

COMMON COUNCIL PROCEEDINGS OF THE CITY OF LADYSMITH
September 12, 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: D. and G. Anderson, R. Carlson, A. Christianson, K. Gorsegner, Z. Gotham, A. Lobermeier, A. Kenyon, L. Klink, B. Michalek, R. Streff.

Call to Order:

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

Pledge of Allegiance:

Mr. Gorsegner led the Pledge of Allegiance.

Minutes:

Motion was made by A. Hraban, seconded by Moore and carried by voice vote to approve the minutes of the August 22, 2016 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:

Georgi and Don Anderson appeared along with Tammy Eby in regard to Proclamation of Assisted Living Week, September 11-17. Mayor Reynolds read the proclamation after which motion was made by Stoneberg, seconded by A. Hraban and carried by voice vote to approve it.

Dave Williams and Ed Tomasovich appeared to thank the City for covering the cost of Discover Wisconsin filming Ed plowing with his vintage equipment at the Central Wisconsin Steam Engine Show at Edgar. This film will be used for promoting the plow museum.

Ray Carlson appeared on behalf of rail display volunteers to thank the Public Works Dept. for their assistance in moving heavy items from their previous work space in the Fritz Ave. Plant to the Enterprise Center. [The previous space was leased to CN.]

Resolutions and Ordinances:

None.

District and Committee Reports:

District One, Mr. Platteter:

Mr. Platteter called attention to minutes of the Library Board meeting. Attention then turned to the skate park, which has been closed due to the unsafe condition of the equipment. There was discussion of how much use the park gets or will get, which is hard

to gauge given its deteriorated condition. A question was raised whether good used equipment might be available. The current equipment had been purchased used from a Minnesota city with monies donated by a former local resident. Although the Youth and Rec Committee recommended earmarking \$15,000 in the draft 2017 budget for repairs and equipment replacement no motion was offered. The repairs were to be made using materials salvaged from some pieces to rebuild others. Former skate park coalition leader Matt Zona had called the park's condition to the City's attention. It was thought that, perhaps, one new piece might also be acquired annually, starting with a "half pipe".

A question arose about relocating the skate park to Falge Park. Chief Lobermeier recalled that the Park Board had "kicked it around" for some time before recommending that move. It is uncertain whether neighbors in that area weighed in. Although the plan had been to move the park to the NW corner of the parking lot there, the Park Board didn't feel the loss of parking would be big problem. Users, on the other hand, were not excited about the proposed relocation.

District Two, Mr. B. Morgan:

Mr. Morgan passed around a photo of the motorcar (a/k/a "putt putt" or "speeder") the County recently helped move so it can be restored in the months ahead, to include installation of a motor and transmission. He went on to say that two tornado damaged baggage carts restored by Bruce High are to be delivered Friday, and placed in storage. And that, on September 15th, Eric Thompson plans to start moving the combination car stored near the E. 6th St. rail crossing.

Motion was made by M. Hraban and seconded by A. Hraban to approve the low bid of \$20,000 from Russ Thompson Excavating to dredge a small section of Corbett Lake to facilitate installation of an intake pipe to the new dam structure which will, in turn, enable the lake to be lowered another 4 feet at such time as there may be reason to do so. Roll call vote: M. Hraban-yes; Moore-yes; Stoneberg-yes; A. Hraban-yes; Pearson-yes; Platteter-no; Morgan-abstain. Motion carried.

Mr. M. Hraban stated that a larger dredging project would likely involve 200,000 cu. yds. of material and could require trucks to haul around the clock for about a month, at a cost in the One Million Dollar range. That the only way the City could do something like that would be with benefit of a grant. DNR is no longer providing grants for dredging as it has found areas dredged with their assistance have tended to fill back in relatively quickly, rendering gains made of little value. How to avoid spillage of dredge spoils onto the highway is also a concern.

Mr. Morgan, who grew up along the north shore of the lake, and has been an advocate for improving it, passed around a 1960s photo showing that the Lake had open water at that time.

District Three, Mr. M. Hraban:

Mr. Hraban highlighted minutes of the September 7, Property Committee meeting noting that prices were enumerated for reroofing three buildings at the former ranger station. The combined roofing cost previously reported wasn't just for the former office.

