

The COMMON COUNCIL of the City of Tomah met in **REGULAR SESSION**, September 13, 2010 at 6:00 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, 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)(c) and (e) to confer with legal counsel with respect to upcoming Union negotiations – AFSCME and WPPA, Non Union Compensation, and to negotiate the Memorandum of Understanding with CP Railroad. Motion passed without negative vote. Meeting adjourned to closed session at 6:03 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.

Minutes: Motion by Greeno, second by Wright, to approve the August 10, 2010 Regular Council minutes. Motion passed without negative vote.

Appointments: Motion by Schleicher, second by Wright to approve Mayor Rusch's recommendation and appoint Greg Wandschnieder to the Board of Appeals to fulfill the remaining term of Dennis Pierce with the term expiring April 2011. Motion passed without negative vote.

Remembering Teresa Williams Proclamation. Mayor Rusch read the proclamation remembering Teresa Williams and declaring the second full week of October as Remembering Teresa Williams week in Tomah, WI.

Mayors Report. Mayor Rusch provided an update on the Farmers Market.

City Administrator. 1. Student Intern. City Administrator Bialecki advised that a student intern has started work for the City of Tomah. Gina Skowronski is a senior at UW La Crosse majoring in public administration who will be doing an internship with the City of Tomah.

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

City Clerk. 1. Election Update was provided.

Public Works & Utilities – Water, Sewer, Public Works & Lake Updates. Public Works & Utilities Director Ken Patterson provided a written report to the Council. The Hollister Avenue street project is going very well. Mathy will be paving the week of September 20th which includes Kilbourn Avenue. The lake is about ½ to 1 foot low. It is coming up slowly but should be full within the next week.

Library Report. No report available.

Chamber of Commerce/Convention & Visitors Bureau. The Cranfest Shuttle will run from Sept. 24-26, 2010 7 a.m. to 5 p.m.

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.

Fire Department Monthly Report. Fire Chief Kevin Decorah provided a written monthly report.

Ambulance Department Monthly Report. Ambulance Director Jody Allen provided a written monthly report.

Lake Tomah Committee Update – No Report this month.

Planning/Building Inspection Report – Written Report Provided. Dir. Shane Rolff provided a written summary for the Council.

Long Range Planning Committee Report. We continue to work on the Memorandum of Understanding with Canadian Pacific Railroad.

Police Department Monthly Report. Police Chief Wes Revels provided a written monthly report for Council review. Police Chief Revels also distributed the animal ordinance committee information for review. Further discussion will be held in October. The Police Department applied for a \$10,000 NADDI (National Assoc. of Drug Diversion Investigators) grant and received \$5,000. The Department is in the process of deciding how to spend the \$5,000.

Treasurer's Cash & Investment Reports. Motion by Wright, second by Greeno to accept the Treasurer's Cash & Investment Reports for August, 2010 and the Investment Report for July, 2010. Motion passed without negative vote.

Request of Troy Gilson – The Crow Bar LLC to operate an Outdoor Facility at 1206 Superior Avenue, Tomah, WI. Troy Gilson appeared before the Planning Commission and the Planning Commission is recommending approval with the condition that no music be allowed in the outside area and the doors are to stay closed due to noise concerns of neighbors. Alcohol can be consumed in the outdoor facility but not served.

Motion by Wright, second by Greeno to approve the request of Troy Gilson, The Crow Bar LLC to operate an outdoor facility at 1206 Superior Avenue, Tomah, WI with the condition that no music be allowed in the outside area and the doors are to stay closed. Motion passed without negative vote.

Bartender License – Spencer D. Darge. Spencer Darge was denied a provisional license due to a felony conviction in 2005. Mr. Darge requested to appear before the Council to request a regular license be approved. Police Chief Revels withdrew his request for denial and recommends approval after further review of the information provided.

Motion by Greeno, second by Cram to approve the bartender license for Spencer Darge. Motion passed without negative vote.

Bartender Licenses.

Motion by Cram, second by Wright to approve bartender's licenses as listed. Motion passed without negative vote. Bartender licenses approved as follows: Candi M. Donoho, Michelle L. Pierce, Shana L. Retzlaff, Steven C. Schmieder, Rebecca L. Smith, Amy L. Weller, and Mallory D. York.

