

**VILLAGE OF DRESSER
PUBLIC WELFARE COMMITTEE MEETING
NOVEMBER 14, 2013
MUNICIPAL BUILDING**

Kristi Scheet called the meeting to order at 5:30 PM. Roll Call: Kristi Scheet, Richard Durand, Wayne Moberg, and Bryan Beseler. Also present Jodi A. Gilbert/Clerk, Attorney Tim Laux, Officer Ryan Haass, and Tony Havranek. This meeting was posted that a majority of the board members could be present for this meeting. No other public or press was in attendance.

The first item on the agenda for tonight is to discuss the creation of new municipal code to deal with police calls and criminal behavior at residences in the Village of Dresser. In preparation Haass has pulled together some public nuisance sample ordinances. The request to discuss this came from Havranek which was in response to the fact that he lives near an apartment building that has had a lot of police calls. Scheet stated my first comment is that it is always a good idea to regulate with law and to be able to enforce it. It can't be in conflict with something else. Haass stated on the example that says "good read" the first paragraph is what we are actually addressing. It gives you a definition of what we are trying to address. In the existing ordinance we address most of it. We need some better definitions in our ordinance. For example we discuss annoying behavior but we don't define it and for it to be upheld in court it needs to be defined. Section 10.04 of our ordinance we have some definitions but what are continuous violations. They list some of the violations like drug dealing, disorderly conduct, etc... In the Ordinance we need to identify each problem and the abatement of that particular problem. Scheet stated so we need to understand the relationship between nuisance and breaking the law. Haass stated some nuisances like junk vehicles are understandable. Health issues are addressed. Nuisances you try to enforce, but writing for an unregistered car doesn't fix the problem if the car stays where it is. Scheet stated so we need to develop some examples and list how they would be addressed.

Havranek stated I submitted the call logs from Haass and Polk County. Durand stated there are repeating issues. Haass stated disorderly conduct is very general. It could be loud music, arguing, etc... Scheet stated you have domestics/warrants/juvenile cases/fire calls/noise/suicidal issues/theft/etc... Havranek stated you have nuisances that affect the tenants and/or the landlord. Laux stated the public in general is affected. Beseler stated the question is how to abate that nuisance. We can deal with the nuisance and give them a ticket or take them to jail. That doesn't always solve the neighborhood issues. Repeated calls can be handled through nuisance ordinances. Scheet stated doesn't reaction go back to the person or the landlord. Haass stated property owners would be the best way to do it. The tenant doesn't have much to loose. Havranek stated what I understand is that the actual calls on a lot of these people are the same people who are not paying their rent and they won't end up paying a forfeiture. They have other fines and no money. The person may also be a visitor to the property. Haass stated one example is that we had 2 warrants 8 days apart – two different people same apartment. Going after the tenant it may be their first offense and going after the property owner it would be their 2nd offense in 8 days. After the 2nd or 3rd they have a chance to tell us how they are going to handle. Then after that it goes into fines. Scheet stated so you are saying under the nuisance a penalty would be for the property owner. Haass stated it depends on how you write the ordinance. You want to work with them and hopefully the first time by talking to them it gets resolved. This is not always the case with rentals – so you want it to say property owner. This way I can use it for regular residents Haass stated. Scheet commented that it was mentioned after looking at

