

NOTICE OF COMMON COUNCIL MEETING TO BE HELD  
6:30 P.M., MONDAY, AUGUST 24, 2015  
LADYSMITH COUNCIL CHAMBER  
107 WEST SECOND STREET SOUTH  
LADYSMITH, WISCONSIN



Invitations to: Council members, Mayor, City Atty., Adm., DPW, Police Chief, Connie Hanson, Dave Smith, and media.

AGENDA

- 1) Call to order at 6:30 p.m.
- 2) Roll call.
- 3) Pledge of Allegiance.
- 4) Approval of August 10, 2015 Council minutes. pp.3-7
- 5) Approval of the evening's agenda.
- 6) Introductions, hearings, appearances and public comments.
  - a. Appearance in regard to temporary alley closures behind Baptist Church.
  - b. Appearance by Connie Hanson with update on Lighthouse project.
  - c. Review proposed ATV/UTV rule changes.
  - d. August 31: Public hearing on proposed ATV/UTV rule changes.
  - e. September 14: Georgi Anderson in regard to Assisted Living Week.
  - f. September 14: Public hearing on street yard fence rule changes.
- 7) Resolutions and Ordinances.
- 8) District One/Youth and Recreation/Park Board/Plan. Comm.
  - a. Report on Park Board business/meeting. handout
  - b. Report on Youth and Recreation business/meeting.
  - c. Report on Planning Commission business/meeting.
  - d. Action to award contract for plow museum.
  - e. Action to approve change order(s) on plow museum project.
- 9) District Two/ Community Dev. /Rail Display.
  - a. Report on Personnel Committee meeting/business.
  - b. Report on rail display activities.
  - c. Report on status of plow museum progress and donations.
- 10) District Three/Property/ Emergency Government/Joint Management.
  - a. Report on Property Committee meeting/business.
  - b. Report on Joint Management Committee meeting/business.
  - c. Report on Emergency Gov't./Emergency Plan. meeting/business.
  - d. Action to authorize purchase of replacement Victory tree for \$35.
- 11) District Four/Finance/Animal Control/Tourism/Highway Safety
  - a. Animal Control Board meeting/business.
  - b. Report on August 17, All Committees meetings/business. pp.8-10
  - c. Report on Finance meeting/business.
  - d. Report on Tourism/Animal Control/Hwy. Safety meeting/business.

- e. Action to approve payment of monthly invoices.
- 12) District Five/Legal Affairs/Zoning Appeals/RLF Board
  - a. Report on Legal Affairs meeting/business.
  - b. Report on RLF Board meeting/business.
  - c. Report on Zoning Appeals meeting/business.
- 13) District Six/Public Works Committee/Cemetery/Transit/Ethics.
  - a. Report on Public Works Committee meeting/business.
  - b. Report on Cemetery/Ethics meeting/business.
  - c. Report on Transit Commission meeting/business.
- 14) District Seven/Comm. Dev. Comm./Library Board/Police and Fire.
  - a. Report on Library Board meeting/business.
  - b. Report on Police and Fire meeting/business. handout
  - c. Report on Community Development Committee meeting/business.
  - d. Action on recommendations to award crack sealing contract to Superior Sealers in the amount of \$25,500, and to award chip sealing contract using trap rock to Scott Construction in the amount of \$96,325.
- 15) Police and Fire Department Report.
  - a. Report on Police and Fire meeting/business.
  - b. Action on request from Ladysmith Main Street to close the 300 W. block of Miner Ave. from 10 a.m.-2 p.m. on Saturday, September 26<sup>th</sup> or the Leaf it to Rusk tractor show or, alternately, that portion of W. 3<sup>rd</sup> St. lying between Miner and Worden Avenues.
  - c. Action on request to close Miner Ave. between W. 5<sup>th</sup> and W. 6<sup>th</sup> Streets from 9 a.m. to 1:30 p.m. on September 12<sup>th</sup> for a safety fair.
- 16) Public Works and Building Inspection Report.
  - a. Report on Public Works project progress; W. 8<sup>th</sup> and Roesler; manhole replacements; other.
  - b. Building inspection report.
  - c. Action on any Applications for Payment.
  - d. Action to reinstate building permit fees.
- 17) Administrative report.
  - a. Action to approve MSA Inv. No. 5, in the amount of \$2,500, for CDBG administration relating to the W. 8<sup>th</sup> and Roesler rebuild project.
  - b. Review any feedback from WisDOT/others in regard to U.S.8 rail crossing.
  - c. Action to approve contract with Camp Flambeau to mow Pioneer Park.
- 18) Attorney's Report.
- 19) Licenses and Permits.
  - a. 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.
- 20) Mayor's Forum.
- 21) Action to go into closed session under authority granted in S. 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 consider possible acquisition of pending tax deed properties; and, to consider terms of acceptance of a potential real estate donation.
- 22) Return to open session and take action on matter considered in closed session.
- 23) Adjourn.

