

The COMMON COUNCIL of the City of Tomah met in **REGULAR SESSION** November 08, 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.

Motion by Buchda, second by Greeno to adjourn to closed session pursuant to State Statute 19.85(1)(c) With Respect to Annual Performance Evaluation for City Administrator. Motion passed without negative vote. Meeting adjourned to closed session at 6:19 p.m.

Meeting reconvened to open session at 6:30 p.m.

Minutes: Motion by Siekert, second by Bohlen to approve the October 11, 2011 Regular Council minutes. Motion passed without negative vote.

Motion by Greeno, second by Kelsey to approve the October 22, 2011 Special Council minutes. Motion passed without negative vote.

Appointments: Motion by Siekert, second by Greeno to approve the Mayor's recommendation and appoint Joellyn Edgerton, Human Resources Director of Toro Companies to the ADHOC Committee established to review Personnel Policies, Compensation and Benefits. Motion passed without negative vote.

Mayors Report. Distinguished Service Resolution in Recognition of Stephen L. Laufenberg. Motion by Kelsey, second by Greeno to adopt **Resolution No. 2011-11-08-29** Distinguished Service Resolution in recognition of Stephen L. Laufenberg. Motion passed without negative vote.

**RESOLUTION NO. 2011-11-08-29
DISTINGUISHED SERVICE RESOLUTION IN RECOGNITION OF
STEPHEN L. LAUFENBERG
FOR DEDICATED SERVICE TO THE CITY OF TOMAH
OCTOBER 19, 1989 TO NOVEMBER 10, 2011**

WHEREAS, Steve Laufenberg has served the City of Tomah in various positions and departments. Steve was hired by the City of Tomah Fire Department in 1989 as a firefighter and subsequently also served as the assistant maintenance engineer. Steve was hired on May 29, 1990 in the Public Works Department as a Sanitation Operator. Steve was promoted to truck driver within one year and subsequently promoted to Equipment Operator in March 2006 and has worked in that capacity until the present time, and

WHEREAS, Steve Laufenberg has dedicated many hours to the City of Tomah, both in the Public Works Department and for the Tomah Fire Department during his regularly scheduled shift as well as responding during snow storms, fire duties and calls for service, and other times of need, all in the best interests of the City of Tomah citizens, and

WHEREAS, Steve Laufenberg will be retiring from the City of Tomah effective November 10, 2011. His dedication and service to the community has been outstanding and very much appreciated, and

NOW THEREFORE, BE IT RESOLVED, that as Mayor of the City of Tomah, and on behalf of our City, we commend Steve for his outstanding contribution to others and to our community. The Common Council of the City of Tomah does hereby express its sincere appreciation and thanks to Steve for twenty-two years of dedication and service to the citizens of the City of Tomah, both to the Public Works Department and to the Fire Department and extends its best wishes for his health and happiness in the future.

Dated this 8th day of November 2011.

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

Election of Council Vice President. Motion by Schleicher, second by Greeno to nominate Pam Buchda for Council Vice President. Motion passed without negative vote. Pam Buchda nominated Ted Schleicher. Mr. Schleicher declined the nomination. Motion by Boyea, second by Bohlen to nominate Larry Siekert. Motion passed. There were no other nominations. Motion by Greeno, second by Schleicher to close the nominations. Motion passed without negative vote. Vote was taken with Larry Siekert receiving three votes and Pam Buchda receiving five votes.

Pam Buchda was duly elected Vice President of the Common Council.

Proclamation Declaring November "Pancreatic Cancer Awareness Month". Mayor Rusch read the proclamation declaring November "Pancreatic Cancer Awareness Month."

Motion by Buchda, second by Boyea to approve the proclamation declaring November as Pancreatic Cancer Awareness Month in the City of Tomah. Motion passed without negative vote.

Mayor Rusch advised there is a good article in the League magazine regarding public construction contracts.

City Administrator & Long Range Plan Committee Report. 2011 Audit: Admin. Bialecki advised that HABCO has spent 2 days reviewing accounts receivable, accounts payable, payroll,

