

(Published in the Clark County Press Sept. 7, 2022)

**COMMON COUNCIL
COUNCIL ROOM
August 23, 2022
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 meeting were declared approved.

Mayor Poeschel reported on the August 16, 2022 meeting of the Planning Commission regarding: 1) discussion on and recommendation to approve a Conditional Use Permit for a retail nursery and garden on Parcels Nos. 261.0923.000 and 261.1418.000 (north of the W. Seventh Street and Forest Street intersection), Donna Pavlac, owner and applicant, 2) discussion on and recommendation to approve a Conditional Use Permit to sell pumpkins, gourds and squash at 211 Grand Avenue, Parcel No. 261.1205.000, Donna Opelt, owner and applicant, 3) discussion on and recommendation to approve an Amendment to Zoning from R1 Single Family Residential to HC Highway Commercial for 335 W. Division Street, Parcel No. 261.0402.000, Bruce and Patsy Rayhorn, owners and applicants and 4) discussion on and motion that the S.C. Swiderski development be moved forward to the Economic Development Commission.

Council Member Petkovsek reported on the August 17, 2022 meeting of the Beautification Committee regarding: 1) discussion on the Town Square Park Gazebo repair, painting and railings, 2) discussion on and recommendation to take the Kranzations Metal Design and More, LLC arch for over the rock and plaques in Prock Park proposal to the appropriate committee, 3) discussion on Fall and Christmas decorations, 4) discussion on banners and costs, 5) Summer banners-Maggie Gelhaus was directed to bring a proposal from the American Legion and VFW, 6) Winter banners-accepted the proposal from JBC Screenprinting for the 15 oz. heavy duty scrim vinyl double sided banners at \$101 each and to ask Chris Keller to use the design that she created on the summer banners-keeping the gazebo, removing the clock and working in a winter theme, 7) discussion on new bench options for the Town Square Park, 8) discussion on weed spraying on Main Street and 9) trimming a tree by the Library.

Council Member Neville reported on the August 18, 2022 meeting of the Dog Ordinance Committee regarding: 1) a discussion on the draft of “An Ordinance Amending a Portion of Title 7, Chapter 1, Licensing of Dogs and Regulations of Animals” and two changes being made and 2) the recommendation that the ordinance be adopted as amended.

Council Member Clough reported on the August 23, 2022 meeting of the Commission on Public Works/ Utilities regarding: 1) current activities and 2) payment of bills.

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

Mayor Poeschel asked if there were any questions on the Dog Ordinance Committee item (2).

City Attorney Wachsmuth read the following ordinance.

**ORDINANCE NO. 1070
AN ORDINANCE AMENDING PORTIONS
OF TITLE 7, CHAPTER 1 LICENSING OF
DOGS AND REGULATION OF ANIMALS.**

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

Section 7-1-1 is hereby amended as follows:

- (b) DEFINITIONS. In this Chapter, unless the context or subject matter otherwise require:
- (1) “Owner” shall mean any person owning, harboring or keeping an animal, and the occupant of an premises on which an animal remain or to which it customarily returns daily for a period of thirty (30) days is presumed to be harboring or keepin the animal within the meaning of this Section.
- (7) “Cruel” shall mean causing unnecessary and excessive pain or suffering or unjustifiable injury or death as defined in Sec. 951.01(2), Wis. Stats. or as amended from time to time.
- (17) “Dangerous Dog” as used in this ordinance shall mean any of the following:
- a. Any dog, which without provocation, bites, attacks, or endangers or has inflicted severe injury on a human being on public or private property.
- b. Severely injures or kills a domestic animal, which may include livestock, while off the owner’s property.
- c. Any dog that engages in or is trained for animal fighting.
- (18) “Nuisance Dog” as used in this ordinance shall mean any of the following:
- a. Any dog which the Law Enforcement Agency has investigated more than one occasion, which, without provocation and off the property of its owner, chases, confronts or approaches a person

