

**COMMON COUNCIL PROCEEDINGS OF THE CITY OF LADYSMITH**  
October 23, 2017 6:30 p.m. Council Chamber

**Roll Call.** Members present: A. Hraban, M. Hraban, R. Moore, B. Morgan, J. Pearson, M. Platteter, M. Reynolds, Absent: B. Stoneberg.

Others present: R. Carlson, A. Christianson 1 and 2, K. Gorsegner, L. Gotham, C. Huiras, K. Julien, A. Kenyon, L. Klink, J. Pohlman.

**Call to Order:**

Mayor Reynolds called the meeting to order and served as chair.

**Pledge of Allegiance:**

Mr. Platteter led the Pledge of Allegiance.

**Minutes:**

Motion was made by Moore, seconded by A. Hraban and carried by voice vote to approve the minutes of the October 9, 2017 Council meeting with the Mayor's report to be revised to indicate a reference to Highway 97 rather than to Highway 95.

**Agenda:**

Motion was made by A. Hraban, seconded by M. Hraban and carried by voice vote to approve the evening's agenda.

**Hearings and Appearances:**

Main Street Director Christianson appeared to invite all present to take in activities planned for Downtown Night Out, Friday, October 27th. He noted, in response to a question, that the free movie "Demon with the Atomic Brain" was filmed in Clear Lake, Wisconsin and is being provided to the local theater owner by the producer who is a personal acquaintance. It is said to be a 1950s style horror film.

Ray Carlson appeared to request that Corbett Lake File #2, Folder #16 be added to the next All Committee agenda. That meeting is likely to be held November 6<sup>th</sup>.

At 6:35 p.m. Mayor Reynolds convened a Public Hearing on proposed rules changes relating to cross connections and to well abandonment and well operating permits. The Hearing was closed shortly thereafter.

**Resolutions and Ordinances:**

Proposed Resolution #2017-16 directing conversion of portion of Miner Ave. and E. 6<sup>th</sup> Street adjacent to Ladysmith Middle School to one-way traffic was put on hold and will be converted from resolution to ordinance form.

Proposed Resolution #2017-17 identifying responsibility for oversight of various City recreational and other facilities was referred to the Legal Affairs Committee after Park Board reps Carol Huiras and John Pohlman suggested major changes in how oversight of

selected facilities should be assigned. Ms. Huiras asked where the proposed resolution originated and noted it conflicts with Sec. 2-4-8 (e) of the Code of Ordinances. She also underscored the duties conferred on the Park Board in Sec. 2-4-8 (e).

Adm. Christianson stated that he drafted the proposed resolution with a number of purposes in mind:

- He noted various structures such as the Falge Park footbridge and log gazebo in Memorial didn't seem to be on anyone's radar to repair.
- He was looking for a role for the Youth and Rec Committee and it didn't seem any committee was responsible for trails or ballfields.
- The City added a number of new facilities including downtown green spaces and vets murals in recent years and questions were arising over who oversees them or provides for their maintenance.
- While Sec. 2-4-8 enumerates several duties for the Park Board the Board has not taken an active role in many of these in the recent decades, if ever.

Mr. Carlson noted that Corbett Lake isn't mentioned anywhere on either draft list of oversight assignments. He also stated that he doesn't want to have to seek permission from more than one entity to work on a project.

DPW Gorsegner explained that proposed Ordinances #2017-03 and 04 are required to be adopted by the City if the City is to use DNR financing for projects. This financing might include very low interest loans or even so-called "loan forgiveness" so is essential. It was noted, in response to a question, that residents can have private wells in the City. They must still pay City charges for having water service available, however, although they would not be charged usage fees. Anyone with such a well would have to have it inspected to be certain that well is in no way cross connected to the City water system. If a property owner refuses the City access to inspect, the City can shut that customer's water off while it gets an inspection warrant.

Motion was made by M. Hraban, seconded by A. Hraban and carried by voice vote to adopt Ordinance #2017-03 amending cross connection rules.

Motion was made by M. Hraban, seconded by A. Hraban and carried by voice vote to adopt Ordinance #2017-04 amending well abandonment and well operating permit rules.

#### **District and Committee Reports:**

##### **District One, Mr. Platteter:**

Mr. Platteter had nothing to report.

##### **District Two, Mr. B. Morgan:**

Mr. Morgan asked that Public Works Committee Chair A. Hraban have a look at the alley that runs north-south in the block in which the Gerard Hotel is located. It was then noted that the mess in that alley is due to gas company construction; not anything the City did.

Mr. Morgan also stated that the sidewalk planned for the west end of the Pederson Ave. project should be scrapped.

Mr. A. Hraban made a motion, which was seconded by Morgan and carried by voice vote to authorize establishment of a new public works eligible to hire list.

