

MINUTES OF THE ULL TOWN BOARD MEETING
COUNTY OF PORTAGE WISCONSIN
HELD ON THURSDAY, JANUARY 23, 2014

- 1) Call to order by Chairperson John Holdridge at 6:45 p.m. at Hull Municipal Building, 4550 Wojcik Memorial Drive, Stevens Point WI 54482.

Present: Chairperson Holdridge, Supervisors Melvin Bembenek, Dave Wilz and LaVerne Syens.

Excused: Supervisor David Pederson

Others present: Clerk Janet Wolle, Treasurer Jim Kruziki, Hull Attorney Robert Konkol, Hull Portage County Board of Supervisors Stan Potocki, Don Butkowski and Jim Krems.

- 2) Revision of Town of Hull Nuisance Ordinance

Chairperson Holdridge - The Town of Hull Public Nuisance Ordinance has been used in 2 situations:

- 1) Barn in Meadow Manor Subdivision area } Public Meeting Held
Barn was torn down
- 2) Outdoor wood boiler } Public Meeting Held
Boiler was removed

- Both situations were based on a public meeting with the individual who had the nuisance listened to the public and took action. In second paragraph states "the Hull Board of Supervisors will evaluate the cost and risk/reward of such action. Whenever possible such legal cost shall be levied against the property owner responsible for the nuisance".
- Third paragraph: "No action taken by the Hull Board of Supervisors against a perpetrator of a public nuisance as defined in this ordinance shall be taken except by a unanimous vote of the Hull Board when a quorum is present". We will not take lightly the review of property issues. We value property.
- Referring to Section II Definition #5 "**Any condition or use of premises or of building exteriors which is detrimental to the property of others of which causes or tends to cause substantial diminution (decrease in value) in the value of other property in the neighborhood in which such premises are located.**"
In other words if there is evidence that property values are impacted by this nuisance, that is a public nuisance as defined.

The board is interested in resolving the issue and not getting in to courts, etc.

The items bold and underlined in the Nuisance Ordinance are the only changes to the ordinance.

Ordinance 2014-0123 Revised

PUBLIC NUISANCE ORDINANCE

Section I Public Nuisances Prohibited

No person, persons, firm or corporation shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Town of Hull, Portage County, Wisconsin.

Before authorizing legal action against the person responsible for a public nuisance, the Hull Board of Supervisors will evaluate the cost and risk/reward of such action. Whenever possible such legal cost shall be levied against the property owner responsible for the nuisance.

No action taken by the Hull Board of Supervisors against a perpetrator of a public nuisance as defined in this ordinance shall be taken except by a unanimous vote of the Hull Board when a quorum is present.

Section II Definition

A public nuisance is a thing, act, occupation, condition or use of property that shall continue for such length of time as to:

- 1) Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public
- 2) In any way render the public insecure in life or in the use of property.
- 3) Greatly offend the public morals or decency.
- 4) Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water, or other public way.
- 5) **Any condition or use of premises or of building exteriors which is detrimental to the property of others of which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.**

Section III Public Nuisances Affecting Health

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances:

- 1) Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- 2) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, or any material whatsoever in which flies, mosquitoes, disease carrying insects, rats, or other vermin may breed.
- 3) All noxious weeds and other rank growth of vegetation.
- 4) Uncut grass of a height or length, within residential and business areas, that could cause a fire hazard or a hazard to public health. In the event a violation of this nature is discovered, the Building Inspector shall issue a written order to the owner or the tenant of the land involved to cut the excessive high grass within three (3) days from the date of the order, and provide that in the event such grass is not cut within three (3) days from

the date of the order the Town shall cut the grass and assess the property involved as a special tax.

- 5) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, or industrial dust within the Town limits in such quantities as to endanger the health of persons of ordinary sensitivities or to threaten or cause substantial injury to property.
- 6) No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration that are injurious to human, plant or animal life or to property, or that unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, toxic, or deleterious emission, either alone or in combination with others,.
- 7) Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street gutter, alley, sidewalk or public place within the Town.

Section IV Public Nuisances Offending Morals and Decency

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section II of this ordinance.

- 1) All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured, or rectified without a permit or a license as provided for by Wisconsin State law.
- 2) Any place or premises within the Town of Hull where town ordinances or state laws relating to public health, safety, peace, morals, or welfare are openly, continuously, repeatedly and intentionally violated.
- 3) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or the Ordinances of the Town of Hull.

Section V Public Nuisances Affecting Peace and Safety

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of Section II of this Ordinance.

- 1) All ice not removed, sanded, or treated from public sidewalks, and all snow not removed from public sidewalks within twelve (12) hours after it has ceased to fall thereon.
- 2) All signs and billboards, awnings, and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- 3) All buildings erected, repaired or altered within the Town of Hull in violation of the provisions of the Town relating to materials and manner of construction of buildings and structures within said town.
- 4) All unauthorized signs, signals, markings or devices which purport to be or may be mistaken for official traffic control devices placed or maintained upon or in view of any public highway or railway crossing, which because of its color, location, brilliance or manner of operation, interferes with the effectiveness of official device, sign or signal.
- 5) All trees, hedges, billboards, fences or other obstructions which prevent persons driving vehicles on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

- 6) All limbs of trees which project over and less than 15 feet above the surface of a street or less than 10 feet above any public place or public sidewalk.
- 7) All wires over streets, alleys or public grounds that are strung less than 15 feet above any public place or public sidewalk.
- 8) All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town of Hull.
- 9) All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- 10) All loud, discordant and unnecessary noises or vibrations of any kind, including the keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing, or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
- 11) All obstructions of streets, alleys, sidewalks, or crosswalks, and all excavations in or under the same, except as permitted by the ordinances of the Town, or which although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.
- 12) All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street, alley or sidewalk.
- 13) Any unauthorized or unlawful use of property abutting a public street, alley, or sidewalk obstructing traffic or free use of such street, alley or sidewalk.

