

The COMMON COUNCIL of the City of Tomah met in **REGULAR SESSION**, February 9, 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, Dennis Greeno, John Cram, and Joanne Westpfahl present. Absent: Nellie Pater. Also in attendance: City Admin. Jim Bialecki, Asst. City Attorney Penny Berry, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

Motion by Wright, second by Westpfahl to adjourn to closed session pursuant to State Statute 19.85(1)(c) and (e) to confer with legal counsel with respect to deliberating/negotiating the sale of public properties and discussion of Union Negotiations. Meeting adjourned to closed session at 6:00 p.m.

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

Minutes: Motion by Peterson, second by Cram, to approve the January 12, 2010 Regular Council minutes and the January 19, 2010 and January 27, 2010 Special Common Council minutes as presented. Motion passed without negative vote.

Mayor Report. Mayor Thompson advised that a meeting was held on February 2nd at the TeePee regarding the redevelopment of the railroad property.

City Administrator. Long Range Planning Committee Report. City Administrator Bialecki advised that Vandewalle & Associates and the Long Range Planning Committee presented information to the public regarding redevelopment of the railroad property.

City Clerk. City Clerk Cram provided information on the Spring Primary Election. The City of Tomah website address is not popping up when you search for City of Tomah. We continue to work on this issue. We can be found at www.tomahonline.com. An update on the 2010 Census was provided.

Public Works & Utilities – Water, Sewer, Public Works & Lake Updates. Public Works & Utilities Director Ken Patterson provided a written report to the Council. Public Works is working on putting the Hollister Street project out for bids.

Library Report. Library Director Irma Keller advised that nighttime attendance for story time in January was 90 and daytime was 131. There were four programs at night and eight programs during the day.

Chamber of Commerce/Convention & Visitors Bureau. Executive Director Chris Hanson advised that the Chamber is working on their new website. Room tax numbers are down for the second consecutive quarter. The Annual Chili Walk will be held on February 27th at 15 locations in the City. A portion of the proceeds go to the Neighbor to Neighbor Food Pantry. The new visitors guide should be available in the next few weeks. Our Town Tomah meets on February 10th at 7:15 a.m. The Chamber's Economic Development Committee is having a listening session at Burnstad's on Feb. 10th at 7:00 AM.

Tomah Public Housing & Community Development Block Grant Monthly Report. Director Rachel Muehlenkamp provided a summarized report. They are working on three rehab loans for homes through the Community Development Block Grant program. The Dept. of Commerce has approved the new business loan manual that was submitted to them.

Senior & Disabled Services Report. No report provided.

Parks & Recreation Monthly Report. Parks & Recreation Director Joe Protz provided a monthly report of activities. Spring and summer activity listings will be available in early March.

Bartender Licenses. Motion by Westpfahl, second by Peterson to approve the bartender licenses as listed. Motion passed without negative vote. Bartender licenses approved as follows: Kaylee Courtade, Brielle Oliver, and Kurt Toczynski.

Special Beer Permit – The Veterans Association for the Grand National Tractor Pull.
Special Beer Permit – The Veterans Association for the Monroe County Fair.
Special Beer Permit – MC Support Service LLC for the Grand National Tractor Pull.
Special Beer Permit – MC Support Service LLC for the Monroe County Fair.

The Veteran's Association has requested that the special beer permits be tabled until March for the Tractor Pull and Fair. Since the Veterans Association and the MC Support Service licenses

are for the same events, it is requested that the special beer permits be tabled for both the Veterans Association and the MC Support Service LLC group.

Motion by Westpfahl, second by Cram to table the special beer permits for the Veterans Association and the MC Support Service LLC group for at least 30 days for the Tractor Pull and Monroe County Fair. Motion passed without negative vote.

Special Beer Permit – St. Mary’s Parish – February 14, 2010 – Valentine Brunch. Motion by Westpfahl, second by Wright to approve the special beer permit for St. Mary’s Parish for the February 14, 2010 Valentine Brunch. Motion passed without negative vote.

Special Beer Permit – Tomah Warrens Sportsman Alliance – March 13, 2010 for the Turkey Federation Banquet at the Recreation Building Main Hall. Motion by Greeno, second by Wright to approve the special beer permit for the Tomah Warrens Sportsman Alliance for March 13, 2010 for the Turkey Federation Banquet at the Recreation Building Main Hall. Motion passed without negative vote.

Special Beer Permit – Tomah Fire Department for ABATE of Wisconsin Motorcycle Show and Swap Meet at the Recreation Building and Farm Progress Building on April 24, 2010. Motion by Greeno, second by Cram to approve the special beer permit for the Tomah Fire Department for ABATE of Wisconsin Motorcycle Show and Swap Meet at the Recreation Building and the Farm Progress Building on April 24, 2010. Motion passed without negative vote.

Resolution Denying Claim of Frank & Janice Stump. Resolution Denying Claim of Barbara Westrate. Claims were received from Frank and Janice Stump and Barbara Westrate regarding alleged ice and snow being thrown onto parked vehicles by the City’s snowplow. The insurance company completed their investigation and is recommending denial of both claims as there is no negligence found on behalf of the city. No evidence was found to establish that a city plow was responsible for causing the damage.

Motion by Wright, second by Olsen to approve **Resolution No. 2010-02-09-03** Denying the claim of Frank & Janice Stump. Motion passed without negative vote.

Motion by Wright, second by Peterson to approve **Resolution No. 2010-02-09-04** Denying the claim of Barbara Westrate. Motion passed without negative vote.

Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.60 Wisconsin Statutes (Hollister Avenue & Adjoining Street Improvements). The Public Works & Utilities Commission voted in January to proceed with the 2010 Hollister Avenue street, curb and gutter and sidewalk improvements. The preliminary resolution needs to be approved to begin the legal process of levying special assessments for improvements to Hollister Avenue and adjoining streets. A public hearing will be scheduled upon approval of the resolution. An informational meeting was held January 26th with property owners. We will proceed with the design and the bidding at this time.

Motion by Wright, second by Olsen to approve **Resolution No. 2010-02-09-05** Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.60 Wisconsin Statutes for the Hollister Avenue and Adjoining Street Improvements. Motion passed without negative vote.

Annual Fire Department Fund Audit. The City Treasurer is required to audit the Fire Department funds on an annual basis. This has been done and the books have been found in good order. No unusual activity was found. A summary of the fire fund activity was provided.

Motion by Olsen, second by Wright to approve the Fire Department’s annual audit report as submitted. Motion passed without negative vote.

Approval of Request for Proposal for Shared Ride Taxi Services. The Department of Transportation has reviewed our 5311 Application and would like us to proceed with our Shared Ride Taxi Service. The next step is to do request for proposals (RFPs). Implementation of the Service is set for May 1st.

Motion by Olsen, second by Westpfahl to approve the request for proposal for Shared Ride Taxi Services as presented. Motion passed with one negative vote (Schleicher).

Resolution Approving Monthly Bills. Motion by Olsen, second by Wright to approve **Resolution No. 2010-02-09-06** Authorizing Payment of the Monthly Bills as follows: Pre-Paid Checks at \$2,171,997.08 (Check #'s 103943-104005), Payroll at \$254,312.86, Direct Deposit (#22004 - 22277), Wire Transfers at \$18,790.27, Invoices at \$56,866.61 (Check #'s 104006 -

104127), and Vouchers Payable 2009 at \$50,365.94 for a total amount of \$2,552,332.76. Motion passed without negative vote.

Resolution Adopting City of Tomah Business Revolving Loan Fund Administrative Plan & Application. On 1/27/2010 the Wisconsin Dept. of Commerce approved the City of Tomah CDBG Business Revolving Loan Fund Administrative Plan.

Motion by Olsen, second by Cram to approve **Resolution No. 2010-02-09-07** Adopting City of Tomah Business Revolving Loan Fund Administrative Plan as presented. Motion passed without negative vote.

Conditional Use Permit Request by Tomah Area Historical Society, 1112 Superior Avenue, Tomah for a Sign/Canopy over a Public Sidewalk. The Tomah Historical Society, 1112 Superior Avenue wishes to replace a combination wood/fiberglass awning with a solid framed fabric covered awning with letter for the Tomah Historical Museum. A conditional use permit is requested to allow installation of a sign over a public sidewalk. A public hearing was held January 28, 2010 and the Planning Commission is recommending approval.

Motion by Wright, second by Cram to approve the Conditional Use Permit as requested by the Tomah Area Historical Society, 1112 Superior Avenue, Tomah for a sign/canopy over a public sidewalk. Motion passed without negative vote.

Conditional Use Permit Request by Scott & Anne Nergard of 824 Eggleston Street to Operate a Karate Studio in the Attached Garage. Scott & Anne Nergard wish to operate a karate studio in their attached garage until such time in the future they can afford to rent or lease space for the business. They have a single family home at 824 Eggleston St. and the property is zoned R-3 Multi-Family. The Planning Commission recommends that the conditional use permit request be denied. Neighbors were present at the public hearing held before the Planning Commission expressing concern over parking and neighbor complaints and the business in a residential area.

Motion by Cram, second by Greeno to accept the Planning Commission's recommendation and deny the conditional use permit as requested by Scott & Anne Nergard of 824 Eggleston Street to operate a karate studio in the attached garage due to the zoning. Motion passed without negative vote.

Ratification and Authorization for the Mayor and City Administrator to Sign the 2010 AFSCME-AFL-CIO Union Contract. The 2010 AFSCME AFL CIO Union Contract is ready for final approval and signatures.

Motion by Wright, second by Peterson to approve ratification of the 2010 AFSCME-AFL-CIO Union Contract and authorize the Mayor and City Administrator to sign the document. Motion passed without negative vote.

Ratification and Authorization for the Mayor and City Administrator to Sign the 2010 WPPA Union Contract. Changes to the 2010 WPPA Union Contract were presented and agreed upon. The final draft of the contract will be prepared with the changes as agreed upon.

Motion by Wright, second by Greeno to approve ratification of the 2010 WPPA Union Contract with the changes presented. Motion passed without negative vote.

Approval of Access Agreement between City of Tomah and Ryan Companies. Ryan Companies is asking for a 30 day access agreement to conduct further soil tests on the property they are interested in purchasing.

Motion by Wright, second by Olsen to approve the Access Agreement with the Ryan Companies as presented. Motion passed without negative vote.

Update on Status of Veterans Memorial Oversight Group – Information Only. Alderperson Peterson advised that \$56,000 has been raised in donations and fundraising continues.

No one else wished to appear before the Common Council.

Motion by Wright second by Olsen to adjourn. Motion passed without negative vote. Meeting adjourned at 7:05 p.m.

Approved: Allan "Ed" Thompson, Mayor

Attest: JoAnn M. Cram, City Clerk
To be approved 3/9/2010