

The COMMON COUNCIL of the City of Tomah met in **REGULAR SESSION** November 9, 2010 at 6:15 p.m. with Mayor John Rusch presiding.

Following the Pledge of Allegiance, roll call was taken with George Wright, Luke Bohlen, 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 Precour-Berry, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

Motion by Buchda, 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 – AFSCME and WPPA. Motion passed without negative vote. Meeting adjourned to closed session at 6:15 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 before the Council.

Minutes: Motion by Buchda, second by Cram, to approve the October 12, 2010 Regular Council minutes. Motion passed without negative vote.

Motion by Wright, second by Cram to approve the October 19, 2010 Special Budget Workshop Council minutes. Motion passed without negative vote.

Mayors Report. Mayor Rusch reported on the League of Municipalities annual conference.

City Administrator. No report.

City Clerk. 1. Election Tally Report for Nov. 2, 2010 General Election. Motion by Wright, second by Buchda to approve the Election Tally Report for the November 2, 2010 General Election as submitted. Motion passed without negative vote.

Spring Election. The Notice will be published on November 22nd for Aldermanic Districts that will be on the Spring ballot. The **Business Registration/License and Transient Room Permit for Red Gables** has been terminated by the City as the State has notified us they have terminated their license to operate a hotel/motel. 4. **The annual Budget Hearing and Annual Lake Meeting** will be held November 16, 2010.

Public Works & Utilities – Water, Sewer, Public Works & Lake Updates. Public Works & Utilities Director Ken Patterson provided a written report to the Council. The DNR stocked some fish today and more fish are anticipated to arrive in the next week.

Library Report. Library Director Irma Keller provided circulation/attendance statistics for the Library. The first Tuesday in December will be the annual Library Christmas Tea. The Library recently received a donation from Wal-Mart.

Chamber of Commerce/Convention & Visitors Bureau. Ex. Director Chris Hanson advised the Holiday Parade will be Friday, November 26th at 7 p.m. The theme this year is 'Festival of Trees.' There will be a military tree service to honor current military personnel at 3 p.m. There will be a Holiday Shopping Blitz on the 26th also. There will be a holiday display contest for city businesses. Entries should be filed with the Chamber by November 12th. The Convention & Visitor's Bureau is working on the 2011 Area Guide. The price of the memorial is increasing and the price of the individual granite tiles and bricks will be raised January 1st.

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

Senior & Disabled Services Report. Senior & Disabled Services Director Delia Duncan advised they have various card games, exercise class, speakers, hearing checks, and support groups for visually impaired. Craft sale will be November 20th 9 a.m. – 4 p.m. at Recreation Park.

Parks and Recreation Monthly Report. Parks and Recreation Director Joe Protz provided a written summary for the Council.

Treasurer's Cash & Investment Reports. Motion by Greeno, second by Schleicher to accept the Treasurer's Cash & Investment Reports for October, 2010. Motion passed without negative vote.

Initial Resolution Authorizing \$2,610,000 General Obligation Bonds for Street Improvement Projects. At the 2011 Budget Workshop, it was the consensus of the Common Council to move forward with Phase II of the Hollister street project and do the bonding this year to take advantage of the Build America Bond program. Dawn Gunderson of Ehlers & Associates presented information regarding these resolutions. There is a little increase in the interest market. Ehlers believes the Build America Bonds are the better way to go and the savings is projected to be about \$300,000. Ehlers will prepare an official statement, a rating will be done and Ehlers will be back in a month with rates from a competitive bond sale.

Motion by Buchda, second by Siekert to approve **Resolution No. 2010-11-09-41** Authorizing \$2,610,000 General Obligation Bonds for the street improvements related to the second phase of the Hollister street project. Motion passed without negative vote.

Resolution No. 2010-11-09-41
INITIAL RESOLUTION AUTHORIZING
\$2,610,000 GENERAL OBLIGATION BONDS
FOR STREET IMPROVEMENT PROJECTS

RESOLVED that the City of Tomah, Monroe County, Wisconsin, borrow an amount not to exceed \$2,610,000 by issuing its general obligation bonds for the public purpose of financing street improvement projects.

Passed this 9th day of November, 2010.

Approved this 9th day of November, 2010.

John J. Rusch, Mayor

Attest:
JoAnn M. Cram, City Clerk

Initial Resolution Authorizing \$1,460,000 General Obligation Bonds for Water System Improvements.

Motion by Buchda, second by Wright to approve **Resolution No. 2010-11-09-42** Authorizing \$1,460,000 General Obligation Bonds for Water System Improvements related to the second phase of the Hollister street project. Motion passed without negative vote.

