

The COMMON COUNCIL of the City of Tomah met in **REGULAR SESSION**, March 9, 2010 at 6:30 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, City Attorney Rick Radcliffe, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

Public Hearing: Regarding Proposed Improvements to Hollister Avenue and Adjoining Streets (Property along Hollister Avenue from W. Clifton Street to Packard Street; Lincoln Avenue; and adjoining side streets for installation of street improvements, curb and gutter; and sidewalk). Mayor Thompson declared the public hearing open at 6:31 p.m. No one wished to appear at the public hearing. Mayor Thompson declared the public hearing closed at 6:32 p.m. Information provided in staff report: The reconstruction of Hollister Avenue, Lincoln Avenue and adjacent side streets has been in the planning stages for a long time. There are drainage problems and the street is a very high maintenance area for pavement, storm sewers, sanitary sewer, and water mains. The storm sewers are inadequate and deteriorated. The sanitary sewers are clay and tile and were installed in the 1940's. There is a lot of infiltration because all the joints are deteriorated. Part of the water mains are old sand cast main installed in the early 1900's. The water mains are undersized for service pressure and fire flow protection. Fire hydrants are old and it is difficult to find repair parts. Water service lateral are older copper with valves that don't work.

Motion by Wright, second by Peterson to approve the Hollister Avenue project and authorize the special assessments as designated. Motion passed without negative vote.

Motion by Wright, second by Olsen to approve **Resolution No. 2010-03-09-08 Authorizing Street Improvements and Levying Special Assessments Against Benefitted Property for the 2010 Hollister Avenue and Adjoining Street Project for installation of street improvements, curb and gutter and sidewalk.** Motion passed without negative vote.

RESOLUTION NO. 2010-03-09-08

**FINAL RESOLUTION AUTHORIZING STREET IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITTED PROPERTY
2010 HOLLISTER AVENUE AND ADJOINING STREETS PROJECT**

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 9th day of March, 2010 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:

Property along Hollister Avenue from W. Clifton Street to Packard Street; Lincoln Avenue; and adjoining side streets 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 or 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.

Allan "Ed" Thompson, Mayor
Attest: JoAnn Cram, City Clerk

Adopted: March 9, 2010
Passed: March 9, 2010
Published: March 18, 2010

Minutes: Motion by Peterson, second by Greeno, to approve the February 9, 2010 Regular Council minutes as presented. Motion passed without negative vote.

Appointments: Motion by Wright, second by Schleicher to accept the recommendation of Mayor Thompson and appoint Cynthia Erdman to fulfill the remaining term of Tom Wierschem on the Long Range Planning Committee with the term expiring April 2010. Motion passed without negative vote.

Mayor Report. No report.

City Administrator. Long Range Planning Committee Report. City Administrator Bialecki advised that concepts have been developed on the railroad site. A phone conference will be held with the railroad in a few weeks. The development of a TIF is a possibility but issues need to be addressed prior to establishment of the TIF.

City Clerk. Election Tally for the February 16, 2010 Spring Primary Election. Motion by Peterson, second by Westpfahl to accept the Election Tally for the February 16, 2010 Spring Primary Election as submitted. Motion passed without negative vote.

City Clerk Cram provided information on the Spring Election. 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.

Public Works & Utilities – Water, Sewer, Public Works & Lake Updates. Public Works & Utilities Director Ken Patterson provided a written report to the Council.

Library Report. Library Director Irma Keller advised that story time counts continue to rise on Monday evenings and Tuesday mornings. The annual report is completed and circulation is up.

Chamber of Commerce/Convention & Visitors Bureau. Executive Director Chris Hanson advised that Tomah Memorial Hospital is holding a blood drive on March 17th. March 17th is Business After 5 at the First Bank of Tomah. The Bank is doing a history wall which will be dedicated during Business After 5. On March 18th a high speed rail meeting will be held in La Crosse. A mayoral candidate forum will be held on March 18th at 6:30 p.m. at Western Technical College and is open to the public. A second mayoral forum will be held on March 23rd at Cranberry Country Lodge over the lunch hour. March 19th, the Chamber and Downtown Action Council will meet to exchange revitalization ideas. The seminar starts at 9 a.m. and goes to 2 p.m. A retail theft seminar will be sponsored by the Tomah Police Department which will assist businesses to combat shoplifting and other kinds of retail theft.

Tomah Public Housing & Community Development Block Grant Monthly Report. Director Rachel Muehlenkamp provided a summarized report. Programs are operating at full occupancy. The Community Development Block Grant program expects more applications in the spring. There are also economic development funds available.

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. The pool is scheduled to open June 12th.

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

Conditional Use Permit Request of Mathy Construction Company to Operate a Portable Hot Mix Asphalt Plant from April 12, 2010 to Nov. 15, 2010 at 600 Industrial Blvd., City of Tomah. This property is zoned as Industrial, Manufacturing and processing of asphalt is a listed Industrial Conditional Use. Following a public hearing, the Planning Commission recommends the following stipulations and conditions be attached: 1. Operations be limited to April 12, 2010 through November 15, 2010. Any extension of this time frame requires the applicant to submit a written request to the City of Tomah Planning Commission for approval. 2. At a minimum, weekly dust

control measures shall be taken to control the amount of dust created by the Asphalt plant including but not limited to plant operation and trucking of materials to and from the site. 3. If conditions during plan operations fail to meet those anticipated, a meeting shall be arranged between the City of Tomah, Mathy Construction and concerned property owners to resolve concerns that are not being addressed.

Motion by Wright, second by Cram to approve the Conditional Use permit for Mathy Construction with stipulations and conditions as listed above #1-3. Motion passed without negative vote.

Bartender Licenses. Motion by Cram, second by Greeno to approve the bartender license as listed. Motion passed without negative vote. Bartender licenses approved as follows: Dustin J. Breunig.

