

**COMMISSION ON PUBLIC WORKS/UTILITIES
COUNCIL ROOM
JULY 11, 2023
6:45 P.M.**

The Commission on Public Works/Utilities met in regular session, Chair Clough presiding. On roll call: all members present.

The minutes of the previous meeting were declared approved.

Director of Public Works Friemoth reported on two burials at the Cemetery, spreading mulch in Schuster Park and Listeman Park, cleaning bathrooms, mowing and weed trimming, watering flowers, setup and tear down of Heritage Days, TIF District No. 4 paved base course on W. Fifth Street project, replacing curb and gutter, hauling brush, line painting, pothole patching, Water Department-daily testing and well rounds, utility locates, meter changeouts, replaced a bad curb stop on Clay Street, inspected filter vessels, reclaim pump maintenance, adjusted water manhole height on W. Fifth Street project, Sewer Department-daily testing and lift station rounds, lift station maintenance, scheduled maintenance for Boon Subdivision lift stations and adjusted sewer manhole height on the W. Fifth Street project. The filter press at the water treatment plant is 20 years old and too costly to repair a new one is about \$98,000-they are looking at options and suppliers.

City Clerk Roehl presented the Second Quarter 2023 Water and Sewer Financial Statements. The Water Utility’s rate of return continues to drop. The Commission wanted to wait until after the radio read project was completed, but with COVID and supply shortages the project has been delayed. The Sewer Utility is scheduled for a rate review this year, since the City received Clean Water funding for the Sewer Plant it has to be reviewed every three years.

Motion Poeschel, second Counsell, to adjourn. All Aye.

Daniel M. Clough, Chair

Rex R. Roehl, Clerk

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**COMMON COUNCIL
COUNCIL ROOM
JULY 11, 2023
7:00 P.M.**

The Common Council met in regular session, Mayor Poeschel presiding. On roll call: all members present. The Pledge of Allegiance was recited.

The minutes of the previous meetings were declared approved.

Council Member W. Neville reported on the June 29, 2023 meeting of the Planning Commission regarding: 1) discussion on and recommendation to approve an Amendment to Zoning to change a portion of Parcel No. 261.0453.000 (9 Center Street) from R1 Residential to CH Highway Commercial and a Zoning Variance per Ordinance 10-1-35(d)(1)(2)(e)(2) for Parcels Nos. 261.0453.000 (9 Center Street) and 261.0402.000 (501 E. Division Street), 2) discussion on and recommendation to approve an Amendment to Zoning from R1 Residential to GC General Commercial for Parcel No. 261.1422.000 (1115 W. Fourth Street), 3) discussion on and recommendation to approve an Amendment to Zoning to change a portion of Parcel No. 261.0395.000 (9 Grand Avenue) from R1 Residential to CH Commercial Highway and a Zoning Variance per Ordinance 10-4-42(e)(2) and 10-1-35(d)(2)(e)(2) for Parcel Nos. 261.0395.000 (9 Grand Avenue) and 261.0398.000 (3 Grand Avenue), 4) discussion on and recommendation to approve the sale of the Easement Land as outlined in the M&I Central Bank and Trust agreement dated

April, 1998 that the City of Neillsville acquired when purchasing the 106 W. Division Street property for the new City Hall, 5) discussion on and recommendation to approve the S.C. Neillsville, LLC Development Agreement with the City of Neillsville with the changes made and 6) discussion on and recommendation to approve an Easement to the Neillsville Country Club for a portion of Schuster Park on the condition no permanent structures are allowed.

Council Member Petkovsek reported on the June 29, 2023 meeting of the Grants Committee regarding: 1) reviewed grant applications in progress and to be applied for, 2) discussion on the current City of Neillsville Ordinance 2-4-13 Grants Committee, 3) discussion on and approved to submit the League of Wisconsin Municipalities/Mutual Insurance Safety Grant application on behalf of the Police Department for reimbursement of safety equipment, 4) discussion on the needs of various City Departments, Commissions and Committees, creation of a login numbering process, centralizing requests for Listeman Foundation funds, assigned Deanna Heiman the Columbarium project (#2023-2) and Barb Petkovsek the Beautification Committee-supplies/murals project (#2023-3), and 5) discussion on potential donor options.

Council Member J. Neville reported on the July 3, 2023 meeting of the Heritage Days Committee regarding: 1) discussion on and approval of \$200 for Blindman's Volleyball Tournament payout, 2) discussion on setup and 3) finalized entertainment contracts.