Resolution No. 2010-11-09-42
INITIAL RESOLUTION AUTHORIZING
\$1,460,000 GENERAL OBLIGATION BONDS
FOR WATER SYSTEM IMPROVEMENTS

RESOLVED that the City of Tomah, Monroe County, Wisconsin, borrow an amount not to exceed \$1,460,000 by issuing its general obligation bonds for the public purpose of financing water system improvements.

Passed this 9th day of November, 2010.

Approved this 9th day of November, 2010.

John J. Rusch, Mayor

Attest:
JoAnn M. Cram, City Clerk

Initial Resolution Authorizing \$930,000 General Obligation Bonds for Sewerage Projects.

Motion by Siekert, second by Buchda to approve **Resolution No. 2010-11-09-43** Authorizing \$930,000 General Obligation Bonds for Sewerage Projects related to the second phase of the Hollister street project. Motion passed without negative vote.

Resolution No. 2010-11-09-43
INITIAL RESOLUTION AUTHORIZING
\$930,000 GENERAL OBLIGATION BONDS
FOR SEWERAGE PROJECTS

RESOLVED that the City of Tomah, Monroe County, Wisconsin, borrow an amount not to exceed \$930,000 by issuing its general obligation bonds for the public purpose of financing sewerage projects

Passed this 9th day of November, 2010.

Approved this 9th day of November, 2010.

John J. Rusch, Mayor

Attest:
JoAnn M. Cram, City Clerk

Resolution Providing for the Sale of Not to Exceed \$5,000,000 General Obligation Corporate Purpose Bonds.

Motion by Buchda, second by Wright to approve **Resolution No. 2010-11-09-44** Providing for the Sale of Not to Exceed \$5,000,000 General Obligation Corporate Purpose Bonds for street, sewer and water costs associated with the Phase II Hollister street project. Motion passed without negative vote.

Resolution No. 2010-11-09-44
RESOLUTION PROVIDING FOR THE SALE OF
\$5,000,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS

WHEREAS the Common Council of the City of Tomah, Monroe County, Wisconsin (the "City") has adopted initial resolutions authorizing the issuance of general obligation bonds for the following public purposes and in the following amounts:

\$2,610,000 to finance street improvement projects;

\$1,460,000 to finance water system improvements; and

\$930,000 to finance sewerage projects.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Combination of Issues. The issues referred to in the preamble hereof are hereby combined into one issue of bonds (the "Bonds"), and the City shall issue Bonds in an amount not to exceed \$5,000,000 for the purposes above specified. The City may, by further action of the Common Council, determine to issue the Bonds as tax-exempt bonds designated "General Obligation Corporate Purpose Bonds" or as taxable Build America Bonds designated "Taxable General Obligation Corporate Purpose Bonds (Build America Bonds - Direct Payment)".

Section 2. Sale of Bonds. The Common Council hereby authorizes and directs that the Bonds be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Bonds as may have been received and take action thereon.

Section 3. Notice of Bond Sale. The City Clerk be and hereby is directed to cause notice of the sale of the Bonds to be disseminated at such times and in such manner as the City Clerk may determine and to cause copies of a complete, official Notice of Bond Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk shall cause an Official Statement concerning this issue to be prepared by the City's financial advisor, Ehlers & Associates, Inc. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

Passed this 9th day of November, 2010.

Approved this 9th day of November, 2010.

John J. Rusch, Mayor

Attest:

JoAnn M. Cram, City Clerk

Resolution Directing Publication of Notice to Electors.

Motion by Buchda, second by Wright to approve **Resolution No. 2010-11-09-45** Directing Publication of Notice to Electors. Motion passed without negative vote.

Resolution No. 2010-11-09-45

RESOLUTION DIRECTING PUBLICATION OF NOTICE TO ELECTORS

WHEREAS initial resolutions authorizing general obligation bonds have been adopted by the Common Council of the City of Tomah, Wisconsin and it is now necessary that the initial resolutions which authorize the issuance of bonds to finance projects be published to afford notice to the residents of the City of their adoption;

NOW, THEREFORE, BE IT RESOLVED that the City Clerk shall, within 15 days, publish a notice to the electors in substantially the form attached hereto as Exhibit A in the official City newspaper as a class 1 notice under ch. 985, Wis. Stats.

Passed this 9th day of November, 2010.

Approved this 9th day of November, 2010.

