



CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

PUBLIC HEALTH & SAFETY COMMITTEE

CITY COUNCIL
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Date: June 21, 2023

Time: 11:00am

Location: Classroom A; LEC 320 S. Kansas Ave Ste 100 (*virtual attendance option also available*)

Committee members present: Councilmembers Karen Hiller, Spencer Duncan, Christina Valdivia-Alcala. Committee member Brett Kell was absent.

City staff present: Interim City Manager Richard Nienstedt, City Attorney Amanda Stanley, Kristin Moorhead, Communications Director Gretchen Spiker, Community Engagement Division Director Monique Glaude, Administrative Judge Karan Thadani, Housing Services Division Director Carrie Higgins,

1) Call to Order

Chairwoman Hiller called the meeting to order at 11:05am. Committee members and staff introduced themselves. Chairwoman Hiller noted that Committee member Valdivia-Alcala would be mostly absent, but was going to have some time later in the meeting to attend via Zoom. As such, she would like to save the action items of approving the May 17th minutes and Retaliatory Eviction Ordinance to the end of the meeting. Committee member Brett Kell was absent.

2) Changing Our Culture of Property Maintenance

Chairwoman Hiller stated the purpose of the meeting was to bring the full committee up to speed on the various pieces of the Changing Our Culture of Property Maintenance (COCPM) initiative. A huge work plan, that came out of the Karen Black study and the Council initiative, was created. It lays out timelines, objectives, and assignments for what is happening with the program. A *Changing Our Culture of Property Maintenance* webpage was developed, and can be found on the City's website. As items from the work plan are completed, they will be listed on a section within that webpage.

Action/Marketing/Mowing Team:

Chairwoman Hiller stated there were two tracks for the initiative. An action track, and a policy track. She introduced Community Engagement Division Director Monique Glaude, who is part of the action team that has been working on the

mowing program, to give an update on the program. Division Director Glaude provided the following points:

- There are currently 18 potential opportunities on the United Way of Kaw Valley's Topeka Volunteers portal. This means there are 18 low to moderate income neighbors who have identified themselves as needing assistance and not having anyone locally to assist with that.
- There was one match on April 4th that was made from this portal.
- There are 5 mowing vendors who have committed to providing a discounted rate to those LMI neighbors who need some assistance. They will charge between \$25-40 per lawn, dependent on the size.
- There have been 30 mowing inquiries. Staff has been able to share the vendor information with those individuals.
- There have been two individuals come forward who have stated they would be willing to mow in their neighborhood. So, they will only be helping local neighbors in the Historic Holliday Park neighborhood and the SE Peck area.
- A corporate group is interested in helping. Division Director Glaude will provide additional information about this opportunity after gathering additional information from the group.
- There was a prize giveaway that was part of a social media post. The hope was to inform people about the program, and to encourage them to consider participating. Division Director Glaude did not have a lot of details on how successful this was and noted that the Communications Director, Gretchen Spiker might be able to share more at a later time.
- Anyone needing additional information about this program can find it online at <https://www.topeka.org/citycouncil/changing-our-culture-of-property-maintenance> or can call 785-368-9530.

Committee member Duncan noted that 2023 was the second year of the mowing initiative, however it was the first full year as last year the program was new and we were still trying to educate people about it. He was curious about if there were people who were in the Topeka Volunteers portal who had signed up last year, that have carried over into this year? Division Director Glaude responded there were 21 from last year that are still in the portal and are listed as unmatched. There is now a total of 39.

Committee member Duncan inquired about the success rate of being able to match these individuals up with volunteers. Division Director Glaude stated that, of the 21 who were carried over from last year, staff responded to them as soon

as 2023 mowing vendors had been confirmed. Eleven (11) of those individuals said they would utilize a mowing vendor. For the remaining individuals, staff periodically contacts them to ask if they would like to remain on the list, or if they have been able to find another solution. The response has been positive, with people being appreciative to be able to have the potential opportunity.

Chairwoman Hiller noted that there is also a form on the COCPM webpage that encourages those who have helped someone else mow their yard, or maybe have mowed their own yard for the first time. The recognitions have been set up as a way to hopefully draw in more of those self-reported mows.

