

The COMMON COUNCIL of the City of Tomah met in **REGULAR SESSION** August 9, 2011 at 6:30 p.m. with Mayor John Rusch presiding.

Following the Pledge of Allegiance, roll call was taken with Le Roy Kelsey, Luke Bohlen, Ted Schleicher, Pam Buchda, Nellie Pater, Dennis Greeno, Matthew Boyea, 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.

Anyone Desiring to Appear Before the City Council. Alderperson Ted Schleicher advised that the Veterans Memorial dedication will be held on September 10th at 11 a.m. Citizen Crayton Hause of 906 Hollister Avenue addressed the Council urging the Council not to deny the Darlington claim that was filed against the City. Mr. Hause also addressed the issues of open meetings, agenda items and parliamentary procedure.

Minutes: Motion by Bohlen, second by Buchda, to approve the July 12, 2011 Regular Council minutes. Motion passed without negative vote.

Mayors Report. Mayor Rusch advised Fort McCoy will be hosting their annual business appreciation night on August 31st.

City Administrator. Engineering Cost Comparisons. The City of Tomah has Town and Country Engineering provide their engineering services. City Admin. Bialecki conducted a survey on hourly rates and determined that Town and Country is doing a good job both from a program and fiscal standpoint. **Budgets.** All departments are in the process of submitting proposed budgets. We will be spending the next 30 days with an internal review process. It was the consensus of the Council to schedule the annual budget workshop for Saturday, October 22, 2011 at 8 a.m. **Development.** Old Dominion – We anticipate an annexation petition and rezoning petition from Old Dominion. We expect construction to begin October 1st with completion by the end of January. Old Dominion anticipates 30-40 new jobs coming to Tomah. Consolidated Construction – The project is moving ahead and the offer to purchase and development agreements are being reviewed by all parties involved. We anticipate construction in March of 2012 and completion within 3 months. **Fairgrounds Superfund Site.** The City is under an order from the EPA and the DNR to do a 5-year review of this site. The process is testing the groundwater in the area for contamination levels. Historical testing of this area has shown safe contamination levels in the water and present no threat to the general public.

City Clerk. No report.

Public Works & Utilities – Water, Sewer, Public Works & Lake Updates. Public Works & Utilities Director Ken Patterson provided an update on department activities. The Hollister Avenue project continues to progress.

Library Report. Library Director Irma Keller provided a monthly report. Ms. Keller also advised that the Library is reaching the conclusion of the summer reading program.

Chamber of Commerce/Convention & Visitors Bureau. Chris Hansen, Exec. Director of the Tomah Area Chamber of Commerce/CVB advised that the tourism season has been going exceptionally well considering the economy. Veterans Memorial T-shirts are available for sale as a fundraiser for the memorial. TACs will hold their annual fundraiser this Saturday. Food Pantry is in need of food items.

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

Senior & Disabled Services Report. No report.

Lake Committee Update. Hot temperatures and high water temperatures have created some blue/green algae at the lake. Despite the algae, tests have indicated that the water clarity remains very good. In mid-June the DNR did some vegetative sampling and the vegetation has come back quite a bit. The design plan has been completed for the handicap peer. There are four contractors that are showing interest. Federal and State funding will be requested, however, there is no guarantee. \$1,200 was received from the Thomas B. Earle fund for a blacktop parking stall, concrete sidewalk and a Handicap Parking sign for the handicap peer.

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

Bartender License – Esther G. Pedersen. Esther Pedersen was requested to appear before the Committee of the Whole due to pending criminal charges and bond restrictions regarding alcohol.

Ms. Pedersen has charges pending in Monroe and Jackson Counties. Ms. Pedersen failed to appear at the Committee of the Whole and advised she misunderstood that she was supposed to be here on Monday night. Ms. Pedersen has a bond on her for the case outstanding in Jackson County. In June, she was arrested for a bail jumping charge as she was drinking against the court order. Ms. Pedersen advised that she has a verbal agreement with the court that the bail jumping charge would be dismissed. Ms. Pedersen also advised she has voluntarily signed up for alcohol assessment classes. Ms. Pedersen was given the opportunity to withdraw her request and appear in September after the bail jumping charge was officially dismissed, however, she declined.