deposits and more the week of Oct. 24th. **Job Description Review and/or Revisions.** The street department employee job descriptions have been provided in a separate staff report. **Approve Adding the Purchase of a Public Works Dump Truck to the 2012 Budget.** Staff Committee report – Under Committee of the Whole. **Discussion and Possible Action on a Concealed Carry Policy for City Hall/City Buildings.** The City needs to determine a policy regarding concealed carry on City property. This will be on the December agenda. Concealed weapons are not allowed in the municipal Courtroom. As the Municipal Court is in the same location as City Hall, the Council needs to consider this when making a decision on concealed carry regulations at City Hall. **Authorization to Pay Final Audit Bills.** Staff report provided under Committee of the Whole. **Development Updates.** Old Dominion – We are still waiting for annexation and rezoning requests. Economic Development Associates Freezer Plant – The project is moved to 2012. Told Development – They are looking for land in Tomah for a 20,000 square foot facility on a 1.5-2.5 acre parcel. Walgreens – A potential site plan will be provided for consideration and construction. Canadian Pacific Site. The City continues to work on this development. The price for 29 acres is 2.6 million dollars as is. If this area is developed, Townline Road would be completed between Glendale and Superior Avenue which would cost an additional 1 million dollars. Zoning will be addressed for this area.

City Clerk. Business License Update. The City Clerk's office is updating the business license files. **Election Update.** 2012 Election dates were reviewed. Photo ID requirements were addressed as well as absentee changes. **Poll Worker Appointment.** Poll workers will be appointed at the December meeting. If anyone is interested, please contact the City Clerk's Office. **2012 Budget Hearing Reminder.** 2012 Budget Hearing is Nov. 15, 2011 at 6:30 p.m.

Public Works & Utilities – Water, Sewer, Public Works & Lake Updates. Public Works & Utilities Director Ken Patterson provided an update on department activities. The stop signs on Parkview Drive have been removed. Monroe County installed them without notifying City officials.

Library Report. Library Director Irma Keller provided a monthly report and informed the Council that they are planning for the Library fundraiser on Dec. 6, from 3-7 p.m.

Chamber of Commerce/Convention & Visitors Bureau. Chris Hansen, Exec. Director of the Tomah Area Chamber of Commerce/CVB advised they are selling ad space to Chamber members for the Fall Ad Guide. The Holiday Parade will be Friday, Nov. 25th at 7 p.m. There will be a ceremony in honor of members currently serving in the military which will be held at the Tomah Veterans Memorial at noon on Nov. 25th. State Senator Julia Lassa will be assigned to the City of Tomah with the redistricting changes and she will be in Tomah on Thursday, Nov. 10th at the TeePee from 12 to 1 p.m.

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

Parks and Recreation Monthly Report. Parks & Recreation Director Joe Protz provided a monthly report on the Parks Department, Recreation Programs, Aquatic Center, and Recreation Park. Director Protz reported on various programs and events. The Freeze Fest event is being planned. Youth basketball starts on Dec. 3rd.

Senior & Disabled Services Report. Saturday, November 18th is the annual craft show at the Recreation Building at Rec Park.

Lake Committee Update. No report.

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

Bartender License – Esther G. Pedersen. Esther Pedersen failed to appear before the Committee of the Whole. Ms. Pedersen was asked to appear as she failed to list a Sept. 2011 citation she received for serving an underage person in Warrens while bartending.

Motion by Boyea, second by Greeno to deny the bartender license for Esther G. Pedersen due to failure to appear at the Committee of the Whole meeting as she failed to indicate on her application that she was cited in Sept. 2011 for serving an underage person while working at Warrens, WI. Motion passed without negative vote.

Bartender Licenses.

Motion by Boyea, second by Buchda to approve the bartender's licenses as listed. Motion passed without negative vote. Bartender licenses approved as follows: Orrin J. Berens, Chelsie L.

Blashaski, Amy J. Ducklow, Trista M. Fryer, Remberto A. Gomez, Linda M. Kling, Lynn M. McPeak, and Britney E. Suchomel.

Resolution Denying Claim of Michael Hohn. Michael Hohn filed a claim alleging bodily injury due to falling in a construction area in Sept. 2011. The insurance company completed their investigation and is recommending denial as no negligence was found on behalf of the City of Tomah.

Motion by Boyea, second by Siekert to approve **Resolution No. 2011-11-08-30** Denying the Claim of Michael Hohn regarding alleged bodily injury. Motion passed without negative vote.

RESOLUTION NO. 2011-11-08-30 DENYING CLAIM OF MICHAEL HOHN

WHEREAS, a Notice of Claim was filed against the City of Tomah alleging bodily injury due to claimant falling outside his residence at W. Nott St. and Sumner St. on September 2, 2011; and,

WHEREAS, on November 7, 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 Michael Hohn be and is hereby denied.

Dated this 8th day of November, 2011.

John Rusch, Mayor

JoAnn M. Cram, City Clerk

Transfer of Class B Liquor License for the Sale of Fermented Malt Beverages and Intoxicating Liquor from Allan Ed Thompson to Juliann Martin – TeePee Supper Club, 812 Superior Ave. Due to the death of license holder Allan Ed Thompson in October 2011, Juliann Martin is requesting the transfer of the liquor license per the Will of Mr. Thompson. There is no fee for this transfer.

