**Town of Gnesen Town Board**

**Reconvened Public Hearing Minutes For**

**Proposed Nuisance and Administrative Enforcement Ordinance Verbiage**

**April 24, 2023**

Employees Present: Jon Nelson, Gary Juten, Nancy Poppenberg, Sarah Blix, Nathan Horyza

Members Absent: None

Others Present: Deke and Christine Melone, Dennis Campbell, Stephanie and Bryan Grey, Randy Dulinski, Kathy Buran, Steve Franckowiak, Jeff Franckowiak, Kathy Watters, Willie Watters, Jay and Marcia Haller, Dave Stewart, Carol Jacobson, John Armstrong, Kelly Brooks, Matt Thibodeau, Paul and Patty Rutka, Mike Cole

Chair Nelson called the meeting to order at 6:00 pm and asked that everyone sign in for the record. Chair Nelson went through each section of the proposed Nuisance Ordinance and outlined the revisions that have been made since the last public hearing. The following were the proposed changes:

* Change all references of “Town of Gnesen” to “Gnesen Township.”
* **Section 2: Public Nuisance Defined** - Removed the broad definition and replaced it with, *“Anything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, including, but not limited to a substantial, unreasonable and repeated or ongoing interference with the use or enjoyment of a neighbor’s land (examples include smoke, smells, noise and overhanging trees). An action may be brought by any person whose property is injuriously affected or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.”*
* **Section 3 and 4: Public Nuisance Affecting Health & Public Nuisances Affecting Safety** - Removed Section 4B which read*, “Any use of property abutting a township road or any use of a township road which causes large crowds of people to gather, obstructing traffic and the free use of the road and which activity is conducted without a permit, license or other permission duly granted by the Town.”*
* **Section 6:** Added a new section, *“****No Duty Created.*** *The provisions of this are directory in nature and shall not be construed to create a duty on the part of the Township, its officers, employees, or agents to any person, individual, corporation, partnership, company firm, association, or other legally recognized entity. The Township, its officers, employees, and agents shall not be liable for any failure to enforce the provisions of this ordinance.”*
* **Section 7: Responsibility** *–* Added the word, *“landlord,”* as one of the responsible parties.
* **Section 8: Enforcement** - Removed, “*this provision of*,” and changed to read, “*The Town Board shall have the duty of enforcing this Ordinance.”*
* **Section 10: Effective Date** - Removed, *“and publication according to law,”* and added, "*by the town board on \_\_\_\_\_\_\_\_\_\_\_\_\_, 2023."*
* Removed the section titled, Court Authority as it is already covered under the section titled Severable.

Chair Nelson opened the meeting up for discussion from the public since the proposed ordinance had been revamped and many changes were made based on concerns from residents.

Randy Dulinski questioned if there are already statutes in place then why is it necessary for Gnesen to have extra ordinances in place. Supervisor Juten explained that this ordinance will help Gnesen take certain issues to court. Supervisor Juten said that without this ordinance the Township has nothing in the existing ordinance to legally go after someone. Mike Cole stated that he is in favor of the ordinance as one of the homes that the township has growing concern about is located in his neighborhood. Mike explained to everyone in attendance the issues he has to deal with on a daily basis and the calls he has made to the St. Louis County Sheriff’s Dept and the Gnesen Volunteer Fire Department. Mike said the Sheriff’s Department agrees that Gnesen Township needs something in their ordinance to deal with this issue and without it there is little they can do legally. Mike said there is constant noise, burning garbage/car parts, drugs, and violence. Mike stated his concern is that someone is going to get hurt and although he keeps calling the Sheriff’s Department, nothing is getting resolved. Mike said there are four new campers on the property and parted out cars. Mike said the Township has helped initially to get rid of the campers, but it is starting all over again. Supervisor Juten said that law enforcement has tried to help resolve the issue but without the Nuisance Ordinance, Gnesen has no teeth to do so. Mike agreed with Supervisor Juten and stated he agrees that the Township does not need extra ordinances to police residents or pit neighbors against neighbors, however this ordinance is needed to provide some teeth in our ordinance and resolve the Normanna Road issue. Kathy Watters said she agrees with Mike but is concerned this ordinance may grow into something larger than what is approved tonight. Kathy said she does not want to see the Nuisance Ordinance provide neighbors the ability to attack others and asked, if everyone in the Township is going to be blanketed under this ordinance which is mainly to deal with two trouble areas, then exactly what is the Township going to do for Mike to help his situation. Chair Nelson said to help Mike the Township can work with law enforcement when the ordinance is in place, fine, and more importantly go after the landlord rather than the current tenants which is something that cannot happen without this ordinance.

There was some discussion about how farming noise and using equipment in the early hours could eventually lead to neighbors complaining once this ordinance is in place. Chair Nelson said this is a rural farming area and what Kathy was describing is typical and normal for our community. Nathan stated that when discussing this ordinance with the Township attorney, Mike Couri, he stated there is no way farming would ever meet the definition of a public nuisance.

Jason Haller questioned what this ordinance means for Ulland, KGM, and Veiles gravel pits as far as smells and smoke. Chair Nelson said it would mean nothing as long as they weren’t burning illegally. Jason questioned timber sales? Supervisor Juten said he does not believe that would be considered unreasonable. Supervisor Juten said everyone needs to be considerate of their neighbors and the neighbors complaining need to have reasonable explanations and prove that it is a public nuisance.

The fine schedule was discussed, and it was decided to remove the line that read, *“and all additional occurrences,”* after the fourth citation and replace it with, *“reference Administrative Enforcement Ordinance Sudb. 7 for all additional occurrences.”*

Supervisor Juten made a motion to close the public testimony portion of the public hearing, second by Supervisor Poppenberg. All vote in favor.

Supervisor Juten made a motion to recommend approval of the Nuisance Ordinance, Administrative Enforcement Ordinance, and the Fine Schedule as presented with the suggested changes made to the fine schedule and the condition that all three documents will be reviewed by the Township attorney prior to being implemented, second by Supervisor Poppenberg. All vote in favor.

Supervisor Poppenberg made a motion to adjourn the public hearing, second by Supervisor Juten. All vote in favor. The public hearing was adjourned at 6:53pm.

Respectfully submitted,

Sarah Blix, Clerk Jon Nelson, Chair

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Date Date