

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

A COMMITTEE OF THE WHOLE MEETING of the City of Tomah was held on the 13th day of December, 2010 at 6:30 p.m. in the Council Chambers at City Hall.

The following members were present: Dennis Greeno, John Cram, Larry Siekert, Luke Bohlen, Ted Schleicher, and Pam Buchda. Absent: Nellie Pater and George Wright.

Also present: Mayor John Rusch, City Administrator Jim Bialecki, City Clerk JoAnn M. Cram, Police Chief Wes Revels, Joe Protz, Shane Rolff, Stephanie Rowell and Treasurer Julia Rusch. Gregg Hagen videotaped the meeting.

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Chairperson John Cram called the meeting to order at 6:30 p.m.

Motion by Buchda, second by Siekert to approve the minutes of the November 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 Kevin Decorah provided the monthly department report.

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

**Police Department Monthly Report.** Police Chief Wes Revels provided a summary of police activities for November. The police department has a part time custodial position open at this time. It is anticipated the part time custodian will start January 1<sup>st</sup>. Interviews will take place on December 22<sup>nd</sup> for the part time clerical position.

**Treasurers Cash & Investment Reports.** Motion by Greeno, second by Bohlen to approve the investment reports for November. The cash report was not available. Motion passed without negative vote.

**Bartender Licenses.** Matthew Anderson appeared before the Committee of the Whole due to several alcohol related violations. Mr. Anderson advised he has had a liquor license in the past and has only received these three violations.

Motion by Cram, second by Greeno to recommend the Common Council deny the request of Matthew Anderson for a bartender's license. Motion passed without negative vote.

Motion by Greeno, second by Siekert to approve the bartender's license as listed with the exception Bartender licenses approved as follows: Susan L. Champlin, Tricia M. Guntner, Lisa M. Schroeder.

**“Class B” Fermented Malt Beverage (Beer) License and Class “B” Liquor License Expiring June 30, 2011 (Applications From Three Establishments for the one license): 1. Patrick James Murphy for Dimensions II L.L.C. at 1110 Superior Avenue, Tomah, WI (Requesting the Regular License in lieu of the Reserve License) 2. Cancun Bay, Ltd. – Jesus Gonzalez Hidalgo for Cancun Mexican Restaurant at 1422 Superior Avenue, Tomah, WI 3. Jason Todd Lowry for The Gas Alley Pub at 1204 Superior Avenue, Tomah, WI**

Applications were received from three establishments for the one liquor license listed above. Jesus Gonzalez-Hidalgo appeared on behalf of Cancun Mexican Restaurant with a translator. This is a new business that will open early next year. It would be a benefit for the community as he will be employing workers. Mr. Hidalgo has another restaurant in another town. They do as much as

possible for the community. Mr. Hidalgo advised he has applied for a seller's permit for the Superior Avenue location. Miguel is the owner of the building and appeared advising that the liquor license is critical to the restaurant's success. He plans to stay and be a part of the community. The regular license would enable Cancun Restaurant to remodel and do other things for the restaurant.

Patrick James Murphy appeared on behalf of Dimensions II. Mr. Murphy is requesting the regular liquor license and he will then relinquish the reserve license that he currently holds. He has held the reserve license for seven years and it is more beneficial to have the regular license as there are fewer restrictions. Mr. Murphy advised he is in good standing with the City and the Department of Revenue. Mr. Murphy feels it will be beneficial to have a regular license instead of the reserve he currently holds.

Jason Todd Lowry appeared on behalf of The Gas Alley Pub. Mr. Lowry is the current owner of the building and previous license holder and would like the license back for The Gas Alley Pub. Mr. Lowry owes delinquent property taxes for this property and also an outstanding water & sewer charge. The Department of Revenue has also issued 3 judgments against Mr. Lowry and there may be issues with his seller's permit.

Mayor Rusch addressed the committee and suggests that the council gives the regular license to Mr. Murphy and the Cancun Mexican Restaurant would still have the reserve license available. Alderperson Schleicher feels the city should hold a license in reserve for future development. Alderperson Buchda feels we have three businesses that would like this license and the City needs to go ahead as the license is available and the businesses bring jobs. Ms. Buchda feels we should go ahead with the restaurant creating new jobs and start up is hard. Mr. Murphy has been in business for seven years which establishes a good business in the city however, not getting it won't have a huge impact as it's already been paid for. Mr. Lowry has major issues to clear up before a license could be obtained. If the license is denied to Mr. Lowry strictly on the basis of the money owed the city, we would have to give him an opportunity for a public hearing. Chief Revels advised that Mr. Lowry has been involved in numerous ordinance violations relating to alcohol issues in the City of Tomah.

