

**STURGEON BAY**  
**Historical Society, INC**

P.O. Box 827 - Sturgeon Bay, WI 54235

Commissioner David Poulton, Chair  
City of Sturgeon Bay Police & Fire Commission  
421 Michigan Street  
Sturgeon Bay, WI 54235

RE: Complaint Against Fire Chief Timothy Dietman  
and Request for Investigation

Dear Chairman Poulton,

The Sturgeon Bay Historical Society hereby requests that the Commission exercise its authority under Wis. Stat. § 16.13(3) to open an investigation into Sturgeon Bay Fire Chief Tim Dietman's issuance of a raze order which exceeds the powers of his office as specified by statute.

On October 17, 2017, the Fire Chief issued an Order to Raze and Remove Structure to the City of Sturgeon Bay. The Raze Order directs and orders the City to raze and remove the historic Teweles & Brandeis grain elevator located at 92 East Maple Street, Sturgeon Bay, Door County, Wisconsin (the "Granary"). The Raze Order states that the Granary "is subject to an Order to Raze under Wis. Stats. § 101.14(1)(a)," and specifies the grounds for issuance as follows:

"On the basis of inspection made by the Fire Chief of the Sturgeon Bay Fire Department, the Granary Building upon the property is hereby found and declared, by virtue of its dilapidated condition and location as it is so situated to endanger other buildings, persons or property, upon such site or adjacent property, as to require removal of the granary structure."

The Raze Order states that the Granary must be razed and the site restored to a dust-free and erosion free condition.

The issuance of the Raze Order exceeded Fire Chief's powers under Wis. Stat. § 101.14(1)(a), which is the claimed statutory authority under which it was issued. The exercise of that authority must be based on the specific grounds in that statute and in Wis. Admin. Code § SPS 314.01(g)1. Under that authority, the Fire Chief is required to make one of two findings in support of a raze order: either that a structure is "***especially liable to fire and is so situated as to endanger other building or property,***" or that a structure "***contains combustible or explosive material or inflammable conditions that are dangerous the safety of any building or premises or the occupants thereof, or hindering firefighters in the case of fire.***"

Neither of the required statutory findings are presented in the Raze Order or otherwise documented by the Fire Chief. Instead, the Raze Order states that “[o]n the basis of inspection made by the Fire Chief,” the Granary is “in a dilapidated condition and location so situated to endanger other buildings, persons or property.” The Fire Chief has no authority to issue a raze order under Wis. Stat. § 101.14(1)(a) on these grounds.

Municipal authority to issue a raze order “if a building is old, dilapidated and out of repair and consequently dangerous” is granted under a different statute, Wis. Stat. § 66.0413(1)(b)1. Under that statute, a municipality can order the owner of a building deemed structurally unsound to “either make the building safe and sanitary or to raze the building, at the owner’s option.” The Raze Order in this case (which was in any event not issued under the correct statute), simply orders the City-owned Granary to be razed. This is an illegal effort by a City employee to override the raze or repair remedy granted by the legislature.

An investigation by the Commission of the Fire Chief’s issuance of the Raze Order is warranted because the Fire Chief unlawfully claimed to have independent authority to require the City to remove the Granary on the basis of its structural condition. By statute, the Fire Chief’s raze order authority with regard to City-owned property is limited to structures that are specifically found to pose a fire hazard. An investigation by the Commission of the Fire Chief’s issuance of the Raze Order is also warranted because the statements made in support of the Raze Order were made without a reasonable basis in fact. The Raze Order appears to have been issued for the improper purpose of supporting political decisions which are not within the purview of the Fire Chief.

The statement that the Raze Order “was issued on the basis of an inspection” is simply false. The Fire Chief made no inspection, and lacks the qualifications to make an inspection regarding the structural integrity of any building. Instead, documents obtained from an open record request show that the Fire Chief received a complaint “regarding the Granary possibly moving and the metal siding on the south side bulging.” He then had the City Engineer “shoot some elevations” from the exterior of the Granary on October 13 and again on October 17<sup>th</sup>, which were claimed to show movement of approximately 1/16<sup>th</sup> of an inch. There is nothing to substantiate that the observed measurements of the exterior metal cladding have anything to do with the structural integrity of the Granary. No engineer or other qualified expert has made that determination. The Fire Chief has consistently refused requests to have a structural engineer or other qualified consultant access the Granary for the purpose of confirming the statements made in the Raze Order. The illegal raze order has been used to block initiatives to assess the structural condition of the Granary so that the City can determine if repair is feasible, which impairs the discretion granted to the City under sec. 66.0413(1)(b)1., to elect to make repairs.

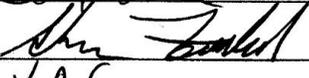
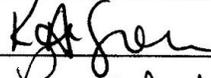
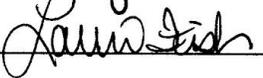
The Fire Chief has exercised legal powers over the fate of the Granary which he does not have, based on a plain reading of the statutes. This is an abuse of his office. The Historical Society therefore requests that the Commission open an investigation of the Fire Chief's actions in issuing the Raze Order, to determine whether there are grounds for discipline or removal.

We request that this complaint be placed on the agenda for the next PFC meeting. Thank you for your consideration.

Sincerely,

STURGEON BAY HISTORICAL SOCIETY, INC.

Shawn Fairchild, Board Member

President		CHRISTIE WIEBER
Vice-President		SHAWN FAIRCHILD
Secretary		Kelly Avenson
Treasurer		LAURI FISH