



# CITY OF TOPEKA

CITY COUNCIL COMMITTEE  
MEETING MINUTES

## PUBLIC HEALTH & SAFETY COMMITTEE

CITY COUNCIL  
City Hall, 215 SE 7<sup>th</sup> Street, Suite 255  
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**Date:** July 8, 2021

**Time:** 1:30pm

**Location:** 1<sup>st</sup> Floor Conference Room; Holliday Building 620 SE Madison (virtual via Zoom as well)

**Committee members present:** Councilmembers Karen Hiller, Christina Valdivia-Alcalá, Neil Dobler

**City staff present:** City Manager Brent Trout, Monique Glaudé (Director of Community Engagement & Ombudsman), Mike Haugen (Property Maintenance)

### 1) Call to Order

Committee member Hiller called the meeting to order at 1:33pm. Committee members and staff introduced themselves.

### 2) Approval of May 26, 2021 minutes

Committee member Valdivia-Alcala made a motion to approve the minutes. Committee member Dobler seconded the motion. Minutes approved 3:0. Chairwoman Hiller clarified that there had been some revision to the original draft, and asked that the approved document contain those additional details.

Chairwoman Hiller requested clarification to the process of open and closed cases listed on the MyGov site. Mike Haugen, Property Maintenance Director, stated that initially, the phrasing was not clear. The process of closing cases from the MyGov site as described by Division Director Haugen: "We don't close it out and take it off, unless the person has failed to appear in court and a warrant is issued for their arrest, or if the court has disposed of the case; meaning they have been found guilty or not guilty. They have made their ruling. The only two time we do, is if it's a warrant for their arrest, we still have the case, we don't leave it open because the software system would have us rechecking that property over and over and over again and we create a big backlog. So, we remove it as an 'open case' and have it closed. Once that person appears in court, and a court date is set, and that they have to go see the Judge, we reopen it, re-inspect it and that's available to the public".

### 3) Property & Premises (Video 5:30 minute mark)

Chairwoman Hiller reviewed the goal of the committee and Staff with regard to the topic of Property & Premises discussions. She stated there had been many discussions at the Governing Body level that revolved around Property and Premises.

Chairwoman Hiller noted that the challenge being set forth at this meeting is to review the working document, the proposed working calendar and approve them in order to get things ready for moving forward with public hearings and final recommendations to the Governing Body.

Committee member Valdivia-Alcala inquired if there was a digital copy of the information that could be shown on the screen for the public to see. Staff was able to provide this information. This document is the second page of the agenda, which can be found on the Committee's webpage at:

<https://www.topeka.org/citycouncil/public-health-safety-committee/> .

Discussion of working document:

Concerns shared centered around the additional City Departments that are involved with some of the items being addressed on the Property & Premises goals, and how things will be communicated. City Manager Brent Trout will be able to send questions to those departments and will identify the team who will be required for this item. City Manager stated that most of these items are initiated through the Property Maintenance Division, and are then passed along to other divisions as necessary.

Chairwoman Hiller commented that during the public input sessions, the goal would be to obtain suggestions for how to work smarter, faster, better, to resolve problems, rather than to spend time during the sessions to hear, again, about what the problems or challenges are. The focus of engaging the public, and other Council members, would be to find out ideas on ways to go to "yes" on everything listed, to be successful, and to then provide those ideas to Staff. Chairwoman Hiller suggested creating a survey to obtain public input as well.