Motion by Buchda, second by Bohlen, to recommend the Common Council approve the "Class B" Fermented Beer License and Class "B" Liquor license for the Cancun Mexican Restaurant contingent on obtaining a seller's permit with the Superior Avenue address and if the Cancun Mexican Restaurant cannot provide proof of a valid seller's permit, the license should then go to Dimension's. Motion passed with two negative votes (Siekert and Schleicher).

**"Class C" Wine License for Paula J. Caucutt for Natural Connection at 1012 Superior Avenue, Tomah, WI**

Motion by Greeno, second by Bohlen, to recommend the Common Council approve the "Class C" wine license for Paula J. Caucutt for Natural Connection at 1012 Superior Avenue, Tomah. Motion passed without negative vote.

**Taxi Cab License Renewal for CJ's Taxi**

Wendy Steyer of CJ's Taxi has applied for renewal of her taxi cab license for the year 2011 for one vehicle. Inspections have been completed and insurance certificate is on file.

Motion by Greeno, second by Siekert, to recommend the Common Council approve the renewal of the taxi cab license for CJ's Taxi for 2011 (2006 Saturn VIN #1G8AZ55F46Z110648). Motion passed without negative vote.

**Taxi Cab License Renewals for Ace Cab Co.**

David Lincoln of Ace Cab Co. has applied for renewal of his taxi cab license for the year 2011 for six vehicles. Inspections have been completed and insurance certificate is on file.

Motion by Siekert, second by Buchda, to recommend the Common Council approve the renewal of the taxi cab license for Ace Cab Co. for 2011(1992 Chevrolet Caprice VIN #161BL53E6NR104900,

1995 Mercury Grand Marquis VIN #2MELM75W4SX644272, 1997 Ford Crown Victoria VIN #2FALP73WXVX127984, 1993 Chevrolet Caprice VIN #1G1BL53E5PR121528, 1993 Chevrolet Caprice VIN #1G1BL53E2PR142725, 1992 Chevrolet Caprice VIN #1G1BL53EXNR149225). Motion passed without negative vote.

#### **Taxi Cab License Renewals for F.D.S. Enterprises**

Douglas Luchsinger of F.D.S. Enterprises d/b/a Tomah Transit has applied for renewal of his taxi cab license for the year 2011 for three vehicles. Inspections have been completed and insurance certificate is on file.

Motion by Greeno, second by Buchda, to recommend the Common Council approve the renewal of the taxi cab license for F.D.S. Enterprises for 2011 (2010 Dodge Braun Van VIN #2D4RN4DE8AR205999, 2010 Dodge Braun Van VIN #2D4RN4DE6AR205998, 2010 Dodge Braun Van VIN #2D4RN4DE4AR205997). Motion passed with one negative vote (Schleicher).

#### **Secondhand Jewelry Dealer & Secondhand Article Dealer License Renewal for Carolyn Habelman, Antique Mall of Tomah at 1510 Eaton Avenue, Tomah, WI.**

Motion by Buchda, second by Greeno, to recommend the Common Council approve the renewal of the secondhand jewelry dealer and secondhand article dealer license for Carolyn Habelman of The Antique Mall of Tomah at 1510 Eaton Ave., Tomah. Motion passed without negative vote.

#### **Pawnbroker License Renewal for Douglas & Dawn Duncan, Pioneer Pawn Shop at 108 E. Veterans Street, Tomah, WI**

Motion by Buchda, second by Bohlen, to recommend the Common Council approve the renewal of the pawnbroker license for Douglas & Dawn Duncan of Pioneer Pawn Shop at 108 E. Veterans St., Tomah. Motion passed without negative vote.

#### **Resolution denying claim of Josanne Burgess**

A claim was received regarding alleged damage to her vehicle on July 28, 2010. The insurance company completed their investigation and is recommending denial as there is no negligence on behalf of the City.

Motion by Buchda, second by Greeno, to recommend the Common Council approve the resolution denying the claim of Josanne Burgess. Motion passed without negative vote.

#### **Approval of Scope of Engagement RE proposed issuance of \$5,000,000 with Quarles & Brady LLP**

Motion by Buchda, second by Bohlen, to recommend the Common Council approve the Scope of Engagement for the proposed issuance of \$5,000,000 City of Tomah General Obligation Refunding Bonds as presented and authorize the Mayor to sign the document. Motion passed without negative vote.