Section VI Responsibility for Nuisances by Other Government Agencies. Primary contact agency is listed.

<u>Nuisance</u>	<u>Enforcing Agency</u>
1. Contaminated food or drink sold or given To public	a. Portage County Health and Human Services (PCHHS) b. State Department of Health
2. Stagnant water where insects can multiply	a. PCHHS b. State Department of Health
3. Animal running at large or creating Disturbance	a. Portage County Humane Society b. Portage County Sheriff's Department c. Municipality
4. Pollution of any ground water, public wells, streams, lake, canal or body of water by sewage, creamery, Industrial water or other substance	a. PCHHS b. State Department of Natural Resources (DNR) c. State Conservation Warden
5. Abandon wells not capped or secured from Public use	a. DNR b. Possibly Planning and Zoning Department in year 2010 (P&Z)
6. Application of any pesticide in such manner To endanger health	a. Department of Agriculture, Trade, and Consumer Protection (DATCP)

- b. PCHHS
- 7. Houses or structures used for gambling or Prostitution or promiscuous sexual activity
 - a. Portage County Sheriff's Department
 - b. Portage County Clerk
- c. P&Z
- 8. Gambling device/slot machine not permitted a. Portage County Sheriff's Department
By Wisconsin Law
- 9. Repeated or continuous violations of Wisconsin law relating to the storage of Flammable liquids
 - a. State Department of Commerce

Section VII Enforcement Procedures

Depending upon the nature of the incident and the response of the property owners the typical enforcement action will follow a progressive approach to correct the violation.

- a) Personal contact (on-site visit, phone call)
- b) Formal letter or notice
- c) Contact by Hull attorney
- d) Public hearing or informational meeting attended by households from the neighborhood impacted by Public Nuisance**
- e) Order by the Town Board
- f) Order by the circuit court

All procedures will follow Wisconsin Statutes.

Section VIII Penalties.

1. First Offense. Any person who violates the Ordinance shall, upon conviction, forfeit not less than \$100.00 nor more than \$500.00 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County jail until the forfeiture and costs are paid, but not exceeding sixty (60) days.
2. Second and Subsequent Offenses. Any person who has previously been convicted of a violation of the Ordinance shall, upon conviction of a second or subsequent violation of this Ordinance, forfeit not less than \$200.00 nor more than \$1,000.00 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County jail until the forfeiture and costs of prosecution are paid, but no exceeding six (6) months.
3. Separate violations. Each day of violation of this Ordinance constitutes a separate offense.
4. Injunctive Relief. In addition to any other relief available to it under the law, the Town board may seek injunctive relief from a court of record to enjoin further violations of this Ordinance.
5. Costs of Abatement. In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance and violation of this ordinance, the cost of abatement of any public nuisance by the Town may be collected under this ordinance or sec. 823.06, Wis. Stats., as a debt or expense from the owner or occupant of the real property for causing, permitting or maintaining a public nuisance. If notice to abate the nuisance has been given to the owner or occupant previously, the cost of abatement may be assessed against the real property for services rendered and incurred by the Town to enjoin or abate the public nuisance as a special charge under sec. 66.0627, Wis. Stats., unless paid earlier.

Section IX Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Motion Supervisor Wilz, second Supervisor Syens, approve the revision to the Nuisance Ordinance as presented. Motion carried unanimously.

- 3) Discussion with Rebecca Bohne, owner of 527 Maple Bluff Road, and William Konopacky, on conditions and plans for 527 Maple Bluff Road

Chairperson Holdridge:

- Passed out a design shared with Bob Konkol and John Holdridge by Rebecca Bohne and William Konopacky.
- Meeting on November 11 at Attorney Konkol's office attended by LaVerne Syens, Rebecca Bohne, William Konopacky and John Holdridge – issues were discussed.
- On December 2nd Attorney Konkol and John Holdridge went out and visited the site. The site was walked, both Ms. Bohne and Mr. Konopacky escorted us and showed us.
- Plan was to meet after the holidays and continue the discussions. That never happened. We are here with the public meeting.
- The Portage County Planning and Zoning Department issued a zoning permit for them (R Bohne and W Konopacky) to build a gazebo and 2 building structures.
- Hull struck out with the Planning and Zoning Committee.
- Going forward we have petitions, the same petitions that were presented to the Planning & Zoning Committee – 41 signatures. These petitions are dated in May 2013.

Bill Konopacky introduced himself indicating he and Ms Bohne are apparently the focal point of this meeting.

- Take something of the statement of Mr. Holdridge stating he went to Portage County Zoning and struck out. That is not really true. If you look at our point of view, county zoning found no problems with anything on the property.
- The original letter from Portage County Zoning was that there was a building being moved on to the property illegally. That was addressed at one of the hearings. The first meeting I tried to tell the concerned people that building was not being moved on to the property, if fact it was one of the buildings that was on the property and was being moved out of the way, so we in fact improve the back yard so we could

put in a garden. This is an aerial view of the property dated spring of 2011 and the building in question sits right there. In a later picture I will show you it now sits here.

