

**CITY OF STEVENS POINT
PUBLIC PROTECTION COMMITTEE AGENDA
Monday, October 8, 2018 – 6:52 P.M.
Police Department, 933 Michigan Avenue**

Present: Ald. Nebel, Dugan, Phillips.

Excused: Ald. Oberstadt, Kneebone.

Also

Present: Mayor Wiza; City Attorney Beveridge; C/T Ladick; City Clerk Piotrowski; Alderpersons Jennings, Johnson, Slowinski, McComb, and Morrow; Directors Schrader, Lemke, Beduhn, and Ostrowski; Chief Finn; Deputy C/T Freeberg; H/R Manager Jakusz; Community Development Specialist Kearns; Sarah McCann; Michael Prince; Krista Olson; Kevin Kaczmarek; Aaron Kaczmarek; Bonnie Kaczmarek.

Discussion and Possible Action on the Following:

**1. Appeal of notice/service charge for property maintenance violation:
A. 1632 College Avenue.**

Dir. Ostrowski said in September of 2015 an order was issued for peeling paint and since then the applicant has received three extensions on the property. He said the applicant did not qualify for assistance through CAP Services. Dir. Ostrowski said he provided her with information for the new neighborhood grant program and has not heard back from her.

Sarah McCann, 1632 College Avenue, said she purchased the college rental house in May of 2015 and is converting it to a single family home. She said they received the service charge four months after purchasing the home. Ms. McCann said her intentions were to paint the outside of the home first; however, due to the condition of the interior improvements needed to be done there first. She said she asked for her first extension in 2016 because she had to have emergency surgery and her husband lost his job because he needed to stay home to help take care of their new child. Ms. McCann said they could not afford to paint the exterior because they were living off of one income. She said in 2017 and 2018 she called College Pro for a quote and it went from \$4,000 in 2017 to \$11,000 in 2018. Ms. McCann said they contacted CAP Services for assistance and the process took about eight months and ended up being denied. She said she called Ald. Jennings after she received a flyer from her explaining different programs the City offers. Ms. McCann said Ald. Jennings gave her Dir. Ostrowski's phone number in which she called and left a voicemail asking for an extension and did not hear back from him and received a bill in the mail. She said she is not ignoring this and does want to get the house painted.

Ald. Dugan said she drove past the house and said the paint is almost completely peeled off and is almost down to the bare wood. She asked Ms. McCann if she would be able to get the house painted this spring.

Ms. McCann said depending on when they can get off of work they are going to try to paint the house this spring or summer.

Ald. Dugan said she was sorry that this went on for three years but believes she still has to pay a fee because of how long this has gone on.

Ald. Nebel provided history on this house. She said it frustrates her because the paint was already chipping before it was sold to Ms. McCann and said it should have been caught prior. Ald. Nebel said normally she would not say to try another extension but said because this family is trying she would be willing to try for another extension.

Ald. Dugan asked Dir. Ostrowski how hard the family worked to contact him.

Dir. Ostrowski said this was the first time he heard about this. He said as soon as he received the appeal and heard they tried contacting him he sent them information on the Neighbor Helping Neighbor Grant Program. He said the grant is not automatically granted and there are conditions for that grant.

Ald. Dugan asked Dir. Ostrowski if the appellant contacted him after he sent her the information for the grant.

Dir. Ostrowski replied no.

Ald. Nebel asked Dir. Ostrowski if they would be eligible for the zero interest loan for people that are taking houses that were rentals to single family homes.

Dir. Ostrowski said there are two loans that they could apply for and said the other one is the curb appeal which would be a better fit. He said there is no income limitations on that loan program.

Ald. Nebel said she understands that they need to pay the fine. She said she wants to help get them in to the zero percent loan program.

Ald. Jennings said she was contacted by Ms. McCann and they discussed some of the incentives that are available. She said she believes the issue lies with the previous owner and not being fined or required for the upkeep of the house. She said she asked Ms. McCann if she planned on staying at the house when they talked on the phone and she said she was. She said she supports this because she is planning on staying.