Motion by Pater, second by Kelsey to deny the bartender license for Esther G. Pedersen due to the pending criminal charges in Monroe and Jackson Counties. Motion passed with two negative votes (Boyea and Schleicher).

Bartender Licenses.

Motion by Kelsey, second by Buchda to approve the bartender's licenses as listed. Motion passed without negative vote. Bartender licenses approved as follows: Jenna R. Adkins, Shannon L. Bohn, Melissa J. Buss, Lynn M. Clark, Kelly M. Diabelko, Kim D. Elsing, Angela B. Gray, Sara D. Roddel, Robert B. Shutter, and Amy L. Thelen.

Change of Agent for Kwik Trip #484, 124 W. McCoy Blvd.

Motion by Kelsey, second by Buchda to approve the change of agent from Karen Deckert to Toni Phelps for store #484 located at 124 W. McCoy Blvd. Motion passed without negative vote.

Class "B" Fermented Malt Beverage License for Area Community Theatre Inc. for the period August 10, 2011 – June 30, 2012.

Motion by Greeno, second by Buchda to approve the Class "B" Fermented Malt Beverage License for Area Community Theatre Inc. for the period Aug. 10, 2011-June 30, 2012 unless sooner revoked. Motion passed without negative vote.

Requesting the Use of Funds for Recreation Park Paving from Fund 8 Capital Projects Rec Park Outlay Buildings Acct. #8-57621-820 Building from the Remaining Balance of the Project of Recreation Park Exhibit Building Upgrades. The cost to upgrade the Exhibit Building which includes roof and insulation replacement, new doors, electrical and lighting came in at \$78,697. The budgeted amount was \$150,000. It is requested that \$29,670 of the excess funds be used to pave the area around the Multi-Purpose building and the roadway to the Recreation Building.

Motion by Greeno, second by Buchda to approve the use of excess funds in an amount not to exceed \$29,670 for Recreation Park paving from Fund 8 Capital Projects Rec Park Outlay Buildings Acct. #8-57621-820 from the remaining balance of the Recreation Park Exhibit Building upgrades. Motion passed without negative vote.

Establish Fee for Fingerprinting at Police Department. The concealed carry bill was recently passed which will result in increased requests for fingerprinting services at the police department. Alderperson Boyea requested an amendment to the motion that the residents be reduced to \$5 and \$15 for nonresidents. No second on the amendment.

Motion by Greeno, second by Bohlen to establish the fee for fingerprinting services at the police department at \$10 for city residents and \$15 for nonresidents. Motion passed with one negative vote. (Boyea)

Additional Costs to Retrofit City Hall Lighting. At the June Council meeting, three quotes were presented to retrofit the lighting at City Hall. The D & K quote was approved. D & K has informed us that when they obtained prices from their supplier, the supplier left out the cost of replacement bulbs in the amount of \$1,657.

Motion by Schleicher, second by Siekert to authorize the additional payment of \$1,657 to D & K Electric to cover the cost of replacement bulbs for the City Hall Retrofit Lighting Project. Motion passed without negative vote.

Authorization to Award Bid for Assessor Services. Three firms provided proposals to the City of Tomah regarding assessment services for 2012 through 2014. These proposals were reviewed by administrative staff and it is the consensus that Milde Appraisal Service LLC of La Crosse be selected as the firm to continue to provide this service. The other firms that provided quotes are Accurate Appraisal LLC of Menasha and Associated Appraisal Consultants of Appleton.

Motion by Schleicher, second by Greeno to award the bid for Assessor Services to Milde Appraisal Service LLC. Motion passed without negative vote.

Authorization to Award Bid for Audit Services. Three firms (Baker-Tilly-Madison, Hawkins, Ash, Baptie LLP-La Crosse, and Clifton Gunderson, Tomah) provided presentations to City administrative staff regarding the audit proposals for the years ending December 31, 2011, 2012 and 2013. It was the consensus that Hawkins, Ash, Baptie & Company, LLP be selected as the firm to provide this service.

