

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

A COMMITTEE OF THE WHOLE MEETING of the City of Tomah was held on the 11th day of October, 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, and Treasurer Julia Rusch. Gregg Hagen videotaped the meeting.

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

Motion by Buchda, second by Bohlen to approve the minutes of the August 9th, 2010 regular Committee of the Whole meeting as presented. Motion passed without negative vote.

\$840,000 General Obligation Refinancing – Dawn Gunderson – Ehler’s & Assoc.

Phil Cosson and Dawn Gunderson of Ehlers & Associates have reviewed our long term debt. There is one G.O. bond that can be refinanced over 15 years. Dawn Gunderson of Ehler’s addressed the Committee of the Whole. The City is looking at phase II of the Hollister Avenue project and the refunding issue. If we look at the refunding as a stand-alone issue, there is about \$780,000 of outstanding principal remaining. The last payment was made in March of 2010 and has accrued interest from that time until now. The amount needed to do that is \$812,552 (interest and principal) plus costs for a total of \$840,000. The savings would total an estimated \$38,732 over the lifetime of the bond issue. Interest rates are better now in the open market than they were when we took the loan out from the State Trust Fund. Several proposals were presented on calculating the equalized value in forecasting the future growth. Refinancing does not qualify for the Build America Bonds. If the city proceeds with the Build America Bonds, the two financings would have to be conducted separately. To combine them, we would have to do a tax exempt financing. The last financing we did, we had Ehler’s bid the issues out both as tax exempt and the build America bonds. It is anticipated that the Build America Bonds would save the City approximately \$302,084. The Build America Bonds are set to expire on 12/21/2010 and it is unknown if proposed bills will pass to extend or change the program. City Administrator Bialecki would like to look at the retirement of the dam bonds, possible shared revenue adjustments, etc. and would like a 30 day delay to complete a financial analysis before proceeding. Interest would be payable in 2011 either way we finance the project. We could capitalize the interest in 2011 if we roll it into the total debt. The tax impact including both issues was presented. There is minimal principal until 2013. The interest savings would be far greater to split the issues and use the Build America Bonds for the \$5,000,000 and the tax exempt issue for the refunding of the multi-purpose building loan.

Initial Resolution Authorizing \$840,000 General Obligation Refunding Bonds. This resolution authorizes the refunding of obligations of the City including interest on them and would refinance the Multi-Purpose Building at Recreation Park.

Motion by Greeno, second by Wright to recommend the Common Council approve the initial resolution authorizing \$840,000 General obligation Refunding Bonds. Motion passed without negative vote.

Resolution Providing for the Sale of \$840,000 General Obligation Refunding Bonds. This refunding is for the public purpose of refunding obligations of the City of Tomah (Multi-Purpose Building at Recreation Park).

Motion by Buchda, second by Wright to recommend the Common Council approve the Resolution Providing for the Sale of \$840,000 General Obligation Refunding Bonds. Motion passed without negative vote.

Approval of Hollister Avenue Project Phase II and Bonding – Dawn Gunderson – Ehler’s & Assoc. The Public Works and Utilities Commission reviewed the proposed work for the second phase of the Hollister Avenue project and voted to recommend the project be approved minus E. Jackson Street and Stoughton Avenue which will be bid separately as alternates. The Commission also voted to apply for bonding in the amount of \$5,000,000. Dawn Gunderson of Ehler’s & Associates was present and addressed the Committee of the Whole.

Initial Resolution Authorizing \$2,610,000 General Obligation Bonds for Street Improvement Projects.

Initial Resolution Authorizing \$1,460,000 General Obligation Bonds for Water System Improvements.

Initial Resolution Authorizing \$930,000 General Obligation Bonds for Sewerage Projects.

Resolution Directing Publication of Notice to Electors.

Resolution Providing for the Sale of Not to Exceed \$5,840,000 General Obligation Corporate Purpose Bonds. Upon approval of the initial resolutions authorizing the issuance of general obligation bonds for the following public purposes in the amounts as follows: \$2,610,000 to finance street improvement projects; \$1,460,000 to finance water system improvements; \$930,000 to finance sewerage projects; and \$840,000 to refund obligations of the City, the resolution providing for the sale of the corporate purpose bonds needs to be approved. This matter was referred to the November meeting.