**COMMON COUNCIL PROCEEDINGS OF THE CITY OF LADYSMITH**  
August 10, 2015                                  6:30 p.m.                                  Council Chamber

**Roll Call.** Members present: K. Brown, A. Hraban, M. Hraban, B. Morgan, J. Pearson, M. Platteter, M. Reynolds. Members absent: B. Stoneberg.

Others present: R. Carlson, A. Christianson, K. Gorseger, K. Julien, A. Kenyon, L. Klink.

**Call to Order:**

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

**Pledge of Allegiance:**

Mr. M. Hraban 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 July 27, 2015 Council meeting.

**Agenda:**

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

**Hearings and Appearances:**

Melanie Barfknecht appeared to request that consideration be given to waiving the usual rental fee for a Memorial Park pavilion that the Church of Christ would like to use in conjunction with its Feed the People bike ride fund raiser on September 19<sup>th</sup>, which is part of the larger Harvest of Talents event. The ride usually terminates at Christian Harbor Youth Camp, which is not available this year. All ride proceeds go to a local food bank. Motion was made by M. Hraban, seconded by A. Hraban and carried by voice vote to place this item on the August 17, All Committee agenda as an action item.

Referring to inclusion of some Corbett Lake topics on the August 17, All Committees agenda, Mr. Carlson advised that an updated survey of invasive species present doesn't need to be part of that discussion.

**Resolutions and Ordinances:**

Attention turned to Resolution #2015-20 objecting to WisDOT plans to install raised medians at the U.S. Highway 8/Lake Ave. rail crossing. Motion was made by M. Hraban and seconded by Morgan to approve. Mayor Reynolds noted his issue with this resolution is that adopting it will likely kill Ladysmith's chances to implement a rail quiet zone, which he has long advocated. He is concerned that will happen by missing the opportunity to save the cost of putting in the medians at Lake Ave. The medians will help qualify the City for quiet zone status. If done as part of the resurface project at this time, the City will not incur that cost. If it is later ordered by WisDOT the City may have to pay for it as part of its connecting highway obligation.

Mr. M. Hraban countered that a quiet zone sounds good but will cost from \$150-200,000 and shift liability for any crossing accidents to the City. Mayor Reynolds asked if anyone would like to offer a secondary motion to amend the initial motion to adopt to authorize Council President Brown to sign the resolution, but no motion was offered. Mr. Morgan then asked Mayor Reynolds to reconsider his posture of refusing to sign the resolution assuming it is adopted. After agreeing that Mr. Hraban's estimated cost to implement a quiet zone is probably about right, the Mayor replied that he will sign the resolution if the Council is unanimous in approving it.

Mr. Carlson asked if action is premature given federal legislative efforts Mr. Morgan referenced. The latter then clarified that these efforts by our legislators center on pursuit of "common sense" train horn rules, which are not intended to prohibit horn blowing, but to significantly reduce it.

Roll call vote on original motion: Platteter-no; Morgan-yes; M. Hraban-yes; Brown-no; Stoneberg-absent; A. Hraban-yes; Pearson-yes. Motion carried.

Mr. M. Hraban stated that he will seek approval of companion resolutions from the Rusk County Board, Rusk County Emergency Government Committee and Ladysmith Police and Fire Commission.

Mayor Reynolds expressed hope that, perhaps, longer gate arms or other improvements might be accepted in lieu of raised medians to still qualify the City for a quiet zone if, in fact, raised medians are not installed.

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

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

Mr. Platteter distributed a summary of Youth and Recreation Committee recommendations relating to changes in ATV/UTV rules, adding that an ordinance will be on the August 24, Council agenda for consideration. Mr. M. Hraban advised that ATV club members are considering visiting with suspected ATV rule offenders to seek better compliance on their part so that those following the rules aren't punished by stricter rules than might otherwise be necessary.