John J. Rusch, Mayor

Attest:

JoAnn M. Cram, City Clerk

Approval of Scope of Engagement Regarding Proposed Issuance of \$840,000 with Quarles and Brady, LLP. The scope of engagement regarding the proposed issuance of \$840,000 was terminated. Quarles and Brady received information regarding the Hockey Club and the use of the facility that was financed with the State Trust Fund Loan. Because the hockey Club has exclusive use for a period of time and because they are paying a part of the loan if room tax proceeds aren't enough, it is felt this refinancing does not meet necessary requirements. The State Trust Fund loan is at 4.5% and they have dropped their interest rates. Ehlers intends to contact the State Trust Fund in an attempt to renegotiate the rates with them. No action at this time.

Resolution Awarding Sale of \$840,000 General Obligation Refinancing. At the October meeting, the Council authorized refinancing of the debt for the multi-purpose building at Recreation Park. The item cannot be refinanced based on the questionnaire supplied to them earlier in the week. No action taken.

Review of Weights and Measures Assessment for Ace Hardware, 1110 N. Superior Avenue. Annually, the City receives a billing from the Department of Ag, Trade and Consumer Protection for tests done at local businesses. Ace Hardware has requested a review as they feel their assessment is excessive. These tests are conducted randomly by the State Inspectors who then provide an annual breakdown of where the tests are conducted as well as the number of tests completed at each facility. The Weights and Measures Ordinance was designed to relieve the taxpayers of the burden of this fee. It was the consensus of the Committee of the Whole that the method used to calculate the assessments is the preferred method.

Motion by Greeno, second by Cram to sustain the weights and measures assessment for Ace Hardware at 1110 N. Superior Avenue. Motion passed without negative vote.

Request of Patrick Murphy, Dimensions, to Exchange a Reserve Class “B” Liquor and Fermented Malt beverage Combination License for a Regular Class “B” Liquor and Fermented Malt Beverage Combination License. Patrick Murphy has expressed interest in the regular license previously utilized by Gas Alley Pub. Dimensions currently holds one of the City’s two “Reserve” licenses for which he paid a one-time initial fee of \$10,000. There are restrictions associated with the “Reserve” licenses in that you cannot move to a different location, change your name or change owners without triggering the requirement for an additional fee of \$10,000. The owner of the building which housed Gas Alley Pub and the previous holder of the regular liquor license is also going to be submitting application paperwork in December.

Motion by Greeno, second by Buchda to continue with the process and allow Mr. Murphy to make application for the regular Class B Combination Liquor and Beer license that has become available along with anyone else interested in applying. Motion passed without negative vote.

Bartender Licenses.

Motion by Pater, second by Buchda to approve the bartender’s license as listed. Motion passed without negative vote. Bartender licenses approved as follows: Jon Dale Willig.

Class “B” Fermented Malt Beverage and Class “C” Wine License for Cancun Bay, Ltd. d/b/a Cancun Mexican Restaurant for the period November 10, 2010 – June 30, 2011.

Motion by Pater, second by Buchda to approve the Class “B” Fermented Malt Beverage License and Class “C” Wine License for Cancun Bay, Ltd. d/b/a Cancun Mexican Restaurant for the period November 10, 2010 – June 30, 2011. Motion passed without negative vote.

Change of Agent for Kwik Trip Inc. #718, 1504 Superior Avenue. Kwik Trip has applied for a change of agent from Chontel Smart to Suzzane M. Greenman.

Motion by Pater, second by Siekert to approve the change of agent request from Kwik Trip Inc. #718 from Chontel Smart to Suzzane M. Greenman. Motion passed without negative vote.

Change of Agent for Tomah Hospitality, LLC, 1017 E. McCoy Blvd. Tomah Hospitality has applied for a change of agent from David E. Olson to Melanie L. Betthausen.

Motion by Pater, second by Wright to approve the change of agent request from Tomah Hospitality, LLC, 1017 E. McCoy Blvd., from David E. Olson to Melanie L. Betthausen. Motion passed without negative vote.

Special Beer Permit – Monroe County Tavern League – January 14-16, 2011. The Monroe County Tavern League has applied for a special beer permit to be used for a pool tournament on January 14-16, 2011 at the Recreation Building Main Hall at Recreation Park.

Motion by Buchda, second by Cram to approve the Special Beer Permit for the Monroe County Tavern League from January 14-16, 2011 at the Recreation Building Main Hall at Recreation Park. Motion passed without negative vote.

Approval of Job Description – Part Time Custodian – Police Department. The Police Department will be hiring a part time custodian to take care of their building. The job description needs to be approved.

Motion by Buchda, second by Wright to approve the job description as presented. Motion passed with one negative vote.

Grant Writing. One of the workshops attended by Mayor Rusch at the Wisconsin League of Municipalities fall conference was put on by CESA/CEGROW, Educational Grant Resources of Wisconsin. They have been doing grant writing for school districts and will now also write them for cities. There is a \$500 annual fee which is requested to be included in the 2011 Budget.

