

CITY OF ANTIGO
FINANCE, PERSONNEL, AND LEGISLATIVE COMMITTEE
MINUTES OF MEETING HELD
AUGUST 16, 2017

Finance, Personnel, and Legislative Committee of the City of Antigo met in Regular Meeting on the above date at 6:00 PM in the Multi-Purpose Room, City Hall, Mayor Bill Brandt presiding.

Attendee Name	Title	Status	Arrived
Carol Feller Gottard	Ward 5	Present	
Bill Brandt	Mayor	Present	
Tim Kassis	Ward 3	Present	
Tom Bauknecht	Ward 4	Present	
Glenn Bugni	Ward 7	Absent	
Reinhardt Balcerzak	Ward 8	Present	

Others in attendance: Kaye Matucheski, Clerk-Treasurer; Mark Desotell, Director of Administrative Services; Roger Musolff, Building Inspector/Zoning Administrator; Jon Petroskey, Fire Chief; Roger Benishek, representing Margaret Nelson, 717 Seventh Avenue; Roger Fuller, Habitat for Humanity; and Jaime Horswill, Utility/Clerical Assistant.

Discussion and Action May Occur on Any of the Following Agenda Items:

1. Approval of the Minutes from the July 19, 2017 Meeting

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Bauknecht, Ward 4
SECONDER:	Carol Feller Gottard, Ward 5
AYES:	Feller Gottard, Brandt, Kassis, Bauknecht, Balcerzak
ABSENT:	Glenn Bugni

2. Request to Waive Sewer Charges in the Amount of \$97.68 at 717 Seventh Avenue Due to a Broken Outside Faucet

Margaret Nelson, 717 Seventh Avenue, provided a letter requesting sewer credit in the amount of \$97.68 due to a broken outside faucet in January 2017.

Kaye Matucheski, Clerk-Treasurer, provided a memo advising that usually when someone is requesting a credit for the sewer usage, they notify the City and an employee goes over to the house to verify the water did not enter the sewer system. In this case, we were not notified that they discovered this outside faucet broken and they are requesting the credit about seven months after the fact. No employee was able to verify this due to the time lapse. There was no usage in this house the month prior to the reading with the faucet running and there was only one unit of usage the month after.

Mayor Brandt advised that this is routine and he has no choice but to trust the resident's word.

Motion to approve waiving the sewer charges at 717 Seventh Avenue in the amount of \$97.68 as presented.

RESULT:	RESOLUTION TO COUNCIL [UNANIMOUS]
	Next: 9/13/2017 6:00 PM
MOVER:	Tim Kassis, Ward 3
SECONDER:	Tom Bauknecht, Ward 4
AYES:	Feller Gottard, Brandt, Kassis, Bauknecht, Balcerzak
ABSENT:	Glenn Bugni

3. Contractor Selection for Spray-Foam Insulation Bid to be Applied to Exterior Walls above Suspended Ceiling Panels at City Hall

Mark Desotell, Director of Administrative Services, provided a memo advising that sealed bids were solicited for the placement of Icylene spray foam insulation and an intumescent paint as a thermal barrier to the inside of the exterior block walls above the suspended ceilings of the City Hall building including the Fire Department living quarters. Two bid proposals were received and evaluated by staff. The basic bid called for 5" of spray foam insulation over 1,975 square feet of area. The bids were as follows:

City Wide Insulation (TruTeam) of DePere

5" spray foam applied	\$5,276.86
Thermal barrier applied	<u>\$ 972.14</u>
	\$6,249.00

Kulp's of Stratford

5" spray foam applied	\$11,180.00
Thermal barrier applied	<u>\$ 4,325.00</u>
	\$15,505.00

Mr. Desotell's memo further indicated that he also requested incremental alternate bids for either a 4' or 6' application at the suggestion of Focus-on-Energy and based on the bid results he recommends a 6' application by City Wide Insulation of DePere based on the following parameters:

6" spray foam applied	\$5,979.86
Thermal barrier applied	<u>\$ 972.14</u>
	\$6,952.00

The amount originally projected for this work was set at \$20,000 within the 2017 budget.

