

***MINUTES***  
***SPECIAL CITY COMMISSION MEETING***  
***TUESDAY, MARCH 31, 2009***  
***5:00 P.M.***

The Special Meeting of the City Commission was held at 5:00 p.m. in the City Commission Room. Mayor Mark J. Hatesohl and Commissioners Bob Strawn, Bruce Snead, James E. Sherow, and Tom Phillips were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Bill Frost, City Clerk Gary S. Fees, Youth in Government representative Joshua Wilson, 9 staff, and approximately 60 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Hatesohl led the Commission in the Pledge of Allegiance.

**SPECIAL MEETING**

**ENGINEERING AGREEMENT - MCCALL ROAD IMPROVEMENTS FROM HAYES DRIVE TO US-24 (EAST POYNTZ) (ST0821)**

Dale Houdeshell, Director of Public Works, presented the item. He then responded to questions from the Commission regarding the funds granted from the Kansas Department of Transportation in federal stimulus money for the intersection of McCall Road and US-24.

Ron Fehr, City Manager, provided additional information on the item.

Dale Houdeshell, Director of Public Works, responded to questions from the Commission regarding the bid and design process.

After discussion, Commissioner Snead moved to authorize the Mayor and City Clerk to execute an agreement with HWS Consulting Group, Inc., of Manhattan, Kansas, for the design of the McCall/US-24 (East Poyntz) Intersection stimulus project (ST0821), based on the Scope of Services. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

## WORK SESSION

Mayor Hatesohl introduced Joshua Wilson, Youth in Government representative.

### RENTAL INSPECTIONS ADVISORY COMMITTEE RECOMMENDATIONS

Lauren Palmer, Assistant City Manager, provided background information on the rental inspection process, the current process, and justification for a program. She listed the top ten property maintenance code violations cited during inspections and provided the top ten reasons for vacate notices. She then acknowledged the Rental Inspections Advisory Committee and summarized the charge of the Committee.

Brad Claussen, Building Official, presented the Committee's key discussion points the proposed ordinance would apply to, the proposed inspection schedule and procedures, associated fees and penalties, and other recommendations from the Committee.

Lauren Palmer, Assistant City Manager, presented the range of options considered by the Committee and asked for direction from the Commission before bringing the item back to a legislative session. She then answered questions from the Commission regarding the proposed inspection process.

Brad Claussen, Building Official, responded to questions from the Commission regarding the proposed certificate of compliance, educational pamphlet, and provided an overview of the current inspection process.

Elbert Newman, Fort Riley Off-Post Housing, Rental Inspections Advisory Committee ex-officio member, provided information on the rental inspection process for Fort Riley that is used to help ensure the health and safety of soldiers and their families. He then responded to questions from the Commission about items they look for when conducting an inspection and the inspection sheet used.

Mayor Hatesohl stated that he was not an advocate of a mandatory rental inspection program and asked why people are renting sub-par housing.

Brad Claussen, Building Official, and Lauren Palmer, Assistant City Manager, responded to questions about the notification process that is currently used when issuing citations and the challenges associated with the rental market.

Commissioner Sherow stated that he is an advocate of a rental inspections program and provided some photographs of very poor rental housing conditions.

Commissioner Snead stated that there are a number of people in the audience that can speak to this issue and asked that they come forward and share that information.

## WORK SESSION (*CONTINUED*)

### RENTAL INSPECTIONS ADVISORY COMMITTEE RECOMMENDATIONS (*CONTINUED*)

Commissioner Phillips indicated support for a rental inspection program, especially for the older structures in our community.

Commissioner Strawn asked that the landlords be part of the regulating process and to find a balanced solution. He stated that in a democracy, free markets are the best allocators of resources, but need to be properly regulated and fair.

Brice Ebert, representing Landlords of Manhattan, Rental Inspection Advisory Committee member, informed the Commission that he disagreed with the proposal put together and stated that this boils down to education. He then answered questions from the Commission regarding the make-up of the Committee, proposed fees and timing of inspections, and stated the need for consensus of the Committee before the item moves forward.

Jayne Morris-Hardeman, 1822 Laramie Street, informed the Commission that the population that she works with can only afford so much for housing and with affordable housing in short supply, it makes it challenging to find good housing. She voiced concern that there needs to be a balance with the property maintenance codes and with life safety issues so that families are not living in unsafe houses.

