

DENMARK VILLAGE BOARD

MONDAY, NOVEMBER 24, 2025

STARTING AT 4:30 P.M.,

DENMARK VILLAGE HALL, 100 NORTH WALL STREET

Call to Order

President Selner called the meeting to order at 4:30 p.m.

Roll Call

Present: Michael Johnson, Jim Steffek, Vince Wertel, Brandon Ackley, Leah Goral
Vince Wertel, Tim Schroeder, Susan Selner

Other staff present: Clerk/Treasurer Sherri Konkol, Deputy Clerk/Treasurer Charlie Wanish,

Discussion/action on a request for hearing regarding a Violation Hearing and Order to Correct for the property located at 120 Wisconsin Avenue, VD-65-5

Selner opened the hearing stating

- This is a hearing for a review of a violation notice and order to correct
- A letter dated October 23, 2025, issued by the Village Building Inspector regarding the property located at 120 Wisconsin Avenue in the Village of Denmark
- The property owner is 1871 CASA LLC with Linda Mach as the registered agent
- The owner is the petitioner in this matter
- The violation and order to correct was served on the property owner by letter from the Village Clerk Treasurer, dated October 23rd, 2025 and mailed by certified mail, return receipt requested
- Review of the violation notice in order to correct is provided in Section 224-13 of the Village of Denmark Code of Ordinances which adopts the provisions of Section 66.337, Subsection (4)(a) of the Wisconsin Statutes
- This review was requested by the property manager, Joe Mills, via email
- The hearing request did not contain a statement of the grounds for it, as required under Section 66.1337, Subsection (4)(a)
- The Village Board is the designated committee authorized to hear original appeals under Chapter 224 of the Village Code
- Notice of this meeting of the Village Board was posted as required by Wisconsin's open meeting law. A quorum is present
- At this hearing, the petitioner will be heard and may show cause why the violation notice and order to correct should be modified or withdrawn
- After the hearing, the Village Board shall sustain, modify or cancel the notice and order, depending on its findings as to whether the provisions of the village ordinances have been complied with
- The Village Board may modify the notice to authorize a variance from the provisions when there are special circumstances, enforcement of the provisions of the ordinance

will result in practical difficulty or unnecessary hardship, if the intent of the ordinance will be observed, and public health and welfare secured

- If the Village Board sustains or modifies the notice, the sustained or modified notice is an order, and the persons affected by the order shall comply with all provisions of the order
- Any person aggrieved by a decision of the Village Board following review has a right to appeal directly to Brown County Circuit Court as described in Section 66.1337(4)(b)
- This may become a contested hearing once the petitioner discloses the grounds for the review request
- Testimony will be taken under oath
- Parties have a right to review and object to evidence presented by other parties
- Objections are entered into the record
- Parties may cross-examine witnesses who present testimony
- A party may object to the introduction of written materials or photographs as evidence unless they are given an opportunity to question the writer/photographer
- You must provide your full name and address to the Village Clerk
- You must be recognized by the President in order to speak
- When called upon to speak as a witness, you will be sworn
- Please address your comments and questions to the President and state:
 - Your name and place of residence
 - Whether you represent a group or association
 - Your qualifications to speak on this matter or the source of your information; and
 - Whether you favor, oppose or are only providing information in this matter, and your concerns
- Please confine your testimony to facts related to the case at hand and avoid repetitive testimony
- Any questions about procedures before we begin

President Selner stated at this time, Mr. Mills will be asked to state the reason for your grounds for opposing the Violation notice order to Correct

Mr. Mills stated his grounds are there are unreasonable timeframes and inaccurate information. Selner asked Mr. Mills if he had any witnesses or evidence. Mr. Mills stated he did have evidence. Selner told Mr. Mills he needed to be sworn in. Joseph Mills, 916 1st Street, Kewaunee, WI, Mr. Mills stated I presume the former building inspector is back here? I don't understand why he is sitting in the building inspector's seat. Selner stated we also have the current building inspector present and the reason Mr. Schwarz is here is because some of the documentation was provided by him, so she wanted to make sure he was here in case you had any questions for him. Mr. Mills stated the first notice that was received by the owner from Mr. Schwarz was predicated on the structural integrity of the building and his claim is that the structure was compromised and needed to be repaired immediately. Mr. Mills stated he then hired a structural engineer to do an inspection of the property and all information was forwarded to Mr. Schwartz, and in that structural engineering report, quite plainly the structural integrity of the building is sound. Mr. Mills shared there are bricks falling off and falling apart, yes but that is all façade, there is nothing wrong with the actual foundational structure of the building. Mr. Mills stated in defense of this they have had the property since 2017, and in that time put many thousands of dollars in the building rehabbing the interior of the building by putting in new carpeting, flooring and appliances for the benefit of the tenants and are pretty close to being finished with that. Mr. Mills shared now it's time to put money on the outside and the only thing that is structurally a hazard at this point is the rear deck which was replaced in 2020, but I made a poor choice in my contractor as within a year and a half or two years, we had it pulled away from the building. Mr. Mills stated he went back to the contractor and asked them to fix it, it is still pulled away.

Mr. Mills shared he has an estimate from a new contractor who will go in and actually fix the stairs to the specifications set out by my structural engineer. Mr. Mills also shared it took a long time but he finally found a mason that can come and fix the bricks. Mr. Mills stated he bought a supply of bricks that he can use, so yes there are plans to fix this building. Mr. Mills stated he is fully aware that the building does have some issues.

Board members questions for Mr. Mills

- Do you have a timeframe for when the bricks would be corrected?
 - ***The mason said he can get to it next spring as it is too cold now***
- You have indicated that you have modified the interior of the building, is that correct? Has our building inspector seen the interior of the building?
 - ***Yes, he has seen the interior of one apartment***
- How many apartments do you have?
 - Three
- So we don't know about the other two?
 - ***I do have my profit and loss stating how many thousands of dollars I spent, Apartment A which he didn't see, has new carpeting, new flooring, and new appliances. The apartment I took the building inspector through has new carpeting, flooring and appliances, fresh painting and some new windows, there still some windows to replace.***
- The report that came from an engineer earlier, is the engineer here?
 - ***No he is out of town right now***
- Selner handed out the report from the engineer as the Board has not seen the report since we didn't know what the basis of the appeal was I brought things along in case anyone had questions
 - ***Mr. Mills stated he also brought things along***
- Attorney Bartels stated you can look at it but its technically hearsay it is not admissible and the Village should object to it because the engineer is not here to give testimony on the letter and the authenticity of the letter cannot be verified
 - ***Mr. Mills stated he could also object to anybody saying the building is not structurally sound, and is not an engineer***
- Attorney Bartels asked Mr. Mills if he was an engineer
 - ***No, I am not***
- Attorney Bartels asked Mr. Mills if he had a degree
 - ***Mr. Mills stated yes, I do sir, I was a stormwater engineer not structural***

Selner asked if anyone from the board had questions

A board member asked the building inspector a question regarding his interior inspection if he only got to inspect 1 of the apartments?

- ***Mr. Schwarz said yes, I did only see one, but asked to see all of them.***

Attorney Bartels stated Mr. Schwarz needed to be sworn in.