Committee member Valdivia-Alcala asked for clarification on the Aspirational Goals, regarding the "Properties is never over 500", and asked what the term "sub-standard" meant. City Manager Trout stated sub-standard means having one violation of the property code. However, one violation does not typically mean the house is unlivable nor that the issue cannot be easily repaired. Chairwoman

Hiller stated the goal would be that there would not be over 500 housing cases at any one time. She noted that the definition of “sub-standard” may need to be more clearly written, or to define the goal a little better. Division Director Haugen noted that there are over 4,000 housing cases. There are a number of very old houses in the city, and he is concerned about being able to reach this goal with the division being low on staff, the age and condition of many of the homes. There are houses that get up to standard, but within six months, become sub-standard again because something else fell into disrepair. Division Director Haugen stated he was concerned with setting the goal at 500. He noted the division has taken significant steps to address the housing issues by providing opportunities for people to get their properties repaired, such as the three-quarter million dollar grant that people can apply for, and have \$20,000 applied to their house without having to pay it back.

Committee member Valdivia-Alcalá stated she feels that many of the issues are occurring in the areas with older homes, and that she would like to see more Code Enforcement Officers, and eventually more abatement crews and more judges and on and on. She would like to have a time study conducted for the division. She and Chairwoman Hiller discussed where to add a timeframe on the Goals list. Chairwoman Hiller noted that the aspirational goal section was for once a goal is met, to stay at that level. And that under the “Four City of Topeka Structure Challenges”, may be the place to tighten up the timeframe so there are more measureable goals.

The committee and staff discussed the goals and challenges of citing all violations at once versus separating them out. Division Director Haugen stated housing cases have 60 days to come into compliance, weed/grass cases have 10 days, sanitation cases have 14 days. Each of those different types of cases also have different responses regarding the court in the process of notification and follow-up inspections, and then sending them to court to get the warrant. He stated that they are separate cases because they occur separately, constantly. City Manager Trout cited legal reasons that hinder citing the different types of cases on one ticket. Chairwoman Hiller referenced a time from the 1980’s when citations were able to include multiple or all violations. Division Director Haugen noted the system was under Shawnee County at that time and that crews worked at a reactive approach rather than being proactive, and that the community mindset toward property maintenance was very different back then, and laws

have also changed since that time. There was agreement from Division Director Haugen and the Committee members that public education would be helpful.

Committee member Valdivia-Alcalá suggested adding language into the document to help reinvigorate the NIA's (Neighborhood Improvement Associations).

Committee member Dobler inquired if zoning enforcement was part of this process, and should they have more of a role. City Manager Trout noted that there are some instances where people start a business out of their home. It begins slow but then grows and a complaint comes in to Property Maintenance. Zoning will often get involved as well to cite that issue. Recently, a former Property Maintenance Inspector moved into the Zoning Inspector role. This has been a positive change and has helped to increase the involvement of Zoning with the Property Maintenance cases. Chairwoman Hiller also noted that Zoning oversees the fencing codes. Committee member Valdivia-Alcalá noted there could be more efficient communication between the Zoning and Code Compliance divisions.

Chairwoman Hiller inquired about sight lines with overgrown vegetation. Division Director Haugen noted when he receives those complaints, he turns them over to Traffic Engineering and Forestry. The Traffic Engineering Division makes the determination as to whether it is a violation. If it is a violation, Forestry then clears the sight line and may issue a citation.

Committee member Dobler also inquired if partners from the Street Department were ever called in to help when heavy equipment was needed. Division Director Haugen stated he had a great relationship with the Street Department, and that their staff works great with Property Maintenance. City Manager Trout noted the Street Department recently hauled seven truckloads of trash from Lower Silver Lake Road, which had been illegally dumped, and then placed concrete barricades on the street to keep it closed from being able to access the site again. Chairwoman Hiller reminded that these types of examples showed why there had been an earlier request to identify and include the other departments that assist Property Maintenance.

Committee member Dobler noted one of the biggest complaints centers about things in yards, and he wondered if this proposal would help address those. Chairwoman Hiller stated the answer to both specifics was "yes". One issue is raising the bar overall in the community, and setting a higher standard within the

community. This would create less and less of these types of incidents, and would encourage neighbors to help one another instead of depending on the City to go out and meet the community standard.