Conn Harrison, 8720 Hughes Road, Manhattan landlord, voiced disappointment that the Committee meetings were City staff directed and the Committee didn't have adequate time for discussion. He also voiced concern with the additional fees that would be imposed and with the extensiveness of the International Property Maintenance Code.

Vincent Tracey, 304 Knoxberry Drive, provided an example of why someone would move into a substandard rental unit and asked that the Commission give the Committee more time to work out the details and consider the use of an inspection sheet so that everyone knows what is being inspected.

Dee Robert Ross, 2304 Brockman Street, informed the Commission that the renters would end up paying for this additional inspection fee and asked if the City pays for the utilities at the National Institute for Strategic Technology Acquisition and Commercialization (NISTAC) facility.

Ron Fehr, City Manager, stated that NISTAC pays for their utility costs.

## WORK SESSION (*CONTINUED*)

### RENTAL INSPECTIONS ADVISORY COMMITTEE RECOMMENDATIONS (*CONTINUED*)

Dixie West, representing the Riley County Preservation Alliance, Rental Inspections Advisory Committee member, informed the Commission that a rental inspection program would provide a level of protection and safety that does not currently exist for our most vulnerable members of our community. She stated that this would also protect older and historic neighborhoods and answered questions from the Commission in regard to having a workable rental inspection program.

Regina Schroeder, representing Landlords of Manhattan, Rental Inspections Advisory Committee member, informed the Commission that the Committee only voted on one item and stated that City staff working on the details, which hasn't allowed the landlords to be part of the solution. She stated that the landlords want to ensure safety for their tenants and said that what is being presented is not ready to vote on yet.

Joann Sutton, Executive Director, Manhattan Housing Authority, Rental Inspections Advisory Committee ex-officio member, provided additional information about Section 8 housing and informed the Commission that the Housing Authority has at least 300 people waiting for Section 8 housing.

Phil Anderson, 1718 Fairchild Avenue, Housing Authority Board of Commissioners member, informed the Commission that the citizens of Manhattan and the City Commission has dealt with this issue for many years and appreciated the civility of the process. He responded to questions from the Commission and stated that the City needs to examine these kinds of properties and to address this problem now.

Mary Ann Fleming, 215 South Eighth Street, speaking for herself and members of the South Manhattan Neighborhood Association, stated that she attended most of the Committee meetings and that this is an issue that needs to be addressed. She voiced the need to inspect older neighborhoods, especially, the historic neighborhoods. She stated that the taxpayers of Manhattan are currently paying the expense for inspections being done and that it would be difficult for the City to regulate the behavior of tenants.

Todd Thaemert, 1817 Concord Lane, informed the Commission that he and his brother own rental properties and provided a program proposal for consideration. He stated that the plan being proposed is too far reaching and aggressive and if implemented, would have a financial burden to the landlords and would affect the community at large. He asked that the Committee evaluate the proposal and find a compromise that will work for everyone.

## WORK SESSION (*CONTINUED*)

### RENTAL INSPECTIONS ADVISORY COMMITTEE RECOMMENDATIONS (*CONTINUED*)

Kaitlin Jason, K-State student and renter, voiced concern with the rising costs of education and housing and, stated that additional costs will fall back on the tenants. She asked that the Commission look at education to be the responsibility of both the landlords and tenants.

Zac Burton, 2520 Barton Drive, informed the Commission that the issue appears to be with three percent of the people and that there needs to be a balance and compromise reached to address financial concerns and public safety. He stated that education is the key and not more governmental involvement. He said that landlords currently provide tenants information on lead-based paint and a similar educational pamphlet could be provided to the tenant regarding landlord/tenant responsibilities at the same time.

At 7:25 p.m., the Commission took a brief recess.

Mandy Chapman-Semple, Executive Director, Manhattan Emergency Shelter, Inc., voiced concern that this proposal will raise the cost of rent and in reality, the population that the Shelter reaches will be negatively affected. She stated that affordability and accessibility are the issues, as well as enforcement, and that we need to find some middle ground with an inspection process that is reasonable. She then responded to questions from the Commission regarding the ethical dilemma for the community to either clean-up some of these places or eliminate them.