Replacement price quotes for overhead doors for the six stall garage were also reviewed. Mr. Morgan stated that these o.h. have been primed, but do not get used often enough to warrant replacing at this time.

Mr. Hraban also noted that a Camp Flambeau crew is repairing and repainting the Welcome to Ladysmith signs. Mayor Reynolds suggested that maybe the City needs to erect signs along Highway 8 East advising motorists that they are Now Entering the Town of Flambeau in an area where abutting property is ill kept. Some of those present nodded in concurrence. Passersby seem to believe that property to be in the City and ask why the City doesn't have or enforce rules to require better upkeep. This has been brought up to the Town, but no action has been taken.

Referring to a group of library supporters who appeared at a recent County Board meeting, Mr. Hraban stated that there is "a process" to consider in financing repairs at that facility which begins with getting accurate price quotes. He added that jumping up and down isn't going to change that process. He went on to say the City just got done spending over \$100,000 to improve water drainage and the walking surface nearby and there is only so much money to go around.

Mr. Hraban mentioned that, in the course of developing the 2017 budget, the Finance Committee reviewed a list of items that could be included in future borrowing. These are needed items which have long useful lives. While few can be entirely paid for from next year's budget, payments on borrowing for several of them might be.

Mr. Hraban advised that the Emergency Government Committee will meet September 14th at 8 a.m.

District Four, Mr. R. Moore:

Mr. Moore called attention to minutes of the August 30, and September 8, Finance Committee meetings, and advised that Committee will meet next on September 14th. He went on to say that the next discussion may focus on what borrowing the Committee feels is warranted.

It is hoped that the plow museum sign will be up by Leaf it to Rusk Festival.

District Five, Mrs. B. Stoneberg:

Mrs. Stoneberg reported on the August 29, Legal Affairs meeting. A public hearing is slated on September 26th on ordinance amendments to do the following:

- Clarify Park Board membership.
- Change public hearing requirements.

She also noted that next year's budget has been the sole focus of Transit Commission meetings she has attended.

District Six, Mr. A. Hraban:

Mr. Hraban called attention to minutes of the August 29, Public Works meeting.

Mr. Hraban passed out a Notice for a Public Works meeting to be held at 4 p.m. Monday, September 19th.

Mr. A. Hraban made a motion, which was seconded by M. Hraban and carried by voice vote, to seek bids for the Shady Lane project to include a bid alternate that doesn't involve ditch work.

Mr. A. Hraban made a motion and Stoneberg seconded to approve Morgan & Parmley's Proposal to prepare bid documents for the E. 6th St. project. Roll call vote: Platteter-yes; Morgan-yes; M. Hraban-yes; Moore-yes; Stoneberg-yes; A. Hraban-yes; Pearson-yes. Motion carried.

Mr. M. Hraban made a motion and A. Hraban seconded to make final payment to John S. Olynick on the Corbett Ave. reconstruction, in the amount of \$2,000. Roll call vote: Morgan-yes; M. Hraban-yes; Moore-yes; Stoneberg-yes; A. Hraban-yes; Pearson-yes; Platteter-yes. Motion carried.

After required advertising, bids for the Shady Lane project will be opened September 30th. So as little good construction weather as possible will be lost, motion was made by Stoneberg, seconded by Moore and carried by voice vote to authorize either the Public Works or Finance Committee to award the contract for this project.

District Seven, Mrs. J. Pearson:

Mrs. Pearson had nothing to report.

Police and Fire Dept. Reports, A. Lobermeier:

Chief Lobermeier responded to a question by advising that LPD's newest officer, Packer Makinia, seems to be doing well.

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

DPW Gorseger advised that chip sealers will start work in the morning. He also reported that Rands Trucking will have a crusher at their facility for the next few days and is willing to crush any suitable material the City is able to deliver. Local excavators will be sought to haul material stockpiled at the former WWTF. This site and service may be available on a long term basis, which could significantly reduce or even eliminate the need for the City to develop its own facility as is being investigated.

The DPW reported that the sanitary lateral serving the Falge Park restrooms has been found to be crushed. As a result, it is shut down. The cause is uncertain. It does not appear it was a result of rebuilding Corbett Ave. as it 6' down and no equipment should

have been above it or penetrated more than 18" if it was. Digging it up would require tearing up new blacktop, so alternate solutions are being considered.

