

The COMMON COUNCIL of the City of Tomah met in **REGULAR SESSION** October 11, 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, Pam Buchda, Nellie Pater, Matthew Boyea, and Larry Siekert present. Absent: Ted Schleicher, Dennis Greeno. Also in attendance: City Admin. Jim Bialecki, City Attorney Richard Radcliffe and Deputy City Clerk Stephanie Rowell. Gregg Hagen videotaped the meeting.

Motion by Buchda, second by Bohlen 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 Buchda, second by Siekert to approve the September 13, 2011 Regular Council minutes. Motion passed without negative vote.

Mayors Report. Distinguished Service Resolution in Recognition of Susan K. Murphy.

Motion by Buchda, second by Bohlen to adopt **Resolution No. 2011-10-11-27** Distinguished Service Resolution in recognition of Susan K. Murphy. Motion passed without negative vote.

RESOLUTION NO. 2011-10-11-27
DISTINGUISHED SERVICE RESOLUTION IN RECOGNITION OF
SUSAN K. MURPHY
FOR DEDICATED SERVICE TO THE CITY OF TOMAH
FEBRUARY 1, 1977 to OCTOBER 10, 2011

WHEREAS, Susan K. Murphy has served the citizens of the City of Tomah since February 1, 1977. Sue's first position with the City was in the City Clerk's Office as a Clerk Typist from February 1977 to August 1981. Sue was selected in August 1981 as a Maintenance Worker for the Parks and Recreation Department and worked in that capacity until December 1993. From January 1994 to the present time, Sue has served the City in the capacity of Truck Driver and Equipment Operator for the Public Works Department, and

WHEREAS, Sue Murphy has dedicated many hours to the City of Tomah, most recently in the Public Works Department, both during her regularly scheduled shift as well as responding during snow storms and other times of need, all in the best interests of the City of Tomah citizens, and

WHEREAS, Sue Murphy will be retiring from the City of Tomah effective October 10, 2011. Her 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 Sue for her 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 Sue, for thirty-four and ½ (34 ½) years of dedication and service to the citizens of the City of Tomah and extends its best wishes for her health and happiness in the future. Dated this 11th day of October, 2011.

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

Mayor Rusch advised that he received a phone call from a city resident commending our sanitation crews for a job well done. The City has some great walking/biking trails. We are hoping to extend these trails further, which would be a great tourist attraction for Tomah. Saturday, October 22nd will be the all day Budget Workshop. At 10:00 a.m. we will hold a public information meeting in regards to the City's refuse service, with the intent to only collect garbage from 1 and 2 family homes. The Mayor would like to congratulate the Tomah Girl's Golf Team for going to State.

City Administrator Report. Admin. Bialecki went over the budget cover letter with council members. Phillips Pharmacy has indicated that they would like to have a one (1) year lease at this time, rather than the previous two (2) year lease. The City has accepted this request. Last month the Council approved an ADHOC Committee concept to review Personnel Policies, Compensation and Benefits. Joellyn Edgerton, Human Resources Director of Toro Companies has volunteered to serve on the committee. This will require formal council approval. Consolidated Construction did not meet their October 1st deadline to acquire land from Forward Tomah Development. They will need to give us the green light on that project this year. There are no updates from Old Dominion regarding the annexation of land to the City. The Canadian Pacific Railroad has been very reluctant to give the city a price for their property. The west side of the property, which consists of 32 acres will be dedicated to industrial development. The City will continue to pursue the possibility of purchasing the east side of the property.

City Clerk. No report.

Public Works & Utilities – Water, Sewer, Public Works & Lake Updates. Public Works & Utilities Director Ken Patterson provided an update on department activities. The topic of new sidewalk will be on the Public Works & Utilities meeting agenda this month. The sidewalk would be a pedestrian/bicycle path. They are looking into applying for some grants for this. Nellie Pater mentioned that there were some indents on the new sidewalk at the west end of Jackson St. possibly caused by bicycle tracks. Ken Patterson was not aware of this and will look into the matter.

Library Report. Library Director Irma Keller provided a monthly report. Irma informed the council that the Friends of the Library are always available for any organizations that would like them to come and speak about the library. On October 25, 2011, local author Dr. Larry Scheckel will be at the library for a short talk and a book signing beginning at 5:00 p.m. The Library will have their Holiday Silent Auction Fundraiser on December 6, 2011. They are looking for artisans to donate items for the auction.

Chamber of Commerce/Convention & Visitors Bureau. Chris Hansen, Exec. Director of the Tomah Area Chamber of Commerce/CVB talked about some upcoming events in the community. Trick or Treating will be Monday, October 31st from 5:00 – 8:00 p.m. There is a business holiday display contest and all businesses are welcome to participate. The deadline is November 11th and the judging will take place November 18th. The theme for this year's Holiday Parade is "Candy Canes and Reindeer Games" and will be held on Friday, November 25th. The Neighbor for Neighbor Food Pantry Harvest Challenge is going on. Business after 5:00 will be October 18th at Handi-shop Industries. The election for the Chamber Board of Directors deadline for ballots is October 14th. The Veterans Memorial is starting Phase II. It has not been designed yet, however, tiles and bricks are still selling. The U.S. Navy has donated two large battleship shells for display.