- Do you want me to hang these up or pass them around?

Holdridge – whatever you want to do. Pass them around if you like.

- The building at the corner here is now sitting up here behind the house. This is what the property looked like in 2001. We bought it in 2008. But you see how barren this is, all the property in this whole neighborhood was a farm field. There were no trees on it anywhere. Excuse me.
- One of our neighbors commented when he moved on his property there were either 3 or 6 trees on his property. Mr. Halverson. This is his property from 10 years ago.

Holdridge – is this information you gave to Portage County Planning & Zoning Committee? That was part of that, right? That was part of your presentation.

Konopacky – nope. This is for you.

Holdridge – no it wasn't. This is all new?

Konopacky – this is for you. There is some contention that apparently we don't know what we are doing and we are wrecking the neighborhood and...this picture was taken in 2012, in the spring of 2012, you can clearly see there is a fence here. There was an earlier picture; I don't know if I can explain it, Mr. Halverson property could. These are taken at 4 pixels per square foot and the other ones are taken at 1, so when you enlarge it it is just a big blur. But there was a small fence in the area here that was our first garden. This is our second garden and you can see the ground is thin. This is what it looked like originally, just a weed pile on top of sand. So that is where we were at in 2012.

This is a poor picture because it is that other pixel type thing, but you can see now here is the back yard, there are approximately 50 some flowering crab trees all around this side, they make a turn but then because of the angle, I'm assuming where the plane was at, you can't see them. I'll go back to an earlier picture to show you something. Right here there is a base, this sandy white area is a base for one of the out buildings and we didn't know the layout of how it was going to form until later so that when this picture, there is another base here for another building and there is actually a base here but it has some weeds on it. The garden goes here. The original garden, not the original one but the second, you see it outlined here. And all the trees and stuff everybody is saying we are doing a nursery or whatever, are now planted behind the house, all away along the edge, across the back and like I said I can't tell where the other ones, you can't see them. On either side, this is where the gazebo is going to be, there is a raise around here, there is a raise around here, and two shorter mounds on either side. There is a secure fence that goes here and comes here now and will eventually be moved just off of the property line up along here and back to the house.

Holdridge – Bill is this something you should turn to now, specifically?

Konopacky – maybe I should have done it in the other order but that's not how it happened.

Holdridge – okay.

Konopacky – I'm not the best speaker of words so however it comes out today, is how it comes out. This picture was done, this is 524 Maple Bluff, directly across the street from us, it was done at the same but it got a little greener quicker one year. This is spring of 2001 and particularly notice this tree right here you can hardly see it. This is 2012 which is 11 years later, that tree is now that big. If you take all of these trees that are in the Halverson property and back them up, what 20 some years (speaking to Warren Halverson) all right, they would be minuscule like the trees that are on my piece of property, that everybody seems to think – I don't know what you seem to think but, everybody in the neighborhood, because this was all farm land at one time, the farm houses are still there. And it was clear open property just like this piece is out here. Everybody had the opportunity to improve their property, but apparently you don't want us to have that opportunity. So,

Holdridge – well, you shouldn't prejudge Bill. We are trying to listen to your discussion

Konopacky – you said you hit a strike out at the county zoning meeting and I think that was just because they didn't approve in your favor

Holdridge – well I

Konopacky – I think that was an assumption

Holdridge – Bill, Bill, my view was that that meeting was handled poorly, they had pictures of other property and they thought it was your property. It was not handled very well.

Konopacky – Mr. Potocki was the only one that had a mistaken about confusing properties

Holdridge – okay

Konopacky – you brought the point up

Holdridge – go ahead, go ahead

Konopacky – I was trying to straighten it out with you but you don't want to give me the opportunity.

Holdridge – I think you ought to proceed with your plan.

Konopacky – you interrupted me or I would have.

Holdridge – okay.

Konopacky – anyone it is the one I think most of you have a copy of this one. If you compare, Rebecca and I for in the last, well, since we first looked at the property we tried to decide what the back yard was going to look like at some day at some point.

Holdridge – is this the one you've got Bill?

Konopacky – this is the picture of the property as it is now

Holdridge – okay

Konopacky – and they told me to make a sketch, it's not to scale but it's

Holdridge – that's this one here.

Konopacky - that is the one everybody is holding so you can quite clearly see that our plans, well I can't, this was done but this sketch had been done by us while we drew on the back of Bill's Pizza, what are they called, place mats. When you turned them over you could piece this all together. It got changed, it got modified, it moved around. Somebody showed me on their computer a couple of months ago, okay, the 23rd of December. I don't know how you guys do this, but they have a satellite deal or something and snow was on the ground and all these little things that are hard to see, on this picture, just popped. You could see the fence or you could see the plants so, this is the current deer fence, the future deer fence is (pause) I thought I had it broken down a little bit better. There is a description there, future fence is a circle with a X in it; temporary fence is the squares with a line through it. If you wanted to compare the two; they are pretty similar, obviously they are not down to perfection but. At last count we had in the mixture of 350 plants and 50 trees planted. You can see on the future area this will be more of a vegetable area, fruit trees are going to be back here and that is pretty much, it's going to evolve in to money. So the first future thing I think is going to be one of the out buildings, but once again, actually I take that back the first thing that has to be done is we have to put a drip watering system in and mulch all the plants that are there because we spend most of the summer pulling weeds and running hoses to water the plants. Any questions thus far?