- or domestic animal in menacing fashion such as would put the complainant in fear of attack.
- b. Any dog which is running at large within the City.
- c. Any dog which habitually barks, howls or yelps, cries to the discomfort of the peace and quiet of the neighborhood in such a manner as to materially disturb or annoy a person.
- (19) “Law Enforcement Agency” shall mean a government unit of one or more persons employed full time or part-time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.
- Section 7-1-2 is hereby amended as follows:
- (a) LICENSE REQUIRED. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches five (5) months of age and re-vaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into the City of Neillsville after the dog has reached five (5) months of age, the owner shall have the dog vaccinated against rabies within thirty (30) days after the dog is obtained or brought into the City unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog re-vaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three (3) years after the previous vaccination.
- Section 7-1-5 is hereby amended as follows:
- SEC. 7-1-5 KEEPING OF EXOTIC OR DANGEROUS ANIMALS.
- (a) KEEPING OF EXOTIC OR DANGEROUS ANIMALS PROHIBITED. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Neillsville:
- (1) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal including but not limited to non-human primates, raccoons, skunks, foxes and wild and exotic cats.
- (2) Any animal having venomous/ poisonous bites.
- (3) Any animal that has previously been declared as a dangerous animal by another entity.
- Section 7-1-6 is hereby amended as follows:
- SEC. 7-1-6 RESTRICTIONS ON KEEPNG OF ANIMALS.
- (a) RESTRICTIONS. It shall be unlawful for any person within the City of Neillsville to own, harbor or keep any animal which:
- (1) Habitually pursues any vehicle upon any public street, alley or highway in the City.
- (2) Assaults or attacks any person or damages any property.
- (3) Is at large within the limits of the City.
- (4) Habitually barks or howls to the annoyance of any person or persons as defined in Section 7-1-13.
- (5) Kills, wounds or chases any domestic animal.
- (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
- (7) Is a “dangerous dog” as defined in Section 7-1-1 (b)17
- (8) Is a “nuisance dog” as defined in Section 7-1-1(b)18.
- (9) In the case of a dog, is unlicensed
- (b) DANGEROUS DOGS. Any complaintfiled alleging a dog is dangerous shall be investigated by the Neillsville Police Department and a written report shall be issued to the Common Council stating the findings and recommendation of the Police Department. The Common Council for the City Neillsville shall review the Police Department’s report at their next regularly scheduled meeting on which the issue can be properly put on agenda, for a determination of what should occur with the dog.
- (c) ANIMALS RUNNING AT LARGE. No person having in his/her possession or ownership any animal or fowl shall allow the same to run at large within the City. The owner of any animal, whether licensed or unlicensed, shall keep his/her animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or City Ordinance to be licensed shall be seized and impounded by a humane or law enforcement owner or animal warden.
- (d) OWNERS LIABILITY FOR DAMAGE; PENALTIES. The provisions of Section 174.02 Wis. Stats., relating to the owner’s liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.
- (e) LIMITATION ON NUMBER OF DOGS.

- (1) No person or family shall own, harbor or keep in its possession more than a total of three dogs in any residential unit, except that a litter of pups or kittens or a portion of a litter may be kept for not more than ten (10) weeks from birth.
- (2) The above requirement may be waived with the approval of the City Council when a kennel license has been issued by the Clark County Treasurer pursuant to Section 7-13(b). Such application for waiver shall first be made to the City Clerk-Treasurer.
- Section 7-1-7 is hereby amended as follows:
- SEC. 7-1-7 IMPOUNDMENT OF ANIMALS.
- (a) IMPOUNDING OF ANIMALS. In addition to any of the penalties provided for in this Chapter, any police officer may impound any animal which habitually pursues any vehicle upon any street, alley or highway of this City, assaults or attacks any person, is at large within the City, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies.
- (b) OWNER MAY REDEEM. After seizure of animals under this Section by law enforcement or the animal control officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three (3) public places in the City, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer or warden has taken such animal into possession. Possession of animals impound- ed under this Section may be obtained by the Owner paying, upon the first impoundment, the fee charged by the animal shelter. Upon any 2nd or subsequent impoundment within 12 months, the Owner can obtain their animal by paying a fee of Forty-five (\$45.00) Dollars to the Neillsville Police Department in addition to the fee charged by the animal shelter. An animal impounded for a period of seven (7) days after notification to the Owner or posting of a written notice as stated herein, shall be forfeited by the Owner and can be surrendered or destroyed by or under the direction of the animal shelter.
- (c) CITY NOT LIABLE FOR IMPOUNDING ANIMALS. The City shall not be liable for the injury or death of any animal which has been impounded or disposed of pursuant to this Section.
- Section 7-1-8 is hereby amended as follows:
- SEC. 7-1-8 DOGS RESTRICTED ON PUBLIC GROUNDS AND CEMETERIES.
- No dog is permitted in any public playground, public park, or swimming area within the City unless such dog or cat is entered in a contest or obedience class approved by the Common Council or is on a leash or under control. Dogs are prohibited from being in cemeteries. Every dog specially trained to lead blind persons shall be exempt from this Section.
- Section 7-1-9 is hereby amended as follows:
- SEC. 7-1-9 DUTY OF OWNER CASE OF ANIMAL BITE.
- Every owner or person harboring or keeping an animal who knows that such animal has bitten any person shall immediately report such fact to the Police Department of the City of Neillsville and shall keep such animal confined for not less than ten (10) days or for such period of time as the Police Department shall direct.
- Section 7-1-12 is hereby amended as follows:
- SEC. 7-1-12 DAMAGE TO PROPERTY BY ANIMALS.
- It shall be unlawful for any person owning or possessing an animal to permit such animal to go upon any parkway or private lands or premises without the permission of the owner of such premises, and break, bruise, tear up, crush or damage the lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.
- /S/Duane G. Poeschel, Mayor
- /S/Rex R. Roehl, Clerk
- Council Member Clough stated it may be splitting hairs, but Sec. 7-1-5(a)(2) should be venomous instead of poisonous.
- Mandy Krejci asked if it was a spider’s bite.
- Council Member Clough stated it still is the venom. Consensus was to use both words in the ordinance.
- Donna Pavlac asked about the enclosed area as she has an electric fence.
- City Attorney Wachsmuth stated this applied to running at large off your own property.
- Motion Neville, second Clough, that Ordinance No. 1070 be adopted. All Aye.
- 7:22 P.M.-Mayor Poeschel declared the Public Hearing on the Conditional Use Permit for a retail nursery and garden north of the W. Seventh Street and Forest Street intersection, Parcel Nos. 261.0923.000 and 261.1418.000, Donna Pavlac, owner and applicant, now open.
- Director of Public Works Friemoth presented the application, public notice of public hearing was in the Clark County Press and area landowners were notified.
- Director of Public Works Friemoth stated that the Planning Commission at its August 16, 2022 meeting discussed and recommended approval of the Conditional Use Permit.
- Mayor Poeschel called for appearances.
- Lisa Langreck stated that she has concerns about increased traffic, children playing in the street,

