

**CITY OF OCONTO FALLS**  
**COMMON COUNCIL – Special Meeting**  
Council Chambers – Municipal Building  
500 N. Chestnut Avenue - Oconto Falls, WI 54154

**TUESDAY, MAY 17, 2016 – 12:00 PM (noon)**  
**MINUTES**

**Meeting called to order at 12:00 PM (noon) by Mayor Brad Rice.**

**Pledge of Allegiance**

**Roll Call**

Present: Mayor Brad Rice, Aldermen: Mathew McDermid, Kevin Rusch, Marty Coopman, Jay Kostreva, George Stuckey, and Don Osborne

Also present: Administrator Vicki Roberts, City Attorney Larry Jeske, Police Chief Brad Olsen, Deputy Clerk Nancy Brye, Street Superintendent Terry Magnin, and Building Inspector Bobbie Krozell

Others: Joan Koehne-Times Herald, Roberta Olshesky, Steve VanBoven, and Mary Jakopovich

**DISCUSSION AND POSSIBLE ACTION ON ANY OR ALL OF THE FOLLOWING:**

- A. Mayor's Veto relating to Council decision on May 10, 2016 allowing additional time for Roberta Olshesky to clean up property in regards to the pending raze order process for structures (house and garage) located at 306 Jackson Street.

***Mayor's veto reads as follows:***

May 12, 2016

I, Mayor Brad Rice, do VETO the Council extension of time on raze order for the structure at 306 Jackson Street. Owner had proper time to get home professionally cleaned and did not do so. House poses serious liability and health issues with the home and the surrounding area residents. Again, please see the attached letter from our Building Inspector that was delivered to Ms. Roberta Olshesky on May 3, 2016.

A Special Council Meeting will be scheduled accordingly.

*Mayor Brad Rice*

**Mayor** reiterated the timeline of events and reasons for his veto, as explained above. Council met on February 9, 2016 and made a motion to allow Ms. Olshesky until May 2, 2016 the chance to clean the property structures located at 306 Jackson Street and pass an inspection from the City Building Inspector and Health Official. If structures did not pass inspection, the City was to proceed immediately with a raze order process. This allowed ample time of almost 3 months for Ms. Olshesky to have the premises professionally cleaned as she stated she would do at the February meeting. The property did not pass inspection on May 3, 2016 and this matter was readdressed at the May 10, 2016 Council Meeting. Council then decided to extend the cleaning

time for an additional 2 months and readdress this matter in July. Due to reasons stated above, Mayor Rice vetoed the motion to extend cleaning time. Mayor Rice, Administrator Roberts, and Building Inspector Krozell checked the home on May 17, 2016. Mayor described their experience; Administrator only made it a few feet into the house and had to exit due to the strong odor of urine and feces still present in the house. Mayor started up the steps, but then he too had to exit the home because the odor was too strong. In checking on the internet regarding issues with cleaning cat urine and feces, it needs to be professionally cleaned.

**City Attorney** advised that even if Council told him to start the raze process today; it would still take half of the summer to get this done.

**Roberta Olshesky** informed she has hired an attorney and the attorney asked this meeting be adjourned and rescheduled so he can attend. She also indicated that she has now contacted professional cleaners to get an estimate of cost to clean the house.

**City Attorney** wanted to outline the procedure for a raze order to better explain this process and how long it will take. He did not want to see anyone lose their home but felt we needed to get something started. Even if the process is started now; it will take half of the summer to even get a court order. He explained the procedure:

- 1) The Building Inspector needs to draft and serve a formal order stating the home needs to be made safe and sanitary or it will be razed.
- 2) The Building Inspector and City Attorney would have to draft a calculation to see if the cost of repairs would exceed 50% of the assessed value of the building.
- 3) The City Attorney would have to research the title to see if there are any liens or mortgages, as any owner of the mortgage would need to be notified. A check would also need to be done to see if there are any outstanding real estate taxes or special assessments due.
- 4) There would need to be newspaper publications that an action of this sort is being started.
- 5) The owner has to be given time to comply before further action.
- 6) Circuit court proceedings have to be started. The owner can ask for a restraining order against the city, restraining from further action on raze proceedings. It would be up to a judge who could grant additional time. State Statute says a judge can continue or modify a restraining order.