Motion by Boyea, second by Greeno to award the bid for audit services for the years ending Dec. 31, 2011, 2012 and 2013 to Hawkins, Ash, Baptie & Company, LLP of La Crosse at an annual cost of \$26,500 for the length of the contract. Motion passed without negative vote.

Request for Exemption for City of Tomah Residents from Monroe County Library Tax. A letter requesting exemption for City of Tomah residents from the County library tax needs to be sent to Monroe County in order for City of Tomah taxpayers to be exempt from paying again through the County tax process.

Motion by Boyea, second by Siekert to authorize Mayor Rusch to submit a letter to Monroe County requesting exemption for City of Tomah residents from the Monroe County library tax. Motion passed without negative vote.

Authorization to Apply for a Federal Transit Administration Section 5309 Bus and Bus Facilities Grant. The AmTrak Rail Station has been in need of improvements for quite some time. We have become aware of a federal grant opportunity under the Federal Transit Administration, Section 5309 Bus and Bus Facilities Livability Initiative Program. The total grant requested is \$442,916 and would include a new roof, replacement windows, handicap accessible entrances and exits, replacement of men's and women's toilets with new handicap accessible facilities, and new walls, ceilings and flooring in the lobby and common areas including insulation.

Motion by Siekert, second by Buchda to authorize application for a Federal Transit Administration Section 5309 Bus and Bus Facilities Grant. Motion passed without negative vote.

Resolution Denying Claim of Robert and Kristine Darlington. A claim has been received from Robert and Kristine Darlington regarding alleged damage to their residence located at 315 E. Saratoga St. involving a police incident. The insurance company completed their investigation and recommend denial as the city is entitled to governmental immunity.

Motion by Pater, second by Kelsey to approve **Resolution No. 2011-08-09-20** denying the claim of Robert and Kristine Darlington as recommended by the insurance agency. Motion passed with one negative vote. (Boyea)

RESOLUTION NO.2011-08-09-20
RESOLUTION DENYING CLAIM OF ROBERT AND KRISTINE DARLINGTON

WHEREAS, a Notice of Claim was filed against the City of Tomah alleging damage to claimant's residence located at 315 E. Saratoga St., involving an incident with the City of Tomah Police Department on April 22, 2011; and,

WHEREAS, on August 8, 2011 the Committee of the Whole reviewed the same and has recommended that said claim be denied.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Tomah that the claim of Robert and Kristine Darlington be and is hereby denied.

Dated this 9th day of August, 2011.

John Rusch, Mayor

ATTEST: JoAnn M. Cram, City Clerk

Resolution to Establish Municipal Wards and to Combine Wards for Voting Purposes. This resolution provides the written descriptions of the wards and combines the wards for voting purposes. This resolution needs to be forwarded to Monroe County upon approval prior to final approval of the Monroe County redistricting plan.

Motion by Pater, second by Greeno to approve **Resolution No. 2011-08-09-21** establishing municipal wards and combining wards for voting purposes. Motion passed without negative vote.

RESOLUTION NO. 2011-08-09-21
A RESOLUTION TO ESTABLISH CITY OF TOMAH MUNICIPAL WARDS
AND TO COMBINE WARDS FOR VOTING PURPOSES

WHEREAS, Wisconsin Statutes Section 5.15, requires all cities, villages and towns with a population of 1,000 or more to establish municipal wards based on the results of the 2010 census,

AND WHEREAS, Section 59.10 (3)(b) of the Statutes requires that each county board adopt and transmit to each municipal governing body in the county a tentative county supervisory district plan dividing the county into districts and designating the approximate location and population of each ward proposed to effectuate the division of the county into districts,

AND WHEREAS, these laws require that each municipality designate by consecutive whole number, geographical description and population the various wards to be created within the municipality,

NOW, THEREFORE, BE IT RESOLVED, that the City of Tomah has adopted the wards as described below and as set forth on the attached map and that the polling place for all sixteen (16) wards will be at the Tomah Municipal Center, 819 Superior Avenue, Tomah, WI.

