CITY OF MONTELLO

AD-HOC SUB-COMMTTEE ON BUILDING ENFORCEMENTS

PUBLIC HEARING

6-24-19

Called to order at 6 PM by Chairperson Joanna Jackman.

Members Present: Joanna Jackman, Bud Daggett, Mike Kohnke

Others Present: List on file with Dawn Calnin at City Hall

NEW BUSINESS:

1. GUIDELINES PRESENTED FOR COMMUNITY PARTICIPATION AT PUBLIC HEARING.

Joanna Jackman presented the following guidelines:

* Everyone is allowed to say their peace; we are going to allow 3 minutes per person and those are going to be non-transferrable minutes.
* You can either speak, ask a question, make comments or we will then move on to the next person
* We ask that you don’t speak among yourselves when someone else is speaking out of courtesy to that person.
* There will be no applause.
* Time was changed to 5 minutes. Everyone that wants to speak will have 5 minutes.
* First part of meeting will be video presentation
* There will be no interruptions while someone is speaking – you will be warned and then escorted out if it continues.
1. VIDEO

Mike Kohnke gave a power point. Topics discussed:

* Mission statement: The mission of the committee is to promote and maintain a safe and desirable living and working environment within the City of Montello. The committee wants to help and improve the quality of our community by administering a fair and unbiased enforcement program. They also would like to work with residents, other neighborhood associations, public service agencies, and other City departments.

(Kohnke stated that there are multiple rumors that have been started with false information. He stressed that the City is NOT going to kick people out of their home. The City is NOT going to access any property without permission from the property owner. The City is NOT going to act on just any complaint. The complaint has to be credible with pictures and documentation.)

* Why was this committee created? Current State code only allows to have a home inspection at time of sale and or purchase. This means that multiple rental properties in the city haven’t been inspected in many many years. After seeing pictures of homes in the city that have holes, water damaged ceilings, broken doors and windows, plumbing and electrical not up to code, mold issues and unhealthy living conditions and not being able to do anything about it; the city wanted to see what it could do to resolve some of these issues. A committee was formed of city officials, realtors, residents, building inspector and also reached out to other organizations and school officials. Their job was to review current city building and maintenance code to what would be the fairest and best fit for the City of Montello residents.
* IPMC – What is the IPMC and why the committee felt it would be beneficial: The IPMC is a maintenance document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. It provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community. The committee felt this is a good fit because it is something that hits on all the key points of what is trying to be accomplished. The IPMC has been tested and approved by other municipalities.
* What is the hope of implementing this new code? The committee’s goal is to update the existing code by enhancing a code that has been tested and has had positive results in other parts of the state that can also work in the City of Montello, be able to make sure that all residents, owners and renters are able to have a clean, safe, sanitary, sound home and property to reside in, act on credible complaints, and to have the best curb appeal in the City of Montello as to help bring in and hold residents, businesses and tourists.

* Enforcement process: (the following is a 120 day span to comply; current code in place allows only 14 days for compliance)
1. 1st letter of possible violations w/correction action recommendations
2. 2nd letter – First Notice – letter of violation w/corrective action recommendations and possible fine if not complying.
3. 3rd letter – Second Notice of violation w/possible citations if nothing has been done or worked out with the city.
4. 4th letter of violations with citations since nothing has been worked out with the City.
* Is there help out there? Yes:
1. Community Development Block Grant Program
2. Rural Development Loan
3. Work with the City and the City will work with you
4. OPEN PUBLIC HEARING:
5. Citizen concern: feels the committee moved too fast on passing this.

Clarification: Nothing has been passed nor will be passed at this meeting. If the committee decides at the end of the meeting to move forward with this it will have to go to the City Attorney and Full Council before being voted on.

1. Citizen concern: How much does this cost to hire this company?

Clarification: The City is not hiring a company. It’s purchasing the code for $49.95

1. Keri Solis explained the Central Housing Region Block Grant. A citizen stated that they had concerns with the CHRBG after being approved for a loan after the August, 2018 flooding.
2. A couple citizens stated their concern about the elderly even being able to acquire a loan.
3. A land owner stated his concerns about the enforcing of this new code.
4. Two disruptive audience members were escorted out of the meeting by Police Deputies.
5. A council member in the audience stated his concern about the interpretation of the new code.

Jackman stated the following:

“Before closing the public portion of this and you are all welcome to stay through the end. I want to address the letter that was in the Tribune and want to talk motivation. What you see in front of you are a bunch of people that live in the City of Montello. Many of us are homeowners and we are affected by this just as much as you are. We have nothing to gain by improving the quality of the homes in the city by improving the appearance of our downtown, by improving the life of the people that live here and rent here. We have nothing to gain by this. We are doing this for you not to you and if you are absolutely dead set against this new ordinance, we are not going to pass it. But we are going to do is start enforcing the ordinance that we already have on the books.

