

The COMMON COUNCIL of the City of Tomah met in **REGULAR SESSION**, April 13, 2010 at 6:00 p.m. with Mayor Allan "Ed" Thompson presiding.

Following the Pledge of Allegiance, roll call was taken with George Wright, Ron Olsen, Ted Schleicher, Pete Peterson, Nellie Pater, Dennis Greeno, John Cram, and Joanne Westpfahl present. Absent: None. Also in attendance: City Admin. Jim Bialecki, Asst. City Attorney Penny Precour-Berry, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

Motion by Peterson, second by Greeno to adjourn to closed session pursuant to State Statute 19.85(1)(c) and (g) to confer with legal counsel regarding potential employment litigation. Adjourned to closed session at 6:01 p.m. Motion passed without negative vote.

Meeting reconvened to open session at 6:30 p.m.

Minutes: Motion by Westpfahl, second by Cram, to approve the March 9, 2010 Regular Council minutes as presented. Motion passed without negative vote.

Mayor Report. Distinguished Service Resolution in Recognition of Forrest "Frosty" Mades. Motion by Greeno, second by Cram to adopt **Resolution No. 2010-04-13-12** Distinguished Service Resolution in recognition of Forrest 'Frosty' Mades. Motion passed without negative vote.

**RESOLUTION NO. 2010-04-13-12
DISTINGUISHED SERVICE RESOLUTION IN RECOGNITION OF
FORREST "FROSTY" MADES
FOR DEDICATED SERVICE AND COMMITMENT
TO THE CITIZENS OF THE CITY OF TOMAH
1979 TO PRESENT**

WHEREAS, However effective government may be in serving the needs of its citizens, the soul of our city and its' vitality as a place to live and work depend on the relationship of families, friends and neighbors. Strengthening those bonds is not as much in the hands of institutions or governments as it is in the hearts of the people and individuals, who take that extra step and work to help people of all ages, races and religions, and

WHEREAS, Forrest "Frosty" Mades has served on the City of Tomah Housing Authority Board from 1979 to Present and on the Community Development Block Grant Committee from 1981 to Present and,

WHEREAS, His outstanding dedication and service to our community over the course these 30+ years has provided affordable housing options to countless families and promoted, supported and improved the City's business community,

NOW THEREFORE, BE IT RESOLVED, that as Mayor of the City of Tomah, and on behalf of our City, we commend Forrest for his outstanding contribution to others and to our community. The Common Council of the City of Tomah does hereby express its sincere appreciation and thanks to Forrest for his past, present & future years of dedicated public service to the citizens of the City of Tomah and extends its best wishes for his health and happiness.

Dated this 13th day of April, 2010.

Allan "Ed" Thompson, Mayor

ATTEST:
JoAnn M. Cram, City Clerk

Distinguished Service Resolution in Recognition of Ronald Olsen, Alderperson.

Motion by Cram, second by Wright to adopt **Resolution No. 2010-04-13-13** Distinguished Service Resolution in recognition of Ronald Olsen. Motion passed without negative vote.

**RESOLUTION NO. 2010-04-13-13
DISTINGUISHED SERVICE RESOLUTION IN RECOGNITION OF
RONALD OLSEN, ALDERPERSON,
2ND ALDERMANIC DISTRICT - WARDS 3 & 4 CITY OF TOMAH
1998 – 2010**

WHEREAS, Ron Olsen has served as a member of the City of Tomah Common Council as well as serving on various committees and commissions of the City, and has faithfully represented the City of Tomah and performed his duties in an effective, conscientious, and trustworthy manner; and

WHEREAS, Ron Olsen has dedicated many hours to the City of Tomah and other community events and activities, all in the best interests of the City of Tomah citizens; his dedication and service to the community has been outstanding and very much appreciated, and we commend him for his contribution to others and to our community, and

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Tomah does hereby commend Ron for his outstanding contribution to our community and express our sincere appreciation and thanks for his many years of dedication and public service to the citizens of the City of Tomah. We extend our best wishes for his health and happiness in the future.