This is a long procedure in which the City Attorney would like to get started at as soon as possible. If a raze order would be granted, the costs may be assessed against the land on special assessments.

**Osborne** indicated that last week a motion was made to follow the order given at the February Council Meeting to proceed with the raze order but this motion failed because there was no second. Osborne indicated he then made the motion to extend the cleaning for an additional 2 months and this motion passed. He mentioned several other properties in which property owners were given extended time to clean up. Osborne did not feel we were following our own Ordinance 278-5 (a) and (c) regarding housing standards and enforcement. He read portions of the ordinance in which he felt were not complied with. Osborne questioned if 3 months was a reasonable amount of time given to Ms. Olshesky to comply. He mentioned the ordinance requires a hearing with the Board of Appeals. Osborne was sympathetic to Ms. Olshesky's circumstances and felt since senior citizens are a protected category under the law, she should be shown some concern and understanding. There are programs available to help her. Making an 80 plus year old lady essentially homeless is not something the City of Oconto Falls wants to be known for.

**MOTION: Osborne/Stuckey**  
*Motion to override the Mayor's veto.*

***Continued discussion...***

**Rusch** noted that Ms. Olshesky was given 3 months to professionally clean the house. She allowed her friend to go in to unhealthy conditions and clean it for her. City inspectors and officials could not even stand to remain in the home for a short period of time because the smell was too strong. The Oconto County Health Department said they should not be in the house without respirators. We should allow the raze order process to start. The City Attorney advised us that it will take until mid to late summer for a time frame. Ms. Olshesky can hire an attorney.

**Rusch** suggested we start the process and with the time window stated by the City Attorney, Ms. Olshesky's attorney will have plenty of time to respond and get in contact with the City. Rusch asked Ms. Olshesky if she was homeless.

**Roberta Olshesky** stated, "yes I am"; however her friend, Mary Jakopovich commented she was living with a friend. Ms. Olshesky did not want to elaborate on the question and commented that it didn't matter where she lived. It has been her home for 24 years and she wants the chance to have it professional cleaned. Later in a discussion between the two friends, it was concluded that Ms. Olshesky has not lived in the house for well over a year now.

**Rusch** basically wanted it known that the City would not be making her homeless by proceeding with the raze order as previously stated.

**Administrator** recalled at the February Council Meeting, Ms. Olshesky asked for a three month time frame, which she felt adequate at the time to have the house professionally cleaned. After last week's inspection with the Mayor and Building Inspector, the Administrator called a professional cleaning service for advice on this situation. The advice given from the professional service was; when dealing with cat urine and feces, it is an acidic ammonia matter that needs to be at a minimal professionally cleaned and gutted out. They also advised that we, as a City, are liable if we are allowing them to clean on their own without protective breathing apparatuses. Administrator also spoke to Deb Konitzer, an Oconto County Health Official. She informed the decision made last week by the Council was only prolonging the inevitable if anyone does research on cat urine and saturated homes. It is a safety concern for them to even be in the home and cleaning it up on their own. She informed this is not a household chemical cleanup scenario and we need to keep in mind all the duct work may be contaminated also.

**McDermid** reiterated comments made earlier by the City Attorney. If we proceed with a raze order today, Ms. Olshesky will still have time. A raze order will be made by the Circuit Court Judge. It is a long process and Ms. Olshesky can petition the court for a timeframe if she chooses to do so.

**Building Inspector** suggested the Council take a walk over to the property, which is basically a few houses away from City Hall, and see the house for themselves.

**Roberta Olshesky** stated this could not be done because she didn't have the house key with her and they would not be able to get in.

**Mary Jakopovich** explained how she was helping her friend out with the cleaning to try to

keep the cost down. After the main stuff was cleaned out, they had planned to have a professional cleaner come. She went on to explain how when she first started cleaning, she only went in to the house for short periods of time and stepped outside because of the smell. Later, she was able to tolerate it for longer periods of time and felt the smell was getting better. She indicated that she researched on line as to which cleaning supplies worked best.