Chairwoman Hiller noted that John Schardine, Property Maintenance Division Director, would give an additional report at the next meeting. The goal of the program was not to set up a program for the City forever, but rather to get people connected with a resource to mow. This could be connecting them with a vendor who could continue on, or finding someone in their neighborhood or that they knew, who could mow for them regularly, or get the confidence to do the mowing themselves so that they were self-sustaining or taking care of each other.

Chairwoman Hiller inquired if staff had received any reports from the vendors? Division Director Glaude stated that the first report is due July 1st. The reports will be forthcoming.

LLC Ordinance - Memo on Deferred Judgement:

Chairwoman Hiller noted the LLC Ordinance was passed by the Governing Body last year, but City Attorney Amanda Stanley had some update on how that ordinance has been going.

City Attorney Stanley noted the Committee had received a memo from the Chief of Prosecution related to the success of the LL Ordinance. City Attorney Stanley complimented the legal department staff for their hard work on this ordinance. As staff had been cleaning out offices, paperwork had been found regarding discussions of what to do with property owners that would not appear in municipal court, so this topic goes back a very long way in the City Attorney's office. This ordinance was a tool that was needed. This ordinance was a combination of effort that included the City's civil litigators, Mary Feighny - Deputy City Attorney, the Chief of Prosecution Kelly Trussell. Quarterly reports will be sent to the Governing Body moving forward. One of the most noticeable

changes has been that people are showing up. The number of no-shows in court has significantly decreased, because it is no longer a “get out of the problem free” card. Once the first default judgement was issued, the word got out that the City was now taking these cases seriously. The memo outlines the process. It is in the City Code, now. The Legal Entities Resident Agent is mailed a notice of their arraignment hearing date. If no one appears on behalf of the entity at arraignment, the case is set on the ‘show cause’ docket. The resident agent is mailed a notice of that date. If there is no appearance on the show cause, the case is set for trial in the Pro Se docket, and the resident agent is mailed a notice of that date. If there is no appearance at the trial, default judgement is entered and the case is set for sentencing and the resident agent is mailed a notice of that date. At the sentencing docket, there is a recommendation of the fines that are laid out in the Topeka Municipal Code. After conviction and sentencing, new charges are filed against the entity, because the property is still in violation. Each additional default judgement will increase the fine amounts at sentencing, so there has been a noticeable increase of people voluntarily coming in and asking about the demolition process, or they are voluntarily correcting issues. Property owners with significant numbers of violations are getting those properties in compliance. This has been a very successful ordinance to date.

Municipal Court Update:

Chairwoman Hiller noted there had been a change to increase fines for repeat violators. City Attorney Stanley confirmed. She stated that, if someone receives a default judgement, it would insinuate the problem has not been fixed, so then the next case is immediately filed and with each case, the fines will continue to be escalated.

Committee member Duncan inquired as to, on staff side, how the communication was internally. Judge Karan Thadani responded that, from his perspective, these changes allow a way to ensure due process is provided. He stated one of the reasons for the multiple steps of action were to ensure the property owners were provided multiple opportunities to show up to their court date. Even following a missed court date, the defendant has thirty days to show up before a default judgement is issued. Judge Thadani provided some numbers on cases:

- In 2022, there were 369 cases total. Out of those, 282 were dismissed. That means roughly 76% that were dismissed.
- To date in 2023, there have been 121 code cases that have been filed. Out of those, approximately 90 have been dismissed. Judge Thadani noted one change

that has since happened, is that the Governing Body allowed the court to apply a dismissal fee for completed-by-owner cases. So, this year, for 23 cases this fee has been applied. If you multiply 88 cases x \$76, it is approximately \$6,500. This is a little bit of the recuperated fees that had been discussed last year. If you had multiplied the 2022 cases (282x\$76) that would have been closer to \$22,000.

Judge Thadani felt the LLC Ordinance is working well and was created and passed at the right time, and that the right people are in the right places to all understand what the mission is and are easily approachable and reachable, which is important in this type of business.

