

**COMMON COUNCIL PROCEEDINGS OF THE CITY OF LADYSMITH**  
May 9, 2016 6:30 p.m. Council Chamber

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

Others present: A. Christianson 1, K. Gorsegner, R. and C. Jenness, A. Kenyon, L. Klink, A. Lobermeier.

Planning Commission members present: A. Christianson 2, C. Goin, B. Groothousen, A. Kaiser, C. Ostenso, D. Willingham.

**Call to Order:**

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

**Pledge of Allegiance:**

Mrs. Pearson led the Pledge of Allegiance.

**Minutes:**

Motion was made by A. Hraban, seconded by M. Hraban and carried by voice vote to approve the minutes of the May 2, 2016 Special Council meeting.

**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:**

At 6:35 p.m. Mayor Reynolds convened a two part public hearing on the following related topics:

1. Adoption of a chicken keeping ordinance intended to allow permits to be granted by administrative action.
2. Possible Planning Commission granting of a conditional use permit to Rod and Coreen Jenness to allow them to keep laying hens at 802 Miner Ave. E.

The Planning Commission was present in joint session for the hearings. Although there were no public appearances, Planning Commission and Council members present did offer some questions or comments including the following:

\*Barking dogs don't require permits, why should quiet chickens?

\*Neighbors shouldn't have veto power. A neighbor may say no only because they don't like somebody.

\*Neighbors should be required to be notified, but not required to concur.

\*\$25 is high fee unless a one-time fee. That will buy a lot of eggs.

\*Non-compliant permits may be withdrawn by Council action.

These hearings concluded at 6:53 p.m. at which time the Planning Commission moved its meeting to the municipal court room.

**Licenses and Permits:**

Clerk S. Kavanagh presented liquor, beer and related license applications for the 2016-2017 license year. Motion was made, seconded and carried by voice vote to approve the list of license applications attached hereto.

Motion was made by Moore, seconded by M. Hraban and carried by voice vote to approve a Fireworks Seller's Permit for Mark Michielson d/b/a Flambeauland Fireworks, W9619 Port Arthur Road, with a tent sale planned for June 24-July 10, 2016, on east side of Ace Home Center parking lot.

Motion was made by A. Hraban, seconded by M. Hraban and carried by voice vote to approve provisional tavern operator's licenses for Felecia Fredrick and Carrie Johnson for Grandpa's Pizzeria.

**Resolutions and Ordinances:**

Motion was made by M. Hraban, seconded by Morgan and carried by voice vote to consider entering into a lease to own arrangement with Tax Exempt Leasing Corp. for a new sewer jetter expected to be delivered May 11<sup>th</sup>. This will be the same type of lease the City has with the same firm relative to its newest packer truck. Motion was then made by A. Hraban and seconded by M. Hraban to adopt Resolution #2016-10 authorizing entry into the lease/purchase arrangement. Roll call vote: Platteter-yes; Morgan-yes; M. Hraban-yes; Moore-yes; Stoneberg-yes; A. Hraban-yes; Pearson-yes. Motion carried.

**District and Committee Reports:**

**District One, Mr. Platteter:**

Mr. Platteter advised that the Library Board will meet at 5 p.m. on May 10th.

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

Mr. Morgan reported that volunteers are installing passenger car seats in the rail display. He answered a question about open hours; advised that the County has provided a nice mower to keep the area up; and, noted that someone needs to be identified to go through the motorcar motor and transmission that were recently procured. He went on to say that a lift truck will be rented to access Old Smoky for prep work and repainting.

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

Mr. Hraban reported that he has written a two page letter to the School Board outlining concerns with proposed relocation of Elementary School students to the Middle School, adding that he didn't just identify issues, but provided thoughts on how these issues may be addressed. The issues identified include vehicle access, pedestrian access, child safety, and parking.

Mr. Hraban distributed copies of the May 4, Property Committee meeting minutes, which he then reviewed in detail. He made a motion, which was seconded by A. Hraban to accept Glen Hetchler's Proposal to provide labor, equipment and incidentals to repair and

repaint five structures at the former ranger station for a package price of \$9,700, as a cost to the 2016 contingency line item. That number does not including material, which the City will, presumably, buy direct. Mrs. Pearson asked if there were other bidders. It was noted that it has become very difficult to find contractors to do such work. Roll call vote: Morgan-yes; M. Hraban-yes; Moore-yes; Stoneberg-yes; A. Hraban-yes; Pearson-yes; Platteter-yes. Motion carried.