Motion by Buchda, second by Schleicher to refer the \$5,000,000 Hollister Avenue Phase II Project and bonding for 30 days to allow the City Administrator and Mayor to complete a financial analysis prior to final approval of the project and the financing at the November meeting. Motion passed without negative vote.

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

Lake Tomah Committee Update – Fish stocking – about 6500 largemouth bass were stocked on October 6th, 2010. The DNR shocked the lake last week and the most important news is that no carp were found. There is no word yet from the DNR on the status of their funding for disabled piers. The old pier has been removed. There will be a Lake Committee meeting within the next month or two but it has not been set at this time.

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 September.

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

Bartender License – DaLynn D. DeFord. DaLynn D. DeFord was denied a provisional license due to several pending felony charges. Ms. DeFord appeared before the Committee of the Whole. Police Chief Revels advised that the felony charges are related to the issuance of numerous worthless checks. A number of these charges are still pending. The reason for denial of the license is that some of the transactions on the felony charges related to the financial operations of three licensed premises. These were financial transactions that were not legitimate and it is felt they substantially relate to the activities of the licensed premises. Ms. DeFord advised that she will have to do community service and that she needs the operator’s license to get a paycheck so she can pay her restitution. The checks were issued last year and the matter is getting resolved at this time. There have been no other violations since that time. Alderperson Greeno advised that due to pending court issues, the Council should wait prior for approval of the license. Ms. DeFord was advised she could re-apply at a later date.

Motion by Pater, second by Wright to recommend the Common Council deny the bartender license for DaLynn D. DeFord due to numerous unresolved felony charges at this time. Motion passed with two negative votes. (Siekert and Buchda)

Bartender Licenses.

Motion by Wright, second by Greeno to recommend the Common Council approve bartender's licenses as listed. Motion passed without negative vote. Bartender licenses approved as follows: Mary E. Durni, Joshua A. Haugh, Justin R. McFarlin, and Valerie J. Pishnery.

Discussion of Animal Ordinance Committee Recommendations. Information was presented by Admin. Asst. Rhonda Culpitt regarding the ordinance amendments as recommended by the animal ordinance review group. There were several inconsistencies and the changes clean up the language. The group did not address the dog park issue. The quality of life for Tomah citizens is well considered in the proposed language for both pet owners and non pet owners to be sure their property is not abused by animals of others. Alderperson Bohlen thanked the work group for their input on this project. Discussion was held on the number of animals allowed per residence and the reasons for the recommendation not to increase the number allowed. The main concern was that there would be responsible care of the animals and the impact of increasing the number of animals allowed.

Motion by Wright, second by Bohlen to draft the suggested changes in ordinance format and bring the revisions back for formal adoption by the Common Council. Motion passed without negative vote.

Hearing Regarding the Abandonment and Non-Renewal of License for Gas Alley Pub at 1204 Superior Avenue. The matter before the Committee of the Whole is to hold a hearing and give Mr. Matt Anderson an opportunity to address the City regarding the status of his license for Gas Alley Pub at 1204 Superior Avenue. The Combination "Class B" Retail License for the sale of fermented malt beverages and intoxicating liquor for Gas Alley Pub has never been issued since the authorization for renewal was approved in May. In June, the City received notification from the Department of Revenue that the seller's permit was not valid for this premise and that the establishment would be closed until such time as the seller's permit was reinstated. The facility has been closed in excess of the 90 days which is a violation of city ordinance. City Ordinance states that discontinuation, abandonment, failure to open for business within 90 days of the granting of such license, or failure to pay appropriate license fees, such business or premises shall forfeit any right or preference he may have to the holding of or renewal of such license unless otherwise authorized by the Common Council. It is requested that the Common Council withdraw the renewal authorization previously granted at the May meeting due to not meeting the qualifications of holding the license by not having a valid seller's permit and for abandoning the premise for a period of more than 90 days. The owner of the building, Jason Lowry was notified, however, attempts to contact Mr. Anderson have been unsuccessful. Mr. Lowry appeared and advised that Mr. Anderson was closed down due to personal income tax issues and taxes for the bar. Mr. Lowry intends to apply for the liquor license next month so that he can get the business up and running again. Mr. Anderson did not appear. City Clerk Cram asked if there was anyone present that would like a copy of the report with no response.