Ald. Dugan **moved**, Ald. Nebel seconded, to deny the claim.

Call for the vote: ayes, all; nays, none; motion adopted.

B. 1609 Ellis Street.

Dir. Ostrowski said the notice was sent by the neighborhood improvement coordinator on August 24 giving until September 4th to comply. Dir. Ostrowski said on September 4th there was an inspection done and they were still parking on the grass. He said the

residents contacted Mr. Kordus and Mr. Kearns in regards to their inability to park anywhere else with the number of vehicles they have. Mr. Ostrowski said the residents indicated they are looking at moving because the driveway is so small. He said action was held until discussion at the meeting.

Ald. Nebel asked which vehicle was not in compliance.

Dir. Ostrowski replied the white SUV.

Ald. Nebel asked if the new parking ordinance would allow for a parking pad to be placed along side of the house.

Dir. Ostrowski said he was unsure because he did not have the dimensions. He said where the vehicle is parked now it would not qualify because it is immediately off of the driveway. Dir. Ostrowski said the parking spot would have to be beyond the garage.

Ald. Nebel asked if the first car is parked all the way up to the garage if there would be enough space to park two cars.

Dir. Ostrowski said based off of the pictures it does not look like two cars could fit in the driveway.

Ald. Dugan said she brought this property up to the Inspection Office and said this needs to be corrected.

Jason Weir, 1609 Ellis Street, said he is a tenant at this address and said parking has been a problem for a while. Mr. Weir said they looked at getting concrete poured for an additional parking space; however, the spot is too narrow. Mr. Weir said when Ellis street was redone there was a second apron that was installed that they thought they could use for parking but there is not enough space for two vehicles.

Ald. Nebel asked if the apron is on his property.

Mr. Weir replied yes. He said he spoke with Mr. Kordus and they talked about putting in a horseshoe driveway, or a gravel pad near the garage. He said he was informed to go to the meeting to see if they would grant leniency due to the lot size. He said he is going to be closing on his new house soon and hopes something can be figured out for this house because it will be an ongoing problem.

Ald. Nebel asked why he did not contact the office when the notice was given.

Mr. Weir said the landlord was in Stevens Point and then was on vacation. He said he did not get a picture of the violation from her until September 5th.

Ald. Nebel said the Committee has to stay true to the work that has gone into these and the follow ups. She said she is sorry to say that because there is not a compliance or a request for something to be extended they should go forward with the fine.

Ald. Nebel **moved**, Ald. Phillips seconded, to deny the request.

Ald. Dugan said this is a common problem with rental properties and the tenants being notified too late.

Call for the vote: ayes, all; nays, none; motion adopted.

C. 301 Michigan Avenue.

Clerk Piotrowski said Rebecca Bond called him and said she is on vacation this week and requested this gets postponed to the November meeting so she is able to attend.

D. 148 Georgia Street N.

Community Development Specialist Kearns said this is a failure to get a building permit for a shed that was put up. He said the applicant was notified that a building permit was required and notice to comply was sent. Specialist Kearns said the applicant did not comply so a second notice was sent. He said in between the two notices the applicant said the shed is going to be used as an ice fishing shack. Specialist Kearns said the applicant asked if the shed was put on a trailer if a building permit would be required. He said it was determined that if it was going to be used as an ice fishing shack and placed on a trailer they would not be required to obtain a building permit. Specialist Kearns said the deadline was extended to August 22 and on August 23rd an inspection was done and the shed was still in the front yard and the first service fee was sent after the inspection and a new compliance date of September 5th was given. He said the shed was moved and put behind a fence and did not appear to be on a trailer so a notice was sent to the appellant. Specialist Kearns said the appellant notified staff September 11th that the shed was placed on a trailer.

Ald. Dugan said she visited this property and the shed was on a trailer and asked about the construction machinery.

Specialist Kearns said there are a few other issues on the property as well but it is not a part of this appeal.

