

**COMMISSION ON PUBLIC WORKS/UTILITIES
COUNCIL ROOM, CITY HALL
JUNE 25, 2024
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 four burials at the Cemetery, removing stumps in Schuster Park, installed the Prock Park bridge, cutting brush, hauling brush and compost, removed a storm damaged tree on E. Twelfth Street, cleaning catch basins, street sweeping and pothole patching, Water Department-daily testing and well rounds, meter reading is completed, repaired a fire hydrant on Hewett Street, installing meters and radio reads, the filter press is in and operational, dealing with power outages, Sewer Department-daily testing and lift station rounds, lift station maintenance and inspections, dealing with the weather, installed and serviced UV lights.

Jerilyn St. Amand asked when the City is going to do something about the roads.

Director of Public Works Friemoth reported that the asphalt plant will be in the area in August and then we will be doing some millings and overlay and patching.

Director of Public Works Friemoth reviewed the Sewer Department 2023 Compliance Maintenance Annual Report (CMAR) and Resolution. There were no major changes. Overall grade point average is 3.59 which puts us in the voluntary range. We had high phosphorus in June and July 2023. Inflow and Infiltration leaks are an ongoing problem. Our rate structure was reviewed in 2020, which puts us out of the three-year review period range and caused us to fail that section. AECOM is working on a rate study. Future projects-UV lights upgrade, RAS/WAS panel update, integrate more SCADA at the treatment plant and lift station and sewer main lining.

Chair Clough read Resolution No. 626.

Motion Petkovsek, second Counsell, to accept the Compliance Maintenance Annual Report and recommend to the Common Council that Resolution No. 626 be adopted. (See Common Council minutes of June 25, 2024 for the printed Resolution). All Aye.

Motion Neville, second Poeschel, that Water Bills Nos. 149 to 187 in the amount of \$169,442.70 and Sewer Bills Nos. 102 to 118 in the amount of \$67,510.68 be paid. All Aye.

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

Daniel M. Clough, Chair

Rex R. Roehl, Clerk

**COMMON COUNCIL
COUNCIL ROOM
JUNE 25, 2024
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 Rochester reported on the June 12, 2024 meeting of the Heritage Days Committee regarding: 1) discussion on requesting Listeman and City 2024 budget funds and 2) discussion on set-up for the 2024 event.

Council Member Neville reported on the June 13, 2024 meeting of the Parks and Recreation Board regarding: 1) discussion on and approval to remove the old Listeman Park shelter and replace it with a new one in the Summer of 2025 and 2) discussion on the O’Neill Ice Arena-the City Attorney will be contacted to draft a notice to address the cleanup, removal of job trailer, and proof of insurance at the O’Neill Ice Arena with the Clark County Hockey Association.

Council Member Rochester reported on the June 20, 2024 meeting of the Neillsville Community Fire Hall Board regarding: 1) payment of bills, 2) current activities-sink hole in parking lot, changing light bulbs and roof leak and 3) reviewed and approved insurance renewal without terrorism amendment.

Council Member Petkovsek reported on the June 24, 2024 meeting of the Personnel Committee regarding: 1) a closed session regarding reviewing Workers Compensation claim by a firefighter, 2) reconvening into open session, 3) discussion on League of Wisconsin Municipalities Mutual Insurance review of the Employee Handbook, 4) a closed session regarding discussion on contract negotiations with the Neillsville Police Association.

Council Member Clough reported on the June 25, 2024 meeting of the Commission on Public Works/Utilities regarding: 1) current activities, 2) reviewed and accepted the Sewer Department’s Compliance Maintenance Annual Report and recommendation that Resolution No. 626 be adopted and 3) payment of bills.

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

Lori Voss introduced herself-she is running for the 69th Assembly District and the former City of Abbotsford Mayor.

Jerilyn St. Amand expressed concerns about cars being worked on in yards, garbage in yards, absentee landlords, people feeding wildlife, bad roads and reporting of illegal activities.

Mayor Poeschel asked if there were any question on the Commission on Public Works/Utilities item (2).

RESOLUTION NO. 626

COMPLIANCE MAINTENANCE RESOLUTION

RESOLVED, that the City of Neillsville informs the Wisconsin Department of Natural Resources that the following actions were taken by the Common Council:

- 1. Reviewed the Compliance Maintenance Annual Report, which is attached to this resolution.

Duane G. Poeschel, Mayor

Rex R. Roehl, Clerk

Motion Clough, second Petkovsek, to accept the recommendation that Resolution No. 626 be adopted. All Aye.