I am going to give you some information that came to us from tenants in the City of Montello. We received a phone call from a tenant that their bedroom ceiling collapsed. He called landowner X. X said he will have someone there on Monday. There was also mold in the shower. He has called the Co. Health Department and the person is off this week and was referred to the supervisor in Waushara Co. Mike went and talked to the person from General Engineering. This tenant took 40 pictures, he also stated that he told X about problems with the property 2 months ago and nothing has been done.

In this one, the tenant stated that the conditions were uninhabitable, and she was leaving. She is upset because she asked X for her security deposit back and he stated there isn’t any law that states that he has to return anyone’s security deposit. She was advised that this would be a civil matter rather than a police matter and advised her to contact an attorney. This is somebody who doesn’t have a lot of money to be contacting an attorney. She stated that she knew that but wanted to make the city aware of the conditions that exist at the property. I asked and she stated that she was willing to write out a statement for our records. Her statement as well as the copy of the letter that she is giving to X today is attached to this report. She stated that she has talked to some of the other tenants about the living conditions and they told her not to even think about reporting anything to anyone as landlord X owns everything and everyone. She stated that he was a predator with no regard to human life. I also gave her the name and phone number of the county environmental specialist which people with this housing complaint are referred to. In addition to this I had my own personal experience with a tenant of Landlord X.

This tenant worked for me twice a week helping me when I was working full-time. One day she came to work, and she was in tears and she asked me if she could have my IGA bags. I said of course you can have my IGA bags, but what is the matter? She explained to me that lived in an apartment where the toilet hadn’t flushed in a month. She was peeing in her sink and she was using the plastic bags to line her toilet and disposing of her human waste in the trash. This is a true story and I am not making this up. When I asked her why she didn’t complain to the landlord she was told that she would be evicted, and she had no money to live anywhere else.

This is going on in our city; unacceptable. In addition to that we have a building that fell over in December. It is sitting there unrepaired. This person who owns that building has not received one single fine. That building could have killed somebody. Do you understand that? That building fell into the street and if somebody would have been standing there they could have been killed. This person doesn’t need a fine, this person needs to go to jail in my mind. This is the person that you people are listening to. I find it unbelievable. That’s why we are instituting the new ordinance.”

Bud Daggett stated the following:

“I have lived here all my life, 65 years, born in Montello. I haven’t gone very far and still here. I was raised here; I raised my kids here. I started real estate in 1974. Haven’t done anything since that; just real estate in Montello since 74. People used to come to me and say what a cute little town and it was a nice town. I want to be here, I want a cottage here, I want to live her, and it was a great town. Then in the 80’s we went through the same thing and the 90’s came, and I didn’t hear so much and then the 2000’2 came, and you didn’t hear anything at all. Now the late 2000’s is here, and I am hearing, what happened to Montello? I know a lot of towns are going through that, but I don’t know why we have to go through it. All of us drive by and we see that, we all know what the problems are here and so we are trying to fix it. Mr. Whitemarsh is saying stuff, he says how he loves Montello and of course he loves Montello we are doing anything to slow down progress or infractions. Anybody that has rental stuff can rent it out until the walls fall off. Nobody is doing anything. We talked to the assessors and any property next to some of these homes are dragged down as far as value. Is that fair to the neighbors? A lot of people here are going to vote no to this, of course you are going to vote no. Where are the people that live in all the good homes? They are home. These are the people that we are concerned on stuff. We want to make Montello better. The people that I am mad at is myself, City Council and I am made at the last leadership that had, and I’m mad at the individuals that live in this town for not doing something more in the last 20 years and we wouldn’t have this problem. We are trying to make Montello better. If nobody wants it though we will just go back to the way it was. I live here and it makes me mad that our homes are looking like this.”

Public Hearing ended at 8:41 PM.

F. DISCUSS, WITH POSSIBLE ACTION, REQUEST FOR CITY ATTORNEY’S OPINION.

1. Mike Kohnke feels that the current code should be enforced and make amendments as we go.

2. Bud Daggett feels we should improve what currently is in place.

3. Joanna Jackman feels that the current code should be enforced immediately and in its entirety and

 Work on the current code at a later date. Jackman is concerned about the tenant situation though.

FINAL DECISION FROM THE COMMITTEE:

Daggett, Jackman and Kohnke all agreed to dissolve the Ad-Hoc Safety Sub-committee on building enforcements.

In accordance with Chapter 194-4, Adoption of rules and regulations of the current building code, a Public hearing has been held and the inspector, by code, is authorized to adopt such written rules and regulations as may be necessary for the proper enforcement of the provision of this chapter. The building inspector shall file a certified copy of all rules and regulations which he may adopt with the Clerk/Treasurer of the City of Montello. Such rules and regulations shall have the same force and effect of the provisions of this chapter, and the penalty for violation therefore shall be the same penalty for violation of the provisions of this chapter.

Motion by Jackman/Daggett to adjourn. Motion carried at 9 PM

Minutes by Dawn Calnin, approved by Joanna Jackman, Chair.