

The COMMON COUNCIL of the City of Tomah met in **REGULAR SESSION**, October 12, 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, Dennis Greeno, John Cram, and Larry Siekert present. Absent: Nellie Pater. Also in attendance: City Admin. Jim Bialecki, City Attorney Rick Radcliffe, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

Motion by Greeno, second by Cram 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 6:25 p.m.

Anyone Desiring to Appear Before the City Council. Pete Peterson of 1514 Lakeview Drive, co-chair of the Veterans Memorial Committee appeared. The initial project cost projection was approximately \$125,000. The Ho-Chunk Nation will be donating \$7,500 towards the cost of one of the pillars. The cost of the other pillar is unfunded. It is requested that the Council fund the remaining pillar with a one-time donation of \$7,500. The impact of \$7,500 would be 2 cents per \$1,000 of property valuation or \$2 per property owner based on \$100,000 of assessed value. It is requested that this item be considered when the budget is discussed.

Aldersperson Pam Buchda advised that the annual Halloween party will be held on October 31st at the Tomah Health Care Center and Recreation Park for anyone in the community.

Minutes: Motion by Siekert, second by Bohlen, to approve the September 13, 2010 Regular Council minutes. Motion passed without negative vote.

Appointments: Motion by Wright, second by Cram to approve Mayor Rusch's recommendation and appoint John Rusch to the Board of Appeals to fulfill the remaining term of Kenneth Felker with the term expiring April 2011. Motion passed without negative vote.

Mayors Report. Mayor Rusch held a moment of silence in honor of Kenneth Felker who has served on the Board of Appeals since 1976 as Mr. Felker recently passed away. Mayor Rusch revisited the name tag request. Mayor Rusch advised he would have enough in his budget to cover this expense if the Council wished to pursue the purchase of name tags for Council members to use at community events. This will be discussed at the budget workshop. Two prints were donated to the library from local artists (Irwin Theater and the railroad depot); both from many years ago. These pieces will be on display at the Library. Lake Tomah will be stocked with fish partially from Fort McCoy. Mayor Rusch received an e-mail from Tomah Memorial Hospital recognizing the Tomah Police Department for their response to an incident at the hospital.

City Administrator. 1. A. Initial Resolution Authorizing \$840,000 General Obligation Refunding Bonds. This resolution authorizes the refinancing of the Multi-Purpose Building at Rec Park.

Motion by Siekert, second by Buchda to approve **Resolution No. 2010-10-12-35** Initial Resolution Authorizing \$840,000 General Obligation Refunding Bonds. Motion passed without negative vote.

B. Resolution Providing for the Sale of \$840,000 General Obligation Refunding Bonds. This refunding is for the public purpose of refunding obligations of the City of Tomah Multi-Purpose Building at Recreation Park.

Motion by Siekert, second by Cram to approve **Resolution No. 2010-10-12-36** Providing for the Sale of \$840,000 General Obligation Refunding Bonds. Motion passed without negative vote.

2. Approval of Hollister Avenue Project Phase II and Bonding.

Motion by Siekert, second by Buchda to refer the \$5,000,000 Hollister Avenue Phase II Project and bonding to November to allow the City Administrator and Mayor time to complete a financial analysis prior to final approval of the project and resolutions for the financing at the November meeting. Motion passed without negative vote.

Long Range Planning Committee Report. City Administrator Bialecki advised that the committee discussed the Downtown Main Street program.

Reminder of October 19 and 20, 2010 October Budget Workshop. City Administrator Bialecki advised that October 19th and the 20th (if necessary) are the dates scheduled for the October Budget Workshop (5:30 P.M.).

City Clerk. 1. **Election Update** was provided. 2. **Election Tally for the September 14, 2010 Partisan Primary Election.** Motion by Siekert, second by Buchda to approve the Election Tally Report for the September 14, 2010 Partisan Primary Election as submitted. Motion passed without negative vote.

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 there were 846 participants in the summer reading program. There were 310 children who completed the summer reading program. The front door of the library will need to be replaced.

Chamber of Commerce/Convention & Visitors Bureau. Ex. Director Chris Hanson advised that the Cranfest Shuttle bus was very successful. On October 13 a seminar will be held at 10:30 a.m. regarding 5 Myths About Banks. Chamber Board of Directors will be elected this week. Business After 5 is October 20th at Handishop Industries. The Holiday Display Contest will be held and is open to all businesses. The Holiday parade will be November 26th at 7 p.m. and the theme this year is "Parade of Trees."