Joy Palmer, CliftonLarsonAllen, presented the City, Water, Sewer, TIF District #2, TIF District #3, TIF District #4, Special Revenue Funds and Other Governmental Funds 2023 Annual Audit Reports regarding: 1) auditor’s report and opinion, 2) the City has \$2.7 million in the General Fund with \$1.5 million in Unassigned Fund Balance, which is a very good financial condition and very stable, 3) the Water Utility shows a negative change in net position (<\$153,325>) and the Sewer Utility shows a positive change in net position

(\$75,849) with Rates of Returns (Water <12.13>% and Sewer 1.68%) these were very close – oversight is needed to make sure the fluctuations are monitored and utility rates are updated and sufficient to cover increasing expenses and remove changes. Water rates were updated in 2013 when the PSC approved a 2.5% rate of return – a rate study would be required, 4) TIF Districts #2, #3 and #4 were reviewed – TIF Districts are a large up-front investment (\$2.1 million, \$1.8 million and \$907,362) recovered in future tax increments from the individual TIF Districts. The Council needs to be aware that TIF #2 has a deficit of \$82,650 with 9 years remaining, the district was extended by the granting of distressed status in February 2016 by the State of Wisconsin, with a dissolution date of 2032. TIF #2 should pay off early. TIF #3 has 3 years of remaining life with a deficit of \$276,938 which may not break even unless more development occurs. TIF #4 has a deficit of \$870,141 with 18 years remaining, 5) risk disclosure on the City’s cash and investments were reviewed at year end – the majority (97.2%) was FDIC or NCUSIF insured or collateralized - the remaining 2.8% was under the State Deposit Guarantee Fund, which is not considered to be insured or collateralized, 6) reviewed the City’s long term debt – City Statutory limit is \$8.6 million with current borrowing of \$2.5 – \$6.1 million is available, the City is in good financial shape, 7) reviewed the GASB 68 and 71 Statements regarding the City’s share of the Wisconsin Retirement Pension Plan, 8) the General Fund Budget Comparison was reviewed, 9) reviewed the Complied Schedule Report of long term debt, non-lapsing funds, insurance, water and sewer rates of return – regulatory basis, 10) reviewed the City’s internal control structure – lack of separation of duties, preparation of financial statements, audit adjustments and new lease standards and 11) in conclusion the records are in very good working order, the staff was open and cooperative, the City had an overall good year with good financial planning in place.

Discussion followed on the audit communication letters; the GASB Statement No. 87 on Leases was immaterial for 2023, but it has to be reviewed each year; new for 2023 was audit standards for subscription-based information technology (includes things like-Microsoft, SCADA and Police programs).

Palmer thanked the Clerk’s office staff for their work and stated that the Water and Sewer utilities rates of return should continue to be monitored.

Motion Clough, second Neville, to accept and file the 2023 Annual Audit report as presented. All Aye.

City Clerk Roehl presented a report on the City’s continuing appropriation accounts and their respective balances as of December 31, 2023. The following is a list of said accounts: Account No. 52100 Police Department Administration (K9 and Police Training), Account No. 53450 Parking Lots and Meters, Account No. 55110 Library, Account No. 55250 Parks and Recreation – Room Tax 30%, Account No. 55340 Celebrations – July 4th, etc., Account No. 55360 Christmas Decorations, Account No. 56300 Planning (Historic Preservation), Account No. 56600 Urban Development, Account No. 56700 Economic Development, Account No. 56750 Tourism Promotion – Room Tax 70%, Account No. 57140 Public Buildings, Account No. 57220 Public Safety – Fire Department Vehicles, Account No. 57320 Machinery and Equipment, Account No. 57330 Street Construction, Account No. 57332 Bridges and Culverts, Account No. 57350 Airport and Account No. 57620 Parks.

Discussion followed on donation restrictions within each category.

Motion Neville, second Rochester, to carry forward to 2024 the continuing appropriations as presented. All Aye.

Chief of Police Mankowski stated that the City’s current ordinance on sex offenders is unconstitutional, so he contacted the City Attorney to draft a new one to cleanup things.

Chief of Police Mankowski and Mayor Poeschel shared in reading the following ordinance.

ORDINANCE NO. 1078

**AN ORDINANCE REPEALING AND RECREATING SECTION 3,
CHAPTER 6 – RESIDENCY RESTRICTIONS FOR SEX OFFENDERS**

§ 3-6-1	Purpose
§ 3-6-2	Definitions

§ 3-6-3	Residency Restrictions
§ 3-6-4	Loitering
§ 3-6-5	Exceptions
§ 3-6-6	Holiday Restrictions
§ 3-6-7	Child Safety Zone Map
§ 3-6-8	Property Owners Prohibited from Renting Real Property to Sexual Offenders
§ 3-6-9	Notification
§ 3-6-10	Penalties and Remedies
§ 3-6-11	Appeal
§ 3-6-12	Severability