Motion to approve the City Wide Insulation bid with the 6" spray foam in the amount of \$6,952.00.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Reinhardt Balcerzak, Ward 8
SECONDER:	Tim Kassis, Ward 3
AYES:	Feller Gottard, Brandt, Kassis, Bauknecht, Balcerzak
ABSENT:	Glenn Bugni

4. Approval to Utilize CIP Funds to Purchase Fire Fighter Turnout Gear to Test Two Vendors Gear for Possible Further Purchase

Jon Petroskey, Fire Chief, provided a memo noting that as part of the CIP budget, he put money aside for firefighter turnout gear. Over the last couple years he has used gear manufactured by Globe. This year he would like to evaluate gear manufactured by Globe and Janesville. The

reason he would like to do this is because Janesville is sold locally and has a model similar to what they currently use. He had Acting Lieutenant Ron Pizl go through the specs and find the model that is comparable to what they currently use. Mr. Pizl has done several weeks of research and talking with sales personnel. In the discussion with sales personnel, they can get a "wear test" set of gear from Janesville at no cost. This gear can be used for up to four months where they can make a decision to purchase more gear or not. The salesman stated that a majority of the time they let the department keep the "wear test" gear at the end of the four months.

Chief Petroskey advised that after talking with the current salesman at Globe about the "wear test", he stated that he can get a different model of gear that is comparable to the department's current gear but with a different cut which makes the gear more comfortable and he can get it at a 70% discount to try. This gear is supposed to be a better fit for athletic firefighters which provides more reach and better protection.

Chief Petroskey is requesting approval to get a set of Janesville gear at no cost and a set of Globe gear at a price of \$1,055 utilizing CIP funds.

Motion to approve utilizing CIP funds to purchase fire fighter turnout gear in the amount of \$1,055 for possible further purchase as requested.

RESULT:	RESOLUTION TO COUNCIL [UNANIMOUS]
	Next: 9/13/2017 6:00 PM
MOVER:	Reinhardt Balcerzak, Ward 8
SECONDER:	Tim Kassis, Ward 3
AYES:	Feller Gottard, Brandt, Kassis, Bauknecht, Balcerzak
ABSENT:	Glenn Bugni

5. CVMIC Liability Insurance Renewal for Policy Years 2019 and 2020

Ms. Matucheski provided a memo advising that Cities and Villages Mutual Insurance Company (CVMIC) provides three year pricing in the third year of our commitment to them so the City will have the renewal premiums before the budget process. The premium for 2018 that was previously approved is \$38,463 with a \$25,000 self-insured retention (SIR). The quoted premiums for 2019 and 2020 at \$38,474 and \$39,243, respectively. The City also has the option of increasing the SIR so CVMIC always provides a quote for the next highest SIR which would be \$37,500. The 2018-2020 quotes for the higher SIR are \$36,155, \$36,165 and \$36,888. Because there is very little cost savings to increase the SIR her suggestion is to remain at the \$25,000 limit.

Motion to approve the CVMIC Liability Insurance Renewal for Policy Years 2019 and 2020 with a \$25,000 self-insured retention at \$38,474 and \$39,243 respectively as recommended.

