

**La Crosse Municipal Boat Harbor  
COW 10.08.13**

**History – 1977:**

1. Leased to La Crosse Municipal Boat Harbor, Inc. (LMBH) on December 8, 1977 for 25 years, renewable for an additional 25 years at Lessee's option.
2. Initial rent was \$2,400 adjusted by CPI every 5 years.
3. Current operator of LMBH is Mr. Steve Mills.

**History – 2002:**

1. May 2002, LMBH sent notice of intent to renew lease for additional 25 years.
2. June 2002, Board of Public Works (BPW) recommended that it be placed on City Council agenda due to defaults in lease.
3. July 2002, BPW and Harbor Commission discussed ongoing defaults with LMBH, including rent and utility defaults, condition of property, and need to clean up site and remove abandoned property and debris.
4. July 13, 2002, BPW sent letter to LMBH for assurances that debris would be cleaned up, that LMBH would allow storage only on leased premises and not City property, among other things.
5. August 2002, LMBH agreed and City Council approved lease addendum giving LMBH 90 days to correct violations.
6. LMBH refused to sign addendum and stated it was in the process of selling the marina.
7. September 2002, LMBH was again noticed about debris, refuse and abandoned items on the site.
8. October 2002, LMBH attorney sends letter denying liability and claims that LMBH already cleaned up the harbor.
9. When City notified LMBH that all items on City property would be considered abandoned and disposed of, the items were moved back over to LMBH leased premises.
10. Between 2002 to 2008, The City has regularly met with LMBH to work on the clean-up of the site and removal of abandoned and non-useable items. LMBH either promises to clean up the site or denies control over the property.

**History – 2008:**

1. Summer 2008, City Council introduces resolution to terminate the LMBH lease due to default in rent.
2. LMBH tells City that he is trying to sell the marina.
3. City decided to withdraw resolution due to the pending sale, provided that LMBH stays current in its bills and that it works with City to clean up the debris and abandoned items.
4. Mayor Johnsrud turns enforcement of lease over to Municipal Prosecutor's office.

### **History – 2011 to 2012:**

1. Due to failure of Municipal Prosecutor's office to follow up on this matter, the use of outside attorney is approved.
2. A review by outside attorney reveals that LMBH is not filing personal property tax returns, is continuously late in paying rent, personal property taxes, water bills and sewer bills.
3. It is determined that LMBH has awarded a concession / sublease to La Crosse Harbor Services for numerous activities without notice to BPW or City Council approval.
4. It is recommended that the Parks Department work with Mr. Mills to try and remedy the defaults prior to calling the lease in default and going to court.
5. April 28, 2011, Mr. Mills meets with the Parks Director. Mr. Mills admits he has a sublease with La Crosse Harbor Service and Mississippi River Rentals and agrees to make a request to the City to approve the subleases.
6. Mr. Mills asks the Parks Director to move his rent payment from December to March to help with his cash flow, remove the reserved slip for the police boat from the lease, and reworks various paragraphs of the lease. Mr. Mills states he does not have leases for many of the abandoned or unusable boats. When asked about clean up, he states he would like to work with the City and will clean up the site.
7. Mr. Mills is told to gather the information and submit the request to the City. Mr. Mills stated he is too busy right now due to the approaching summer.
8. LMBH also told to bring their bills current with the City.
9. Throughout balance of 2011 and 2012, the Park Department visits the site numerous times and continues to urge Mr. Mills to clean up the property and send the subleases to the City for approval.

### **History – 2013:**

1. July 11, 2013, meeting held with LMBH. Mr. Mills denies that Mississippi River Rentals is a tenant. He states he has no lease with them. He also denies knowing who owns the abandoned boats or about anyone living in or working on boats in the storage yard.
2. A walk through the storage yard shows many abandoned items and refuse piles. An individual admits that he pays Mr. Mills rent to live there year round and states that several people live on site and that Mr. Mills owns the abandoned unusable vessels.
3. A trailer is found on site along with a boat undergoing full restoration, plus a compressor, spray painting and sand blasting equipment. (Mr. Mills denies any knowledge of the person, but a few days later, the owner did come to the Public Works office wondering if he could lease space from the City. Mr. Mills told him he could no longer lease at the municipal boat harbor and he needed to find a new place to work on boats.)