Holdridge – this plan here, when do you plan on having this completed? Any time line?

Konopacky – No. That would be asking Mr. anybody here when is their yard done.

Phyllis May, 5466 Highland Ave., are you planning on removal all of the items that are visible from the road?

Konopacky – what are we talking about?

May – all of the items that are lying around the yard

Konopacky – ask Mr. Konkol and Mr. Holdridge they were there; ask them if there is anything laying around the yard.

Holdridge – well we have some pictures. We could circulate these.

May – removal of all the trash

Konopacky – what am I supposed to do with the plants.

May – the plans are beautiful.

Konopacky – I know they are.

May – all we care about is the removal of all the trash.

Konopacky – what trash? What are you talking about? That is what I need to know.

Holdridge – why don't you, Bill these are the pictures we took when we were out there. Do you want to circulate those?

Konopacky – sure. In the back is a pile of mulch and on the left is lumber that's.. I have better pictures of the lumber and these are trailers. I have a

May – are you in the lumber yard business?

Konopacky – no mame. Why would I be running a lumber yard?

May – why do you have all this lumber lying around?

Konopacky – have you ever built anything?

May – yes

Konopacky – how big of thing have you built?

P May – a garage.

Konopacky? -how much lumber do you need to build a house?

May – your lumber has been around for years.

Konopacky - the lumber hasn't been around here for years. It hasn't even been around here for a month.

Holdridge – well I think though one of the questions is Bill, with what you are doing back there, when is the finish time? When do you anticipate having that garden/gazebo

Konopacky – right now with my zoning permit it allows me 2 years. I just got done talking with two (2) different people at zoning and they said for all intents and purposes for anybody that gets a zoning permit is not done, or near completion in 2 years can come back down and pay them and get a new zoning permit. Now according to them I do not need a zoning permit for the fence.

Holdridge – I'm talking about potentially you have building(s) and gazebo you are potentially going to put up.

Konopacky – that is correct - a gazebo, 2 out buildings and 480' +/- of 8' tall fence. The original fence wasn't going to be a wooden fence/the original fence was going to be a deer fence. We had thought we had hauled in all the fill we need/now we may need another 8 truck loads.

Stan Potocki – on the sketch and looking at pictures can all of this been seen from the road?

Konopacky – no. None of those pictures are from the road. Three-quarters of the yard is fenced in on its way to completion. About one-fourth of the yard has lumber

Holdridge – you could probably see your back yard from Golla right, through that open lot?

Konopacky – yah, do these people live on Golla?

Holdridge – no, I'm just, there are some people who have signed the petition who live on Golla.

Konopacky – I'll put a little fence across that corner.

Konopacky showing pictures and talking to residents present

Ralph Banke – maybe you could pass some of those photos around.

Konopacky – sure, so you want me to (cannot understand what was said)

Banke – no, I would like to look at them.

Showing pictures

Citizen – these are some of the things I'm concerned about. There are sheds, there are wagons, vehicles

Did anybody take pictures of the lumber that was back there Bob (Attorney Konkol)?

Konkol – no

Rey Vega – Stan (Potocki) asked if you could see some of these items from the road. I have photos of what can be seen from the road, off of Maple Bluff.

George May – these plans are certainly impressive and would have been nice to know about these plans in the past.

Konopacky – well sir, if there is a discussion on the pictures going on here

Holdridge – oaky we will hold off, you resolve the picture discussion.

Clerk Wolle – cannot pickup discussion regarding the pictures

May – the plans are certainly impressive and the sight from the road is certainly less than impressive. I'm assuming that all of that solid waste that is next to the house that

can be visualized from the road is going to be used in construction of your plans for the back yard. We can see multiple vehicles, we can see trailers, and you can see an old shed on a trailer. The big thing is these are the things we can see. Now if this is all going to be used within a reasonable period of time, 2 years with multiple extensions to me is NOT a reasonable period of time. If you are building a house generally you are going to be done within 6 months to a year. I think 2 years is too long. Two years plus is way too long for all of this unsightly material to be present the way it is. Again, I complement you on your design I think that is great. Also earlier it was stated you wished we had come to you and mentioned this – I kind of wish you had come to us and told us what you were doing. All we can do is see what is there. It is definitely unsightly and I think everybody agrees to that. I don't know whether it qualifies for too much solid waste for the area of the property but I think you have to put a time line on these improvements.

Konopacky – I took the opportunity a couple of days back to go down to Portage County Zoning and took the numbers off the petition. The numbers that are here according to Patty down at Zoning, there were 11 different remodel/additions zoning permits, plus one special adjustment permit. According to the secretary here (Hull) there has never been a meeting held for anybody at these addresses to get their neighbors permission to do something to their yard.

Holdridge – let me comment on that

Konopacky – I've got the floor

Holdridge – no, no, but

Konopacky – no, I don't want you to. Point of order

Holdridge – we don't hold meetings unless there is a petition.

Konopacky – Mr. Holdridge I thought you were going to run this meeting correctly, I interrupted and you asked me not to and I did. Now I have the floor.