Dated this 13th day of April 2010.

Allan "Ed" Thompson, Mayor

ATTEST:
JoAnn M. Cram, City Clerk

Distinguished Service Resolution in Recognition of Pete Peterson, Alderperson. Motion by Cram, second by Schleicher to adopt **Resolution No. 2010-04-13-14** Distinguished Service Resolution in recognition of Pete Peterson. Motion passed without negative vote.

**RESOLUTION NO. 2010-04-13-14
DISTINGUISHED SERVICE RESOLUTION IN RECOGNITION OF
PETE PETERSON, ALDERPERSON,
4TH DISTRICT - WARDS 5 & 6 CITY OF TOMAH
2008 – 2010**

WHEREAS, Pete Peterson has served as a member and President of the City of Tomah Common Council as well as serving on various committees and commissions of the City, and has faithfully represented the City of Tomah and performed his duties in an effective, conscientious, and trustworthy manner; and

WHEREAS, Pete Peterson has dedicated many hours to the City of Tomah and other community events and activities, all in the best interests of the City of Tomah citizens; his dedication and service to the community has been outstanding and very much appreciated, and we commend him for his contribution to others and to our community, and

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Tomah does hereby commend Pete for his outstanding contribution to our community and express our sincere appreciation and thanks for his years of dedication and public service to the citizens of the City of Tomah. We extend our best wishes for his health and happiness in the future.

Dated this 13th day of April 2010.

Allan "Ed" Thompson, Mayor

ATTEST:

JoAnn M. Cram, City Clerk

Distinguished Service Resolution in Recognition of Joanne Westpfahl, Alderperson. Motion by Wright, second by Olsen to adopt **Resolution No. 2010-04-13-15** Distinguished Service Resolution in recognition of Joanne Westpfahl. Motion passed without negative vote.

**RESOLUTION NO. 2010-04-13-15
DISTINGUISHED SERVICE RESOLUTION IN RECOGNITION OF
JOANNE WESTPFAHL, ALDERPERSON,
8TH ALDERMANIC DISTRICT - WARDS 15 & 16 CITY OF TOMAH
2006 – 2010**

WHEREAS, Joanne Westpfahl has served as a member of the City of Tomah Common Council as well as serving on various committees and commissions of the City, and has faithfully represented the City of Tomah and performed her duties in an effective, conscientious, and trustworthy manner; and

WHEREAS, Joanne Westpfahl has dedicated many hours to the City of Tomah and other community events and activities, all in the best interests of the City of Tomah citizens; her dedication and service to the community has been outstanding and very much appreciated, and we commend her for her contribution to others and to our community, and

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Tomah does hereby commend Joanne for her outstanding contribution to our community and express our sincere appreciation and thanks for her years of dedication and public service to the citizens of the City of Tomah. We extend our best wishes for her health and happiness in the future.

Dated this 13th day of April 2010.

Allan "Ed" Thompson, Mayor

ATTEST:

JoAnn M. Cram, City Clerk

Mayor. Mayor Thompson summarized the accomplishments of the last two years including the work conducted on developing the CP Rail property, High Speed Rail Coalition, \$9,000,000 project for Hollister Avenue, new businesses and planned multi-housing projects, Toro distribution center, maintained city services and lowered property tax rates, Lake Tomah renovation and eradication of the carp, remodeling of the prior police department in City Hall, Downtown revitalization, new telephone system in City Hall, and a new City Website, Mayor Thompson thanked everyone that has served on City committees and commissions and all city employees.

City Administrator. Distinguished Service Resolution in Recognition of Allan "Ed" Thompson, Mayor. Motion by Peterson, second by Cram to adopt **Resolution No. 2010-04-13-16** Distinguished Service Resolution in recognition of Mayor Allan "Ed" Thompson. Motion passed without negative vote.

