

COMMON COUNCIL PROCEEDING OF THE CITY OF LADYSMITH

Monday, May 13th, 2024

5:15pm

Ladysmith Fire Hall

Members Present: Mayor Robert Grotzinger, Nathan Johnson, Mike Hraban, Al Christianson, Steve Weiss, Randy Lovely, John Hoover. **Absent:** Richard Ostenso

Others Present: Admn. A. Christianson, K. Gorsegner, D. Parker, P. Rowe, S. Nelson, Terry Carter, Luke Klink, Chief K. Julien, John Kenyon, Cheyene Makinia, Jim West.

Call to Order: Mayor Grotzinger called the meeting to order at 5:15pm.

Roll Call: Clerk Nelson took roll call and a quorum was present.

Pledge of Allegiance: Led by Mr. Christianson.

Minutes and Agenda: Motion by M. Hraban; seconded by R. Lovely to approve April 22nd, 2024 Common Council Minutes and this evening's agenda. Motion passed by voice vote. 6-yes. 0-no.

License and Permits:

Motion by R. Lovely; seconded by N. Johnson to approve Fireworks Seller Permit for Cody Junker located at Holly's Last Stand pending PD approval. Motion passed by voice vote. 6-yes. 0-no.

Motion by N. Johnson; seconded by R. Lovely to approve Rusk County Youth Council/Rusk County Library Street Use Permit for Children's Safety Fair on Falge Park Dr from Corbett Ave to Hwy 27 on June 8th, 2024 from 9:30am to 1:30pm. Motion passed by voice vote. 6-yes. 0-no.

Motion by M. Hraban; seconded by R. Lovely to approve Temporary Class "B" Retailer's License for Ladysmith Lions located at Legacy Theater in Memorial Park including basketball courts – no fencing for Legacy Leap into Summer with Chris Kroeze Band and The Dam Lincolns on June 1st, 2024. Motion passed by voice vote. 6-yes. 0-no.

Motion by S. Weiss; seconded by N. Johnson to approve Kwik Trip Renewal of twelve (12) Operator Licenses pending PD Approval. (Tina Ahlers, Jennifer Haskins, Vicki Mohr, Loretta Hengtgen, Faith Farina, Kase McDougall, Tara Heavey, Shawn Piotrowski, Linda Prince, Kathryn Kysilko, Rosa Ana Gonzales, Jamie Veness) Motion passed by voice vote. 6-yes. 0-no.

Appearance by Jim West to request extending previously issued liquor license expiration to June 30th, 2024.

Discussion and possible action. Jim West addressed the Council regarding the West Cove property and its current status. Jim West is currently waiting for the rafter plans to be completed that need to be submitted to obtain state approved plans. Mr. West also reported that he is waiting for his letter of intent from the bank to be able to submit to the contractor so project could begin. Mr. West expects the project to be completed in approximately six (6) months. Mr. West reported that the water has been turned on for the campground bathrooms. Jim West requested liquor license for ongoing Volleyball League, noting the typical end date is the end of August. Mayor Grotzinger questioned if there have been any changes since previous request last year. Mayor Grotzinger reported entire building including mentioned bathrooms have been deemed unsafe for occupancy. DPW Gorsegner reported these reports came directly from the State of Wisconsin and also the

engineer the insurance company hired, noting they did not differentiate between building, simply noted the entire structure is unsafe. S. Weiss spoke in favor of the Volleyball League. J. Hoover questioned if the league would be able to play once construction began. Mr. West reported he believed construction would be occurring on the North and South corners of the building, away from the courts. J. Hoover remarked that it will be a major construction zone. S. Weiss made a motion "that if this is consistent with State Law and City Ordinances that his volleyball club petition through the City, that we allow him to sell beer on premises and not to use the structure whatsoever, only use the lateen." Mayor Grotzinger noted approving any such license would be against State Law. Mayor Grotzinger stated motion was improper and open-ended. Attorney Rowe reported Mr. West would be able to obtain a temporary license if application process was fulfilled and he met the requirements set forth.