### **Notice of Lease Default – August 5, 2013**

1. August 5, 2013, the BPW issues a notice of lease default. Violations:
  - a. You have entered into an agreement with Mississippi River Rentals LLC for use of the municipal boat harbor for their operations without the consent of the BPW or City Council;
  - b. You have entered into an agreement with La Crosse Municipal Harbor Services, Inc. to operate a repair, sale and supply business on the premises without the consent of the BPW and City Council;
  - c. You have failed to maintain the premises by allowing and/or creating a public nuisance to take place on the leased premises as indicated in the Order to Correct – Storage of Personality reference number 10595;
  - d. You have failed to maintain the premises by allowing and creating violations of the building code as indicated in Order to Correct reference number 10596;
  - e. Leasing locations upon the premises for residential purposes.
2. August 6 and 9, LMBH attorney sends two letters asking for a hearing at the BPW.
3. September 9, 2013, BPW conducts the hearing. LMBH presented its arguments.
4. After considering the matter, the BPW authorized the resolution before you today, recommending its approval by the City Council.

### **Why did the Board of Public Works recommend legal action?**

1. Since July 2002, the City has been trying to work with LMBH to remedy the lease defaults, but to no avail.
2. Prior to any possible court action, the City spent, in the minimum, the last two (2) years trying to work with the operator to come into compliance and remain in compliance with the lease. He has refused to do so or follow through on his promises.

\*\*\*

## **NOTICE OF LEASE DEFAULT**

To: La Crosse Municipal Boat Harbor, Inc.  
1500 Joseph Houska Drive  
La Crosse, WI 54601

Steve Mills  
c/o La Crosse Municipal Boat Harbor, Inc  
1500 Joseph Houska drive  
La Crosse, WI 54601

Pursuant to the decision of the Board of Public Works on Monday, August 5, 2013, please be notified that the City of La Crosse has determined that you are in default of your lease for the municipal boat harbor dated December of 1977 for the following reasons:

1. You have entered into an agreement with Mississippi River Rentals LLC for use of the municipal boat harbor for their operations without the consent of the Board of Public Works or the City Council of the city of La Crosse;

2. You have entered into an agreement with La Crosse Municipal Harbor Services Inc. to operate a repair, sale and supply business on the premises without the consent of the Board of Public Works and the City Council of the city of La Crosse;

3. You have failed to maintain the premises by allowing and/or by creating a public nuisance to take place on the leased premises as indicated in the Order to Correct – Storage of Personality reference number 10595, served upon you on July 29, 2013;

4. You have failed to maintain the premises by allowing and creating violations of the building code of the City of La Crosse as indicated by the Order to Correct served upon you on July 29, 2013 as reference number 10596; and


5. Leasing locations upon the premises for residential purposes

You are being by virtue of this written notice, until August 13, 2013 to cure all said defaults and violations.

Please take notice that should you fail to cure your default in that time frame, the City of La Crosse reserves the right to proceed according to law to terminate your lease and remove you from the premises.

Dated this 5<sup>th</sup> day of August, 2013

Law Offices of Phillip James Addis, LLC

  
By: Phillip James Addis  
Attorney for the City of La Crosse, WI



# Building and Inspection Department

400 La Crosse St., La Crosse, WI 54601 • (608) 789-7530 • Fax: (608) 789-7589  
<http://www.cityoflacrosse.org> [inspection@cityoflacrosse.org](mailto:inspection@cityoflacrosse.org)

## OFFICIAL ORDER TO CORRECT CONDITIONS OF PREMISES OUTSIDE STORAGE OF PERSONALTY

STEVEN E MILLS  
MUNICIPAL BOAT HARBOR  
1500 JOSEPH HOUSKA DR  
LA CROSSE, WI 54601

Ref No: 10595

Parcel: 017050264070

Address: 2000 MARCO DR

A recent inspection at your property (noted above) disclosed a nuisance that we are directing you to correct. If the nuisance is not corrected within the time specified below, Municipal Code of the City of La Crosse allows the City to make the correction and any resulting costs will be charged as a tax lien against the property. You may appeal those resulting charges by making a written request for a hearing stating the grounds for the appeal and delivery to the Public Works office, 5th Floor, City Hall, 400 LaCrosse Street, LaCrosse, Wisconsin, along with a copy to the City of LaCrosse Building & Inspections Department. This appeal must be delivered to the Public Works office by 5:00 p.m. on the Tuesday before the Board of Public Works meeting each Monday.