Building Inspector Ms. Chelsea Myers said she had a question for Mr. Mills:

You said the deck and steps were replaced? ***Mr. Mills said it was.***

So no permit was ever obtained for the replacement. ***Mr. Mills stated he was informed by his contractor that there was a permit taken out, as he could not do it because he was an owner.***

Is there a timeline to repair the deck? ***Mr. Mills stated he has an estimate for replacement but not a time frame.***

Do you have a contract with someone? ***Mr. Mills stated I have an estimate I just received***

Selner asked Mr. Mills if he had any other witnesses. **Mr. Mills said no, he did not.**

Mr. Schwarz was sworn in.

My Name is Richard Schwarz and my address is 3933 Woodlaw Court, Manitowoc, WI, was the building inspector for the Village of Denmark for approximately five (5) years, prior to that was certified by the state with DSPS for the commercial building code.

Reason for inspection:

- I have 25 pictures that I took during the inspection and all of the pictures except 2 depict the Village of Denmark Municipal Code the first picture is one because he always takes a picture of the front of the building with the address.
- #2 Mortar and gutter failure on front upper windows-lots of deterioration no one knows how deep the deterioration is
- #3 one violation which is the steps – there is no handrail for the steps anything with more than 3 steps needs a handrail – **Mr. Mills asked as of what date.** Mr. Schwarz stated the Building Code was created in 1944. **Mr. Mills stated this building was built in the 1890's.** Mr. Schwarz said he would have to look it up but he believes there are Codes that cover those situations now. Mr. Schwarz also stated the steps themselves are not uniform in height and rise. The entire stairway needs to be redone to make it uniform
- #4 A lot of deterioration on the bottom of the support post that is holding up the roof of the porch – again it is hard to tell what is under the support post on the porch. Under the porch would be the support foundation system specifically there for carrying that load of the roof and is cracking and deteriorating tremendously. It could be an unsafe situation
- #5 Bottom of window in the same porch area on the west side. You can see that the roof is failing. It's coming apart from the structure itself and has been tarred up a few times. The roof of that porch is giving away.
- #6 Picture of the same roof but more toward the south end of the west side of the building on the far south side. It is pulling away quite a bit more than the left side picture
- #7 Another picture of the porch – that area has been cleaned up where the bales of straw are sitting on the steps – the steps are all broken up and dilapidated. **Mr. Mills stated those are not steps, there are no steps on the south side of the building.** Mr. Schwarz stated there were steps there. **Mr. Mills stated I didn't put them there, they weren't there when I bought the building.** Mr. Schwarz stated the other issue with this is that if this porch area is more than two (2) feet above grade, there needs to be a guardrail around the entire area.
- #8 The southeast corner of the building the foundation is failing, the bricks are failing. **Mr. Mills stated he wanted to clarify the bricks are failing not the foundation.** Mr. Schwarz stated he has pictures later that show where the foundation is failing. Mr. Schwarz stated the reason it is failing and the failing bricks cause the other bricks above the failing bricks to give way eventually. There is a pile of bricks there so they have been deteriorating for many years. On the left side of the picture you will see the mortar and it looks like it has been attempted to fix it up a little bit, but that mortar itself is not a structural fix it is just covering it up. Downspout in the middle of the picture is not hooked up to the gutters above and that is why the bricks are failing and that indicates that the bricks have been failing for many years. It takes a lot of years to deteriorate bricks and mortar like this. This shows one aspect of lack of proper maintenance.
- #9 Above this is either a doorway or window. The right bottom side of the window or door is giving way and water is going to get in there, but where it is going to go and what is going to deteriorate, we don't know. There are also bricks missing above the covered window or doorway.
- #10 Just took a picture for nostalgia purposes
- #11 Southeast corner of the building downspout not hooked up properly – deteriorating brick – again what is inside of that brick? Definitely water is going to get inside of that.
- #12 Backyard east portion of the building window on left some brick was redone that looks pretty good – would question what is behind that. To the right is a porch entryway, there is nothing

protecting it from the elements. The sides and walls are covered with plastic, but weather will eat that up quickly. The steps look ok but we will have to check if the steps are legal or if the entryway should have a landing coming off of there. Above the porch you can see the deterioration starting even under the cement patchwork. Stairs on the right of picture there is nothing right about those steps. The handrail is incorrect; it is not considered a graspable handrail it is just a flat 2X6. The open spaces below the handrail are too big. The steps are over the required height. It is a commercial building, but it is residential commercial building, and the steps should be eight (8) inches high maximum and the tread nine (9) inches. They are just too big. **Mr. Mills asked what the actual rise and tread is on the stairs.** Mr. Schwarz stated he will get to that at the end of his testimony to give Mr. Mills suggestions. **Mr. Mills said you are saying they are too big, do you know the measurements.** Mr. Schwarz stated each step is over the height limit. **Mr. Mills said he didn't measure them personally and I am assuming that you did to know they are too high.** Mr. Schwarz stated I did. **Mr. Mills asked what is the measurement?** Mr. Schwarz stated it is over eight (8) inches and that's all I need to know. The window next to the steps would have to be a safety glass window in case someone trips or falls, the first thing that goes in is your elbow and then blood starts.

- #13 This is at the bottom of those steps just to the right of the entryway with more deterioration going on there and the bottom step both stringers going up are held up by just a couple pavers on each end. Someone could stand on that bottom step and crank an ankle easily someday. Again lack of maintenance over the years.
- #14 This is a picture of a yard light up above and the conduit has somehow pulled apart and had the electrical inspector take a glance at it and he said yeah, that's nothing
- #15 Here is another picture of the bottom of the steps. Once you get off the steps there are more chances of injury depending upon where you step
- #16 This is the steps again and a picture of that window that needs safety glass.
 - Are these steps used or is it an emergency exit only; **Mr. Mills stated it is an emergency exit only for one of the apartments.**
- #17 On the left side of the picture there are two (2) 4X4's that are holding up a portion of the deck and those steps are required to be 6X6's
 - Is that holes in the floor there? **Mr. Mills stated yes, it has to be replaced.**
- #18 This is the shed that is in back of the building. You can see a hole caused by deterioration the back wall inside the shed. The door to the shed is just rotting away and probably attracting rodents.
 - Does that door have an entry to the building? **Mr. Mills stated that is an entry to the basement.**
- #19 This one you can see there was brick put in there. Cosmetically it might be working but foundation wise, I suspect there is going to be some issues there
- #20 **Mr. Mills stated that's the enclosure for a hot tub put up by the tenants in the lower apartment.** Did he get a permit to put that in? Mr. Schwarz said I don't think so, but Clerk Konkol stated that there was a permit obtained for the hot tub and enclosure. Mr. Schwarz said that if it is an enclosure, it is just like a swimming pool, you would need to have a latch closure. **Mr. Mills asked if he was responsible for that.** Selner stated that it would be the responsibility of the owners of the hot tub and enclosure that took out the permit. Mr. Schwarz stated this is just a reminder that the West Nile Virus is real. This picture was taken three (3) days prior to November. The hot tub is covered up, but this is just a reminder that the cover shouldn't be loose. **Mr. Mills stated it has nothing to do with me.** Mr. Schwarz then stated it is your property, it has all to do with you.
- #21 Most of this has been cleaned up.
- #22 The gutters, if you look up and go back to the two downspouts that we saw there are two (2) that were not hooked up properly to the gutters. From the trees losing their leaves, year by year, there becomes a good mulch in the gutters and that is when you have the growth of trees and weeds in the gutter.
- #23 This picture is up above the steps we were talking about. That is the deck to the northeast apartment, and on the left side you can see the asphalt siding of some sort and the boards on the

right side in between you can see lag bolts not per code. You can see the deck is pulling away. **Mr. Mills asked if it should have been through bolts. I'm just asking because I was very dissatisfied with that contractor.** Mr. Schwarz stated it has to be engineered to determine how it will be fastened and that's why you hire an architect to fix this stuff. This is why I said immediate vacancy of that apartment. He or she may go on that deck every day. If they have a party that uses those steps, it might be weak enough to take the thing down.