Council Member Clough reported on the July 5, 2023 meeting of the Historic Preservation Commission regarding: 1) discussion on and approval of a Certificate of Appropriateness for 411 State Street, 2) discussion on and approval of a Historic Preservation Commission Grant of \$326 for 411 State Street, 3) discussion on the Ad Hoc City Theme Committee, 4) the August Commission meeting will be held downtown to begin the Survey of Needs in both Downtown Historic Districts, 5) discussion on the Self-Guided Cemetery Tour and 6) discussion on updating the 2023 Historic Preservation Commission Action Plan to 2024.

Chief of Police Mankowski reported on the July 11, 2023 meeting of the Police and Fire Commission regarding: 1) a closed session on candidates for Other Part-Time Police Officer positions, 2) reconvening into open session and 3) offered the Other Part-Time Police Officer position to Trey M. Larson.

Council Member Clough reported on the July 11, 2023 meeting of the Commission on Public Works/Utilities regarding: 1) current activities and 2) reviewed the Second Quarter 2024 Water and Sewer Financial Statements.

Mayor Poeschel declared all reports filed as presented with the City Clerk.

Mayor Poeschel swore in Trey M. Larson as a City Police Officer.

Jon Counsell stated a number of things on the agenda warrant attention-the Swiderski agreement, the BP Drescher land sale and Country Club easement. Do due diligence, do it right. Will the golf course easement, affect the Park's deed restrictions on continuous use or is the property in City right-of-way, don't repeat the Tuft's Museum, could the change lead to litigation by the heirs. The City and State have ethics rules, some of the Council Members maybe officers, directors or members, they have to abstain from discussion, motion or voting to influence any discussion.

Maggie Gelhaus stated that the Farmer's Market is a quality-of-life issue, bringing people to town to showcase our town, she would gladly be involved, she has researched the laws on social security numbers and Amish exemption, the Farmer's Market is down, but it really matters to people.

Maggie Gelhaus stated that she doesn't understand Heritage Days as the name implies-there are sports and music, but where is the Heritage about the City. She offered to open her house and barn, look at the City's background-logging, farming, etc., consider demonstrations.

Janay Ziebell stated that she is willing to do the Farmer's Market paperwork for the State, the Farmer's Market is a temporary event and the Library has a dropbox for collection of forms. The Library gets foot traffic from the Farmer's Market, which means circulation and circulation means money.

Jerilyn St. Amand stated that she agrees that the Farmer's Market should stay downtown and she is sad to see that Dollar Tree is closing at the end of July.

Mayor Poeschel called three times for further appearances.

Mayor Poeschel asked if there were any questions on the Planning Commission on items (4, 5 and 6).

Mayor Poeschel stated the first item is the Drescher Oil land purchase.

Council Member Counsell presented a sheet from the League of Wisconsin Municipalities which advises that an appraisal of any parcel to be sold should be done to avoid the possibility of a lawsuit. She has no problem with selling the property, but have a real estate agent give a proposal, be cautious, do due diligence.

Council Member Clough stated that the Planning Commission has looked at this and feels that it is excess City property and recommended its sale at fair market value.

Motion Clough, to accept the recommendation to sell this property to Drescher Oil, LLC at fair market value (FMV) arrived at by appraisal.

City Attorney Wachsmuth stated that FMV is appraised value.

Director of Public Works Friemoth stated that Julie Simek, NextHome Partners, is looking into a similar vacant lot sale.

Council Member W. Neville stated his employer uses Success Realty, Marshfield.

Second J. Neville. All Aye.

Mayor Poeschel stated that the next item is the S.C. Neillsville, LLC developer's agreement (S.C. Swiderski).

City Attorney Wachsmuth stated that the Planning Commission changes were forwarded to S.C. Swiderski. Kortni Wolf the original contact person has left, the new individual is Brent Gale and he wants additional changes in financing, the project timeframe issues due to supply change problems, so there are further anticipated changes coming.

Motion Counsell, second W. Neville, to table the S.C. Neillsville, LLC developer's agreement until an update is received. All Aye.

Mayor Poeschel stated that the next item is the Neillsville Country Club easement. The Planning Commission has recommended approval.

City Attorney Wachsmuth stated that Willow Street meanders through Schuster Park and does not follow the platted street on the map. The proposed stairway/ramp falls within the designated road right-of-way not within the park.

City Attorney Wachsmuth stated that Wis. Stats. 66.0425 Privileges in Streets would allow for their placement in street right-of-way. There is a difference between an easement and a privilege. The City could put restrictions in a privilege agreement-like proof of liability insurance, if they leave, they have to tear it out, they have to maintain and the City could charge them a fee.

