

**COMMON COUNCIL PROCEEDINGS OF THE CITY OF LADYSMITH**  
July 27, 2015 6:30 p.m. Council Chamber

**Roll Call.** Members present: K. Brown, A. Hraban, M. Hraban, B. Morgan, M. Platteter, M. Reynolds, B. Stoneberg. J. Pearson was not present initially, but joined the meeting later.

Others present: A. Christianson, L. and T. Fredrick, K. Gorsegner, A. Kenyon, L. Klink, A. Lobermeier, d. Parker, J. Pohlman.

**Call to Order:**

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

**Pledge of Allegiance:**

Mr. Morgan led the Pledge of Allegiance.

**Minutes:**

Motion was made by A. Hraban and seconded by M. Hraban to approve the minutes of the July 13, 2015 Council meeting. Mr. Pohlman raised a concern about the minutes seeming to indicate that about \$30,000 in RLF dollars had been lost when a dwelling at 602 E. 8<sup>th</sup> St. S. was recently sold at Sheriff's sale. Atty. Kenyon then affirmed that this was the outcome and wasn't the first case. He went on to say that NWRPC's contract to assist the City in making the loans for 15% of the loan value doesn't seem to require that agency to manage the loans. A simple form letter to check the status of loans on a routine basis would seem to avoid the types of occurrences that seem to have resulted in loss of over \$100,000 for reuse. The motion to approve was then carried by voice vote.

**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:**

Lynn Fredrick appeared in response to questions raised in Ladysmith News coverage of a recent City Council meeting. He explained that it was the U.S. Supreme Court that made findings about impacts on communities on which many local ordinances are based; that adult entertainment premises increase the incidence of various crimes. Mayor Reynolds responded that his purpose in raising questions he did was to be certain that if an ordinance is adopted that it be formulated in such a manner that it actually accomplishes what it is intended to and not just be a "feel good" action that makes people think they have accomplished something. Mr. Fredrick noted that Rusk County based its rules on zoning as counties don't do tavern licensing so don't have access to that route. He suggested the City approach it from both zoning and licensing angles. He also provided sample ordinances from Cumberland and Spooner to Legal Affairs Committee Chair Stoneberg to assist that Committee in further reviewing desired changes.

It was also recommended that Mr. Fredrick seek to establish similar rules in towns that surround the City so that the only effect of City rules isn't just to push such establishments just outside the City limits.

**Resolutions and Ordinances:**

Motion was made by M. Hraban and seconded by Stoneberg and carried by voice vote to put consideration of Resolution #2015-19 on the table. Motion was then made by M. Hraban, seconded by Stoneberg to adopt Resolution #2015-19 modifying the City's façade incentive program. Roll call vote: Platteter-yes; Morgan-yes; M. Hraban-yes; Brown-yes; Stoneberg-yes; A. Hraban-yes; Pearson-absent.

**District and Committee Reports:**

**District One, Mr. Platteter:**

Mr. Platteter had nothing to report.

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

Mr. Morgan reported that the focus of the July 21, Personnel meeting was to consider employee compensation changes for 2016, for purposes of getting started on budget development. M. Hraban noted he has a concern about how raises have been arrived at.

Mr. Morgan noted a need to thank those who have donated 26 loads of gravel for the plow museum. He suggested that Mr. Parker use the same framed photo format used recently to thank those who contributed in various ways to the rail display project.

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

Mr. Hraban advised that the Emergency Government Committee will meet August 4<sup>th</sup> at the Government Center.

Mr. Hraban advised that he will be meeting in regard to a guarantee with the contractor who provided a proposal to replace the Victory Tree. Mrs. Stoneberg advised that her husband is willing to help out with this project.

**District Four, Mr. K. Brown:**

Mr. Brown called attention to minutes of the July 20, All Committees meeting.

Mr. Brown made a motion, which was seconded by M. Hraban to approve the monthly invoices. Roll call vote: Morgan-yes; M. Hraban-yes; Brown-yes; Stoneberg-; A. Hraban-yes; Pearson-absent; Platteter-yes. Motion carried.

Mr. Brown reported that seven applicants for the vacant animal shelter manager position will be interviewed on August 3<sup>rd</sup>.

Mr. Brown noted a desire to hold a Finance meeting at 4:30 p.m. on Monday, August 3<sup>rd</sup>. At Mr. Platteter's request this meeting was put back one week to August 10<sup>th</sup>.

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

Mrs. Stoneberg advised that the Legal Affairs Committee will meet on July 30<sup>th</sup> at 5:30 p.m. She also stated that she will be unavailable for few days and hopes that further discussion on changes to the City's ATV rules can be deferred until she returns.

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

Mr. Hraban reported that an Ethics Board meeting was held earlier in the day, although it was a closed session.

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

Mrs. Pearson noted that she was late in arriving as she had just traveled from Baraboo.

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

Chief Lobermeier had just returned from vacation, so had nothing to report.

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

Mr. Gorsegner advised that, due to changes made by the PSC, letters are going out to those whose properties are known to have had water freeze ups in the past or thought to be susceptible to them, advising that the City is no longer allowed to credit them for running water to prevent freezing. This is Statewide. Rather, these owners will be expected to take corrective actions on their own so their services are no longer susceptible. He went on to say the City will no longer be able to assist with thawing by means of applying electrical current by attaching a welder. There have been too many instances nearby homes being damaged or destroyed using this method.

