

**MEETING MINUTES - CITY OF TOMAH  
COMMITTEE OF THE WHOLE**

A COMMITTEE OF THE WHOLE MEETING of the City of Tomah was held on the 12th day of April, 2010 at 6:30 p.m. in the Council Chambers at City Hall.

The following members were present: Nellie Pater, Dennis Greeno, John Cram, Joanne Westpfahl, George Wright, Ron Olsen, Ted Schleicher, and Pete Peterson. Absent: None.

Also present: Mayor Ed Thompson, City Administrator Jim Bialecki, City Clerk JoAnn M. Cram, Police Chief Wes Revels, Ambulance Director Jody Allen, Fire Chief Kevin Decorah, and Parks and Recreation Director Joe Protz. Gregg Hagen videotaped the meeting.

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Chairperson Pete Peterson called the meeting to order at 6:30 p.m.

Motion by Westpfahl, second by Greeno approve the minutes of the March 8, 2010 regular Committee of the Whole meeting as presented. Motion passed without negative vote.

**Ambulance Department Monthly Report.** Ambulance Director Jody Allen provided the monthly department report.

**Fire Department Monthly Report.** Fire Chief Decorah provided the monthly fire department report.

**Lake Tomah Committee Update.** Joe McDaniel advised that the Lake Committee has been working on new vegetation. A burn is being planned and then native vegetation will be planted on the islands. The lake is being refilled at this time and will be at this level until August. There were concerns about boater safety regarding the plastic fish cribs. GPS coordinates indicated that there will be enough water over top of the cribs to meet the 5' requirement of the State. They will not be removed. On March 31<sup>st</sup>, the DNR crew reported that a comprehensive survey was done of the lake. There were no carp found, however there were several other species of fish found. As soon as the fish are hatched, we will begin to replenish the fish in the lake.

**Zoning/Planning/Building Inspection.** Dir. Shane Rolff provided a written summary of building permits and zoning activities.

**Long Range Planning Committee Report.** Chairperson Brad Kortbein advised that a conceptual use plan has been developed regarding the railroad property. Vandewalle and Associates and the Railroad have worked in conjunction with the City on the development of this plan.

**Police Department Monthly Report.** Police Chief Wes Revels provided a summary of police activities for March. The animal ordinance group continues to review current ordinances and will be requesting ordinance changes. Geographical assignments will begin in the near future. Areas of the city will be assigned to individual officers where they will be looking for nuisance items in their areas.

**Parks and Recreation Monthly Report.** Parks & Recreation Director Joe Protz provided a summary of Parks and Recreation activities. Vandalism has occurred at the observation tower on the walking trail and the damage has been repaired. May 16<sup>th</sup> is sign up night for summer activities at 5 p.m. at the Exhibit Building at Recreation Park. The pool is scheduled to open June 11<sup>th</sup>.

**Treasurers Cash & Investment Reports.** Motion by Schleicher, second by Cram to approve the February cash and investment reports. Motion passed without negative vote.

**Bartender Licenses.** Motion by Cram second by Greeno to recommend the Common Council approve the bartender licenses as listed. Motion passed without negative vote. Bartender licenses approved as follows: Rachel M. Guthrie, Edgar G. A. Larsen, Laura A. Leis, and Toni L. Rucks.

**Request for Exception to City Ordinance Regarding Three Dogs at 464 Green Acre Avenue.**

The Baumbach's are requesting permission to house three dogs at their residence. They have had the older dog for 12 years and the younger dogs for 6 years. One of the dogs is currently licensed under the mother's name. The Baumbach's advised they need time as the mother has agreed to take one of the dogs (one of the dogs was originally her dog), however, she has cancer and is recovering from a recent surgery. Alderperson Pater advised that another family has been granted an extension and continue to be in violation of the ordinance and she feels that additional time should be given to the Baumbach's. Alderperson Greeno would like to address the situation again in a 30 day period of time rather than extend the time six months to one year to see if there is any change in the situation. Mr. & Mrs. Baumbach submitted several letters from neighbors who support them retaining the three dogs.

Motion by Pater, to recommend the Common Council give the Baumbach's one year (which is similar to action the Council has taken in a prior case due to the illness of the mother) to remove the dog from their home to comply with the ordinance. Motion dies for lack of a second.

Motion by Wright, second by Greeno to table this request for 30 days and revisit the request at the May Council meeting. Motion passed with one negative vote (Pater).

**Authorization to Negotiate a Development Agreement with Canadian Pacific Railroad for 61 Acres of Land Located in the City of Tomah.**

City Administrator Bialecki advised the Long Range Planning Committee has been working on the development of the Canadian Pacific Railroad property located north of the tracks on Superior Avenue. It is recommended by the Long Range Planning Committee that a development agreement be drafted prior to continuing with the process. City Admin. Bialecki advised there would be no cost to negotiate the development agreement.