Motion was made by Stoneberg, seconded by Pearson and carried by voice vote to refund a Falge Park pavilion rental fee (\$55?) to a party that had reserved and used it without restroom access as described above.

Motion was made by M. Hraban and seconded by A. Hraban to approve payment of the City's agreed upon portion of Rocky Ridge Road repairs, \$5,800, to the Town of Flambeau. Roll call vote: Moore-yes; Stoneberg-yes; A. Hraban-yes; Pearson-yes; Platteter-yes; Morgan-yes; M. Hraban-yes. Motion carried.

Brent Michalek and Ryan Streff from Mobilitie appeared to explain their request to install a 75' wood pole mounted data tower. That relatively new and rapidly growing firm is a transmission company which transmits smart phone and other types of data for private carriers. As such they do business with these carriers, not with the public. Going wireless with data transmission is expected to augment or supplant fiberoptic cable as it is so much less costly. A lengthy discussion ensued, which ended at 9:28 p.m. While there has been extensive commentary on the possible health impacts of microwave transmission, there is just as much commentary stating there is no conclusive evidence. Mobilitie will get back to DPW Gorsegner and Atty. Kenyon with responses to some of the questions raised. Motion was then made by Platteter, seconded by Morgan and carried by voice vote to approve locating this pole along Pederson Ave. north of Ace Hardware.

Zech Gotham from Morgan & Parmley reviewed bids received for reconstruction of E. 6th St. N. The low bid was from John S. Olynick in the amount of \$81,194.75; just \$50.05 less than the next bid. The engineer's cost estimate was \$92,000. Motion was made by M. Hraban and seconded by A. Hraban to approve the low bid. Roll call vote: Stoneberg-yes; A. Hraban-yes; Pearson-yes; Platteter-yes; Morgan-abstain; M. Hraban-yes; Moore-yes. Motion carried.

Photos were distributed illustrating significant washing under and around a 48" storm sewer during a recent storm that saw from 3.7-4" of rain fall on the area. This sewer serves much of the downtown area and outfalls behind Carnegie Hall. The photos show that the exposed portion of the sewer, below a concrete headwall, is rotting through. Pressure from the heavy flow caused water to come out of holes in the bottom in the manner of a pressure washer gouging and scouring away soil around the pipe. Due to its size and steep angle to the river it will take equipment not available locally, such as a bridge company crane, to remove and replace the exposed portion. This sewer is believed to have been installed in the mid-1970s. The portion to the south behind the headwall remains in good condition. Motion was made by Stoneberg, seconded by A. Hraban and carried by voice vote to authorize seeking proposals to address this situation immediately.

Administrative Report, Mr. A. Christianson:

Adm. Christianson advised that his report would keep until the next meeting.

Attorney's Report, Mr. A. Kenyon:

Nothing to report.

Mayor's Forum, Mr. M. Reynolds:

Mayor Reynolds suggested that, in view of the complexity of the discussion on the data tower, and issues that have arisen with the City's computers, the City may need to establish a technology committee.

Licenses and Permits:

Motion was made by A. Hraban, seconded by Morgan and carried by voice vote to grant operator's licenses to Mary Michaelson, Cassidy J. Canfield, Lucas G. Jones and Carol M. Johnson, all for Gordy's County Market, and to Mary Ripke for Dollar General, all of whom were previously approved by LPD.

Motion was made A. Hraban, seconded by M. Hraban and carried by voice vote to grant beer garden licenses for the following:

Business Name: 5th Quarter, 108 Miner Ave. W.

Event: Leaf it to Rusk, Saturday, September 24, 2016

Location: On Miner Ave., in front of bar, where orange snow fencing will be set up.

Business Name: 211 Club, 211 Miner Ave. W.

Event: Leaf it to Rusk, Saturday, September 24, 2016

Location: Either on street in front of bar or in the parking lot west of the Main Street office. Snow fencing will barrels and stakes will be used to fence off areas.

Adjourn:

The meeting was adjourned at 9:45 p.m.