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

Senior & Disabled Services Report. No report.

Parks and Recreation Monthly Report. Parks and Recreation Director Joe Protz provided a written summary for the Council. Fall tree program has begun and trees are still available. A summary of aquatic center annual activities was provided.

Fire Department Monthly Report. Fire Chief Kevin Decorah provided a written monthly report. The annual pump testing on all apparatus occurred last month.

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

Bartender License – DaLynn D. DeFord

Motion by Schleicher, second by Greeno to deny the bartender license for DaLynn D. DeFord due to numerous unresolved felony charges at this time. Motion passed with two negative votes. (Siekert and Buchda)

Bartender Licenses.

Motion by Schleicher, second by Bohlen to approve bartender's licenses as listed. Motion passed without negative vote. Bartender licenses approved as follows: Mary E. Durni, Joshua A. Haugh, Justin R. McFarlin, and Valerie J. Pishnery.

Abandonment and Non-Renewal of License for Gas Alley Pub at 1204 Superior Avenue. On Monday, the Committee of the Whole held a hearing to give Matt Anderson an opportunity to address the City regarding the status of his Combination Class B Intoxicating Liquor and Fermented Malt Beverage license for Gas Alley Pub at 1204 Superior Avenue. The license has never been issued since the authorization for renewal was approved in May due to an invalid seller's permit. The facility has been closed in excess of the 90 days which is also a violation of city ordinance and is considered as discontinuing or abandoning the facility. The owner of the building, Jason Lowry was notified, however, attempts to contact Mr. Anderson have been unsuccessful. Mr. Lowry appeared and advised he intends to apply for the liquor license next month. Mr. Anderson did not appear. City Clerk Cram has provided a report regarding this matter for Council review and action.

Motion by Schleicher, second by Buchda to withdraw the renewal authorization for the Combination Class B Intoxicating Liquor and Fermented Malt Beverage license previously granted at the May meeting for Matt Anderson of Gas Alley Pub due to not meeting the qualifications of holding the license by not having a valid seller's permit and for abandoning or discontinuing the use of the premise for a period of more than 90 days. Motion passed without negative vote.

Change of Agent for Burnstad's Market.

Motion by Bohlen, second by Buchda to approve the change of agent from Kent V. Burnstad to Derek V. Burnstad at Burnstad's Market as requested. Motion passed without negative vote.

Discussion of Animal Ordinance Committee Recommendations. Information was presented to the Committee of the Whole by Admin. Asst. Rhonda Culpitt regarding the ordinance

amendments as recommended by the animal ordinance review group. There were several inconsistencies and the changes clean up and add language.

Motion by Bohlen, second by Wright to draft the changes in ordinance format and bring the revisions back for formal adoption by the Common Council. Motion passed without negative vote.

Resolution Denying the Claim of Eva Neal-Byars. A claim has been received by the City from Eva Neal-Byars regarding alleged bodily injury when she stepped into a hole located in a grassy area at the Tomah Aquatic Center. The insurance company completed their investigation and are recommending denial as the City did not have actual or constructive notice of this small hole located in the grass/dirt.

Motion by Bohlen, second by Wright to approve **Resolution No. 2010-10-12-37** denying the claim of Eva Neal-Byars as presented. Motion passed without negative vote.

Letter of Intent – Wisconsin Main Street Program. The City of Tomah, and more specifically, the downtown merchants (Our Town Tomah) have been very proactive in improving the downtown area. All parties involved continue to focus on improving and revitalizing the downtown with a view of historic preservation, appearance, attracting new customers, new businesses, jobs, and tax base. The Wisconsin Department of Commerce offers the Wisconsin Main Street Program. This program is geared to the Our Town Tomah group and downtown merchants and has been reviewed by the Long Range Planning Committee and the Our Town Tomah Group. In order to be part of this program, the City needs to approve this and send a letter of intent to the Department of Commerce. This letter does not commit the city to anything. The Department of Commerce will then give a formal presentation of their services and program to the City Council.