Osceola's ordinance it was too difficult to enforce. Haass stated I have talked to Osceola's chief and they have not issued a license in Osceola. They started doing inspections and have not done licenses. They did some tickets initially and now they haven't enforced. The Licenses are not working so the police stopped. Laux stated there were a few that did clean up their act and some property may have been sold. Scheet commented on some humanitarian issues you have to have affordable housing. You don't want to make that impossible to have. You don't want to create laws that can't be enforced. Haass stated I think we can change some definitions and put into place an abatement process. This would apply to everyone we won't have to find out who the rental units are specifically. This should cover all properties. Laux stated one of the issues is how do you get to the point of an abatement action. Is the current ordinance clear enough with a particular number of violations built into it? Haass stated no it is not. You don't know the object of abatement. Ours does not do that. Laux stated I do like the Madison example. It fingers specific properties. You have so many police calls in so much time and you have violations. It is a pretty decent ordinance, but the standard needs to be set instead of like Osceola's where they tried to regulate the use of the property. You would need to hire 3 people to do this and then have constitutional problems - why would I rent out the upstairs and do all of this stuff. It is too intrusive. The Madison sample you can identify. This is pretty heavy duty - the state statute on abatement of public nuisance. You can go as far as a levy forfeiture and tear down the property. Laux continued we have done it in other communities. It does happen from time to time and sometimes we end up with a vacant lot. Absentee landlords they just don't care. Scheet asked how can landlords evict. Laux stated they have a civil process - terms of rent - whether there is a security deposit or not. Whether it is a written lease or verbal. There are notices built into it. You have to jump through a lot of hoop and follow them. Scheet stated so if you go to the landlord and tell them to get them out of there because your property is using village resources or just let them know that they are now on the list - send out a form letter. You are hereby notified and it is up to them. We are not telling them how to run their business. If things don't change then we start the abatement procedures. Beseler agreed the landlord can decide how they do their business. I need to understand as a land owner what the ordinance is set to do. This could apply to that person that purchased a house and brings to the village stuff we don't want. This is what we expect in the Village. Laux stated there is a lot of good stuff in here. Scheet asked do we want to involve the landlords in what we are doing. Haass stated no - not if you are going to do it for all property owners. We won't be singling anybody out. This should include all properties. Back to our ordinance section 10.04(4) - continuous violation of ordinances. It doesn't say any place or premise. Laux stated we can define those words. That is where you have the debate and what is the tolerance level going to be in Dresser. 3 times in one month - 3 times in a year. Havranek stated when you look at those call logs some of those issues are forfeitures. Polk County can't enforce our ordinances. Havranek asked would Polk County calls be a violation - Laux stated they could be either or both. If I was in Haass's shoes I would. Have to base it on facts. If Polk County shows up and it is unfounded then what - Laux stated good point. The question is did we observe anything that would be a violation. We need to define that further. Any disorderly violation that results in a citation to a record could be used. A call log would be a first step and other criteria that we adopt. We need to look at how it works in reality. Havranek agreed how would it actually work. Haass stated the question is how many contacts and what kind of contacts count. The barking dog or do you hold off until you have a disorderly conduct. What calls are a nuisance? Scheet asked is there nothing we can do about this right now. Haass stated to go after the property owner it is unclear on how to address. It is not spelled out. Laux stated a lot of it is there but it starts off under the judgment of police/fire

and zoning. In the nuisance ordinance it deals a lot with junk, burning, etc... Some things take one offense per Laux. Laux continued you have a spectrum of offenses. Meth lab on one end and dog on the other and there is a lot in between. The Municipality should be trying to do something. We are more small town America and that is the kind of version we need. Scheet asked can we do something right now. Laux stated you can go through the process to section 10.07 #3 – by the time you hit court action things are done. In 90% of cases when they get a letter and have to clean up the mess it gets done. The exception is when you get to #3 and have to take them to court. There is no room for an abatement plan. Does someone have 24 hours to abate it? How long is it abated? Tell me it is abated? Do I say it was abated or do I start over? Having an abatement plan is a mitigation plan. Beseler stated in the Oshkosh sample they meet with the chief of police. Is it abated or mitigated. If xyz are not met then what? Laux stated some things need to be reviewed on a case by case basis. Beseler stated in defining what a nuisance ordinance is – do you have specific ones in mind. If we desire this to be more specific we need to have a list. Laux stated you can do this if you want. Madison is aimed at criminal activity. Haass stated I don't think you have to go that far. As chief enforcement – look at this regarding all properties. 1. Better definition of annoying behavior see the Oshkosh definition. 2. Do define the repeated ness of it – frequency of violation that constitutes the nuisance. Should the frequency be smaller? Haass stated a renter could be there over a year – do they look for a better tenant. Havranek stated I understand there are good tenants and we want them to stick around, but some these things. Do something about the neighbors. Things just continued to go unaddressed. We need a very clear strong ordinance from the get go. The same units that are rented and it just keeps evolving. Section 10.07(5) if the property is defined to be a nuisance and if Haass is called out again bill out the cost to respond to the landlord. We have to deter nuisance property and in an abatement plan be able to bill out Haass's time. Laux continued that if they don't comply and do not do it in 10 days we will abate it ourselves and the wording of #5 and put it on your tax roll or we take you to court. Most don't want it added to the real estate tax as a special charge. Forfeitures only go to municipal court – when going to circuit court you are asking for performance. Havranek asked with these fixes how does it get enforced. Letter - citation - citation and filing and going to circuit court. Laux this could be one of the criteria built into the violations resulting in circuit court. That would be much more serious then municipal court. Which cases go to the district attorney office versus to Laux for civil forfeitures?