**RESOLUTION NO. 2010-04-13-16
DISTINGUISHED SERVICE RESOLUTION IN RECOGNITION OF
ALLAN "ED" THOMPSON, MAYOR, CITY OF TOMAH
2008 – 2010**

WHEREAS, Allan "Ed" Thompson has served as the Mayor of the City of Tomah since April of 2008 and has faithfully represented the City of Tomah and performed his duties in an effective and trustworthy manner; and during his term as Mayor has faced many challenges and has exhibited consistent integrity, honesty and reliability in carrying out his duties, and

WHEREAS, Allan "Ed" Thompson has dedicated many hours to the City of Tomah, all in the best interest of the City of Tomah citizens, his dedication and service to the community has been outstanding and very much appreciated, and we commend him for his contribution to others and to our community; and

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Tomah does hereby commend Allan "Ed" Thompson for his achievements as Mayor and express our sincere appreciation and thanks for his years of dedication and public service to the citizens of the City of Tomah. We extend our best wishes for his health and happiness in the future.

Dated this 13th day of April 2010.

Pete Peterson, President of the Council

ATTEST:

JoAnn M. Cram, City Clerk

City Clerk. Election Tally for the April 6, 2010 Spring Election. Motion by Wright, second by Olsen to accept the Election Tally for the April 6, 2010 Spring Election as submitted. Motion passed without negative vote.

The City of Tomah website can be found at www.tomahonline.com. An update on the 2010 Census was provided. Information was provided regarding the 2010 Regional Dinner Meeting and New Municipal Officials Workshop. The reorganizational Council meeting will be held April 20, 2010. Deputy City Clerk Donna Lovell will be retiring June 4, 2010. Monroe County Planning and Zoning Committee will be hosting several open houses May 18-20th (Wilton, Tomah and Sparta).

Public Works & Utilities – Water, Sewer, Public Works & Lake Updates. Public Works & Utilities Director Ken Patterson provided a written report to the Council. The Landfill has begun charging the City for pickup of old computers and electronic devices. The County will be offsetting these costs with the recycling grant. The City is continuing to pick items up free of charge but this will need to be looked at during Budget time. The Hollister Avenue project will start April 14th.

Library Report. Library Director Irma Keller advised that the Library is celebrating National Library Week. Almost 3,000 books were added to the library in 2009. The number of people that attended the library in 2009 was up 1700 visits from 2008. Circulation total was also up 1,729.

Chamber of Commerce/Convention & Visitors Bureau. Executive Director Chris Hanson did not provide a report.

Tomah Public Housing & Community Development Block Grant Monthly Report. Director Rachel Muehlenkamp provided a summarized report. The Senior Center apartment was rehabbed and has been rented at this time. It is anticipated the loan will be paid back in about 7½ years which will give the Senior Center partial income with additional income following payoff of the loan.

Senior & Disabled Services Report. No report provided.

Treasurer's Cash & Investment Reports – February 2010. Motion by Peterson, second by Schleicher to accept the Treasurer's Cash & Investment Report for 2010 as presented. Motion passed without negative vote.

Rehabilitation SR10-2. The CDBG has recommended that the Common Council approve a 4% home improvement loan in the amount of \$12,000 for improvements at 510 N. Kilbourn Avenue for roof replacement, overhang installation at front & back entrances and gutters.

Motion by Wright, second by Olsen to approve **Rehabilitation SR10-2**, a 4% home improvement loan in the amount of \$12,000 for improvements as listed at 510 N. Kilbourn Avenue. Motion passed without negative vote.

Rehabilitation SR10-3. The CDBG has recommended that the Common Council approve a 1% home improvement loan in the amount of \$23,500 for 1406 Kilbourn Avenue for roof, siding, insulation, soffit & fascia, exterior doors, storm windows and a garage door.

Motion by Olsen, second by Cram to approve **Rehabilitation SR10-3**, a 1% home improvement loan in the amount of \$23,500 for 1406 Kilbourn Avenue for improvements as listed. Motion passed without negative vote.

