



CITY OF TOPEKA

CITY COUNCIL COMMITTEE MEETING MINUTES

PUBLIC HEALTH & SAFETY COMMITTEE

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: 785-368-3710
www.topeka.org

Date: January 15, 2025

Time: 9:30am

Location: 1st Floor Conference Room; Cyrus K. Holliday Building 620 SE Madison
(virtual attendance option also available)

Committee members present: Councilmembers Karen Hiller (chair),
Christina Valdivia-Alcalá, David Banks, and Spencer Duncan

City staff present: City Manager Dr. Robert Perez, City Attorney Amanda Stanley, Property Maintenance Division Director John Schardine, Fire Marshal Alan Stahl, Changing our Culture Program Administrator Nicole Stovall, Director of Communications Dan Garrett, Community Engagement Director Monique Glaude' (Zoom), Fire Chief Randy Phillips (Zoom), Planning & Development Director Rhiannon Friedman (Zoom)

1) Call to Order

Committee member Hiller called the meeting to order at 9:40am. She introduced staff and committee members.

2) Approval of November 20, 2024 Meeting Minutes

Committee member Banks made a motion to approve the minutes.
Committee member Valdivia-Alcalá seconded. Approved 4-0-0.

3) Changing Our Culture of Property Maintenance

Timberlee - HUD:

Property Maintenance Division Director John Schardine spoke to 90% of the violations have been repaired. They are either resolved or in Municipal Court. Basement cleaned out; water heaters repaired. Six cases remaining of approximately 25-28. Planning & Development Director Rhiannon Friedman advised that Topeka Housing Authority (THA) and Housing and Urban

Development (HUD) are working on finding new housing for existing tenants. Tenants will have access to emergency vouchers held by THA. We are in a bit of hold but will be helping support however we can.

McGinnis - Trash:

Property Maintenance Division Director John Schardine advised that 6 properties still have no trash receptacles, and all been cited for sanitation. Moving forward repeat offenders straight to court, we can't have this happen again. Committee member Duncan spoke to needing some sort of Matrix that we develop that triggers when we have repeat offenders that get elevated to the next level. John shared that we have it in our software, when we hit a property more than once per year the fines are doubled automatically.

White Lakes Plaza - Improvement:

Changing our Culture Program Administrator Nicole Stovall shared that 2024 had more cases than 2023 due to Property Maintenance working multi-house inspections with Fire. On February 9, 2025 we inspected building complexes but also posted notices to all the interior doors. Almost immediately afterwards we got calls for specific interior apartment complexes and follow ups ones. That caused more cases because people were calling and allowing us to successfully inspect building, but it also gives us the opportunity to advise if there's anything else for interior here's the number to call. Fire Marshal Alan Stahl added that from Fire Department standpoint we did joint inspection February 9, 2025 during that we cited forty-two Fire code violations, during reinspection those were not abated so in May we worked with Prosecution and had those cases filed. Owners were non-communicative with the court; Prosecution received a default judgement on all violations and a fine estimated to be imposed of \$42,000. The day prior to sentencing the Management Company worked with our Lead Prosecutor, essentially, they took over the apartment complex from the non-communicative owners and they immediately began the abatement process of the Fire codes, and are working building by building, violation by violation to address all the issues. We now have a great working relationship with that management company, and we are seeing forward progress. Committee member Valdivia-Alcalá inquired if Management Company is in or outside Topeka, if the \$42,000 collected and timeframe for repairs. Alan responded they are not located in Topeka; however, they have

representatives that come regularly and meet with our team. The fines have been suspended right now pending fixing their violations. As for the timeframe we'll have to ask Prosecution. The hard part with fire code's is a lot of it takes building modifications and contractors. So, if their showing legitimate forward progress, bringing in alarm companies, changing out panels, doing very complex changes we will continue to work with them. Committee member Banks inquired if the court levies these fines, and we work with them, they could continue to still drag it out even with Matrix, the conditions may improve slightly and we don't have recourse for a we've given you ninety days, it's not gotten done in the ninety days, now what? City Attorney Amanda Stanley advised that when it goes to court the prosecutors petition the court but ultimately, it's the judge deciding if they get extensions, do they not, if it's somebody that's not making progress. The prosecutors can ask the court not to give anymore extensions, ultimately that's a Judicial decision that the Judges decide, it's not decided by staff at this table. Our prosecutors do petition the court when it seems it's dragging on too long that someone needs to be criminally sentenced to move forward rather than continuing to give time. To level set expectations, when you criminally sentence somebody that doesn't mean the problem is fixed, it means they're criminally sentenced, and the fine is sent to them.

