

The COMMON COUNCIL of the City of Tomah met in **REGULAR SESSION**, August 10, 2010 at 6:00 p.m. with Mayor John Rusch presiding.

Following the Pledge of Allegiance, roll call was taken with George Wright, Luke Bohlen (arrived at 6:10 p.m.), Ted Schleicher, Pam Buchda, Nellie Pater, Dennis Greeno, John Cram, and Larry Siekert present. Absent: None. Also in attendance: City Admin. Jim Bialecki, Asst. City Attorney Penny Berry, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

Motion by Cram, second by Siekert to adjourn to closed session pursuant to State Statute 19.85(1)(e) to confer with legal counsel with respect to upcoming Union negotiations. Motion passed without negative vote. Meeting adjourned to closed session at 6:02 p.m.

Meeting reconvened pursuant to State Statute 19.85(2) to open session at 6:30 p.m.

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

Minutes: Motion by Wright, second by Bohlen, to approve the July 13, 2010 Regular Council minutes. Motion passed without negative vote.

Appointments: Motion by Buchda, second by Wright to approve Mayor Rusch's recommendation and appoint Joanne Westpfahl to the Long Range Planning Committee to fulfill the remaining term of Gary Kirking with the term expiring April 2011. Motion passed without negative vote.

Mayors Report. Mayor Rusch thanked Council members Cram and Greeno for assisting with the Shared Ride Vehicle Repairs in Stevens Point. Alderperson Bohlen spent a day riding on the garbage truck and was appreciative for this learning experience. A moment of silence was observed for former Alderperson Jerry Koeck who passed away this last week.

City Administrator. 1. Presentation by Strand & Associates – City Hall Renovation: Phase II Agreement for Design and Bidding Related Services. During calendar year 2009, the Common Council approved design work, request for proposals and bids to renovate the original police department building (Phase I). The request today is to authorize Strand & Assoc. to proceed with the design and bidding process for the 1975 Section of City Hall. The Board of Public Works recommended approval. The Treasurer advised we have \$1,042,800 in the unreserved undesignated fund balance for capital projects. Trent from Strand & Assoc. was available for questions. Phase I costs were \$329,000. The Phase II proposal has an option A and an option B. Option A shows what the existing building needs to bring it up to code. Fire doors will be required to create an enclosed stairway. Option B is the preferred option and attempts to get away from the enclosed stairway by addressing the state and installing an alternate fire inspection program to make the building safer and attempts to get a variance that gives a more open feel to the center of the building. Mayor Rusch advised that for safety reasons, it is requested that the Court Clerk move to the former Public Works location at the end of the hall (area previously occupied by Sayra and Diane). The Parks and Recreation office is quite small and overcrowded. The wall could be removed between the existing Parks and Rec office and the former Public Works & Utility director's office. On the first floor, we are looking at moving the treasurer away from the open window. The treasurer would relocate where the administrator is and the administrator would move to the mayor's office. The Mayor would move upstairs to the corner office where Linda Niebuhr previously was located. A conference table could be put in the former building inspector's office for city meetings and for overflow when the judge has court. Mayor Rusch would like to look seriously at our heating and cooling and ventilation system as there have been problems for many years. Mayor Rusch is requesting a quote on just heating and cooling from Strand and Associates.

The \$30,000 looks at needs to update the ventilation system, electrical, provide annual savings on utility bills, providing environment for employees, and providing better access for the public. Strand & Assoc. would help decide which systems to utilize in the upgrade. Mayor Rusch is suggesting we go to a local contractor to find out what we need replaced. The \$30,000 fee is high in tough financial times. Alderperson Wright feels walls could be moved, carpet replaced and walls painted with part of the \$30,000 that would be saved if we didn't do the Strand study. Phase II is a preliminary design so we know what we need to do however the cost is \$32,000. We are looking at \$20-\$25,000 to move a couple walls and re-carpet. You are looking at \$50,000 to complete the work upstairs and also get a preliminary design to address issues in the building that remain. The current HVAC system is outdated and is past the life expectancy of the system. The current boiler system is from the early 70's. Ken Patterson recommended that they come back with an estimate to complete the work upstairs and bring back the Phase II preliminary design proposal later in the year after we see where we're at. Municipal Court Clerk safety is an issue and timing is important in that regard.