WARD 1 – All of that portion of the City of Tomah bounded by the following described line: Commencing at the intersection of La Grange Avenue and the City Boundary to the point of the beginning. West side of LaGrange Avenue to the western City Boundary, north of Eggleston around the City Boundary to the east side of the City as far south as just below the railroad tracks to Superior Avenue, then on the west side of Superior Avenue, south to Straw Street and then west to La Grange Avenue. This ward will be part of **Supervisory District 20** and consists of **531** people.

WARD 2 – All of that portion of the City of Tomah bounded by the following described line: Commencing at the intersection of N. Superior Avenue and Straw Street to the point of the beginning. West side of N. Superior Avenue south of Straw Street to Spruce Lane following the boundary of the City south and west to LaGrange Avenue south of Eggleston, St. to the western City boundary east to Flatter Avenue, and then north of West Veteran's Street east to the east side of Heeler Avenue, then one block north and west following the west side of N. Superior Avenue north to Straw Street. This ward will be part of **Supervisory District 20** and consists of **567** people.

WARD 3 – All of that portion of the City of Tomah bounded by the following described line: Commencing at the intersection of Chicago Northwestern Railroad tracks and the City Boundary to the point of the beginning. South of the Chicago Northwestern Railroad tracks following the eastern City Boundary south to the north side of East Veterans Street and westerly to Grandview Avenue then following Grandview Avenue south to the North Side of the Lemonweir River and then following the City Boundary west to the south side of W. Veterans Street and Flatter, and then east to Heeler Avenue and north one census block and then west to the east side of N. Superior Avenue to the south side of the Chicago Northwestern Railroad tracks. This ward will be part of **Supervisory District 20** and consists of **719** people.

WARD 4 – All of that portion of the City of Tomah bounded by the following described line: Commencing at the intersection of E. Veterans Street and Grandview Avenue to the point of the beginning. South of East Veterans Street at Grandview Avenue easterly to the City Boundary following the City Boundary to Foothill Avenue/Lemonweir Parkway and to the western side of North Glendale Avenue to the south side of Franklin Street one block until Waterman St. and then to the north side of Franklin Street west to Mill Street and the northern side of Arthur Street and then west at N. Woodard Avenue to the western side of the alley on the east side of Memorial Park, then north on the east side of Superior Avenue to the Lemonweir River and then north on the east side of Grandview to E. Veterans Street. This ward will be part of **Supervisory District 21** and consists of **369** people.

WARD 5 – All of that portion of the City of Tomah bounded by the following described line: Commencing at the intersection of Jefferson Street and Superior Avenue to the point of the beginning. North side of Jefferson Street west following the Boundary of the City to Noth Avenue, east side of Noth Avenue south to the Canadian Pacific Railroad tracks, then east to N. Superior Avenue, north to the north side of Harrison Street to the west side of North Woodard Avenue to the east side of the alley on the east side of Memorial Park, south to the southern side of Arthur Street and west to N. Superior Avenue to the north side of Jefferson Street at the City Boundary. This ward will be part of **Supervisory District 21** and consists of **530** people.

WARD 6 - All of that portion of the City of Tomah bounded by the following described line: Commencing at the intersection of Lemonweir Parkway and N. Glendale Avenue to the point of beginning. East side of North Glendale Avenue south to include the block to Waterman Avenue on the south side of North Street and then west on the south side of Franklin Street to the east side of Mill Street and the southern side of Arthur Street and the east side of N. Woodard Avenue to the southern side of Harrison Street to the east side of North Superior Avenue and then south along the Canadian Pacific Railroad tracks to North Glendale Avenue, then east and south on the eastern side of North Glendale Avenue, south on the north side of E. Nott Street to Council Creek, then north along the Council Creek following the City Boundary to Lemonweir Parkway. This ward will be part of **Supervisory District 21** and consists of **554** people.

WARD 7 - All of that portion of the City of Tomah bounded by the following described line: Commencing at the intersection of Sime Avenue and E. Clifton Street to the point of beginning. North of E. Clifton Street to the intersection of East Monowau and Sime Avenue north and west to include the east side of King Avenue, then west and North of East Brownell to Council Creek to the City boundary and then following the City boundary all around the east side back to the intersection of Sime and E. Clifton Street. This ward will be part of **Supervisory District 24** and consists of **595** people.