Tomah Public Housing & Community Development Block Grant Monthly Report. Director Rachel Muehlenkamp provided a written summary report. Rachel indicated that they recently had their bi-annual audit for the Lakeside Apartments. The initial overall score was 89/100 points. An appeal has been submitted requesting a score adjustment because one of the units had its electric service off due to failure to pay a utility bill. We are able to appeal this since it was not the fault of the Housing Authority. The attic insulation at the Tomah Manor has been completed. There are 2 vacant units that will be occupied as of October 15th. At this time most locations are full. Through the Veterans Administration V.A.S.H. Program, they hope to have 16 veterans housed by next April.

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 that there have been a few break-ins at some of the parks as well as the Aquatic Center. He would like to remind the community to please call in any suspicious behavior that they may witness when using our parks. He also would like to thank the Tomah Police Dept. for their assistance with the break-ins. The tree program has been going well, thanks to the Andres Grant. They originally ordered 46 trees and they have only 7 left to date. The Park Dept. will begin winterizing the park bathrooms soon. Please check our website for our winter recreation programs. The leak issue at the Aquatic Center is still being worked on. We are hoping to isolate the exact problem shortly. The Badger R.V. Rally at Recreation Park was a great success with over 50 recreational vehicles over Cranfest weekend.

Senior & Disabled Services Report. Director Delia Duncan gave thanks for the Andres Grant, as they were able to get the Senior Center interior painted with the funds. Thanks to the seniors who donated portraits for the newly painted walls. She encouraged everyone to stop in and see their "new" center. Funds from the Thomas B. Earle Grant were used to purchase a Wii game unit along with some games and a DVD player. The Wii games will enable some of the wheelchair bound to be able to join in the fun as well. Flu shots will be given at the Senior Center on October 19th from 1:00 – 2:30 p.m. Wendy Kelly, Monroe Co. Senior Benefit Specialist will be at the center on November 2nd to explain Medicare benefits. The Senior Center Craft & Bake Sale will be November 19th at Recreation Park. The loan closet has been able to serve many in need, thanks to those who have donated items. Delia would like to thank all those who have worked so hard to make the Veteran's Memorial happen, it has done our Veterans proud.

Lake Committee Update. No report.

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

Rehabilitation FR11-7. Rehab FR11-7 is an emergency deferred payment loan in the amount of \$850 for 432 Arthur Street for water heater replacement and installation of smoke/co detectors.

Motion by Buchda, second by Siekert to approve Rehabilitation FR11-7 deferred payment loan in the amount of \$850 for 432 Arthur Street for water heater replacement and installation of smoke/co detectors. Motion passed without negative vote.

Business Revolving Loan ED11-1. ED11-1 is a business revolving loan in the amount of \$85,000 to be used for working capital for the purchase of a local business at 812 Superior Ave.

Motion by Bohlen, second by Buchda to approve the Business Revolving Loan ED11-1 in the amount of \$85,000 to be used for working capital for the purchase of a local business located at 812 Superior Ave. Motion passed without negative vote.

Conditional Use Permit Request from Craig Linenberg to operate a home business at 1733 Stoughton Ave. The Planning Commission recommends approval of the Conditional Use Permit for Craig Linenberg to sell firearms from his residence with the following conditions: 1) No commercial signage allowed at the residence. 2) The permit approval is valid for 8 months from the time of Council approval.

Motion by Siekert, second by Boyea to approve the conditional use permit for Craig Linenberg to operate a home business at 1733 Stoughton Ave. with the conditions listed above as recommended by the Planning Commission. Motion passed without negative vote

Bartender Licenses.

Motion by Pater, second by Bohlen to approve the bartender's licenses as listed. Motion passed without negative vote. Bartender licenses approved as follows: Tina M. Bennett, Sheila M. Danforth, Madalynn M. Dorn, Jessica A. Kurtz and Bryan I. Pierce.

Secondhand Article Dealer.

Motion by Pater, second by Buchda to approve the Secondhand Article Dealer license for Game Stop. Motion passed without negative vote.

Class "A" Fermented Malt Beverage License.

Motion by Buchda, second by Bohlen to approve the Class "A" Fermented Malt Beverage License for Holy Smokes! LLC, for the period October 12, 2011 – June 30, 2012. Motion passed without negative vote.

2011 Budget Amendment Recognizing Donation of \$1,000 from Wal-Mart Foundation and Authorize Expenditure of \$1,000 from Account G52200-840 from the purchase of a Laptop Computer to the purchase of a new command vehicle for the Fire Department. This budget amendment was previously approved at the September 2011 meeting. However, instead of purchasing a laptop computer, the intent was to purchase a new command vehicle. This is a correction to the September budget amendment.