Committee member Duncan inquired if there was a noticeable difference that these changes were effective. Has there been a noticeable impact with regard to LLC's understanding that they can no longer take advantage of the system like they had been able to do previously? Judge Thadani stated that for some of larger property owners, they have created a contact person who works with the Chief of Prosecution. That is a positive change. When they come to docket, a lot of their cases are stacked. So, if there are 40 cases on the docket, and 15 are tied to a certain LLC, and that LLC is not present, that is 25% of the docket that did not appear. There are still some pieces to work out.

Committee member Duncan felt the long-term goal was to reduce the repeat offenders with the LLC's. City Attorney Stanley provided the example of, if there are 26 show-cause cases on the docket, and there is one entity with 13 cases, court staff try to put them all at once. This makes it more efficient for Judge Thadani and the prosecution staff.

Chairwoman Hiller stated another goal was to reduce the recidivism rate of Property Maintenance staff, and legal staff, to have to keep going back to the same property to address the same issues. If this reduction can occur, it would save cost to the City in both staff time and money.

Chairwoman Hiller noted that Property Maintenance Division Director, John Schardine, was out of the office this week, but she asked Judge Thadani for his opinion of whether the goal of having many of the property maintenance cases get addressed before they even get to the point of going to court, was being addressed? Judge Thadani noted that, from his perspective, the Housing

Navigator is a new position. The Housing Navigator works with Property Maintenance, and also attends every docket. As of this moment, Judge Thadani felt that this piece was a work in progress. It is a priority for them to be able to address some of the Low to Moderate Income (LMI) cases so that they do not have to rise to the level of going to docket, but it is new and will take a little bit of time to adjust and perfect it.

Chairwoman Hiller stated the Housing Navigator position was designed to help assist those individuals who truly could not afford some of these cases and to find resources to fix the problems. City Attorney Stanley noted that the Governing Body will see, in the Legal Department budget requests later this year, the one of the things they consider a success is the partnership with Habitat for Humanity and their ability with their grant funding to go in and help some of the LMI and elderly individuals address property maintenance issues. The partnership has significantly helped with voluntary compliance. Chairwoman Hiller commented that it was great to hear this information, and noted that the program is relatively new for them. City Attorney Stanley gave accolades to Chief of Prosecution, Kelly Trussell, as she made that contact on the City's behalf. It was another great example of teamwork.

Property Maintenance Update:

Chairwoman Hiller received a report from Property Maintenance Division Director John Schardine, who is away this week. He will provide a longer update at a future meeting.

Report updates include:

- PMU has taken steps to be much more transparent in their intentions to improve housing inventory and community appearance.
- They have modified procedures and standards to promote connectivity with the community.
- Increase community transparency and communication with constituents.
- Encourage collaboration between PMU staff, other City staff, and community partners.
- Modifications include implementation of an educational feature for tenants. Staff must now provide the tenants with an informational packet about the Kansas Landlord-Tenant Act, and instructions on how to file a complaint if needed.

- PMU is now networking with weekly reports with other City departments including:
 - Abatements
 - Condemned property locations
 - Demolition projects

Chairwoman Hiller noted this collaboration included a lot of work with the Police and Fire Departments on vacant structures or vacant properties, the Homeless Team, as well as the EAS team that comes out of the Housing Services Division.

- The PMU portion of the City’s website has been modified with additional contact information links for resources and a direct link to the new Housing Navigator.
- Additional information has been added to clarify procedures and establish appropriate timelines to resolve active cases.
- Affirmatively working with those constituents. This was done in an effort to eliminate misconceptions and fallacies.
- Created a new mission statement to align with the community standards and the Governing Body’s values. “The Property Maintenance Unit is dedicated to protecting the public’s health, safety, and welfare through education, community engagement, and equitable enforcement of City codes and regulations, as adopted by the Governing Body”.
- PMU has set up a new email bank for constituents to use.
- Amended policies to create and identify the role of the Housing Navigator. That person works with alternate paths for homeowners with medical or financial hardships, who need resources. The Housing Navigator is responsible for reviewing submissions, conducting comprehensive interviews, and defining what resources or grants may fit the homeowner’s needs.
- Division Director Schardine will have additional information about procedures regarding securement and abatement fees.

