

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

A COMMITTEE OF THE WHOLE MEETING of the City of Tomah was held on the 8th day of March, 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 City Treasurer Julia Rusch. Gregg Hagen videotaped the meeting.

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

Motion by Olsen, second by Schleicher approve the minutes of the February 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 met March 2nd. The shoreline restoration project is complete. Costs for the project are close to estimated figures in the budget. There will be some aquatic invasive species signs posted at the four launches as part of the lake management plan. A new handicap peer will replace an old peer. The plastic fish cribs in the lake will be assessed in April when the ice goes out. The project is going well.

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 February. The Police Department is involved with a new program called "Parents Who Host, Lose the Most." A grant has been received to assist with this program. The Department will become a permanent drop off site for unwanted medications and prescription drugs.

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

Bartender Licenses. Motion by Wright second by Greeno to recommend the Common Council approve the bartender licenses as listed. Motion passed without negative vote. Bartender licenses approved as follows: Dustin J. Breunig.

Change of Agent for Brahmas, 1117 Superior Avenue. Brahmas LLC has applied for a change of agent from Dinelle Clay to John Laufenberg. Police Chief Revels has asked that this item be tabled for one month to review this request further. Item tabled until April.

Resolution Denying Claim of Lisa Pollack. A claim has been received by the City regarding alleged ice/snow being thrown into the claimant's side view mirror by the City's snowplow causing damage. The insurance company completed their investigation and is recommending denial as there is no negligence found on behalf of the City of Tomah. The City operator was not acting negligently and could not predict ice would be thrown into the parked vehicle.

Motion by Greeno, second by Wright to recommend the Common Council approve the resolution denying the claim of Lisa Pollack. Motion passed without negative vote.

Resolution Denying Claim of Eugene & Lauren Haws. A claim has been received from Eugene & Lauren Haws regarding alleged property damages due to a sewer backup at 1501 Lincoln Ave. on Jan. 24, 2010. The insurance company completed their investigation and is recommending denial as there is no negligence found on behalf of the City of Tomah. The City of Tomah did not have prior notice of the blockage and upon notice remedied the situation. A municipality has no liability unless it knew, or should have known, of the existence of a defect and had a reasonable amount of time to repair the defect.

Motion by Olsen, second by Wright to recommend the Common Council approve the resolution denying the claim of Eugene and Lauren Haws. Motion passed without negative vote.

Fire Department Out Of State Training Request. The Fire Chief is requesting permission to attend the conference Fire Rescue International in Chicago IL on August 25th through the 29th. The money for the conference has been budgeted.

Motion by Wright, second by Pater to recommend the Common Council approve the request from the Fire Department for out of state training. Motion passed without negative vote.

Sidewalk Ordinance Amendment. In July 2009, the Public Works and Utilities Commission forwarded the sidewalk ordinance to the City Attorney's Office to incorporate drafts made by the Commission members in order to try and clarify the ordinance. The current ordinance and the City Attorney's correspondence are attached.

Motion by Greeno, second by Westpfahl to approve the ordinance creating Sections 2-278(14) and 38-35 and Amending Sections 38-120, 38-123 and 40-114(F) of the Municipal Code. Discussion: Alderperson Schleicher advised that he doesn't feel sidewalks should be put in where they aren't needed. With the economy like it is, fixed incomes, people can't afford the added burden of sidewalk installation. Alderperson Schleicher also felt this should have gone back to the Public Works & Utilities Commission prior to coming to the Council for a recommendation from that Commission. Streets, curb and gutter and water and sewer lines need to be addressed. There are multiple city areas that haven't been done. Alderpersons Cram and Westpfahl feel that everyone should have to have a sidewalk so that it's fair. Alderperson Pater advised that people are walking on the street because there is no sidewalk and feels these people should have a sidewalk to walk on and be safe. Alderperson Wright feels that Public Works & Utilities Commission should review it for a recommendation prior to the Council taking action. Attorney Berry advised there is flexibility through various Boards to grant waivers. Alderperson Olsen is in favor of sidewalks for safety reasons. Citizen Jim Rice of 1019 Farmer Avenue addressed the Committee and feels that there should be a plan so citizens can find out when the projects will occur. There has always been a problem with subdivisions in the City of Tomah not requiring sidewalks, storm sewer, etc. when the subdivisions are being developed. There are many people in the City at this time that don't want sidewalk installation and people will fight every step of the way. Common sense should be used. A public hearing will be held. Motion was rescinded and second was rescinded.

Motion by Wright, second by Westpfahl to send this back to the Public Works & Utilities Commission for comments and a recommendation. Motion passed without negative vote.

Resolution Approving Monthly Bills. Motion by Wright, second by Cram to recommend the Common Council approve the resolution authorizing payment of the monthly bills for a total amount of \$3,501,132.15. Motion passed without negative vote.

Monthly Financial Report – February. Monthly financial report was accepted.

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(c) for discussion of non union compensation. Motion by Wright, second by Westpfahl to adjourn to closed session pursuant to State Statute 19.85(1)(c) for discussion of non union compensation. Motion passed without negative vote. Adjourned to closed session at 7:00 p.m.

Meeting reconvened at 7:06 p.m.

Non Union Compensation. In recent months, union contracts were approved and non union wage increases established. During the process, health insurance buyouts were addressed as this practice was in violation of the Dept. of Employee Trust Fund policy. Union employees presently on the program were grandfathered in. When we addressed non union compensation, the insurance buyout for these employees was removed. City Administrator Bialecki is requesting the Council allow non union employees on this program to remain with a grandfather clause. The practice no longer remains for new employees.

Motion by Wright, second by Olsen to recommend the Common Council allow non union employees participating in the health insurance buyout program as of December 31, 2009 to remain in the program under a grandfather clause. Motion passed without negative vote.

Motion by Olsen, second by Schleicher to adjourn. Motion passed without negative vote. Meeting adjourned at 7:09 p.m.

Respectfully Submitted,

JoAnn M. Cram, City Clerk