Committee member Dobler inquired about abandoned houses. He had recently received a call regarding a concern on overgrown grass. Further research showed that the original owner had passed away a few years ago and that taxes had not been paid since at least 2014. He inquired if there was a mechanism to move these clearly abandoned houses through the system quicker in order to get them sold? Division Director Haugen stated that they are proactive in the way that they turn those property addresses to Shawnee County. They have also gone to the state capitol and testified before the Committee, trying to pass a state law that would give the City the right to obtain those houses, when we discover that there is no interested party, and then donate those to a nonprofit, requiring the nonprofit to get it habitable. That has been vetoed, and then removed from Committee. The County will not put too many properties on the sale at one time, or they'll oversaturate the market, and the people bidding at auction won't be prepared to handle the properties that they are buying. This happens frequently, where someone purchases a house at auction for \$5,000 only to find out there are \$50,000 worth of repairs that need to be made and they are not able to maintain the property. Division Director Haugen noted that there is a form on the Shawnee County Counselor's office website that makes reporting a recommended property for sale. When it comes to properties with no owner, the city has thousands.

Committee member Valdivia-Alcala inquired as to which State House committee the bill had been going through. Division Director Haugen and City Manager Trout could not remember the specific committee. Committee member Valdivia-Alcalá inquired if the Shawnee County delegation had been involved, to which City Manager Trout confirmed. He noted the City's Lobbyist is constantly looking to see if there is any interest or push to bring the matter back. The individual who killed it at Committee before is no longer in office, so City Manager Trout stated he felt it was time to reengage for next year, to potentially get this to happen. Committee member Valdivia-Alcalá suggested taking Council members who represent areas that really need the improvement to go along to provide testimony. City Manager Trout confirmed that would likely occur. Chairwoman Hiller stated she had partaken in that process before.

City Manager Trout noted that Wyandotte County has process with a land bank, which takes properties, such as this that would go to a tax sale, who works with a developer to get the house fixed up and put back out onto the market. That process works for Wyandotte because they are a unified form of government. He stated it was an area where potentially some of the money from the Housing Trust Fund could be utilized in renovating some of these homes, instead of building brand new homes.

Chairwoman Hiller noted there had been some work done in prior years, by the Neighborhood Relations division, to have Shawnee County create that form which allows citizens to turn in a home that needs to be placed on the tax sale. She would like to look at including Shawnee County or the Shawnee County Tax Sales in the discussion, probably right next to KDOT, in the example of partners that we would look to. And to note the legislative changes as well, perhaps next to neighborhood associations.

Committee member Valdivia-Alcala referenced item “1) Reduce substandard structures by 50% within 5 years, establish a system to do complete interior inspections on all structures that appear to need it and/or upon request”, and inquired if apartment complexes were included with this. Chairwoman Hiller confirmed that apartment complexes, commercial structures, and any structure would be included. City Manager Trout noted that because there is no Rental Code for the State of Kansas, the City is restricted from conducting interior inspections without an invitation from the tenant into the residence to inspect and cite violations. Chairwoman Hiller referenced creating a new culture again, and educating tenants on their rights, may help increase that confidence.

Chairwoman Hiller requested a vacant property program update. Division Director Haugen noted that there were originally 1,400 letters that had gone out. Since that time, Inspectors are working to reach a goal of addressing 20 of those cases a week. At this time, 400 have been reviewed. However, as staffing increases and once winter approaches, which slows a number of other cases, the division will be able to move through more quickly. So far, there are 49 vacant structures that are compliant, 79 that are non-compliant, for a total of 125 vacant structures that have been identified. In regard to the non-compliant, the owner most likely have just not responded to the notice that was sent telling them they need to register within six months. After that time, we will send a notice to include a \$250 fine for not registering. Owners can then register and pay the original \$125 registration

fee, in which case the \$250 will be dismissed. Or, they can continue receiving a fine of \$250 each quarter, which goes on their taxes, until they get registered. They are taking this process fairly slow in order to minimize error in confirming whether or not a house is vacant.