Motion by Bohlen, second by Buchda to approve the Letter of Intent regarding the Wisconsin Main Street Program. Motion passed without negative vote.

Approval of a Lease Agreement Between the City of Tomah and F.D.S. Enterprises for the Leasing of 3 Handicap Accessible Vans. Part of the contract between the City of Tomah and F.D.S. Enterprises is to have a lease agreement for the vehicles purchased by the City through the stimulus package. The lease is for \$1 per vehicle. The lease agreement is a requirement by the Wisconsin Dept. of Transportation for the 5311 Operating Assistance Program. The City Attorney's office reviewed the draft agreement and made several changes regarding insurance and liability requirements. The main purpose of the changes is to make sure the city is not responsible for the actions of the lessee.

Motion by Wright, second by Buchda to approve the lease as amended and authorize the Mayor and Clerk to sign the lease agreement between the City of Tomah and F.D.S. Enterprises for the lease of three vehicles for the Tomah Shared Ride Program. Motion passed without negative vote.

Resolution Creating Two Part Time Tomah Fire Department Captains and Establishing the Rate of Pay. At the Sept. Council meeting, the Council authorized the creation of two Captain positions for the Fire Department. The formal resolution needs to be approved establishing the positions effective January 1, 2011.

Motion by Wright, second by Buchda to approve **Resolution No. 2010-10-12-38** creating two part time Tomah Fire Department Captains and establishing the rate of pay at \$15 per hour effective January 1, 2011. Motion passed without negative vote.

Approval of Job Description for Fire Department Captain Positions.

Motion by Wright, second by Cram to approve the job description as presented for the Fire Department Captain positions. Motion passed without negative vote.

Resolution Authorizing Payment of Monthly Bills. Motion by Wright, second by Bohlen to approve **Resolution No. 2010-10-12-39** Authorizing Payment of the Monthly Bills. Motion passed without negative vote.

RESOLUTION NO. 2010-10-12-39 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	\$ 492,895.63	(Check #'s 105276-105286)
2. Payroll	\$ 259,864.74	Direct Deposit (#24622-24891)
3. Wire Transfers	\$ 18,920.61	
4. Invoices	\$ <u>202,755.91</u>	(Check #'s 105531-105645)
Total	\$ 974,436.89	

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

Review Petition and Resolution of Tomah Lumber Properties LLC to vacate and discontinue Spruce Lane with a street vacation described as all of Spruce Lane lying west of Norway Avenue located in "The Pines" subdivision.

Motion by Greeno, second by Cram to approve **Resolution No. 2010-10-12-40** Approving the Discontinuance of a Portion of Unimproved Spruce Lane lying west of Norway Avenue located in "The Pines" Subdivision. Motion passed without negative vote.

Review Request from Tomah Lumber Properties LLC for a Conditional Use Permit to allow construction of a hospice building under DHS131 Authority at the property located in Lots 25, 32 thru 36 and a portion of Spruce Lane of "The Pines" subdivision.

Motion by Wright, second by Buchda to approve the conditional use permit to construct a Hospice building located in "The Pines" subdivision as proposed. Motion passed without negative vote.

Review Request of REMAX Hometown Real Estate LLC 1016 Superior Avenue to install a sign/canopy over a public sidewalk at 1016 Superior Avenue. The Planning Commission recommends that the City Council approve the request of REMAX Hometown Real Estate LLC at 1016 Superior Avenue for installation of a sign/canopy over the sidewalk.

Motion by Wright, second by Cram to approve the installation of a sign/canopy over the public sidewalk at 1016 Superior Avenue for REMAX Hometown Real Estate LLC as requested. Motion passed without negative vote.

Update on Status of Veterans Memorial Oversight Group – Information Only. Alderperson Ted Schleicher advised that the Veterans Memorial fundraising has brought in \$116,000 plus \$7,500 from the Ho-Chunk Nation for construction of the memorial. The Hockey Association will do a fundraiser for the project.

League of WI Municipalities – DVD – "In the Scope of Your Authority – Preventing Public Officials Liability" was shown.

Motion by Greeno, second by Cram to adjourn. Motion passed without negative vote. Meeting adjourned at 7:38 p.m.

Approved: John J. Rusch, Mayor

Attest: JoAnn M. Cram, City Clerk
To be approved 11/9/2010