Motion by Cram, second by Wright to adjourn this issue to next month to give Ken Patterson, Director of Public Works and Utilities an opportunity to get a cost and see what work we can do without triggering state mandated codes. Motion passed without negative vote.

2. Selection of Date for Common Council's October Budget Workshop. City Administrator Bialecki advised that October 23rd and the 30th are open dates. There are conflicts on the 16th, 23rd and 30th. Evening hours were looked at. The Budget Workshop will be held Tuesday October 19th and Wednesday October 20th if needed at 5:30 p.m.

City Clerk. 1. September Council Meeting Date. Reminder that the September Council meeting will be held on Monday night, September 13th due to the Election on September 14th. **2. Election Update** was provided.

Public Works & Utilities – Water, Sewer, Public Works & Lake Updates. Public Works & Utilities Director Ken Patterson provided a written report to the Council. The Hollister Avenue project is progressing. They are working on the new wastewater discharge permit. August 30th is the date to start refilling the lake and hope to get it to normal level by September 15th. The August Commission meeting has been changed to Tuesday, August 24th. It is hoped that Hollister will be complete near St. Mary's and the Middle School prior to school starting. If boulevard trees are lost during the Hollister Avenue project, free trees will be given in 2011 and the City will select and plant a tree to replace the lost tree. If the boulevard is not large enough to support a tree, the City will plant a tree on private property with permission of the property owner.

Library Report. Library Director Irma Keller advised that the summer reading program has had 45 programs that children have attended. 123 children have finished their summer reading program requirements.

Chamber of Commerce/Convention & Visitors Bureau. Ex. Dir. Chris Hanson advised that Crazy Daze was held last week downtown and was a successful event. Tomah Area Cancer Society has their walk this weekend at Recreation Park. The groundbreaking was held at the Tomah Area Veterans Memorial site on July 30th. The Chamber is looking for volunteers for the Cranfest Shuttle.

Tomah Public Housing & Community Development Block Grant Monthly Report. Director Rachel Muehlenkamp provided a summarized report.

Senior & Disabled Services Report. No report.

Treasurer's Cash & Investment Reports. Motion by Wright, second by Cram to accept the Treasurer's Cash Reports for June and July, 2010. Motion passed without negative vote.

Municipal Judge Request for Ordinance Amendment Increasing Term of Municipal Judge. In 2012, the Municipal Judge term will increase from 2 years to four years per state statute. Judge Flock would like to change the current term of office from two years to four years. It is the recommendation of the City Attorney that the term be modified effective at the time of the next election and not midterm as requested. Municipal Judge Flock presented a copy of a new Senate Bill with current regulations for municipal Court. Effective January 1, the judge's term will be a four year term instead of a two year term. Judge flock removed the request to extend the current term from the table based on the recommendation of City Attorney Radcliffe. No action required.

Rehabilitation FR10-10. At the August 4th CDBG meeting, it was recommended that a deferred payment home improvement loan in the amount of \$25,000 be approved for property owner at 1802 Grumann Drive.

Motion by Buchda, second by Wright to approve Rehabilitation FR10-10, a deferred payment home improvement loan in the amount of \$25,000 for a roof, siding, doors and windows for 1802 Grumann Drive. Motion passed without negative vote.

Award Bid to Resurface Kilbourn Avenue. The City will be resurfacing Kilbourn Avenue from E. Monroe Street to E. Monowau Street. The Public Works Department will remove the existing pavement, add rock, and do the rough grade. Final shaping and paving will be done by an outside firm. One bid was received from Mathy Construction. Funds are in the 2010 budget.

Motion by Wright, second by Cram to award the bid for the resurfacing of Kilbourn Avenue from E. Monroe Street to E. Monowau Street to Mathy Construction in the amount of \$51.94 per ton. Motion passed without negative vote.

