

**CITY OF RHINELANDER
PLANNING COMMISSION MINUTES
WEDNESDAY, APRIL 2, 2014**

MEMBERS PRESENT: Mayor Dick Johns, Mark Pelletier, Sandy Bergman and Russ Brown.

MEMBERS ABSENT: George Kirby, Jim Leschke and Joe Sturzl

OTHERS PRESENT: Blaine Oborn City Administrator, Tom Waydick Asst. Fire Chief, Carrie Miljevich City Attorney, Mike Steffes Police Chief, Don Knutson, Sharda Gray, WJFW, Carl Brauchamp, Richard French, Matt Soppa, Cody Homan, Mark Hahner, Tom Reich, Nancy McKenzie, Dave Weisgenben, Susan Emmer, Lee Emmer, Kenneth Smith, Nancy Smith, Mary Kinnunen, Jeff Eaton, Rick Marko, Kim Marko, Gordon Walkush, James Polinski, Kyle Rogers River News, Michael Devin, John Jesse, Shirley Jesse, Terry Cummings, David Robinson, Dan Gannon, Joe Sumner, Lana Leighton, Charles Leighton, LuRae Wilhelm, Mary Peter, Nichole Scherr, Autumn Hein, Beckett Hein, Jeremy Hein, Glenn Scherr, Jennifer Easley, Matt Easley, Kristi Smoczyk, Scott McGee, Joe Salzer, Tom Gleason, Tom Kelly, Alex Young, Mike Ohlson, Debbie Ohlson, Ruth Rickgruber, Mary Walkush, Paula Hemmingstad, Kris Hemmingstad, Ben Meyer WJFW, Vicki Trebain, Bridget Todd, Shawn Yeager, Robert Krause, Ken Krall WXPB, Bill Franke, Tim Mihalko, Eileen Mihalko, Flo Payne, Jerry Payne, Sherrie Belliveau, Pam Wells, John Staszak, Dawn Staszak, Janice Jewell, Mary Ellen DeValk, Tom DeValk, Rick Zoerb, Paul Mueller, Judith White, Jeff Hoffman, Carol Nixon, John Nixon.

CALL MEETING TO ORDER: The meeting was called to order by Chairman Dick Johns at 4:00 P.M., noting there was a quorum present to conduct business, the media had been properly notified and the agenda duly posted.

UNFINISHED BUSINESS:

None at this time

NEW BUSINESS:

CONDITIONAL USE PERMIT – *Discuss/Approve/Disapprove Conditional Use permit for Vicki Trebain, CEO Attic Correctional Services, Inc., PO Box 7370, Madison, WI. 53707, agent for Fred Hagny Jr., PO Box 25, Crandon, WI. 54520, owner of property located at 835 West Phillip Street is requesting a Conditional Use Permit for the purpose of locating a CBRF (providing AODA and mental health residential treatment services and supervision to male Division of Community Corrections clients) within 2500 feet of other CBRF facilities.* Mayor turned the issue over to Attic Correctional; Vicki Trebain CEO addressed the attendants as to why they were present for their request; She explained who they are and what they do; including the surrounding areas where they are located. Their goal is to protect the community from harm and teaching clients to stay sober and out of trouble and keep the clients on the right path. They will house up to 8 men; program lasts 120 days; 1st month restricted to the home for intense treatment programs. The next phase they are able to go out into the community to jobs, school, etc. If they are unable to work, they are set up with volunteer time to transition. The home will create 10 jobs; some part-time, some full-time; this is a 24-hour manned employee home. There is a full time AOD (Alcohol and other drug Abuse) counselor, a case manager working with clients to aid in making the transition back into the community where they currently live and work. Attic Correctional Services would like to make a good neighbor and work with issues and problems that do not work. They perform neighborhood community projects, etc. Vicki continued explaining the land area in the lot and home that they will be at; these are people that already live and work in this area; going to school and participating in

the community. Department of Corrections (DOC) knew that this area needed a place like this. This is someone's son, father, uncle, and want to keep them in the area.

Bergman questioned ownership of the property; A signed agreement with owner of property to take ownership once the rental agreements are finalized at the end of June; Attic will own the home and will be exempt from taxes and come off the taxes, but taxes (a pilot) will be paid by the company as they use City services .

Bridget Todd, operations for Attic; explained to attendees that alcohol and drug issues (not sex offenders) are the same that she currently supervises in LaCrosse and explained in detail what they do and how they work the supervision; job search; community projects and how they are supervised and kept on track.

317 Sumac Trail questioned why the location for a halfway house near a very busy park; School bus drops off and picks up children every day across from this house; felt that the children have the first right to go out and play; questioned the success rate but how many end up back on the program. Trebain stated that they have looked and chose this location at it is large enough for their needs; they thought long and hard about the park and feel very confident that their clients will not be an issue.