Mr. Carlson indicated he is spending a couple hours a day on the rail display. Mr. Morgan suggested Mr. Carlson immediately close the display for the season.

**District Three, Mr. M. Hraban:**

Mr. Hraban advised that the Joint Management Committee will meet when Mr. Albarado returns and that the ambulance study committee will meet this Friday, Oct. 27, at 9 a.m.

**District Four, Mr. R. Moore:**

Mr. Moore called attention to minutes of the October 16, All Committees meeting.

Motion was made by M. Hraban and seconded by A. Hraban to approve the monthly invoices. Roll call vote: Platteter-yes; Morgan-yes; M. Hraban-yes; Moore-yes; Stoneberg-absent; A. Hraban-yes; Pearson-yes. Motion carried.

**District Five, Mrs. B. Stoneberg:**

In Mrs. Stoneberg's absence, a Legal Affairs meeting planned to be held earlier in the day, was cancelled. Tentative plans are to hold it the morning of November 6<sup>th</sup>.

**District Six, Mr. A. Hraban:**

Mr. Hraban had nothing to report.

**District Seven, Mrs. J. Pearson:**

Mrs. Pearson passed along that camaraderie seems to be good within the LFD. The next Police and Fire meeting will be November 16<sup>th</sup> at 5 p.m.

**Police and Fire Dept. Reports, A. Lobermeier:**

Lt. Julien advised that the official trick or treat time in the City will be from 4-7 p.m. on Tuesday, October 31<sup>st</sup>.

Lt. Julien reported that, although he himself played a small role, the primary credit for establishing an Employee Achievement Program in the LPD belongs to Ted East. EAP is an employee wellness program, which provided counseling for officers following the shooting of officer Dan Glaze. He added that officer wellness is becoming increasingly important. Rusk Co. has added City officers to its EAP program, without charge, in view of mutual aid that has been provided.

**Public Works Dept. Report, Mr. K. Gorseger:**

The DPW provided the following project progress updates:

- Pederson Ave. utilities are essentially done.
- The Center Ave. roadway will be shaped tomorrow.

-Driveway work is being done on E. 8<sup>th</sup> St. S.

Motion was made by Morgan and seconded by A. Hraban to approve Payment No. 1 to McCabe Construction, in the amount of \$226,434.40, for work completed on the Center Ave./Pederson Ave./E. 8<sup>th</sup> St. projects. Roll call vote: Morgan-yes; M. Hraban-yes; Moore-yes; Stoneberg-absent; A. Hraban-yes; Pearson-yes; Platteter-yes. Motion carried.

Motion was made by A. Hraban and seconded by M. Hraban to approve Payment No. 1 to McCabe Construction, in the amount of \$33,562.55, for work completed on the W. 2<sup>nd</sup> St. N. project. Roll call vote: M. Hraban-yes; Moore-yes; Stoneberg-absent; A. Hraban-yes; Pearson-yes; Platteter-yes; Morgan-yes. Motion carried.

Motion was made by M. Hraban seconded by A. Hraban to approve Payment No. 2 to Haas Sons, in the amount of \$26,740.52, for work completed on the Phillips Ave./1<sup>st</sup> St. project. Between retainage of \$20,000 and remaining paving and restoration work, \$96,731.66 remains to be paid out on this project. DPW Gorsegner and Mr. Morgan both stated they expect that the soft spot in Phillips Ave. will stiffen up over winter, following a freeze thaw cycle. Haas has also filed a change order request to delay completion, paving, to July 15, 2018. Several present expressed disappointment that this project wasn't started sooner and wrapped up sooner. Mr. Moore and others felt more pressure should have been put on the contractor to get it underway. Roll call vote: Moore-yes; Stoneberg-absent; A. Hraban-yes; Pearson-yes; Platteter-yes; Morgan-yes; M. Hraban-yes. Motion carried.

Attention was called to the proposed location of a vet's mural adjacent to the intersection of E. 3<sup>rd</sup> St./Highway 8 and River Ave. A concern was raised whether an adjoining owner might have issues with the mural blocking vision. That owner will be contacted. A question was also raised why a second mural wasn't erected on the west side of the lot west of the Post office, as was discussed. It was noted, in response, that although that could still happen, there was concern that one on the west side might block the view of the one currently framed up. Actual veteran depictions aren't expected to be installed until next spring. All spots on the frame next to the Post Office and the one planned on the SE corner of E. 3<sup>rd</sup> (Hwy.8) and River are sold out. Motion was made by M. Hraban, seconded by Pearson and carried by voice vote to approve the location at E. 3<sup>rd</sup> and River.

**Administrative Report, Mr. A. Christianson:**

Adm. Christianson reported that, earlier in the day, former Flambeau Mining geologist Ed May arrived from Colorado and placed additional mineral specimens in the display cabinet at the library.