Mr. Hraban made a motion, which was seconded by Stoneberg to authorize Hoover Bldrs. to construct a military mural frame extension on properties across from P.O. Measurements were made so that blacktop can be cut out there soon. The cost will be from \$2,400-\$2,600 to be paid from TIFD #8. Roll call vote: M. Hraban-yes; Moore-yes; Stoneberg-yes; A. Hraban-yes; Pearson-yes; Platteter-yes; Morgan-yes. Motion carried.

Mr. Hraban made a motion, which was seconded by Stoneberg and carried by voice vote to authorize placing "for sale" signs at the former Finish Line tavern site.

Mr. Hraban reported that log haulers messed up streets south of the log yard again last week, which Committee members viewed. He went on to say the haulers need to be better neighbors on a consistent basis.

He also reported that the County Finance Committee will be advised that the City feels the marketing opportunity period allowed on the former Methodist Church has expired. And that the Emergency Government Committee will meet at the LEC at 8:30 a.m. on May 11<sup>th</sup>.

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

Mr. Moore had nothing to report.

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

It was noted that the following are among items the Legal Affairs Committee may want to look into:

- \*Municipal Code language stating when items need to be submitted for placement on agendas.
- \*Establishing substitutes for each of the seven standing Council committees.

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

Mr. A. Hraban made a motion, which was seconded by M. Hraban to have Morgan & Parmley prepare enhanced plans for resurfacing Phillips Ave. from 1<sup>st</sup> St. to E. 4<sup>th</sup> St. S., including 1<sup>st</sup> St. from College to Phillips Ave., at a cost of \$4,200-\$5,500, to come from the 2016 street construction budget line. A question was raised whether curb and gutter might be a better solution. It was decided that Committee members should review the need for this additional engineering work on-site with a representative of Morgan & Parmley before committing to it. The motion and second were then withdrawn.

It was pointed out that, because Phillips Ave. is the only one east of the CN that crosses much of the City east to west south of Lindoo, it carries more traffic than might be

thought so warrants being done well. College Ave. could help serve this role if r.o.w. for a missing block between E. 3<sup>rd</sup> and E. 4<sup>th</sup> were to be acquired and built. It is assumed, however, that abutting owners wouldn't want this traffic next to them.

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

Mrs. Pearson had nothing to report.

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

Chief Lobermeier advised that officer applicants will soon be going through the first phase of physical agility testing.

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

The DPW called to the Council's attention that recent televising of the sanitary sewer in the 400 W. block of Corbett Ave. has revealed that it is in worse condition than thought. While it had been thought that it could be lined if need be, it may be beyond that. As the street rebuild contract has already been signed there could be a \$10,000 penalty to the City if it delays construction start. The contractor will be asked forthwith to provide a change order quote to replace that block of sewer, which is known to be quite shallow.

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

Adm. Christianson requested approval of Final Pay Request No. 5 on the plow museum, in the amount of \$3,263, for site restoration work completed by Thompson Excavating. Motion was made by M. Hraban and seconded by Moore to approve. Roll call vote: Moore-yes; Stoneberg-yes; A. Hraban-yes; Pearson-yes; Platteter-yes; Morgan-abstain; M. Hraban-yes. Motion carried.

Motion was made by M. Hraban and seconded by Morgan to accept Bob Bundgaard's Proposal to repaint Old Smoky for \$2,750, as a cost to TIFD #8. Roll call vote: Stoneberg-yes; A. Hraban-yes; Pearson-yes; Platteter-yes; Morgan-yes; M. Hraban-yes; Moore-yes. Motion carried.

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

Atty. Kenyon reported that, after working on condemnation of a couple dwellings for some time without any response from the owners of record, the owners of both showed up at his office today. One is awaiting insurance proceeds to proceed with demolition privately. The other is seeking a demolition contractor.

**Adjourn:**

The meeting was adjourned at 8:20 p.m.