SEC. 3-6-1 PURPOSE

The City finds and declares that certain sex offenders are a serious threat to public safety. Given the high rate of recidivism for sex offenders, the City believes that in addition to the protections afforded by state law near schools, day care centers and other places children frequent, reducing opportunity and temptation is appropriate to minimizing the risk of re-offense to better protect the children in these public places. This section is a regulatory measure aimed at protecting the health and safety of children in the City from the risk that convicted sex offenders may re-offend in locations close to their residences where children tend to congregate or be regularly present. It is the intent of this section not to impose a criminal penalty but rather to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating safety zones around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from loitering and establishing temporary or permanent residence and wherein access by certain sexual offenders and sexual predators shall be restricted and excluded. This Chapter is not intended to limit any persons from exercising their right to assemble or engage in any other constitutionally protected activity. The Chapter only applies to individuals with the requisite intent to induce or lure a child away from a child's location within a child safety zone.

SEC. 3-6-2 DEFINITIONS

As used in this Chapter and unless the context otherwise requires:

- (a) Crime against children shall mean any of the following offenses set forth within the state statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction, respectively:
1. Wis. Stats. 940.225(1), first degree sexual assault;
 2. Wis. Stats. 940.225(2), second degree sexual assault;
 3. Wis. Stats. 940.225(3), third degree sexual assault;
 4. Wis. Stats. 940.22(2), sexual exploitation by therapist;
 5. Wis. Stats. 940.30, false imprisonment, victim was a minor and not the offender's child;
 6. Wis. Stats. 940.31, kidnapping, victim was a minor and not the offender's child;
 7. Wis. Stats. 944.01, rape (prior statute, now Wis. Stat. 940.225);
 8. Wis. Stats. 944.02, rape (prior statute, now Wis. Stat. 940.225);
 9. Wis. Stats. 944.06, incest;
 10. Wis. Stats. 944.10, sexual intercourse with a child (prior statute, now Wis. Stat. 948.02);
 11. Wis. Stats. 944.11, indecent behavior with a child (prior statute, now Wis. Stat. 948.02);
 12. Wis. Stats. 944.12, enticing child for immoral purposes (prior statute, now Wis. Stat. 948.07);
 13. Wis. Stats. 948.02(1), first degree sexual assault of a child;
 14. Wis. Stats. 948.02(2), second degree sexual assault of a child;
 15. Wis. Stats. 948.025, engaging in repeated acts of sexual assault of the same child;
 16. Wis. Stats. 948.05, sexual exploitation of a child;
 17. Wis. Stats. 948.055, causing a child to view or listen to sexual activity;
 18. Wis. Stats. 948.06, incest with a child;
 19. Wis. Stats. 948.07, child enticement;

20. Wis. Stats. 948.075, use of a computer to facilitate a child sex crime;
21. Wis. Stats. 948.08, soliciting a child for prostitution;
22. Wis. Stats. 948.095, sexual assault of a student by instructional staff;
23. Wis. Stats. 948.11(2)(a) or (am), exposing child to harmful material, felony sections;
24. Wis. Stats. 948.12, possession of child pornography;
25. Wis. Stats. 948.13, convicted child sex offender working with children;
26. Wis. Stats. 948.30, abduction of another's child;
27. Wis. Stats. 971.17, not guilty by reason of mental disease, of an included offense; and
28. Wis. Stats. 975.06, sex crimes law commitment.

- (b) Child or children means person(s) under the age of 18 years for purposes of this Chapter.
- (c) Facility for children means a public or private school, a group home, as defined in Wis. Stats. § 48.02(7), a residential care center for children and youth, as defined in Wis. Stats. § 48.02(15d), a shelter care facility, as defined in Wis. Stats. § 48.02(17), a daycare center licensed under Wis. Stats. § 48.65, a daycare provider certified under Wis. Stats. § 48.651, or a youth center, as defined in Wis. Stats. § 961.01(22).
- (d) Offender means a person who has been convicted of, or has been found delinquent of, or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children.
- (e) Minor means a person under the age of 17 years.
- (f) Permanent residence means the place where a person sleeps, abides, lodges, or resides for 14 or more consecutive days or which qualifies as a residence under the holdings of the state supreme court and which may include more than one location, and may be mobile or transitory.
- (g) Sexually violent offense shall have the meaning as set forth in Wis. Stats. § 980.01(06), as amended from time to time.
- (h) Temporary residence means residence or premises meeting any of the following criteria:
 1. A place where the person sleeps, abides, lodges or resides for a period of 14 or more days in the aggregate during any calendar year and which is not that person's permanent residence as defined in this Section;
 2. A place where the person routinely sleeps, abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not that person's permanent residence as defined in this section;
 - or
 3. A place where a person sleeps, or which qualifies as a temporary residence under the holdings of the state supreme court, and which may include more than one location, and may be mobile or transitory.

