

**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 November, 2010 at 6:30 p.m. in the Council Chambers at City Hall.

The following members were present: Nellie Pater, Dennis Greeno, John Cram, Larry Siekert, George Wright, Luke Bohlen, Ted Schleicher, and Pam Buchda. Absent: None.

Also present: Mayor John Rusch, City Administrator Jim Bialecki, City Clerk JoAnn M. Cram, Police Chief Wes Revels, Ambulance Director Jody Allen, Public Works and Utilities Director Ken Patterson, Fire Chief Kevin Decorah, 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 Bohlen, second by Greeno to approve the minutes of the October 11th, 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. Tomah Fire Department personnel are handing out complimentary calendars.

Lake Tomah Committee Update. No update.

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 October. The Police Department received a \$5,000 grant from the National Association of Drug Diversion Investigators. The Police Department will purchase additional equipment for the purposes of conducting those types of investigations and updating some existing equipment. The Police Department also received \$5,546 for the Nuisance Abatement Vehicle program from the Office of Justice Assistance.

Treasurers Cash & Investment Reports. Motion by Buchda, second by Wright to approve the cash and investment reports for October. Motion passed without negative vote.

Approval of Hollister Avenue Project Phase II and Bonding 1. Initial Resolution Authorizing \$2,610,000 General Obligation Bonds for Street Improvement Projects. 2. Initial Resolution Authorizing \$1,460,000 General Obligation Bonds for Water System Improvements. 3. Initial Resolution Authorizing \$930,000 General Obligation Bonds for Sewerage Projects. 4. Resolution Providing for the Sale of Not to Exceed \$5,000,000 General Obligation Corporate Purpose Bonds. 5. Resolution Directing Publication of Notice to Electors. At the 2011 Budget Workshop, it was the consensus of the Common Council to move forward with Phase II of the Hollister street project and do the bonding this year to take advantage of the Build America Bond program. Dawn Gunderson of Ehlers & Associates will be at the Common Council meeting to address these resolutions.

Motion by Wright, second by Schleicher to adjourn this discussion until the Council meeting on Tuesday night when Dawn Gunderson will be present as no new information is available. Motion passed without negative vote.

Approval of Scope of Engagement Regarding Proposed Issuance of \$840,000 with Quarles and Brady, LLP. Quarles and Brady has been the City's bond attorney for several years. The

scope of engagement regarding the proposed issuance of \$840,000 needs to be approved and the Mayor's signature authorized regarding the document. (This item was subsequently pulled at the Common Council meeting and the refinancing is cancelled.)

Motion by Wright, second by Greeno to recommend the Common Council approve the Scope of Engagement Regarding the Proposed Issuance of \$840,000 with Quarles and Brady as presented and authorize Mayor Rusch to sign the document. Motion passed without negative vote.

Resolution Awarding Sale of \$840,000 General Obligation Refinancing. At the October meeting, the Council authorized refinancing of the debt for the multi-purpose building at Recreation Park. This lower interest rate will save substantial interest over the remaining life of the issue. Dawn Gunderson of Ehlers & Associates will appear at the Common Council meeting to review the bids received.

Motion by Wright, second by Bohlen to refer the resolution to the Council Meeting awarding the sale of \$840,000 General Obligation Bonds for Refinancing of the Multi-Purpose Building at Recreation Park. Motion and second withdrawn. This item was tabled until Tuesday night when the bids can be reviewed and Dawn Gunderson from Ehlers provides additional information.

Review of Weights and Measures Assessment for Ace Hardware, 1110 N. Superior Avenue. Annually, the City receives a billing from the Department of Ag, Trade and Consumer Protection for tests done at local businesses in the City. Each licensee is required to pay the fee as assessed or file a written request for review. Ace Hardware is requesting a review as they feel their assessment is excessive. These tests are conducted randomly by the State Inspectors who then provide an annual breakdown of where the tests are conducted as well as the number of tests completed at each facility. The Weights and Measures Ordinance was designed to relieve the taxpayers of the burden of this fee and states that the facilities where the tests are being done should pay the cost. The only other way to calculate the fee would be to divide the number of weights and measures licenses by the total bill and charge everyone the same whether they had any testing done at all, numerous testing, or minimal testing. In doing so, the business with one scale or one test would pay the same as the business where the inspector conducted 40-50 tests.

Motion by Wright, second by Pater to sustain the weights and measures assessment for Ace Hardware at 1110 N. Superior Avenue. Motion passed without negative vote.

Request of Patrick Murphy, Dimensions, to Exchange a Reserve Class "B" Liquor and Fermented Malt Beverage Combination License for a Regular Class "B" Liquor and Fermented Malt Beverage Combination License. Patrick Murphy has expressed interest in the regular license previously utilized by Gas Alley Pub. Dimensions currently holds one of the City's two "Reserve" licenses for which he paid a one-time initial fee of \$10,000. There are restrictions associated with the "Reserve" licenses in that you cannot move to a different location, change your name or change owners without triggering the requirement for an additional fee of \$10,000. The owner of the building which housed Gas Alley Pub and the previous holder of the liquor license is also working on the application paperwork for the regular license and that application is anticipated to be acted on at the December meetings.