Motion by Boyea, second by Buchda to approve the transfer of the Class B Liquor and Fermented Malt Beverage License from Allan Ed Thompson to Juliann Martin for the TeePee Supper Club, 812 Superior Avenue with the license expiring June 30, 2012. Motion passed without negative vote.

Include the Purchase of a Dump Truck in the 2012 Budget. In preparing the proposed 2012 Budget, we estimated that the Wisconsin Expenditure Restraint Program would allow for a 2% increase. On Oct. 27th, we received a notice from the Dept. of Revenue indicating our approved Expenditure Restraint rate at 4.7%. During the process of reviewing all Budget requests, it was noted there was a Public Works request to purchase a dump truck for \$130,000. The money for this vehicle could come from Fund 8 and will not increase the amount levied for taxes or the mill rate while allowing us to remain under the 4.7% expenditure restraint cap. This includes 2 wing plows which saves time when plowing snow.

Motion by Greeno, second by Buchda to authorize the purchase of a dump truck and include \$130,000 in Fund 8 of the 2012 Budget. Motion passed with one negative vote. (Schleicher)

Authorization to Pay Final 2010 Audit Costs and Approval of 2011 Budget Amendment. During the 2010 audit process, there were additional costs incurred per Clifton Gunderson as follows: \$1,600 for establishing the Mass Transit enterprise fund; \$864 additional costs for the Hollister Avenue street projects; \$2,304 for capital asset spreadsheet problems, re-review of cash reconciliations, ambulance receivables, balancing interfunds with water and sewer accounts and tie-outs of various other accounts to prepare a final trial balance. The Mass Transit fund will incur the \$1,600 mass transit fee and water and sewer will incur \$864 for the Hollister Avenue project. \$2,304 requires a budget amendment from the Reserve for Contingency Fund to the special Accounting Operations fund to cover the additional fees that Clifton Gunderson is assessing.

Motion by Greeno, second by Kelsey to authorize payment of the additional charges and approve the 2011 Budget Amendment transferring \$2,304 from Account #1-51980-227 General Govt. Reserve for Contingency to Acct. #1-51540-210 Special Accounting Operations for additional fees assessed by Clifton Gunderson for the 2010 audit. Motion passed without negative vote.

Fund Balance Policy. GASB 54 is a new standard for reporting our fund balance on our financial statements. This change is required for our 2011 audited financial statements. It is necessary to adopt a Fund Balance Policy to define how our fund balance will be listed on our financial statements.

Motion by Schleicher, second by Pater to approve the Fund Balance Policy as presented. Motion passed without negative vote.

Approval of Revised Job Descriptions: Public Works & Utilities: Administrative Assistant, Bookkeeper, and Public Works positions as follows: Foreman, Equipment Operator, Truck

Driver, Mechanic, and Sanitation Operator. Job descriptions are being presented for review and updating and have been reviewed by the City Administrator and the Water and Sewer utilities.

Motion by Schleicher, second by Buchda to approve the revised job descriptions for the following positions: Public Works & Utilities: Administrative Assistant and Bookkeeper, and Public Works positions of: Foreman, Equipment Operator, Truck Driver, Mechanic, and Sanitation Operator. Motion passed without negative vote.

Resolution Authorizing Payment of Monthly Bills. Motion by Schleicher, second by Bohlen to approve **Resolution No. 2011-11-08-31** Authorizing Payment of the Monthly Bills in the amount of \$1,011,108.44. Motion passed without negative vote.

RESOLUTION NO. 2011-11-08-31

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	\$ 574,926.40	(Check #'s 107798-107834)
2. Payroll	\$ 265,086.16	Direct Deposit (#'s 28755-29048)
3. Wire Transfers \$	\$ 19,420.77	
4. Invoices	<u>\$ 151,675.11</u>	(Check #'s 107835-107943)
	\$1,011,108.44	

John J. Rusch, Mayor

ATTEST:

JoAnn Cram, Clerk

Anyone Desiring to Appear Before the City Council. City Administrator Bialecki received a call from a concerned parent about other parents who smoke while waiting for the bus with their small children. Point of information on her behalf. City Admin. Bialecki will consult with Chief Revels regarding this concern.

Motion by Pater, second by Schleicher to adjourn. Motion passed without negative vote. Meeting adjourned at 7:50 p.m.

Approved: John J. Rusch, Mayor

Attest: JoAnn Cram, City Clerk
To be approved 12/13/2011