Application for Use of Bloyer Field Airport Facility. EAA Chapter 935 has applied to hold their annual fly-in breakfast at Bloyer Field Airport on September 12, 2010. A certificate of insurance has been provided.

Motion by Cram, second by Buchda to approve the application for use of the Bloyer Field Airport Facility to EAA Chapter 935 for their annual fly-in breakfast at Bloyer Field on September 12, 2010. Motion passed without negative vote.

Bartender License – Dinelle Clay. Dinelle Clay was denied a provisional license due to three recent alcohol violations within the City of Tomah. Ms. Clay requested to appear before the Committee to request a regular license be approved. Ms. Clay subsequently failed to appear for the Committee of the Whole meeting which resulted in a negative recommendation.

Motion by Pater, second by Siekert to deny the bartender license for Dinelle Clay due to alcohol related violations occurring within the past 12 months and failure to appear as requested. Motion passed without negative vote.

Bartender Licenses.

Motion by Pater, second by Cram to approve bartender's licenses as listed. Motion passed without negative vote. Bartender licenses approved as follows: Angelica J. Chinnock, David D. Gray, Laura A. Leis, Otto Peterson, Jessalynn J. Ripp, Amanda R. Robinson, Tiffany J. Ropiak, Rhyta K. Rowan and Jamie S. Roycraft.

Proposal of "Chasing Daylight Animal Shelter". A new animal shelter is going to be constructed on Highway 131 to shelter and care for stray cats and dogs. The proposed fee is \$125 for dogs and \$35 per cat not redeemed to the owner. The new shelter will house dogs and cats and will have a vet clinic where local vets can administer care within the facility. It was the recommendation of the Committee of the Whole to take this under advisement and discuss the finances in October when the budget hearing is held. Currently Monroe County does not take cats, but they do house dogs at no additional cost to the city. It was felt that all municipalities within Monroe County should pay for these services and that Tomah taxpayers shouldn't bear a higher burden.

Motion by Pater, second by Greeno to table this issue until the October Budget hearing. Motion passed without negative vote.

Taxi Cab License – F.D.S. Enterprises, Hudson, WI (Tomah Shared Ride Program). Douglas Luchsinger, F.D.S. Enterprises (Tomah Shared Ride Program) has applied for taxi cab licenses effective August 16, 2010 through December 31, 2010 for three 2010 Braun Vans. F.D.S. Enterprises is required to carry liability and physical damage insurance for these three leased vehicles per our agreement. They must also keep in full force Workmen's Compensation Insurance. The certificate of insurance was received earlier today and is on file.

Motion by Siekert, second by Buchda to approve the taxi cab licenses for Douglas Luchsinger, F.D.S. Enterprises (Tomah Shared Ride Program) for three 2010 Braun Vans with VIN #'s ending in 5997, 5998; and 5999. Motion passed with one negative vote (Schleicher).

Approval of F.D.S. Enterprises – Tomah Shared Ride Taxi Service Drug and Alcohol Testing Policy. F.D.S. Enterprises has submitted their drug and alcohol testing policy for approval. They are required to follow federal guidelines in setting up this policy and they have done so.

Motion by Siekert, second by Cram to approve the F.D.S. Enterprises Drug and Alcohol Testing Policy for the Tomah Shared Ride Taxi Service as presented. Motion passed with one negative vote (Schleicher).

License Application – Secondhand Jewelry Dealer & Secondhand Article Dealer. Jeffrey Parsons, THR & Associates, Inc. has applied for a secondhand jewelry and secondhand article dealer license for the premise at Cranberry Country Lodge at 319 Wittig Road. They will be having an open house in a suite from August 24th through August 28th, 2010.

Motion by Wright, second by Buchda to approve the secondhand jewelry and secondhand article dealer license for Jeffrey Parsons, THR & Assoc., Inc. for the premise at Cranberry Country Lodge. Motion passed without negative vote.

