

The COMMON COUNCIL of the City of Tomah met in **REGULAR SESSION** April 12, 2011 at 6:00 p.m. with Mayor John Rusch presiding.

Following the Pledge of Allegiance, roll call was taken with Luke Bohlen, Ted Schleicher, Pam Buchda, Nellie Pater, Dennis Greeno, John Cram, and Larry Siekert present. Absent: 1<sup>st</sup> Aldermanic District is Vacant. Also in attendance: City Admin. Jim Bialecki, Asst. City Attorney Penny Precour-Berry, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

Mayor Rusch requested a moment of silence in memory of Alderperson George Wright who passed away unexpectedly in March.

Motion by Greeno, second by Siekert to adjourn to Closed Session pursuant to State Statute 19.85(1)(e) to negotiate a development agreement with Old Dominion. Motion passed without negative vote. Meeting adjourned to closed session at 6:02 p.m.

Reconvened to Open Session at 6:30 p.m.

**Anyone Desiring to Appear Before the City Council.** No one desired to appear.

**Minutes:** Motion by Buchda, second by Siekert, to approve the March 8, 2011 Regular Council minutes. Motion passed without negative vote.

**Appointments** – Motion by Buchda, second by Cram to approve Mayor Rusch's recommendation and appoint Tyson Koput to fulfill the remaining term of Sarah Dippen to the Convention & Visitors Bureau with the term expiring in April of 2012. Motion passed without negative vote.

**Public Hearing - Regarding 2011 Proposed Improvements to Hollister Avenue and Adjoining Streets – Special Assessments on Street, Curb and Gutter, and Sidewalk Improvements.**

Mayor Rusch declared the public hearing open at 6:32 p.m. Public Works & Utilities Director Ken Patterson provided a brief report of the project. This has been in the planning cycle for many years. Some areas have curb and gutter and some do not. The streets in this area are high maintenance and the sanitary sewer was installed in the 1940's. Very often these lines are rotted and even with constant trouble shooting, the city experiences occasional backups. Some of the water mains in this area were installed in the very early 1900's. The water mains are undersized and there are many water main breaks occurring also. It was decided that if the bids came in significantly lower, the plan was to also do East Jackson and Stoughton Avenue since these areas are in poor condition. The bids did come in lower and these streets were added. Estimated assessments were provided to the Council members. Nick Jacobs, 411 McLean appeared and presented photos. Mr. Jacobs is concerned over placement of sidewalk and not allowing enough room for him to back out of his garage and onto the sidewalk area without proper visibility. There is also no where for the snow to go other than in the street. This is a very narrow small street and the garage is very close to the street (the garage is a nonconforming structure). Once the sidewalk is installed, there will be no off-street parking without blocking the sidewalk. These homes were put in before the street was constructed and the homes are too close to the right of way. Alderperson Pater has discussed this with Mr. Jacobs and has seen that Mr. Jacob's has a valid concern. Steve Witt of 319 W. Nott Street advised that he opposes the sidewalk on the side of his house. The street dead-ends a block away and he doesn't see a need for the sidewalk. (Corner of Sumner and Nott). Mr. Witt would have to remove a privacy fence that he was allowed to put in several years ago. Scott White 211 W. Foster Street advised that his house is very close and is in fact on the city right of way. Mr. White would have to back out of his garage onto the sidewalk before he can see if anyone is coming down the sidewalk. Mr. White feels he will have no where to go with the snow the entire length of his house when it snows. No one else wished to appear at the hearing. Mayor Rusch declared the public hearing closed at 7:13 p.m.

Motion by Greeno, second by Cram to put the sidewalks in per the specs on the plan document which includes 411 McLean, 211 W. Foster and 319 W. Nott Street. Motion passes with Schleicher, Pater and Siekert voting no. Motion carried with Buchda, Bohlen, Cram, and Greeno voting aye.

Motion by Cram, second by Bohlen to approve **Resolution No. 2011-04-12-06** Final Resolution Authorizing Street Improvements and Levying Special Assessments Against Benefitted Property and establish the interest rate at 5.5%. Motion passed without negative vote.