WARD 8 – All of that portion of the City of Tomah bounded by the following described line: Commencing at the intersection of Superior Avenue, then north to the south side of East Holton Street, to the east side of S. Glendale Avenue, north to East Juneau St., then west one block to the alleyway behind Woodard Avenue, then north to the south side of West La Crosse Street to the intersection of East Avenue, then north on the east side of East Avenue to the south side of East Brownell Street until it intersects with King Avenue, then south to East Monowau, then east to Sime Avenue following the west side of Sime Avenue to the intersection of Sime and E. Clifton Street. This ward will be part of **Supervisory District 24** and consists of **489** people.

WARD 9 – All of that portion of the City of Tomah bounded by the following described line: Commencing at the intersection of Butts Avenue and the Lemonweir River (Dam) to the point of beginning. West side of Butts Avenue to Brandon Street (Winnebago Park) and then along the north side of the Winnebago Park Access Road following the City boundary including Lake Tomah west and north to Noth Avenue, then south of the Canadian Pacific Railroad tracks to the Lemonweir River(Dam). This ward will be part of **Supervisory District 23** and consists of **557** people.

WARD 10 – All of that portion of the City of Tomah bounded by the following described line: Commencing at the intersection of Butts Avenue and Williams Street to the point of beginning. South side of Williams St. to the west side of May Street south to West Jackson Street until the intersection of Clark Street, south one block to W. Nott Street, and then west one block to Sumner St., then south on Sumner St. one block to W. Foster, and then west to Hollister Ave., then south to the north side of Packard Street, then south on Cady to the north side of Elm Street, then west on Elm Street to the west side of Lincoln Avenue south to the north side of W. Juneau Street, then following the east side of the Lake shore to the south side of the Park Access Road in Winnebago Park to Butts Avenue. This ward will be part of **Supervisory District 23** and consists of **658** people.

WARD 11 – All of that portion of the City of Tomah bounded by the following described line: Commencing at the intersection of Butts Avenue and the Lemonweir River (Dam) to the point of beginning. Northeast to CP Railroad, east on the south side of CP Railroad to the west side of North Glendale, then south to East Nott, then west on the south side of E. Nott to Council Creek, then south to E. Brownell including the east side of East Avenue and then north on the north side of East Foster Street to the east side of the alley behind Woodard Avenue north to north side of E. Nott Street, north along the east side of Superior Avenue to W. Jackson Street, west to the east side of May Street to Williams Street, then the east side of Butts Avenue to the Lemonweir River (Dam). This ward will be part of **Supervisory District 23** and consists of **368** people.

WARD 12 – All of that portion of the City of Tomah bounded by the following described line: Commencing at the intersection of E. Nott Street and Superior Avenue to the point of beginning. The east side of Superior Avenue from E. Nott Street south to E. Holton Street, then north at Glendale Avenue to E. Juneau Street, then west to the alley behind Woodard Avenue, then north on the west side of the Alley to W. LaCrosse Street, then north on the west side of East Avenue to the west side of East Foster, then north to the south side of E. Nott Street and then east to Superior Avenue. This ward will be part of **Supervisory District 24** and consists of **734** people.

WARD 13 – All of that portion of the City of Tomah bounded by the following described line: Commencing at the intersection of Superior Avenue at W. Jackson Street to the point of beginning. West side of Superior Avenue from West Jackson Street south to W. Monowau Street, then west to McLean Avenue, then north to the north side of W. Milwaukee

Street, then west to the west side of Hollister Avenue, then south to the north side of W. Monowau Street, then north on the east side of Lincoln Avenue to the south side of Elm Street, then to the east side of Cady Avenue, then north to the south side of Packard Street, then north on the east side of Hollister Avenue to W. Foster Street, then north on the east side of Sumner Avenue, to the south side of W. Nott Street, then north on the east side of Clark Street to the south side of W. Jackson Street, then east to Superior Avenue. This ward will be part of **Supervisory District 23** and consists of **605** people.