SEC. 3-6-3 RESIDENCY RESTRICTIONS

- (a) No offender shall reside within 500 feet of real property that supports, or upon which there exists, any of the following uses:
 1. Public parks, parkways, parkland, park facilities;
 2. "Swimming pool" means any swimming pool, wading pool, or other aquatic facility held open for use by the public and intended or used by children.
 3. A "library" means any library that is held open for use by the public where such library includes a collection of material specifically intended for use by children.
 4. Recreational trails;
 5. Public playgrounds;
 6. A "public school" as defined by Wis. Stats. § 115.01(1); a "private school" as defined by Wis. Stats. § 115.001(3); a "charter school" as defined by Wis. Stats. § 115.001(1); a "specialty school," meaning any specialized school for children, including, but not limited to, a gymnastics academy, dance academy, or music school.
 7. Athletic fields used by children;
 8. A "day care center" means a facility that has been licensed under Wis. Stats. § 48.65 to provide care and supervision of children and includes "before- and after-school daycare," which has the meaning as defined by Wis. Stats. § 120.125(1).
 9. Sports academies, or athletic facilities for children;
 10. Aquatic facilities open to the public; or

11. Facilities for children's clubs, e.g. Boy Scout and Girl Scout Houses.
- (b) Measurement of distance. The distance shall be measured from the closest boundary line of the real property supporting the residence of an offender to the closest boundary line of the real property that supports or upon which there exists any of the uses enumerated in this section.
- (c) Residency restriction exceptions. An offender residing within 500 feet of real property that supports or upon which there exists any of the uses enumerated in this section does not commit a violation of this section if any of the following apply:
 1. The offender is required to serve a sentence or is otherwise involuntarily required to reside in a jail, prison, juvenile facility, or other correctional institution or mental facility.
 2. The offender has established a permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. § 301.45 prior to the effective date of the ordinance codified in this chapter.
 3. The use enumerated in subsection (c)(1) above began after the offender established a permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. 301.45.
 4. The offender had not attained the age of 19 at the time of the offense, was determined by the court to meet the criteria under Wis. Stat. § 301.45(1m)(a) and is not required to register pursuant to Wis. Stats. §§ 301.45 or 301.46.
 5. The residence is also the primary residence of the sex offender's parents, grandparents, siblings, spouse, or child(ren), provided that such person established the residence at least one year before the sex offender established residence at the location.
 6. The person has been released from sex offender registration requirements pursuant to Wis. Stats. §§ 301.45(5) or (5m).

SEC. 3-6-4 LOITERING

It is unlawful for any offender to loiter or prowl in the locations enumerated under 3-6-3(a) above, in a place, at a time, or a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity.

SEC. 3-6-5 EXCEPTIONS

An offender present in an area otherwise prohibited by 3-6-3(a) does not commit an offense if any of the following apply:

- (a) The property supporting a use enumerated in 3-6-3(a) also supports a church, synagogue, mosque, temple, or other house of religious worship, subject to the following conditions:
 1. Entrance and presence on the property may occur only during hours of worship or other religious program or service.
 2. The person may not participate in any religious education programs that include individuals under the age of 18.
- (b) The property supporting a use enumerated in 3-6-3(a) also supports a use lawfully attended by the offender's natural or adopted child or children, which child's use reasonably requires the attendance of the offender, if entrance and presence on the property occurs only during hours of activity related to the use by the child or children.
- (c) The property supporting a use enumerated in 3-6-3(a) also supports a polling location in a local, state, or federal election, subject to the following conditions:
 1. The offender is eligible to vote.
 2. The polling location is the designated polling location for the offender.
 3. The offender casts their ballot with whatever usual and customary assistance is available and vacates the property immediately after voting.
- (d) The property supporting a use enumerated in 3-6-3(a) also supports a school lawfully attended by the offender as a student, provided that the offender may only remain on the property at such times that are reasonably required for their educational purposes.
- (e) The property supporting a use enumerated in 3-6-3(a) also supports a police station, City Hall, or other governmental building, providing

that the offender vacates the property immediately after completing the activity that required their presence at the property.

SEC. 3-6-6 HOLIDAY RESTRICTION

It is unlawful for any offender to participate in a holiday event involving children, such as distributing candy or other items to children on or about Halloween, wearing a Santa Claus costume, or wearing an Easter Bunny costume, or by engaging in any other similar type(s) of activity that may, under the circumstances then present, tend to entice a child to have contact with a sex offender. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this section.

SEC. 3-6-7 CHILD SAFETY ZONE MAP

The City Clerk shall maintain an official map showing locations identified in 3-6-3(a) above. The City Clerk shall cause such map to be updated at least annually to reflect any changes in the location of prohibited zones. These shall be designated on the map as “child safety zones.” In the event of a conflict, the written terms of this Chapter shall control.