- Selner asked if there is someone still in that apartment. **Mr. Mills said yes, there is.** Selner stated even though the building inspector told you it should be vacated. **Mr. Mills stated the building inspector didn't have that authority to vacate at that time because that is used as an emergency exit.** Mr. Schwarz asked if that exit is hooked up to one apartment or several. **Mr. Mills stated one apartment.** Mr. Schwarz stated if someone is occupying the apartment that is an exit. **Mr. Mills stated it is an emergency exit.** Selner stated it doesn't matter, it is an exit, there shouldn't have been someone in that apartment.
- #24 This picture is pretty much the same. You can see the brick on the right side is the foundation system that was used to hold the deck up on the building that is 15 feet high held up by 4X4's
- #25 A repair job going around that window that was done and that looks good and there is a light in the upper right hand corner that was at that splitting conduit down below. **Mr. Mills stated that light doesn't work.** Mr. Schwarz stated if the light does not work it could be burnt out or maybe someone disconnected it somewhere along the line. **Mr. Mills stated that is something I can look into.**

Attorney Bartels asked Mr. Schwarz if he took the pictures on October 28, 2024. **Mr. Schwarz responded yes.**

Attorney Bartels asked Mr. Schwarz if he personally took the pictures. **Mr. Schwarz responded yes.**

Attorney Bartels asked Mr. Schwarz if the pictures fairly and accurately depict what he observed that day. **Mr. Schwarz responded yes.**

Attorney Bartels asked in the Notice of Violation and Order that was issued initially in May and then again in July which had procedural problems and then it went out again in October, did it list all of the violations and various Village ordinances that are violated? **Mr. Schwarz responded yes.**

Attorney Bartels asked Mr. Schwarz, do those all relate to the pictures? **Mr. Schwarz responded yes.**

Attorney Bartels asked if there is anything in the Notice of Violation that would be revised today based on what you said? **Mr. Schwarz stated no, only if the pile of bricks get bigger, that's about it. With the exception of the backyard, the backyard was cleaned up.**

Attorney Bartels clarified with Mr. Schwarz that that one part could be revised, but do you stand by the rest of the violations that have been sighted? **Mr. Schwarz stated he looked at that building often after he took the pictures and the building looks the same now as when he took the pictures.**

Attorney Bartels asked Mr. Schwarz when was the last time you took a look at the building, as you said you look at it often? **Mr. Schwarz stated the last time he looked at the building was on his way here.**

Attorney Bartels confirmed with Mr. Schwarz that he looked at the building today. **Mr. Schwarz responded yes.**

Selner asked a board member if their question was answered.

No, a board member asked if you were only able to see one unit inside the building? **Mr. Schwarz responded yes.** Was that apartment newly done and finished inside? **Mr. Schwarz stated that was a very nice apartment.** Was there new plaster, dry wall, flooring? **Mr. Schwarz stated again yes, that was a very nice apartment. Mr. Schwarz stated he asked to see the other three (3) apartments while we were there.** How many times did you ask to see those other units? **Mr. Schwarz replied often.** Was Mr. Mills given the proper notification where he was able to give ample notice to those tenants like 24-hour notice? **Mr. Schwarz stated he mentioned to Mr. Mills to get his tenants on board even if it is one apartment at a time and Mr. Schwarz told Mr. Mills he needs to see all the apartments.** Were those units that you weren't able see, where the brick had severe degradation and the windows had deteriorating structure around the windows would it have been those units? **Mr. Schwarz stated most likely yes. Mr. Schwarz said if you go back to the second bullet point on the letter the Structural Engineer Mr. Mills hired it states "The interior of the building does not show any signs of distress such as obvious water**

damage or cracking of the plaster or drywall". Mr. Schwarz stated he doesn't know what part of the building the engineer looked at. Mr. Schwarz stated in picture #25 there doesn't seem to be any problem there, but there was a problem there in the past.

A question was asked of Mr. Mills if there is a reason why the inspections weren't able to take place in those units that you were asked multiple times to inspect. **Mr. Mills stated he doesn't recall getting asked to inspect multiple times. I don't recall that at all, Mr. Mills stated the one Mr. Schwarz went through was only because Mr. Mills had access to it at that time. Mr. Mills stated he was able to get the engineer he hired in both the upstairs apartments for the report.** Was that apartment remodeled too? **Mr. Mills stated yes, both apartments have brand new carpeting, brand new flooring, brand new appliances, brand new toilets, half of the windows have been replaced. Mr. Mills shared what he has been doing is building a bank of about \$5,000 and then spends it on the remodeling. Mr. Mills stated its not like I'm made of money we do it as we can afford it. Mr. Mills stated the building needed repair before we even purchased it, this deterioration has been taking place for a long time. Mr. Mills stated the insides of those apartments were if I were to say they were a dump it would be nice.** A lot of exterior maintenance seems like standard maintenance that every homeowner has to do every year and it seems like that has been neglected. You said you owned the property for eight (8) years so why are you neglecting to do proper maintenance outside? **Mr. Mills stated those aren't your annual maintenance jobs.** Well you got trees growing out of the gutter that is an annual maintenance job, gutters are not connected. **Mr. Mills stated he finally found someone that can get up there with a lift to get that out of the gutters, that's a chore, and have you tried to find a contractor lately?** Understood, being amply in the park I have noticed that two of those downspouts have been disconnected for several years. **Mr. Mills stated I don't know if they were connected when we bought the place, I can recall.** So, if they weren't connected when you got the place wouldn't you want to make sure that the standardized maintenance would be done to prevent any further deterioration? **Mr. Mills stated he agreed that was on him. Mr. Mills stated the brick work is major and that he was lucky to find a stack of bricks I bought so the mason can come in and redo that whole side.** In the email we received, where it states "the interior of the building does not show any signs of distress such as obvious water damage or cracking on the plaster or drywall, obviously he is not going to see any of that if you put in all new dry wall, plaster and painted. When you see the years and years of deterioration on that brick. **Mr. Mills stated the previous owner, that I never met, just from hearsay what I was told he was not a maintenance person, he would just take the money and grab.**

Selner stated her concern too is the engineer says it is a two story wood building with a brick veneer; we have no idea how much of that wood has been damaged. Has anyone seen what is between the bricks and wood building?