Bartender Licenses. Motion by Olsen, second by Wright to 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. After a lengthy discussion at the Committee of the Whole meeting, it was requested that this item be tabled for 30 days to allow the Baumbach's time to comply with the ordinance. Alderperson Peterson acknowledged that another residence in Tomah has had 3 dogs for 3 years and wonders if 30 days is sufficient. Alderperson Pater advised the Council has been compassionate in the past and

would like to see the Baumbach's have some time to address this issue. Alderperson Peterson would like the motion amended to extend the time to one year.

Motion by Olsen, second by Wright to table this request until the May Council meeting. Mr. Olsen would amend the motion to change the 30 days (May Council meeting) to one year. The second was not amended. Motion goes back to the original motion with no discussion on motion to table. Motion passed with two negative votes (Pater and Peterson).

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

Motion by Olsen, second by Wright to 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. Grant money is no longer available however there will be another opportunity at a later date to apply for grant funds. This is for information only.

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. Two Police Department staff and the Municipal Court Clerk 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 Westpfahl, second by Cram to authorize the out of state training for the police department and municipal court employees as requested. Motion passed without negative vote.

Revised Sidewalk Ordinance. The Public Works and Utilities Commission voted not to take this sidewalk revision to a public hearing. The intent of this ordinance amendment is not to immediately require installation of sidewalks all over the City but to 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. Clarification is requested from the City Attorney before making a recommendation. There is an ordinance already in existence (38-32 and 38-33) that addresses targeting of unsafe and defective sidewalks. The PW&U may order a new sidewalk that is deemed insufficient. The current ordinance also specifies how the sidewalks are paid for. Mobile Home Parks are not required to have the sidewalks as they are private property – only the public access portion would be required. Also, under the exceptions and variances Section Three (3) it is requested that language be added to include approval by the City Council to make Sections Three and Five consistent under 'Exceptions'.

Motion by Greeno, second by Pater to waive the first verbatim reading of the ordinance creating sections 2-278(14) and 38-35 and amending sections 38-120, 38-123 and 40-114(F) regarding sidewalks subject to the City Attorney's office amending the exception language in Section Three to include any request would be subject to approval by the City Council upon recommendation from both Commissions. Motion passes with one negative vote (Schleicher).

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 Peterson, second by Westpfahl to waive the first verbatim reading of 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 open park space in the area south of Grandview and Murdock Street adjoining Veterans Park near the soccer fields. An error was found 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 Greeno, second by Peterson to approve **Amended Resolution No. 2010-04-13-17** accepting the dedication of 11.05 acres of land for open park space. Motion passed without negative vote.

RESOLUTION NO. 2010-04-13-17
AMENDED RESOLUTION ACCEPTING DEDICATION OF 11.05 ACRES OF LAND
FOR OPEN PARK SPACE
(i.e. South of Grandview and Murdock)

WHEREAS, the City Council, City of Tomah, Monroe County, Wisconsin does hereby accept land as described for future Parks and Recreation use; and

WHEREAS, owners Barbara J. (Murdock) Goetzka, Delpha A. Lucka, Merita M. Murdock, and Bonnie D. Taylor have petitioned to dedicate 11.05 acres of land to the public, and

WHEREAS, the land is completely undeveloped and generates no property tax revenue due to the Wetland condition of the property, and

WHEREAS, it may be possible in the future to link new walking trails through the property with existing Parks & Recreation trails in adjacent properties, and

WHEREAS, there is a need for a resolution to be filed with the Monroe County Register of Deeds to formally accept said land deeded to the City of Tomah for open park space purposes;

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Tomah hereby accepts the following described parcel of land for park space purposes:

Parcel 1

All that part of the Northwest Quarter of Northeast Quarter (NW3 of NE3) of Section Thirty-three (33), Township Eighteen (18) North, Range One (1) West, City of Tomah, Monroe County, Wisconsin lying South of the plat of Deer Creek Estates and East of Lots One (1) and Two (2) of Vol. 10 CSM Page 108.