Citizens voiced that the physical location is fine, just what is going to be done to protect the area? Trebain stated that the tenants are always supervised, kept busy and when not at the home, they know where they are and these are people who already are already in your community.

Mayor asked the citizens to please stop interrupting. Everyone will get a chance to speak.

Trebain continued that the success rate, proposal for demographics and 75% of the men successfully complete the program (over the national average) of the 25% that are discharged, they could have relapse. They try to work with them or they are put back to jail, etc.

Todd stated that if they are discharged, it is not always because they have relapse, some it is because they do not follow the rules of the home; this is important step; instead of just being let out and try to transition on their own. Discussion took place as to issues in other locations and how they were handled.

The Mayor opened the discussion to the citizens at this time:

815 W Phillip stated that they are right next to the site; discussed that she went around to 350 +/- neighbors stating that they were NOT in favor of it and about 100+/- that did not care either way.

Concerns were kids in the park; bus stop, playing and feel peace of mind is being taken away from them; worried about their own home, etc. Knutson spoke from 316 Hemlock; thanked the concerned citizens for the work that went into this effort as he was gone; he continued that he was the Fire Chief for this City and discussed the issues at hand and explained that the Planning Commission and Council can only look at the CBRF's that are in the neighborhood, not the attendees or residents; His concerns that everyone know there is a need and that they need to go somewhere; he agrees the home is a great fit but cannot imagine these types of residents in a neighborhood that already has 2 CBRF'S and low income housing. There is large bus stop and sits on his deck looking at the park and has 6 grandchild and will be very hesitant to let his own grandchild play if it is approved; many sport teams use this location and use the street for parking; placing parked cars and access to the clients; there are other housing facilities already in Rhineland; Asked if they would have ankle bracelets; DOA answered that electronic monitoring is based on the monitoring; not all but some could; Knutson asked if clients would have access to the whole yard and DOA answered they can restrict distance from the home and must abide by the rules of the home. Trebain stated that they are not just restricted to the home, they would have access to the yard as they are citizens of the community; they will be cooking out, playing Frisbee, etc. Knutson feels the temptation would be too great for the citizens that would be here; asking how you would like to have this in your neighborhood, putting the neighborhood and people at risk and feels that Planning Commission would deny and asked Attic to withdraw application.

Trebain stated that at her home in Madison a CBRF is coming within 2 blocks of her own home; these are people that need these services, please give them the chance, they need addictive services;

Todd stated that the LaCrosse home location has been owned for 20 years and has seen houses for sale and new owners and has never heard that property values have decreased; it is better that they are

supervised 24-hours a day and clients will not be hanging out in front of their home; they would have more freedoms if they were left to live on their own without supervision.

Waydick went over map of CBRFs in the area and discussed with all the locations and distances from each other. Oborn explained what the State Statute states and how the process works and that the Planning Commission is only to make a decision based on the 2500 foot ruling and what it is near. 851 W Phillip stated that none of those facilities are within 2500 feet of each other and what is the purpose of the state statute and why does the City think that this is important enough to grant a Conditional Use Permit? Miljevich answered with the history on 2500 rule; established in 1978; state license agent was made to avoid a cluster of them in a certain area or neighborhood; there are many client groups that fall under the CBRF category and gave examples; the idea was to not cluster them in the same area or neighborhood, but spread them out in the community. Sarah 424 Hemlock stated that she has family members with drinking problems and understand the need, but there is a bar very near; what is to protect if this is sold to a different sex offender type facility? Trebain stated they have a 5 year contract and no sex offenders; the process is renewed or reviewed for another contract period; there are many houses now have same type of contracts and has been renewed and been the same for years.

Luthern Services (Joe Sumner) explained he does the contracts for the DOC, hard to find a location that meets the standards; no sex offenders at this facility; can't guarantee anything after 5-year contract, but if the need is still present, they are looking at long term.

Paul Miller-219 spruce asked if the people coming to the home are serving a prison term now or the step just before prison and finishing a sentence; sometimes better to know who your neighbors are, as the last neighbor had domestic issues and he would have to get a gun to protect the wife; he felt they should be given a chance.

Nancy McKenzie, Rhinelander Housing Authority, 718 W Phillip St. stated that her concerns are the bottom line and might be unable to rent the apartments if this type a facility is so near. Currently there are 100% elderly residents; feels this type of facility would affect the rentals and bottom line. She understands there is a need for these types of facilities; has concerns and would like to see them purchase an area that has an empty lots and have a buffer from surrounding neighbors.