Change of Agent for Brahmas, 1117 Superior Avenue. Police Chief Revels requested that this item be tabled until April for further consideration.-

Motion by Cram, second by Westpfahl to table the request for a Change of Agent for Brahmas of 1117 Superior Avenue until April. Motion passed without negative vote.

Resolution Denying Claim of Lisa Pollack. A claim has been received by the City regarding alleged ice/snow being thrown into the claimant's side view mirror by the City's snowplow causing damage. The insurance company completed their investigation and is recommending denial as there is no negligence found on behalf of the City.

Motion by Pater, second by Greeno to approve **Resolution No. 2010-03-09-09** denying the claim of Lisa Pollack as recommended by the insurance company. Motion passed without negative vote.

**RESOLUTION NO. 2010-03-09-09
RESOLUTION DENYING CLAIM OF LISA POLLACK**

WHEREAS, a Notice of Claim has been received in which the above claimant's vehicle was allegedly damaged by a City plow throwing ice into the claimant's side view mirror on February 2, 2010; and,

WHEREAS, on March 8, 2010 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 Lisa Pollack be and is hereby denied.

Dated this 9th day of March, 2010

Allan E. Thompson
ATTEST: JoAnn M. Cram

Resolution Denying Claim of Eugene & Lauren Haws. A claim has been received from Eugene & Lauren Haws regarding alleged property damages due to a sewer backup at 1501 Lincoln Ave. on Jan. 24, 2010. The insurance company completed their investigation and is recommending denial as there is no negligence found on behalf of the City of Tomah.

Motion by Pater, second by Cram to approve **Resolution No. 2010-03-09-10** denying the claim of Eugene and Lauren Haws. Motion passed without negative vote.

**RESOLUTION NO. 2010-03-09-10
RESOLUTION DENYING CLAIM OF EUGENE & LAUREN HAWS**

WHEREAS, a Notice of Claim was filed against the City of Tomah alleging property damages due to a sewer backup at 1501 Lincoln Avenue on January 24, 2010; and,

WHEREAS, on March 8, 2010 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 Eugene & Lauren Haws be and is hereby denied.

Dated this 9th day of March, 2010

Allan E. Thompson
ATTEST: JoAnn M. Cram

Fire Department Out Of State Training Request. The Fire Chief is requesting permission to attend the conference Fire Rescue International in Chicago IL on August 25th through the 29th. Funds for the conference are budgeted.

Motion by Peterson, second by Cram to approve the request from the Fire Department for out of state training. Motion passed without negative vote.

Sidewalk Ordinance Amendment. The Public Works & Utilities Commission recommended changing the Ordinance. The City Attorney's office has drafted a revised ordinance and it is requested that the ordinance amendment be referred back to the Public Works & Utilities Commission for further discussion and a recommendation to the Council in April.

Motion by Peterson, second by Wright to refer the sidewalk ordinance to the Public Works & Utilities Commission for comments and a recommendation back to the Council in April. Motion passed without negative vote.

Resolution Approving Monthly Bills. Motion by Schleicher, second by Olsen to approve **Resolution No. 2010-03-09-11** Authorizing Payment of the Monthly Bills. Motion passed without negative vote.

RESOLUTION NO. 2010-03-09-11 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	\$3,092,786.44	(Check #'s 104128-104174)
2. Payroll	\$ 256,917.52	Direct Deposit(#22278 - 22567)
3. Wire Transfers	\$ 18,728.80	
4. Invoices	\$ 126,233.91	(Check #'s 104176 – 104287)
5. Vouchers Payable 2009	<u>\$ 6,465.48</u>	
Total	\$3,501,132.15	

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

Requested by James S. Bialecki, City Administrator
Submitted by: Committee of the Whole
March 9, 2010

Non Union Compensation. In recent months, union contracts were approved and non union wage increases established. During the process, health insurance buyouts were addressed as this practice was in violation of the Dept. of Employee Trust Fund policy. Union employees presently on the program were grandfathered in. When we addressed non union compensation, the insurance buyout for these employees was removed. It is requested to allow non union employees remain on this program under a grandfather clause. The practice is not available for new employees effective January 1, 2010 and anyone leaving the program could not return.

Motion by Schleicher, second by Wright to allow non union employees participating in the health insurance buyout program as of December 31, 2009 to remain in the program under a grandfather clause. Motion passed without negative vote.

Update on Status of Veterans Memorial Oversight Group – Information Only. Alderperson Schleicher advised that they have a commitment from Mathy Construction to do the blacktopping for the semi-circle road. Another \$3,000 in donations has been received and they are currently at \$64,000 in their fundraising efforts.

John Rusch appeared regarding the articles in the Tomah Journal regarding the Farmers Market. Mr. Rusch also suggested a compromise for the beer license for the Tractor Pull and Fair which will be acted on in April would be to issue a license to the Veterans Association and a separate license to the LLC and rent the beer tent just to the Veterans Association.

Mike Kelly, 418 View Street commented on the sidewalk issue and commended Alderperson Schleicher for listening to the constituents. Mr. Kelly would like to know how many fines or citations were issued for sidewalks that were not shoveled in the past year. Public Works will provide the information.

Mr. Jim Rice of Farmer Avenue advised he supports the Farmers Market downtown even if a street needs to be blocked off and doesn't want to see it moved to Recreation Park. Mr. Rice also supports the fact that a public hearing will be held regarding the sidewalks.

No one else wished to appear before the Common Council.

Motion by Wright second by Schleicher to adjourn. Motion passed without negative vote. Meeting adjourned at 7:09 p.m.

Approved: Allan "Ed" Thompson, Mayor

Attest: JoAnn M. Cram, City Clerk
To be approved 4/13/2010