SEC. 3-6-8 PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO SEXUAL OFFENDERS

It is unlawful to let or rent any place, structure or part thereof, manufactured home, trailer, or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to the terms of this Chapter, if such place, structure or part thereof, manufactured home, trailer, or other conveyance, is located within 500 feet of any prohibited locations, which is not currently rented to an offender.

SEC. 3-6-9 NOTIFICATION

Consistent with state requirements, the state agency working with the sex offender must notify the alderman of the district and the Neillsville Police Chief a minimum of 28 days prior to establishing either a permanent residence or temporary residence within the City of Neillsville.

SEC. 3-6-10 PENALTIES AND REMEDIES

- (a) Forfeitures. Any person found guilty of violating this chapter shall be subject to a forfeiture of not less than \$500.00 nor more than \$1,000.00 for each violation. Each violation and each day a violation continues or occurs shall constitute a separate offense. Violation of this Chapter shall also constitute a public nuisance, which, in addition to monetary forfeitures, shall be subject to action by the City to abate and enjoin such nuisance.
- (b) Injunction for violation of residency restrictions. If an offender establishes a permanent or temporary residence in violation of 3-6-3(a) above, the Chief of Police may refer the matter to the City Attorney. The referral shall include a written determination by the Chief of Police that, upon all the facts and circumstances and the purpose and intent of this Chapter, such violation interferes substantially with the comfortable enjoyment of life, health, safety of another or others. Upon such referral, the City Attorney shall bring an action in the name of the City in circuit court to permanently enjoin such residency as a public nuisance.

SEC. 3-6-11 APPEAL

The residency restrictions of this section may be waived upon approval of the Common Council through an appeal by the affected offender. Such an appeal shall be made in writing to the City Clerk, who shall forward the request to the Chief of Police. The Chief of Police shall forward a report on the appeal request to the City Council. The Common Council will convene within 30 days of the appeal being filed with the Clerk to hear from the Chief of Police and the affected offender or their counsel. A written copy of the decision shall be provided to the affected offender by the City Clerk. The Common Council may reject a waiver request when the request is filed with the City Clerk within 90 days of denial by the committee of a prior identical waiver request of the requester, absent a change in circumstances.

SEC. 3-6-12 SEVERABILITY

Should any portion of this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.

Duane G. Poeschel, Mayor

Rex R. Roehl, Clerk

Motion Neville, second Counsell, to adopt Ordinance No. 1078.

Council Member Petkovsek asked how does this ordinance affect the Clark County Fairgrounds.

Chief of Police Mankowski stated everything at the fairgrounds is under the Clark County rules.

Mayor Poeschel called the vote. All Aye.

Chief of Police Mankowski stated that the City's current ordinance on public nuisances does not have enough teeth to cleanup properties in decline, so he contacted the City Attorney to strengthen it.

Chief of Police Mankowski and Mayor Poeschel shared reading the following ordinance.

ORDINANCE NO. 1079

AN ORDINANCE AMENDING SEC. 9-6-6, PUBLIC NUISANCES AFFECTING PEACE AND SAFETY

The Common Council of the City of Neillsville does hereby ordain as follows:

Section 9-6-6 is hereby amended to read as follows:

SEC. 9-6-6 CHRONIC NUISANCE PREMISES

Findings. The Neillsville City Council finds that certain premises, and their owners, within the City require and receive a disproportionate amount of Police, Fire, and City Public Works Department services, place an undue and inappropriate burden on City taxpayers, and constitute public nuisances. Nuisance activity contributes to the general decay of an affected neighborhood and negatively impacts law-abiding residents in these neighborhoods, as well as the economic values of all properties in the vicinity of this activity. Often this disproportionate devotion of City resources is due to a property owner's own actions or failure of the property owner to accept and exercise sufficient responsibility for and over the actions of occupants, guests, agents, or employees that reside in or frequent the premises. This ordinance is enacted to encourage property owners to recognize their responsibility to ensure that activities occurring on their premises as well as their own behavior conform to the law and do not unduly burden the City's Police, Fire, and Public Works Department and to provide a mechanism for the City to take action against property owners who chronically, routinely, actively, consistently, or often fail to ensure their premises and their own behavior do not require a disproportionate devotion of City resources. Another purpose of this ordinance is to discourage the making of illegitimate and/or unnecessary reports, complaints, and/or concerns that are outside the scope and authority of the City, thus taking up valuable time and resources. This section is not intended to discourage crime victims or a person in need, or a reasonable and legitimate belief of need, of emergency services from requesting them.