Chairwoman Hiller was surprised that out of the 400 cases that had been reviewed, there were only 125 that were confirmed to be vacant. Division Director Haugen explained that ProChamps had cited vacant lots. There have been a number of houses, 60-70%, that are not vacant, however they also do not have running water. This was one determinant that ProChamps used to flag a house as vacant. Without running water, the house is then considered condemned until the water is turned back on.

Chairwoman Hiller noted that when the Governing Body approved the Vacant Housing Program through ProChamps, part of the “sell” was that it would not take up much of Staff’s time, and that the City would get some revenue out of it. She inquired if he felt the program has been of value to spend the time on the properties that have been discovered. Division Director Haugen stated he did feel there was value. He stated that ProChamps began by doing the foreclosure cases, because it was known that there was noting that the City was going to get involved in with on foreclosures. They notified the banks, the banks paid the money, and they sent revenue to the City exceeding \$100,000, with only a minor amount of administrative computer work that was required. The thought was, after seeing that program successfully run through ProChamps that it could also be done with the vacant structures. When that did not happen, Property Maintenance took it back over. The goal was never to make this an income generator for the City. The registration fee is only \$125, with ProChamps keeping \$100 and the City only keeping \$25 for small administrative work. Now, all \$125 comes to the City. The question is, will that offset the manpower, in time, to do this? A positive outcome for this process has been that once a vacant structure has been identified, Property Maintenance only has to go back to check on it every six months to find out if it is still vacant. Other benefits include gaining current contact information for owners, and people wanting to move their property that they had been hanging onto. He reported that there have already been some properties that had previously been a thorn in the City’s side, that have been sold due to this program. City Manager Trout noted that he had wanted to pursue continuation of the program because sometimes there is a home that is not violating any of the codes, but it is vacant, and it becomes an inherent inhibition

for the neighborhood to be able to grow and expand. This gives us a tool to hopefully get it moved to someone else, who can occupy the building and utilize it.

Chairwoman Hiller inquired if there have been any concerns about deceased owner and family members not being ready to deal with decisions of the property right away. Division Director Haugen stated he had not heard of any such instances, but that his staff are on the frontline with dealing with those individuals. He noted the property has to be vacant for six months. City Manager Trout added that if water and electric are left on, and the property is being maintained, it would not be flagged as vacant, unless someone else reports it or the information is voluntarily shared.

Chairwoman Hiller noted there would be data provided by the City Manager about court cases and penalties and the effectiveness of changes. City Manager Trout stated he did not have that information at this time. Chairwoman Hiller would like to have that information provided, either at a meeting or via email.

Chairwoman Hiller inquired about the Federal Home Loan Bank money. City Manager Trout confirmed we would be reapplying for that grant. It was a successful program that allowed the City to help a lot of individuals to stay in their homes.

Preliminary Approval: (video 1:05:10 minute mark)

Chairwoman Hiller inquired if there was a comfort level to approve moving forward with the goals and challenges document, with the addition of including Shawnee County Tax Sales and legislative changes to the list. Committee member Valdivia-Alcala made a motion to approve. Committee member Dobler seconded. Approved 3:0.

Committee member Valdivia-Alcala inquired about a request for a time study. Chairwoman Hiller stated the process was to have the Council, and Committee, set goals, and then have the staff propose strategies. She felt something like a time study could be included in those conversations. City Manager Trout inquired about the timeframe. Whether it was to look at the time from the date when a call comes in, date the inspection happens, and date it gets to court. Or looking at what the amount of time the Inspector spends on their average day and what they're doing? Committee member Valdivia-Alcalá was more interested in the



second option. City Manager Trout stated they could draw a standard model as to what the quickest timeframe would be from start to finish, and although it is not normal for that quickest timeframe to happen, it would be something to strive for. The other study would work through the average day, week, and month of an Inspector. Division Director Haugen requested guidance in creating the parameters of the time study.