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

Mr. Morgan noted Mr. Carlson opens and closes the rail display (at 8:30 a.m. and 6 p.m.) daily due to limited open hours at the visitor center and asked whether consideration is being given to extending those hours. It was noted, in response, that the Tourism Committee will be glad to open the center longer. It is a matter of increasing the budget to cover additional hours. The reality has been that the budget has been reduced or not increased for years.

Mr. Morgan mentioned that consideration is being given to replacing two large lights that illuminate the rail display with LED lights for energy saving purposes.

Ray Carlson credited Doug Parker and summer office worker Danielle Lodahl with making the plaques recognizing those who contributed to rail display upgrades over the past few years.

Motion was made by Morgan and seconded by M. Hraban to approve sending a letter to the Commissioner of Railroads. The Administrator explained that a key difference between this letter and the resolution relating to the Lake Ave. rail crossing is that this letter asks the Commissioner to require the CN to use devices to override the signals and so keep the gate arms up at the crossing when its trains are working in the log yard just to the north, but not going to actually occupy the crossing. The motion to approve was carried by voice vote.

Mr. Morgan reported that the plow museum site is marked for sewer installation. Mayor Reynolds raised a concern that the plow museum designer insists that, unless the building plan is submitted for State review as a heated building, provision for heat tubes can't be allowed. He went on to say that the Council was clear they wanted to provide for the possibility of adding heat later. And that standard practice has allowed for this to the best of his knowledge. It is thought that Flater Plumbing was willing to donate either some labor or material for this. Adm. Christianson questioned the need for heat [other than for the restrooms].

Motion was made by Brown, seconded by M. Hraban and carried by voice vote to direct Adm. Christianson to advise the designer to alter the plans to indicate in-floor heat tubes and to obtain approval for a heated building.

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

Mr. Hraban reported that, among options under consideration to deal with rising ambulance service costs is privatization of the service. One factor contributing to higher costs is a new requirement to have a nurse on board.

Mr. Hraban advised that the Joint Management Committee will meet at 5 p.m. on August 11<sup>th</sup> at the Enterprise Center meeting room.

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

Mr. Brown called attention to minutes of the August 3, All Committees meeting.

Mr. Brown reported that the Animal Control Board made a conditional offer of employment to a candidate for Shelter Manager, but will not release the name until all background checks are completed and the offer accepted.

Mr. Brown stated that the Lake Ave. rail crossing was a topic of discussion at the recent Rusk County Highway Safety Committee meeting.

Mr. Brown advised that he will not be available for the August 17, All Committee meeting.

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

Mrs. Stoneberg was absent.

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

Mr. Hraban made a motion which was seconded by M. Hraban to approve a Change Order with The Pember Companies, in the amount of (-)\$715.90, reducing the contract for the Holly's Last Stand water service to \$46,905.35. Roll call vote: Morgan-yes; M. Hraban-yes; Brown-yes; Stoneberg-absent; A. Hraban-yes; Pearson-yes; Platteter-yes. Motion carried.

Motion was made by A. Hraban and seconded by M. Hraban to authorize Morgan & Parmley to proceed with redesigning the intersection of W. 5<sup>th</sup> and Summit, at a cost of from \$6,400 to \$7,400. Adjoining owner input will be sought after a preliminary plan is available so they can be shown what is needed and why. Roll call vote: M. Hraban-yes; Brown-yes; Stoneberg-absent; A. Hraban-yes; Pearson-yes; Platteter-yes; Morgan-yes. Motion carried.

Motion was made by A. Hraban and seconded by Brown to authorize Morgan & Parmley to proceed with a pavement design for Summit Ave. at a cost of from \$5,800 to \$6,400. Roll call vote: Brown-yes; Stoneberg-absent; A. Hraban-yes; Pearson-yes; Platteter-yes; Morgan-yes; M. Hraban-yes. Motion carried.

Motion was made by A. Hraban and seconded by M. Hraban to approve a payment of \$5,791.40 to SEH for construction services relating to the WWTF upgrades project. Roll call vote: A. Hraban-yes; Pearson-yes; Platteter-yes; Morgan-yes; M. Hraban-yes; Brown-yes; Stoneberg-absent. Motion carried.