THE CITY ASKS YOU TO REMOVE NUISANCE STATED BELOW BY 08/12/2013.

**NUISANCE:** REMOVE ALL OUTSIDE STORAGE FROM PROPERTY. INCLUDING BUT NOT LIMITED TO UNLICENSED, INOPERABLE OR NOT STREET LEGAL VEHICLES, MOTOR CYCLE & WATER CRAFT, WATER CRAFT PARTS, PALLETS, WOOD, TIRES, DEBRIS, IRON POLES AND ANYTHING THAT IS NOT BEING USED FOR THE PURPOSE IT WAS MANUFACTURED.

This communication is sent under the authority of City of LaCrosse Municipal Code 7.01(I) Storage of Personalty. Further penalties may apply under 7.09(a) Penalties. By order of the Department of Building and Inspections per Inspector: DAVID.

For further information, call the above named Inspector at (608) 789-7564 or the department's main number (608) 789-7530. Department office hours are from 7:30 a.m. to 5:00 p.m. weekdays.

This order was served via regular U.S. Mail on 7/29/2013

Inspector: \_\_\_\_\_



# Building and Inspection Department

400 La Crosse St., La Crosse, WI 54601 • (608) 789-7530 • Fax: (608) 789-7589  
http://www.cityoflacrosse.org      Inspection@cityoflacrosse.org

## OFFICIAL ORDER TO CORRECT CONDITION OF PREMISES

STEVEN E MILLS  
MUNICIPAL BOAT HARBOR  
1500 JOSEPH HOUSKA DR  
LA CROSSE, WI 54601

Ref No: 10596

Parcel: 017050264070

Location: 2000 MARCO DR

A recent inspection of the above captioned premises revealed conditions that are in violation of the Ordinances for the City of LaCrosse and/or Wisconsin Administrative Code. Failure to correct the violations noted herein within the time set or failure to comply with the notice may subject you to prosecution and to penalties of up to \$500.00 per violation and/or other penalties in the manner provided in of the City of LaCrosse Municipal Code.

You are hereby ordered to correct each violation listed below by the following date: **08/12/2013**, except as otherwise set forth below. Your failure to maintain compliance with this order may subject you to prosecution as noted above.

**VIOLATION:** REMOVE ALL EXTENSION CORDS BEING USED AS PERMENANT WIRING, REMOVE IMPROPERLY WIRED OUTLET ON EAST SIDE OF PROPERTY, SUPPLY PROPER BACK FLOW PREVENTION ON ALL HOSE BIBS, SUPPLY A GFCI OULET AND APPROVED COVER FOR AN OULET ON THE MAIN BUILDING (EAST SIDE), REMOVE TENT LIKE STRUCTURE & SHED FROM EAST SIDE OF PROPERTY AND REMOVE LIGHT ON POLE NEXT TO MAIN BUILDING THAT IS NOT PROPERLY WIRED.

Pursuant to the City of La Crosse Municipal Code of Ordinances CHAPTERS 16, 17 AND 19 and pursuant to DSPS 321.02, NEC 400.8, NEC 110.3(B), DSPS 382.41 of the Wisconsin Administrative Code:

By order of the Director of Building and Inspections, per Inspector : DAVID.

For further information call the above named Inspector at (608) 789-7564 or the department's main number (608) 789-7530.

This order was served via regular U.S. Mail on July 29, 2013.

Inspector: \_\_\_\_\_

*David Reuter*





LACROSSE HARBOR SERVICES

MARINE SERVICE DEPT  
MAINT & REPAIRS  
P. 817.8.40550

BOATS  
SALES & SERVICE

ZIMMERMAN  
OUTRIGER