R. Lovley questioned the definition of a "bona fide club".

Clerk Nelson read the Department of Revenues definition and requirements to be qualified as a bona fide club. S. Weiss recalled motion.

J. Hoover noted as a builder, unexpected events can occur around a building deemed unsafe during construction.

Mayor Grotzinger recommended Mr. West discuss other possible options with City Clerk.

Review and possible approval of Liquor License/Cigarette, Tobacco and Vaping Products License applications for July 1st, 2024-June 30th, 2025.

Mayor Grotzinger noted that all items are pending upon the completion and approval of inspections. No licenses will be issued upon failed inspection. Upon a failed inspection, the application must be presented to the Common Council for further review.

-Motion by N. Johnson; seconded by M. Hraban to approve Cigarette, Tobacco, and Electronic Vaping license for Apeiron North Fields, LLC. Motion passed by voice vote. 5-yes. 1-no (S. Weiss).

-Motion by M. Hraban; seconded by R. Lovley to approve Cigarette, Tobacco, and Electronic Vaping license for Captain Tobacco, LLC. Motion passed by voice vote. 5-yes. 1-no (S. Weiss).

-Motion by N. Johnson; seconded by M. Hraban to approve independent operator license for Melvin Severson. Motion passed by voice vote. 6-yes. 0-no.

-Motion by R. Lovley; seconded by N. Johnson to approve Class "B" retailer's license for Eastern Chinese. Motion passed by voice vote. 6-yes. 0-no.

-Motion by R. Lovley; seconded by N. Johnson to approve Class "B" retailer's license for Flambeau River Outfitters. Motion passed by voice vote. 6-yes. 0-no.

-Motion by N. Johnson; seconded by R. Lovley to approve combo Class "B" and "Class B" Winery retailer's license for What's Brewing at JT's, LLC. Motion passed by voice vote. 6-yes. 0-no.

-Motion by R. Lovley; seconded by M. Hraban to approve combo Class "B" and "Class B" retailer's license for La Casa Mexicana. Motion passed by voice vote. 6-yes. 0-no.

-Motion by R. Lovley; seconded by N. Johnson to approve combo Class "B" and "Class B" retailer's license for the Theatre Lounge. Motion passed by voice vote. 6-yes. 0-no.

-Motion by R. Lovley; seconded by N. Johnson to approve combo Class "B" and "Class B" retailer's license for the Veterans Memorial Building Motion passed by voice vote. 6-yes. 0-no.

-Motion by R. Lovley; seconded by N. Johnson to approve combo Class "B" and "Class B" retailer's license for LJ's American Bar. Motion passed by voice vote. 6-yes. 0-no.

-Motion by M. Hraban; seconded by N. Johnson to approve combo Class "B" and "Class B" retailer's license for Miner Station. Motion passed by voice vote. 6-yes. 0-no.

-Motion by N. Johnson; seconded by R. Lovley to approve combo Class "B" and "Class B" retailer's license for 5th Quarter. Motion passed by voice vote. 6-yes. 0-no.

- Motion by R. Lovley; seconded by N. Johnson to approve combo Class “B” and “Class B” retailer’s license for Tee Away Golf and Events. Motion passed by voice vote. 6-yes. 0-no
- Motion by N. Johnson; seconded by R. Lovley to approve Class “B” and “Class C” wine retailer’s license for Grandpa’s Pizza & Grill, Inc. Motion passed by voice vote. 6-yes. 0-no.
- Motion by M. Hraban; seconded by R. Lovley to approve combo Class “A” beer and “Class A” cider only retailer’s license for Kwik Trip. Motion passed by voice vote. 6-yes. 0-no.
- Motion by R. Lovley; seconded by N. Johnson to approve combo Class “A” beer and “Class A” cider only retailer’s license for Circle K. Motion passed by voice vote. 6-yes. 0-no.
- Motion by R. Lovley; seconded by M. Hraban to approve combo Class “A” beer and “Class A” Liquor retailer’s license for The Market at Ladysmith. Motion passed by voice vote. 5-yes. 1-no (S. Weiss).
- Motion by R. Lovley; seconded by M. Hraban to approve combo Class “A” beer and “Class A” Liquor retailer’s license for Krist Oil Company. Motion passed by voice vote. 6-yes. 0-no
- Motion by R. Lovley; seconded by N. Johnson to approve combo Class “A” beer and “Class A” Liquor retailer’s license for Wal-Mart. Motion passed by voice vote. 6-yes. 0-no
- Motion by R. Lovley; seconded by M. Hraban to approve combo Class “A” beer and “Class A” Liquor retailer’s license for Dollar General. Motion passed by voice vote. 5-yes. 1-no (S. Weiss).
- Motion by R. Lovley; seconded by N. Johnson to approve Class “A” – Intoxication Liquor License for Lois, Lann & Bean Boutique. Motion passed by voice vote. 6-yes. 0-no.