Bonnie Kaczmarek, 148 Georgia Street N, said she spoke with her attorney and was advised to go through the committee before taking any further legal actions. She said they tried to get numerous questions answered in regards to the legitimacy of the violations. Ms. Kaczmarek said there are numerous communications that are not included between Kevin Kaczmarek and various City employees including Dir. Ostrowski, Kyle Kearns, Mayor Wiza, and City Attorney Beveridge that have been omitted. She said they have another case open and said the photos used for this claim are the ones from the other case. She said the item in question does not meet building code for a shed and questioned why they needed a building permit if it does not meet the standards of an accessory building. Ms. Kaczmarek said she asks the Committee to set aside the re-inspection fees as there were no violations to any City Ordinances. She said she has been co-owner of the property since 1986 and feels that she should have not of been left out of the process. Ms. Kaczmarek said when she bought hers a friend

of hers who lives in the City bought one and put it up and never received a non-compliance notice.

Ald. Phillips asked if it is ok for the plastic shed to be there.

Community Development Specialist Kearns clarified the applicant submitted a request to appeal the violation for CEGEN20181023 which only pertains to the building permit and the shed. He said the Zoning Code defines accessory structure, requires setbacks and size restrictions and said that is what he looked at in regards to zoning.

Dir. Ostrowski said under the Building Code a permit is required for any structure of the building. He said when a permit is received they look at it for building code perspectives, and each structure does need to fit within the setbacks and sizing limitations.

Ald. Nebel asked Dir. Ostrowski what the setbacks would be if they were to keep the shed on the ground and not on a trailer.

Dir. Ostrowski said it would be a three foot setback from the rear and side properties. He said there is a 25 foot setback from the front.

Ald. Nebel asked if the reasoning behind setbacks could be clarified.

Dir. Ostrowski said setbacks can be for protection of neighbor's properties, prevent vision obstructions, uniform amongst neighborhoods, and to make sure the primary structure is prominent on the property not the accessory structures.

Ald. Nebel clarified that the reason this is here is because of setbacks.

Dir. Ostrowski said the reason is because the permit was not pulled, and then after contacting the appellant they claimed accessory structures did not need a permit and it was going to be used as an ice fishing shack and that is when Mr. Kearns granted the extension.

Aaron Kaczmarek, 148 Georgia Street N, said when Mr. Kearns spoke he said that the contractor storage was not included with this appeal which in fact it is listed on the complaint letter and it has been treated as a single complaint from the start. He said Dir. Ostrowski said the accessory structure must meet uniform building code and the point of contention has been that the building does not meet the legal definition of an accessory structure.

Ald. Nebel said this is a structure it was still in violation of setbacks. She said if he did not want to put it on a trailer the shed would need to be put further back on the property.

Mr. Kaczmarek said it was not in violation of the setbacks where it was initially assembled in the front yard. He said it was intended to be moved further back on the property.

Ald. Nebel asked why when the notice was given it was not moved immediately.

He said it was not moved because his father was conversing with various City employees on how this could be considered in violation.

Ald. Nebel said this seems like an issue that they just want to argue if it is a structure. She said it is a structure and there is a setback. Ald. Nebel said that it did not need a permit because it is not a permanent thing; however, it still needs to be in compliance of the setbacks. She said she does not understand when the notice was received why it was not moved back.

Mr. Kaczmarek said it was not moved back because it did not say it had to be in the notice. He said the notice said they needed to buy a permit and said no one in the Inspection Department said it needed to be moved back.

Dir. Ostrowski said when an applicant applies for a building permit the setbacks are looked at. He said even though it is a plastic shed it still requires a building permit.

Ald. Phillips asked Dir. Ostrowski if this is one violation for the plastic building and asked if there was an additional violation.

Dir. Ostrowski said there were two violations that were initiated on the order that was supplied to the Kaczmareks. He said one was for the structure and the other was for contractor storage. Dir. Ostrowski said if they chose they can appeal the contractor storage but feels a better place to appeal it would be to the Zoning Board of Appeals.