Chairwoman Hiller requested for preliminary committee approval of the recommendations. Committee member Valdivia-Alcala made the motion. Committee member Dobler seconded. Motion approved 3:0.

Calendar next steps (video 1:11:20 minute mark)

Committee reviewed a suggested calendar submitted by Chairwoman Hiller. City Manager Trout stated he and Division Director Haugen would review this recommendation sheet and will provide further details. He felt that he would be able to discuss components as the meetings go along.

Chairwoman Hiller stated that Staff would submit responses by July 22<sup>nd</sup>, which will be sent out with the published agenda. The next Committee meeting will be July 30<sup>th</sup>. Pertaining to the Property & Premises item, the next meeting would be to receive Staff's response and proposal, to then take those to the Governing Body before the community hearing sessions.

Community hearings - Chairwoman Hiller suggested to having two hybrid meetings held at Holliday and on Zoom. And at least two within some of the neighborhoods. Chairwoman Hiller inquired if there was any interest in creating a survey. Committee member Valdivia-Alcala felt a survey would be a good component.

Committee member Valdivia-Alcala suggested inviting the fellow Council members to tour all of the districts, and that although they each represent their individual district, they are also representatives for all of Topeka.

Chairwoman Hiller inquired with the City Manager as to a date in August that the Committee could present a report to the Governing Body. City Manager Trout responded that if the Governing Body votes to have the hearing to extend revenue, that meeting will occur in September, and that if they did not vote to have that hearing and are exceeding revenue neutral, then August 10<sup>th</sup> would be

the day where that was approved. He suggested August 17<sup>th</sup> as a report to the Governing Body. City Manager Trout agreed to leave it as August 10<sup>th</sup>, with August 17<sup>th</sup> being a date it could be moved to if needed. Chairwoman Hiller agreed. She would like to get the public input sessions started at the end of September and completed by mid-October.

Chief of Staff Bill Cochran inquired about the agenda of the next Committee meeting. He stated that Barry Feaker would be giving a presentation to the Governing Body at their July 27<sup>th</sup> meeting on the Mobile Access Partnership (MAP) program. Chairwoman Hiller stated there may not need to have an update to the Committee in that case.

Chairwoman Hiller inquired if there was a consensus from the Committee that the calendar would be acceptable. Committee members Valdivia-Alcala and Dobler confirmed they thought it was acceptable.

**4) Other Items** (video 1:26:45 minute mark)

Chairwoman Hiller inquired if there was any update on the American Rescue Plan money. City Manager Trout stated he had reviewed project eligibility for the American Rescue Plan grant, and stated it was for infrastructure. At this time, things such as purchasing devices, Digital Navigator and Digital Technician positions were not included in this funding. This research just concluded this past week, and City Manager Trout has not yet provided this information to the working group. Chairwoman Hiller inquired if Hotspots were included. City Manager Trout noted hotspots could potentially be considered for certain areas where normal access system could not be accessed.

Chairwoman Hiller inquired about the two additional grants that had been applied for. City Manager Trout stated that the Global Mayor's Challenge grant was not successful. However, the other grant, from Kansas Health Foundation, that was applied for will present results the coming Monday.

Committee member Dobler noted the Broadband group was currently in a meeting, and stated he would be seeking more definition as to what items would be eligible through grants. There continue to be needs in parts of this community that even with Cox or AT&T fiber, they cannot connect and cannot afford to connect. Lazione Grays has presented information that shows a neighborhood Wi-

Fi system may be an answer to that issue. Overall, there are some positive ideas that may work out to addressing the issue.

**5) Next Meeting Date: July 30, 2021 at 10:30am in the Holliday 1<sup>st</sup> Floor Conference Room**

**6) Adjourn**

Chairwoman Hiller adjourned the meeting at 3:08pm.

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