“Class B” Fermented Malt Beverage License and Class “C” Wine License for C & H Food Service, Perkins Restaurant for the period of Sept. 14, 2010 – June 30, 2011. C & H Food Service d/b/a Perkins Restaurant has applied for a “Class B” Fermented Malt Beverage License and Class “C” Wine License for the premise at 1015 E. Mc Coy Blvd. City of Tomah.

Motion by Wright, second by Buchda to approve the “Class B” Fermented Malt Beverage License and Class “C” Wine License for C & H Food Service, Perkins Restaurant for the period of Sept. 14, 2010 – June 30, 2011. Motion passed without negative vote.

Special Beer Permit – St. Mary's Oktoberfest – October 9-10, 2010. St. Mary's Catholic Church has applied for a Special Beer Permit to be used for the St. Mary's Oktoberfest, St. Mary's Church, school gym and/or fenced in parking lot at 315 W. Monroe Street on Oct. 9-10, 2010.

Motion by Buchda, second by Bohlen to approve the Special Beer Permit to be used for the St. Mary's Oktoberfest, St. Mary's Church, school gym and/or fenced in parking lot at 315 W. Monroe Street on Oct. 9-10, 2010. Motion passed without negative vote.

Extension of Licensed Premise for Troy Gilson – The Crow Bar LLC. Troy Gilson, Owner of The Crow Bar, has requested an amendment to his Class B liquor and fermented malt beverage license to include the outdoor facility (beer garden) of the business located at 1206 Superior Avenue effective September 14, 2010. The Planning Commission reviewed the request to extend the beer garden outside and recommend the Council approve it with the following conditions: No music and doors are to stay closed due to noise concerns from the neighbors.

Motion by Buchda, second by Cram to approve the extension of the licensed premise for Troy Gilson, The Crow Bar LLC at 1206 Superior Avenue, Tomah, as requested with the condition that no music be allowed and that the doors must stay closed. Motion passed without negative vote.

Request to Waive Building Inspection Fees for First United Methodist Church. A request was received from Dean Baumgarten on behalf of the First United Methodist Church to waive the building permit fees for the Church building addition project which is currently in Progress. The permit fees are \$918.80.

Motion by Wright, second by Pater to deny the request to waive the building inspection fees for the First United Methodist Church. Motion passed with one negative vote (Buchda).

Request for Approval of Archery Range. A letter was received from Cindy Ford requesting a permit for a NASP archery exhibition at the Boys and Girls Club of Tomah. Ms. Ford will be the lead instruction and the National Archery in the Schools Program training outline and safety program will be followed using the safest available methods of instruction and archery range operations.

Motion by Greeno, second by Buchda to approve the request for an archery range between McLean Avenue and Milwaukee Street in front of the F & M Motor Bank on September 18, 2010 from 10:30 a.m. to 2:30 p.m. as requested by Cindy Ford for a National Archery in the Schools Program (NASP) training session for the Boys & Girls Club. Motion passed without negative vote.

Recognition of a \$2,000 Grant from Frank W. Andres Trust for the Tomah Fire Department for the Purchase of New Pagers. The Fire Department applied for a grant to purchase new pagers for the Dept.

Motion by Wright, second by Cram to amend the budget for account G-52200-830 for the purchase of pagers for the fire department in the amount of \$2,000. Motion passed without negative vote.

Semi-Annual Fire Department Fund Audit

The City Treasurer is required to audit the Fire Department funds on a semi-annual basis. This has been done and the books have been found in good order. No unusual activity was found. The cash balance on 12/31/2009 was \$15,142.02 and the cash balance at 6/30/2010 is \$18,426.61.

Motion by Buchda, second by Wright to accept the report of the semi-annual Fire Department fund audit as presented. Motion passed without negative vote.