as she sells shrubs, perennials and vegetables. She has no problems if a stop sign is needed, she would pay for it. She has plans for a parking lot.

Council Member Counsell asked if she would be advertising more and if she intends to increase her stock.

Donna Pavlac replied she intends to keep advertising on Facebook and Clark County Press. The majority of her business is from the community and her stock will remain about the same.

Mayor Poeschel called three times for further appearances-there being none.

7:29 P.M.-Mayor Poeschel declared the Conditional Use Permit hearing closed. As action is not listed on the agenda it will take place at the next meeting.

7:30 P.M.-Mayor Poeschel declared the Public Hearing on the Conditional Use Permit to sell pumpkins, gourds and squash at 211 Grand Avenue, Parcel No. 261.1205.000, Donna Opelt, owner and applicant, now open.

Director of Public Works Friemoth presented the application, public notice of this public hearing was in the Clark County Press and area landowners were notified.

Director of Public Works Friemoth stated that the Planning Commission at its August 16, 2022 meeting discussed and recommended approval of the Conditional Use Permit.

Mayor Poeschel called three times for appearances-there being none.

7:32 P.M.-Mayor Poeschel declared the Conditional Use Permit hearing closed.

Council Member Counsel asked if there was a time frame for the sale.

Director of Public Works Friemoth replied September and October.

Motion Clough, second Perrine, to accept the Planning Commission recommendation to approve the Conditional Use Permit to sell pumpkins, gourds and squash at 211 Grand Avenue, Parcel No. 261.1205.000, Donna Opelt, owner and applicant. All Aye.

7:33 P.M.-Mayor Poeschel declared the Public Hearing on the Zoning Amendment from R1 Single Family Residential to HC Highway Commercial at 335 W. Division Street, Parcel No. 261.0402.000, Bruce and Patsy Rayhorn, owners and applicants, now open.

Director of Public Works Friemoth presented the application, public notice of this public hearing was in the Clark County Press and area landowners were notified.

Director of Public Works Friemoth stated that the Planning Commission at its August 16, 2022 meeting discussed and recommended approval of the Zoning Amendment.

Director of Public Works Friemoth stated that he was contacted by one of the neighbors regarding how property values would be affected.

Mayor Poeschel called three times for appearances-there being none.

7:35 P.M.-Mayor Poeschel declared the Zoning Amendment hearing closed.