Pest Elimination Ordinance Update - Report from Staff:

Property Maintenance Division Director John Schardine shared since the implantation of the new ordinance we've had two cases, one which was at Atchison. The issue with Atchison we can only get into one apartment, nobody else will let us in, not management the occupants. We knock and try to interview saying we're having issues with apartment can we inspect yours, do you have any problems. The people say no and won't let us in, they want nothing to do with us. However, the apartment we went to at Atchison the occupant has a disability, the property is still cited, property owner agreed to clean the property, the gentlemen was vacated and has found some other place to live. The other property we're talking about was originally reported as bed bugs, but turned out to be roaches, so the landlord was cited for that, and occupant has moved out. It had been discussed a few years back changing policy so even if occupant moves out, we still demand a final inspection, that should happen this week and he's being held accountable, if he doesn't give us a final inspection, we take him right to court.

McGinnis Cases:

Property Maintenance Division Director John Schardine advised there were 133 cases, 29 still open with 6 being sanitation cases. McGinnis owns 38 multi housing complexes. There was a huge escalation at end of year regarding trash. Waste Management is limited on the number of dumpsters they have in stock, they are working to get those taken care of as quick as possible, might not be big dumpsters, but some dumpster to get trash off the ground. Six still open with no trash bins, lack of trash bin is considered a housing violation. We're working with staff from Lew McGinnis and Waste Management to make this go away, it's exhausting to staff to get to these properties every day on top of what they normally do to make sure they're kept up and kept clean. Staff working extremely hard to bring this into compliance. Were getting much better results when staff go out and communicate with the responsible party, we get quicker turnarounds. It's the ones that don't respond or communicate with us, that give us a hard time that extend our time frame, for some reason they don't want to fix it, last infestation was one of them. Committee member Duncan inquired if they would have told us when we went out there that their having issues with their trash company not picking up their trash like they thought, is our direction still to advise we understand but nonetheless you must figure out a way to get the trash out of here. John advised yes; he has had discussions with Mr. Frederick and other Lew McGinnis staff members. He stated of all the different stories, McGinnis staff has been told it's still happening, we sympathize with you however it is your problem, and it is affecting all your occupants. We're doing all we legally can to see he's held responsible for it. Committee member Valdivia-Alcalá stated we have no Housing Navigator, and we need it. We're dragging people into court that have no means to pay. Committee member Hiller asked if the 2024 case records would make a good baseline for evaluating in the future. John confirmed yes it would be.

Fire/PMU- 2024 actual & proposed annual plan - Questions/Discussions:

Property Maintenance Division Director John Schardine shared since started in February we've had two inspectors assigned to this task, one from Fire and one from Property Maintenance (PM). Together there were 32 complexes, 138 separate buildings. PM cited 39 violations, 12 which have been corrected, and 10 cases reached Municipal Court. Fire Marshal Alan Stahl shared Fire code only covers common spaces, it deals with

Commercial for the most part. Last year we did 89 apartment building inspections that were exterior exits, 216 apartments with interior exits, there were 667 total Fire Code violations from all we inspected, 320 have been cleared, and 347 remain open. Alan advised that Fire code violations are defiantly not simple to fix and take significantly more time.

The top5 Fire code violations cited across the city.

- 1) 76 citations for doors that open into exit access corridors, so doors that open into those common hallways that weren't self-closing and self-latching. These are hard for landlords to clear out because if an apartment is occupied, they must make individual appointments with the resident of that apartment to get inside and put on the self-closing hardware.
- 2) 51 citations for fire extinguishers; weren't provided in accordance or were out of test date.
- 3) 45 citations for buildings that did not have either currant fire alarms that were tested or fire alarms that did not report outside of the building. In years past buildings would have a Superintendent so in historical many of our apartment buildings were built with the fire alarms that only notified the residents and people onsite, those don't call out to alarm center. We adopted the 2015 Life Safety Code back in 2018 that does require existing apartment buildings to upgrade their alarm systems to be monitored. Were working closely with our Legal team and have drafted a letter we hand out to every single apartment complex that is out of compliance that's giving them a year to come into compliance. The process was started in late 2023 and early 2024 coming to the end of that year, the difficulty is that upgrading some of these alarms is going to cost tens of thousands of dollars, some have original alarm panels from when the building was built.
- 4) 42 violations for exterior doors that would not close and latch.
- 5) 35 times we found fire doors with stoppers holding them open.