#### **Ordinance amending Section 38-30 (a) regarding snow and ice removal**

Public Works and Utilities Commission is recommending that the ordinance be amended so that the City can better enforce snow removal requirements. The time allowed to remove snow will be changed from 48 to 24 hours after a snowfall. Property will be tagged giving an additional 24 hours and if the sidewalk is still not cleared, the contractor will remove the snow and the property owner will be billed a minimum of \$100. Schleicher indicated that he has had several telephone calls regarding concern from residents in his district. The concern is that residents who hire someone to have their sidewalks cleared, then the city plow truck comes through and throws snow onto the sidewalks again. They would have to then hire someone again to clean their sidewalks. Mayor Rusch stated that if residents didn't clear their sidewalks within 24 hours, they would get a notice on

their door giving 24 hours to clear their sidewalk or the city will clear it and assess a minimum fee of \$100.00.

Motion by Greeno, second by Bohlen, to recommend the Common Council approve the ordinance amending Section 38-30 (a) regarding snow and ice removal. Motion passed without negative vote.

**Request to Carry Forward \$15,000 from 2010 Fund 8 Capital Projects Rec Park Outlay (Account #8-576210820) to 2011 Capital Projects Rec Park Outlay (Account #8-576210-820) for Fencing at Recreation Park.**

In 2010 Capital Projects Recreation Park \$15,000.00 joint fencing project with the Monroe County Agricultural Society didn't get accomplished due to time restraints. Parks and Rec. Director Joe Protz requests permission to transfer funds for the project to 2011 with a completion date in early spring of 2011.

Motion by Buchda, second by Bohlen, to recommend the Common Council approve the request to carry forward the amount of \$15,000.00 from Capital Recreation Park Outlay (Account #8-57621-830) to 2011 Capital Recreation Park Outlay (Account #8-57621-820) for fencing at Recreation Park. Motion passed without negative vote.

**Petition and Resolution Approving the Discontinuance of a Portion of Improved/Unimproved Deer Creek Street (Birdd Properties, Inc.)**

Justin Birdd of Birdd Properties Inc. is requesting to vacate and discontinue a street known as Deer Creek Street described as: A sixty (60') wide portion of Deer Creek Street that is south and west of Grandview, three hundred and two (302') west of the intersection with Grandview Street located in Deer Creek Subdivision, Section 37, Township 18 North, Range 1 West, City of Tomah, Monroe County, Wisconsin. Also to include all utility easements on said lots 15, 16, 17, 25, 26 and 27 also to be discontinued. This would allow construction of multi-family housing.

Motion by Greeno, second by Siekert, to recommend the Common Council approve the resolution discontinuing a portion of unimproved Deer Creek Street. Motion passed without negative vote.

**Requesting the Use of Funds for Recreation Building Upgrades from Fund 8 Capital Projects Rec Park Outlay Buildings Account #8-57621-820 Building from the Remaining Balance of the Project of Upgrading the Office Building Restrooms**

\$30,000.00 for Recreation Park Outlay Building was budgeted for repair and upgrades to the office building restrooms at Recreation Park. The cost for upgrades was around \$17,000.00 resulting in \$13,000.00 remaining in the fund. Requesting to use up to \$10,000.00 to upgrade the Recreation Building heating system, replace the water heater, and replace the door handles.

Motion by Buchda, second by Greeno, to recommend the Common Council approve the 2010 Budget Amendment to use up to \$10,000.00 from Rec. Park Outlay Building (Account #8-57621-820) to upgrade the heating system, replace water heater and replace the door handles in the Recreation Building. Motion passed without negative vote.

**Ordinance amending Section 28-82 regarding Carrying Dangerous Weapon**

Chief Revels is requesting that the word "pistol" be eliminated from the current ordinance to be in compliance with State Statute.

Motion by Greeno, second by Buchda, to recommend the Common Council approve the ordinance amending Section 28-82 regarding Carrying Dangerous Weapons. Motion passed without negative vote.

### **Ordinance amending Section 30-21 regarding Domestic Animals**

Committee was formed to review all animal ordinances. This amendment is requested by that committee.

Motion by Bohlen, second by Buchda, to recommend the Common Council approve the ordinance amending Section 30-21 regarding domestic animals. Motion passed without negative vote.