Ald. Nebel verified that the appeal is only for the plastic structure.

Dir. Ostrowski replied yes and the service fees. He gave instructions on how the appellant could go about appealing the contractor storage.

Kevin Kaczmarek, 148 Georgia Street N, said he has been asking for the ordinance and has been told they are working off of a draft ordinance. He said the City cannot be enforcing something until it is passed by Council. Mr. Kaczmarek said he has been told he has been provided with an ordinance but never has received it.

Ald. Phillips asked for clarification on the ordinance.

Dir. Ostrowski said the ordinance was provided in the original ordinance of violation letter. He said they are in violation of Section 30.02 2A.

Ald. Nebel verified the Ordinance is current and has been approved by Council.

Aaron Kaczmarek, 148 Georgia Street N, said the ordinance is not applicable because the object in question does not meet the legal definition of an accessory structure.

Ald. Nebel asked Dir. Ostrowski for the definition of structure.

Dir. Ostrowski said when a term is not defined in City Ordinances it takes the common dictionary term. He said a building is something with a roof and walls that allows a place for people to live, do work, activities, and store things. Dir. Ostrowski said the definition of a structure is some that is built by putting parts together and usually stands on its own.

Ald. Dugan **moved**, Ald. Nebel seconded, to deny the appeal.

Call for the vote: ayes, all; nays, none; motion adopted.

2. License List:

A. New Operators (Bartenders) Licenses.

B. Change of Agent: Schierl Sales Corporation, 2201 Madison Street, Stevens Point, WI; Melissa Wanta, 141 12th Street North, Wisconsin Rapids, agent at The Store #57, 201 W Clark Street, Stevens Point, replacing Heidi Pitzrick.

Ald. Nebel **moved**, Ald. Dugan seconded, to approve the license list for new operators for licensing and the change of agent for Schierl Sales Corporation.

Call for the vote: ayes, all; nays, none; motion adopted.

3. Request to Hold an Event/Street Closings:

A. Amanda Filtz for the Ski Memorial 5K on November 10, 2018.

B. Community First Bank for the 43rd Annual Frostbite Road Race and Winter Walk on December 1, 2018. Requesting closure of a section of Fourth Avenue and Second Street.

Ald. Phillips asked if the Police Department has any problems with the route or the events.

Chief Skibba replied no they do not. He said the request for auxiliary officers has been posted and is being filled.

Ald. Phillips confirmed with Chief Skibba that if a portion of the race is in the Town of Hull that the applicant would also need to go to the Town of Hull and get permission to hold a race for that portion.

Ald. Nebel **moved**, Ald. Phillips seconded, to approve the request to hold an event/street closings for A. Amanda Filtz for the Ski Memorial 5K and B. for the Community First Bank of the 43rd Annual Frostbite Road Race.

Call for the vote: ayes, all; nays, none; motion adopted.

4. Fee Schedule for Public Records.

Attorney Beveridge said the Department of Justice released new information in regards to the amounts they are charging for copies etc. He said at a Staff meeting he

recommended that the City should lower their costs to be more comparable with the Department of Justice.

Ald. Phillips confirmed with Attorney Beveridge that this was information only and that no action needs to be taken.

Ald. Dugan said she was shocked to see the cost for black and white had dropped significantly.

5. Ordinance Amendment – Schedule of Cash Deposits – Food Vending Carts on City Property. (Exhibit A of Section 24.27 of the RMC).

Attorney Beveridge said this section of the chapter lists standardized forfeiture fees for various things within the entire code of ordinances. He said most of the time new entries get added when circumstances arise. He said they have had a food vending ordinance for a while but have not had a cause to issue citations to issue under that.

Ald. Nebel **moved**, Ald. Dugan seconded, to approve the ordinance amendment schedule for cash deposits.

Call for the vote: ayes, all; nays, none; motion adopted.

6. Adjournment.

Adjourned at 7:52 P.M.