Notwithstanding other provisions of the City of Neillsville Municipal Code in regard to public nuisance prohibitions, penalties and enforcement, this Section establishes additional enforcement authority for the City of Neillsville as it relates to "chronic nuisance premises" as defined herein.

(b) *No property owner shall maintain a chronic nuisance premises.* Chronic nuisance premises means a premises that meets any of the following criteria:

- (1) Is a premises which has nuisance activity occurring on the premises three times on separate days during a six-month period and resulting in enforcement action;
- (2) Is a premises that has generated complaints to the Police, Fire, and/or City Public Works Department as a result of a nuisance activity or has resulted in a City enforcement action three or more times within a six-month period; or
- (3) Is a premises which has had one enforcement action resulting from the manufacture or delivery of controlled substance or related offenses, as defined in Wis. Stats. ch. 961.
- (c) *Definitions.* The following terms shall be defined as follows in this section.
 - (1) *Police Chief* means the Chief of Police or his or her designee.
 - (2) *Fire Chief* means the Chief of Fire or his or her designee.
 - (3) *Public Works Director* means the Public Works Director of the City Public Works Department or his or her designee.
 - (4) *Chronic nuisance landlord* means any owner of a residential unit(s) available for lease or rent within the City that has had three premises or ten percent of their available premises for lease or rent, whichever is less, designated as a chronic nuisance premises within a 12-month period, shall be deemed a chronic nuisance landlord and shall be subject to the additional provisions of subsection (e) and the abatement provisions of subsection (f).
 - (5) *Enforcement action* means arrest, the issuance of a citation, the issuance of a summons and complaint, the issuance of a written warning, or notice of violation from the Police, Fire, and/or City Public Works Department.
 - (6) *Nuisance activity* means any of the following activities, behaviors, or conduct occurring on or from a premises:
 - (A) An act of harassment, as defined in Wis. Stats. § 947.013.
 - (B) Disorderly conduct, as defined in Wis. Stats. § 947.01.
 - (C) Battery, substantial battery, or aggravated battery, as defined in Wis. Stats. § 940.19.
 - (D) Lewd and lascivious behavior, as defined in Wis. Stats. § 944.20.
 - (E) Prostitution, as defined in Wis. Stats. § 944.30.
 - (F) Theft, as defined in Wis. Stats. § 943.20.
 - (G) Receiving stolen property, as defined in Wis. Stats. § 943.34.
 - (H) Arson, as defined in Wis. Stats. § 943.02.
 - (I) Possession, manufacture, or delivery of controlled substance or related offenses, as defined in Wis. Stats. ch. 961.
 - (J) Gambling, as defined in Wis. Stats. § 945.02.
 - (K) Animal violations, as defined in Title 9, Chapter 1 of the Neillsville Municipal Code.
 - (L) Trespassing, as defined in Wis. Stats. §§ 943.13 and 943.14.
 - (M) Weapons violations, as defined in Title 9 of the Neillsville Municipal Code.
 - (N) Noise violations, as defined in Title 9, Chapter 2 of the Neillsville Municipal Code.
 - (O) Illegitimate and/or unnecessary reports, complaints, concerns that are outside the scope and authority of the City.
 - (P) Any conspiracy to commit, as defined in Wis. Stats. § 939.31, or attempt to commit, as defined in Wis. Stats. § 939.32, any of the activities, behaviors, or conduct enumerated in subsections (6)(A) through (O) above.
 - (Q) Violations of the City Building Code, Title 10 of the Neillsville Municipal Code.
 - (R) Possession or consumption of alcohol by underage person as defined in Wis. Stats. § 125.07(4)(b).
 - (7) *Nuisance activity* does not include legitimate activities, behaviors or conduct that result in a call for assistance made by the owner or occupant requesting law enforcement services including, but not limited to any of the following:
 - (A) Domestic abuse as defined in Wis. Stats. § 813.12(1)(am).