RESULT:	RESOLUTION TO COUNCIL [UNANIMOUS]
	Next: 9/13/2017 6:00 PM
MOVER:	Reinhardt Balcerzak, Ward 8
SECONDER:	Tim Kassis, Ward 3
AYES:	Feller Gottard, Brandt, Kassis, Bauknecht, Balcerzak
ABSENT:	Glenn Bugni

6. Revisions to Ordinance 22, Article VI - Public Nuisances

Mr. Desotell provided a memo with attached revisions to Ordinance Chapter 22, Article VI- Public Nuisances. This is a result of collaboration between the Public Safety Director, Building Inspector/Zoning Administrator, and the Director of Administrative Services in regards to

addressing common "blight" related matters. Their recommended changes were discussed with the City Attorney relative to the ability to encourage adherence to the requirements and to enforce compliance when necessary. Staff has been very successful in achieving compliance with the previously updated ordinance addressing junked vehicles and appliances and anticipates similar success with this updated ordinance. They have recently accomplished the removal of some 60 abandoned or junk vehicles along with the clean-up and restoration of several lots that had fallen into a condition that warranted strict attention. The changes are designed to provide staff the flexibility to work with a property owner during the clean-up effort while providing the methodology to escalate action for an unwilling landowner.

Upon inquiry by Alderperson Feller Gottard, Mr. Desotell noted that the Director of Public Works position is no longer a position within the city. This is why it has been replaced with Park, Recreation and Cemetery Director.

Motion to approve the revisions to Ordinance 22, Article VI-Public Nuisances as presented.

RESULT:	ORDINANCE TO COUNCIL [UNANIMOUS]
	Next: 9/13/2017 6:00 PM
MOVER:	Tom Bauknecht, Ward 4
SECONDER:	Reinhardt Balcerzak, Ward 8
AYES:	Feller Gottard, Brandt, Kassis, Bauknecht, Balcerzak
ABSENT:	Glenn Bugni

7. Authorization to Sell Vacant Lot (1/3 Acre) Located at 217 Field Street by Sealed Bids Subsequent to Demolition of House Previously Destroyed by Fire (Previously Held In Committee)

Mayor Brandt noted that staff has discussed donating the vacant lot at 217 Field Street to Habitat for Humanity. Habitat is looking at purchasing the home built by high school students.

Mayor Brandt noted that this matter would need to be decided before demolition of the property so that determination of the removal of the foundation can be completed.

Ms. Matucheski questioned the way this matter was noticed. She is concerned that the agenda seeks authorization to sell the vacant lot by sealed bids. It does not note a donation.

Motion to not sell the property by sealed bid, rather request Council consider donation of the property at 217 Field Street to Habitat for Humanity.

RESULT:	RESOLUTION TO COUNCIL [UNANIMOUS]
	Next: 9/13/2017 6:00 PM
MOVER:	Tim Kassis, Ward 3
SECONDER:	Tom Bauknecht, Ward 4
AYES:	Feller Gottard, Brandt, Kassis, Bauknecht, Balcerzak
ABSENT:	Glenn Bugni

Any Other Matters Authorized by Law to be Considered

Alderperson Feller Gottard questioned the status of the S.C. Swiderski project to which Mayor Brandt indicated that he and Mr. Desotell are still working on the developer's agreement with S.C. Swiderski. The City is not moving forward until they are sure everyone is on the same page. They are discussing a number of small details at this point and the agreement will be forwarded to full Council upon completion.

INFORMATION ONLY

Alderperson Balcerzak noted concerns with the Industrial Park and the S. C. Swiderski project. Mayor Brandt assured the committee that S.C. Swiderski has been informed that if any issues arise in the future with noise complaints, berms, etc. it will be their sole responsibility to rectify the situation at their own cost. The other industrial park residents will not be required to do anything additional to their properties to suit S.C. Swiderski.

INFORMATION ONLY

Adjournment

1. **Motion to:** Adjourn at 6:19 pm

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tim Kassis, Ward 3
SECONDER:	Carol Feller Gottard, Ward 5
AYES:	Feller Gottard, Brandt, Kassis, Bauknecht, Balcerzak
ABSENT:	Glenn Bugni

Bill Brandt, Chairperson

Date



To: Mayor and City Council
From: Kaye Matucheski, Clerk/Treasurer
Date: August 16, 2017
Re: Request to Waive Sewer Charges in the Amount of \$97.68 at 717 Seventh Avenue
Due to a Broken Outside Faucet

We have received a letter from Margaret Nelson requesting a credit for the sewer portion of the January, 2017 bill for 717 Seventh Avenue. A copy of the letter is included in your packet. The property owner indicated the high bill was due to a broken outside faucet that they were not aware of until the Water Department contacted them about a high usage reading.