Laux stated at a certain point you need to recommend to the board and answer questions. See what happens. Beseler stated if disorderly was charged out – was it large firearms/drug/under age consumption. The nature of the ordinances – is it a nuisance no matter what the charge. Do people get a sense of insecurity? See neighbors and it doesn't matter initially. Beseler stated from the Village's point I would prefer to have two levels. One might require less often frequency for sake 3 major crimes in a year moving forward. The 2nd tier would allow more variance such as 3 in 6 months and occur so often. Laux list some and treat them all the same. Beseler asked is the committee prepared to list these things out tonight. Durand we sure can take a look at it. It can always be redefined in the future. Laux asked where do you want to start 10.02. Scheet stated frequency and definitions for everything. 10.03 public health is that ok. All fine. 10.04 amend sub (4) I would define repeatability. Which ones off the list added to 10.04 – have some language and have some picked out - Scheet stated I like harassment, disorderly houses and conduct. Letters A- I can be - J gambling we have. Pull that one in as 15. animals are under public. Scheet asked should we put in trespassing. That is hard to nail to the property owner. If that is the consensus to go with that. 6 to 15 is 17-32(b) 1a – j. Abatement –

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define how often one of those nuisances. One level is a nuisance. Laux stated go and call first 10.04 call that #1 and numbering changes to a – z. Insert a 2 that says if any of the foregoing etc... occurs so many times for a specific property the owner shall be held liable. Define abatement for chronic nuisance properties. These should be a bigger fine. Then how do we go about abating it. Laux stated make it simple Section 10.07 something like that if 3 or more nuisances have occurred at a single property within a 30 day period or 2 drug/fire arms etc... in 1 year period have occurred the owner shall be required as in 10.07(3) abate the public nuisance and if the owner fails to do so within the required 10 day period the owner shall be cited and forfeiture in the amount of so many dollars be issued. This is not withstanding the other abatement. First offense and second offense even a bigger number. Beseler some of these numbers comes out of Milwaukee. Is that what we want to be a bad property? 3 in 30 days is way too lenient. Laux stated somebody needs CPR that is not a nuisance. 3 times for these particular reasons. Beseler they need to hash that out. Structure – how many calls – they need to define frequency. Scheet asked is property the same as premise. Laux stated premise is wide enough. Laux said that is too lenient. Beseler said set it at 3 and 90. Havranek said 3 in 6 months. Scheet asked can this include Polk County calls. We need to decide what those two numbers should be. Haass stated 3 in 6 months. One divorce here you go. You will be dealing with at least that much. Haass asked what about enforcing this. Time frame for judgment is based on what - Beseler stated be careful in enforcement. Scheet said 3 and 90 - who else are you obligated. Chronic nuisances aimed at crime prevention when almost nothing else is working. Crime prevention – harassment, fighting – law enforcement – ordinances stop crime prevention versus ultimately what is the abatement assigning forfeiture for allowing crime to take place. Abatement is to stop messes. Blighted properties. The long and short of it is it is worth a try. See how it falls. Scheet stated there is the human element in there. Haass doesn't issue a citation that is not one of the 3. \$500 is more than that through court. Give range for first offense. Scheet how many people will this be impacting. Police and fire chief /zoning administrator which is the board - Haass has to track it or it looks like discrimination. Haass after 3 and 90 citation is given – letter 10 days then get a citation – if they comply they don't get a citation. When it is over and cleaned up it starts over again. Laux the objective basically this is an auxiliary crime fighting mechanism. Editorially purpose of the ordinance. Courts in past have referred to purpose of ordinance. This is what they are trying to do. Public purpose those are good ordinances. Maybe we need to fill in those 4 numbers and look at some version of a preamble to start – a first draft. Durand 3 in 6 months. If it doesn't work first offense \$250 to \$500 second offense \$1000 to \$2000. Scheet 3 to 90 can always act on it sooner. Committee should review draft – How much time is needed. Committee can meet again on Thursday 12/12 at 5:30 pm.

The second item on the agenda is to review Section 2.05 – Order of Business of the Dresser Municipal Code. The entire ordinance addresses the agenda. We should strike section 2.05. Motion Scheet/Moberg to recommend to the Village Board that they repeal Ordinance 2.05. All in favor. Motion carried.

Motion Scheet/Durand to adjourn at 7:50 PM. All in Favor. Motion Carried.

Jodi A. Gilbert - Clerk/Treasurer

These minutes have not been approved.