Karen Mayse, 3340 Newbury Street, stated that she works with many low income individuals and that many are embarrassed about their housing situation and that it would be difficult for them to come to a meeting like this to voice their concerns. She said that many of these individuals also work two jobs.

Samantha McGill, representing K-State Student Body, Rental Inspections Advisory Committee member, informed the Commission that she appreciated comments advocating an educational piece, provided examples of students' experiences, and asked to consider providing an incentive program that would lower the costs for good landlords. She stated that K-State students would like to see something passed and would prefer the passage of a comprehensive program.

Brandon Harder, K-State student, stated that he worked for a landlord and is in favor of a rental inspection system that is more equitable for those landlords who take the extra time and energy to have their houses inspected by Code Services.

## WORK SESSION (*CONTINUED*)

### RENTAL INSPECTIONS ADVISORY COMMITTEE RECOMMENDATIONS (*CONTINUED*)

Conn Harrison, 8720 Hughes Road, informed the Commission that neither the educational component nor the level of inspections were addressed by the Committee and that a one page sheet could be provided to everyone and published in the newspaper and on the University's and City's web sites. He stated that we already have Housing Urban Development (HUD) and Fort Riley inspections and have a fire inspection program in place.

Brice Ebert, representing Landlords of Manhattan, Rental Inspection Advisory Committee member, presented pictures from a sewer backup and dirty conditions resulting from tenants. He then responded to questions from the Commission regarding the selection of tenants and items in the Kansas Residential Landlord Tenant Act.

Brad Claussen, Building Official, answered questions from the Commission regarding rental units that have been rehabbed, repaired, and are back in service as rental units.

Richard Hill, 3513 Stagecoach Circle, stated that he owns a couple thousand units in several communities and provided his experience in dealing with tenant and landlord rights. He voiced concern that there be a process that addresses the responsibility of both the tenants and the landlords.

Wayne Stoskopf, K-State Student Body Vice President, stated that the educational aspect has great value for students; however, he wanted to see a mandatory rental inspection process, but valued some action on the item versus no action.

Molly McGuire, K-State student, asked the Commission to take action to protect the students who are victims from poor landlords. She asked that consideration be given to conduct the inspections before the tenants move in and that educational efforts are improved so that all parties are well-informed.

Deanna Ball, 723 Thurston Street, stated that existing codes need to be followed and enforcement needs to be improved. She also stated that landlords choose to do so, but students don't choose whether to have a place to live or not and, some tenants are in situations where landlords are not following codes.

Clinton Medovich, K-State Student Senate member, stated that he was a self-declared anarchist and voiced his concerns that there is a problem with responsibility in society overall. He stated that both sides have valid arguments and that the governing body responsible will probably make the wrong decision, either they didn't go far enough or they went too far. He stated that we must adhere to fundamental issues of governance and the best action would be the least intrusive. He then responded to questions from the Commission.

## WORK SESSION (*CONTINUED*)

### RENTAL INSPECTIONS ADVISORY COMMITTEE RECOMMENDATIONS (*CONTINUED*)

Joshua Wilson, Youth in Government representative, stated that the annual fee did not provide the incentive needed and would not be a fair system for landlords to pay for a mandatory rental inspection program.

Beniah Wilson, 2488 Woodside Lane, informed the Commission that increasing inspection costs would lead to less affordable housing. He stated that the best system is a free market system, where landlords choose good tenants and vice versa.

Gary Olds, 3808 Frontier Circle, questioned the facts provided from the data of the Big 12 communities that were contacted regarding rental inspections and stated that all rental inspection programs are not the same and suggested that the City consider several options, including: issuing a business license to all landlords; expand the existing fire code inspections; consider helping the fire department get out of this business and give it to the free market; and, provide education materials similar to the "Check Your Home" pamphlet that Code Services provides to tenants and landlords. He said that the pamphlet could provide information regarding problem areas and contacting your landlord should be at the top of the list. He stated that education should be mandatory and continued cooperation with the neighborhood associations and landlords would be beneficial and asked to find middle ground on the issue.