Introduction of Guest, Public Hearings, Comments: None.

District One – R. Ostenso: Absent

District Two – N. Johnson: N. Johnson reported there will be a Library Board meeting on Tuesday, May 14th, 2024 at 5pm. N. Johnson reported there will be a Police & Fire Commission meeting on Wednesday, May 15, 2024 at 5pm.

District Three – M. Hraban: M. Hraban reported that he attended both the Highway Safety meeting and the Rusk County Emergency government meeting and both went well.

District Four – A. Christianson:

Caution on instant gratification. A. Christianson wanted to caution Council on making costly decisions too quickly, noting sometimes there are reasons that things move slowly and it’s best to let process work.

District Five – S. Weiss:

Hire Seasonal Employees: D. Parker reported typically between 14-16 seasonal employees are hired to help out in the parks and cemetery. D. Parker reported this year there were enough applicants to fill 14 positions. DPW Gorsegner reported that the main portion of seasonal employees’ duties will be maintaining parks and cemetery grounds. D. Parker reported that only 1 lifeguard application was received. R. Lovley questioned the number of hours employees will be working. DPW Gorsegner reported they are full-time seasonal employees. J. Hoover inquired if Camp Flambeau would be assisting at all. DPW Gorsegner reported they will be helping prepare the cemetery prior to Memorial Day. J. Hoover spoke in favor of utilizing Camp Flambeau. Motion by M. Hraban; seconded by N. Johnson to hire seasonal employees. Motion passed by voice vote. 6-yes. 0-no.

District Six – R. Lovley: R. Lovley reported he attended the required 2-hour Board of Review meeting, noting there was not anyone from the public present to file objections.

District Seven – J. Hoover: J. Hoover noted that the Friends of the Library have gotten involved in the process of building up the community garden that was recently approved. J. Hoover wanted to give them a shoutout for their efforts.

Police and Fire Report: Chief Julien reported there will be Law Enforcement Memorial held on Wednesday, May 14th, 2024 at 7pm at the Memorial Park. During the memorial they will be honoring the Sabani Family for their years of donations. Chief Julien reported they are still in the hiring process as they are still down officers. Chief Julien is hoping one position will be filled shortly, pending test results. Chief Julien reposted ad for more applicants and has not received any yet. Chief Julien welcomed any referrals on applicants with college education. S. Weiss inquired if the City could do anything else to increase the amount of applicants.

Public Works Report:

Review and possible approval of bid from Monarch Paving Company for asphalt paving of the Ladysmith Fire Dept Driveway. DPW Gorsegner reported he asked Monarch Paving Company if they would be willing to donate anything to the Fire Department and they adjusted the bill by \$5,000. DPW Gorsegner reported that the curb has already been widened to prepare for potential driveway. Motion by N. Johnson; seconded by S. Weiss to approve bid from Monarch Paving Company in the amount of \$12,160 to pave Ladysmith Fire Dept north driveway. Motion passed by roll call vote. N. Johnson-yes. M. Hraban-yes. A. Christianson-yes. S. Weiss-yes. R. Lovely-yes. J. Hoover-yes. 6-yes. 0-no.