- (B) Sexual assault as described in Wis. Stats. §§ 940.225, 948.02 and 948.025.
- (C) Stalking as defined in Wis. Stats. § 940.32.
- (8) *Owner* means the owner of the premises and his or her agent.
- (9) *Premises* means an individual dwelling unit or an individual business premises and associated common areas.
- (d) *Notice and designation of chronic nuisance premises.* Whenever the Police Chief, Fire Chief, or Public Works Director finds a premises meets the definition of a chronic nuisance premises, such official shall notify the owner of the premises in writing that the premises is declared a chronic nuisance premises. In reaching this determination, the police shall not count nuisance activities that were reported by the owner of the premises. The notice shall contain the street address or legal description sufficient to identify the premises, a description of the nuisance activities that have occurred at or were initiated from the premises, a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeal rights of the owner. The notice shall be delivered by personal service on the owner, agent of the owner, occupant or other person causing, maintaining or permitting the nuisance at such person(s) last-known address. If this attempt is unsuccessful or impractical, the officer shall post a copy of the notice in a conspicuous place in or about the building where the nuisance exists and send notice by first class mail to the last-known address of the owner or agent of the owner.
- (e) *Notice and designation of chronic nuisance landlord.* Whenever the Police Chief, Fire Chief, or Public Works Director finds an owner meets the definition of a Chronic Nuisance Landlord, such official shall notify the owner in writing that the owner is declared a Chronic Nuisance Landlord. The notice shall contain the street addresses or legal descriptions sufficient to identify the premises forming the basis for the designation, and the other notice requirements set forth in subsection (d). The notice shall further provide a statement that the owner shall, within ten days of receipt of the notice, provide the Police Chief, Fire Chief, or Public Works Director in writing, a course of action that will be taken to abate the nuisance activities. The owner shall also be notified that failure to abate the activities shall result in the owner's designation of chronic nuisance landlord being posted on the City's website.
- (f) *Chronic nuisance landlord abatement.* If the owner of residential units available for lease or rent responds to the notice in subsection (e) within ten days of the receipt of notice or posting and mailing of the notice with a nuisance abatement proposal for all units designated as chronic nuisance premises, the Police Chief, Fire Chief, or Public Works Director or his or her designee may accept, reject, or work with the owner to modify the proposal in his or her discretion and upon approval of the plan, remove the designation of Chronic Nuisance Premises. The designated Chronic Nuisance Landlord's nuisance abatement proposal shall include steps that shall be undertaken to mitigate chronic nuisances, which may include, but are not limited to, landlord tenant screening, tenant education, tenant eviction procedures, and other preventative practices to improve the residential unit(s). The Police Chief, Fire Chief, or Public Works Director shall provide written notice to the Chronic Nuisance Landlord of the acceptance or rejection of the nuisance abatement proposal. If the owner causes the number of chronic nuisance premises to be reduced below the Chronic Nuisance Landlord threshold of three units or more than ten percent of the units available for lease or rent, whichever, is less, the City shall remove the designation of Chronic Nuisance Landlord.
- (g) *Additional nuisance activity.* Whenever the Police Chief, Fire Chief, or Public Works Director determines that additional nuisance activity has occurred at a premises for which notice has been issued pursuant to subsections (d) or (e) of this section, that this nuisance activity has occurred not less than 15 days after notice has been issued nor more than 180 days after the last enforcement action, and that reasonable efforts have not been made to abate the nuisance activity, the Police Chief, Fire Chief, or Public

Works Director may calculate the cost of police or other staff response and enforcement for this and any subsequent nuisance activities and cause such charges and administrative costs to be assessed and collected as a special charge.

- (h) *Appeal.* The owner of any premises determined to be a chronic nuisance premises or designated to be a Chronic Nuisance Landlord under this section by the Police Chief, Fire Chief, or Public Works Director pursuant to subsections (d) or (e) may appeal the determination, or the rejection of the owner's abatement plan submitted under subsection (f), to the Common Council within 30 days of the date of notice issued pursuant to subsections (d), (e) or (f) by providing written notice to the City Clerk. The Common Council shall set a hearing on such appeal and provide written notice of the hearing to the owner. The Common Council shall hear any and all evidence it deems relevant and shall affirm or reverse the determination of the Police Chief, Fire Chief, or Public Works Director. Wis. Stats. ch. 68 shall not apply to such an appeal or hearing.
- (i) *Citation(s).* Citations may be issued by the City of Neillsville Police Department for each enforcement action for nuisance activity occurring after the premises has been declared a chronic nuisance premises. A citation shall be not less than \$1,000 nor more than \$5,000 for each enforcement action. Upon default of payment, the premises' owner may be imprisoned in the county jail for a period of not more than 90 days.

Duane G. Poeschel, Mayor

Rex R. Roehl, Clerk

Motion Clough, second Petkovsek, to adopt Ordinance No. 1079. All Aye.

"Class B" Retail Fermented Malt Beverages and Intoxicating Liquor License Applications:
Apple Valley Road Haus & Events Center, LLC, Apple Valley Road Haus & Events Center,
Shawn W. Welter, Agent, 415 W. U.S. HWY 10

Motion Clough, second Counsell, to grant subject to the surrender of the All Season Sports n' Archery, LLC, Apple Valley Bar & Restaurant, Diane L. Murphy, Agent, license.
All Aye.

JD's Brickyard Pub & Grub, LLC, JD's Brickyard Pub & Grub, Darrin J. Zickert, Agent,
203 W. Seventh Street

Motion Rochester, second Neville, to grant. All Aye.