Motion Counsell, to table the Country Club easement and bring it back as privilege.

City Attorney Wachsmuth stated that the Planning Commission has already recommended it, they will not have to meet again, but the agenda does have the easement wording.

Second J. Neville. All Aye.

Council Member Clough presented State Statue 349.18(1m) and the City of Loyal Ordinance Sec. 8-3-16 on golf carts. Clough recommended that State Statue 349.18(1m)(a) would be the way to go. The City of Loyal Ordinance goes further than we need requiring a City permit and golf cart inspection by the City Police Department.

Council Member Counsell stated the City Attorney should put something together for the Council's review.

City Attorney Wachsmuth stated she needs to know what something is, what do you want.

Discussion followed on liability disclaimers, etc. Council Members are to get their ideas to Mayor Poeschel and he will work with the City Attorney on an Ordinance.

Mayor Poeschel stated Justin Olson, General Code, gave a presentation at our June 27, 2023 meeting for codification of our Ordinance at a cost of \$14,995.

Council Member Counsell stated that she talked with Olson about what happens in 5 or 10 years and you have a different Council. Who owns the product if at some point we want to move to someone else what is the process. The Code will be hosted on their website, they have the digital product, will they help us move it.

City Attorney Wachsmuth stated the City owns its own Code, the digital transfer maybe a PDF of what's provided on their website.

Council Member Counsell stated she want something confirming in writing an additional guarantee that the searchable digital document will be transferred.

Motion Petkovsek, second Counsell, to proceed with the General Code contract with an amendment for searchable digital document transfer if we were to change vendors. All Aye.

Mayor Poeschel stated that the next item is a request from Travis and Jammie Molinaro to keep chickens at 824 Hewett Street under Ordinance Section 10-1-22.

Director of Public Works Friemoth stated that the property is assessed Commercial with 3.67 acres.

Council Member Clough stated they can't be free range and have the neighbor's said anything.

Council Member Counsell stated their neighbor's who contacted her had no problems with the chickens.

Motion Counsell, second Clough, to grant Travis and Jammie Molinaro permission for 824 Hewett Street to have ten (10 hen) chickens, subject to review if complaints are received or excess numbers of animals occur, because of acreage and location of property. All Aye.

Chief of Police Mankowski reported on training, the 2013 Dodge Charger is declining rapidly and needs to be replaced, June parking, enforcement, citations, warnings, incidents, office activities, calls, officer activities, business patrols, citizen interactions and Town of Mentor contract policing. The Police Department with the Fire Department and EMS/Ambulance service, will be hosting a Public Safety Day at the Fire Hall, Monday, August 7, 2023 from 5:30 P.M. to 7:30 P.M. everyone is invited, bring the children.

Council Member Counsell asked if the next vehicle would be 4-or-2 wheel drive.

Chief of Police Mankowski stated he has contacted his used car person and he doesn't know, it is slim picking.

Council Member Clough asked that something be put on the Police Department website on parking permits.

City Clerk Roehl presented the Second Quarter 2023 City Financial Statements.

Temporary Class "B" Retailer's License (Beer Only) Application:

Neillsville Men's Club, Inc., John C. Subke, Agent, for the Clark County Fairgrounds, 1120 E. Division Street, for September 9, 2023 – Rock Bouncer Shootout/Tuff Truck Race

Motion J. Neville, second Petkovsek, to grant. Council Member W. Neville-abstained. All other members-Aye. Motion carried.

Soda Water License Application:

Neillsville Men’s Club, Inc., John C. Subke, Agent, for the Clark County Fairgrounds
1120 E. Division Street for September 9, 2023 – Rock Bouncer Shootout/Tuff Truck
Race

Motion Counsell, second Clough, to grant. Council Member W. Neville-abstained. All other
members-Aye. Motion carried.

Tavern Operator’s License Applications:

Brittany A. Buska, Tyler J. Buska, Jason J. Raine, Sharlene E. Smith

Motion J. Neville, second Clough, to grant all the listed licenses. All Aye.

Motion J. Neville, second W. Neville, that City Bills Nos. 626 to 680 in the amount of
\$161,575.89, CDBG Housing Escrow Account Bills Nos. 11 and 12 in the amount of
\$52,150.00 and TIF District No. 4 Account Bill No. 5 in the amount of \$1,216.25 be paid.
All Aye.

Motion W. Neville, second Counsell, to adjourn. All Aye.

Duane G. Poeschel, Mayor

Rex R. Roehl, Clerk

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