WARD 14 – All of that portion of the City of Tomah bounded by the following described line: Commencing at the intersection of Hollister Avenue and W. Clifton Street to the point of beginning. North on the west side of Hollister Avenue to W. Council Street, then east to Stoughton Ave, then north to W. Juneau Street, then east to Superior Avenue, then north on the west side of Superior Avenue to W. Monowau Street, then west to McLean Avenue, then north to the south side of W. Milwaukee St., then west to Hollister Avenue, then south on the east side of Hollister Avenue to W. Monowau St., then west on the south side of W. Monowau Street to the east side of Lincoln Avenue, then south to W. Juneau St., then west to the east side of Butts Avenue, then south to Hugh Dickie Drive, then east on the north side of W. Clifton Street to Hollister Avenue. This ward will be part of **Supervisory District 22** and consists of **601** people.

WARD 15 – All of that portion of the City of Tomah bounded by the following described line: Commencing at the intersection of Superior Avenue at W. Juneau Street to the point of beginning. West side of Superior Avenue south following the boundary of the City limits to the east side of Hollister Avenue to W. Logan Street, then north on the east side of Stoughton Avenue to W. Clifton Street, then west to the east side of Hollister Avenue, then north to the south side of W. Council Street, then east to Stoughton Avenue, then north to W. Juneau Street, then east on the south side of W. Juneau Street to Superior Avenue. This ward will be part of **Supervisory District 22** and consists of **727** people.

WARD 16 – All of that portion of the City of Tomah bounded by the following described line: Commencing at the intersection of West Juneau Avenue at City Boundary to the point of beginning. Follow City boundary south and east to Hollister Avenue, then north on the west side of Hollister Avenue to the north side of West Logan Street, then north on the west side of Stoughton Avenue to W. Clifton Street, then west on the south side of W. Clifton Street to Hugh Dickie Drive, then north on the west side of Butts Avenue to W. Juneau Street, then west on the south side of W. Juneau Street to the City Boundary. This ward will be part of **Supervisory District 22** and consists of **489** people.
Dated this 9th day of August, 2011.

John J. Rusch, Mayor

ATTEST: JoAnn M. Cram, City Clerk

Resolution Authorizing Payment of Monthly Bills. Motion by Buchda, second by Kelsey to approve **Resolution No. 2011-08-09-22** Authorizing Payment of the Monthly Bills in the amount of \$1,229,816.98. Motion passed without negative vote.

RESOLUTION NO. 2011-08-09-22 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 | \$ 527,523.80 | (Check #'s 107443—107153 & 107291-107338) |
| 2. Payroll | \$ 440,241.94 | Direct Deposit (#'s 27609-28116) |
| 3. Wire Transfers | \$ 32,732.44 | |
| 4. Invoices | \$ 229,318.80 | (Check #'s 107340-107445) |
| Total | \$1,229,816.98 | |

John J. Rusch, Mayor

ATTEST:

JoAnn Cram, Clerk

Request of Tomah Area Community Theatre in Support of Tax Exempt Status. The Tomah Area Community Theatre is requesting a letter of support of a portion of their building being tax exempt. ACT operates solely through donations and the support of its members. The tax exempt property tax status of Wisconsin theatres is being approved by the Wisconsin legislature on an individual basis. ACT is asking for tax exempt status on the section of the building that is used by the theatre and not the portions that are rented to the Chamber or Adult Day Care Facility.

Motion by Buchda, second by Greeno to authorize Mayor Rusch to submit a letter of support for a portion of the Tomah Area Community Theatre building. Motion passed without negative vote.

Presentation of “In the Scope of your Authority – Public Officials Preventing Liability.” A video was provided to the Council for review of issues related to elected positions. Further discussion will be held to discuss Roberts Rules, alderperson concerns, and concerns from citizens that have been brought forward. A special meeting will be held on Wednesday, August 17th at 6:30 p.m. Any questions known ahead of the meeting time should be directed to City staff or the City Attorney so research can be done prior to the meeting.

Motion by Bohlen, second by Siekert to adjourn. Motion passed without negative vote. Meeting adjourned at 8:15 p.m.

Approved: John J. Rusch, Mayor

Attest: JoAnn M. Cram, City Clerk
To be approved 09/13/2011