Tim Lindemuth, representing the Coalition of Neighborhoods, Rental Inspections Advisory Committee member, spoke in agreement with some points with the Committee, but wrestled with issues of affordability and the number of current properties that are not inspected. He stated that this item has been brought forward many times before and has not received favorable passage. He encouraged the Commission to find an equitable program and to move the item forward.

At 9:12 p.m., the Commission took a brief recess.

Brad Claussen, Building Official, and Lauren Palmer, Assistant City Manager, responded to questions from the Commission regarding Fort Riley's rental inspection standards, the process, and charge of the Rental Inspections Advisory Committee.

Commissioner Snead asked about the possibility of expanding the fire code inspections and privatizing a rental inspections program.

Jerry Snyder, Director of Fire Services, responded to questions from the Commission regarding the expansion of current inspections.

## WORK SESSION (*CONTINUED*)

### RENTAL INSPECTIONS ADVISORY COMMITTEE RECOMMENDATIONS (*CONTINUED*)

Mayor Hatesohl stated the importance in providing educational handouts to tenants at the time the lease is signed.

Commissioner Phillips voiced concern with older homes being converted into rental units and suggested that the scope of the rental inspections be narrowed down to the older neighborhoods. He wanted the inspection process to address life safety issues and asked for more feedback from the Committee and more information on possibly outsourcing the inspection process, providing this would allow for greater efficiencies and reductions in costs. He stated that property owners are accountable for the actions of tenants causing code violations and that's the rub for many landlords.

Commissioner Sherow voiced concern for safety, health, and providing a sustained environment for all citizens. He asked about the enforceability of the International Property Maintenance Code (IPMC) and stated that we currently regulate businesses to protect consumers and asked if the IPMC could be amended. He then discussed the varying responsibilities and protections of the landlord and the tenant and, the ethical dilemma associated with tenants living in sub-standard housing conditions.

Bill Frost, City Attorney, provided additional information and responded to questions regarding the legal process, enforceability of code enforcement, and the transference of property.

Brad Claussen, Building Official, and Ryan Almes, Fire Marshall, responded to questions from the Commission regarding the IPMC, the ability to amend the ordinance adopting the IPMC, the current fire inspection process, and the inspection check-list requirements of Fort Riley.

Commissioner Snead stated the focus should be on the health, safety, and welfare of our citizens. He wanted to ensure that issues of equity and fairness were addressed, as well as the ability to provide proper enforcement. He stated that he didn't want to see the work and efforts of the Committee go-for-not and wanted to see something come out of this. He suggested the possibility of privatizing an inspections program and supported an expanded fire inspection and educational effort as minimal standards. He asked that the Committee continue to discuss key issues mentioned and bring the item back to the Commission for further consideration.

Commissioner Sherow voiced support for the Committee's recommendations and wanted to see a rental inspection program that would focus on consistent and efficient enforcement. He wanted to see a rental inspection program that would provide incentives to landlords for positive inspections.

## WORK SESSION (*CONTINUED*)

### RENTAL INSPECTIONS ADVISORY COMMITTEE RECOMMENDATIONS (*CONTINUED*)

Commissioner Strawn stated that the national economic climate requires a financially conservative measure before the Commission moves forward on this item. He voiced disappointment that there was not a consensus from the Committee and said the recommendation should come from those that have the knowledge with rental properties. He stated that he wanted the focus to be on creating a positive impact on health and safety, not reducing affordable housing, and favored a move to the international fire code.

Commissioner Snead stated that the Committee has done some very good work so far and that a consensus may not happen. He stated that this item has been presented to the City Commission before and needs to be addressed.

Commissioner Phillips expressed an interest in seeing an inspections program that would focus on older neighborhoods. He stated that he would support expanding fire inspections to rental units as a reasonable first step, but wanted to ensure that life-safety measurements would exist.

Mayor Hatesohl stated that this program would be a balancing act of safety and cost. He stated that the fire inspection program may move into a general rental inspection program. He informed citizens that they can currently contact Code Services if they have problems. He then stated that the Commission will need additional time to consider what has been presented tonight and asked the Committee to continue its discussions for future consideration.

### ADJOURNMENT

At 10:28 p.m., the Commission adjourned.

  
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Gary S. Fees, MMC, City Clerk