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

Mrs. Pearson had nothing to report.

**Police and Fire Dept. Reports, Lt. K. Julien:**

Lt. Julien had nothing to report.

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

The DPW reported that the W. 8<sup>th</sup> and Roesler project is progressing nicely and slightly ahead of schedule. If all goes well, underground work should be completed by the end of next week after which street work can proceed. He also reported that an ad went in today for the Worden Ave. manhole replacement project. The contractor which did a similar project last year has advised his firm is unable to do it. The contractor working at W. 8<sup>th</sup> and Roesler will be invited to offer a Proposal.

Motion was made by M. Hraban and seconded by Brown to approve payment of \$2,314.50 to MSA for construction services, including punch list follow up on the E. 8<sup>th</sup> and E. 9<sup>th</sup> St. rebuild. Roll call vote: Pearson-yes; Platteter-yes; Morgan-yes; M. Hraban-yes; Brown-yes; Stoneberg-absent; A. Hraban-yes. Motion carried.

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

Motion was made by M. Hraban, seconded by A. Hraban to approve a construction services payment of \$4,297.78, to MSA, for oversight of the W. 8<sup>th</sup> and Roesler project. Roll call vote: Platteter-yes; Morgan-yes; M. Hraban-yes; Brown-yes; Stoneberg-absent; A. Hraban-yes; Pearson-yes. Motion carried.

Motion was made by M. Hraban and seconded by Brown to approve a Proposal from Mogensen Const. to furnish and install three rooms of carpet, a range hood and base board in one room, and to paint two downstairs rooms in need at 311 Sabin Ave. W. for \$2,320. This will be a cost to TIFD #9. Roll call vote: Morgan-yes; M. Hraban-yes; Brown-yes; Stoneberg-absent; A. Hraban-yes; Pearson-no; Platteter-yes. Motion carried.

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

Atty. Kenyon had nothing to report.

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

Motion was made by Brown and seconded by M. Hraban to approve payment of a Year 3 pledge to Ladysmith Main Street in the amount of \$20,000. It was clarified that each year's pledge has included a base pledge of \$10,000 plus an additional matching pledge of \$10,000 for a total of \$20,000. Roll call vote: M. Hraban-yes; Brown-yes; Stoneberg-absent; A. Hraban-yes; Pearson-yes; Platteter-yes; Morgan-yes. Motion carried.

**Licenses and Permits:**

Motion was made by A. Hraban, seconded by M. Hraban and carried by voice vote to grant tavern operator licenses to LeeAnn VanErman and Elizabeth Maynard, contingent upon LPD approval.

Motion was made by Brown, seconded by A. Hraban and carried by voice vote to grant a tavern operator license to Vicki Bender, as an independent, who already has LPD approval.

Motion was made by M. Hraban and seconded by A. Hraban to grant a "Class A" Liquor license, with no fee, to Kwik Trip, Inc., Andrea Froelich agent. Mrs. Pearson explained that this is a beer, wine and hard cider license pursuant to a rule change included in the 2015-2017 Wisconsin State budget. The motion passed by voice vote.

**Closed Session:**

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

**Adjourn:**

The meeting was adjourned from closed session at 8:11 p.m. with no further action having been taken.

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

## AUGUST 17, 2015 ALL COMMITTEE MEETING MINUTES

5:15 p.m., Council Chamber, Members present: A. Hraban, M. Hraban, B. Morgan, J. Pearson, M. Platteter, M. Reynolds. B. Stoneberg. Members absent: K. Brown. Others present: R. Carlson, A. Christianson, K. Gorsegner, K. Julien, A. Kenyon, L. Klink.

### **Call to Order:**

Council President Brown called the meeting to order and served as chair.

### **Appearances:**

A public hearing was convened in regard to proposed submission of an application to the WI Dept. of Administration seeking an estimated \$304,918 in CDBG funds to both update the City-County owned Enterprise Center, and to resurface the north-south legs of Barnett and Gustafson Roads. The 50% local match dollars for the roadwork can, in time, be repaid from TIFD #10, after being advanced from The Mining Fund. The match dollars for the building updates will need to be paid from the Mining Fund, as it is just outside the halo zone of TIFD #10. The latter advance can be repaid from building rents.

The hearing was closed at 6:22 p.m.