2010 Budget Amendment – Transfer \$6,095.88 from Ambulance Fund Balance Applied to Ambulance Outlay Equipment for Radios. Two radios were ordered in 2009 and were installed in the fall of 2009. They were not installed to our satisfaction and therefore never paid for. At this time, the corrections have been made.

Motion by Wright, second by Buchda to approve the 2010 budget amendment and transfer \$6,095.88 from Ambulance Fund Balance Applied Account A49300 to Ambulance Outlay Equipment Account A57230-830 for the radios. Motion passed without negative vote.

2010 Budget Amendment – Transfer \$500 from G48500 Grants and Donations to Acct. 1-52110-340 Community Services Operating Supplies. Motion by Wright, second by Bohlen to approve the 2010 budget amendment and transfer \$500 from G48500 Grants and Donations to Account 1-52110-340 Community Services Operating Supplies for various community services programs and G.R.E.A.T. Motion passed without negative vote.

2010 Budget Amendment – Transfer \$1,000 from G48500 Grants and Donations to G57210-830 Outlay- Equipment. Motion by Wright, second by Greeno to approve the 2010 budget amendment and transfer \$1,000 from G48500 Grants and Donations to G57210-830 Outlay – Equipment for the purchase of fitness room equipment. Motion passed without negative vote.

2010 Budget Amendment – Transfer \$1,471.65 from G48502 Thomas Earle Grant to G57210-830 Outlay Equipment. Motion by Bohlen, second by Buchda to approve the 2010 budget amendment and transfer \$1,471.65 from G48502 Thomas Earle Grant to G57210-830 Outlay Equipment for the purchase of laptop computer, docking station and accessories for use by the investigator. Motion passed without negative vote.

Additional One Year Option – Agreement of Modification – Morgan Stanley Smith Barney. Morgan Stanley Smith Barney has rented the City property at 1000 Superior Avenue for many years. The Council recently approved the extension of the lease from July 31, 2010 to July 31, 2011. The document was submitted for signature and Morgan Stanley subsequently requested an additional one year option on the lease from July 31, 2011 to July 31, 2012 with a 2% increase in rent. This would increase the rent from \$927.69 per month to \$946.24 per month for 2011/2012.

Motion by Bohlen, second by Cram to approve the additional one year lease option to the Agreement of Modification for Stanley Morgan Smith Barney increasing the rent by 2% from \$927.69 to \$946.24 per month for 2011/2012. Motion passed without negative vote.

Resolution Approving Monthly Bills. Motion by Bohlen, second by Wright to approve **Resolution No. 2010-08-10-33** Authorizing Payment of the Monthly Bills. Motion passed without negative vote.

RESOLUTION NO. 2010-08-10-33 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	\$ 456,463.97	(Check #'s 104877-104889) (#105031 – 105076)
2. Payroll	\$ 432,490.05	Direct Deposit (#23787-24282)
3. Wire Transfers	\$ 19,687.82	
4. Invoices	<u>\$ 206,182.67</u>	(Check #'s 105077 – 105219)
Total	\$1,127,288.68	

John J. Rusch, Mayor
JoAnn Cram, Clerk

ATTEST:

Pearl Street Neighborhood block Party – Request for Street Closure 9/18/2010. The Pearl Street Block Party committee has requested a street closure for the purpose of having a block party on September 18, 2010. It is requested that the street be closed from Hollister Avenue to Cady Avenue along with the adjoining alley. All of the residents in the 500 block of Pearl Street are in agreement with this request and actively participate in the neighborhood party.

Motion by Greeno, second by Buchda to approve the request for street closure on September 18, 2010 for the Pearl Street neighborhood block party from Hollister Avenue to Cady Avenue along with the adjoining alley. Motion passed without negative vote.

Update on Status of Veterans Memorial Oversight Group – Information Only. Alderperson Ted Schleicher advised that the fundraising efforts continue and the official groundbreaking ceremony was held July 30th. They have currently raised approximately \$85,000 for the project.

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

Approved: John J. Rusch, Mayor

Attest: JoAnn M. Cram, City Clerk
To be approved 9/13/2010