Neighbor stated that local paper articles show that crime is on the rise and felt this would not be a good fit for the area. Couple on Lois Street spoke about friends in the Rhinehaus having recovering alcoholics living there and how they pound on doors and terrorized the elderly tenants there. They feel that this plan stinks and they should go home and revise their plan; continued asking what level of education and titles of the applicants; Asked if they are doing any good in the communities that they currently serve and how they are helping and how property values are affected. Mayor asked couple to be respectful or they would be asked to leave. Miljevich stated that these facilities are highly regulated and continued to explain what CBRF's are and the amount of care that they receive; she went on to explain zoning and regulations and requirements by municipalities and State regulations. Miljevich stated that the issue is for Planning to make recommendation to allow within 2500 of another CBRF or not.

Trebain stated that the good is a treatment program to help with intense rehabilitation for the clients; others are untreated and are living in the community without supervision or support. Lori Nelson 241 Spruce street stated that she is single does not want these people around her house; she discussed a mental facility nearby has people knocking at her door and can't image if these people come knocking at neighborhood doors. Trebain reinstated that these people are already in the community and the neighborhood.

Comments regarding the issue were: worried about the 25% people that fail; main concern feel they do NOT belong next to a park. Current tenant of 835 W. Phillip asking why he was asked to leave early; Trebain explained to him why the request and that the current owner is honoring the leases.

725 W Phillip is the house manager at Koinonia and asked if they could guarantee the safety of their children and risk of violence and crime? Todd stated there is no guarantee, but can say that it is safer from them than others from living else ware and being unsupervised and without support.

Trebain stated that Attic has a better success rate than national average; they are at 75%. Citizens commented that there are temptations close by; why not choose a more rural setting to take away temptations? Todd stated that it is difficult to find a location that meets state requirements because clients need to be within walking distance for socializing and jobs. Mayor stated that this is his 50th year in politics and understands the issues in regards to the citation and the need to come into the community. Salzer questioned how they chose the location; Trebain explained that they look at the proposal for needs and looked for an area that would fit the needs of the tenants.

Ken & Nancy Smith stated that they are against this proposal; they have concerns; they do feel that everyone deserves a second chance, but most of the tenants here would already on a 3rd, 4th, or 5th chance and feel it will be revolving door of offenders; they feel it would be hard to sell their home with a halfway house next door.

CLOSING COMMENTS:

Mayor stated that when this issue goes council he will not be making a vote.

Bergman confirmed with Koinonia that they service people for drugs and alcohol; a 32 bed facility, with a 30 to 45 day program with outpatient services; this is through Options counseling which is private and do service other communities.

Mark questioned the Condition Use process; Miljevich stated that the procedure for a conditional use is being met for process, but it is an exception as per state law for the exception of the 2500 rule and has a right to request the exception.

Bergman thanked the people for coming out and voicing opinions; This is just the Planning Commission and can appear at the Council meeting for final approval; discussed with the Commission that she recalls the two CBRF's being approved and constructed as they were owned by the same entity with similar clients and feels that adding a 3rd does not fit in the criteria that they used to allow the two that are within the 2500 rule and questioned how can the city Planning Commission and Council promote growth with health and safety by allowing the exception.

Pelletier stated that he is one person that will transfer his vote to Council. If we have 3 in a cluster here, what prevents others to come forth with the same type of request?

MOTION BY PELLETIER/BROWN TO DENY CONDITIONAL USE TO LOCATE A CBRF (COMMUNITY BASED RESIDENTIAL FACILITY) AT 835 WEST PHILLIP STREET WITHIN 2500 FEET OF ANOTHER CBRF (COUNTRY TERRACE ON PHILLIP STREET)

Bergman announced to those in attendance that they would have another kick at the cat to stand before the Council to express opinions and feelings regarding issue. 4 AYE, 0 NAY, 3 ABSENT (KIRBY/STURZL/LESCHKE) MOTION TO DENY CARRIED.

MATTERS OF EMERGENCY/INFORMATIONAL NATURE:

- Waydick discussed with group that we are working on an ordinance change for language and fee structure change to accommodate for the State of Wisconsin commercial electrical changes.

FUTURE AGENDA REQUESTS AND MEETING DATE:

- Tuesday, April 22, 2014 4:00 PM City Hall

ADJOURNMENT: MOTION BY BERGMAN/PELLETIER TO ADJOURN PLANNING COMMISSION MEETING FOR WEDNESDAY, APRIL 2, 2014 AT 6:00 PM, 4 AYE, 0 NAY, 3 ABSENT (KIRBY/STURZL/LESCHKE); MOTION TO ADJOURN CARRIED.

APPROVED BY: _____ RECEIVED BY: _____