Transfer of License from One Premises to Another:
For Craft Sakes, LLC, For Craft Sakes, LLC, Kevin R. Harris, Agent, from 517 Hewett
Street to 518 Hewett Street for "Class C" Wine and Soda Water licenses effective
July 1, 2024

Motion Petkovsek, second Clough, to grant. All Aye.

Temporary Class "B" Retailers License (Beer Only) Application:
Neillsville Lions Club, Robert R. Petkovsek, Agent, for the Clark County Fairgrounds,
1120 E. Division Street, for July 20, 2024-Car show
American Legion Post 73, Vickie A. Dux, Agent, for the Clark County Fairgrounds,
1120 E. Division Street, for July 13, 2024-Mud Bog

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

Combination Cigarette and Soda Water License Applications:
JD's Brickyard Pub & Grub, LLC, JD's Brickyard Pub & Grub, Darrin J. Zickert, Agent,
203 W. Seventh Street

Motion Neville, second Counsell, to grant. All Aye.

Soda Water License Applications:

Apple Valley Road Haus & Events Center, LLC, Apple Valley Road Haus & Events Center,
Shawn W. Welter, Agent, 415 W. U.S. HWY 10
Neillsville Lions Club, Robert R. Petkovsek, Agent, for the Clark County Fairgrounds,
1120 E. Division Street, for July 20, 2024-Car show
American Legion Post 73, Vickie A. Dux, Agent, for the Clark County Fairgrounds,
1120 E. Division Street, for July 13, 2024-Mud Bog

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

Tavern Operator’s License Applications:

Laura L. Anderson, Lisa A. Anderson, Donna K. Atkinson, Jennifer L. Bacholl, Mary C. Barrett, Jaden K. Barth, Stephanie J. Beelman, Janine M. Bethea, Joseph R. Bethea, Morgan N. Bethea, Riley W. Beyer, Kelli N. Blastic, Megan M. Boe, Lisa A. Boyer, Kevin L. Brugger, Alan L. Buchholz, Kaila M.L. Calkins, Bonnie J. Carl, James A. Carney, James W. Chadwick, Sharon K. Christopherson, Julie R. Cooper, Diane M. Courtney, Penny L. Courtney, Nancy L. Curtin, Jacqueline L. Dayton, Keegan A. Dickinson, John H. Donahue, Meredith J. Donahue, Christine A. Drescher, Vickie A. Dux, Brian T. Eddy, Jessica R. Elmhorst, Russell S. Fausett, Cassidy E. Galetka, Dominique C. Glassbrenner, Chelsie L. Gomez, Vicki C. Goussenkova, Kaleb K. Grap, Logan K. Grap, Michelle R. Grap, Tammie R. Grap, Dinna M. Halle, Diane M. Harris, Kevin R. Harris, Jennifer L. Hart, Joshua A. Hemp, Mark D. Hemp, Brandon C. Hensiak, Brianna E. Hogan, Daryn J. Horn, Lainey P. Horn, Scott W. Hartung, Kathy M. Jansen, Rodney E. Johnson, Michelle L. Kennedy, Catherine A. Kleckner, Jade M. Kleinschmidt, Tina M. Knuth, Sandy K. Krause, Megan A. Kreitlow, Jessica L. Kriegel, Jordan A. Kuhn, Lauren C. Langreck, Tracy J. Larson, Judy S. Lindner, Raven A. Lisiecki, Kody A. Luoma, Riley B. Lynch, Tamara A. Mallory, Kenneth C. Marg, Carol L. Mashin, Marlin R. Mashin, Jenny L. Meacham, Barbara L. Miller, Diane L. Murphy, Kim L. Oldham, Roger A. Opelt, Linda L. Ormond, Tammy K. Ormond, Melissa R. Paine, Debra A. Perkl, Barbara A. Petkovsek, Robert R. Petkovsek, Karla L. Pfuhl, Morgan M. Raese, John E. Schoen, Alan J. Schoengarth, Alli L. Schoengarth, Betty J. Smith, Sharlene E. Smith, Bailey M. Steinberg, John C. Subke, Caroline A. Susa, Laurie L. Thurston, Timothy E. Tresemer, Bruce A. VandeBerg, Annette S. Vanderhoof, Gregory M. Vanderhoof, Susan M. Voigt, Natalie G. Walsh, Janet M. Wampole, Devin J. Weaver, Robert J. Wilsmann, Amie L. Young, Dallas A. Zickert, Darrin J. Zickert, Shari R. Zickert

Motion Clough, second Rochester, to grant all the listed licenses. Council Member Petkovsek abstained. All other members-Aye. Motion carried.

Motion Neville, second Counsell, that City Bills Nos. 574 to 612 in the amount of \$207,112.55 be paid. All Aye.

Motion Neville, second Petkovsek, to adjourn. All Aye.

Duane G. Poeschel, Mayor

Rex R. Roehl, Clerk

* * * * *