Motion by Wright, second by Greeno to withdraw the renewal authorization previously granted at the May meeting for Matt Anderson of Gas Alley Pub due to not meeting the qualifications of holding the license by not having a valid seller's permit and for abandoning or discontinuing the use of the premise for a period of more than 90 days and authorize City Clerk Cram to prepare a report for the Common Council meeting. Motion passed without negative vote.

Change of Agent for Burnstad's Market, 701 Clifton Street. Burnstad's Market at 701 E. Clifton Street has applied for a change of agent from Kent V. Burnstad to Derek V. Burnstad.

Motion by Wright, second by Siekert to recommend the Common Council approve the change of agent from Kent V. Burnstad to Derek V. Burnstad at Burnstad's Market as requested. Motion passed without negative vote.

Resolution Denying the Claim of Eva Neal-Byars. A claim has been received by the City from Eva Neal-Byars regarding alleged bodily injury when she stepped into a hole located in a grassy area at the Tomah Aquatic Center. The insurance company completed their investigation and are recommending denial as the City did not have actual or constructive notice of this small hole located in the grass/dirt.

Motion by Wright, second by Greeno to recommend the Common Council approve the resolution denying the claim of Eva Neal-Byars as presented. Motion passed without negative vote.

Letter of Intent – Wisconsin Main Street Program. The City of Tomah, and more specifically, the downtown merchants (Our Town Tomah) have been very proactive in improving the downtown area. All parties involved continue to focus on improving and revitalizing the downtown with a view of historic preservation, appearance, attracting new customers, new businesses, jobs, and tax base. The Wisconsin Department of Commerce offers the Wisconsin Main Street Program. City Administrator Bialecki provided an overview of the Wisconsin Main Street program, the Wisconsin Main Street New Community Resource Guide, Developing work plans for downtown revitalization programs using the Main Street approach, 2011 Wisconsin Main Street Program Application, a work book that relates to the application, and the intent to apply form which is due by November 1, 2010. This program is geared to the Our Town Tomah group and downtown merchants. This program has been reviewed by the Long Range Planning Committee and the Our Town Tomah Group. The program will need to be adopted as an Our Town Tomah project. The City can provide staff assistance and fiscal support in the amount of \$10,000 per year. In order to keep this program, the City needs to approve and send a letter of intent to the Department of Commerce. This letter does not commit the city to anything. The Department of Commerce will then address the City of Tomah to do a formal presentation of their services and program. City Administrator Bialecki recommends the Common Council approve the Letter of Intent form at this time.

Motion by Wright, second by Bohlen to recommend the Common Council approve the Letter of Intent regarding the Wisconsin Main Street Program at this time. Motion passed without negative vote.

Approval of a Lease Agreement Between the City of Tomah and F.D.S. Enterprises for the Leasing of 3 Handicap Accessible Vans.

Part of the contract between the City of Tomah and F.D.S. Enterprises is to have a lease agreement for the vehicles purchased by the City through the stimulus package. The lease is for \$1 per vehicle. The lease agreement is a requirement by the Wisconsin Dept. of Transportation for the 5311 Operating Assistance Program.

Motion by Buchda, second by Siekert to recommend the Common Council approve and authorize the Mayor to sign the lease agreement between the City of Tomah and F.D.S. Enterprises for the lease of three vehicles for the Tomah Shared Ride Program. Motion passed without negative vote.

Resolution Creating Two Part Time Tomah Fire Department Captains and Establishing the Rate of Pay. At the Sept. Council meeting, the council authorized the creation of the Captain positions for the Fire Department. The formal resolution needs to be approved establishing the positions effective January 1, 2011.

Motion by Buchda, second by Wright to recommend the Common Council approve the Resolution creating two part time Tomah Fire Department Captains and establishing the rate of pay at \$15 per hour effective January 1, 2011. Motion passed without negative vote.

Approval of Job Description for Fire Department Captain Positions. The Common Council authorized the creation of the Fire Department Captain positions. The job description needs to be approved.

Motion by Buchda, second by Wright to recommend the Common Council approve the job description as presented for the Fire Department Captain positions. Motion passed without negative vote.

Resolution Approving Monthly Bills. Motion by Pater, second by Bohlen to recommend the Common Council approve the resolution authorizing payment of the monthly bills for a total amount of \$974,436.89. Motion passed without negative vote.

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

Motion by Wright, second by Bohlen to adjourn. Motion passed without negative vote. Meeting adjourned at 8:24 p.m.

Respectfully Submitted,

JoAnn M. Cram, City Clerk