Discussion and possible approval to purchase a 2019 Ford truck for \$13,000 plus \$413.50 service/transfer fee from Flambeau Auto to replace a 2002 Chevy truck with expense going to Sewer Department. DPW Gorsegner reported that the 2002 vehicle currently in use is in need of several mechanical repairs. DPW Gorsegner reported the 2019 Ford has roughly 100K miles. Motion by M. Hraban; seconded by R. Lovley to approve the purchase of 2019 Ford truck in the amount of \$13,000 plus \$413.30 service/transfer fee from Flambeau Auto. Motion passed by roll call vote. M. Hraban-yes. A. Christianson-yes. S. Weiss-yes. R. Lovley-yes. J. Hoover-yes. N. Johnson-yes. 6-yes. 0-no.

DPW Gorsegner provided a copy of the 2023 Consumer Report that is done yearly. It compiles all tests performed throughout the year. DPW Gorsegner noted that the City has not had any violations and are in compliance. This document is required to be posted in the local paper and on the City's website yearly. J. Hoover inquired about the Fluoride located on the report. DPW Gorsegner reported test results are pulled from samples taken from the tap.

Administrators Report:

Discussion and possible action on proposal to construct ADA Sidewalk at Memorial Park Boat Landing for ADA Canoe/Kayak Launch. Admn Christianson reported this sidewalk would be located from the boat landing blacktop directly to the ADA Canoe/Kayak launch that was donated from Cumberland Federal Bank to make it fully ADA accessible. There would also be a small pad created where an ADA accessible picnic table would be located. Motion by M. Hraban; seconded by N. Johnson to approve bid from DC Crete, INC in the amount of \$3,760 for sidewalk and pad located at the Memorial Park Boat Landing for ADA Canoe/Kayak launch. Motion passed by roll call vote. M. Hraban-yes. A. Christianson-yes. S. Weiss-yes. R. Lovely-yes. J. Hoover-yes. N. Johnson-yes. 6-yes. 0-no.

Discussion and possible action on proposal to install driveway from Farmer's Market parking lot onto E. 3rd St. Admn Christianson reported that the pavilion is up and the power is ready to go with the floor being installed later this week. Admn Christianson noted that adding this additional driveway would allow better access to parking stalls located near the courthouse when the Market is open. A. Christianson spoke about his concerns with driveway being very close to a busy intersection. Motion by A. Christianson to approve driveway provided that it is an enter only. Admn Christianson reported making it an enter only would not elevate the current issue, suggested a possible right turn only exit. A. Christianson amended his motion; seconded by R. Lovely, to approve install of driveway located at the Farmer's Market parking lot from DC Crete, INC in the amount of \$5,124 indicating the exit will be right turn only. Motion passed by roll call vote. A. Christianson-yes. S. Weiss-yes. R. Lovely-yes. J. Hoover-yes. N. Johnson-yes. M. Hraban-yes. 6-yes. 0-no.

Discussion and possible action on proposal to install ADA sidewalk at Rusk County Visitor's Center/Rail Museum. Admn Christianson reported this sidewalk would create ADA access to the baggage cart located at the rail display. Motion by R. Lovley; seconded by M. Hraban to approve bid from DC Crete, INC in the amount of \$5,920 to install ADA sidewalk at Rusk County Visitor's Center/Rail Museum. Motion passed by roll call vote. S. Weiss-yes. R. Lovely-yes. J. Hoover-yes. N. Johnson-yes. M. Hraban-yes. A. Christianson-yes. 6-yes. 0-no.

Discussion and possible action on proposal for Phase II ADA sidewalk at Rusk County Visitor's Center/Rail Museum. Admn Christianson noted that proposal would be valid until the end of current year. Motion by R. Lovely; seconded by N. Johnson to table proposal to revisit in fall. Motion passed by voice vote. 6-yes. 0-no.