Board discussion

- There is 8 feet or more of brick from foundation up and in one of the pictures you can see a crack in the foundation. And when there is a crack on the brick, that raises some big questions for myself.
- I appreciate you for owning up on lack of maintenance on the gutters and I feel like some of these things could have been caught sooner.
- A lot of these issues I've seen because I am in the park four (4) or five (5) days a week in the summer for hours and hours and a lot of the stuff that needs to be done doesn't seem like it has been done in a multitude of years.
- The changes we are talking about here were prompted by the building inspector, so it seems like there was ample opportunity to correct these over a drastic period of time.
- You have had possession of the building for eight (8) years, granted you said the building was in poor condition when you purchased it, you have had eight (8) full years to work on this stuff, and there is not a lot being done or a lot being worked on until the Village is now taking action based on the notice you received. **Mr. Mills stated that is coincidental timing, I have been working on the inside, I care about my tenants, I am not a slum lord. I want to give them a nice place to live.** I am not saying you are a slum lord, I am saying that there are some severe things that were completely neglected on this property. I have talked to the tenants a couple times on the front porch. I have heard

their personal opinions, which is not matter of fact here, but it does not seem that any of these steps to address any of the big issues, major safety issues. Yes, it is nice that they have new flooring and new appliances, but is the building structurally safe for them? On those backstairs, I have seen on numerous, numerous, numerous occasions, people using those steps on the frequent. And, it completely looks like it is going to fall off at any moment. **Mr. Mills stated he walked down those stairs once and he was scared, I get it.** I feel like you got rolled over by a crappy contractor.

One trustee wanted to let it be known that he was a tenant of the building from March 1990 through August of 2003 in the lower north part which was the restaurant. The previous owner did maintain if the brick was falling off he had a mason with some mortar smear it over the top. **Mr. Mills stated band-aided it.** The rear steps were the primary entrance to that apartment. I don't know if that changed since then, but the tenants parked their cars and trucks behind the building and those were used several times a day. The steps were not just an emergency exit, if it has changed, so be it, but that's the way it was for those thirteen (13) years I rented there. Getting back to the age of the building, Mr. Mills said it was built in the 1890's, and questioning Mr. Schwarz on the code (those steps aren't the original steps on the apartment porch) they are not 130 years old. Any renovations done throughout the course of the life of the building should be done up to the current code asked of Mr. Schwarz: Am I correct on that? **Mr. Schwarz stated yes, that is correct.** I know that is not the original front porch with the rounded end with no handrail on it. I can't say when it was done, but I am sure that is not a 130 year old porch. The rear steps, if you had a contractor build them since your ownership, if the rise is over eight (8) inches, the attachment to the building is incorrect, it is pretty obvious there was never a building permit taken out to rebuild those steps because if there was, our inspector at the time, whoever it was would have been there to inspect it and put a nix to that. Those steps should be taken off and rebuilt to code at the earliest possible time or else not be used at all in by opinion.

When you remodeled all the rooms did you remove all the lats and plaster. **Mr. Mills stated no.** So you just patched and dry walled over it? **Mr. Mills stated there was no patching.** Has there been any exterminators or anything in basement or do you get that taken care of annually? **Mr. Mills stated no, I do not.** Are there any termites or carpenter ants? **Mr. Mills stated I go down there occasionally and I have witnessed nothing, but I have no complaints from tenants that there were ants.** Mr. Schwarz when you did the inspection were you able to get in the basement to see what kind of floor system was in there? **Mr. Schwarz stated he was not in the basement.**

Trustee stated that when he was a tenant there and they ran a restaurant, they did use the basement for dry storage such as cups, plates, napkins and it was a dry clean basement at that time. **Mr. Mills stated the basement is still dry and clean.** Would like to inform the board foundation wise this isn't just an eight (8) inch block wall. It is stone, probably two (2) feet plus in thickness, so that foundation of the building will be there long after we are gone. **Selner stated this is in the ground though.** With a small history of doing building there are no sags, the corner where we rented the restaurant, the floors were flat, there were no ripples where something was giving way. We are talking 22 years that I have been out of the restaurant and nothing has been done to it in the last 23 years. **Mr. Mills stated the basement is still the same, no water, flat floors, several racks down there, it is thick stone brick, it is solid.**

A trustee asked again regarding the back entrance that he was told by Mr. Mills earlier that the staircase was emergency exit only and now a trustee is saying it was used as a primary entrance, the trustee stated at the time I was renting, I can't attest to what it is used for now. Two single fellows lived upstairs when we rented there and they used it as an ingress/egress several times a day. They also have access to a stairwell in the hallway that comes out in the middle of the building on the front porch. **Mr. Mills stated there is a door to each apartment that leads to the hallway stairwell.**

Attorney asked Mr. Schwarz if he remembers the first time you sent the pictures to Mr. Mills that we are referring to? **Mr. Schwarz stated it was shortly after the pictures were taken.**

Attorney Bartels asked if he told him it was January 27, 2025, does that ring a bell? **Mr. Schwarz stated could be.**

Attorney Bartels then gave Mr. Schwarz a document and asked Mr. Schwarz if he recognized it. **Mr. Schwarz stated yes.**

Attorney Bartels then asked Mr. Schwarz, what is it? **Mr. Schwarz stated it's the letter to the owner of 120 Wisconsin Avenue regarding the condition of the property.**

Attorney Bartels then asked did you notify him of the problems in January? **Mr. Schwarz stated yes and it states here the northeast corner of the property must be vacated immediately as the egress deck foundation fasteners to the structure are pulling away from the main support system.**

Attorney Bartels stated and then your order has been sent to the owner multiple times though it contained a deadline for repairing these things. Is that right? **Mr. Schwarz stated yes.**

Selner stated I think we asked for either a deadline for repair or a plan of action asking for, give us a description of what changes you are going to make and an estimated cost. Because I think one of the things Mr. Mills mentioned is well, when I have \$5,000.00 I go out and fix that. If we don't have an idea of how much the total repairs are, at \$5,000.00 whenever you have it, you may not be done with repairs for 10 or 15 years. **Mr. Mills stated he usually on average throws in \$5,000.00 to \$10,000.00 a year.** Selner stated for some of these repairs. **Mr. Mills stated repairs are expensive.** Selner stated yes, so I don't even know. **Mr. Mills stated yeah, because when the rear stairs were put in it was just under \$6,000.00.** Selner stated then I guess part of the question is what kind of a timeline are we looking for, for you to fix all of this stuff? **Mr. Mills stated on the conservative side I would say three (3) years.** Selner asked you think you can get all these repairs done in three (3) years? **Mr. Mills stated yes.** Selner asked, you've got an estimate for your new contractor to redo that deck, how much is it? **Mr. Mills stated \$2,200.00.** Selner repeated \$2,200.00 to redo that deck. **Mr. Mills stated yes.** Selner stated I'm sorry, I feel like that is kind of unrealistic. **Mr. Mills stated I will sign the contract because it sounds really reasonable.** Selner stated well I know it does but you may end up with the same thing you had before where it is going to fall off. **Mr. Mills said yeah, no, I am not going to do that again. I was very clear with him that he must follow the engineers recommendations. I have the estimate right here it says \$2,200.00.** Selner asked, can I see that? **Mr. Mills said sure.** Selner asked building inspector Ms. Myers to look at the estimate.