### **Resolutions and Ordinances:**

Motion was made by M. Hraban and seconded by A. Hraban to adopt Resolution #2015-21 authorizing submission of a Community Development Block Grant application seeking monies to upgrade the Enterprise Center and to resurface Gustafson Rd. and the north-south portion of Barnett Rd. Roll call vote: Platteter-yes; Morgan-yes; M. Hraban-yes; Brown-absent; Stoneberg-yes; A. Hraban-yes; Pearson-yes. Motion carried.

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

Ray Carlson appeared in regard to how to measure effectiveness of the Corbett Lake aeration system, which he noted hasn't operated properly for some time. He indicated he would like to meet with an engineering firm that does this sort of work to get a Proposal from them to do the required measurements.

It was noted, in response to a question, that DNR hasn't yet approved plans submitted for the proposed level control structure for Corbett Lake.

Mr. Platteter mentioned the City's ATV/UTV user rules will be introduced at the August 24, Council meeting.

Motion was made by M. Hraban, seconded by A. Hraban and carried by voice vote to waive the rental fee on a Memorial Park pavilion of the user's choice to be used in conjunction with the Church of Christ's Feed the People motorcycle ride on Sept. 19<sup>th</sup>, as part of its annual Harvest of Talents.



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

Mr. Morgan reported that Ron Young Plumbing completed installation of water and sewer laterals into the plow museum site. Mr. Morgan used that firm's dozer the following day to spread gravel.

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

It was reported that the City has received an expression of interest in the former "snorkel" for use elsewhere as a parade truck. Its boom is believed to be dysfunctional. A cash offer will be sought.

Mr. Hraban advised that Harold Gustafson will sell the City a replacement Victory Tree for \$35. The City will need to remove the existing tree, after which Mr. Hraban and other volunteers will plant the replacement.

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

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

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

Mrs. Stoneberg had nothing to report.

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

Mr. Hraban had nothing to report.

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

Mrs. Pearson advised that she will not be able to attend the upcoming Police & Fire Commission meeting.

**Police and Fire Dept. Reports, Lt. K. Julien:**

Lt. Julien had nothing to report.

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

DPW Gorseger reported that inability to get a clean water sample on the W. 8<sup>th</sup> and Roesler project has set it back about one week at this point. That is because the new water line can't be covered until that occurs, so other work cannot proceed.

Motion was made by A. Hraban and seconded by M. Hraban to approve the final payment to The Pember Companies on the Holly's Last Stand water service extension in the amount of \$46,905.35. Roll call vote: M. Hraban-yes; Brown-absent; Stoneberg-yes; A. Hraban-yes; Pearson-yes; Platteter-yes; Morgan-yes. Motion carried.

It was noted, in response to a question, that a public works crew member is working with the manufacturer on getting measurement needed to build three steel dump truck box

inserts, which will enable the City's dump trucks to haul significantly more snow than they are presently able to.

Mr. Morgan suggested that plastic liners also be purchased for trucks used to haul snow, as they keep it from sticking in the boxes. The crew has traditionally waxed the boxes for the same purpose, but liners should eliminate that task.

The Asst. DPW reviewed bids received the previous week for crack sealing and chip sealing. Motion was made, seconded by and carried by voice vote to recommend Council approval of the following low bids:

\*For crack sealing from Superior Sealers of Fall Creek, in the amount of \$25,500.

\*For chips sealing using "trap rock" from Scott Construction of Lake Delton, in the amount of \$96,325.

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

It was reported that only a single bid was received last week for the plow museum; that being from S D Ellenbecker in the amount of \$280,000.00. That is \$55,396 below the initial bid of \$335,396. Adding in \$4,345 more that could be saved through direct material purchases, the reduction would be just under \$60,000. Attention turned to how adding in-floor heat tubes will impact the bid price as that work was not included. That will not be determined until a meeting is held with the contractor, so recommendation was made.

Mayor Reynolds advised that he has talked further with Marshfield traffic engineer Tom Churchey and learned both that it cost that City less than \$200,000 to establish a rail quiet zone and that some of its rail crossings are protected by rubber drive over barriers rather than raised concrete medians.

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

Atty. Kenyon had nothing to report.

**Closed Session:**

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

**Adjourn:**

The meeting was adjourned from closed session at 7:50 p.m.