Holdridge – go ahead.

Konopacky – thank you. You were talking about stuff that can be seen from the road. This is the neighborhood. Within one block from my house these pictures were all taken.

Banke – I want an address so I can inspect. I want to see whether or not that is there.

Konopacky – this was in my back yard. The lot that you can see my property from that is where that one is sitting. This is in the back yard on the way to the church. There is a semi that sits on the edge of the road – I bet nobody has seen that. Here is a trailer that sits diagonal from my house. Here is one that sits across the road that has 2 campers/snowmobile trailer. Here is a big RV that is less than a block from my house.

Banke – I would like you to show us pictures of your things, your vehicles on your front yard and on your side yard.

Konopacky – is it oaky for these people to have these vehicles in their yard?

Banke – everybody is entitled to have 1 vehicle. This is a well driven expensive unit. He has every right to have it parked in his yard.

Konopacky – and I have every right to park mine.

Banke – you have several

Konopacky – and they are all licensed and legal according to zoning

Banke – they may well be but they are not very brand new, they are all 15 years old. You are looking at a thirty-five thousand dollar mobile home and comparing it to your junky trailer.

Konopacky – because I don't have a thirty-five thousand dollar Cadillac or trailer I can't park it in the yard.

Banke – Mr. Konopacky, you are comparing those units to your stuff and that

Konopacky – you are comparing those units to my stuff, I didn't.

Holdridge – well you took the pictures

Konopacky – that's right. Vehicles and vehicles are they not?

Banke – they are not.

Konopacky – are houses, houses?

Banke – yes.

Konopacky – how much are the houses across the street worth?

Citizen – that is not the point.

Holdridge – we shouldn't get into the class argument. There are people who are concerned about your property who live right in your neighborhood.

Konopacky – who brought up the value of anything? It was not I. Don't address it to me.

Holdridge – the point is, go back to the petition. If we had 25 people in the neighborhood that filed a petition against a homeowner, we would be doing this. We'd be meeting with them. If 25 people on Maple Bluff Road had a problem with a house and they want to file a petition, we would respond. That is basic first amendment right. We don't have that. What we have is your property which people have filed a petition against. That's why we are meeting.

Konopacky – I understand that. The point was made; I did not make it, of value. I have a list of the values of the properties across the street from my house. Most of them are between \$400,000 and \$750,000. Our property is \$124,000 or \$126,000.

Holdridge – I'm saying those people of your value of your property, have great concern about the stuff you have there.

Konopacky – I have a great concern that mine isn't up to what theirs is that I'm not supposed to have it.

Carol Pringle – it is a mess and we want you to clean it up. You have been working on it for years and it is a mess.

Konopacky – I have a lot of compliments on the back yard.

Banke – we are not on the back yard. We don't see your back yard.

Pringle – we don't have umpteen vehicles and 20 trailers.

Konopacky – there are places that have at least 5.

Phyllis May – would it be possible before you build the shed to move everything that is visible from the road and put it in the back so no one sees it?

Konopacky – a lot of it wouldn't even be there except I used about the last 4 months of last year taking care of this.

P May – so move it now.

Konopacky – I can't there is 2' of snow. Where are I going to move it to dear, the back is all full of lumber.

P May – so May 1st.

Konopacky – when the ground is dry.

P May – could you move it out of the neighborhood.

Konopacky – sure stuff that is visible from the yard.

P May – oaky then move it out of the neighborhood so we don't have to look at it.

Konopacky – I said I would move it, not to the back yard because there is no room.

P May – couldn't you move it out now?

Konopacky – no I can't move it out now because there is this much snow.

P May – could you move it off by May 1st?

Konopacky – no I am not going to give you a date. By the 4th of July I will move it off.

Jim DeWeerd – thank you for developing the back yard plan – it looks very nice. I'm curious about a couple of things. How _____ the amount of dirt

Konopacky – it will raise it approximately 10" over the yard.

DeWeerd -I've watched your property since you bought it and I saw several vehicles that were parked in the snow in the same spot for the past year. I have seen trailers there, they have been there for quite awhile. New trailers have been added to the property. A shed on a trailer.

Konopacky – there is not a shed on a trailer – I don't know why people keep saying it is there. It's not a shed it is a trailer.

DeWeerd – okay. As we drive around the neighborhood and look at houses there are things parked in people's yards that are seasonal use things – these things come and go. They are well kept. Their lawns are neat, their cars are moved. But on your property many vehicles are there _____ up, yes there is snow on them. But they appear to be junk and I know they come and go. Let's get off this value discussion. It looks like things that you are selling as a business by selling. Why don't you put your cars in the garage? I'm concerned and I think what you are doing is devalues the rest of our properties. The appearance of your property doesn't match ANY of the homes in the area. I guess we are asking you to clean it up and make it look nice. The yard doesn't have to be dirt in the summer this because you are driving on it so much – many dump trucks.

Konopacky – that is a lot of dump trucks and we are not done.

DeWeerd – the neighborhood is asking you to clean up the appearance of your property.

Konopacky – I don't have a problem with that.

DeWeerd – okay let's get it done.

Konopacky – give me until the end of July.

DeWeerd – we have been watching for a couple of years to see something happen and it just seems to be more and more stuff.

Konopacky – anybody that has ever built anything, has never built it out of nothing.

DeWeerd – you are not building it out of cars, that is for sure.