Usually when someone is requesting a credit for the sewer usage, they notify us and an employee goes over to the house to verify the water did not enter the sewer system. In this case, we were not notified that they discovered this outside faucet broken and they are just requesting the credit about seven months after the fact. No employee was able to verify this due to the time lapse.

There was no usage in this house the month prior to the reading with the faucet running and there was only one unit of usage the month after. The credit for the sewer portion would be \$97.68.

If the Committee approves this credit, a resolution would need to be forwarded to Council. If you have any questions or need further information, please feel free to contact me.

August 7, 2017

To: Antigo City Council

Re: Outside faucet breakage
 during -20 below zero weather
 at 717 7th Ave.
 Antigo, WI 54409

Greetings:

It has come to my attention that the reading of January 18, 2017 included the high water usage due to an outside faucet breaking while the house was vacant.

We had asked a neighbor to shovel snow and watch over the house. He, unfortunately, was unable to fulfill his word. We then obtained help from another man who has been very diligent in providing assistance with the house.

My husband and this gentleman went through the house three times, but discovered no leaking. The problem occurred outside the house. Thanks to your astute water employee we were alerted to the high reading. This should not happen again because of rerouting the access of the outside faucet. I have owned the house since 2001. The renter moved out unexpectedly at the end of December.

Please consider and return credit to the sewer portion of my January bill since the water went into the ground. Thank you for your service to our Antigo community.

Sincerely,
 Margaret

RECEIVED
 8-7-17

Packet Pg. 7

715-218-6712

Attachment: 717 7th Ave Sewer Credit Request (1687 : Request to Waive Sewer Charges at 717 Seventh Avenue)



To: Mayor and City Council
From: Mark Desotell, Director of Administrative Services
Date: August 16, 2017
Re: Contractor Selection for Spray-Foam Insulation Bid to be Applied to Exterior Walls above Suspended Ceiling Panels at City Hall

Sealed bids were solicited for the placement of Icynene spray-foam insulation and an intumescent paint as a thermal barrier to the inside of the exterior block walls above the suspended ceilings of the City Hall building including the Fire Departments living quarters.

Two bid proposals were received and opened at 3:00 p.m. at City Hall on Monday, August 7, 2017 and were subsequently evaluated by staff. The basic bid called for 5" of spray-foam insulation over 1,975 sq. ft. of area above the suspended ceiling with an intumescent paint applied as a thermal/fire barrier. The following results summarize the basic bid parameters:

- **City Wide Insulation (TruTeam) of De Pere**

- 5" Spray-foam applied \$5,276.86
- Thermal barrier applied \$ 972.14

- Total Cost = \$6,249.00

- **Kulp's of Stratford**

- 5" Spray-foam applied \$11,180.00
- Thermal barrier applied \$ 4,325.00

- Total Cost = \$15,505.00

We also requested incremental alternate bids for either a 4" or 6" application at the suggestion of Focus-on-Energy and based on the bid results we recommend a 6" application by City Wide Insulation of De Pere based on the following parameters:

- **City Wide Insulation (TruTeam) of De Pere**

- 6" Spray-foam applied \$5,979.86
- Thermal barrier applied \$ 972.14

- Total Cost = \$6,952.00

The amount originally projected for this work was set at \$20,000 within our 2017 budget so with your approval this work can be scheduled without further referral to City Council.