Discussion and possible action on proposal from SEH for engineering services for Phillips Avenue/Former Animal Shelter redevelopment. Admn Christianson reported this relates to the redevelopment of the former animal shelter property. Fees would be for design work for water/sewer system, streets and storm water permitting that may be required. Admn Christianson reported J. Kenyon stated he had an interest in taking care of the platting, eliminating that cost to the City. John Kenyon noted that he wished to keep the project moving. Admn Christianson reported expense would come from TID#14. Motion by S. Weiss; seconded by M. Hraban to approve proposal from SEH engineering services for Phillips Ave/former Animal Shelter redevelopment. Motion passed by roll call vote. J. Hoover-yes. N. Johnson-yes. M. Hraban-yes. A. Christianson-yes. S. Weiss-yes. R. Lovely-yes. 6-yes. 0-no.

Discussion and possible action on proposal from SEH for engineering services for South Side Park grading and utilities. DPW Gorsegrner reported that after taking a look at the plans, hiring an engineer for this large of an infrastructure would be necessary. Motion by N. Johnson; seconded by M Hraban to approve proposal from SEH for engineering services for South Side Park in the amount of \$48,155.13. Motion passed by roll call vote. N. Johnson-yes. M. Hraban-yes. A. Christianson-yes. S. Weiss-yes. R. Lovely-yes. J. Hoover-yes. 6-yes. 0-no.

Admn Christianson noted that closed session listed under item 21 would no longer be needed.

Attorney's Report: Nothing to report.

Mayor's Forum: Mayor Grotzinger thanked Cheyenne Makinia for her presentation that she did at the Give 365 in hopes of getting awarded a grant, he noted that she did a great job. Mayor Grotzinger noted N. Johnson was also present and thanked him.

Mayor Grotzinger reported that the Law Enforcement Memorial will be Tuesday, May 14th, 2024 at the Memorial Park. Mayor Grotzinger reminded everyone about the Wal-Mart grand re-opening taking place on Friday, May 17th, 2024. Mayor Grotzinger noted the Honor the Fallen ride that took place on Saturday, May

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11th, 2024 appeared to be successful, he did attend the breakfast that was put on by the Women With Courage Foundation and noted they did a great job. Mayor Grotzinger reported that on Thursday, May 16th, 2024 there will be a check presentation at BioOrgin Specialty Products for their donation of \$1,000 towards new playground.

Discussion and possible action on May 27 (Memorial Day) Council Meeting. Admn Christianson recommended setting a meeting if needed. Motion by R. Lovely; seconded by N. Johson to schedule next council meeting for Tuesday, May 28th, 2024 at 5:15pm. Motion passed by voice vote. 6-yes. 0-no.

Closed Session. Motion by N. Johnson; seconded by R. Lovley to go into closed session under authority granted in Wis Stat. 19.85(1)(e) Wis. Stats. to deliberate or negotiate the purchasing of public property, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a Closed Session; to wit; to discuss Memorandum of Understanding related to TIF Developer Agreement on Commercial Property with possible action. Motion passed by roll call vote. N. Johson-yes. M. Hraban-yes. A. Christianson-yes. S. Weiss-yes. R. Lovely-yes. J. Hoover-yes. 6-yes. 0-no. Motion by R. Lovely; seconded by N. Johnson to return to open session. Motion passed by voice vote. 6-yes. 0-no.

Return to Open Session: Discussion/Action as may be necessary or appropriate on matters discussed in closed session. Mayor Grotzinger reported there as a motion to enter into a Memorandum of Understanding regarding City of Ladysmith and James & Barbara West Trust Development Agreement.

Closed Session. Motion by R. Lovely; seconded by N. Johnson to go into closed session under authority granted in Wis. Stats 19.85(1) (e) to deliberate or negotiate the purchasing of public property, the investing of public funds or conducting other specified public business whenever competitive or bargaining reasons require a closed session; to wit; to consider proposing changes to the current animal shelter operating agreement. Motion passed by roll call vote. R. Lovely-yes. J. Hoover-yes. N. Johnson-yes. M. Hraban-yes. A. Christianson-yes. S. Weiss-yes. 6-yes. 0-no.

Adjourn: Motion by N. Johnson; seconded by R. Lovley to adjourn at 7:00pm. Motion passed by voice vote. 6-yes. 0-no.

Respectfully submitted,

Sara Nelson, City Clerk