A parcel of land located in the Southwest Quarter of the Northeast Quarter (SW3 of NE3), Section Thirty-three (33), Township Eighteen (18) North, Range One (1) West, City of Tomah, Monroe County, Wisconsin, described as follows: Commencing at the NE corner of said forty, thence West 330 feet, thence South 660 feet, thence East to the North bank of the Lemonweir River, thence Northeasterly along the North bank of the River to the forty line, thence North 526 feet to the NE corner of said forty and the place of beginning, EXCEPTING lands described in Vol. 127 of Deeds at page 514.

Parcel 2

A parcel of land located in the Southwest Quarter of the Northeast Quarter (SW3 of NE3) of Section Thirty-three (33), Township Eighteen (18) North, Range One (1) West, City of Tomah, Monroe County, Wisconsin described as follows: Commencing at the NE corner thereof; thence West 13 rods to the place of beginning; thence South 27 rods; thence West 6 rods; thence North 27 rods; thence East 6 rods to the place of beginning.

Subject to an easement to Wisconsin Power and Light Company as set forth in Vol. 144 Deeds, page 282, as Document No. 183457.

Subject to an easement to Northwest Telephone Company as set forth in 60 Misc., on page 51, as Document No. 298090.

Allan "Ed" Thompson, Mayor

ATTEST:

JoAnn M. Cram, City Clerk

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. The City Attorney requested that the last sentence be changed from "union" to "employees" that are making a good faith effort to comply with WPEGHP regulations.

Motion by Greeno, second by Cram to approve the personnel policy amendment regarding health insurance buyout with the change from the word "union" to "employees" that are making a good faith effort to comply with the WPEGHP regulations. Motion passed without negative vote.

Resolution Approving Monthly Bills. Motion by Greeno, second by Westpfahl to approve **Resolution No. 2010-04-13-18** Authorizing Payment of the Monthly Bills. Motion passed without negative vote.

RESOLUTION NO. 2010-04-13-18 AUTHORIZING PAYMENT OF MONTHLY BILLS

BE IT RESOLVED by the Common Council of the City of Tomah that the Committee of the Whole has reviewed the monthly bills and recommends the City Council approve said bills as follows:

1. Pre-Paid Checks	\$ 155,546.24	(Check #'s 104288-104336)
2. Payroll	\$ 256,796.20	Direct Deposit(#22568 - 22877)
3. Wire Transfers	\$ 18,731.76	
4. Invoices	\$ <u>155,879.87</u>	(Check #'s 104347 – 104477)
Total	\$ 586,954.07	

Allan E. Thompson, Mayor
ATTEST: JoAnn Cram, Clerk

Request for Parade Permit – Platoon Run Benefit Car and Motorcycle Show. The requested route for August 22, 2010 from Recreation Park to the Tomah VA Medical Center is as follows: Recreation Park to Hugh Dickie Drive, East on Hugh Dickie Drive to West Clifton Street (Hwy 16), East on West Clifton Street (Hwy 16) to Superior Avenue, North on Superior Avenue to East Veterans Street, and East on E. Veterans Street to 5th Street at the Tomah VA Medical Center.

Motion by Wright, second by Cram to approve the parade route for the Platoon Run Benefit Car and Motorcycle Show as requested. Motion passed without negative vote.

Update on Status of Veterans Memorial Oversight Group – Information Only. Alderperson Schleicher advised that there is over \$65,000 that has been raised toward the project. This is over halfway toward the goal. Upcoming fundraising events include May 15th Pancake Breakfast at the American Legion and June 11th the fundraiser will be a golf tournament at the Holiday Lodge. Construction will start soon on the memorial base and slab, footers, sidewalk, drive-way, landscaping to include the grass. This will all be done this summer. Completion date is Memorial Day 2011. The only item not included in this summer's project is the large service monument and the two smaller monuments plus the bricks and tiles. Tom Flock is the site coordinator.

No one else wished to appear before the Common Council.

Motion by Pater second by Greeno to adjourn. Motion passed without negative vote. Meeting adjourned at 7:40 p.m.

Approved: Allan "Ed" Thompson, Mayor

Attest: JoAnn M. Cram, City Clerk
To be approved 5/10/2010