BID FORM FOR CITY SPRAY FOAM INSULATION/THERMAL BARRIER **(Bidders are allowed to submit multiple bid forms for alternate materials)**

Spray Foam Material Manufacturer/Name JayNene
 Thermal Barrier Material Manufacturer/Name DC-315 Intumescent
 Warranty (Include Literature) Period 12 months No cost (non-prorated) Yes ☒ No ☐
 If No, Explain _____

<u>Item</u>	<u>R-Value</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Amount</u>
5" (+/- 1/2") Spray Foam	<u>R-19</u>	1,975 s.f.	\$ <u>2.6718</u> per s.f.	\$ <u>5,276.86</u>
Thermal Barrier Applied	<u>N/A</u>	1,975 s.f.	\$ <u>.4922</u> per s.f.	\$ <u>972.14</u>
Total Cost =				\$ <u>6,249.00</u>

This bid-offer shall be open to acceptance for 45 days from the bid closing date.

If a conflict in the Contract Documents occurs the following shall apply:

1. Addenda or modifications of any nature to the drawings and specifications take precedence over the original Contract Documents.
2. Where a conflict occurs in the Contract Documents, not reconciled by addenda, the installation of a greater quantity and better quality shall be provided.

Following Addenda have been received and are acknowledged to be included in the Bid
 Addendum # _____ Dated _____ Addendum # _____ Dated _____
 Acknowledge attendance of the Pre-Bid Walkthrough Yes ☐ No ☐ Date _____

Optional Bid Considerations:

<u>Item</u>	<u>R-Value</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Amount</u>
4" (+/- 1/2") Spray Foam	<u>R-14</u>	1,975 s.f.	\$ <u>2.5376</u> per s.f.	\$ <u>5011.86</u>
6" (+/- 1/2") Spray Foam	<u>R-22</u>	1,975 s.f.	\$ <u>3.0277</u> per s.f.	\$ <u>5,979.84</u>

COMPANY NAME/ADDRESS City Wide Insulation

COMPANY REPRESENTATIVE SIGNATURE [Signature]

TYPED NAME AND TITLE Jeremy Kriescher / Division Manager

DATE 7/31/17 PHONE # 920-289-0006 E-MAIL jeremy.kriescher@TrueTeam.com

The City of Antigo reserves the right to accept or reject any or all bids and will accept the bid that is deemed most advantageous to the City. The City may choose any or all or part of this bid.

Packet Pg. 10



To: Mayor and City Council
From: Jon Petroskey, Fire Chief
Date: August 16, 2017
Re: Approval to Utilize CIP Funds to Purchase Fire Fighter Turnout Gear to Test Two Vendors Gear for Possible Further Purchase

As part of the CIP budget, I put money aside for firefighter turnout gear. Over the last couple years we have used gear manufactured by Globe. This year I would like to evaluate gear manufactured by Globe and Janesville. The reason I would like to do this is because Janesville is sold locally and has a model similar to what we currently use.

To compare apples to apples, I had Acting Lieutenant Ron Pizl go through the specs and find the model that is comparable to what we currently use. Ron has done several weeks of research and talking with sales personnel. In the discussion with sales personnel, we can get a “wear test” set of gear from Janesville at no cost. This gear can be used for up to 4 months where we can make a decision to purchase more gear or not. The salesman stated that majority of the time they let the department keep the “wear test” gear at the end of the 4 months.

After talking with our current salesman at Globe about the “wear test”, he stated that he can get a different model of gear that is comparable to our current gear but with a different cut which make the gear more comfortable and he can get it at a 70% discount for us to try. This gear is supposed to be a better cut for athletic firefighters which provides more reach and better protection.

With all that said, I would like approval to get a set a Janesville gear at no cost and a set of Globe gear at 70% off the MRSP, at a price of \$1,055. If the wear test goes well I will come back to committee early next year to purchase three more sets of gear.

Feel free to contact me if you have questions.