Konopacky – any car that is on the piece of property is, according to zoning, operable and licensed. That is all that is required.

DeWeerd – they can sit there for months, and months and months.

Konopacky – how long does a jet ski or a boat or a lawnmower or snow blower, or whatever sit? It sits until the person who has it uses it. You want me to pick up the side yard..... I'm not saying the back yard. I'm saying the stuff that is on the side of the house. Where the back of the house stops, that's where I stop with whatever you think

isn't supposed to be there. That doesn't mean the side yard is going to be clean. It means there will be possibly a trailer and a vehicle or two.

Holdridge – the semi you talk about is used for his living/operation. We had a complaint about that. I talked with him and the one that complained and they understood that was there and they were accepting of that. The problem I have Bill is the difference between you and those pictures you have circulated of other neighbors is day and night. There is a huge difference. What you have stored on your property and what these people might have a motor home or boat or something – there is a ton of difference.

Konopacky – I won't answer that question because how long have those people been on those pieces of property?

Holdridge – some have been there a long time.

Konopacky – 20 years.

Holdridge – I suspect so.

Konopacky – how long have we been on our property? They have had 20 to 40 years on their property. Mr. Halverson how long since you planted your first tree?

Halverson – about 40 years.

Konopacky – about 40 years to get where it is at. We've been there 5 years and everybody is upset because we're in the process of getting what they have.

Holdridge – one of the reasons I think is Bill, we don't see any end game here. We see stuff coming in, being stock piled there and we say you have a great plan for a garden but when is this going to take place and when is it going to get done?

Konopacky – I know what it takes to build something and that is what I have. What it takes to build – not what we originally wanted because now we are going to put up a solid fence. There is a lot more stuff there than what I would have needed 2 years ago but it's there. It has a purpose. I have a zoning permit. I don't have a pocket full of money so I'm not going to go out and hire a crew and get it done in 6 months. It's going to get done

Potocki – I joined the Sheriff's Department in 1966. I started patrolling all of the roads in Portage County. I can tell you the Maple Bluff Subdivision has been an elite subdivision. There are very expensive homes/properties and I have, in all those years, never seen any of their properties the way I've seen the pictures of your property. They have trucks. Cars are parked in driveways but not all the time. When not used they probably park them in the garage. But there is nothing unsightly. When I think of something unsightly I think of something that looks like junk.

Konopacky – trailers are built for specific purposes. My trailers have a specific purpose. When the purpose is done the trailer will be gone.

Potocki – the point I make is I have never seen any of those properties in

Konopacky – how long does it take for them

Potocki – and they have been living there for 20-25 years – I was on patrol all that time.

Konopacky – I'm not saying you weren't, I'm not saying.....What I'm saying is I don't know of anybody here that owns a property that has ever undertaken a project that Rebecca and I are undertaking in our back yard all by themselves. Because it is taking longer and looks a little unsightly I'm not supposed to be able to do it. Is that pretty much

Citizen – what do all of your old cars have to do with building your garden?

Konopacky – every..they are not a bunch of old cars.

Citizen – how many cars are out there with snow on?

Konopacky – maybe 2.

Dave Pringle – I own land along Bill's and I would say if I wanted to sell that land the _____ of my property rights

Konopacky – like I said I will have the side yard cleaned out by the end of July. That's going to make everyone in this room happy.

Pringle – I'm suggesting moving some of that stuff _____, there are going to be projects and fences along the woods

Konopacky – I don't know what you are trying to say now, I can't have a fence?

Pringle – if you have the proper kind of fence yes. But say I want to sell some lots right along your property

Konopacky – before we bought that piece of property I know I had this conversation with somebody that owns some of the property there. I was told that property was put into conservation.

Pringle – it is coming to the end Bill.

Konopacky – okay.

Pringle – and we are going to have to do something.

Konopacky – well there was a piece of property that's across the road that was a subject of conversation that hadn't sold in X number of years. I went to Portage County Zoning and the tax place, they are asking \$399,000 – the property value is \$339,000 – it is over priced by \$60,000 for what they are asking from what it is worth. Our property that we bought was \$135,000 or \$140,000 and it was on the market for over 3 years. I don't know – you don't want to compare apples to apples. What I am saying is we have a piece of property that will never be worth what the people across the roads are.

Citizen – may of the people along Maple Bluff Road started with not a whole lot of money. We worked our butts off to get where we are. So don't pull this poor soul

Konopacky – I'm not playing poor soul. I said you've worked your butts off so give us a chance. You can see what we've got done so far.

Vega – I too worked construction all my life and I know for a fact that there is no way _____ sheds from that property until you move _____ you have out there now. Plus you are not going to build a gazebo and sheds and a garden of cars and trailers and other things back there like spare tires

Konopacky – there is none of that stuff there anymore. Mr. Konkol and Mr. Holdridge were out there. Bob (Konkol) was there any debris there that was not lumber or pipes that were stacked there?

Vega – there is a shed or a trailer that is on blocks are still there.

Konopacky – there is no shed on a trailer.

Vega – I have a picture of it.

Konopacky – go ahead and show me the pictures, it is not a shed.

Vega – then what do you call it?

Konopacky – a trailer with sides.

Vega - a trailer is a trailer, a _____ is a shed.