Motion by Wright, second by Siekert to recommend the Common Council to continue with the process and allow Mr. Murphy to make application along with anyone else for the license that will come available next month. Motion passed without negative vote.

Bartender Licenses.

Motion by Wright, second by Greeno to recommend the Common Council approve the bartender's license as listed. Motion passed without negative vote. Bartender licenses approved as follows: Jon Dale Willig.

Class “B” Fermented Malt Beverage and Class “C” Wine License for Cancun Bay, Ltd. d/b/a Cancun Mexican Restaurant for the period November 10, 2010 – June 30, 2011. Cancun Bay Ltd. has applied for a beer and wine license at 1422 Superior Avenue.

Motion by Wright, second by Buchda to recommend the Common Council approve the Class “B” Fermented Malt Beverage License and Class “C” Wine License for Cancun Bay, Ltd. d/b/a Cancun Mexican Restaurant for the period November 10, 2010 – June 30, 2011. Motion passed without negative vote.

Change of Agent for Kwik Trip Inc. #718, 1504 Superior Avenue. Kwik Trip has applied for a change of agent from Chontel Smart to Suzzane M. Greenman.

Motion by Siekert, second by Wright to recommend the Common Council approve the change of agent request from Kwik Trip Inc. #718 from Chontel Smart to Suzzane M. Greenman. Motion passed without negative vote.

Change of Agent for Tomah Hospitality, LLC, 1017 E. McCoy Blvd. Tomah Hospitality has applied for a change of agent from David E. Olson to Melanie L. Betthausen.

Motion by Wright, second by Siekert to recommend the Common Council approve the change of agent request from Tomah Hospitality, LLC, 1017 E. McCoy Blvd., from David E. Olson to Melanie L. Betthausen. Motion passed without negative vote.

Special Beer Permit – Monroe County Tavern League – January 14-16, 2011. The Monroe County Tavern League has applied for a special beer permit to be used for a pool tournament on January 14-16, 2011 at the Recreation Building Main Hall at Recreation Park.

Motion by Greeno, second by Wright to recommend the Common Council approve the Special Beer Permit for the Monroe County Tavern League from January 14-16, 2011 at the Recreation Building Main Hall at Recreation Park. Motion passed without negative vote.

Approval of Job Description – Part Time Custodian – Police Department. The Police Department will be hiring a part time custodian to take care of their building. The job description needs to be approved.

Motion by Greeno, second by Wright to recommend the Common Council approve the job description as presented. Motion passed with one negative vote. (Schleicher)

Grant Writing. One of the workshops attended by Mayor Rusch at the Wisconsin League of Municipalities fall conference was put on by CESA/CEGROW, Educational Grant Resources of Wisconsin. They have been doing grant writing for school districts for years and they will now also do them for cities. There is a \$500 annual fee which is requested to be included in the 2011 Budget.

Motion by Buchda, second by Wright to recommend the Common Council authorize CESA/CEGROW, Education Grant Resources of Wisconsin to write grants as necessary for the City of Tomah and authorize payment of the \$500 dues fee in 2011. Motion passed without negative vote.

Personnel Policy Amendment Regarding Retirement or Death Benefit for Sick Leave. The present policy states: Retirement or Death Benefit: Upon retirement or death, an employee shall be paid thirty (30%) percent of their accumulated sick leave credits as severance pay, not to exceed thirty (30%) percent of a maximum of one hundred twenty (120) days. It is requested that the language be amended as follows: Value of Separation: Employees who are eligible to receive retirement or death benefits under the Wisconsin Employee Trust Fund Retirement System, shall be paid thirty (30%) percent of the employee’s sick leave as severance pay upon retirement or death. The maximum number of sick leave days shall be 120 days for this calculation. The value of the accumulated sick leave shall be computed at the regular hourly rate in effect at the date of

retirement or death, excluding shift differential or any other wage augmentations. In the case of the death of the employee, the payment shall be made to the surviving spouse or if no surviving spouse, payment shall be made to the employee's estate.

Motion by Buchda, second by Wright to recommend the Common Council amend the personnel policy manual regarding retirement or death benefit for sick leave as presented. Motion passed without negative vote.

Resolution Approving Monthly Bills. Motion by Wright, second by Greeno to recommend the Common Council approve the resolution authorizing payment of the monthly bills for a total amount of \$1,062,816.45. Motion passed without negative vote.

Monthly Financial Report – October. Motion by Greeno, second by Wright to approve the October monthly financial report. Motion passed without negative vote.

Motion by Wright, second by Greeno to adjourn. Motion passed without negative vote. Meeting adjourned at 7:19 p.m.

Respectfully Submitted,

JoAnn M. Cram, City Clerk