WHEREAS, the Common Council of the City of Tomah, Wisconsin held a public hearing in the Council Chambers of City Hall at 6:30 p.m. on the 12<sup>th</sup> day of April, 2011 for the purpose of hearing all interested persons concerning the final resolution and report of the Director of Public Works on the proposed improvements to the following street:

All property fronting upon both sides of:

**Hollister Avenue from Packard Street to Williams Street and adjoining side streets;  
West Juneau Street from Butts Avenue to Lake Tomah; Stoughton Avenue from  
Juneau Street to Clifton Street; and East Jackson Street, for installation of street  
improvements; curb and gutter; and sidewalk.**

And has heard all persons desiring audience at such hearing:

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Tomah as follows:

1. That the report of the Director of Public Works pertaining to the construction of the above described public improvements, including plans and specifications therefore, as modified, is hereby adopted and approved.
2. That the Director of Public Works is directed to advertise for bids and to carry out the work of such improvements in accordance with the report of the Director of Public Works.
3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.
4. That benefits shown on the report, as modified, are true and correct and hereby confirmed.
5. That the assessments for all projects included in said report are hereby combined as a single assessment but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly for any purpose or purposes.
6. That the assessments may be paid in cash or in ten (10) annual installments to the City Treasurer, deferred payments to bear interest at the rate of 1% higher than bond issue interest, not to exceed 6% per annum on the unpaid balance. Installments of assessments not paid when due shall bear additional interest on the amount due at the rate of 1% higher than bond issue interest, not to exceed 6% per annum.
7. That the deferred payment assessment runs with the real estate and its owner as of the date of completion of the improvements affecting your property. The assignment, conveyance or transfer of said real estate shall cause the remaining amount under the deferment plan to become immediately due and payable.
8. The City Clerk is directed to publish this resolution in the Tomah Journal, the official newspaper of the City of Tomah.
9. The City Clerk is further directed to mail a copy of this resolution to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.

Signed: John Rusch, Mayor

Attest:

JoAnn Cram, City Clerk

**Mayors Report. Recognition:** Mayor Rusch recognized Alderperson John Cram (term expiring April 18, 2011) for his service and dedication to the City of Tomah. A plaque was presented to Alderperson Cram. **Discussion of Donation of City Hall Lobby Display Case.** The museum director requested that if the City doesn't need the lobby display case any longer, the museum would be interested in it for the museum. It is requested that the Alderpersons consider this and it will be brought back to the Council in May. **Discussion of First Aldermanic District Vacancy.** Notice of the vacancy will be in the Tomah Journal this week requesting interested citizens to submit a letter of interest. An appointment will be made at the May Council meeting. **Discussion of 4/18/11 Monroe County Zoning Hearing.** There will be a hearing at Monroe County at Rolling Hills regarding the Peardot property on Highway 12 & 16. The City has interest in this property as there are deferred special assessments. There is a long range plan to run Sime Avenue through that area. We also show that area is not suitable for septic systems or private wells.

**City Administrator. Development Activities.** The railroad has received the appraisal on the property. There were discussions held regarding future storm water and retention pond issues which will have an impact on the environmental issues of the property. Remediation will need to be done. The railroad hasn't specifically priced the property at this time. Consolidated Construction project is proceeding although there has not been a development agreement signed. Holiday Inn Express is working on a location on the north side of Tomah and continues to progress. **Request for Proposals.** Audit and Assessor request for proposals will go out in the next few weeks with a recommendation in August.

**City Clerk. Election Tally Report.** Motion by Siekert second by Cram to approve the Election Tally for the April 5, 2011 Spring Election as presented. Motion passed without negative vote.

**Reorganizational Council Meeting/Regional Dinner Meetings and New Officials Workshops.** City Clerk Jo Cram reminded the Mayor and Council that the reorganizational Council meeting will be held on April 19, 2011. Also a reminder to get registered for the 2011 Regional Dinner Meeting and the New Municipal Officials Workshop if planning to attend.

**Appointment to the Monroe County Redistricting Committee.** City Clerk Cram has been appointed to the Monroe County Redistricting Committee. The first meeting was held Tuesday, April 12<sup>th</sup>.