**McDermid** again suggested we start a raze order process.

**Coopman** commented that Ms. Olshesky would still have her day in court with her attorney.

**Kostreva** asked Ms. Olshesky when the last time she stayed in the house was. This is when Ms. Olshesky and Ms. Jakopovich concluded she has not lived in the house for well over a year now.

**McDermid** commented the City Attorney has advised we proceed with the raze order process. If not in place and we over turn the veto, they will continue to clean and the city may be liable. If we accept the Mayor's veto to proceed with a raze order and if they continue to clean, the city is not liable.

**Coopman** agreed with McDermid; we need to start the process. To get an idea on how long this issue has been going on, Coopman asked the Police Chief when his department was alerted to the cat issues in the house.

**Police Chief** informed it was last fall when they started removing cats from the premises.

**Osborne** again mentioned the ordinance regarding a hearing with the Board of Appeals.

**City Attorney** reviewed the ordinance and concluded this section relates to a violation of housing standards regarding a variance request and minimum standards for plumbing, lighting, ventilation, and heating. He did not feel it related to the situation at hand. He asked if Ms. Olshesky has obtained an attorney yet. If and when she does, he would be happy to contact him and discuss matters.

**Osborne** read aloud the section in which he was talking about regarding the opportunity for a hearing of the Board of Appeals and did not feel Ms. Olshesky was given this chance.

**McDermid** commented we have not made any action yet for her to appeal. The raze order process has not been started, so there is nothing to appeal.

**Mayor** informed notification was given to the homeowner to clean up the property or a raze order would be started. Council then extended her clean up time. This is when the Mayor vetoed the extension of clean up and for the initial motion to be put back in place so we can proceed with a raze order. Mayor stated she can then appeal it once the raze order is started.

**Police Chief** suggested Ms. Olshesky have a professional cleaning service come in and look at the house to get their opinion. He felt Ms. Olshesky should get an estimate to see if it is even worth spending the money on cleaning and on an attorney.

**Coopman** reiterated the raze order would come from the Circuit Court. It is up to the court, not us. We just start the process. She will have time to check into a professional cleaning service and hire

an attorney. Coopman sympathized with neighbors who will have to deal with the smell this summer.

**Administrator** commented the first part with formal notification stating the home needs to be safe and sanitary has already been done. If we do not tell them to cease activities, we would be liable. If we proceed with a raze order, we would not be liable as they would be on their own.

**Attorney** read the motion from the February 9, 2016 Council meeting. He explained the motion on the floor needs a 2/3 vote in order to override the Mayor's veto. If the motion fails, it will revert back to the motion given at the February 9, 2016 meeting with the May 2, 2016 deadline.

**Coopman** reiterated if the motion on the floor fails, then the original motion made on February 9, 2016 will take effect.

*Motion called... Deputy Clerk read the motion on the floor...*

**MOTION: Osborne/Stuckey**

*Motion to override the Mayor's veto.*

**Roll Call Vote:** Osborne-yes, Stuckey-no, McDermid-no, Rusch- no, Coopman-no, Kostreva-yes - **MOTION FAILS**

*Mayor's veto stands.*

*Motion reverts back to the motion made at the February 9, 2016 Council meeting which was:*

**AMENDED MOTION: Rusch/Stuckey**

*Motion to allow property owner, Roberta Olshesky, the chance to clean up the house and garage structures located at 306 Jackson Street by May 2, 2016 and pass an inspection from the City Building Inspector and Health Official. If structures do not pass inspection, the City will proceed immediately with a raze order process.*

**Voice Vote:** All voting aye - **MOTION CARRIED**

*Since the structures did not pass the May 3, 2016 inspection, the City will proceed immediately with a raze order process.*

B. Adjournment.

Mayor Rice asked if there was any further business before the meeting is adjourned. Having no further business, he declared the meeting adjourned at 12:52 pm.

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City Administrator Vicki A. Roberts