[Committee member Christina Valdivia-Alcala attended the meeting at 11:33am via Zoom]

Retaliatory Eviction Ordinance: [Video 29:26 minute mark]

City Attorney Stanley noted the Retaliatory Eviction Ordinance is something that has been presented to the CoCPM team a number of times over the past months. There has been one change requested from the last CoCPM team review of it. The request was made by

Chairwoman Hiller after receiving some feedback from the Landlord Association. Found on page 4, subsection a1, the addition of the words “or for a purpose which is in violation of the rental agreement” was made. This clarifies that it is not considered to be a retaliatory action if the tenant is not fulfilling a term of the lease agreement.

This ordinance cleans up a very old ordinance that was on the City’s books. It creates a process that is clear on how it is supposed to work. This has been a problem in the past. Things such as who to file with, how the process works, and how it goes to court are now clearly spelled out. The proposed ordinance has been vetted by Prosecution, Municipal Court, City Attorney’s Legal Department, Landlord’s Association, Renter’s Association, Tenants Rights groups, and the Public Health & Safety Committee several times. It is staff’s recommendation that the Committee move the Ordinance to the Governing Body for approval.

Committee member Duncan recognized the number of stakeholders who offered feedback to this proposed ordinance and felt that input was an important step toward protecting folks who are known to fall into the category of landlords within the city who probably should not be in the profession. He voiced appreciation for the work that has gone into this ordinance.

Chairwoman Hiller provided appreciation for the Shawnee County Landlord’s Association, Topeka Habitat for Humanity, Cornerstone of Topeka, SENT, Housing and Credit Counseling Inc, City staff from the Housing Division who work with the EAS program. She added that she felt it was important to have provided the opportunity for those stakeholders to give input. She included the final round of responses from those stakeholders in the agenda packet. [The Apartment Council of Topeka also vetted this ordinance].

Committee member Valdivia-Alcala thanked everyone involved, giving special recognition to City Attorney Stanley for her dedication and work on the research and creation of the ordinance. She also thanked Karen Black, with May8 Consulting, stating that the City may not have even been at the place where we currently are in understanding the depth and magnitude of how communities can really shift in becoming more proactive and engaged is a game-changer. If the City can do this wisely, and with a strong education component, we can lay the groundwork for other cities as a model.

MOTION: Committee member Valdivia-Alcalá made a motion to move the Retaliatory Eviction Notice Ordinance to the Governing Body with a recommendation to approve. Committee member Duncan seconded. Motion approved 3-0-0. Committee member Kell was absent.

Chairwoman Hiller also thanked Mary Feighny, Deputy City Attorney, for her work on the ordinance. She offered a reminder that the fundamental shift was that the previous ordinance was meant to be preventive and for the City to support someone who was

aggrieved. The new ordinance is also meant to be preventive as well, but also adds the “hammer” for a situation that meets the standards of the ordinance will affirmatively take the property owner to court for retaliatory charges, which is a huge step beyond what the City has had in the past.

3) Approve May 17, 2023 Meeting Minutes

Committee member Valdivia-Alcala made a motion to approved the May 17, 2023 minutes. Committee member Duncan seconded. Minutes approved 3-0-0.

[Committee member Valdivia-Alcala left the meeting at 11:42am].

4) Other Items

Chairwoman Hiller noted the vacant structure topic would be coming back to the committee for additional work. She noted that a City staff team was to be created to work on that topic, but that the team had not been created yet. And that Committee member Duncan has taken the lead on some of the Land Bank items, which will touch on some of the same issues as this COCPM initiative. There is also a new project manager.

City Attorney Stanley stated there were some vacant property registration changes that need to be addressed, in a preempt to upcoming changes within the State legislation.

Chairwoman Hiller noted staff had received a list of subject matter from her, that was not necessarily final, but it was the list she had come up with because there are so many pieces that effect vacant properties, whether they are occupied or not. An additional item for future conversation is to address the issue of securement with multiple violators. If someone owns a property, they should be securing the property rather than the City doing that. With the capacity to implement fines through the Property Maintenance Code and the TMC, that would be something Chairwoman Hiller would like to review further.

5) Adjourn

Chairwoman Hiller adjourned the meeting at 11:45am.

The next meeting will be July 19th at 11:00am in the 1st Floor Conference Room at the Cyrus K. Holliday Building (620 SE Madison).

Meeting video can be viewed at: <https://youtu.be/2wMU8AmL7BA>