What kind of testing is out there and available to ensure there is no mold because of the amount of moisture that could have gotten into those walls to determine like we just painted over the top of it, but how verify that it is not in the bones of the building but how do we verify there isn't mold through all these different gaps that we have. **Mr. Mills asked, like black mold?** Yes. **Mr. Mills stated it is his understanding that mold would eat through the paint.**

Selner stated I think we are more concerned about the parts of the wood that we can't see.

One trustee stated that would be his biggest concern. Because in these older structures, based on my experience, is your lateral boards on structures are taken care of with the lath and plaster, so when they say the brick is just the façade, just the face, on it, it gave some structural integrity to the building because behind that I can only assume there is shiplap siding and shiplap siding is not a structural membrane, like OSB sheets, so to make up for that they would use the lath and plaster for the inside walls that would help with the building. So usually when you see failure on the brick on the outside of the building nothing on the wood structure would rot. The only thing that would make that brick fail is movement of the structure that it is attached to. **Mr. Mills stated or water damage.**

Selner stated I think we are at the point where we would like to see an engineer's report to back up the estimate you received for the rear stairs that it is going to address the issue. **Mr. Mills said he can provide an engineer's report, not today, but will get it to you.** Selner stated that if fine, we are not expecting anything to be done tomorrow.

Selner stated as a board our goal is to find safe housing and we have some very great concerns and I wish your engineer were here. **Mr. Mills stated he asked him, but he was going to be out of town.**

Attorney Bartels asked to clarify some things. If we go back to the Violation and Order to correct lists 21 or 22 items that are current code violations today, \$100.00 fine a day for each violation is possible to assess. The instructions on the Violation Notice and Order to Correct ask him to:

1. Immediately assess the building, design and observe the immediate installation of temporary protections of the public way.
2. Develop a remediation plan, detailing the extent of the required removal and replacement of structural components and temporary shoring required for remediation. The remediation plan must contain adequate construction details to confirm code compliance and give the responsible contractor necessary direction in approaching and completing the repairs. The remediation plan should include an estimated timeline and the estimated cost of each item
3. Submit this remediation plan to the Denmark Building Inspector along with an application for building permit.

And there are some other things listed here, but it basically says if these violations are not corrected by November 30, 2025, the Village of Denmark will act as soon as reasonably possible to vacate and/or demolish the unsafe structure.

Attorney Bartels stated so when you are talking about what to do, we are talking about this order so, if you are inclined to grant more time, it should be at this time.

Selner stated we would have to revise the order though before we could do that.

Attorney Bartels stated I am not saying you can't do that, you can, the ultimate decision is whether its to uphold, modify or withdraw this document.

Selner stated her personal opinion is getting to the fines so much per day that's the stiffest punishment and I don't want to be there. **Mr. Mills stated he does not want the board to be there either.** Selner stated but, we need to see some progress. **Mr. Mills stated yes.**

A trustee asked when the email with the engineer's report sent. **Selner stated it was April 30, 2025 and Mr. Mills stated it was April 28, 2025.** In regard to the steps, in the email from the engineer it states in the last bullet point I have recommended that a temporary post be installed on the corner of the deck until a permanent solution can be engineered. A single post being put in is a very simple task to accomplish, and that has not been done correct? **Mr. Mills stated, no.**

Ms. Myers asked Mr. Schwarz, Would you normally see a stamp and a letterhead on an architect's report that he handed out, or an engineer? **Mr. Schwarz asked what report is it that Ms. Myers is talking about.** Ms. Myers stated this is the one that Mr. Mills gave us today and says it if from his architect. **Mr. Schwarz said yes.**

A trustee asked Mr. Mills If he was a representative to the owner of the building. **Mr. Mills said yes.** Is there a secured party also to this building? Or is there a mortgager? **Mr. Mills said no.** So there is no lending institution that has an interest in it. **Mr. Mills said no.**

Selner asked Ms. Myers if she had some testimony to provide. Ms. Myers said if you want me to go through my reports I certainly can. Selner stated the board would appreciate hearing Ms. Myers

report. Ms. Myers was sworn in. Ms. Myers stated her biggest concern when she came across this case when I started her on November 1, 2025 was the staircase in the rear of the building. Regardless of whether it is an emergency staircase, there is storage on top of it and there are coolers on it. It does appear to be used. The staircase can fall at any given moment. It is not even being held on by the screws any longer. That was my largest concern. I didn't write a report associated with just the deck in the back because the concern is so great with that. The building is not going to fall over from the brick falling down, even if there are structural issues inside that maybe we can't see, but you do have a tenant up there, so if you have a tenant up there they are using that deck, or they have the capability of utilizing that deck. It's not just an emergency situation where you have a lock bar on the door and it opens when there is a fire. So, if that's the case then the deck needs to be removed and the tenant needs to be vacated. At least that is my opinion and, it is entirely unsafe and it's not up to code. The code, actually, for stairs in an R3 District structure, is 7 ¾ inches tall by 10, they give you an exception. I think that is all I have associated with that that I wanted to say right off the bat. Do you have any questions?

Mr. Schwarz stated we are talking about a tenant, you have to remember police and fire personnel may go up there too, and at night the light is out. Why was the light put up there, and it's out? **Mr. Mills stated there is another light on the outside of the door at the top of the stairs.** Mr. Schwarz stated with a staircase like that, without light, that's threatening like not life threatening, but injury for sure. It is more than just the tenants.

Attorney asked Ms. Myers some questions:

Attorney Bartels asked if she submitted a report to the board. **Ms. Myers answered yes.**

Attorney Bartels asked if it contained some pictures? **Ms. Myers answered yes.**

Attorney Bartels asked did you take the pictures? **Ms. Myers answered I certainly did.**

Attorney Bartels asked when did you take the pictures? **Ms. Myers answered November 7, 2025.**

Attorney Bartels asked do the pictures actively track what you saw? **Ms. Myers answered they do, as much as a picture can.**

Attorney Bartels asked Mr. Mills if he has seen the report/photos. **Mr. Mills answered no I have not.**

Attorney Bartels asked Mr. Mills if he would like to see the photos. **Mr. Mills stated yes I would absolutely.**

Attorney Bartels asked Ms. Myers if she had extra. Ms. Myers said she was downloading it. Mr. Mills received a copy of Ms. Myers report and photos.