Recorded by: _____
Alan Christianson
Adm.-Deputy Clerk

Publication:

Date submitted: _____

Date published: _____

ORDINANCE #2016-10

AMENDING PUBLIC HEARING REQUIREMENTS

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

1. That Sec. 2-2-16 (b) of the Ladysmith Municipal Code of Ordinances, Hearing, is hereby repealed in its entirety and recreated to read as follows.
 - (b) **Required Hearings.** Public hearings shall be held on matters required by Wis. Stats. Public notice of such hearings shall be given not less than one week in advance of the hearing with the number of insertions to be as required by Wis. Stats.
 - (c) **Optional Hearings.** The Common Council may also hold Public Hearings on other matters it chooses to.
 - (d) This ordinance amendment shall take effect upon passage and publication.

_____ by _____ vote at a regular meeting of the Common Council held the ____ day of September, 2016.

Signed: _____
Marty Reynolds, Mayor

Attest: _____
Alan Christianson, Adm.-Dep. Clerk

Drafted on July 18, 2016
and revised on August 2 and 25, 2016
by Al Christianson
City Administrator

ORDINANCE #2016-

AMENDING PARK BOARD MAKEUP

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

1. That Sec. 2-4-8 (a) of the Ladysmith Municipal Code of Ordinances, Appointments, is hereby repealed in its entirety and recreated to read as follows.
 - (a) Appointments. The Park Board shall consist of six City residents and one Alderman, all appointed by the Mayor. Up to two of these members may be local high school students. Each Board member shall hold office for a term of three (3) years, said terms to end the second Tuesday in April in the year of expiration, except that the Alderman and any student members shall have a one year term of office. The Asst. Director of Public Works, the Streets Lead Worker and up to one non-resident shall be ex-officio members of the Park Board.
2. That this ordinance amendment shall take effect upon passage and publication.

_____ by _____ vote at a regular meeting of the Common Council held the _____ day of September, 2016.

Signed: _____
Marty Reynolds, Mayor

Attest: _____
Alan Christianson, Adm.-Dep. Clerk

Drafted on August 25, 2016
by Alan Christianson,
Administrator

- such legal services as it may require. The Authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.
- (c) **Authority.** The Ladysmith Housing Authority shall have all the powers and perform all of the duties conferred upon it by Sec. 66.40, Wis. Stats.

State Law Reference: Sec. 66.40, Wis. Stats.

SEC. 2-4-8 PARK BOARD.

- (a) **Appointments.** The Park Board shall consist of five (5) citizens, two (2) students and one (1) Alderman appointed by the Mayor and confirmed by the Common Council. Each commission member shall hold such office for a term of three (3) years, said terms to end April 30 in the year of expiration, except that the Alderman member shall have a one (1) year term of office. The City Administrator and Street Commissioner shall be ex officio members of the Park Board.
- (b) **Compensation; Oaths.** Board members shall receive such compensation as shall be determined by the Council from time to time. Members shall take an official oath prescribed by Sec. 19.01, Wis. Stats., to be filed with the City Clerk.
- (c) **Officers.** The Board shall annually elect one (1) member as chairperson and one (1) as secretary.
- (d) **Procedure.** Four (4) members shall constitute a quorum. The Chairperson, or acting Chairperson, shall be considered in determining a quorum. Action shall be by a majority of those present and voting. The Board shall adopt rules of procedure for governing the conduct of its meetings.
- (e) **Powers and Duties.** The Park Board shall have all the powers conferred by law upon park and recreation commissions and shall be chargeable with all the duties so required, such as recommend, oversee work and oversee funds of all parks, playgrounds and recreational activities as part of properties within the City. The Park Board is specifically empowered and directed:
- (1) To govern, manage, control, improve and care for all public parks located within, or partly within and partly without, the corporate limits of the City and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote these purposes.
 - (2) To acquire in the name of the City for park purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege, provided gifts to the City of money or other property, real or personal, either absolutely or in trust, for park purposes shall be accepted only after they have been recommended by the Board to the Common Council and approved by said Common Council by resolution.
 - (3) With prior Council approval, to buy or lease lands in the name of the City for park purposes within or without the City and, with the approval of the Common Council, to sell or exchange property no longer required for its purpose.
 - (4) To execute every trust imposed upon the use of property or property rights by the deed, testament or other conveyance transferring the title of such property to the City for park purposes.
 - (5) To have the powers necessary and convenient for the effective and efficient management, control, supervision and operation of the City park system and recreation program, subject to budgetary approval by the Common Council.
 - (6) To have jurisdiction of the parks, swimming pool and playgrounds throughout the City and assume full responsibility for the equipping, developing and maintaining the physical facilities of the park system.