**Public Works & Utilities – Water, Sewer, Public Works & Lake Updates.** Public Works & Utilities Director Ken Patterson provided an update on department activities. Fire hydrants are being flushed this week.

**Library Report.** Library Director Irma Keller advised that this week is National Library Week. The library accepts book donations.

**Chamber of Commerce/Convention & Visitors Bureau.** Chris Hansen, Executive Director of the Tomah Area Chamber of Commerce/CVB advised the food pantry is accepting donations as their monthly need becomes higher all the time. The deadline for the tiles and bricks for the Veterans Memorial is April 29<sup>th</sup>. Everything after that will be held off for a year and put on next year. Fireworks will be done Sunday, July 3<sup>rd</sup> rather than the evening of the 4<sup>th</sup>. Events will be held (including a live band) this year rain or shine. Fireworks will not be rain or shine and in case of inclement weather will be rescheduled. The parade will be on July 4<sup>th</sup>. There will be an Easter Egg hunt on Saturday April 23<sup>rd</sup> at the Tomah Health Care Center at 3 p.m. The first annual Mutt Strut Fun Fest will be April 17<sup>th</sup> at Winnebago Park.

**Tomah Public Housing & Community Development Block Grant Monthly Report.** Director Rachel Muehlenkamp provided a summarized report. Crawl spaces were finished at Lakeside apartments and the cost was extensive. Inspections were done at the Manor and the Board has authorized proceeding with necessary repairs. Funding will be cut but not as drastically as anticipated. CDBG state reports have been submitted.

**Senior & Disabled Services Report.** No report.

**Long Range Planning Committee Report.** No report.

**Treasurer's Cash & Investment Reports.** Motion by Pater, second by Bohlen to accept the Treasurer's cash and investment reports for February and March, 2011. Motion passed without negative vote.

**SR11-2 Home Rehabilitation Loan.** At the April meeting of CDBG, it was recommended that a home improvement 3% interest loan be approved in the amount of \$10,600 for the homeowner at 212 Hollister Avenue for a roof, sewer lateral, and smoke/CO detectors.

Motion by Buchda, second by Bohlen to approve SR11-2, a 3% interest home improvement loan in the amount of \$10,600 for 212 Hollister Avenue, Tomah. Motion passed without negative vote.

**Bartender License – Alexander J. Dickmann.** Mr. Dickmann appeared at the Committee of the Whole due to numerous criminal violations found on the record check. Mr. Dickmann wants to work at the Breakroom and can't get as many hours without a license.

Motion by Buchda, second by Cram to deny the bartender license for Alexander J. Dickmann based on previously demonstrated behaviors and concern for these behaviors as indicated on the criminal history record. Motion passed without negative vote.

**Bartender Licenses.**

Motion by Buchda, second by Pater to approve the remaining bartender's license as listed. Motion passed without negative vote. Bartender licenses approved as follows: Tim J. Cram, Stephen L. Laufenberg, Kyle D. Martin, Melanie J. Myers, Brandi R. Patterman, Brad L. Retzlaff, Rae A. Schmidt, Dale D. Trowbridge II, Stuart D. Westpfahl, and Scott J. Woodworth.

**Special Beer Permit – Class "B" Beer and "Class B" Wine License for St. Mary's Parish Technology Dinner on April 30, 2011.**

Motion by Buchda, second by Pater to approve the Special Beer Permit for a Class "B" Beer and "Class B" Wine license for St. Mary's Parish Technology Dinner on April 30, 2011 at the St. Mary's School Gymnasium at 303 W. Monroe Street. Motion passed without negative vote.

**Special Beer Permit – Class "B" Beer for the Tomah Fire Department – April 30, 2011.**

Motion by Buchda, second by Pater to approve the Special Beer Permit for the Tomah Fire Department for the ABATE Bike Show and Swap Meet on April 30, 2011 at the Recreation Building and Farm Progress Building, Recreation Park. Motion passed without negative vote.