Addition of Two (2) Captains to the Tomah Fire Department Chain of Command for Fiscal Year 2011. In order for the Fire Department to be more well-rounded, delegate duties and have a better chain of command down to the firefighters, Chief Decorah is proposing the creation of two Captain positions, one for each station. The main responsibility of these captains would be to fill in for the Assistant Chiefs in their absence. Other main responsibilities would be to assist the training officer with training nights, insure that apparatus and equipment are back in ready state after fire runs. Since these positions will come within the ranks, the current rate for a fire-fighter is \$14 per hour. The rate for captain is proposed to be \$15 per hour. At the current average of 125 fire calls per year, these positions will only add at most an additional \$250 to the budget if both captains make all the fire calls. A resolution will be developed for approval in October as well as approval of the job description.

Motion by Wright, second by Pater to approve the addition of two captains to the Tomah Fire Department chain of command for fiscal year 2011 and establish the rate of pay at \$15 per hour. Motion passed without negative vote.

Award Bid to Mathy Construction Company to Pave Entrance to Recreation Park. The Tomah Parks and Recreation Department requested bids to pave the entrance to Recreation Park off of Butts Avenue near the Multi-Purpose building. This area is in much need of paving. Two bids were received, both from Mathy Construction Co. The first bid was to pave the entire area; both the entrance and the area behind the Multi-Purpose building next to the DNR cabin. This bid came in at \$60,765, well over the budgeted amount of \$45,000. The second bid for the entrance area is at \$39,060 which meets the budgeted amount.

Motion by Wright, second by Pater to award the optional bid of \$39,060 to Mathy Construction Co. to pave the entrance area to Recreation Park as budgeted in the Capital Projects Recreation Park Fund 8-57621. Motion passed without negative vote.

Increase Hourly Wage for Weekend Supervisory Staff from \$2.08/Hour to \$2.58/Hour.

In the absence of the director on weekend and holidays, the Ambulance Service has a supervisory staff that fills in. This staff was put into place 2/9/99. The position has not had an increase in wage since that time. This increase will start January 2011 and will be incorporated into the 2011 Budget. This increase should result in an increase of \$1,651 per year in the salary support fund.

Motion by Buchda, second by Wright to approve the increase in hourly wage for weekend supervisory staff from \$2.08 per hour to \$2.58 per hour effective January 1, 2011. Motion passed without negative vote.

Authorization to Proceed with Maintenance and Repairs to the 2nd Floor of City Hall and a 2010 Budget Amendment to Transfer Funds to the General Buildings Maintenance and Repairs Account from the Capital Reserve Fund

Under the direction of the Mayor and City Administrator, Public Works has obtained quotes to upgrade the former Public Works and Utility offices. Plans are to expand the Parks and Recreation Office and move the Mayor and Court Clerk into the space. Work will include insulation and finishing of exterior walls; moving and sheet rocking the interior walls, relocating the collection window/counter to provide better security for the Court Clerk and installation of carpeting. The total comes to \$22,051 and includes all the necessary work except for re-carpeting the former inspection and court clerk offices which we should be able to have done for under \$3,000. The entire project should cost no more than \$25,000. There is \$17,000 remaining from Phase I of the City Hall Remodeling Project and the additional \$8,000 could be transferred from the Capital Reserve Fund. This would take care of the outside walls, new carpeting, venting, etc. Mayor Rusch will move to the second floor and the Parks and Recreation office will be expanded.

Motion by Wright, second by Greeno to approve the project as presented. Motion passed without negative vote.

Write Off Delinquent Personal Property Account Receivable from Tax Year 2001. City Treasurer Rusch is requesting 2001 delinquent personal property taxes be written off (Brensons Computer, Day Break Motel, Indoor Beer Tanning Salon, Little Moody's, Little Italy, North Tomah Radiator, Jason & Jennifer Holder, Dennis & Karla Kuehl, and Gene Zellmer). The City's share is \$1,354.49 of the \$3,213.40 tax outstanding. The city has made attempts to collect this money, and we have charged back the portions paid out to the other taxing jurisdictions and received the funds from them. Some taxpayers were also taken to small claims court and judgments were filed against them for failure to pay. The debts are old and not considered collectable any longer and they need to be removed from our books.

Motion by Wright, second by Bohlen to write off delinquent personal property accounts receivable from Tax year 2001 in the amount of \$1,354.49 (City share). Motion passed without negative vote.

Recognition of the \$1,000 Frank G. Andres Donation, Fund 48502 and Authorizing the Expenditure in Parks 55200-340 Operating Supplies for Purchase of Boulevard Trees.