Ms. Myers asked if she can make one other statement. Ms. Myers stated generally speaking, when they do brick veneers in winter, (they do, do them in winter) they can set up plastic, they can heat and it doesn't take all day to fix a brick veneer. It is a possibility, and if you have a contractor saying that it's too cold outside, that they may just not be qualified to do certain jobs. **Mr. Mills stated he doesn't want to do the job in winter, I mean I get that.** Ms. Myers stated there are plenty of contractors that do brick veneers in winter. **Mr. Mills stated again, getting a contractor is not that easy.** Ms. Myers stated we have a list of contractors on the state website, so you can look up and verify their contractor license number and their insurance. **Mr. Mills stated a lot of the ones I contacted, said they could do it, but it was a year out.** Ms. Myers stated generally speaking if you let a contractor know that the Village has orders against you, they will try to fit you in. **Mr. Mills stated that is what happened with this repair on the back deck. He said oh, we can get to that because it'll take a day or two.** Ms. Myers stated I would like to comment about your estimate for that back deck as well. They're not rebuilding the stringers. At least it didn't say so in the estimate. The stringers are garbage, which I wasn't going to walk on the staircase because it is dangerous. You have to build those stringers to the engineer's specifications, your estimate didn't give me that and it also didn't give you an estimate for letting it into the building which is generally how they construct those. There might be other avenues they can take, but as building inspectors, you are not allowed to tell them how to

construct things. The estimate didn't include those things, and it also didn't include a footing foundation system. It did include minor repairs, and additional balusters. **Mr. Mills stated the contractor did mention to him about how I put the footing.** Ms. Myers stated the other concern is there is actually a window there, and I am not sure whether that is safety glass or not, do you know if the window is safety glass? **Mr. Mills stated I'm pretty sure because it is a bathroom window.** Ms. Myers stated pretty sure isn't positive, right. **Mr. Mills stated I am not sure, but I can double check for you.** Ms. Myers stated both sashes have to be safety glass. **Mr. Mills said yes, I will look at it again, but I think it is safety glass. The toilet is right next to it, and I believe the code is if you have a toilet next to a window it has to be safety glass.** Ms. Myers stated it depends on when it was built. **Mr. Mills stated, again, yes.**

Attorney Bartels asked Ms. Myers is it your opinion that the deck and stairs should come down now, because they are dangerous? **Ms. Myers stated immediately. Absolutely.** Attorney stated which would require the apartment to be vacated now. **Ms. Myers stated I mean, you are allowed to have a jump deck or whatnot, so there is potential that there are other options that he could discuss with his structural engineer to close off that door in a systematic way where somebody can't fall out of it, but they can still jump or hang from it. There are pieces of the code that do allow that, and I think in an emergency situation, I would rather not see our fire department or police officers running up those stairs, or somebody trying to run out of it and then have it fall, or have a fire or someone underneath it, or even just a child playing underneath it. Or for someone to put coolers on it with ice and beverages. It gets heavy. That staircase is ready to fall over. That little 4X4 post on the outside there, and those angle braces are not enough. So, yes, it is my opinion that it should be removed immediately, and if there is a way to allow the habitability of the apartment, provided you're not reducing the safety of the apartment, then that can be considered.**

Mr. Mills asked this if these are in the ordinance code. **Ms. Meyers stated in the ordinance code, it is in the IEBC and the IEC and, yes, it is also in the Village of Denmark's ordinance that the Village do adopt those two sets of codes, and then their property maintenance codes.**

Selner stated in her opinion Mr. Schwarz's suggestion to get an architect engineer to do a full study so that we can identify how big a problem we are looking at. **Mr. Mills replied, right.** Because I don't want to see you investing all of your stuff in there, and then finding out it's going to take us 10 to 15 years to bring the building up to code, we can't allow it to go that long. There's safety issues there. So, I think you need a picture of where am I at, what is my status, how much do I have to fix, what is it going to take to fix it? And, then come up with some cost estimates, so you have a better idea of what your situation is. And, I agree with you, finding contractors is a challenge, but this way at least you would have an architect engineer that will give you design requirements and most of them can give you some cost estimates. **Mr. Mills replied, right.** Selner stated this a board decision and that is my two cents.

Board discussion

- ❖ I'm no expert, but I'm going to trust the experts, so what they are saying is it needs to come down immediately – **Does that mean the tenants are out? Ms. Myers stated generally, you have to have two means of egress so unless you want to get your architect engineer on the phone tomorrow and figure out a way or how to keep that tenant in there, then yes, the tenants would have to vacate the building as Mr. Schwarz initially recommended.**
- ❖ When was that original recommendation? **Mr. Schwarz asked is it in the letter?** January 2025. Attorney Bartels stated the building inspector does have the right under state statute to place a notice on the site that must say it is uninhabitable. **Mr. Mills asked if there was a time frame on that.** Attorney Bartels stated I think within 24 hours.

- ❖ Selner stated and we have identified a definite safety issue which has to have immediate action, so what we have to look at here is we have already given notice, we can revise it, we can discard it, or we can enforce it as it is written.
- ❖ So how long are we willing to give Mr. Mills to get an architect and get a meeting? **Mr. Mills stated his architect engineer will be back in town on Thursday, so I can communicate that then.**
- ❖ Two fold question here: Is it unreasonable to part one, give 30 days, just throwing a number out there to allow a plan to be developed from his architect so we know more of what we are looking at for the length of time we are looking at to repair those issues? **Ms. Myers stated I think it would be unreasonable to give him 30 days to do anything with the stairs in back.** That was what I was questioning. **Ms. Myers stated but the entire other building I don't know that there are safety issues inside of it. The outside veneer could very well be an outside veneer. There are some other minor safety issues, but really the stairs are the immediate concern, so if the board wanted to extend or allow time for an architect engineer to provide a proper report with a stamp and letterhead, I don't see any issue with that. There is no life safety.** Part two of my question is in regard to the stairs. Considering that it was immediately regulated back in January of this year, me personally, because I feel like we are exceptionally on borrowed time with the stairs and with immediate recommendation, now that we are aware, and the recommendation has been made 10 months ago, and there has been no action taken against it something needs to be done.
- ❖ I agree we have to tighten up our timeline considerably because no attempts have been made to rectify in 10 months.
- ❖ And since April there was a recommendation from your engineer to put up just a simple temporary post, and there has been no attempt at that. I think the stairs portion needs to be immediate that is effective 24 hours from now, or whatever it happens to be.
- ❖ Attorney Bartels asked the building inspector if the temporary post will fix the problem **Ms. Myers stated no, no, and I am not even sure that that is an engineer's report. Just to be perfectly frank, I would not accept that if it came across my desk as an engineer's report and I would not accept one post being sufficient to temporarily hold them**
- ❖ Selner stated what she is seeing here is immediately, as soon as possible those stairs have to be removed and if you cannot find a second safety ingress/egress the tenant would have to evacuate the building. **Mr. Mills stated there were new windows put in that unit and I believe it qualifies as emergency exit, but I will double check.** Selner stated we have to get documentation of that. **Mr. Mills stated right, exactly.** Selner told Mr. Mills that information needs to go to Ms. Myers our building inspector as soon as possible. **Mr. Mills stated I can get that tomorrow.** Selner asked if the board wants to put in there, after so many days, there will be fines involved? **I think we have to-yes.** Selner stated ok.
- ❖ Ms. Myers asked if she could make another recommendation and stated if the board wants to decide how many days it would take for Mr. Mills to remove the staircase, she would be happy to put a notice to vacate on that apartment and to just tell her when. **Mr. Mills stated he can contact his contractor to find out when he can get to it I think he said he would be pretty flexible.** Selner stated ok, because even if you can find another ingress/egress emergency exit then the door has to be barred, or something put up to block the door if you haven't got the steps down. **Mr. Mills stated right.** Selner asked if that is acceptable? **Ms. Myers stated we allow that with new construction houses, regular houses. It has to be under 15 feet and we allow it to have a railing across the front of it, just so people can't open the door and fall out inadvertently. With the premise there will be a deck constructed shortly or some sort of egress out that door, because that is an egressible door two exit rule still applies.**
- ❖ But they need to vacate the premises within 24 hours from now. Right? Is that accurate?
- ❖ Ms. Myers stated when the steps are removed, then there is a safety hazard in a different way, because then we have a door that can inadvertently allow something to fall out. So, it really

has to happen at the same time. If you want to allow Mr. Mills to bar the door, so he can still have someone jump out that door, or he can get a ladder rescue from a fire truck, then you get the deck down and bar the door at the same time. The board can do that but then there will need to be a timeframe set for actual landing and egress, because that is a compromise.