To: Mayor and City Council
From: Kaye Matucheski, Clerk/Treasurer
Date: August 16, 2017
Re: CVMIC Liability Insurance Renewal for Policy Years 2019 and 2020

Cities and Villages Mutual Insurance Company (CVMIC) provides three-year pricing in the third year of our commitment to them so the City will have the renewal premiums before the budget process. The premium for 2018 that was previously approved is \$38,463 with a \$25,000 self-insured retention (SIR). The quoted premiums for 2019 and 2020 are \$38,474 and \$39,243, respectively.

The City also has the option of increasing the SIR so CVMIC always provides a quote for the next highest SIR which would be \$37,500. The 2018 - 2020 quotes for the higher SIR are \$36,155, \$36,165, and \$36,888. Because there is very little cost savings to increase the SIR my suggestion is to remain at the \$25,000 limit.

Whatever option the Committee approves, a resolution will need to be forwarded to Council. Should you have any questions, please feel free to contact me.



To: Mayor and City Council
From: Mark Desotell, Director of Administrative Services
Date: August 16, 2017
Re: Revisions to Ordinance 22, Article VI - Public Nuisances

The attached revisions to Ordinance Chapter 22, Article VI - Public Nuisances are the results of collaboration between our Public Safety Director, Building Inspector/Zoning Administrator and me in regards to addressing common “blight” related matters. Our recommended changes were discussed with the City Attorney relative to the ability to encourage adherence to the requirements and to enforce compliance when necessary.

Staff has been very successful in achieving compliance with the previously updated ordinance addressing junked vehicles and appliances and anticipates similar success with this updated ordinance. They have recently accomplished the removal of some 60 abandoned or junk vehicles along with the clean-up and restoration of several lots that had fallen into a condition that warranted our strict attention.

The changes are designed to provide staff the flexibility to work with a property owner during a clean-up effort while providing the methodology to escalate action for an unwilling landowner. Your support of these changes is appreciated. If you have any questions please feel free to contact me accordingly.

ARTICLE VI. - PUBLIC NUISANCES

Sec. 22-186. - Prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the city.

(Code 1999, § 11-6-1)

Sec. 22-187. - Definition.

A public nuisance is a thing, act, occupation, condition or use of property which 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 or the use of public property.

(Code 1999, § 11-6-2)

Cross reference— Definitions generally, § 1-2.

Sec. 22-188. - Health.

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of section 22-187:

- (1) *Adulterated food.* All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (2) *Unburied carcasses.* Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (3) *Breeding places for vermin, etc.* 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.
- (4) *Stagnant water.* All stagnant water in which mosquitoes, flies or other insects can multiply.
- (5) *Garbage cans.* Garbage cans which are not flytight.
- (6) *Noxious weeds.* All noxious weeds and other rank growth of vegetation as identified in section 6-4.
- (7) *Water pollution.* The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

- (8) *Noxious odors, etc.* Any use of property, substances or things within the city or within four miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the city.
- (9) *Street pollution.* 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 city.
- (10) *Animals at large.* All animals running at large.
- (11) *Accumulations of refuse.* Accumulations of old cans, lumber, elm firewood and other refuse.
- (12) *Air pollution.* The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the city limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

(Code 1999, § 11-6-3)

Sec. 22-189. - Morals and decency.

The following acts, omissions, places, conditions and things are 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 22-187:

- (1) *Disorderly houses.* All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (2) *Gambling devices.* All gambling devices and slot machines, except as permitted by law.
- (3) *Unlicensed sale of liquor and beer.* All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license from the city.
- (4) *Continuous violations.* Any place or premises within the city where city ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (5) *Illegal drinking.* Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of law or ordinances of the city.

(Code 1999, § 11-6-4)

Sec. 22-190. - Peace and safety.

The following acts, omissions, places, conditions and things are 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 definition of section 22-187:

- (1) *Signs, billboards, etc.* All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, situated or constructed to endanger the public safety.
- (2) *Illegal buildings.* All buildings erected, repaired or altered in violation of any ordinance relating to materials and manner of construction of buildings and structures within the city.

