

**NOTICE OF COMMON COUNCIL MEETING TO BE HELD  
6:30 P.M., MONDAY, OCTOBER 23, 2017  
LADYSMITH COUNCIL CHAMBER  
107 WEST SECOND STREET SOUTH  
LADYSMITH, WISCONSIN**



Invitations to: Council members, Mayor, City Atty., Adm., DPW, Asst. DPW, Police Chief, media.

**AGENDA**

- 1) Call to order at 6:30 p.m.
- 2) Roll call and Pledge of Allegiance.
- 3) Approve October 9, 2017 Council minutes. pp.3-6
- 4) Approval of the evening's agenda.
- 5) Introductions, hearings, appearances and public comments.
  - a. Public Hearings on proposed ordinance amendments relating to well abandonment and permits, and to cross connections.
  - b. November 6: Appearance by A. Albarado in regard to advertising efforts.
- 6) Resolutions, Ordinances and other action.
  - a. Action on Resolution #2017-16 directing conversion of streets adjacent to the Ladysmith Middle School to one-way traffic.p.6
  - b. Action on Resolution #2017-17 identifying responsibility form oversight of various City facilities.pp.7-8
  - c. Action on Ordinance #2017-03 amending cross connection rules. pp.9-10
  - d. Action on Ordinance #2017-04 amending well abandonment and well operation permit rules. pp. 11-13
- 7) District One/Youth and Recreation/Library Board/Plan. Comm.
  - a. Report on Library Board business/meeting.
  - b. Report on Youth and Recreation business/meeting.
  - c. Report on Planning Commission meeting.
- 8) District Two/Personnel Comm./Rail Display.
  - a. Report on Personnel Committee meeting/business.
  - b. Action on recommendation to authorize establishment of new Public Works eligible to hire list.
  - c. Report on rail display activities.
  - c. Report an Animal Control Board/Highway Safety.
- 9) District Three/Property/ Emergency Government/Joint Management.
  - a. Report on Property meeting/business/farmer's market.
  - b. Report on Joint Management Committee meeting/business.
  - c. Report on Emergency Gov't./Emergency Plan. meeting/business.
- 10) District Four/Finance/All Committees/Tourism Committee.
  - a. Report on October 16, All Committees meeting/business. pp.14-17
  - b. Report on Finance meeting/business.
  - c. Action to approve monthly invoices.
- 11) District Five/Legal Affairs/Zoning Appeals/RLF Board.
  - a. Report on Oct. 23, Legal Affairs meeting/business.
  - b. Report on RLF Board meeting/business.
  - c. Report on Zoning Board meeting/business.

- 12) District Six/Public Works Committee/Cemetery/Ethics/Transit.
  - a. Report on Public Works Committee meetings/business.
  - b. Report on Cemetery meeting/business
  - c. Report on Ethics meeting/business.
- 13) District Seven/Comm. Dev. Comm./Police and Fire.
  - a. Report on Park Board meeting/business.
  - b. Report on Police and Fire meeting/business.
  - c. Report on Community Dev. Comm. meeting/business.
- 13) Police and Fire Department Report.
- 14) Public Works and Building Inspection Report.
  - a. Report on Public Works project progress, and building inspection report.
  - b. Action to approve McCabe Construction progress payments:
    - No. 1, in the amount of \$226,434.40, for work completed on Center Ave., Pederson Ave., and E. 8<sup>th</sup> St. S.
    - No. 1, in the amount of \$33,562.55, for work completed on W. 2<sup>nd</sup> St. N.
  - c. Approve proposed vet's mural location at E. 3<sup>rd</sup> and River Ave. pp.18-19
- 15) Administrative Report.
  - a. Action to approve payment of MSA invoices:
    - In the amount of \$3,000, for CDBG grant administration work from 07/09-09/09 on Center Ave./Pederson Ave. /E.8<sup>th</sup> St. reconstruction and for \$2,250 for SDWLP administration for the same project.
    - In the amount of \$24,948 for engineering and construction oversight on the Center Ave./Pederson Ave./E. 8<sup>th</sup> St. project and in the amount of \$3,075.01 for the W. 2<sup>nd</sup> St. N. portion of the project.
- 16) Attorney's Report.
- 17) Mayor's Comments.
  - a. Action to approve User Agreement with North Cedar Academy.
- 18) Licenses and Permits.

Action on operator's license applications, for changes of agent, on application for fermented malt beverage or liquor licenses, including picnic licenses, and including requests for new alcohol beverage licenses.
- 19) Adjourn.

Prepared on 10/18/2017 by A. Christianson

*The City of Ladysmith is an Equal Opportunity Employer.*

**RESOLUTION #2017-17**

**IDENTIFYING RESPONSIBILITY FOR CITY RECREATIONAL FACILITIES**

WHEREAS, the City has in recent years acquired and or developed additional outdoor recreation and other facilities, but it has not always been entirely clear whose jurisdiction these are under.

