

CITY OF OWEN COMMON COUNCIL MEETING MINUTES

DATE: Tuesday, June 22, 2021

LOCATION: Owen City Hall 833 W. 3rd Street, Owen WI 54460

CITY OFFICIALS PRESENT: Mayor Charles Milliren

Alderpersons: Joan Jalling, Pam Jaffke, John Mauel, Bob Wilczek, Al Wagner and Ken Martine.

Employee Attendance: Tracy Rau/Clerk, Officer Haugstad, Officer Juzwiak, DPW Smith, and Tim Swiggum/CDC.

COMMUNITY ATTENDANCE: Cindy Cardinal/O-W Enterprise, Dominic Haupt/CCRLC, Scott Jalling/County Supervisor, Fred Schindler/County Supervisor, Jane Schmitz/CCRLC Director, Jim Bohl/Area Wide Concrete, Dick Peterson, Larry Hodnett, Tom Jirschele, Andrea Mahnke, Mark Hanson, Nicole Rogers/The Sentinel and Rural News, Jake Brunette/Clark County Attorney, Dan Hooks, Ambrosio Lopez w/translator Maria_____, Jason Thornton/O-W-C Fire Chief.

A quorum being present, the meeting was called to order by Mayor Milliren at 6:01pm.

Pledge of Allegiance was recited.

Public Comment:

Mark Hanson said that Ambrosio Lopez came to him for help and he feels El Pinal should have a license. He feels the Woodland has had an ample amount of time to get open and El Pinal has waited for 3 years. Ambrosio was told 3 years ago that there was not one available. He would like to know why El Pinal has had to wait. Hanson said he thinks that the city should not play favorites.

Larry Hodnett said that they have been speaking to the area businesses and members of the O-W Area Chamber of Commerce which included most all of the liquor license holders. Those spoken to are in full support of the Woodland retaining its liquor license. Signatures of some of those were collected and distributed to the council. Dan Hooks said that he thinks the Woodland should not have a license because it has been closed forever and it is a waste of money. He also spoke to the property line correction on 5th Avenue and believes it is a public issue. It was all laid out on the grid when they laid out the town. He feels that the property owners should go to the Attorney General rather than the city council. He stated the properties were issued by the city and the city should correct it.

Andrew Mahnke spoke regarding the licenses. She said everyone has an opinion and the Woodland, in her opinion, if they are not following the ordinances then there is an issue. Dick Peterson interjected that the Woodland is complying with the ordinances. Hanson inquired about the 150 days requirement to be open? Mahnke claimed that all of it has been documented. Milliren cut off the debate there.

Minutes:

A Wilczek/Jaffke motion/second to approve the minutes from June 8, 2021 passed unanimously.

Property Line Correction 5th Ave.:

The total costs have not been determined at this time. A Wilczek/Jalling motion/second to table the issue passed unanimously.

Clark County Community Services Board-Subcommittee:

Fred Schindler spoke for the CCCSB-Subcommittee. While Clark County supports economic development, the subcommittee feels that the tire recycling plant is a bad idea. County Attorney Jake Brunette explained the letter he had sent previously to the city and that the Deed Restrictions needed to be followed. The County sold the City this land in 2009 with a list of Deed Restrictions and requirement that businesses be Agribusiness or Renewable Energy based. The main worry is the appearance of the facility. Auburndale has a facility that was built by Schindler in 1970 that looks bad and had a fire in 2000 that produced toxic smoke closing the school there for a day. Pictures of that facility were distributed to the council. Schindler stated that he had met with Bohl prior to the meeting and agreed the business plan had merit and Bohl is fully capable of getting it done. It should just be relocated somewhere else. Schindler said that signage to advertise the park would have brought in better suited businesses. Bohl stated that he is aware of the deed restrictions and will abide by them. He also

reminded the council of the three apartment complexes he has committed to were to help his employees find affordable and decent housing. They are tied to the recycling plant. Schindler offered to donate \$1000 for signage to advertise the park. A Wilczek/Wagner motion/second to send the issue back to the Planning Committee and accept the offer of \$1000 to put up signage passed unanimously.

Pay Request #2 to Haas and Sons-9th Street Project:

Haas and Sons are requesting a payment of \$29,798.65 for work completed to this point. The final layer of asphalt will be completed with the final layer on 5th St. presumably. A Mauel/Martine motion/second to approve pay request #2 for \$29,798.65 passed unanimously.

Senior Center Building offer from Clark County:

County Attorney Brunette explained the offer from Clark County. It was offered to local senior groups but they declined. Discussion concerning future uses, upkeep, maintenance costs and whether there would be any restrictions on the property were addressed. Brunette was inquiring if we are interested at this point and no action was necessary as it is too early to address. The council thanked him for his time and he left the meeting.