Motion Petkovsek, second Neville, to accept the Planning Commission recommendation to approve the Zoning Amendment from R1 Single Family Residential to HC Highway Commercial at 335 W. Division Street, Parcel No. 261.0402.000, Bruce and Patsy Rayhorn, owners and applicants. All Aye.

City Clerk Roehl reported on receiving the following donations from the Listeman Foundation:

Police Tactical Gear \$9,000
Christmas Decorations \$1,000

Motion Clough, second Counsell, to accept and appropriate \$9,000 to Account No. 52100 Police Department Administration and \$1,000 to Account No. 55360 Christmas Decorations. All Aye.

City Attorney Wachsmuth read the following ordinance.

ORDINANCE NO. 1071
AN ORDNANCE AMENDING TITLE 4, CHAPTER 5, CITY CEMETERY, SPECIFICALLY SECTIONS 4-5-5(d)(1) OWNERSHIP RIGHTS OF INTERMENT AND 4-5-10, VAULTS AND MAUSOLEUMS.
The Common Council of the City of Neillsville does hereby ordain as follows:
Section 4-5-5 is amended as follows:
SEC. 4-5-5 OWNERSHIP RIGHTS OF INTERMENT.
(d) Lot owners may not resell or transfer their lots or parts of lots except as outlined below:
(1) The Clerk-Treasurer shall enter in the record kept for that purpose all deeds of transfer and reconveyance of cemetery lots. No such reconveyance shall be received and recorded by the Clerk-Treasurer until a fee has been paid therefor.

Section 4-5-10 is amended as follows:
SEC. 4-5-10 VAULTS. MAUSOLEUMS AND COLUMBARIUMS.
(a) VAULTS.
(1) Vaults are required for traditional full in-ground burials.
(2) Vaults are required for decomposable material ash urn/containers for in-ground burials.
(3) Vaults are not required for non-decomposable permanent ash urn/containers for in-ground burials.
(b) MAUSOLEUMS. Mausoleums are not allowed.
(c) COLUMBARIUMS. Municipal and private columbariums are only allowed with permission from the City.

Duane G. Poeschel, Mayor

/s/Rex R. Roehl, Clerk
Motion Counsell, second Clough, that Ordinance No. 1071 be adopted. All Aye.

City Clerk Roehl stated work on the 2023 City Budget begins in September, your various committees need to meet and work on their proposals.

Council Member Neville thanked the members of the Dog Ordinance Committee for all their hard work on updating the ordinance.

Council Member Counsell thanked the Listeman Foundation for their continued support for the City.

Tavern Operator's License Applications: Jayden F. Bymers and Katee S. Haffenbredl

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

Motion Perrine, second Clough, that City Bills Nos. 818 to 834 in the amount of \$150,869.07 be paid. All Aye.

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

/s/Duane G. Poeschel, Mayor
/s/Rex R. Roehl, Clerk
WNAXLP

(Published in The Clark County Press Aug. 31 and Sept. 7, 2022)
STATE OF WISCONSIN, CIRCUIT COURT, LINCOLN COUNTY
PARK CITY CREDIT UNION
501 S. PINE RIDGE AVE.
Merrill, WI 54452
Plaintiff,
vs
JOB J. JOHNSON
N1988 OPELT AVE.
Neillsville, WI 54456
Defendant,

Summons and Complant Small Claims - Replevin
Case No. 2022SC000221
Small Claims, Replevin 31003

THE STATE OF WISCONSIN, to the said defendant(s):
The plaintiff(s) named aboe has commenced an action to recover possession of the following property:

SUMMONS

The claim arises under a consumer credit transation under which you are alleged to be in default, as described in the complaint.

If you require reasonable accommodations due to a disability to participate in the court process, please call at least 10 working days prior to the scheduled court date. Please note that the court does not provide transportation.

IF YOU ARE NOT IN DEFAULT OR HAVE AN OBJECTION TO THE PLAINTIFF'S TAKING THE PROPERTY LISTED ABOVE, YOU MAY ARRANGE FOR A HEARING ON THESE ISSUES BY APPEARING AT THE TIME AND PLACE STATED IN THIS SUMMONS.

IF YOU DO NOT APPEAR AT THAT TIME, JUDGEMENT WILL BE RENDERED AGAINST YOU FOR DELIVERY OF THE PROPERTY TO THE PLAINTIFF.

When to Appear/File an Answer: 09-15-2002 at 9:00 a.m.