- ❖ Selner asked so you are saying wouldn't even have to have steps, they have to be removed, not necessarily replaced, but a landing put here there? **Ms. Myers stated yes, they call it a jump deck.** Selner asked Mr. Mills if he was understanding what they are talking about. **Mr. Mills stated, yes it is temporary.** Ms. Myers stated it is temporary, yes. **Mr. Mills stated until I can get a regular deck put back up.** Ms. Myers stated it's going to take a minute for you to get your architect to draw up a plan if he is gone until Thursday. **Mr. Mills stated yeah its going to take a bit he is gone until Thursday.** Ms. Myers stated at least until then, immediately speaking, if you want to keep your tenant in there, you have to bar the door and have the deck removed, and the door would have to meet the guarding restrictions of the code of 200 pounds of course, your contractors will know. **Mr. Mills stated yes.**
- ❖ Selner stated we have to get this in proper wording. **Mr. Mills stated yes.** Selner said so you have 24 hours to block the door and remove the staircase, so you have to get someone out there tomorrow. **Ms. Myers stated she would say a temporary guarding of the door.** Selner stated a temporary guarding of the door and then give Mr. Mills how many days to take the staircase down. **Ms. Myers stated the stairs can come down immediately, because I don't want someone jumping over the guarding, onto the stairs which is going to cause more of an issue. The stair guarding is literally there just for an emergency while we work with you to work through this at this point. There is a minimum height for guarding and it is 42" and the guards will have to meet that with four (4) inch spacing requirement between the balusters, however you want to do that and it has a minimum force of 200 pounds of pressure on the inside it would have to withstand. So you have to meet all the regulations per the IDC.**
- ❖ Selner stated we won't put that in the order, we will rely on Ms. Myers to enforce when you get someone to do it. **Mr. Mills state he is not really sure what Selner is referring to the steps or what?** Ms. Myers stated she is referring to the guarding of the door. A lot of times they will do a baluster system on those doors, however you can guard it however you choose to guard it, or however your contractor chooses to guard it so it meets the provisions of that 42 inch minimum guard. **Mr. Mills stated 42 inches from the top on down?** Ms. Myers stated no from the floor on up it's a guard just like a railing on a deck. **Mr. Mills stated, ok 42 inches from the floor has to be blocked.** Ms. Myers stated it has to be 42 inches tall, the guard does. So if I was building a railing, it has to be a minimum of 42 inches, so if you're going to use a guard to block the door temporarily, it would need to be a minimum of 42 inches. **Mr. Mills stated that was my question. So whatever guard goes in there it could be a half inch thick plank bolted to the door, but it has to be 42 inches high?** Ms. Myers stated as long as the door still opens, yes.
- ❖ Selner stated you have until tomorrow. **Mr. Mills stated to get that blocked.** Selner stated yes. **Mr. Mills stated he got it.**
- ❖ Then outside of that, if it's not done tomorrow, fines incur? **Selner stated yes.**
- ❖ With the removal of the steps, just in case anyone walks underneath those or anything like that, the steps would still have to be removed in 24 hours as well? **Mr. Mills stated that is not what I am hearing.**
- ❖ This is what I am recommending to the board.
- ❖ Yes, you wouldn't want anyone jumping over them.
- ❖ If somebody jumps over it, if somebody walks up from the outside
- ❖ I think if you block the door 42 inches you should also block the bottom of the steps should also be blocked so nobody inadvertently climbs up there to knock on the door, or whatever
- ❖ Mr. Mills has also had this since January and this is something that should have been resolved and addressed by the property owner

- ❖ Selner stated we are not saying the stairs have to be replaced, but I think you can get them taken down **Mr. Mills stated ok, I can try, yeah. I'd rather not take it down or have it fall down.**
- ❖ The alternative is, is somebody walks up from the other side and it falls down, you get an injured person and the property owner is at fault
- ❖ Again this comes back to it's been 10 months since you've been given this notice and you disregarded this notice and a pattern of what appears to be things not being fixed. I think at this point the Village needs to be firm on this, because I don't believe other municipalities would let this go on this long.
- ❖ Selner stated it is the safety issues we are concerned about. One was specifically identified by both the engineer and our building inspector that they need to be removed immediately
- ❖ That part of the equation we need to be extremely stiff and firm on and the other part is there are not any other major safety or significant safety issues that we know of based on reports and I think the board should be a bit more open to allowing a reasonable amount of time to get a plan of action with a set timeline. I'm trying to meet you halfway. **Mr. Mills stated I get you. Immediate safety violations that are now 10 months passed.**
- ❖ Quite frankly we already let ourselves wide open for a lawsuit if someone would have gotten hurt. Because we knew about it and we didn't enforce it.
- ❖ So far, we are going to say you have 24 hours to block that door, remove the staircase or fines begin at...how much per day?
- ❖ On the list of violations is there more fines than for this one (the staircase)? **Yes, this is only one piece of that puzzle.**
- ❖ Roughly how many of those 20 items are in regard to that violation? How many violations? Yeah, how many violations are in regard to that back staircase, other violations? Is there anything linked to the staircase violation or is it a standalone? **That would be a standalone situation.**
- ❖ You have the pulling away from the wall, balusters on the rail, incorrect step height, the hand rail and the 2X4
- ❖ So what we are asking are the 5 violations or 1 on the staircase
- ❖ What we are trying to do is establish if Mr. Mills doesn't get this done in 24 hours, what do we set the fine at \$100 or \$500
- ❖ Selner asked Ms. Myers what her opinion was. **Ms. Myers stated landing, run, height, uniformity, handrail, window, there is at least six (6), not including the pulling away from the window, maybe seven (7). I don't know what is in Mr. Schwarz's report but there are as far as applicability is concerned, there is probably 7 different violations that I have just from looking at it here.**
- ❖ That is what we are asking, if he doesn't get this done, what do we fine him? \$100 a day or \$700 a day
- ❖ Mr. Schwartz stated the whole thing is just one (1) piece, it is just multiple violations in that one situation.
- ❖ It is one staircase, but it is a dangerous path
- ❖ Mr. Schwarz stated he thought the forfeiture was \$25 to \$2,500 per day it is right in the beginning of the ordinance
- ❖ Attorney Bartels stated the fee schedule doesn't actually set one for this **Mr. Schwarz stated then it will revert back to the ordinance in the beginning of the ordinance it gives the fine amount** Attorney Bartels stated yes, 1-4 gives the fine amount range and I think when the order was done you just picked \$100 per day which is within the range
- ❖ When you assign a fine like this are you allowed to say it is \$100 per day and it is still persisting after 7 days, then it can go up to is that allowed? **Mr. Mills stated I see where you are going with that and I don't think that is applicable.**
- ❖ Attorney Bartels stated there is nothing that says you can't