Konopacky – show me the picture. If this whole thing will get solved right now we'll all go look at the trailer he is talking about and you tell me

Citizen – you have been using that trailer every day for years

Konopacky – that means it's a shed with wheels.

Citizen – that's what it looks like.

Looking at pictures

Konopacky – that's the tong, there is a tire and there is a tire over there.

Citizens – it's on blocks

Konopacky – the blocks are holding up the tong so when you back up to it you

Citizen – here you have another shed on a trailer.

Konopacky – that's not on a trailer. That's the shed I moved. I already pointed it out on the other picture.

Clerk – cannot understand what is being said

Konopacky – they are not there now.

Banke – where did they go? What happened to them?

Konopacky – they are being processed for fence posts. That's what we bought the property for in the first place. I'm not lying about anything. The fact is it has been planned out for

Citizen – you have multiple vehicles on blocks, are you doing auto mechanics there?

Konopacky – I put a pair of brakes on the truck so I can stop my trailer.

Citizen – you have 3 vehicles on blocks.

Konopacky – there may have been blocks holding up the tong of a trailer.

Citizen – holding up a vehicle. You can see a vehicle on blocks here.

Bembenek – Mr. Konopacky said he would have the vehicles taken out of the area by the end of July. Mr. DeWeerd basically, I'm not putting words in your mouth Sir, you said okay get it done by the end of July, get it cleaned up.

DeWeerd – get it done.

Bembenek – he (Konopacky) put the date on it and you said okay.

Announcement by Chairperson Holdridge

The Hull Town Board will convene in closed session as allowed by Wisconsin Statute 19.85(1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. To be discussed 527 Maple Bluff Road.

The board may reconvene in open session as allowed by Wisconsin Statute 19.85(2) relating to legalities re: 527 Maple Bluff Road.

Motion Supervisor Wilz, second Supervisor Syens, to convene in closed session.

Roll call vote:

Bembenek – Aye

Holdridge – Aye

Syens – Aye

Wilz – Aye

Motion carried unanimously.

Motion Supervisor Wilz, second Supervisor Syens, to reconvene in open session in open session as allowed by Wisconsin Statute 19.85(2) relating to legalities re: 527 Maple Bluff Road.

Roll call vote:

Bembenek – Aye
Holdridge – Aye
Syens – Aye
Wilz – Aye

Motion carried unanimously.

The board reconvened in open session regarding legalities at 527 Maple Bluff Road.

Motion Supervisor Wilz, second Supervisor Syens, direct Attorney Konkol to make contact Ms. Bohne's Attorney Jamie Konopacky regarding:

- What Bohne game plan is
- To come up with suggestions based off of conversations with the board that can be reviewed
- From meeting discussions by the end of July 2014 the Hull Board wants something accomplished
- They (Bohne/Konopacky) have to come up with a plan that clearly defines what they are doing and what they are not doing
- When Hull gets this part done the board can then be flexible to change and maneuver based on what happened as of that time

Attorney Konkol understands the motion to instruct him to contact the owner's attorney to firm up a proposal agreed at tonight's meeting about taking care of objected to activities and materials on the side yard by the end of July, to get the details and then report back to the board.

D Wilz – the board will review and share that and make certain that works for the people.

Motion carried unanimously.

- 4) Adjournment: Motion Supervisor Wilz, second Supervisor Syens, adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:35 p.m.

Janet Wolle, Clerk

Entire Public Nuisance Ordinance

Ordinance **2014-0123** Revised PUBLIC NUISANCE ORDINANCE

Section I Public Nuisances Prohibited

No person, persons, firm or corporation shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Town of Hull, Portage County, Wisconsin.

Before authorizing legal action against the person responsible for a public nuisance, the Hull Board of Supervisors will evaluate the cost and risk/reward of such action. Whenever possible such legal cost shall be levied against the property owner responsible for the nuisance.

No action taken by the Hull Board of Supervisors against a perpetrator of a public nuisance as defined in this ordinance shall be taken except by a unanimous vote of the Hull Board when a quorum is present.

Section II Definition

A public nuisance is a thing, act, occupation, condition or use of property that shall continue for such length of time as to:

- 1) Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public
- 2) In any way render the public insecure in life or in the use of property.
- 3) Greatly offend the public morals or decency.
- 4) Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water, or other public way.
- 5) **Any condition or use of premises or of building exteriors which is detrimental to the property of others of which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.**

Section III Public Nuisances Affecting Health

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances:

- 8) Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- 9) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, or any material whatsoever in which flies, mosquitoes, disease carrying insects, rats, or other vermin may breed.
- 10) All noxious weeds and other rank growth of vegetation.
- 11) Uncut grass of a height or length, within residential and business areas, that could cause a fire hazard or a hazard to public health. In the event a violation of this nature is discovered, the Building Inspector shall issue a written order to the owner or the tenant of the land involved to cut the excessive high grass within three (3) days from the date of the order, and provide that in the event such grass is not cut within three (3) days from the date of the order the Town shall cut the grass and assess the property involved as a special tax.
- 12) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, or industrial dust within the Town limits in such quantities as to endanger the health of persons of ordinary sensitivities or to threaten or cause substantial injury to property.

- 13) No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration that are injurious to human, plant or animal life or to property, or that unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, toxic, or deleterious emission, either alone or in combination with others.
- 14) Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street gutter, alley, sidewalk or public place within the Town.

Section IV Public Nuisances Offending Morals and Decency

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section II of this ordinance.