WHEREAS, the City desires to assign this responsibility to reduce possible confusion.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Ladysmith that it does hereby assign responsibility for oversight of these recreational facilities as follows, until such time as the Council may take action to change them:

**TO LADYSMITH PARK BOARD**

Parks

- Centennial Park
- Greenwood Park. including John M. Terrill Trail
- Ladysmith Elementary School Park (playground owned by School District w/benefit of user agreement)
- Memorial Park, including boat landing
- Miner Park
- O.J. Falge Park, including trails and boardwalk therein
- Pioneer Park, including rail display
- Riverside Park, including E. M. Dahlberg Trail
- Skate Park
- Thut Park

**TO YOUTH AND RECREATION COMMITTEE**

Ball fields

- Industrial Park ballfields
- Mount Senario ballfield, tennis/basketball court, and football field (user agreement needed?)
- Christman Field (owned by school district-user agreement needed?)

Trails

- Riverview Trail
- Sister's Farm Trail (leased from FMC)
- Trail on south side of Corbett Lake (only an idea at this time-name?)

Other

- Wagon Bridge Landing

**TO PROPERTY COMMITTEE**

Veteran's Murals

- Miner Ave. (north side) veteran's mural
- Miner Ave. (south side) veteran's mural
- E. 2<sup>nd</sup> St. (east side Clark building) veteran's mural
- River Ave. (at Hwy. 8) veteran's mural

Rail Displays

- Proposed in Lake Avenue "Gateway" parking lot
- Old Smoky
- Visitor Center

Green Spaces

- Cottonwood log (annex to Memorial Park?)
- East side of Miner Plaza
- Flambeau River Overlook
- NE corner of W. 3<sup>rd</sup> and Miner
- Old bakery site
- SE corner of W. 3<sup>rd</sup> an Miner
- Farmer's Market
- Victory Tree

\_\_\_\_\_ by \_\_\_\_\_ vote at a regularly scheduled meeting of the Common Council held the \_\_\_\_ day of \_\_\_\_\_, 2017.

Signed: \_\_\_\_\_  
Marty Reynolds, Mayor

Attest: \_\_\_\_\_  
Al Christianson, Dep. Clerk

**ORDINANCE #2017-03**  
**AMENDING CROSS CONNECTION RULES**

The Common Council of the City of Ladysmith do ordain as follows:

1. That sec. 9-1-54 of the Ladysmith Municipal Code of Ordinances, Cross Connection Control, is hereby repealed in its entirety and recreated to read as follows.

**SEC 9-1-54 CROSS CONNECTION CONTROL**

- (a) **Purpose.** To provide a program for protecting the public water system from contamination due to backflow of contaminants through the water service connection into the public water system.
- (b) **Applicability.** Chapters NR 810 and SPS 382, Wisconsin Administrative Code, require protection for the public water system from contamination due to backflow of contaminants through the water service connection and the Wisconsin Department of Natural Resources requires the development and implementation of a comprehensive cross connection control program to effectively prevent the contamination of potable water systems.
- (c) **Definition of Cross Connection.** A cross connection is defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City of Ladysmith's public water system, and the other of which contains water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems.
- (d) **Unprotected Cross Connections Prohibited.** No person, firm, or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross connection. Cross connections shall be protected as required in ch. SPS 382, Wisconsin Administrative Code.
- (e) **Inspection.** The Water Utility may inspect, or arrange for an inspection of, property served by the public water system for cross connections. The Water Utility may require a person, firm, or corporation who owns, leases, or occupies property to have their plumbing inspected, at their own expense by a State of Wisconsin Certified Cross Connection Inspector/Surveyor. The frequency of inspections shall be established by the Water Utility in accordance with the Wisconsin Administrative Code. Any unprotected cross connections identified by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided under paragraph (h) of this Ordinance.
- (f) **Right of Entry.** Upon presentation of credentials, a representative of the Water Utility shall have the right to request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the property for cross connections. Refusing entry to such a utility representative shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided under paragraph (h) of this Ordinance. If entry is refused, a special inspection warrant under section 66.0119 of the Wisconsin Statutes, may be obtained.
- (g) **Provision of Requested Information.** The Water Utility may request an owner, lessee or occupant of property served by a connection to the public water system to furnish the Water Utility with pertinent information regarding the piping systems on the property. Refusing to provide requested information shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided in paragraph (h) of this Ordinance.
- (h) **Discontinuation of Water for Violation.** The Water Utility may discontinue water service to any property wherein any unprotected connection in violation of this Ordinance exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued however, only after reasonable notice and

opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in paragraph (i) of this Ordinance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

- (i) **Emergency Discontinuance.** If it is determined by the Water Utility that an unprotected cross connection or emergency endangers public health, safety, or welfare, and requires immediate action, and if a written finding to that effect is filed with the City Clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within 10 days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

2. That this ordinance amendment shall take effect upon passage and publication.

\_\_\_\_\_ by \_\_\_\_\_ vote at a regular meeting of the Common Council held the 23rd day of October, 2017.

