm at the Everygy Plaza. There will be prize drawings, family friendly activities, music, food, educational vendor booths, and more. It is her hope to have good attendance and to celebrate some of the huge successes that we have had within the community with the mowing program.

Chairwoman Hiller added that there were roughly 230 mows that were completed through this program, that may not have been able to have happened without this program. She feels that the program has a lot of potential, based on the initial feedback received from individuals. The Greater Topeka Partnership helped the City plan the event, with the help of Committee member Valdivia-Alcalá, and made a substantial contribution to help bring Karen Black to the city to get the study done. They have also helped with setting up the event. Schendel Lawn & Landscape is the event sponsor and is taking care of the cost for the event and is providing two lawn mowers and a weed trimmer for prize giveaways at the event. There are also around 50 additional prizes to be given away that were solicited by a local individual, who wished to remain anonymous. Committee member Valdivia-Alcalá also stated that there would be some smaller mowing LLC's at the event handing out their information. She noted that folks should understand how novel this initiative is, to interconnect these different parts of community, and thanked the Greater Topeka Partnership for their help.

Plan from October 2022-March 2023:

Chairwoman Hiller stated she and Deputy Director Uhlrig had done some preliminary planning, and wanted to run by some of those ideas with staff at the meeting, but felt there was some consensus, so would finalize a timeline and get that sent to the team.

4) Other Items

Chairwoman Hiller stated that the Committee has been working with topics of Broadband and homelessness over the past couple of years. Committee member Dobler agreed that the broadband could be handed-off to continue on their own, as the Topeka and Shawnee County Get Digital group. He felt an annual update from the group to the Governing Body might be appreciated, but did not feel special reports at the Committee level needed to be made.

Chairwoman Hiller stated that the Housing Division staff have been working on additional programs for the homeless population. Committee member Valdivia-Alcalá provided information on the City's Equity Access Shelter program launch event. The event will be on November 1, and that it is something that Housing Services has been working very hard on. She noted issues centering around the chronic unsheltered population has deeply impacted her district, and is impacting the city as a whole, and that she and Mayor Padilla have been sitting in on meetings about the program. Committee member Valdivia-Alcalá stressed the importance of gaining a deeper understanding of this program, and how it differs from what we have been doing before, in order to see the successes as the program unfolds to get an understanding of what is being done right and how to grow the program. She feels some of these programs will serve as a model to other cities.

Chairwoman Hiller inquired if Committee member Valdivia-Alcalá felt these programs should come through the Committee level as a mid-year 2023 presentation? Committee member Valdivia-Alcalá confirmed.

Chairwoman Hiller thanked additional staff members, Liz Toyne, Mary Feighny, and Rachelle Mathews for their work on the various components of the programs.

5) Adjourn

Chairwoman Hiller adjourned the meeting at 3:20pm.

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