**2011 Budget Amendment to Recognize Donations and the Sale of Equipment and to Use These Funds to Purchase a 4 Gas Meter.** Fire Chief Decorah advised the Tomah Fire Department sold 3 mobile radios to the Wilton Fire Dept. and the Wilton Town Shops for \$100 per radio. A donation was received in the amount of \$565 from the August Zimmerman Memorial to be used for the purchase of a 4 gas meter for the department.

Motion by Schleicher, second by Bohlen to approve the 2011 Budget Amendment to recognize donations and the sale of equipment and to use these funds to purchase a four (4) gas meter for the fire department (Transfer from Fund 1 G49200 - \$600, Grants and Donations G48500 - \$565, and Sale of Fire Equipment Account 1-48302 - \$565 and amend expenditure budget lines: Transfer to Fund G Acct. 1-59200-739 - \$600 and Operating Supplies G52200-340 - \$1,165). Motion passed without negative vote.

**2011 Budget Amendment to Decrease Fund Balance Account #49300 by \$4,000 and Increase Account L57610-837 by \$2,000 and Account L57610-838 by \$2,000 to Offset the Cost of New Server and its Installation.**

Motion by Schleicher, second by Pater to approve the 2011 Budget Amendment and decrease the Fund Balance Account (#49300) by \$4,000 and Increase Account L57610-837 by \$2,000 and Account L57610-838 by \$2,000 to Offset the Cost of the Server and its Installation to facilitate the installation of new Library catalog software. Motion passed without negative vote.

**2011 Budget Amendment to Decrease Fund Balance Account L49300 by \$1,000 and Increase Account L57610-835 by \$1,000 to Update the Library's Catalog and Purchase a Handheld Scanner.**

Motion by Schleicher, second by Greeno to approve the 2011 Budget Amendment to Decrease Fund Balance Account L49300 by \$1,000 and Increase Account L57610-835 by \$1,000 to Update the Library's Catalog and Purchase a Handheld Scanner. Motion passed without negative vote.

**Acceptance of Project Agreement for 2014 STP – Urban Program**

In 2010, the City of Tomah applied for a grant to replace North Glendale Avenue from the railroad tracks to Arthur Street. We qualified for the design and engineering portion. The total estimated cost for the design/engineering is \$147,000. After the federal funds are deducted, the City would be responsible for approximately \$27,400. In order to receive the funds, an agreement needs to be signed and approved. This is 80% funded by the federal government.

Motion by Siekert, second by Cram to accept the Project Agreement for 2014 STP – Urban Program and Authorize Mayor Rusch to sign the agreement. Motion passed without negative vote.

**Approval of Restated North Shore Bank/City of Tomah Deferred Compensation Plan and Custody Agreement.** The City of Tomah needs to update the North Shore Bank/City of Tomah Deferred Compensation Plan and Custody Agreement. Effective January 1, 2011, IRS regulations now allow an employee to complete an agreement to designate some or all of his/her salary deferrals in the deferred compensation plan as Roth salary deferrals. The plan document amendment allows the opportunity to add the Roth 457 Plan option. In addition, the Plan will now permit rollovers from IRAs and other retirement plans into the plan with North Shore Bank.

Motion by Siekert, second by Cram to approve the restated North Shore Bank/City of Tomah Deferred Compensation Plan and Custody Agreement and authorize Mayor Rusch to sign the documents. Motion passed without negative vote.

**Resolution Authorizing Payment of Monthly Bills.** Motion by Cram, second by Siekert to approve **Resolution No. 2011-04-12-07** Authorizing Payment of the Monthly Bills. Motion passed without negative vote.

**RESOLUTION NO. 2011-04-12-07 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	\$ 141,863.45	(Check #'s 106567-106601)
2. Payroll	\$ 277,877.63	Direct Deposit (#26420-26701)
3. Wire Transfers	\$ 20,404.78	
4. Invoices	\$ 147,709.27	(Check #'s 106609-106750)
Total	\$ 587,855.13	

ATTEST:

John J. Rusch, Mayor  
JoAnn Cram, Clerk

Motion by Greeno, second by Siekert to adjourn. Motion passed without negative vote. Meeting adjourned at 7:57 p.m.

Approved: John J. Rusch, Mayor

Attest: JoAnn M. Cram, City Clerk  
To be approved 05/10/2011