Signed: \_\_\_\_\_  
Marty Reynolds, Mayor

Attest: \_\_\_\_\_  
Alan Christianson, Adm.-Dep. Clerk

ORDINANCE 2017- 04

AMENDING WELL ABANDONMENT AND WELL OPERATION PERMIT RULES

The Common Council of the City of Ladysmith do ordain as follows:

1. That Sec. 9-1-56 of the Ladysmith Municipal Code of Ordinances is hereby repealed in its entirety and recreated to read as follows.

SEC 9-1-56 WELL ABANDONMENT AND WELL OPERATION PERMIT

- (a) **Purpose.** To protect public health, safety and welfare and to prevent contamination of water supplies by assuring that unused, unsafe or noncomplying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or properly filled-and-sealed.
- (b) **Applicability.** This Ordinance applies to all wells located on premises served by the Ladysmith municipal water system. Communities outside the jurisdiction of the municipal water system are also required by code, contract agreement, or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Section (a) above.
- (c) **Definitions.**
  - (1) **“Municipal water system”** means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
  - (2) **“Communities served”** means any jurisdiction having customers supplied by a municipal water system as retail or wholesale customers, including those outside the jurisdiction of the supplying system;
  - (3) **“Noncomplying”** means a well or pump installation which does not comply with s. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43, Wisconsin Administrative Code.
  - (4) **“Pump installation”** means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
  - (5) **“Served by”** means any property having a water supply pipe extending onto it which is connected to the Municipal water system.
  - (6) **“Unsafe”** well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with other substances exceeding the drinking water standards of chs. NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources..
  - (7) **“Unused”** well means one which does not have a functional pumping system or other complying means of withdrawing water.
  - (8) **“Well”** means a drillhole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.
  - (9) **“Well Abandonment”** means the proper filling and sealing of a well according to the provisions of s. NR 812.26, Wisconsin Administrative Code.

- (d) **Well Abandonment Required.** All wells on premises served by the municipal water system shall be properly filled-and-sealed in accordance with Section 6 of this ordinance by December 31, 2018 or not later than 1 year from the date of connection to the municipal water system, or discovery or construction of a well, unless a valid well operation permit has been issued to the well owner by the City of Ladysmith under terms of Section (e) of this ordinance.
- (e) **Well Operation Permit.** Owners of wells on premises served by the municipal water system shall make application for a well operation permit for each well no later than 90 days after connection to the municipal water system or date of discovery or construction of a well. The City of Ladysmith shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing all conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. The City of Ladysmith or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the City Clerk. All initial and renewal applications must be accompanied by a fee of Fifty Dollars (\$50.00).

The following conditions must be met for issuance or renewal of a well operation permit:

- (1) The well and pump installation shall meet the *Standards for Existing Installations* described in s. NR812.42, Wisconsin Administrative Code, or repaired to comply with current standards. Compliance shall be verified by inspection for initial issuance of a permit and every 10 years thereafter. Inspections shall be conducted by a Wisconsin licensed well driller or pump installer and documented on inspection report form DNR #3300-221, to be submitted to the Clerk.
  - (2) The well and pump shall have a history of producing safe water evidenced by a certified lab report for at least 1 safe coliform bacteria sample collected within the prior 30 days, and submitted to the Clerk. In areas where the Department of Natural Resources (DNR) has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.
  - (3) There shall be no cross-connections or interconnection between the well's pump installation or distribution piping and the municipal water system unless approved by the Utility and DNR.
  - (4) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
  - (5) The private well shall have a functional pumping system or other complying means of withdrawing water.
  - (6) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.
- (f) **Filling-And-Sealing Procedures**
- (1) All wells abandoned under the jurisdiction of this ordinance shall be filled-and-sealed according to the procedures and methods of s. NR 812.26, Wisconsin Administrative Code.
  - (2) All well filling-and-sealing under jurisdiction of this ordinance shall be performed by, or under the supervision of, a Certified Water System Operator employed by the City of Ladysmith or by a Wisconsin licensed Well Driller or Pump Installer, per s. 280.30 Wisconsin Statutes.
  - (3) The owner of the well, or the owner's agent, may be required to obtain a well abandonment permit prior to any well abandonment and shall notify the clerk at least 48 hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.



(4) A well filling-and-sealing report form DNR #3300-005, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and to the Department of Natural Resources within 30 days of the completion of the well abandonment.

**(g) Penalties.** Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not less than Two Hundred Dollars(\$200.00) nor more than Five Hundred Dollars (\$500.00) and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 30 days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

2. That this ordinance shall take effect upon passage and publication.

\_\_\_\_\_ by \_\_\_\_\_ vote at a regular meeting of the Common Council held the 23<sup>rd</sup> day of October, 2017.

Signed: \_\_\_\_\_  
Marty Reynolds, Mayor

Attest: \_\_\_\_\_  
Alan Christianson, Adm.-Dep.-Clerk