**Recorded by:** \_\_\_\_\_

Alan Christianson  
Adm.-Deputy Clerk

**Publication:**

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

RESOLUTION NO. \_\_\_\_\_

**AUTHORIZING RESOLUTION  
FOR THE SUBMISSION OF A  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION**

Relating to the City of Ladysmith participation in the Community Development Block Grant-Public Facilities (CDBG-PF) program;

**WHEREAS**, Federal monies are available under the Community Development Block Grant (CDBG) program, administered by the Wisconsin Department of Administration (DOA) Division of Housing (DOH) for the provision or improvement of public facilities (CDBG-PF); and

**WHEREAS**, after public meeting and due consideration, the City Council has recommended that an application be submitted to DOA for the following project(s):

**Neighborhood Street and Utility Improvements; and**

**WHEREAS**, it is necessary for the City Council to approve the preparation and filing of an application for the City to receive funds from this program; and

**WHEREAS**, the City Council has reviewed the need for the proposed project(s) and the benefit(s) to be gained there from;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council does hereby approve and authorize the preparation and filing of an application for the above named project(s); and that the Mayor is hereby authorized to sign all necessary documents on behalf of the City of Ladysmith; and that authority is hereby granted to the Mayor to take the necessary steps to prepare and file the application for funds under this program in accordance with this resolution.

Adopted on this 23<sup>rd</sup> day of May, 2016.

SIGNED: \_\_\_\_\_

Marty Reynolds, Mayor

\_\_\_\_\_  
Date

ATTEST: \_\_\_\_\_

Shari Kavanagh, City Clerk

\_\_\_\_\_  
Date

**RESOLUTION NO. \_\_\_\_\_**

**CITY OF LADYSMITH**

**WISCONSIN RESIDENTIAL ANTIDISPLACEMENT AND  
RELOCATION ASSISTANCE PLAN  
FOR CDBG PROGRAMS**

This Residential Anti-Displacement and Relocation Assistance Plan (RARAP) is prepared by the City of Ladysmith in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG<sup>1</sup> projects.

**Minimize Displacement**

Consistent with the goals and objectives of activities assisted under the Act, the City of Ladysmith will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are "lower-income dwelling units" as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project.

**Relocation Assistance to Displaced Persons**

The City of Ladysmith will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG Program, move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

**One-for-One Replacement of Lower-Income Dwelling Units**

The City of Ladysmith will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG Program in accordance with 24 CFR 42.375.

Before entering into a contract committing the City of Ladysmith to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City of Ladysmith will make public, by publication in the Wausau Daily Herald, and submit to HUD and the Wisconsin Department of Administration the following information in writing:

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<sup>1</sup> CDBG programs include: Entitlement Community Development Block Grant (CDBG) Program, State CDBG Program, CDBG Small Cities Program, Section 108 Loan Guarantee Program, CDBG Special Purpose Grants Program, and the Neighborhood Stabilization Program (NSP).

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. NOTE: See also 24 CFR 42.375(d).
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom unit), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the City of Ladysmith will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

#### **Replacement not Required Based on Unit Availability**

Under 24 CFR 42.375(d), the City of Ladysmith may submit a request to HUD (or to the Wisconsin Department of Administration for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

#### **Contacts**

The City Clerk's Office is responsible for tracking the replacement of lower-income dwelling units and ensuring that they are provided within the required period.

The City Clerk's Office is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

Adopted the City of Ladysmith City Council on this 23<sup>rd</sup> day of May, 2016.

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Marty Reynolds, Mayor

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ATTEST: Shari Kavanagh, Clerk

Resolution No. \_\_\_\_\_  
to Adopt an Excessive Use of Force Ordinance

A RESOLUTION OF THE CITY COUNCIL OF CITY OF LADYSMITH,

**POLICY ON CIVIL RIGHTS DEMONSTRATIONS  
AND PROHIBITING USE OF EXCESSIVE FORCE**

WHEREAS Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended (42 U.S.C. 69 §5304) prohibits the State from expending or obligating any Community Development Block Grant funds to any unit of general local government that does not have or adopt a policy prohibiting the use of excessive force by local law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and a policy of enforcing State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction;

AND WHEREAS it is in the interest of City of Ladysmith to pursue Community Development Block Grant Funds and to adopt policy that complies with Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended (42 USC 69 §5304);

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF CITY OF LADYSMITH:

It is POLICY of the City to prohibit the use of excessive force by law enforcement agencies within the City 's jurisdiction against any individuals engaged in nonviolent civil rights demonstrations.

It is POLICY of the City to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within the City's jurisdiction.

The officials and employees of the City shall assist in the orderly prevention of all excessive force within City of Ladysmith by implementing the authority and enforcement procedures set forth in Title I of the Housing and Community Development Act of 1974.

PASSED BY THE CITY COUNCIL OF CITY OF LADYSMITH ON MAY 23, 2016.

\_\_\_\_\_  
Marty Reynolds, Mayor

ATTEST:

\_\_\_\_\_  
Shari Kavanaugh, City Clerk

Date \_\_\_\_\_