Motion by Buchda, second by Siekert to approve the 2011 Budget Amendment to recognize a \$1000 donation from Wal-Mart Foundation and authorize expenditure of \$1,000 from Account G52200-840 from the purchase of a laptop computer to the purchase of a new command vehicle for the Fire Department. Motion passed without negative vote.

Sidewalk Maintenance Agreement between the City of Tomah and WI DOT.

The City has been working with the Wisconsin Dept. of Transportation to get a permit to install a sidewalk along both sides of N. Superior Ave./U.S.H. 12. The DOT has agreed to grant the permit once they receive a signed copy of the sidewalk maintenance agreement.

Motion by Boyea, second by Siekert to approve the Sidewalk Maintenance Agreement between the City of Tomah and WI DOT. Motion passed without negative vote.

Approval of Job Descriptions – Director of Public Works & Utilities, Water Utility Foreman, Water Utility Licensed Operator, Water Utility Maintenance Worker, Waste Water Treatment Plant Supervisor, Waste Water Licensed Operator, Waste Water Maintenance Worker and Custodian. Job descriptions are in the process of being reviewed and revised. Modifications have been made in an effort to update them and make them more uniform city-wide. The following job descriptions are being reviewed at this time: Director of Public Works & Utilities, Water Utility Foreman, Water Utility Licensed Operator, Water Utility Maintenance Worker, Waste Water Treatment Plant Supervisor, Waste Water Licensed Operator, Waste Water Maintenance Worker and Custodian.

Motion by Siekert, second by Buchda to approve the job descriptions listed above as presented. Motion passed without negative vote.

Approval of Election of Council Vice President. It is recommended to approve the election of a Council Vice President. In the event that both the Mayor and the Council President are absent, the Council Vice President would: 1. Serve in the place of the Mayor. 2. Chair the Committee of the Whole.

Motion by Siekert, second by Buchda to approve the election of a Council Vice President. Motion passed without negative vote.

Approval of Procedure for placing items on the Committee of the Whole or Common Council Agendas when items are rejected by the Mayor or Council President. Per advice from the League of Municipalities, if a council member's request to add an agenda item was turned down by the Mayor and Council President, the following action should be taken: List on the council agenda: "Items to be added to next month's Council Meeting from Council Members". This way the council member can make a motion that an item be added. If the motion is made and seconded and voted to go on, it will. If it dies for a lack of a second, or voted not to go on, it won't.

Motion by Kelsey, second by Buchda to approve the above procedure for listing on the agenda "Items to be added to next month's Council meeting from Council Members" if the items were rejected by the Mayor or Council President. Motion passed without negative vote.

Resolution Authorizing Payment of Monthly Bills. Motion by Kelsey, second by Boyea to approve **Resolution No. 2011-10-11-28** Authorizing Payment of the Monthly Bills in the amount of \$891,086.32. Motion passed without negative vote.

**RESOLUTION NO. 2011-10-11-28
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	\$404,807.22	(Check #'s 107500-107510 & 107643-107679)
2. Payroll	\$267,734.80	Direct Deposit (#'s 28468-28754)
3. Wire Transfers \$	\$ 19,623.44	
4. Invoices	<u>\$198,920.86</u>	(Check #'s 107680-107797)
	\$891,086.32	

John J. Rusch, Mayor

ATTEST:

JoAnn Cram, Clerk

Anyone Desiring to Appear Before the City Council.

Darrell Stewart, owner of the Rest Well Inn in Tomah appeared before the council to extend an invitation to all Council Members to come out and see the improvements that have been made to their property in the past 10 years. He expressed his concern as to whether the operation of a 24/7 trucking terminal is a good idea adjacent to an Inn. He and his family also reside on the property. He feels that the annexation to the City in order to build a trucking terminal will decrease the property value of the surrounding houses and will possibly destroy the existing business of the Rest Well Inn. He indicated that he thinks they can find a better suited location for their trucking firm. He asks that the Council please consider what he has said before annexation takes place.

Le Roy Kelsey, owner of Kelsey's Class Act would like to invite everyone to Kelsey's on Saturday, October 15th to a fundraiser for the Tomah Senior Center. The event starts at 11:00 a.m. with food and a silent auction. All donated items are appreciated. Le Roy encourages everyone to attend and support our local Senior Center.

Pam Buchda would like to invite everyone to a Community Halloween Party at the Tomah Care Center on Oct. 31st from 4:30 – 7:00 p.m. with costume judging at 5:30 p.m.

Motion by Boyea, second by Siekert to adjourn. Motion passed without negative vote. Meeting adjourned at 7:30 p.m.

Approved: John J. Rusch, Mayor

Attest: Stephanie Rowell, Deputy City Clerk
To be approved 11/8/2011