Adm. Christianson advised that he made a comment at one or more previous meetings that may have been misleading. Earlier Public Works Committee meetings involved discussions about borrowing up to \$1,400,000 to undertake at least two major street projects. That \$1,400,000 represented the City's remaining borrowing capacity after other planned borrowing was deducted from 80% of its legal debt capacity, which City's are

advised not to exceed, so 20% is available in case of emergency. As discussions progressed the preferred approach transitioned to holding a public referendum wherein a favorable vote would allow the City to exceed levy limits by \$500,000 for the purpose of making this amount available annually for road work. This approach would avoid payment of interest on borrowing. This explanation resulted in some confusion and a lengthy discussion ensued, but seemed worthwhile in clarifying plans.

Motion was made by M. Hraban and seconded by A. Hraban to approve payment of an invoice from MSA in the amount of \$3,000, for CDBG administration from 07/09-09/09/17 and an invoice from MSA in the amount of \$2,250 for SDWLP administration for W. 2<sup>nd</sup> St. N. Roll call vote: Stoneberg-absent; A. Hraban-yes; Pearson-yes; Platteter-yes; Morgan-yes; M. Hraban-yes; Moore-yes. Motion carried.

Adm. Christianson advised that he is in receipt of a second pay request from Glen Hetchler for painting on the Brooklyn Memorial Bridge. It is for \$1,600 and, when combined with a previously paid amount of \$1,050, will result in payment of \$2,650 against a bid of \$5,300; or 50%. Hopefully, three and one-half light poles on the east side will be completed this week with exterior railings likely to be held over until 2018. Disappointment was expressed over how many nice summer days went by with no work having been done. Motion was, however, made by M. Hraban and seconded by Moore to pay the current invoice. Roll call vote: Platteter-yes; Morgan-yes; M. Hraban-yes; Moore-yes; Stoneberg-absent; A. Hraban-yes; Pearson-yes. Motion carried.

Mr. A. Hraban left the meeting at this juncture.

Motion was made by M. Hraban and seconded by A. Hraban to approve payment of MSA invoices in the amounts of \$24,248 for engineering and construction oversight on the Center Ave./Pederson Ave./t. project, and \$3,075.01 for the same services on the adjacent W. 2<sup>nd</sup> St. N. project. Roll call vote: Pearson-yes; Platteter-yes; Morgan-yes; M. Hraban-yes; Moore-yes; Stoneberg-absent; A. Hraban-yes. Motion carried.

Mr. M. Hraban reported receiving a call expressing concern about the bridge painting contractor's lack of safety equipment when working on the water side of the railing last week. He called Asst. DPW Parker, who shut down the operation until the equipment was in use. The equipment was in use today.

Larry Gotham from Morgan and Parmley appeared to highlight his firm's attached report on financial assistance available through WEDC and DNR to assist with proposed reconstruction projects on portions of Fritz and Worden Avenues. It may be possible to mate assistance from both the WEDC and DNR programs to obtain best results. Mr. Gotham went on to explain the short timelines to pursue low interest loans and grants, which would make these projects considerably more viable. Motion was made by Morgan, seconded by M. Hraban and carried by voice vote to authorize Morgan & Parmley to submit an Intent to Apply (ITA) for assistance form on the City's behalf.

**Attorney's Report, Mr. A. Kenyon:**

Atty. Kenyon apologized for getting excited at the previous meeting about the need for more growth stimulating efforts.

**Mayor's Forum, Mr. M. Reynolds:**

Mayor Reynolds noted receiving requests that the City do something about feral cats in the E. 11<sup>th</sup>/E. 12<sup>th</sup> St. area, where a resident is said to be feeding these cats, much to the dismay of nearby property owners. Apparently the animal shelter does not want the cats as feral cats don't get adopted. The shelter also lacks traps and doesn't know what to do with the cats if they were trapped.

Mayor Reynolds also expressed considerable disappointment in an unexpected consequence of obtaining WisDOT concurrence with a painted only median at the Lake Ave. rail crossing, eliminating any chance the City would have of establishing a rail quiet zone he has advocated for a long time. To earn the necessary points under the Federal Railroad Administration's formula to establish such zone the City would require the points it would score by installation of a raised median at this crossing. This is because this crossing has such a high index when the volume of vehicles that cross it is multiplied by the number of trains that cross it. Even if maximum points were to be obtained at all six other crossings (on N-S line) those would not be enough to gain approval to establish a quiet zone. On the other hand, little else would be needed on the other six crossings if the raised median is installed at Lake Ave.

**Licenses and Permits:**

None.

**Adjourn:**

The meeting was adjourned at 8:40 p.m.

**Recorded by:** \_\_\_\_\_  
Alan Christianson  
Adm.-Deputy Clerk

**Publication:**

Date submitted: \_\_\_\_\_

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