The City of Tomah Parks and Recreation Dept., in conjunction with the Frank G. Andres Charitable Trust, is making trees obtainable at no charge to property owners for the purpose of boulevard planning this fall.

Motion by Buchda, second by Cram to recognize the \$1,000 Frank G. Andres Donation, Fund 48502 and authorize the expenditure in Parks Acct. 1-55200-340 Operating Supplies for the purchase of boulevard trees. Motion passed without negative vote.

Recognition of \$1,000 Frank G. Andres Donation, Fund 48502 and Authorizing the Expenditure in Recreation Acct. 1-55300-340 Operating Supplies for Purchase of Mat Carts

The City of Tomah Parks and Recreation Department, in conjunction with the Frank G Andres Charitable Trust would like to purchase mat carts to load and move multiple gymnastic mats in and around Recreation Park during youth, middle school, and high school gymnastics programs. Recreation Park is also used for special events. The addition of the mat carts would tremendously assist in setup and take down of the gymnastic equipment.

Motion by Pater, second by Bohlen to recognize the \$1,000 Frank G. Andres donation, Fund 48502 and authorize the expenditure in Recreation Acct. 1-55300-340 Operating Supplies for the purchase of mat carts. Motion passed without negative vote.

Recognition of \$3,000 Thomas B. Earle Grant Donation, Fund 48502 and Authorizing the Expenditure in Recreation 1-55300-340 Operating Supplies for Purchase of Gymnastic Mats.

The City of Tomah Parks and Recreation Department, in conjunction with the Thomas B. Earle Charitable Trust, would like to purchase athletic mats for the community. The mats would fill the need to expand youth gymnastics, cheer, fitness programs for the City of Tomah. Recreation Park plays host to youth, middle school, and high school gymnastics. The additional mats would assist the current programs, but open the door to new programming for a healthier community.

Motion by Greeno, second by Cram to recognize the \$3,000 Thomas B. Earle Grant Donation, Fund 48502 and authorize the expenditure in Recreation Acct. 1-55300-340 Operating Supplies for the purchase of gymnastic mats. Motion passed without negative vote.

Resolution Authorizing Payment of Monthly Bills. Motion by Wright, second by Greeno to approve **Resolution No. 2010-09-13-34** Authorizing Payment of the Monthly Bills. Motion passed without negative vote.

RESOLUTION NO. 2010-09-13-34 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	\$1,808,159.45	(Check #'s 105220-105275)
2. Payroll	\$ 292,312.69	Direct Deposit (#24283-24619)
3. Wire Transfers	\$ 21,533.21	
4. Invoices	<u>\$ 234,800.38</u>	(Check #'s 105287 – 105440)
Total	\$2,356,805.73	

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

Monthly Financial Report – August. Motion by Schleicher, second by Cram to accept the August financial report as presented. Motion passed without negative vote.

Annual Tomah High School Homecoming Parade. The annual Tomah High School Homecoming Parade is scheduled to begin at 6 p.m. on Thursday, October 7th, 2010. The parade line-up will take place in and around the area of the Tomah Middle School. The route will be as follows: Clark Street to West Foster, West Foster to Superior Avenue, Superior Avenue to West Council, West Council to Lincoln Avenue, Lincoln Avenue to the Tomah High School.

Motion by Greeno, second by Bohlen to approve the annual Tomah High School Homecoming Parade route as presented. Motion passed without negative vote.

Update on Status of Veterans Memorial Oversight Group – Information Only. Alderperson Ted Schleicher advised that the Veterans Memorial construction will begin this fall. \$104,000 has been raised for this project at this point. There is approximately \$25,000 remaining to be raised. September 20th, the first order will be placed for tiles and bricks for the memorial. If you have your order placed by Sept. 20th, your tile or brick will be installed prior to the dedication of the memorial. You can still have the tiles and bricks ordered after Sept. 20th, but they may not be installed prior to the dedication.

Motion by Greeno, second by Wright to adjourn. Motion passed without negative vote. Meeting adjourned at 7:37 p.m.

Approved: John J. Rusch, Mayor

Attest: JoAnn M. Cram, City Clerk
To be approved 10/12/2010