Motion by Buchda, second by Bohlen to authorize CESA/CEGROW, Education Grant Resources of Wisconsin to write grants as necessary for the City of Tomah and authorize payment of the \$500 dues fee in 2011. Motion passed without negative vote.

Personnel Policy Amendment Regarding Retirement or Death Benefit for Sick Leave. The present policy states: Retirement or Death Benefit: Upon retirement or death, an employee shall be paid thirty (30%) percent of their accumulated sick leave credits as severance pay, not to exceed thirty (30%) percent of a maximum of one hundred twenty (120) days. It is requested that the language be amended as follows: Value of Separation: Employees who are eligible to receive retirement or death benefits under the Wisconsin Employee Trust Fund Retirement System, shall be paid thirty (30%) percent of the employee’s sick leave as severance pay upon retirement or

death. The maximum number of sick leave days shall be 120 days for this calculation. The value of the accumulated sick leave shall be computed at the regular hourly rate in effect at the date of retirement or death, excluding shift differential or any other wage augmentations. In the case of the death of the employee, the payment shall be made to the surviving spouse or if no surviving spouse, payment shall be made to the employee's estate.

Motion by Siekert, second by Cram to amend the personnel policy manual regarding retirement or death benefit for sick leave as presented. Motion passed without negative vote.

Resolution Authorizing Payment of Monthly Bills. Motion by Siekert, second by Cram to approve **Resolution No. 2010-11-09-46** Authorizing Payment of the Monthly Bills. Motion passed without negative vote.

RESOLUTION NO. 2010-11-09-46 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	\$ 522,821.26	(Check #'s 105529-105530 & 105646-105714)
2. Payroll	\$ 257,341.78	Direct Deposit (#24892-25160)
3. Wire Transfers	\$ 18,854.90	
4. Invoices	<u>\$ 263,798.51</u>	(Check #'s 105715-105840)
Total	\$1,062,816.45	

ATTEST: John J. Rusch, Mayor
JoAnn Cram, Clerk

Act on Request to Allow Dale Trowbridge II the Usage of Gillette Park to Host the 12th Anniversary Hurst Olds Day Car Meet and to Include Usage and Closing of Holton and Council Streets from 9 a.m. to 6 p.m. and Approve the Bringing of Own Beer to the Event to Drink During These Times.

Motion by Wright, second by Pater to allow Dale Trowbridge II the Usage of Gillette Park to Host the 12th Anniversary Hurst Olds Day Car Meet and to Include Usage and Closing of Holton and Council Streets from 9 a.m. to 6 p.m. and approve the bringing of own beer to the event to drink during these times. Motion passed without negative vote.

Existing SHPO5-2 & New SR 10-14 – Homeowner at 615 Glendale Avenue. At the November CDBG meeting, it was recommended that the request for roof replacement rehab funds in the amount of \$7,000 be approved and that the current CDBG Home Mortgage/Loan be refinanced to include this rehab loan. Terms of refinance for 615 Glendale Avenue would be a five (5) year loan with a balloon in the amount of \$67,000 at 4% interest.

Motion by Buchda, second by Wright to approve the refinancing of a home purchase and add on additional funding so that the home buyer can replace the roof on the house located at 615 Glendale Ave. extending the loan for an additional 5 years. Motion passed without negative vote.

Approval of Annual Holiday Parade Route. The annual Holiday parade is scheduled to take place on November 26th at 7 p.m. The parade line-up will take place on Hollister Avenue beginning at 6 p.m. and will travel from Hollister Avenue to Foster Street, Foster Street to Superior Avenue, South on Superior Avenue and ending at Holton Street.

Motion by Wright, second by Cram to approve the annual Holiday Parade route as submitted. Motion passed without negative vote.

Ratification and Authorization for the Mayor and City Administrator to Sign the 2011-2012 WPPA Union Contract. No action required at this time.

Update on Status of Veterans Memorial Oversight Group – Information Only. Alderperson Ted Schleicher advised the price will increase to \$250 for the tile and \$100 for the bricks after January 1, 2011. The large monument down payment has been made. The City will also issue a check for \$7,325 for the KIA stone which will depict all killed in action from World War I to the present. The dedication stone will be another \$7,325 but that will be done at a later date.

Motion by Greeno, second by Wright to adjourn. Motion passed without negative vote. Meeting adjourned at 7:41 p.m.

Approved: John J. Rusch, Mayor

Attest: JoAnn M. Cram, City Clerk
To be approved 12/14/2010