Place to Appear/File an Answer:
Lincoln County Courthouse
1110 E. Main Street, Suite 205
Merrill, WI 54452

Circuit Court Judge. Circuit Court Commissioner
Robert R. Russell
/s/ Thomas S. Barker
Clerk of Court
August 18, 2022
WNAXLP

(Published in The Clark County Press Aug. 24 and 31 and Sept. 7, 2022)
STATE OF WISCONSIN, CIRCUIT COURT, CLARK COUNTY
IN THE MATTER OF THE ESTATE OF
Verjean H. Kunze

NOTICE TO CREDITORS
(Informal Administration)
Case No. 22-PR-64

PLEASE TAKE NOTICE:

1. An application for informal administration was filed.

2. The decedent, with date of birth July 17, 1936, and date of death July 11, 2022, was domiciled in Clark County, State of Wisconsin, with a mailing address of 203 South 2nd Avenue, Abbotsford, WI 54405

3. All interested persons waived notice.

4. The deadline for filing a claim against the decedent's estate is November 21, 2022.

5. A claim may be filed at the Clark County Courthouse, 517 Court Street, Neillsville, Wisconsin, Room 403.

/s/ Kim Bredlau
Probate Registrar
Aug. 11, 2022

Attorney Mark J. Wittman
223 South Central Avenue
Marshfield, WI 54449
715-389-1388
Bar Number: 1017019
WNAXLP

(Published in The Clark County Press Sept. 7, 2022)
Notice of Pending Application for Proposed Unconnected Artificial Pond
Aaron Nolt , W10911 Cty Rd N, Stanley, WI 54768, has applied to the Department of Natural Resources for a permit to conduct nonmetallic mining activities creating a pond. The project is located in NE 1/4, SE 1/4, Section 10, Township 28 North, Range 4 West in the Town of Worden, Clark County.

Quarry rock will be mined in an approximate order of four phases along the North Fork Eau Claire River. Granite bedrock will be mined, crushed, washed, and removed from the site. A portable crushing and washing plant will be used to process the material and stockpile it on site. Granite bedrock will be excavated and transported using standard mining equipment. The end result of mining after reclamation will be an approximate 24-acre artificial unconnected wildlife pond and upland grassland areas after the site is reclaimed. The pond will be located outside of the floodplain and setback from the North Fork Eau Claire River.

The Department will review the proposal provided by the applicant and any information from public comments and the public informational hearing. The Department will determine whether the proposal complies with ss. 1.11, 30.19, and 30.208, Stats., and ch. NR 150, Wis. Adm. Code, and ensure that the required mitigation meets the standards in s. 281.36(3r), Stats. if the project impacts wetlands.

The Department has made a tentative determination that it will issue the permit for the proposed activity.

If you would like to know more about this project or would like to see the application and plans, please visit the Department's permit tracking website at <https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx> and search for IP-WC-2022-10-02782.

Reasonable accommodation, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request.

Any person may submit comments and/or request a public informational hearing by emailing lane.loveland@wisconsin.gov or writing to Lane Loveland, 225051 Rib Mountain Drive, Wausau, WI 54401 by U.S. mail. If you are submitting general comments on the proposal, they must be emailed or postmarked within 30 days after the date this notice is published on the Department's website. If you are requesting a public informational hearing, the request must be emailed or postmarked within 20 days after the date this notice is published on the Department's website. A request for hearing must include the docket number or applicant name and specify the issues that the party desires to be addressed at the informational hearing.

If no hearing is requested, the Department may issue its decision without a hearing. If a public informational hearing is held, comments must be postmarked no later than 10 days following the date on which the hearing is completed.

The final decision may be appealed as indicated in the decision document.

Docket Number IP-WC-2022-10-02782
STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary BY:
Lane Loveland
Water Management Specialist
Date: August 26, 2022
WNAXLP

– BID REQUEST –
Residential Refrigerators & Freezers
Supply and Installation

Western Dairyland EOC Inc. is seeking vendor bids to supply and install residential refrigerators and freezers in Buffalo, Jackson, Clark and Trempealeau counties. We are estimating \$90,000 in purchases annually.

For an RFB package contact Jodie Felix at jodie.felix@wdeoc.org or 715-985-2391 ext. 1231 or Amy Mueller at amy.mueller@wdeoc.org or 715-985-2391 ext. 1250.

Small and minority-owned businesses, women's business enterprises, and disabled veteran's businesses are encouraged to bid.

All bids must be delivered in person or by mail to our office by Thursday, September 8, 2022 at 1 pm. Western Dairyland EOC cannot be responsible for lost or misdirected bids.



23122 Whitehall Rd.
PO Box 125
Independence, WI 54747