- 4) All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured, or rectified without a permit or a license as provided for by Wisconsin State law.
- 5) Any place or premises within the Town of Hull where town ordinances or state laws relating to public health, safety, peace, morals, or welfare are openly, continuously, repeatedly and intentionally violated.
- 6) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or the Ordinances of the Town of Hull.

Section V Public Nuisances Affecting Peace and Safety

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of Section II of this Ordinance.

- 14) All ice not removed, sanded, or treated from public sidewalks, and all snow not removed from public sidewalks within twelve (12) hours after it has ceased to fall thereon.
- 15) All signs and billboards, awnings, and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- 16) All buildings erected, repaired or altered within the Town of Hull in violation of the provisions of the Town relating to materials and manner of construction of buildings and structures within said town.
- 17) All unauthorized signs, signals, markings or devices which purport to be or may be mistaken for official traffic control devices placed or maintained upon or in view of any public highway or railway crossing, which because of its color, location, brilliance or manner of operation, interferes with the effectiveness of official device, sign or signal.
- 18) All trees, hedges, billboards, fences or other obstructions which prevent persons driving vehicles on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- 19) All limbs of trees which project over and less than 15 feet above the surface of a street or less than 10 feet above any public place or public sidewalk.
- 20) All wires over streets, alleys or public grounds that are strung less than 15 feet above any public place or public sidewalk.

- 21) All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town of Hull.
- 22) All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- 23) All loud, discordant and unnecessary noises or vibrations of any kind, including the keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing, or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
- 24) All obstructions of streets, alleys, sidewalks, or crosswalks, and all excavations in or under the same, except as permitted by the ordinances of the Town, or which although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.
- 25) All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street, alley or sidewalk.
- 26) Any unauthorized or unlawful use of property abutting a public street, alley, or sidewalk obstructing traffic or free use of such street, alley or sidewalk.

Section VI Responsibility for Nuisances by Other Government Agencies. Primary contact agency is listed.

<u>Nuisance</u>	<u>Enforcing Agency</u>
5) Contaminated food or drink sold or given (PCHHS) To public	a. Portage County Health and Human Services b. State Department of Health
6) Stagnant water where insects can multiply	a. PCHHS b. State Department of Health
7) Animal running at large or creating Disturbance	a. Portage County Humane Society b. Portage County Sheriff's Department c. Municipality
8) Pollution of any ground water, public wells, streams, lake, canal or body of water by sewage, creamery, Industrial water or other substance	a. PCHHS b. State Department of Natural Resources (DNR) c. State Conservation Warden
9) Abandon wells not capped or secured from Public use	a. DNR b. Possibly Planning and Zoning Department in year 2010 (P&Z)
10) Application of any pesticide in such manner To endanger health	a. Department of Agriculture, Trade, and Consumer Protection (DATCP) b. PCHHS
11) Houses or structures used for gambling or Prostitution or promiscuous sexual activity	a. Portage County Sheriff's Department b. Portage County Clerk c. P&Z

- | | |
|---|--|
| 12) Gambling device/slot machine not permitted
By Wisconsin Law | a. Portage County Sheriff's Department |
| 13) Repeated or continuous violations of
Wisconsin law relating to the storage of
Flammable liquids | a. State Department of Commerce |

Section VII Enforcement Procedures

Depending upon the nature of the incident and the response of the property owners the typical enforcement action will follow a progressive approach to correct the violation.

- a) Personal contact (on-site visit, phone call)
- b) Formal letter or notice
- c) Contact by Hull attorney
- d) Public hearing or informational meeting attended by households from the neighborhood impacted by Public Nuisance**
- e) Order by the Town Board
- f) Order by the circuit court

All procedures will follow Wisconsin Statutes.

Section VIII Penalties.

- 6. First Offense. Any person who violates the Ordinance shall, upon conviction, forfeit not less than \$100.00 nor more than \$500.00 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County jail until the forfeiture and costs are paid, but not exceeding sixty (60) days.
- 7. Second and Subsequent Offenses. Any person who has previously been convicted of a violation of the Ordinance shall, upon conviction of a second or subsequent violation of this Ordinance, forfeit not less than \$200.00 nor more than \$1,000.00 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County jail until the forfeiture and costs of prosecution are paid, but no exceeding six (6) months.
- 8. Separate violations. Each day of violation of this Ordinance constitutes a separate offense.
- 9. Injunctive Relief. In addition to any other relief available to it under the law, the Town board may seek injunctive relief from a court of record to enjoin further violations of this Ordinance.
- 10. Costs of Abatement. In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance and violation of this ordinance, the cost of abatement of any public nuisance by the Town may be collected under this ordinance or sec. 823.06, Wis. Stats., as a debt or expense from the owner or occupant of the real property for causing, permitting or maintaining a public nuisance. If notice to abate the nuisance has been given to the owner or occupant previously, the cost of abatement may be assessed against the real property for services

rendered and incurred by the Town to enjoin or abate the public nuisance as a special charge under sec. 66.0627, Wis. Stats., unless paid earlier.

Section IX Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Adopted May 2, 1989

Revision Adopted: December 7, 2009

Publication: December 11, 2009

Revised Adopted: January 23, 2014

Publication: January 27, 2014

For the Town of Hull Board

John Holdridge, Chairperson

Attest: _____
Janet R Wolle, Clerk