Liquor License Applications:

John Mauel spoke to the history of licenses remaining with the property unless purchased by another business. Andrea Mahnke stated that the City of Owen ordinances say that the Woodland Hotel should not be approved. Police Chief Ibarra had sent a written recommendation to the council to not approve the Woodland Hotel or the Red Daisy Girl applications. The Woodland Hotel because they are not in business, under Title 7, Section 2, Section 17, *Revocation and Suspension of Licenses; Non Renewal*, in which, a licensed business had to be open for 150 days out of the year. The Woodland argued that the Woodland Hotel is not abandoned, and the 150 days is under the *Abandonment of Premises* section of the ordinance. The written recommendation states that the Woodland did not provide a Sellers Permit which they claimed that they had. The report also stated that the Woodland also did not pass a health inspection and did not have building permits or commercial building plans. Red Daisy Girl was also recommended to be denied due to a pending court case that has not been determined at this time but could cause issues with the license. The report stated that if the charges were dismissed that they could apply again.

After a lengthy discussion the following motions were made separately:

Wilczek made a motion to vote on the applications one at a time, this motion died for lack of a second.

Wilczek made a motion to approve 4 bars; Meadowview Golf Course, L.A.S.T. Ace, Thirsty Squirrel and Skunky's. It was suggested to include the rest that did not have any issues but did not get a second so it also did not pass. Jalling suggested to vote on the applications individually.

A Wilczek/Jalling motion/second to approve Dollar General passed unanimously.

A Jalling/Jaffke motion/second to approve Creekside Convenience LLC passed unanimously.

A Mauel/Wilczek motion/second to approve Meadowview Golf Course passed 5-0. Jalling did not vote.

A Jalling/Jaffke motion/second to approve Scott and Lori's Family Foods LLC passed unanimously.

A Mauel/Jaffke motion/second to approve L.A.S.T. Ace LLC passed unanimously.

A Wilczek/Jaffke motion/second to approve El Pinal was a tied vote 3-3 with Wilczek, Jaffke and Jalling voting Yes and Wagner, Mauel and Martine voting against. Mayor Milliren voted to approve the license breaking the tie.

A Mauel/Jaffke motion/second to approve Skunky's Bar passed unanimously.

A Jalling/Wilczek motion/second to approve O-W Sports and Liquor passed unanimously.

A Jalling/Wilczek motion/second to approve The Thirsty Squirrel passed unanimously.

A Jaffke/Jalling motion/second to deny the Owen-Withee Vet's Club license passed on a 5-1 vote with Mauel voting against.

A Wilczek/Jaffke motion/second to deny the Woodland Hotel license was a tied vote with Wilczek, Jaffke and Jalling voting in favor and Wagner, Mauel and Martine voting against. Mayor Milliren voted against the motion to deny the license. Motion failed.

Discussion held whether that meant it was approved, it did not approve the license.

A Mael/Martine motion/second to approve the Woodland Hotel LLC license was a tie vote with Mael, Martine and Wagner voting in favor and Wilczek, Jalling and Jaffke voting against. Mayor Milliren voted in favor of the motion granting approval.

A Wilczek motion to approve the Red Daisy Girl license pending judgement on current charges required clarification. A Wilczek/Mael motion/second to approve the Red Daisy Girl license conditionally until judgement is made in court passed on a 5-1 vote with Jalling voting no.

Scott Jalling expressed his disappointment in the approval of the Woodland Hotel. He wondered if another bar came to town if they would be denied while one is not being used. He felt that he would be denied having a license to serve if they wanted one because the council allows the Woodland to sit on theirs.

Beverage Server Applications:

Jalling questioned why Carol Devine and Tim Swiggum were on the list as they are not affiliated with an open establishment. Wilczek asked if Servers were connected to the bar where they work. Cindy Cardinal replied that they can work anywhere in Owen once approved. A Martine motion to approve Carol Devine and Tim Swiggum was altered to include all, Mael seconded approving all and the motion passed unanimously.

Police Committee Report:

Jaffke reported that Officer Juzwiaks resignation was accepted and his last day was June 18. Officer Haugstad is now full time and the Police Chief will be taking a leave of absence beginning after Withee Days. A

Wilczek/Jalling motion/second to approve the OWPC recommendations passed unanimously.

O-W-C Fire District Building Permits:

Fire Chief Thornton was there to explain why he felt the permits would be better off handled by the Fire Department. There have been several issues regarding mainly commercial buildings and many in the countryside are building large commercial buildings without the proper permits. He was not asking for a vote at this time but would like the council and other municipalities in the district to consider it in the future. No action was taken at this time.

Disbursements/Accounts Payable:

There were no questions. A Martine/Jaffke motion and second to approve the disbursements of City: \$94,821.40, Water: \$1,758.38, Sewer: \$4975.92, TIF #4: \$29,798.65 and CDBG Housing Grant: \$600.00 for a total disbursement of \$131,954.35 passed unanimously.

Suggested Items for Future Agendas:

Deputy Clerk, Clerk wages, City Hall furniture, Open House for new City Hall.

Mayor Milliren adjourned the meeting at 8:04pm.

Next Council meeting is Tues. July 13, 2021, at 6pm at City Hall.

Submitted by Tim Swiggum, CDC