- ❖ Ms. Myers suggested instead of fines we post a notice to vacate if he doesn't have it done within 24 hours, at least bar the stairs, and if he can't get the staircase down, then it needs to be caution taped at a minimum. Notices should be put on it, and there should be a bright orange cone in our existence, so people do not use the staircase. If it's not down within 24 hours, then maybe set a fine set after that if you can't get it down. I am pretty sure you can take a crowbar to the top of it. **Mr. Mills stated he would rather take it down safely.** Ms. Myers stated safely taking it down might take a little bit more skill, like a day with a Sawzall. I would be comfortable so long as it's a bright shiny star, no window on it, nobody can go on it, and the door is blocked off. I can come and look at it tomorrow evening around 6 o'clock, then I say it's okay, then I would be happy not to plaque you with a notice of violation. **Mr. Mills stated that's fine.**
- ❖ Selner asked if the board is ok with that
- ❖ Sounds good to me, I just hate to see, God forbid, something happen even tonight, that we have a fire crew that goes up that stairway
- ❖ Ms. Myers stated they sell caution tape at Fleet Farm and Menards
- ❖ Selner stated within 24 hours Mr. Mills has to blockade the door and caution tape the stairs and if that doesn't happen in 24 hours there will be a notice to vacate **Mr. Mills asked how long does he have for the stairs to come down.**
- ❖ Ms. Myers stated she is trying to do the best she can to keep people safe while still allowing the tenants to live there. I don't want them walking down the stairs, I don't want them walking on the stairs, I don't want Mr. Mills walking up the stairs. I don't want anyone on those stairs ever again, unless it's with a Sawzall to take it down. And that is the point, so if we can make it happen, even if they're still standing for however long the board sees is okay, while still preventing somebody from dying because they fall, then fine.
- ❖ Selner stated so if we have the stairs blockaded with caution tape, safety cones, and appropriate signage and the door blocked within 24 hours **Mr. Mills stated right.** Selner stated and that is assuming you are going to guard the door so it is still egressible (someone is still going to have to jump out of there if there is a fire that's the only way out), you are going to check the window to see if the tenant has another ingress/egress **Mr. Mills stated the new windows that were put in are egressible windows.** Ms. Myers asked what is the definition of egressible? **Mr. Mills stated, I don't know, tell me**
- ❖ The size, so you have every dimension, but you have to have a jump, it has to open a certain clearance, that is the size reference (the dimensions) because you need to get out in the event an emergency, they have to open without the use of tools, to remove the sash so you can exit. **Selner stated you are now testifying, so you have to be sworn in. Adrianna Rose was sworn in.** Selner asked Ms. Rose to come up to the podium, Ms. Rose stated her name and that her address is 120 Wisconsin Avenue Apartment B. **Selner asked, so this is your unit we are talking about?** Ms. Rose said yes, the one that the building inspector was able to gain access to, the inspection was April 9, 2025. Ms. Rose stated her boyfriend lives in the village and was able to let the inspector in. **Selner stated you have provided information about the windows that have been installed.** Ms. Rose agreed with Selner's statement, and said they were just casually asking about the egress on the windows. **Mr. Mills stated she is a sales representative for these windows.** Selner stated, so that is your area of expertise, that's good to know. **Ms. Rose stated correct, and to answer your question over here, Jim, they are Alliance double hung windows.**
- ❖ Selner stated we need to clarify the door is going to be blockaded with a 42 inch high barrier **(Per Ms. Myers 42 is the minimum, but you still have to be able to get out),** and the stairs will be barricaded with caution tape and safety cones and every effort to prevent anyone from using the staircase. **Mr. Mills stated correct.** Selner stated and that will be done in 24 hours. **Mr. Mills stated correct.** Selner asked and then how much time do we want to give Mr. Mills to take the stairs down? A week? Fifteen (15) days to get them down **Mr. Mills stated or**

repaired properly they would have to be rebuilt first. Selner stated and they are not attached to the building correctly either.

- ❖ Ms. Myers asked, don't we want that architect report before he starts fixing things? He can remove the stairs, I would say remove the stairs, but don't fix anything yet
- ❖ Selner stated ok, so you guys tell me this, 15 days, it is in the middle of deer hunting
- ❖ I was just thinking next Thursday is Thanksgiving and there are a lot of crews that don't work that week, and we are already at Monday, we are already into this week
- ❖ Selner stated we can say next week, but for all practical purposes, you're not going to find anybody who will do anything
- ❖ Is 30 days too long?
- ❖ How about we just set a date? How about December 5th? If the stairs are not removed by December 5th, then we will start with fines of \$100 per day, if you don't get the door blockaded then the vacate order goes into effect **Mr. Mills stated he will be on that right in the morning.** Selner stated that is what we were hoping and then we can then ask as part of the order that you get an architect engineering report of all necessary recommendations to bring the building up to code. **Mr. Mills stated correct.** Selner stated and that will be an authorized architect engineer report, so it will require stamps and proof of capabilities. **What is the timeline on that? 30 days from today? 45? At the end of this year? December 31, 2025, is that fair?** Selner stated we will say December 31 for the architect engineering report. **Mr. Mills stated ok.** Selner stated and we would hope that you get some cost estimates included in that report, so that we can see a total picture. If you find there is going to be issues with getting it by December 31, notify the board **Mr. Mills stated got ya.** We have a Board meeting on December 8, 2025 and we are going to act in good faith. **Mr. Mills stated year, December 8th, yeah the first, you know second Monday of the month at 4:30 is when your board meetings are held, ours is at 6:00.** Selner stated so if you are going to know by December 8 whether you've got a problem getting an architect engineer. **Mr. Mills stated right, right.** Konkol stated our board meetings are actually the first Monday after the first Tuesday of each month. **Mr. Mills stated, oh, ok.** Mr. Schwarz asked Mr. Mills to have his design professional call Ms. Myers, just to make sure everyone is on the same page. **Mr. Mills stated yes.**
- ❖ Selner asked if there are any other questions.
- ❖ Attorney Bartels asked Ms. Rose if everything she said in her story was true. **Ms. Rose stated yes.**
- ❖ Selner stated, we have deliberated, we have asked questions, and we have taken testimony, thank you everyone for providing the information. We have modified the order, and I think everyone understands what it is and I believe that ends our deliberation and we can adjourn.
- ❖ Do we need to make a motion? **Attorney Bartels stated you actually have to a motion to approve the decision.**

Ackley/Johnson moved to approve the recommended changes to the order that were previously listed. Motion carried.

Adjourn

Goral/Johnson moved to adjourn at 6:27 p.m. Motion carried.

Minutes submitted by Sherri Konkol Village Clerk/Treasurer