### **Ordinance creating Article III, Chapter 8 (8-64-8-70) Animal Regulations**

Committee also requested adding language to include 8-64 Leading Animal from Motor Vehicle, 8-65 Use of Poisonous and Controlled Substances, 8-66 Instigating fights between Animals, 8-67 Shooting at Caged or Staked Animals, 8-68 Harassment of Police and Fire Animals, 8-69 Harassment of Service Dogs, 8-70 Unlawful Public Sales of Animals

Motion by Bohlen, second by Greeno, to recommend the Common Council approve the ordinance creating Section 8-64 to Section 8-70. Motion passed without negative vote.

### **Ordinance amending Article III, Chapter 8 (8-1...) Animal Regulations**

Committee also requested amending various definitions, vaccination language, certificate language, neglected, abandoned and injured animals, animal care, limitation on number of cats and dogs, vaccinations required, applicability, and removing Sections 8-150, 8-151 and 8-152.

Motion by Greeno, second by Bohlen, to recommend the Common Council approve amending ordinance Chapter 8 Sections 8-1, 8-23, 8-24, 8-56, 8-57, 8-118, 8-119, 8-121, 8-149 and removing Sections 8-150, 8-151 and 8-152 regarding animal regulations. Motion passed without negative vote.

### **Building Improvements**

The City is getting quotations for dry-walling the administration section of City Hall similar to what was done on the second floor to complete the remodel of City Hall. This will create additional insulation and reduce heating costs. Also, an audit was conducted on the work stations in the administration area by our Workers Comp. representative. New desks, chairs and keyboard trays were suggested. The current configurations of all the work stations cause physical issues for all employees. City Administrator Bialecki has a quote from B.J. Rice Enterprises for \$20,990.00. This price includes sheetrock and paint for interior and exterior walls, new ceiling tiles, vinyl cove base, new electrical receptacles and switches, carpet cleaning, and fixed window between main office and treasurer's office. There should be \$40,764.52 left in the building fund.

Motion by Siekert, second by Bohlen, to recommend the Common Council approve authorizing building improvements for the administration section of the building to complete the remodel process. Motion passed without negative vote.

### **Budget Amendment – Request for carryover of grant funds from the 2010 budget to the 2011 budget**

In 2009, the Police Department applied for and received an Edward Byrnes Memorial Grant in the amount of \$19,151.00. The remaining \$719.16 is approved for use in the disposal of unwanted medications and prescription drugs.

Motion by Buchda, second by Siekert, to approve budget amendment to carry forward \$719.16 from 2010 Budget Account #G 48500 Donations to 2011 Budget Account #1-52110-340 Community Services – Operating for use in the disposal of unwanted medications and prescription drugs. Motion passed without negative vote.

## **Request to Update Parks and Recreation Seasonal Job Descriptions and Approve Seasonal Rates**

Joe Protz, Park and Rec. Director would like to update the job descriptions for part-time seasonal workers. He is also requesting approval of seasonal rate changes. Summer Maintenance Worker, Red School House Museum Greeter, Head Lifeguard, Associate Head Lifeguard, Lifeguard, Pool Attendant, Summer Recreation Supervisor, Youth Baseball/Softball instructor and Field Maintenance Worker, Youth Instructor, Umpire/Official, Open Gym/Skate Supervisor, Program Supervisor, Fitness Instructor, Scorekeeper and Spring/Summer Intern.

Motion by Greeno, second by Siekert to approve the job descriptions as listed above and to approve seasonal rates as presented. Motion passed without negative vote.

## **Approval of the City of Tomah Election Emergency Contingency Plan**

This plan has been developed in the event of an emergency on Election Day. It provides general direction for Election staff and city officials/departments when dealing with an emergency situation during the Election process. Cram stated that the GAB indicated that we should have an emergency plan in place.

Motion by Buchda, second by Siekert, to approve the City of Tomah Election Emergency Contingency Plan as presented. Motion passed without negative vote.

**Resolution Authorizing Payment of Monthly Bills.** Motion by Siekert, second by Greeno, to recommend the Common Council approve the resolution authorizing payment of the monthly bills for a total amount of \$754,058.04. Motion passed without negative vote.

**Monthly Financial Report – November.** Motion by Siekert, second by Bohlen to approve the November monthly financial report. Motion passed without negative vote.

Motion by Siekert, second by Greeno to adjourn. Motion passed without negative vote. Meeting adjourned at 8:07 p.m.

Respectfully Submitted,

JoAnn M. Cram, City Clerk