The DPW reported that work started earlier in the day on the Baker Ave./W. 11<sup>th</sup> St. resurfacing project. Pulverizing is expected to be done July 28<sup>th</sup>; manhole and valve adjustment on the 29<sup>th</sup>; and, paving to follow. Work on the W. 8<sup>th</sup> and Roesler project also started today.

It was reported that the new packer truck has not yet been delivered.

Mr. Morgan inquired as to the status of the industrial park roads. It was noted that design is complete and that CDBG funds will be requested, to be matched with monies from TIFD #10, to hopefully finance rebuilding them in 2016.

Mr. Brown asked whose jurisdiction Highway 27 is within near Wal-Mart, adding that there is a serious crack there needing attention. The DPW advised that the City's jurisdiction is between the railroad crossings.

Motion was made by A. Hraban, seconded and carried by voice vote to request bids for crack sealing, chip sealing, and milling and overlaying per the list recently developed by the Public Works Committee.

Motion was made by A. Hraban, seconded by M. Hraban and carried by voice vote to accept the Toycen bid of \$24,588 for a new Ford pickup for the Public Works Dept.

It was mentioned that bids have not yet been advertised for manhole replacements.

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

Motion was made by Hraban and seconded by Brown to enter into an Agreement with SEH for that firm to assist the City with preparation of a CDBG application seeking assistance to both update the Enterprise Center and to rebuild that north-south section of Barnett Road and, possibly all or portions of Gustafson Road, at a fee of \$6,500, as a cost to The Mining Fund. Roll call vote: Morgan-yes; M. Hraban-yes; Brown-yes; Stoneberg-yes; A. Hraban-yes; Pearson-yes; Platteter-yes. Motion carried.

Attention was called to a 9 a.m. meeting on July 29<sup>th</sup> with Xcel Energy to review concerns surrounding an Xcel easement across the old cemetery on W. 5<sup>th</sup> St. S.

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

Atty. Kenyon had nothing further to report.

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

Mayor Reynolds had nothing further to report.

**Licenses and Permits:**

Motion was made by A. Hraban, seconded by Morgan and carried by voice vote to grant tavern operator's licenses to the following:

\*Terese Love for 211 Club.

\*Melody Barber and Rhianna Reisner as independents.

**Closed Session:**

Motion was made by A. Hraban and seconded by Brown to go into closed session under authority cited in the meeting notice. Roll call vote: M. Hraban-yes; Brown-yes; Stoneberg-yes; A. Hraban-yes; Pearson-yes; Platteter-yes; Morgan-yes. Motion carried.

**Adjourn:**

The meeting was adjourned from Closed Session at 8:21 p.m.

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

Alan Christianson  
Adm.-Deputy Clerk

**Publication:**

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

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

RESOLUTION #2015-19

OBJECTING TO PLANS TO INSTALL RAISED MEDIANS AT THE U.S.HIGHWAY 8 RAIL CROSSING

WHEREAS, the WI Dept. of Transportation proposes to install raised medians at the U.S. Highway 8 a/k/a Lake Ave. rail crossing in conjunction with an upcoming resurfacing project, for purposes of preventing motorists from driving around the railroad crossing gates.

WHEREAS, these raised medians will have the following unintended consequences:

- \*Prevent turns from the eastbound lane on U.S. 8 onto W. 5<sup>th</sup> St. N., including by emergency vehicles, which are housed at the Ladysmith Fire Dept. and Rusk County EMS co-located just west of the subject crossing along U.S. 8.
- \*Require unfamiliar motorists returning from funerals at Ladysmith's Riverside Cemetery, which is accessed off W. 5<sup>th</sup> St. N. and U.S. Highway 8, to turn west only when exiting W. 5<sup>th</sup> onto U.S. 8 and, thereafter, to find their way back onto U.S. 8 eastbound if that is there intended direction of travel.
- \*Cause local vehicular traffic to double back through a quiet residential neighborhood unaccustomed to this volume of traffic.
- \*Cause truck traffic to the nearby Rusk County Farmers Union fertilizer plant to leave by heading north on W. 5<sup>th</sup> St. N. through a residential neighborhood.

WHEREAS, owing to its location between the CN railroad mainline and Flambeau River, W. 5<sup>th</sup> St. N., formerly County Highway J, provides primary access to a large rural area to the N-NE of Ladysmith, the optional routes to which require considerable additional travel distance and travel time, which is particularly crucial to large emergency response vehicles such as the Fire Department's tankers and aerial ladder truck.

WHEREAS, there is no accident history at the subject rail crossing owing to crossing gate drive arounds and longer gate arms available in the marketplace can prevent drive arounds without compromising emergency vehicle response times.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Ladysmith that it does hereby object to the WI Dept. of Transportation's plans to install raised medians and does hereby request that these plans be dropped and that the Dept. of Transportation instead approve use of longer gate arms on at this crossing on a semi permanent test basis.

\_\_\_\_\_ by the following roll call vote at a regular meeting of the Common Council held the 10<sup>th</sup> day of August, 2015.

Platteter-\_\_\_\_; Morgan-\_\_\_\_; M. Hraban-\_\_\_\_; Brown-\_\_\_\_; Stoneberg-\_\_\_\_; A. Hraban-\_\_\_\_; Pearson-\_\_\_\_.

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

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