Motion by Westpfahl, second by Greeno to recommend the Common Council authorize negotiation of a development agreement with Canadian Pacific Railroad for 61 acres of land located in the City of Tomah. Motion passed without negative vote.

**Approval to Apply for a Department of Agricultural Food Processing Grant.** City Administrator Bialecki advised that grant money is no longer available and there will be another opportunity at a later date to apply for grant funds. This is for information at this time.

**Request for Out of State Training.** The Tomah Police Department's Records Management System is in need of being updated to the newest database version called Enterprise. Lt. Mark Nicholson and Administrative Assistant Rhonda Culpitt along with Court Clerk Janice Nicholson need to travel to St. Louis for the purpose of being trained on the new RMS Software. The costs of the training and travel are in the respective 2010 budgets.

Motion by Wright, second by Olsen to recommend the Common Council authorize the out of state training for the police department and municipal court. Motion passed without negative vote.

**Revised Sidewalk Ordinance.** Mr. Mike Kelly, 418 View Street, appeared and had provided a letter to the Public Works Department. The Public Works and Utilities Commission voted not to take this sidewalk revision to a public hearing. Mike Kelly advised his concern is that if the ordinance passes that people may not be able to make the payments for installation of sidewalks in the future due to economic conditions. Mr. Kelly requests some sort of prioritization for the City to look at sidewalk placements and where to begin. Alderperson Greeno advised that he believes the intent of this ordinance is not to install sidewalks all over the City but that it will establish better guidelines and criteria in the future. Alderperson Pater questioned whether or not the proposed ordinance included business sidewalks or if it just deals with residential areas and if it applies to mobile home parks. City Administrator Bialecki suggested waiting until Tuesday night for clarification from the City Attorney's office before making a recommendation.

Motion by Wright, second by Greeno to recommend the Common Council approve the ordinance creating sections 2-278(14) and 38-35 and amending sections 38-120, 38-123 and 40-114(F) regarding sidewalks. Motion does not pass with Wright, Olsen and Greeno voting yes and Schleicher, Peterson, Pater, Cram and Westpfahl voted no. This item will go to the Council without a recommendation for further clarification and action.

**Ordinance Amending Article II Offenses Against Peace and Good Order Section 28-19 Inserting 9-101.123 Regarding State Law Prohibiting Smoking in Enclosed Public Places and Places of Employment.** Effective July 5, 2010 smoking will be prohibited in enclosed public places and places of employment per State Statute 101.123. This ordinance adopts the state statute so that enforcement can be handled through Municipal Court.

Motion by Wright, second by Westpfahl to recommend the Common Council approve the Ordinance Amending Article II Offenses Against Peace and Good Order Section 28-19 Inserting 9-101.123 Regarding State Law Prohibiting Smoking in Enclosed Public Places and Places of Employment. Motion passed without negative vote.

**Amended Resolution Accepting Dedication of 11.05 Acres of Land for Open Park Space.** The original resolution was approved in November 2009 to accept the dedication of 11.05 acres of land for open park space in the area south of Grandview and Murdock Street adjoining Veterans Park near the soccer fields. The Register of Deeds/Property Lister advised there was an error in the legal description in the original document and the document could not be recorded as submitted. The legal description has been corrected and the amended resolution needs to be approved and recorded.

Motion by Wright, second by Greeno to recommend the Common Council approve the amended resolution accepting the dedication of 11.05 acres of land for open park space. Motion passed without negative vote.

**Personnel Policy Amendment Regarding Health Insurance Buyout**

The language in the personnel policy needs to be amended to reflect the changes made during the recent negotiation of union contracts and policy changes regarding the health insurance buyout option. The buyout has been discontinued for employees that were not enrolled as of December 31, 2009. Employees in the program on Dec. 31, 2009 were grandfathered in until such time as they leave employment or decide to take the insurance. The policy changes need to be incorporated into the Personnel Policy Manual.

Motion by Olsen, second by Westpfahl to recommend the Common Council approve the personnel policy amendment regarding health insurance buyout as submitted. Motion passed without negative vote.

**Resolution Approving Monthly Bills.** Motion by Westpfahl, second by Cram to recommend the Common Council approve the resolution authorizing payment of the monthly bills for a total amount of \$586,954.07. Motion passed without negative vote.

**Monthly Financial Report – March.** Motion by Greeno, second by Schleicher to approve the March monthly financial reports. Motion passed without negative vote.

Motion by Pater, second by Westpfahl to adjourn. Motion passed without negative vote. Meeting adjourned at 7:45 p.m.

Respectfully Submitted,

JoAnn M. Cram, City Clerk