



City of West Allis

Meeting Minutes

Administrative Appeals Review Board

Thursday, January 18, 2018

4:00 PM

City Hall, Room 128
7525 W. Greenfield Ave.

REGULAR MEETING

A. CALL TO ORDER

The meeting was called to order by Chair Devine at 4:00 p.m.

B. ROLL CALL

Present 2 - Mayor Dan Devine, and Wayne Clark

Others present: Monica Schultz, City Clerk, Mr. Mike Rushmer, Ms. Andi Hetzer, Ms. Jenna Merten, Mr. Carlos Rodriguez, Ms. Cassandra Kubricky, Mr. Don Meyers, Ms. Lisa Meyers, Mr. David Jackson, Ms. Elizabeth Jackson, Melissa, Arborist, Mr. Dobrose

C. NEW AND PREVIOUS MATTERS

1. [17-00364](#) Dangerous Dog Order for Appeal by Carlos Rodriguez of 9828 W. Becher St.

City Clerk Schultz announced the case, all witnesses providing testimony were sworn in. The West Allis Health Department presented the City's case regarding quarantine and the rabies vaccination.

The appellant, Carlos Rodriguez, presented his case and described the incident. He stated he's had the dog since it's been two months old (it's 2 years old now) and he has been playful with no incidents.

The effected individual, Thomas Walker, responded he was walking his dog when the incident occurred. The appellant's dog ran, unleashed towards him and knocked him down with a broken hip. He was allegedly pulled off the property and no call was made to 911. Mr. Walker believes the dog is going to hurt somebody and is vicious.

Discussion ensued. The appellant stated the dog was leashed but the leash wasn't strong enough. Mr. Clark asked about rabies information. Ald. Czaplewski asked about a fenced in yard and the dog being walked.

A motion was made by Mr. Clark, seconded by Ald. Czaplewski, to uphold the Dangerous Dog order for Romeo. The motion carried by the following vote, if there are no incidents for one year the Dangerous Dog designation may be lifted upon receiving a request from the pets owner. Ms. Schultz will mail the Board's determination to the appellant.

Aye: 3 - Mayor Devine, Czaplewski, and Clark

No: 0

2. [17-00327](#) Dangerous Dog Order for Appeal by Lisa and Don Meyers of 1341 S. 89th St.

City Clerk Schultz announced the case, all witnesses providing testimony were sworn in. The West Allis Health Department presented the City's case regarding quarantine and the rabies vaccination.

The appellants, Lisa and Don Meyers, presented their case and described the incident. They stated there was a violent argument including their schizophrenic son that scared the dog. The dog is a neighborhood dog and is 8 years old.

Discussion ensued. Mr. Clark commented on the dog's defensive behavior and wanted to uphold the Dangerous Designation. Alderman Czaplewski stated the dog did attack and agreed with Mr. Clark. Lisa Meyers stated she had everything but the insurance and a full fence. The petition would stay in place for 1 year and request for removal.

A motion was made by Ald. Czaplewski, seconded by Mr. Clark, to uphold the Dangerous Dog Ordered for Gribble, and with the stipulation that a kennel may be used in lieu of a fence. If there are no incidents for a period of one year the Dangerous Dog designation may be lifted upon receiving a request from the pet's owner. The motion carried by the following vote, and Ms. Schultz will mail the Board's determination to the appellant.

Aye: 3 - Mayor Devine, Czaplewski, and Clark

No: 0

3. [17-00312](#) Notice to remove magnolia tree for appeal by David and Elizabeth Jackson at 1565 S. 81st St.

City Clerk Schultz announced the case, all witnesses providing testimony were sworn in. The West Allis Forestry Department presented the City's case regarding tree decay and marking the tree in question.

The appellants, David and Elizabeth Jackson, presented their case. Ms. Jackson contacted 2 arborists, Melissa is present. The contracted crew came out before the appeal date. Contractor said there was a hearing denial and that their arborist doesn't have as much experience as he did. Ms. Jackson pursued a 2nd arborist who also stated they did not need to remove tree. Ms Jackson stated their neighbor Mr. Dobrose took a chainsaw to their tree and butchered it without permission, he was permitted to use a hedge trimmers but no ladder or climbing of the tree. The Jacksons called the police and filed a complaint. The Jackson provided photos of pruning only (not removed) the tree is still flourishing want to have the option. Quote from Hoppe "do not want to get involved with the city Probst nonsense." Ms Jackson stated we should be unconcerned with tree or property values and Mr. Dobrose should have been decent and wants the ability to save the tree. Mr. Clark questioned the allegation of a malicious complaint by Mr Dobrose, and Mr. Jackson said the complaint was made in retaliation for the police report filed. Mr. Clark asked them to explain why they didn't agree with the City Arborist's assessment of it being a viable tree. Ms. Jackson stated she didn't disregard the City's arborist but they did have two arborists with differing opinion. Melissa, the appellants arborist, provided her background and addressed the stature of the tree. In Melissa's opinion the tree is healthy and safe, there is no problem with the canopy and the holes and decay doesn't mean the tree will fail.

Discussion ensued. Will from Hoppe called Mr. Rushmer to discuss the marked tree. Mr. Rushmer instructed Will to proceed business as usual, with no influence from him. Mr. Rushmer stated a tree can have a healthy crown with a rotten inner tree. Mr. Clark asked if possible to fill hole with concrete and was told no. Mr. Rushmer asked the appellants if they would hire a Track Arborist with the cost being \$600-\$900. Mr. Rushmer wants to use the best science and not have the City on the hook. Mr. Clark recommended to hire a Track Arborist within 30 days and bring the reports to Mr. Rushmer and the board or take the tree down. Ald. Czaplewski said tracking only measures decay and walls need to be a certain thickness and it's a safety issue. Mr. Clark and Ald. Czaplewski

A motion was made by Ald. Czaplewski, seconded by Mr. Clark, to uphold the Orders issued by the Forestry Division to correct violations regarding the magnolia tree at 1565 S. 81 St. The Board ruled that the tree be removed within thirty days of receipt of the final determination. The motion carried by the following vote, and Ms. Schultz will mail the Board's determination to the appellant.

Aye: 3 - Mayor Devine, Czaplewski, and Clark

No: 0

D. ADJOURNMENT

The meeting adjourned at 6:55 p.m.



All meetings of the {bdName} are public meetings. In order for the general public to make comments at the committee meetings, the individual(s) must be scheduled (as an appearance) with the chair of the committee or the appropriate staff contact; otherwise, the meeting of the committee is a working session for the committee itself, and discussion by those in attendance is limited to committee members, the mayor, other alderpersons, staff and others that may be a party to the matter being discussed.

NON-DISCRIMINATION STATEMENT

The City of West Allis does not discriminate against individuals on the basis of race, color, religion, age, marital or veterans' status, sex, national origin, disability or any other legally protected status in the admission or access to, or treatment or employment in, its services, programs or activities.

AMERICANS WITH DISABILITIES ACT NOTICE

Upon reasonable notice the City will furnish appropriate auxiliary aids and services when necessary to afford individuals with disabilities an equal opportunity to participate in and to enjoy the benefits of a service, program or activity provided by the City.

LIMITED ENGLISH PROFICIENCY STATEMENT

It is the policy of the City of West Allis to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.