- (3) *Unauthorized traffic signs.* All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of color, location, brilliance or manner of operation, interfere with the effectiveness of any such device, sign or signal.
- (4) *Obstruction of intersections.* All trees, hedges, billboards 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.
- (5) *Tree limbs.* All limbs of trees which project over a public sidewalk less than ten feet above the surface thereof and all limbs which project over a public street less than 14 feet above the surface thereof.
- (6) *Dangerous trees.* All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (7) *Fireworks.* All use or display of fireworks except as provided by law and ordinance.
- (8) *Dilapidated buildings.* All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (9) *Wires over streets.* All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
- (10) *Noisy animals or fowl.* 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 city.
- (11) *Obstructions of streets; excavations.* All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under such, except as permitted by ordinance or which, although made in accordance with any such ordinance, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or which do not conform to the permit.
- (12) *Open excavations.* All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- (13) *Abandoned refrigerators.* All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (14) *Flammable liquids.* Repeated or continuous violations of ordinances or laws relating to the storage of flammable liquids.
- (15) *Unremoved snow.* All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.

(Code 1999, § 11-6-5)

Sec. 22-191. - Abatement.

(a) *Summary abatement.* Procedures for the summary abatement of public nuisances are as follows:

- (1) *Notice to owner.* If the inspecting officer determines that a public nuisance exists within the city and that there is an immediate danger to public health, safety, peace, morals or decency, notice may be served by the inspecting officer or an authorized deputy on the person causing, maintaining or permitting such nuisance or on the owner or occupant of the premises where such nuisance is caused, maintained or permitted; a copy of such notice shall be posted on the premises. Such notice shall direct the person causing, maintaining or permitting such nuisance or the owner or occupant of the premises to abate or remove such nuisance within a period not

less than 24 hours or greater than seven days and shall state that, unless such nuisance is so abated, the city will cause the nuisance to be abated and will charge the cost thereof to the owner, occupant or person causing, maintaining or permitting the nuisance, as the case may be.

- (2) *Abatement by city.* If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.
- (b) *Abatement by court action.* If the inspecting officer determines that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten ~~great and~~ immediate danger to the public health, safety, peace, morals or decency, the ~~inspector/inspecting officer or~~ ~~sanitarian~~ shall file a written report of such findings with the Director of Administrative Services who ~~mayor who, upon direction of the council or its designee,~~ shall cause an action to abate such nuisance to be commenced in the name of the city in the county circuit court in accordance with the provisions of Wis. Stats. ch. 823 subsequent to the failure of the nuisance being willingly abated by the offending party following the notice/citation process as defined in section 22-193.
- (c) *Court order.* Except where necessary under subsection (a) of this section, no officer shall use force to obtain access to private property to abate a public nuisance, but the officer shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
- (d) *Other methods not excluded.* Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the city or its officials in accordance with law.

(Code 1999, § 11-6-6)

Sec. 22-192. - Cost of abatement.

In addition to any other penalty imposed by this article for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance. Such cost shall be assessed against the real estate as a special charge.

(Code 1999, § 11-6-7)

Sec. 22-193. - Enforcement; penalty.

- (a) *Enforcement.* The chief of police, fire chief, ~~director of public works/parks/recreation/cemetery~~ director, street commissioner and building inspector/zoning administrator or their designees shall enforce those sections of this article that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such sections are not violated. If a determination that a public nuisance exists and it is not an immediate danger to the public, those listed in this enforcement section may provide a written notice to the offending party providing up to 30-days to address the matter prior to the issuance of a citation by the chief of police or his/her designee. No action shall be taken under section 22-191 to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.
- (b) *Penalty.* Any person who shall violate any section of this article shall be subject to section 1-14.

(Code 1999, § 11-6-8)

Secs. 22-194—22-215. - Reserved.