The goal is to inspect interior exits every year, and exterior exits every 3 years. Committee member Valdivia-Alcalá requested a report, and a base write up. We want to give a presentation to the Governing Body that's not so full of data is overwhelming, so they can get up to speed.

4) 2025 Marketing and Education **2025 Yearlong Staff Proposal:**

Committee member Hiller shared that Community Engagement, and Marketing has put together a 12-month social media plan with two topics per month. Currently in the process of rolling out January which will have general information. Director of Communications Dan Garrett added that after meeting last week they realized their pushing a lot to the Changing Our Culture of Property Maintenance (CoCPM) webpage, and before doing so it needs to be updated. Dan shared that he and Nicole will be meeting today to work on getting the updates submitted. In the years past we've created a lot of graphics and pamphlets, so this is utilizing what's already been created, sending out reminder posts and getting videos done to help explain some of the more complex initiatives like retaliatory action, to make it easy to understand.

5) Master Plan

4- Year Review – Master Goals and Action Steps:

Committee member Hiller shared when we first started there was a council adopted document that had some primary guiding principles, a big aspirational goal, it had four specific goals and out of that we had Karen Black come and do a study, she had eleven recommendations. We ended up with a ten-page line by line work plan. Karen also shared that at this three-year threshold City Manager Dr. Robert Perez has asked to meet with Councilmember Christina Valdivia-Alcalá and Councilmember Karen Hiller for two two-hour meetings for him to personally be involved.

6) Legislative Considerations – State of Kansas

Right To Inspect:

Committee member Duncan advised when it comes to the Right to Inspect, we are writing with Revisor of Legislation that would alter Kansas Law to allow us to go in and do inspections. We still need permission of the individual that lives there, so we're not violating their fourth amendment rights among other things. It will at least state if you're going to take any public money, the landlord that wants taxpayer's dollars, it's not no strings attached anymore. You're at least going to have to let us in the property every once in awhile to make sure you're upholding your end. Bill is moving forward and will be introduced.

Escrow:

Committee member Duncan advised some states allow individuals during a dispute to put dollars into an escrow account so that they still pay rent, and once the issue is resolved it can get floated over. It's a Hot Potato Issue so our approach is we have a State Judicial Council, and we think by sending it starting with them, because the courts are going to have to be onboard, if they aren't we're going to petition to have the Judicial Council look and come up with recommendations. Bill may not come until next year but at least get the process started.

Affordable Housing:

Committee member Duncan advised there are some affordable housing bills that are being put forward in the Legislature. He hasn't seen what they are but some access more money to local communities, and maybe zoning.

Mental Health:

Committee member Duncan advised the sad reality is there is nothing happening on the Mental Health front.

Committee member Valdivia-Alcalá shared that the Right to inspect is the bill we went and met with the Shawnee County Delegation to get that support. Whitney Damron, John Alcala, and herself are going to work behind the scenes through the Judicial Council with getting it on the table.

Rhiannon and Carrie were there to give information on Affordable Housing, and I talked about Timberlee, I did add in the living wage and mental health component because these are also part of the Legislative agenda. Even though we were not requesting them to run specific legislative, that was just the Right to Inspect we were trying to give them on ground view on what's happening here in Topeka and how dire the situation is with mental health, ask them to help us getting funding. Committee member Valdivia-Alcalá added that she and Committee member Duncan feel it's important to develop coalitions, whether it's about slumlords, strengthening our LLC's, challenges with mental health, or built for zero. So, they will be working on developing coalitions across the state of Kansas with other cities that are having similar problems. Then maybe we can have a stronger chance on Legislation either now or in the future.

IPMC Review under way – Standards and Procedures:

Committee member Hiller advised that IPMC Copies are out for anyone who would like to look at them. There are four versions: 1) current version being used through November 2) Pre-IMPC city format used for years 3) bare bones 2024 IPMC Version 4) Commentary version. To receive a copy, reach out to John Schardine.

7) Adjourn - Committee member Hiller adjourned the meeting at 11:12am. Requested to meet again in a month.

This meeting can be viewed online at: <https://youtu.be/kVwUk-uk4qI>

Due to technical difficulties, audio is not available for first portion of meeting. Audio begins at [16:40](#).