

Town prevails in Skoczek ruling

Written by MARK JAEGER
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Wisconsin Court of Appeals backs community in long-running dispute with Waubeka property owner

Nobody has to tell Town of Fredonia officials the wheels of justice move slowly.

The Wisconsin Court of Appeals has ruled in favor of the town in its ongoing legal battle against Waubeka property owner Danti Skoczek.

In January of 2011, Ozaukee County Circuit Court Judge Paul Malloy ordered Skoczek to clean up the century-old building and property she owns at N5426 Cigrand Dr.

The town had filed a public nuisance suit against Skoczek, contending she had allowed the property to fall into serious disrepair, ignoring repeated efforts by the town to have clutter removed from her lot.

Officials said they took action against Skoczek after receiving repeated complaints from neighbors about the condition of the property, which is littered with debris and wood scraps and overrun with noxious weeds.

The town filed its suit against Skoczek in 2009, after trying to negotiate a settlement for more than a year. The case went to trial in December of 2010.

In ruling against Skoczek, Malloy gave her until spring of 2011 to abate the public nuisance and bring her property into compliance with town codes.

In the interim, Skoczek took her challenge to the Court of Appeals.

According to court documents, she contended the circuit court erred in ruling against her and should have recused itself from ruling on the matter because "it exhibited bias."

In the Appeals Court summary of the case, Skoczek asserted "that the town implied to her that she had made satisfactory progress on her property" to avoid prosecution.

She further alleged that the property-maintenance codes are not equitably enforced and that she was being singled out by the town.

"The problem with Skoczek's assertions is that they came too late," the court opinion noted. "Indeed, she presented no evidence whatsoever."

Skoczek called no witnesses in the circuit court trial and chose not to testify.

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Town officials were pleased with the Court of Appeals ruling, but said they could take no action on having the property cleaned up at last week's Town Board meeting because the item was not on the board's agenda.

"What this means is we can go ahead and do what needs to be done on that property. We'll just have to wait a little more so we can get it on an agenda," Town Chairman Richard Mueller said.